



Notice of Decision Meeting:
Cabinet

Meeting Location: Virtual Meeting

Date and Time: Tuesday, 20 April 2021 at 19:00

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Chief Executive: Paul Najsarek

Members:	Portfolio
Councillor Bell	(Leader of the Council, Policy Overview, Regeneration and Transport) - Chair
Councillor Dhindsa	(Business & Community Services)
Councillor Camadoo-Rothwell	(Community Safety & Inclusion)
Councillor Johnson	(Schools & Children's Services and Deputy Leader)
Councillor Mahfouz	(Finance & Leisure)
Councillor Sabiers	(Housing, Planning & Transformation)
Councillor Rai	(Health & Adults' Services)
Councillor J Anand	(Environment & Climate Action)
Councillor Gordon	(Chief Whip) (ex-officio member)

AGENDA

Open to Public and Press

VIRTUAL MEETING - LINK TO VIEW

This meeting will be a virtual meeting and therefore will not take place in a physical location following regulations made under Section 78 of the Coronavirus Act 2020. This meeting can be viewed by following this link:

[Click Here to view meeting](#)

Also Present

- 1 Apologies for Absence**
- 2 Urgent Matters**
- 3 Matters to be Considered in Private**

Items 9 and 14 contain information that is exempt from disclosure by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

- 4 Declarations of Interest**

- 5 Minutes**

To approve as a correct record the minutes of the meeting held on 16 March 2021.

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14	Northolt High School Redevelopment Temporary Classrooms Contract Award and Beaconsfield Primary Capital Approvals	281 - 294
15	Approval to use a Recognised Procurement Framework, Eastern Shires Purchasing Organisation (ESPO) and a Dynamic Purchasing System (DPS) to Streamline the Tendering Process; Recognised by Local and Central Government for a four-year period.	295 - 304
16	Date of Next Meeting	

The next meeting will be held on 25 May 2021.

MATTERS TO BE CONSIDERED IN PRIVATE

Exclusion of the Public and Press:

On agreement of the Committee, under Section 100(A) of the Local Government Act 1972, the public would be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act for the reasons stated on the agenda.

9 CONFIDENTIAL Appendix A - LBE Supplier Support Services Specification

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

14 CONFIDENTIAL Appendix B Northolt Tender Report

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

Published: Monday, 12 April 2021



Paul Najsarek
Chief Executive, London Borough of Ealing

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.

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.

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.



Report for: ACTION
Item Number: 7

Contains Confidential or Exempt Information	NO
Title	Transport Programme 2021-22
Responsible Officer(s)	Dipti Patel, Director of Place Delivery
Author(s)	Russell Roberts, Principal Transport Planner
Portfolio(s)	Cllr Julian Bell Leader of the Council and Cabinet Member for Regeneration & Transport and Cllr Jasbir Anand, Cabinet Member for Environment & Climate Action
For Consideration By	Cabinet
Date to be considered	20 April 2021
Implementation Date if Not Called In	4 May 2021
Affected Wards	All
Area Committees	All
Keywords/Index	Active Travel, Air Quality/Pollution, Climate and Ecological Emergency Strategy, Cycling, Elizabeth Line/Crossrail, Local Implementation Plan (LIP), Public Realm/Placemaking, Recovery, Road Safety, Sustainable Transport, School Travel, Traffic, Walking, West Ealing Liveable Neighbourhood

Purpose of Report:

This report sets out the Council's Transport Programme and seeks approval for two programmes of transport projects for 2021-22 including:

- Local Implementation Plan (LIP) grant and other Transport for London (TfL) grant funded programmes to be delivered during 2021-22,
- Transport projects programme funded by Section 106 (S106) contributions.

1. Recommendations

It is recommended that Cabinet:

- 1.1 Approves the proposed 2021-22 budget changes to the existing Highways capital specific scheme's budget as detailed in Section 4.1 which increases the budget by £0.416M, of which:
 - a) TfL grant funded budget decreases by £3.517M
 - b) Parking revenue account funded budget addition of £0.600M

- c) S106 funded budget increases by £3.333M
- 1.2 Notes that the Appendix A provides the detailed revised 2021-22 Highways capital programme funded by TFL grant, Parking Revenue Account and S106 contribution.
- 1.2 Approves £2.142M of revenue expenditure budget for Place Transport Planning projects in 2021-22 (as detailed in Section 4.2) of which:
 - a) £1.812M to be funded from a combination of TfL grant and Parking revenue account, (Appendix A).
 - b) £0.330M to be funded from a combination of Fee Income from Source London Mobility Solutions Ltd and S106 funding received under the agreements as detailed in Appendix A
- 1.3 Delegates authority to the Director of Place Delivery to take the necessary steps to implement the schemes identified in the Transport programme and also those schemes funded through S106 monies as set out in Appendix A following consultation with the Portfolio Holders for Regeneration & Transport plus Environment & Climate Action, subject to relevant detailed design and approvals and the outcome of any statutory consultation that may be required.
- 1.4 Delegates authority to the Director of Place Delivery to approve a revised Transport Programme for 2021-22 should the level of confirmed TfL grant for the Council be lower than expected, following consultation with the Chief Finance Officer and the Portfolio Holders for Regeneration & Transport plus Environment & Climate Action (see section 3).

2. Reason for Decision and Options Considered

- 2.1 The Ealing Transport Strategy (approved by Cabinet in June 2018) and the Local Implementation Plan (LIP) 2019-22 set out the transport strategy for Ealing Council and provide the rationale for the Council's spending decisions. The Council's transport priorities are to encourage sustainable travel for social (including health), environmental (including air quality) and economic (regeneration) reasons and the Transport Strategy and LIP reflect this policy direction.
- 2.2 The LIP covers several of the statutory duties that the Council is required to fulfil, including improving road safety and road network management (covering asset liability), plus responsibilities such as planning, public health, equality, crime and disorder.
- 2.3 The Transport Programme 2021-22 also plays an important role in contributing to the Ealing Climate and Ecological Emergency Strategy. The Transport Programme will help the Council reach the net zero carbon target by 2030 by satisfying the three Travel Objectives of the Strategy:
 - 1. Reduce number of vehicles travelling in and through Ealing,
 - 2. Increase active travel (mode shift) and,

3. Encourage Cleaner motor vehicles

- 2.4 The LIP is required to be consistent with the Mayor's Transport Strategy (MTS) together with other emerging strategic transport initiatives across London and will implement these at the local level. Ealing is also an active partner in the West Trans Sub-Regional Partnership of six boroughs hosted by the West London Alliance partnership.
- 2.5 The decision sought also allows further development and delivery of the West Ealing Liveable Neighbourhood (WELN) Programme to build on the design and experimentation phases already completed. This project seeks to improve the quality of life in West Ealing with improvements to streetscape, parks and to encourage active travel.

3. Key Implications

- 3.1 Ealing Council wants to create a low carbon, efficient and effective local transport network. A good transport network will improve people's health by cutting pollution and increasing active travel, reduce traffic congestion and provide people with better sustainable transport options (walking, cycling and public transport) for short trips. This will help the local economy in Ealing by creating a vibrant place which encourages local visitors and trade, plus reducing delivery and other costs of traffic delays.
- 3.2 The Council has three core objectives outlined in the Transport Strategy and Local Implementation Plan (LIP) 2019-22 which are:
1. Mode Shift to more sustainable travel
 2. Reducing the Environmental Footprint of Transport
 3. Improving Road Safety
- 3.3 These three objectives are underpinned by four main principles: improve health and well-being, improve air quality and the environment, provide a more efficient and safe transport network plus finally support good growth, and enhance the Borough's economy
- 3.4 There are ten policy goals which detail how these objectives and principles will be implemented. The Ealing Transport Strategy and LIP also support the MTS goals, which are to support Healthy Streets, better public transport, and facilitate good growth.
- 3.5 In support of the Climate Change Emergency declared in 2019 and subsequent Ealing Climate and Ecological Emergency Strategy adopted in January 2021, these transport projects and programmes will contribute towards net zero carbon emissions in Ealing by 2030.
- 3.6 In May 2020, the TfL LIP funding had been suspended, owing to the COVID-19 public health emergency. In its place four alternative funding pots were made available for specific transport measures to aid the local authority COVID response, and particularly to encourage active travel, assist social distancing and

discourage a growth in vehicle traffic if public transport was avoided. These funds were:

- Reopening High Streets Safely Fund,
- London Streetspace Plan (LSP)
- Emergency Active Travel Funding, from Department for Transport (DfT):

3.7 Accordingly the original 2020-21 TfL-funded schemes were largely put on hold and many are anticipated to be reactivated in 2021-22. Also several of the LSP and Emergency Active Travel Funding schemes implemented in 2020-21 will have public realm enhancements or amendments in the 2021-22 Transport Programme.

3.8 Following the priorities set out in the Transport Strategy and LIP, the Transport Programme 2021-22 includes the following types of projects:

- Uxbridge Road Corridor
- Completion of residual Corridors and Neighbourhood
- Road Safety Measures
- Cycle Network Plan
- Supporting measures (School and Active Travel)
- London Streetspace Plan schemes
- West Ealing Liveable Neighbourhood Scheme
- Go Ultra Low Cities (GULCs) electric vehicle charge point funding
- Other discretionary sources of TfL grant funding
(Further details are provided in Appendix A)

3.9 The Council's successful School Travel programme encourages school children to walk and cycle short journeys to school and discourage parents using their cars for the school run. This programme helps children be more active and independent plus improves road safety, whilst reducing traffic congestion and vehicle emissions. A recent initiative are the School Streets projects which are community-based approaches used to increase the number of children choosing active travel for the school journey and improve road safety. The proposals include to temporarily close some roads around schools to limit unnecessary traffic at school opening and closing times. This is to encourage a reduction in the number of children driven to school and lead to an improvement in air quality at these times.

3.10 Currently TfL is facing additional budgetary pressures owing to the pandemic causing it to lose around 65% of its revenue in 2020 which previously came from public transport fares. The lost revenue has been replaced by a government bailout from the Department for Transport (DfT) allowing TfL to fulfil its duties including providing LIP and other grant funding to London boroughs to implement the MTS.

3.11 TfL LIP Guidance issued to London Boroughs for the 2021-22 LIP grant specifies that authorities should prepare a programme for the same level of funding

originally allocated in the 2020-21 year before the pandemic. This allocation was £2.637M LIP grant with £0.1M Local Transport fund plus discretionary funding. Accordingly, officers prepared and submitted the draft programme shown in Tables 1 and 2 and detailed in Appendix A to TfL on 1 March 2021 with the agreement of the Cabinet Member for Regeneration & Transport and the Cabinet Member for Environment & Climate Action. TfL are expected to confirm Ealing's 2020-21 LIP programme once funding has been agreed with the UK government.

- 3.12 Should reduced levels of funding be allocated to TfL by DfT, the expected amount of TfL LIP grant to the Council may also be reduced for 2021-22. In such circumstances, officers will prepare a revised Transport Programme 2021-22 in accordance with the policies and targets of the Ealing Transport Strategy, the Climate and Ecological Emergency Strategy and LIP 2019-22. It is proposed that approval of the revised budget allocations for each scheme in a revised Transport Programme 2021-22 be delegated to the Director of Place Delivery following consultation with the Chief Finance Officer and the Portfolio Holder for Regeneration & Transport for sign-off accordingly.
- 3.13 The West Ealing Liveable Neighbourhood (WELN) programme is developing a wide range of highway infrastructure, public realm and behaviour change projects in line with TfL's Healthy Streets initiatives. The programme has already piloted a number of initiatives and aims to help residents to live more active and healthy lives and choose active travel modes.
- 3.14 The Transport Programme 2021-22 seeks to build on and complement the street asset renewal programme detailed in the Road and Footway Infrastructure Improvement Programme 2021-22 approved by Cabinet in March 2021. The Transport Programme 2021-22 is focused on enhancement of the borough highway network to grow active travel modes, improve disabled access, reduce emissions and support public transport, whilst the Road and Footway Infrastructure Improvement Programme 2021-22 seeks to renew life expired highway assets (carriageways, footways, drainage and structures).
- 3.15 The fee income from EV charge point operator Source London Mobility Solutions Ltd will be reinvested in the further provision of EV charge points in order to reduce private and commercial vehicle emissions in accordance with the Transport Strategy and Climate and Ecological Emergency Strategy.
- 3.16 The current transport project to be funded by S106 planning obligations is shown in Appendix A. This project will also be integrated with schemes detailed in the LIP and the road maintenance programme to provide economies of scale and value for money.

4. Financial Implications

4.1 The table below sets out the proposed revised transport programme capital scheme budgets funded by TFL grant, S106 contribution and Parking Revenue Account.

Table 1 - Capital Expenditure

Place Capital Programme	Revised Capital Budget 2021-22	Existing Approved Capital Budget 2021-22	Proposed 2021-22 Budget Changes to be Approved
	£M	£M	£M
Uxbridge Road Corridor - Design	0.614	1.000	(0.386)
Residual Corridors and Neighbourhood Schemes	0.833	1.023	(0.190)
WELN	0.606	1.850	(1.244)
Quietways	1.050	0.015	1.035
Road Safety	0.200	0.000	0.200
Cycle Network Plan	0.115	0.483	(0.368)
Traffic Enforcement Package (Road Safety)	0.100	0.000	0.100
Crossrail Complementary Measures	1.000	3.216	(2.216)
Bus Priority	0.400	0.675	(0.275)
Principal Road Maintenance	0.800	0.000	0.800
TFL - Neighbourhoods	0.000	0.129	(0.129)
S106 Works	4.425	1.336	3.089
Total Capital Expenditure Budget	10.143	9.727	0.416
Funded by:			
TfL*	(4.874)	(8.391)	3.517
Parking Revenue Account	(0.600)	0.000	(0.600)
S106 Works	(4.669)	(1.336)	(3.333)
Total Funding	(10.143)	(9.727)	(0.416)
Total Net Cost	0.000	0.000	0.000

* The grant funding will come from: TfL LIP and TfL discretionary grants to be spent within the 2021-22 period to implement the Mayor's Transport Strategy.

4.2 Below Table 2 provides the detail budget allocation of Revenue Transport Planning Programme Projects.

Table 2 - Revenue Expenditure

Transport Planning Revenue Programme Projects	Allocated Budget for 2021-22
	£M
Active Travel Infrastructure	0.050
Accessibility Package	0.200
Cycle Training	0.200
School Travel	0.410
All Corridors Future Feasibility (Studies & Monitoring)	0.100
Transport project management costs	0.310
WestTrans contribution	0.020
Data and Monitoring	0.050
Mode shift Package	0.150
London Streetspace Plan Package	0.300
Climate Change Package	0.055
E-Scooter Trial	0.025
Local Transport Fund	0.100
Go Ultra Low Cities (GULCs)	0.172
Total Revenue Expenditure Budget	2.142
Funded by:	
TfL*	(1.495)
Source London Mobility Solutions Ltd Fee Income	(0.040)
Parking Revenue Account	(0.317)
S106	(0.290)
Total Funding	(2.142)
Total Net Cost	0.000

* The grant funding will come from: TfL LIP and TfL discretionary grants to be spent within the 2021-22 period to implement the Mayor's Transport Strategy.

5. Legal

5.1 Under S159 of the Greater London Authority Act 1999, TfL may give financial assistance to the Council where they consider it would be conducive to the provision of safe, integrated, efficient and economic transport facilities or service to, from or within Greater London. This financial assistance is bound by terms and conditions that funds can only be spent on projects that contribute directly towards the goals of the MTS. TfL Guidance also specifies that London Boroughs are required to provide cycle training services using this financial assistance.

- a. Money paid to the Council pursuant to a S106 obligation can only be applied for the purposes set out in the relevant agreement.
 - b. Money held on the Parking Revenue Account can only be applied in accordance with the requirements of section 55 of the Road Traffic Regulation Act 1984
- 5.2 The Highways Act 1980 places a duty on highways authorities to improve highway safety, and the Greater London Authority Act 1999 requires authorities to implement projects and programmes that contribute to the Mayor's Transport Strategy. The Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 give powers and duties on the Public Highway to manage traffic (including pedestrians and cycles) to secure that safe and expeditious movement of traffic. The WELN programme will deliver improvements in line with these duties and powers. Under the Traffic Management Act 2004, TfL has the power to approve or reject changes on Uxbridge Road that impact on capacity and buses
- 5.3 The Highways Act 1980 also places a duty on highway authorities to maintain the highway asset or network and a Code of Practice for Maintenance Management (Delivering Best Value in Highway Maintenance) gives information about the standards to be achieved. There are various Audit Commission Performance Indicators that give monitoring information of highway conditions.
- 5.4 Where schemes are introduced by exercising powers under the Road Traffic Regulation Act 1984 by virtue of section 122 of the Act the Council must exercise such functions '(so far as practicable...) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway...' and having regards to matters including the desirability of securing and maintaining reasonable access to premises and the effect on the amenities of any locality affected and any other matter appearing to the Council to be relevant

6. Value for Money

- 6.1 The Council's framework consultants and term contractors, who were engaged on the basis of competitive tendering, would carry out the design and implementation works.

7. Risk Management

- 7.1 Such operations have been carried out annually and it is not expected that there are any potential major risks associated with the options and the proposed course of action. The main risk to the schemes arises from formal objections received at the statutory consultation stage that cannot be justifiably overturned, delays preventing implementation during the time frame of available funding and unforeseen problems on site. Processes are in place to minimise the impact of any such eventualities. Non-delivery of schemes may result in loss of funding.
- 7.2 The WELN programme carries a variety of risks related to its scale, combination

of traditional highway engineering and transport planning projects and bespoke urban realm schemes. A Steering Group consisting of directors and councillors has been established to monitor and advise officers on appropriate risk mitigation actions.

8. Community Safety

- 8.1 Transport Strategy and LIP have an objective to “Improve road safety”. Transport schemes, including new pedestrian and cycle infrastructure, are a part of planned interventions that would improve safety in the community. In addition, the Council has a statutory duty to investigate road traffic collisions and work to prevent future road casualties. Advice from TfL is that incorporating safety schemes within the LIP schemes will satisfy this requirement.
- 8.2 One of the central aims of the WELN programme is to ‘design out crime’ and help to improve community safety. In West Ealing in particular there is marked increase in perceptions of crime at night compared to the day, as evidenced through recent attitude surveys. In order to address the negative perceptions and real levels of crime in West Ealing, the WELN proposals will focus on encouraging higher footfall in the area thus generating increased natural surveillance. This will be achieved through investment in the passageways and side streets that connect the area and with upgraded lighting levels. Dean Gardens will also be opened up by removing the boundary walls and the footpaths will be realigned to better serve desire lines. Seating will be incorporated intelligently to prevent anti-social behaviour. The look and feel of the Broadway will be enhanced through de-cluttering, improved surfaces and tree planting – creating a more relaxed and pleasant environment conducive to positive behaviour. CCTV cameras may also be re-located based on local intelligence to act as an additional deterrent to crime. The project team will continue to work alongside colleagues in the Safer Neighbourhood Teams, Community Safety and Met Police to gain a detailed understanding of crime hotspots and attempt to design in solutions to address these challenges. It should be noted the area is already covered as part of the current borough-wide Public Space Protection Order (PSPO).

9. Links to the 3 Priorities for the Borough

- 9.1 Good, genuinely affordable homes all developments to facilitate healthy and sustainable transport. Transport links throughout the Borough will be improved, particularly sustainable modes and orbital journeys. This will help local people access jobs and services more effectively.
- 9.2 Opportunities and living incomes Transport links throughout the Borough will be targeted for improvement, particularly sustainable modes and orbital journeys. This will help local businesses and people access jobs and markets more effectively. This will also provide people with access to jobs, education and services more effectively including those with disabilities and without access to a car. The focus on sustainable modes will not substantially increase wear on carriageways and footways, therefore maintaining an adequate lifespan of these Council assets before replacement is required.

9.3 A healthy and great place. As part of all transport schemes the Council will ensure that road safety and personal security issues are investigated and addressed. The LIP will manage traffic by supporting and promoting sustainable modes. This will reduce emissions of carbon and other pollutants. Appropriate maintenance and improving the quality of the street environment are key components of schemes to encourage walking and cycling. Transport links throughout the Borough will be targeted for improvement, particularly sustainable modes (walking, cycling and public transport) and orbital journeys. This will help people access jobs and services more effectively.

10. Equalities and Community Cohesion

10.1 An Equality Impact Assessment has been undertaken on the proposed programme of works. In addition, all schemes detailed in this report will be designed in accordance with current disability and equality guidelines.

10.2 An Equalities Impact Assessment has been completed for the LIP 2019-22 which covers all projects contained within this report and was included within the Cabinet Report on 12 February 2019.

11. Staffing/Workforce and Accommodation implications

11.1 There are no staffing/workforce and accommodation issues as the design and works involved are carried out by consultant and contractors employed by the Council.

12. Property and Assets

12.1 This Report is concerned with the refurbishment enhancement and improvement of footways, carriageways and parks in the Borough, which are a key asset of the Council.

13. Any other implications

13.1 By investing in the infrastructure will ensure that footways and carriageways are fit for purpose in the future and lead to a reduced need for reactive maintenance of those items.

13.2 The WELN programme is one of the first TfL funded Healthy Streets projects in London and flagship a variety of ambitious and contemporary approaches to the design and use of the public realm. TfL applies a rigorous staged gateway approval process that awards funding in stages subject to TfL's approval.

14. Consultation

14.1 There are three usual stages of consultation for schemes of the type detailed in this report. These are:

- (i) Consultation with residents and businesses in the scheme area by way of posted letter drop, Council website posting and in future an online consultation platform;
- (ii) Statutory advertising of any necessary Traffic Management Orders, using on-street notice boards, information in the London Gazette and in the local newspaper, prior to implementing a scheme. Any formal objection received at the statutory consultation stage that cannot be justifiably overturned could delay the implementation of the scheme. There is no other known potential risk at present.
- (iii) Publishing of Notices under Section 58 of the New Roads and Street Works Act which places certain restrictions upon statutory undertakers in excavating new surfaces.

14.2 In addition, the emergency services and bus operators are consulted where appropriate during scheme development.

14.3 For the WELN programme, an extensive and more intensive approach is being taken to involve residents and businesses in the development of schemes. This approach will also facilitate the integration of active citizenship into the programme in both the short and long terms.

14.4 Specific schemes developed through the LIP programme would be subject to further public consultation during their detailed development and prior to any approved implementation.

15. Timetable for Implementation

15.1 The outline timetable describes typical milestones for schemes that are funded to the end of the 2021-22 financial year. Where schemes extend beyond one financial year, the date of each project lifecycle will be increased accordingly reflecting the size and complexity of each project.

Project Lifecycle	Date
Cabinet approval	April 2021
Request new project budgets and associated cost codes	April 2021
Set up cost codes and budgets on finance systems	April – May 2021
Preliminary design	May – August 2021
Consultation	June – October 2021
Design	August – December 2021
Works commencement on site	November 2021
Works completion	March 2022

15.2 The proposed programme is indicative and may vary subject to:

- constraints that may be identified at the preliminary design stage requiring additional study to obtain scheme approvals;
- issues raised by Members or the public at consultation stage which may

- require design changes;
- unresolvable objections being received at the statutory consultation stage;
- approvals by other boroughs on cross Borough schemes;
- approvals required by TfL where relevant; and
- alterations to programme through mutual agreement with TfL.

15.3 The WELN and Transport Schemes listed in Appendix A are at varying stages of development across their respective project lifecycles. Some are at relatively early concept stages whereas others have already been designed and are merely awaiting funds for construction.

16. Appendices

- Appendix A – Transport Programme 2021-22

17. Background Information

- Road and Footway Infrastructure Improvement Programme 2021-22, Cabinet report, March 2021
- Ealing Climate and Ecological Emergency Strategy, Cabinet report, January 2021
- Active travel and social distancing measures in response to Covid-19 Cabinet report, June 2020
- London Streetspace Plan, TfL, 2020: <http://content.tfl.gov.uk/lsp-interim-borough-guidance-main-doc.pdf>
- Local Implementation Plan (Transport) 2019-22 – Cabinet Report, February 2019
- Transport Strategy, Cabinet Report, June 2018
- Mayor’s Transport Strategy – Mayor of London, 2018
- Relevant S106 Agreements

18. Report Consultation

Name of consultee	Department	Date sent to consultee	Response received from consultee	Comments appear in report para:
Councillor Julian Bell	Leader of the Council and Cabinet Member for Regeneration & Transport	25/03/21	30/03/21	1.4
Councillor Jasbir Anand	Cabinet Member for Environment & Highways	25/03/21		
Gary Alderson	Executive Director of Place	11/03/21	18/03/21	Throughout
Dipti Patel	Director of Place Delivery	11/03/21	18/03/21	Throughout

Chris Cole	Transport Planning Service Manager	11/03/21	15/03/21	1.6 & 3.12
Tony Singh	Head of Highways	11/03/21		
Gina Cole	Head of Parking Services	11/03/21		
Jackie Adams	Head of Legal (Commercial)	11/03/21	19/03/21	Throughout
Yalini Gunarajah/Rohit Ahuja	Senior Finance Business Advisor/ Finance Business Advisor	11/03/21	08/04/21	Sections 1, 4, Appendix A

Report History

Decision type: Key decision	Urgency item? No
Report no.:	Report author and contact for queries:
	Russell Roberts, Principal Transport Planner x9430

Table A - Transport Programme

2021/22 Transport Programme		2021/22 Revised Capital Budget Allocation Funded By TFL Grant, Parking Revenue Account & S106				2021/22 Revenue Budget Allocation					Total 2021/22 Transport Programme
Package Name and Location	Key Scheme Proposals	TfL grant funding	Parking Revenue Account	S106 (see Table B)	Total Capital Budget	TfL grant funding	Parking Revenue Account	S106 (see Table B)	Source London Mobility Solutions Fee	Total Revenue Budget	
Uxbridge Road Walking & Cycling Corridor	Design/build of walking & cycling infrastructure on the A4020 Uxbridge Road spine corridor. To include improvements for Acton, Ealing Broadway, Harwell and Southall town centres.	264,000	350,000		614,000					0	614,000
Corridor 8 Greenford Town Centre- Ruislip Rd/Greenford Rd	Completion of remaining physical scheme. Measures include: Greenford Road bus lanes, streetscape/placemaking improvements to support walking, cycling, road safety and bus users.	100,000			100,000					0	100,000
Northolt Mandeville Road corridor 11 residual measures	Completion of remaining physical scheme. Measures include: streetscape/placemaking improvements to support walking, cycling, road safety and bus users.	150,000		82,629	232,629					0	232,629
Corridor 12 Tentelov Lane/Windmill Lane	Scheme focussed on delivering improved road safety, providing better conditions for cyclists and pedestrians. To tackle speeding issues and provide improved cycling infrastructure.	150,000			150,000					0	150,000
Neighbourhood 27 residual measures	Completion of remaining physical scheme. Measures include: streetscape/placemaking improvements to support walking, cycling, road safety and bus users.	200,000			200,000					0	200,000
Neighbourhood 28 residual measures	Location Northolt West End. Completion of remaining physical scheme. Measures include: streetscape/placemaking improvements to support walking, cycling, road safety and bus users.	150,000			150,000					0	150,000
Uxbridge Road corridor WELN contribution	LIP funding contribution - 2021/22 West Ealing Liveable Neighbourhood	50,000	100,000	155,770	305,770					0	305,770
Quietways	Design and implementation of the Ealing to Greenford cycle Quietway.		50,000		50,000					0	50,000
Road Safety Measures (Vision Zero)	Borough 20mph Road Safety (Hotspot Remediation, investigation & implementation)	100,000	100,000		200,000					0	200,000
Cycle Network Plan	Scheme to create a borough cycle network with primary & secondary cycle routes.	110,000		5,000	115,000					0	115,000
Active Travel Infrastructure	Cycle parking (including Bike Hangars and sheffield stands)				0	50,000				50,000	50,000
Accessibility Package	Pedestrian accessibility including enhanced Bus Stop Accessibility and public realm programme (dropped kerbs)				0	100,000	100,000			200,000	200,000
Cycle Training	Cycle Support Measures including cycle training for schools, children & adults & Dr Bikes				0	83,000	117,000			200,000	200,000
School Travel	Borough wide activities including School Travel Plans & School Road Safety (STARS)				0	120,000		290,064		410,064	410,064
All Corridors Future Feasibility (Studies & Monitoring)	Monitoring (data collection) and commissioning of studies to inform future programmes/schemes inform other schemes within LIP preparation				0	100,000				100,000	100,000
Transport project management costs	Transport project management costs				0	310,000				310,000	310,000
WestTrans contribution	WestTrans contribution				0	20,000				20,000	20,000
Data and Monitoring	Data collection and monitoring for completed/existing schemes				0	50,000				50,000	50,000
Mode shift Package	Borough wide activities including: -Communications/Travel Awareness (TA) -Ealing Council Travel Plan -School Streets Programme				0	150,000				150,000	150,000
London Streetspace Plan Package	Borough wide activities including: -Make cycle schemes permanent -Make school streets permanent -Further London Streetspace Plan format				0	200,000	100,000			300,000	300,000
Climate Change Package	Borough wide activities including: -Air Quality Monitoring -EV charge point support				0	55,000				55,000	55,000
Traffic Enforcement Package (Road Safety)	Targeted interventions to improve road safety: -Red route(s) feasibility -Enhanced parking controls on cycle	100,000			100,000					0	100,000
E-Scooter Trial	Seed funding to support participation in London-wide trial. To include making Traffic Orders plus signing and lining changes required				0	25,000				25,000	25,000
Corridors Neighbourhoods and Supporting Measures Sub Total		1,374,000	600,000	243,399	2,217,399	1,263,000	317,000	290,064	0	1,870,064	4,087,463
Local Transport Fund	Flexible Funding to be allocated to new projects				0	100,000				100,000	100,000
Crossrail Complementary Measures	Station Access schemes to integrate six Elizabeth Line stations into their local	1,000,000			1,000,000					0	1,000,000
Quietways	Design and implementation of the Ealing to Greenford cycle Quietway.	1,000,000			1,000,000					0	1,000,000
Bus Priority	Uxbridge Road Corridor and Orbital Bus Corridors	400,000			400,000					0	400,000
Principal Road Maintenance	Renewal of carriageway and footway assets on the strategic road network of borough streets	800,000			800,000					0	800,000
WELN	Area-wide programme of walking, cycling, streetscape and air quality improvements around West Ealing.	300,000			300,000					0	300,000
Go Ultra Low Cities (GULCs)	Go Ultra Low Cities Electric Vehicle Charge Point funding				0	132,000			40,000	172,000	172,000
Discretionary Funding Sub Total		3,500,000	0	0	3,500,000	232,000	0	0	40,000	272,000	3,772,000
Acton S106 Measures	Transport enhancements related to local developments in Acton			387,256	387,256					0	387,256
North Acton Station Enhancements	North Acton Station access enhancements			1,407,766	1,407,766					0	1,407,766
Park Royal S106 Measures	Transport enhancements related to local developments in Park Royal			73,674	73,674					0	73,674
Ealing S106 Measures	Transport enhancements related to local developments in Ealing			111,842	111,842					0	111,842
Greenford S106 Measures	Transport enhancements related to local developments in Greenford			520,860	520,860					0	520,860
Southall S106 Measures	Transport enhancements related to local developments in Southall			1,924,046	1,924,046					0	1,924,046
S106 Specific Measures Sub Total		0	0	4,425,444	4,425,444	0	0	0	0	0	4,425,444
Transport Programme- 2021/22 Total		4,874,000	600,000	4,668,843	10,142,843	1,495,000	317,000	290,064	40,000	2,142,064	12,284,907

Table B - S106 Funded Projects Summary

2021/22 Transport Deliverables - S106 Funded Projects Summary			
S106 Ref.	Site Name and Location	Project Descript	Funding
A107	A107 - 100 BOLLO LANE, ACTON	Pedestrian & road safety	100,800
A100	S106 - A100 - Western Crt, Rosebank Way	Pedestrian & cycle measures	31,488

Transport Deliverables - 2021/22 - S106 Funded Projects Summary - Appendix B

S106 Ref	Site Name & Location	Project Description	Funding£
A107	A107 - 100 BOLLO LANE, ACTON	Pedestrian & road safety measures	100,800
A100	S106 - A100 - Western Crt, Rosebank Way	Pedestrian & cycle measures	31,488
A109	S106 - A109 - South Acton aka Acton Gardens C	Pedestrian, cycle & road safety measures	1,968
A110	S106 - A110 - Savoy Circus, Western Avenue W3	Junction improvements by TfL	210,000
A114	S106 - A114 - Former Post Office 23-31 King Stre	Pedestrian measures	18,000
A97	S106 - A97 - 27 The Vale, Acton W3	Pedestrian & cycle measures	25,000
E121	S106 - E121 - Park Royal Hotel, Hanger Green W	Bus stop, streetscape, pedestrian & cycle measures	64,032
E132	S106 - E132 - 109 Uxbridge Road, W5	Highways and public transport improvements	27,480
E133	S106 - E133 - BHS Site 104 - 110 The Broadway	Pedestrian & road safety measures	104,610
E141	S106 - E141 - 12-15 Hanger Green, W5	Controlled Parking Zone implementation	20,330
E145	E145 - s106 King Fahad Academy - 123-127 Little	School pedestrian, cycle & road safety measures	170,000
E92C	E92C - S106 - Green Man Lane Phase 3, Ealing	Streetscape, pedestrian & cycle measures	51,160
G47	S106 - G47 - New GSK Greenford Road Greenfo	Highway, road safety, pedestrian & cycling improvements	495,860
G49	S106 - G49 - 426 Long Drive, Greenford UB6	Road safety measures	25,000
H25	S106 - H25 - 68 - 68A Boston Road W7	Cycle measures	5,000
H30	H30 - S106 - Ealing Fields School Wyke Gardens	School pedestrian, cycle & road safety measures	36,000
N18	S106 - N18 - Rectory Park Estate Detailed Phase	Pedestrian & cycle measures	10,627
N27	S106 - N27 - Jupiter, Latham and Westland Court	Highway, road safety, pedestrian & cycling improvements	72,002
PR69	S106 - PR69 - Imperial College/Perfume Factory	Station access, pedestrian & cycling improvements	409,228
PR70	S106 - PR70 - 6 Portal Way ACTON, W3	Station access, road safety & pedestrian improvements	281,882
PR71	S106 - PR71 - Holbrook House Victoria Road W3	Station access, highway, road safety, pedestrian & cycling	716,656
PR79A	S106 - PR79A - Westgate House, Westgate, Long	Pedestrian & cycle improvements	53,000
PR79B	S106 - PR79B - Westgate House, Westgate, Long	Pedestrian measures	20,674
S76	S106 S76 - Malgavita 25-27 Merrick Road, Sou	Bus services, pedestrian & cycle measures	964,953
S80	S106 - S80 - St Marys School, 26 Tentelow Lane	School pedestrian, cycle & road safety measures	84,064
S81	S106 - S81 - Section 106 Honda	Bus stop, & road safety measures	25,962
S84	S84 - s106 40 Armstrong Way, Southall UB1 - 16	Highway, road safety & cycling improvements	58,850
S86	S86 - s106 - Esso Southall - 177742FUL	Bus services, disabled access, pedestrian & cycle measur	537,274
S88	S106 - S88 - 49 High Street, Southall, UB1	Highway, road safety, pedestrian & cycling improvements	87,007
S91	S91 - S106 - Quayside Quarter Southall aka fmr	Highway, road safety, pedestrian & cycling improvements	250,000
TOTAL			4,958,907

Contains Confidential or Exempt Information	NO
Title	Ealing Outbreak Management Plan – Refresh March 2021
Responsible Officer(s)	Judith Finlay, Executive Director Children, Adults & Public Health
Author(s)	Anna Bryden, Director of Public Health Chrissy Leonard, Test and Trace Operations Manager
Portfolio(s)	Cllr Binda Rai, Health and adult services
For Consideration By	Cabinet
Date to be Considered	Tuesday 20 th April 2021
Implementation Date if Not Called In	4 May 2021
Affected Wards	ALL
Keywords/Index	Outbreak Prevention and Management Plan, COVID-19, coronavirus

Purpose of Report:

Publication of the Government’s Roadmap for exiting national lockdown, the accompanying refresh of the Contain Framework and an increasing focus on Variants of Concern (VOC) has led to a need for urgent review and update of Local Outbreak Management Plans to enable effective planning and deployment at local level and to reflect and learn from the experiences of the last 12 months.

The Ealing Covid-19 Prevention and Management Plan was first published in June 2020 and has now been updated.

The overarching aim of this refresh is to establish clarity around plans for local prevention of viral transmission and of the local outbreak management response.

1. Recommendations

That Cabinet:

- 1.1 Notes the Council’s updated local system report and the plans around prevention and control of the spread of Covid-19 and any outbreaks.

2. Reason for Decision and Options Considered

The Covid19 Contain Framework is a national framework that supports local decision-makers by clarifying their responsibilities and empowering them to take preventative action and make strong decisions locally, supported by mechanisms

that safeguard key national assets and interests. The overarching aim of the framework is to empower local decision-makers to act at the earliest stage for local incidents, and ensure swift national support is readily accessible where needed. Ealing Council has a local outbreak prevention and control plan setting out how partners will work together to implement the plans and take a preventative approach.

The plan was previously approved by Cabinet and has been updated to take into account the Government's roadmap to coming out of restrictive lock down measures. The plan is found at appendix 1.

Ealing's local outbreak prevention and control plan are centered on 7 themes

- care homes and education settings
- high-risk workplaces, communities and locations
- local testing
- contact tracing in complex settings
- data integration
- vulnerable people and diverse communities
- local boards and communications

There was no option other than to update the plan and given the continuing conditions and national arrangements to deal with the pandemic.

3. Key Implications

The refresh of the local Outbreak Management Plan is a requirement for all Local Authorities. It is an opportunity to record existing and future local system plans around the prevention and control of Covid-19.

At the end of February, Public Health England (PHE) asked that a refresh of the Local Outbreak Management Plan was completed by Friday 12th March 2021. This meant that locally our schedule to get the plan updated had to be done in a much quicker time frame.

The Public Health Consultant and Project Operations Manger led on the refresh of the plan alongside the leads for each area. This was then submitted for the Council's Senior Leadership Team comment on Wednesday 10th March and final sign off on Friday 12th March, before submitting to PHE. The refresh of the plan was also circulated to the Leader of the Council and the Children and Adults Portfolio Holder, Cllr Rai, for oversight and comments before submission to PHE.

The refreshed plan was presented at Health and Well Being Board on Tuesday 30th March

Week commencing 29th March we received feedback on the plan from PHE who reported that they were encouraged by the Council's strong focus in its plan on the following areas:

- working with vulnerable population groups and the strong focus on inequalities
- communications and engagement
- managing outbreaks in high-risk settings

- supporting vaccination delivery and uptake

Areas for additional focus for the Council were raised as follows:

- Mapping it's recovery approach against each stage of the roadmap
- Ensuring system resilience

In response to this, Public Health worked with leads across the relevant service areas and have added to the refreshed plan. This new Local Outbreak Management Plan is an appendix to this report and will presented to Cabinet on Tuesday 20th April 2021.

4. Financial

There are no financial implications of this report outside of those already reported in through existing reporting frameworks. Slide 18 of the plan contains the specific and general grants being deployed to support the plan. There is still some uncertainty regarding the extension to the asymptomatic testing scheme although the government has provided assurances over funding.

Longer-term capacity around local plans and structures for the prevention and control of Covid-19 will require additional funding from Government. The main areas where future funding is needed are considered in the report.

5. Legal

5.1 The Covid-19 Contain Framework describes the new powers under, the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (as amended), which came into effect on 18 July 2020 to give local and national government additional powers.

5.2 The Council now has powers to close individual premises, public outdoor places and prevent specific events. This means that the council will no longer have to make representations to a magistrate in order to close premises.

5.3 To address more serious and wider-spread cases, ministers will be able to use their existing powers under the Public Health (Control of Disease) Act 1984 to implement more substantial restrictions which could include:

- closing businesses and venues in whole sectors (such as food production or non-essential retail), or within a defined geographical area (such as towns or counties)
- imposing general restrictions on movement of people (including requirements to 'stay at home', or to prevent people staying away from home overnight stays, or restrictions on entering or leaving a defined area)
- imposing restrictions on gatherings – limiting how many people can meet and whether they can travel in and out of an area to do so
- restricting local or national transport systems – closing them entirely, or introducing capacity limits or geographical restrictions
- mandating use of face coverings in a wider range of public places

5.4 National government guidance was updated on 18 March 2021. The updates take into account the context of the government's roadmap to ease restrictions in England and the government's overall public health objectives for responding to the COVID-19 pandemic.

6. Value For Money

All proposals for spend of the Local Authority Test and Trace Service Support Grant to London Borough of Ealing will incorporate an assessment of value for money. This will include regular monitoring and reviewing of costs, complying with contract procedure regulations (CPR) with regards to award of contracts, state aid regulations and benchmarking of health outputs and outcomes where appropriate.

7. Sustainability Impact Appraisal

N/A

8. Risk Management

Key risks and mitigations are included in the Ealing COVID-19 prevention and outbreak control plan (appendix 1). The risks will be monitored and managed as part of the project management process. Risks will be escalated as required through the governance processes as described in the plan.

9. Community Safety

N/A

10. Links to the 3 Key Priorities for the Borough

This links to the Ealing council's key priority of creating Ealing as "a healthy and great place".

11. Equalities, Human Rights and Community Cohesion

The identification and reduction of inequalities is a one of the main themes running across the Ealing Outbreak Control Plan. An equalities impact assessment was undertaken in relation to the initial prevention and outbreak control plan. That EIA has been considered and no update is required.

The Ealing COVID-19 Prevention and Outbreak Control Plan seeks to mitigate against COVID-19 related harm, manage outbreaks of COVID-19 and protect the health and wellbeing of Ealing residents. The plan seeks to have a positive impact on reducing the COVID-19 related health inequalities on the following protected characteristics: Age, Disability, Race, Religion & Beliefs and Sex. The plan will have a neutral impact will on those with other protected characteristics.

12. Staffing/Workforce and Accommodation implications:

N/A

13. Property and Assets

If the report does not involve property, please state that there are no property implications.

N/A

14. Any other implications:

N/A

15. Consultation

This plan is a refreshed version of the original Ealing Outbreak Control Plan. The plan reflects system wide structures and mechanisms but has not gone through wider public consultation at this stage.

16. Timetable for Implementation

This is a refreshed version of an existing plan that is already being implemented locally.

17. Appendices

Ealing - Covid-19 Prevention and Management Plan - Refreshed March 2021 – FINAL

18. Background Information

Government Contain Guidance: <https://www.gov.uk/government/publications/containing-and-managing-local-coronavirus-covid-19-outbreaks/covid-19-contain-framework-a-guide-for-local-decision-makers>

Item 14, April Cabinet Report: Ealing's COVID-19 Prevention and Outbreak Control Plan: <https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/6523/Committee/3/Default.aspx>

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Paul Najsarek	Executive Director	10/03/21	12/03/21 and 31/03/21	Throughout
Justin Morley	Head of Legal Services (Litigation)	22/03/21	22/03/21 and 01/04/21	Throughout
Russell Dyer	Head of Accountancy	22/03/21	22/03/21 and 01/04/21	e.g. 4. Financial
Julian Bell	Leader / Cabinet Member for:	10/03/21		
External				
DHSC/PHE	eg voluntary organisation	12/03/21	29/03/21	Paragraph 3

Report History

Decision type: For information	Urgency item?
Report no.:	Report author: Anna Bryden – Director of Public Health Contact for queries: Chrissy Leonard Test and Trace Project Operations Manager leonardc@ealing.gov.uk ext. 6448

London Borough of Ealing Covid-19 Prevention and Management Plan Refresh March 2021

Executive summary

Local Authorities have an ongoing statutory responsibility to have Local Outbreak Management Plans (LOMPs) for responding to emergencies in their areas as part of their existing duty for safeguarding and protecting the health of their population.

LB Ealing published their Outbreak Prevention and Control Plan in June 2020 with the aim to protect the health of the people Ealing and provide assurance to the public and wider stakeholders, through:

- Preventing transmission, in particular among those who are most vulnerable.
- Identifying clusters and outbreaks of disease and ensuring those affected are appropriately supported;
- Controlling outbreaks, providing health protection advice and putting control measures in place.

Publication of the Government's Roadmap for exiting national lockdown, the accompanying refresh of the Contain Framework and an increasing focus on Variants of Concern (VOC) has led to a need for urgent review and update of Local Outbreak Management Plans to enable effective planning and deployment at local level and to reflect and learn from the experiences of the last 12 months.

The overarching aim of this refresh is to establish clarity of outbreak management response across a spectrum of three key lenses 1) Enduring Transmission, 2) Dominant Variant 3) Variants of Concern, and to create a clear overview of processes and interventions that can be used to prevent, identify and respond to a local outbreak.

Aims of the Ealing Plan

- This plan, while produced by Ealing Council, represents a **local system plan** for the next 12 months where all partner organisations and the people of Ealing work together to contain the spread of COVID-19, prevent and manage any outbreaks and prepare for any further waves of the virus.
- The key elements of this plan, i.e. infection prevention measures, some restrictions, testing, contact tracing and self-isolation will **remain in place**, at least to some extent, while we lift some restrictions and return to some degree of normality cautiously and in line with national plans.
- Particular focus is currently on reducing the levels of transmission as infection levels are currently still high in NWL and particularly in certain parts of Ealing.
- One of the main strands throughout this plan is to **identify and reduce inequalities**
- A key local priority in 2021 is the **fast and equitable rollout of Covid-19 vaccinations** to all eligible people in our borough. In this we endeavour to focus on those who are likely to benefit most first.
- We are planning for **surge capacity and we have responsive systems** in place to react speedily and flexibly to outbreaks and any further waves of the epidemic.
- We continue to **learn** from the experiences of the pandemic and **embed best practice** through collaboration with local partners, community engagement and evidence based local planning.

Learning, Good practice, Issues and Risks

Learning – key points

- Close collaboration and flexible approach across Council departments and local partners
- Benefits of close cooperation with national and regional partners
- Opportunities around community engagement beyond Covid to create resilience

Good practice – local examples

- Data and evidence driven local response informing universal and targeted (hyper-local) interventions
- Community engagement modelling with the view to improve community resilience longer-term
- Impact assessment of inequalities highlighted by the pandemic, longer-term and wider system recommendations
- Local multi-agency vaccination strategy
- Pan London PH consultant network providing support and mutual learning

Issues

- Short-term announcement of central funding making strategic planning difficult
- Lack of governance around care home sector and systematic investment in infection control

Risks

- Lack of clarity around ongoing funding of all aspects of viral containment
- Lack of clarity around levels of decision making

Themes 1

The Ealing Outbreak control plan is centred around the following themes:

- Governance
- Higher-risk settings, communities and locations e.g. care home, education settings and work places
- Community Support
- Compliance and enforcement
- Resourcing
- Communications and engagement, including community resilience
- Data integration and information sharing

It includes the core aspects of the local end-to-end COVID-19 response:

- Community Testing
- Contact Tracing
- Support for self-isolation
- Outbreak management (Responding to an outbreak of two or more linked cases)
- Surveillance

The Ealing Outbreak Control addresses cross-cutting priorities:

- Inequalities and equity of the local response (universal and targeted interventions)
- Inclusion health
- Good practice, learning, issues and risks

And local plans for the development of structures:

- Action on enduring transmission
- Local plans for Covid-19 vaccine roll out
- Responding to Variants of Concern (VOC)
- Enhanced Contact Tracing, in partnership with NWL HPT
- Activities to enable 'living with COVID' (COVID secure)

Local, regional and national roles (*Source – ADPH London)

Level	Place-based leadership	Public health leadership
LOCAL	<p><i>LA CE, in partnership with DPH and PHE HPT to:</i></p> <ul style="list-style-type: none"> a) Sign off the Outbreak Management Plan led by the DPH b) Bring in wider statutory duties of the LA (eg DASS, DCS, CEHO) and multi-agency intelligence as needed c) Hold the Member-Led Covid-19 Engagement Board (<i>or other chosen local structure</i>) 	<p><i>DPH with the PHE HPT together to:</i></p> <ul style="list-style-type: none"> a) Produce and update the Outbreak Management Plan and engage partners (DPH Lead) b) Review the data on testing and tracing and Vaccine uptake data c) Manage specific outbreaks through the outbreak management teams including rapid deployment of testing d) Provide local intelligence to and from LA and PHE to inform tracing activity e) DPH Convenes DPH-Led Covid-19 Health Protection Board (a regular meeting that looks at the outbreak management and epidemiological trends in the place) f) Ensure links to LRF/SCG
REGIONAL	<p><i>Regional team (PHE, JBC, T&T, London councils and ADPH lead</i></p> <ul style="list-style-type: none"> a) Support localities when required when required on outbreaks or specific cases or enduring transmission or substantial cross-boundary b) Engage NHS Regional Director and ICSs c) Link with Combined Authorities and LRF/SCGs d) Have an overview of risks issues and pressures across the region especially cross-boundary issues 	<p><i>PHE Regional Director with the ADPH Regional lead together</i></p> <ul style="list-style-type: none"> a) Oversight of the all contain activity, epidemiology and Health Protection issues across the region including vaccine uptake b) Prioritisation decisions on focus for PHE resource with Las or sub regions c) Sector-led improvement to share improvement and learning d) Liaison with the national level
NATIONAL	<p><i>Contain SRO and PHE/JBC Director of Health Protection</i></p> <ul style="list-style-type: none"> a) National oversight for wider place b) Link into Joint Biosecurity Centre especially on the wider intelligence and data sources 	<p><i>PHE/JBC Director of Health Protection (including engagement with CMO)</i></p> <ul style="list-style-type: none"> a) National oversight identifying sector specific and cross-regional issues that need to be considered b) Specialist scientific issues eg Genome Sequencing c) Epidemiological data feed and specialist advice into Joint Biosecurity Centre

LCRC / Local Authority roles and responsibilities (*Source – ADPH London)

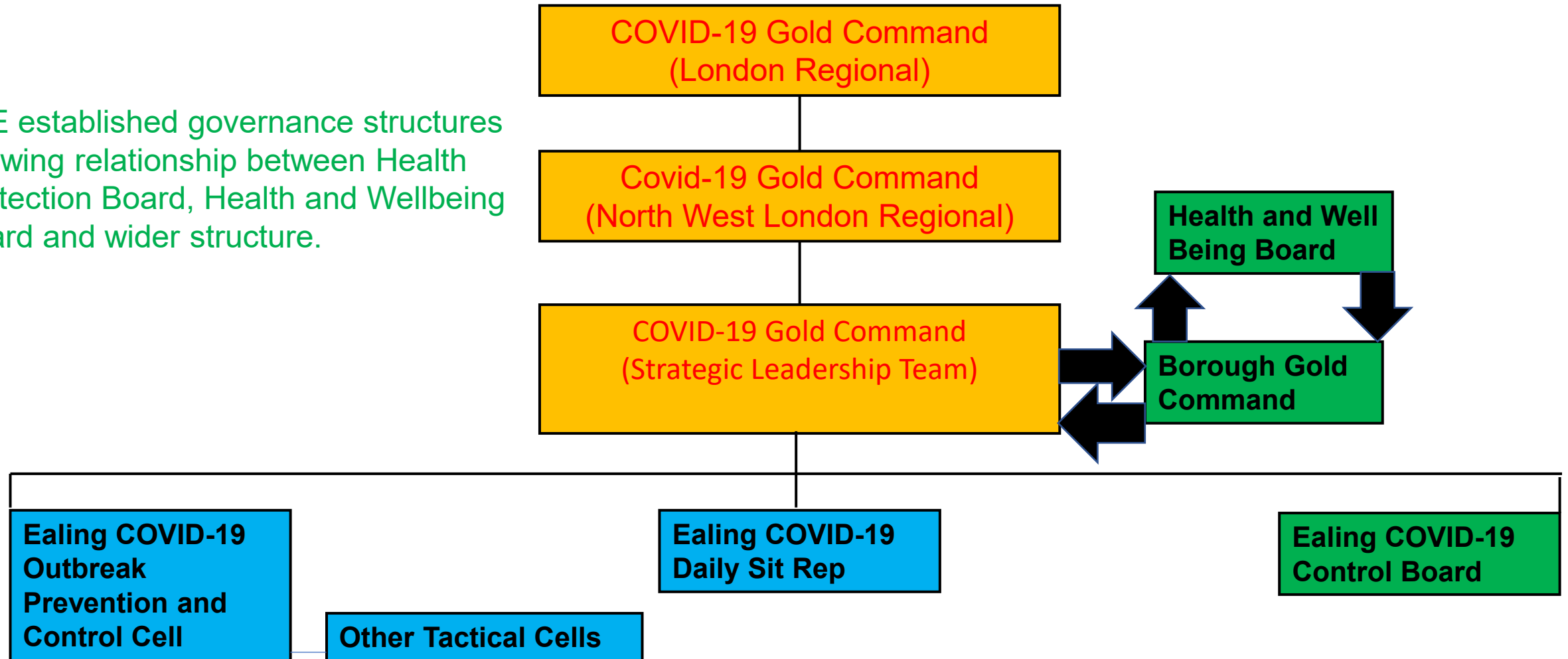
	Local Authority	LCRC Health Protection Team
Case and contact investigation management	<p>Receive notifications of cases via national test and trace route</p> <p>Investigate and manage cases and contacts as per local SOPs</p> <p>Escalate to LCRC/HPT if meets criteria as agreed in national test and trace protocols</p> <p>Provide support packages as required</p>	<p>Receive notifications of cases via clinical leads / local authority leads if meet the criteria as agreed in national test and trace protocols</p> <p>Investigate and manage high risk cases and contacts as per local SOPs</p>
VOCs (or other cases of concern)	<p>Investigate and manage VOC/VUI etc cases and contacts – at present those lost to follow up</p> <p>Establish and lead IMT to investigate and manage VOCs/VUIs cases and clusters with enhanced case and contact tracing, and targeted testing (community or setting focussed) including surge testing</p>	<p>Investigate and manage initially VOC/VUI etc cases and contacts</p> <p>Liaise with LA contact tracing for help with no contact cases</p> <p>Investigate and manage any identified settings</p> <p>Advise and support LA IMT to investigate and manage VOCs/VUIs cases and clusters with enhanced case and contact tracing, and targeted testing (community or setting focussed) including surge testing</p>
Enhanced contact tracing (Cluster) investigation and management	<p>Investigate, identify priority clusters</p> <p>Manage clusters as per relevant settings SOPs</p> <p>Chair IMTs if required</p>	<p>Overview of cluster identification and management</p> <p>Overview management of priority settings</p> <p>Attend IMTs if required</p>
Settings (care homes workplaces, schools, ports, prisons, homeless etc)	<p>Receive notification of cases and clusters via a number of different routes</p> <p>Investigate and manage cases and clusters in settings.</p> <p>Provide advice and support around contact tracing, isolation, infection control practices, COVID safe environments and testing etc including written resources.</p> <p>Chair IMTs if required</p> <p>Develop and provide communications to stakeholders</p> <p>Liaise with CCG, GPs and other healthcare providers to provide ongoing healthcare support to setting</p>	<p>Receive notification of cases and clusters via a number of different routes</p> <p>Overview and investigate and manage cases and clusters in high priority settings</p> <p>Review and update resources</p> <p>Provide advice and support Provide advice and support around contact tracing, isolation, infection control practices, COVID safe environments and testing etc including written resources.</p> <p>Attend IMT if required</p> <p>Develop and provide communications to stakeholders</p> <p>Liaise with CCG, GPs and other healthcare providers to provide ongoing healthcare support to setting</p>

- 1. LBE GOLD Command:** LBE has established governance structures led by LBE GOLD Command Senior Leadership Team. This group exists of the Leader of the Council, Chief Executive, Executive Directors and Director of Public Health and other members of SLT. This COVID-19 related matters are escalated to the GOLD group either from Silver Command, Public Health Cell directly, Incident Management Team or other cells and working groups (as listed below). Information is then shared and wider stakeholders engaged through existing boards such as the Covid-19 Health Protection Boards and The Health and Well-being Board to communicate with the general public.
- 2. Ealing Covid-19 Control Board:** In the early stages of the pandemic, a new group was formed called the Ealing Covid-19 Control Board. This board was established using relevant members of several pre-existing groups (the Health Protection Forum and the Borough Resilience Forum).
- 3. Health and Well-Being Board (HWBB):** This board provides political ownership and public-facing engagement and communication for outbreak response. The HWB Board meet every two months. It is important to note that communications to residents & councillors and community engagement with community groups take place regularly to ensure timely dissemination of key messages and advice. Public meetings also take place as required.

This governance structure has allowed swift and agile decision making to enable the borough to respond to both urgent and emerging COVID-19 related matters.

Governance – overview of Local Structures

LBE established governance structures showing relationship between Health Protection Board, Health and Wellbeing Board and wider structure.



Key:

Gold Cells = Strategic Leadership Groups

Green Cells = Partnership/Engagement Groups

Blue Cells = Internal Groups

Governance – structures and roles

Ealing Covid-19 Control Board

Multi-Agency forum which seeks to prevent or reduce harm caused by Covid-19 on Ealing's population by integrating and co-ordinating plans to contain the spread and the response to outbreaks of Covid-19.

Focuses:

- **Public and staff communication**
- **Integrate national and local data and maintain situational awareness with focus on hyper-local awareness**
- **Platform for information sharing and raising issues among partners.**
- **Membership:**
- **Public Health, EMS, Community Engagement, Schools, Social Care, Environmental Health, Safer Communities & Housing, NHS partners (CCG, LPC, NHS England), Public Health England, Police, Military, Voluntary Sector, Faith Sector, Business & Engagement**

Local Outbreak Control Board (currently Ealing Health and Wellbeing Board)

- Provides political and partner oversight of strategic response
- Provides timely communications to the public
- Provides public-facing delivery oversight of Test, Trace & Outbreak programme locally
- Membership includes: Elected members, Executive Directors, partners including NHS and voluntary sector.
- The HWB oversee other relevant boards such as the Ealing Integrated Care Partnership which provides local health systems leadership.

LBE Cabinet

Ealing Council Gold Command

- Responsible for determining Council's overall management, policy and strategy and achieving strategic objectives management, policy strategy and management, policy and strategy and achieving strategic objectives
- Delivering swift resource deployment
- Owns the connection with the Joint Bio Security Centre, Government Departments and COBRA.
- Membership includes Executive Directors and officers

High risk settings – care homes

Ealing has the 3rd highest number of care home beds in London, with 1,454 beds in 30 Care homes, plus 140 beds for younger adults in 18 homes. A local response plan has been developed to prevent and control outbreaks in care homes. The plans and structures in place enable suppression of ongoing transmission and control of outbreaks.

PREVENT

Partnership between LBE, Ealing CCG and local community health providers established

Provision of primary care, pharmacy, specialist clinical support and infection control support by NWL CCGs.

Regular training by the Council's public health team to communicate and reinforce infection control messages.

Regular meetings of registered network managers to share learning and resources around infection prevention and control.

Summary of key guidance for care homes developed and communicated by the Council's Public Health team.

IDENTIFY

Multiple sources of information are triangulated in order to identify outbreaks and direct response/support.

High risk care homes are reviewed on a weekly basis by a multi agency group.

CONTROL

- A local multiagency protocol has been developed to support home closures to new admissions in the event of significant outbreaks.

High risk settings – schools and education settings

Ealing has 96 state-run schools (6 special schools, 68 primary, 1 all through, 15 secondary, 4 nursery, 2 pupil referral units) and a number of colleges and private schools. Approximately 55,000 children attend Ealing state funded schools. A local response plan has been developed to prevent and control outbreaks in schools. Local plans enable the limitation of ongoing transmission and control of cases and outbreaks.

PREVENT

- Ealing Learning Partnership Schools Consultative Group
- Summary of key guidance for schools developed and communicated
- Regular meetings with universities
- Development of risk assessment framework for schools
- Template letters for parents to remind them of key messages
- Communications to independent schools and colleges
- Regular re-testing schemes implemented for the return to on-site schooling

IDENTIFY

- Local monitoring of suspected and confirmed cases
- Robust local management procedures and flow charts developed for schools to manage suspected and confirmed cases.

CONTROL

- Local outbreak control plans for schools settings developed, working closely with PHE LCRC

(Plans are available on request)

High risk settings – work places

There are approximately 20,000 workplaces in Ealing. This includes a relatively high proportion of light industry and distribution/logistical centres as well as a range of food manufacturers, food processors, exporters and importers. The plans and procedures in place enable the containment of transmission in work places and prevent and control outbreaks. Actions taken to date and measures already in place include:

PREVENT

- Covid Intervention to ensure workplaces comply with legislation and to encourage achievement of Covid Secure status
- Communication of Covid-19 safe messages, sector specific Covid Secure advice and a weekly newsletter to 10,000 local businesses
- Covid-19 Business and Public Spaces Advisor offering bespoke service to venues
- Covid Steward patrols proactively engaging and gathering intelligence

IDENTIFY

- Instruction to notify LCRC/PHE/Council about outbreaks
- Common Exposure Data surveillance
- Concerns and complaints about inadequate Covid Secure arrangements

CONTROL

- Local outbreak control plans for workplace settings developed, working closely with PHE LCRC

(Plans are available on request)

Community Support

In the first wave of the pandemic (between March and end of July 2020), the council provided just over 9,700 food parcels to shielded residents. This was in addition to a further 3,600 food parcels to non shielded residents.

When direct food deliveries ceased in August 2020, Ealing Council continued to support vulnerable residents in the following ways through the dedicated Ealing Together service (Telephone and online):

- Arranging a priority supermarket online delivery slot and supporting residents to register for the NSSS.
 - Providing contact details for supermarkets and other food retailers that will deliver and take orders over the telephone to support the digitally excluded.
 - Putting residents in touch with local volunteers who can collect shopping.
 - Providing access to Foodbank vouchers.
 - Providing support to those in financial crisis and can not pay for food.
 - Putting people in touch with local community and voluntary organisations who offer services like, befriending, bereavement counselling and even dog walking.
 - Making urgent referrals for residents who are concerned for their welfare or the welfare of someone else.
-
- The Ealing Together telephone line remains open Monday – Friday and is answered by a large team of cross trained Customer advisors. The advice and support provided by this service is now part of our business as usual service offer and will continue while demand remains.
 - Since the start of the pandemic, the Ealing Together team have responded to over 10,000 inbound telephone enquiries and have proactively made over 23,700 contacts with our most vulnerable residents to carry out welfare checks and find out if they could benefit from additional support.
 - Mass communications to the Clinically Extremely Vulnerable Group through a combination of email, SMS and letter have also enabled us to keep in touch with this vulnerable group and outline the support available to them.
 - Significant support has been provided to those who are required to self isolate. A total of 724 Self Isolation payments have been made under both the main and discretionary scheme. The council has also provided financial support to Ealing Food Bank to fund deliveries of food parcels to those who are self isolating to ensure they can continue to access the service.

Legislative Context

Since April 2013, the responsibility for providing day-to-day health protection advice and response has rested with Public Health England's Health Protection Teams (HPTs) having taken over from the Health Protection Agency (following the Health and Social Care Act 2012).

The legal basis for managing outbreaks of communicable disease is spread across several different pieces of primary and secondary legislation, with the associated responsibilities split across a number of organisations and professional groups. The Coronavirus Act was brought forward in 2020 as emergency legislation designed to facilitate a range of cross-government activity in a time of emergency.

Legislation	Responsibilities	Organisations and professions
The Public Health (Control of Disease) Act 1984	Provides for powers to intervene in cases of public health risk, however these powers are seldom used.	Environmental Health in local government
Civil Contingencies Act, 2004	Sets out the responsibilities of different agencies in responding to major incidents	NHS organisations, local government and Public Health England
Health Protection Regulation, 2010	Enable local authority environmental health teams to intervene in cases of public health risk; potentially can be used for magistrate's order to undertake specified health measures for an individual	Environmental Health in local government
Health and Social Care Act, 2012	Specifies that local authority Directors of Public Health retain a responsibility for protecting the health of a local population and emergency preparedness	Creation of Public Health England and NHS Clinical Commissioning Groups; move of local Directors of Public Health to local government
Coronavirus Act, 2020	Provides for powers to investigate, isolate and test persons suspected of being infected	Police and public health officers
Health Protection (Coronavirus, Restriction) (England) Regulations 2020, statutory instrument exercised on the basis of the Public Health (Control of Disease) Act 1984(1) including Local authority powers to impose restrictions: Health Protection (Coronavirus, Restrictions) (England) (No 3) Regulations 2020	<p>These new regulations provide for specific restrictions relating to the national lockdown. Any 'localised' lockdown would require further secondary legislation.</p> <p>The Regulations contain powers for local authorities to give directions which:</p> <ul style="list-style-type: none"> • restrict access to, or close, individual premises • prohibit or restrict certain events (or types of event) • restrict access to, or close, public outdoor places (or types of outdoor public places) <p>To Note: powers are due to expire on the 17th of July 2021 unless revoked by Government at an earlier date.</p>	National government, police, local government

Compliance and Enforcement

Compliance and enforcement of Covid-19 legislation is shared between the Metropolitan Police Service and the Council's Regulatory Services. There is a strong partnership and liaison approach including updates meetings three times a week to share intelligence, make referrals and update on particular issues. Joint operations are regularly planned and implemented focussed on locations with non-compliances or higher footfall.

The Police enforce restrictions on individuals and individual behaviour including **restrictions on travel** ("stay at home" instruction), **restrictions on gatherings** and **requirements to wear face coverings**.

Regulatory Services teams provide the Council's Covid compliance and enforcement services including:

COVID Interventions, both reactive, i.e. in response to complaints, allegations or referrals from other agencies, and proactive interventions based on local intelligence or other sources of evidence

COVID Service Request Investigation, every complaint or allegation is investigated and the appropriate action taken in response

COVID Business Advice, working in conjunction with the High Street Task Force, we offer a free Covid Business Advice service which is also open to non-business establishments in the charitable, community or voluntary sectors

COVID Enforcement, following our graduated enforcement approach and using the most appropriate regulatory mechanisms dependent on the matter at hand and to ensure compliance with Covid-19 law

COVID Steward Patrol, a proactive patrol of two stewards operating 10 days a week

COVID Advice for Council colleagues and community partners on applicable legislation as well as practical safety measures that should be in place to reduce the risk of coronavirus transmission

Resourcing

- Close collaboration across Council departments, including redeployment of furloughed staff
- Close collaboration with local system partners, NWL ICS and neighbouring boroughs as well as regional/national organisations and structures
- Central grants for LA Covid-19 prevention, containment and control
 - Contain Outbreak Management £6.494m (with additional grant expected)
 - Test and Trace £2.26m
 - Asymptomatic testing £1.89m (with further extension applied for)
 - Self-isolation £0.308m
 - Clinically extremely vulnerable shielding £0.29m
 - Rapid testing in care homes £0.57m
 - Infection Control Fund Round 1 £2.28m
 - Infection Control Fund Round 2 2.77m
 - Enforcement and Compliance £0.19m

Communications

- National campaigns, news and online information will continue to be reinforced and enhanced locally, with further emphasis on supporting communities with cultural, language or other barriers.
- The Keep London Safe campaign is planned around the key steps in the Government's Roadmap and beyond.
- Communications assets will be around core messages promoting vaccination uptake, test and trace, infection control and Living with Covid.
- Based on data and intelligence, vulnerable and high risk groups are being identified and communication and engagement is tailored to provide effective support.

Ealing Council continues to use a range of proactive universal and targeted approaches to inform and engage local people. As part of this, we are using a range of national, regional and local communication and engagement tools:

Communications and community engagement continues to focus on high risk settings and population groups at greatest risk of COVID-19, addressing issues of inequality in vaccine take up/hesitancy.

Communications is using all council channels and other appropriate channels to disseminate Vaccine/Test and Trace messages and supporting national/London messaging including Keep London Safe. Key activity to date and ongoing includes:

- Translated materials
- Targeted digital advertising and social media
- Digital advertising vans in target areas
- Ethnic media channels/adverts
- Printed materials/videos/infographics
- Sharing of assets and toolkit with community leaders through the council's website and community engagement team
- Weekly newsletter to 100,000 plus individual emails
- Direct business communications to support the safe opening of high streets.

Communications



Community engagement

Ealing COVID-19 Outbreak Prevention and Control Plan

Ealing Outbreak Prevention and Control Communication and Engagement Plan

Ealing's Covid-19 Test and Trace Community* Engagement Project Lead provider: EACH Clarissa Stoneham

Purpose:

Ealing residents (in Acton, Greenford, Northolt, Southall) are aware, understand and able to participate in

- Key Covid-19 preventative behaviours
- The Test and Trace programme
- Getting appropriate support locally if they are self-isolating
- Identifying and overcoming barriers to engagement (e.g. misunderstanding or misinformation)

General comms (and other targeted comms e.g. frontline staff update briefings NHS, social care, housing officers and across settings – care homes, schools, early years, workplaces, shared accommodation, hostels)

AIMS & PURPOSE OF THE SERVICES:

- Close working with faith groups and leaders and voluntary and community sector allows us to disseminate and enhance public messaging effectively and to engage with communities and individuals
- A mapping of local engagement assets will allow better join up and empowerment of local people to participate in the shaping of their local area response to Covid-19
- Proactive communications and community engagement remain key to keeping infection rates low in Ealing, encouraging vaccine uptake and tackling vaccine hesitancy

Residents, particularly those who identify themselves as being part of a Black, Asian and Minority Ethnic (BAME) community, living in Acton, Greenford, Northolt, Southall can access COVID related information and engage through

Consortium (organisations - max 10)

Focussing on two-way engagement with Ealing's ethnically diverse population

Capacity building (training, support and guidance) for effective engagement with ethnically diverse communities and subgroups

Area based task groups (CET)

Purpose as above

Focussing on developing area-based grass roots communication networks in 4 areas with higher levels of multiple deprivation; Acton, Greenford, Northolt, Southall, or other defined area required from emerging data from public health team

To bring together a mix of professionals and local community influencers such as faith leaders, residents' associations and other community groups, social housing LL/tenants groups, local 'corner' shops, schools, GPs

Two meetings to be held by Dec, then review

Ealing's Covid-19 Test and Trace Community* Engagement Project Steering Group

Key	
	Outbreak P&C Plan
	Trusted information/Enquiry route

*Community includes faith groups/places of worship

Data and information sharing

The LBE Intelligence hub leads on data and intelligence working closely with Public Health to inform local strategic and operational decisions, including the targeting of interventions.

The data sharing permissions under the Civil Contingencies Act 2004 and the statement of the Information Commissioner all apply.

The Secretary of State has issued 4 notices under the Health Service Control of Patient Information Regulations 2002 requiring the following organisations to process information: NHS Digital, NHS England and Improvement, health organisations, arm's length bodies, local authorities, GPs. These notices require that data is shared for purposes of coronavirus (COVID-19) and give health organisations and local authorities the security and confidence to share the data they need to respond to coronavirus (COVID-19).

The main data sources are:

- National and regional data from ONS and PHE, national NHS Test and Tract Programme data
- Local NWL LCRC data on cases and outbreaks
- Surveillance data from Virus Genome Sequencing and Wastewater analysis
- Local data on high-risk settings
- NHSE and PHE data on vaccine uptake

Locally, these sources of data inform:

- An internal dashboard of key COVID statistics for the borough and break down by demographics and region. Data on cases, testing, mortality, healthcare activity, common exposures, contact tracing and vaccination are included. This informs daily sit rep meetings and Outbreak Prevention and Control cell. A weekly report of key headline data is generated for sharing within the council and key NHS governance structures.
- A public facing COVID data dashboard to support the population to understand Ealing's COVID position.
- Targeted inequality analysis by theme for the Outbreak Prevention and Control cell to agree targeted actions.
- Where appropriate, partner and community engagement on Ealing's COVID data position.
- A wider COVID Inequalities Integrated Impact Assessment process to influence recovery

Aims and Purpose of testing

- To find people who have the virus, trace their contacts and ensure both self-isolate to prevent onward spread
- Surveillance, including identification for vaccine-evasive disease and new strains
- To investigate and manage outbreaks
- To enable safer re-opening of the economy

Pillar 1 (NHS Settings)

PCR swab testing and LFD antigen testing in PHE and NHS labs (RT-qPCR, LAMP & quicker testing)

- Symptomatic patients that arrive in a hospital setting
- Asymptomatic patients to support infection prevention & control e.g. elective care, inpatient care, mental health, maternity and discharge planning
- Symptomatic NHS frontline staff and in an outbreak situation and household members
- Routine testing of asymptomatic NHS staff and contractors
- Intermittent testing of non-symptomatic NHS staff e.g. as part of SIREN study

Pillar 2 (Mass Population/Community)

Mass symptomatic PCR swab testing (RT-qPCR) and asymptomatic VOC surge testing

- 5 Drive-thru Regional Test Sites
- 29 MTUs available across London for routine testing and surge capacity deployment
- 84 LTS across 32 Boroughs
- Home Testing Kits
- Regular whole care home asymptomatic testing; weekly for staff, every 4 weeks for residents
- CQC-registered domiciliary care provider weekly staff testing

Pillar 2 (Mass Population/Community) Asymptomatic rapid antigen testing (Lateral Flow Device tests)

- LFD tests delivered through asymptomatic testing sites
- Whole student population in higher education institutions
- National pilots/programmes
- Workplaces
- Schools
- Adult social care:
 - visitors
 - visiting professionals
- Rapid response LFD testing following care home outbreaks
- Domiciliary care
- NHS staff
- Private sector testing
- Pilots

Ealing Community Testing Strategy

Testing is one of the key elements of our local plan that will be developed and embedded further over coming months. The local testing offer is shaped in the context of effective communication and engagement, contact tracing and local support around self-isolation.

- **Symptomatic Testing**

Home testing kits, regional testing sites, local testing sites and mobile testing units – booking via NHS testing site or 119

- Regional Test Centres (RTS) – closest RTS site to Ealing is Heathrow but is outside the borough and unlikely to be the first choice location for residents
- Local Testing Sites (LTS) – three sites, geographically dispersed across the borough in Southall, Greenford and Acton. Current DHSC licences to be extended until September 2021. Locations were specifically chosen to improve walk-through access for deprived/at-risk communities
- Mobile Test Units (MTUs) – main site is Gurnell Leisure Centre Car Park with deployments every 2 to 3 days at present but can be increased if infection rates demand.

- **Asymptomatic Testing**

- 6 sites across the borough with appointments bookable on the Council website, walk-ins also available
- Sites to remain operational until at least the end of March 2021
- We are currently offering testing through local pharmacies and 2 sites of Adult Service Providers in-house staff

- **Options for locally responsive testing solutions and surge testing**

- Additional MTU deployments close to areas of concern
- Mobile van units supplying home test kits to local areas of high footfall
- This could be used for symptomatic and/or asymptomatic testing

Ealing Community Testing Locations

This map shows the test sites available in Ealing for people with symptoms of COVID-19 and people without any COVID-19 symptoms who are 'asymptomatic'

GET A TEST AT ONE OF THESE TESTING SITES

HOW TO GET A TEST

There are two types of testing sites – one for people with symptoms and one for people who show no symptoms.



Do you have COVID symptoms?

Book a test at a local testing centre and self-isolate along with your household

- Green location pin: Featherstone Terrace Car Park Southall UB2 5AL
- Green location pin: Michael Flanders Centre Acton W3 8PP
- Green location pin: Gumell Leisure Centre Car Park Ealing W13 0AL
- Green location pin: Dormers Wells Leisure Centre Car Park Southall UB1 3JB
- Green location pin: Northolt Leisure Centre Car Park Northolt UB5 4AB

119 www.nhs.uk/coronavirus

If you do NOT have symptoms

Get a free walk up test, you do not need an appointment

- Pink location pin: Everyone Active Acton Centre Acton W3 6NE
- Pink location pin: Ealing Central Library Ealing W5 5JY
- Pink location pin: Perceval House Ealing W5 2HL
- Pink location pin: Greenford Library Greenford UB6 9LG
- Pink location pin: Northolt Library Northolt UB5 5AS
- Pink location pin: Southall Manor House Southall UB2 4BJ

www.ealing.gov.uk/Cov

Dates and times vary Dates and times vary Check the website for moving and mobile testing sites



Ealing Community Testing Strategy

Ongoing, repeat testing schemes in the community and in high-risk settings are one of the key strands of our local testing strategy. Their implementation will continue to be shaped in the context of effective engagement with staff and communities and support around self-isolation and contact tracing.

- Care homes have a mature programme of testing residents, staff and visitors.
- The following adult care service settings also offer testing to their staff and/ or residents:
 - Homecare agencies – testing programme in place for care workers
 - Extra Care and Supported Living Services – testing programme in place for staff and tenants (residents)
 - Adult Day Centres – new testing programme being rolled out for staff
 - Direct Payment Personal Assistants – new testing programme being rolled out for this workforce
 - Non-regulated care settings – workforce in these settings have been signposted to Ealing’s LFD centres to access free rapid tests
- Schools and early year settings will be offering staff regular testing. Families, carers and bubbles of students will also be encouraged to get testing via online access to testing or via collection of a supply of testing from pick up points across the borough. Pupils Year 7 and above will have access to home testing from 15th March, schools advised to retain small test site for those that are unable to test at home.
- Larger workplaces (those with 50 or more employees) are encouraged to take part in the DHSC scheme and implement a lateral flow testing regime in their workplace. Smaller businesses are encouraged to support their staff to access regular testing from local asymptomatic testing sites

Ealing Community Testing Strategy

Responding to COVID-19 variants

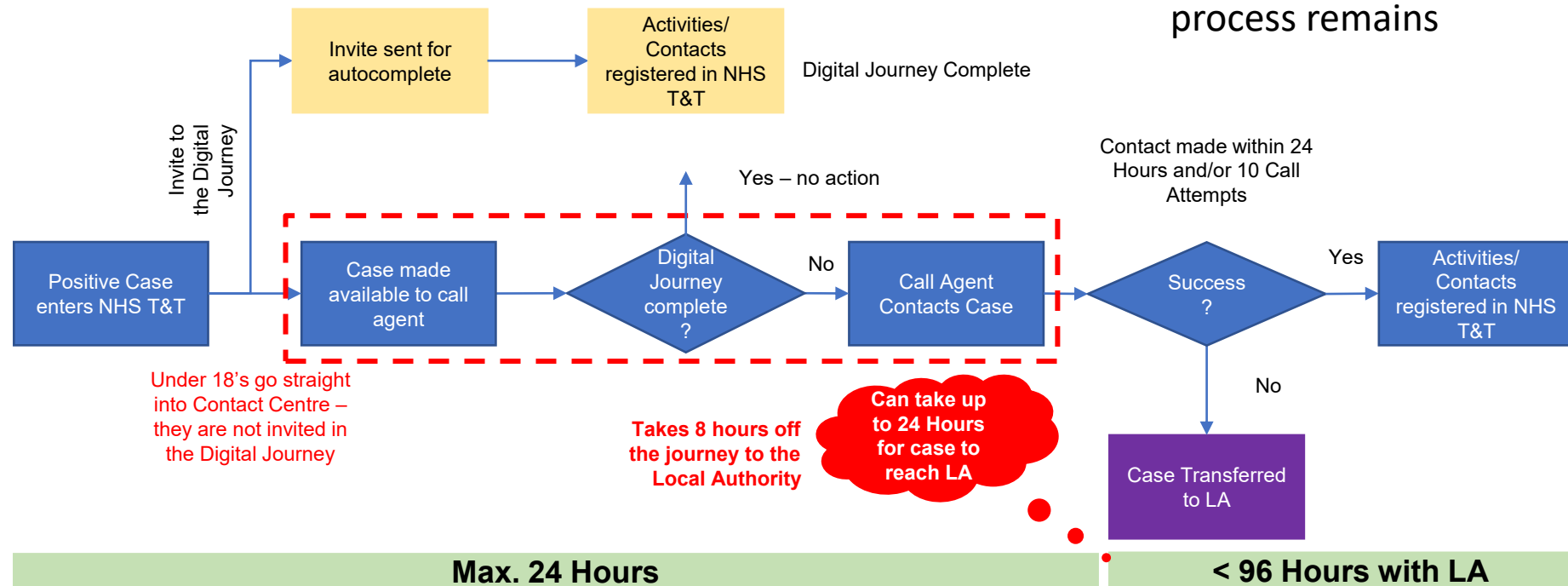
- In response to the development of variants in particular the South African variant (SAV) Ealing is currently encouraging enhanced testing across the population aged 16+. The programme of enhanced testing includes expanding symptomatic testing sites, the use of a roving testing unit and some door to door delivery of tests; these interventions are focused in areas with higher COVID-19 rates. Please see VOC Management slide for more detail.

Addressing inequalities and reaching under-served communities

- The selection of testing sites has been based on providing universal coverage and in particular ensuring good access in areas with higher rates of COVID-19.
- Communication materials are provided in different languages, as Ealing is a diverse borough and people speak many languages.
- Community engagement is an important part of building trust, providing key information and sign posting to testing resources. EACH is a community provider that is taking forward community engagement and dissemination of key messages to residents and groups through voluntary sector groups, local leaders and trusted sources.
- Providing opportunities for walk in testing allows a flexible offer to those who may not otherwise book for a test.
- Ealing Together is accessible by phone and can provide residents with further advice and support with regards to COVID-19 testing.

Local Contact Tracing Partnerships (*Source – ADPH London)

Process flow:



In the new process:

- The Index Case record is made available to the National Contact Centre at the same time as the first invite is sent for the Digital Journey
- Call agents will be required to check if the Index Case has completed the digital journey before contacting the case.
- If contact is not made within 24 hours and/or 10 call attempts the Index Case is transferred to the Local Authority..

This process commenced on the 1st March 2021

Ealing Local Enhanced Contact Tracing (LECT)

The local enhanced contact tracing service supports the NHS T&T service to enable residents to start self-isolation at the earliest opportunity and signpost them to local support.

Capacity:

- LECT Tracing manager
- 4 Team leaders
- 11 call handlers (predominantly redeployed library staff)

Protocol on CTAS notification:

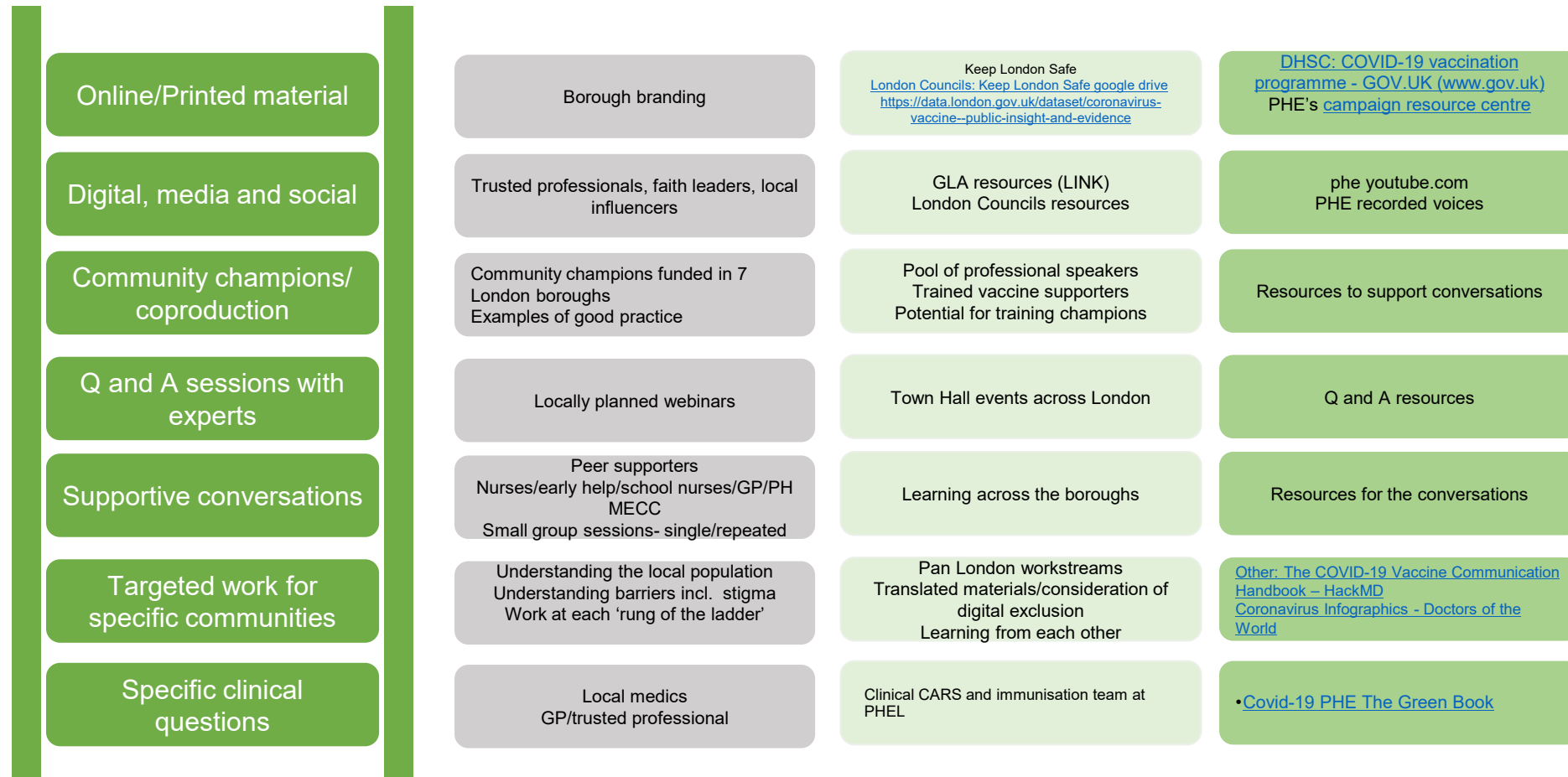
- Text message in the morning
- At least 3 attempts by telephone (most calls last about 30 minutes)
- Letter if no response
- Signposting to 'Ealing Together' for support
- Considerations for future expansion – CT at the time of testing, combination with self-isolation support and vaccination information;
- LECT were also used for calls for homeless in temporary accommodation to attend vaccination hub

Performance:

- Over 3500 cases accepted, 1784 reached by call handlers
- Up to 100 cases per day in February
- Overall contact rate 51%

Covid-19 Vaccination Programme – London approach

Ladder of Support for London (*Source of data – ADPH)

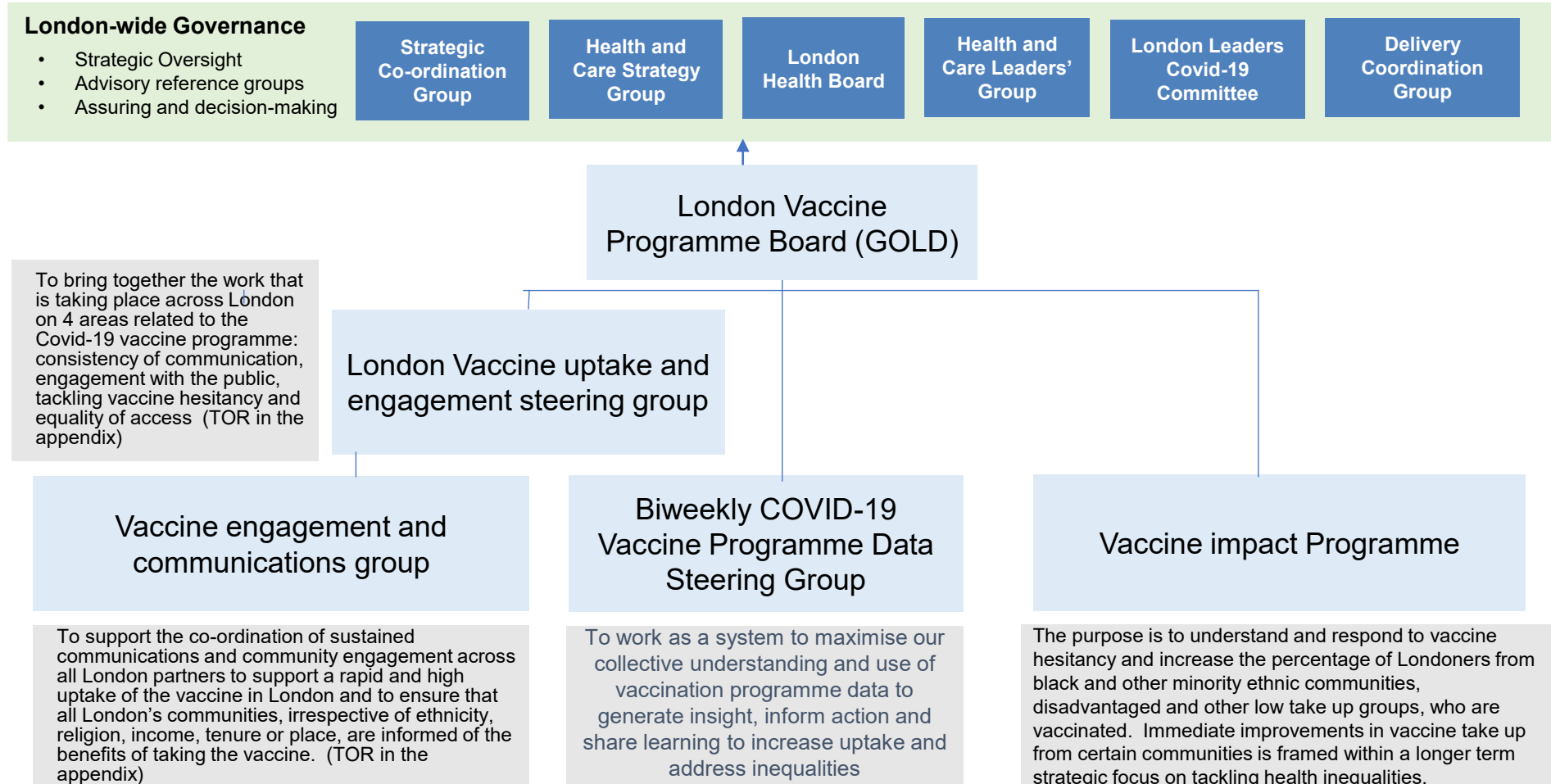


* Adapted from LB Newham

Vaccine Equity – Governance across London

(*Source of data – ADPH)





Governance of COVID-19 Vaccine Equity work across London



Vaccination equity and hesitancy – London approach

(*Source of data – ADPH)

Tackling vaccine hesitancy and inequalities: A overarching London approach built upon 4 pillars

Aspect	Data and evidence 	Addressing hesitancy 	Practical aspects of vaccination 	Monitoring, evaluation and system leadership 
Issues to consider	<ul style="list-style-type: none"> • Data: Best use of available data to understand where the inequalities are, to support local and pan London action and interventions • Evidence: work is rooted in the evidence including behavioural science and from other vaccination programmes. • Lessons learnt: identifying and sharing good practice from other countries, regions, boroughs 	<ul style="list-style-type: none"> • Hesitancy higher in: Under 25 year olds, BAME groups (partic black ethnic groups) & less affluent Londoners • Health and care professionals: Current rates are lower comparatively • Culturally competent community engagement: essential, locally led, regionally enabled • Behavioural insights: understanding models of vaccination behaviours, including role of stigma 	<p>Other aspects affecting vaccination uptake of minority groups</p> <ul style="list-style-type: none"> • Accessibility/familiarity of the setting • Invitation & appointment booking process • Vaccine site location • Opening hours/time off work • 58% of those in the UK answered no to the question <i>'is it easy to get a vaccine'</i> (Global Institute of Innovation) 	<ul style="list-style-type: none"> • Evaluation: systematic, academically rigorous service evaluation that is agile, answers the essential q's and feeds learning back into the system • Measures of success: clearly defined • System Leadership: join up and oversight across the system, across the <i>test-trace-isolate –vaccinate</i> journey and tackling inequalities from COVID more generally • Potential for drop off for second vaccine: as seen in other vaccines
Next steps	<ul style="list-style-type: none"> • Data: Track and share data on vaccine hesitancy/acceptance, and vaccine uptake (rolling equity audit) • Integrate: Integrate vaccination data with surveillance and T&T data, to inform outbreak control /response • Insights: Facilitate the collection and sharing of insights from across London • Evidence: Synthesise the evidence on barriers, enablers and what works • Quality assure: provide PH input/ advice to ensure communications/ interventions are grounded in evidence • Agile system: Ongoing gathering of evidence / learning from the system 	<ul style="list-style-type: none"> • Coordinated and targeted programmes: reaching specific communities. Current focus on BAME, health and care professionals and inclusion health • Sharing resources and assets: maintain an easy access repository of local, regional and national resources that are sensitive to local communities • Network and support London partners: across organisations to make connections, support workstreams • Develop a bureau of professional speakers • Consider other models: MECC 	<ul style="list-style-type: none"> • Adapting programme delivery: understand barriers to access for minority and vulnerable populations, and feed into and refine NHS programme delivery • Training: emphasise and support healthcare staff in their role as a trusted source of health information for key population groups • Impact of vaccination on behaviours: monitor impact of vaccination rollout on social distancing and adherence to other NPIs; develop clear communications and other strategies 	<ul style="list-style-type: none"> • Evaluation: evaluation of local/STP interventions/approaches, with academic support • Listen and learn: Use range of fora and networks to engage, listen and share good practice and understand partners' support needs • Horizon scan/plan ahead: for groups likely to have low uptake, thinking also of messaging for second vaccine • Celebrate success: keep momentum & promote further action • Extending success: use these opportunities/relationships for wider programmes to reduce inequalities more generally

Covid-19 Vaccination Programme in Ealing

The fast and equitable rollout of Covid-19 vaccinations in Ealing is one of the main

Local Vaccination Strategy

- Multi-agency strategy to support the NHS in the roll out of Covid-19 vaccinations
- Data and intelligence informed identification of vaccination sites – faith settings, community venues
- Consistent universal communication and engagement to enhance awareness and reach of messages
- Targeted communication and engagement on the basis of local intelligence
- Close co-operation with NWL, pan London and national work on vaccine uptake and vaccine hesitancy
- Local co-operation with anthropologists from a number of academic institutions to understand context and reasons for local vaccine hesitancy
- Programme of local information webinars and engagement events
- Communication material in a range of local languages

- **Future developments:**

- Embedding of vaccination messaging in local Covid services (testing, contact tracing, self-isolation support etc. using a MECC approach)
- Development of local ‘community champion’ network to embed vaccination messages and improve community resilience

Inequalities – context (*Source of data – ADPH)

- The PHE report on disproportionate impact of COVID-19 in June 2020 demonstrated the disproportionate impact of the pandemic in terms of both morbidity and mortality in Black, Asian and minority ethnic communities
- These inequalities are also reflected in differences in Covid-19 vaccine uptake between ethnic communities as well as individuals and communities with different levels of deprivation
- In August 2020, the London Health Equity Group was formed to provide leadership and coordination to ensure health equity is central to all London level partnership transition and recovery strategies and the London Vision
- In February 2021, ADPH London released a [position statement](#) in supporting Black, Asian and minority ethnic communities during and beyond the COVID-19 pandemic. This statement highlights racism as a public health issue, given the immediate and structural factors that have impacted ethnic minorities, with intentions to develop an action plan to mitigate any further widening of inequalities in 21/22, focusing on five themes. The themes will be aligned with partner organisations priorities for the London Health Equity Delivery Group, and development and delivery of actions will be reported to the London Health Equity Group.

Addressing inequalities in Ealing

The detection and reduction of inequalities runs as a key aim through all themes of this plan. It is based on detailed local data and insights and plans draw on best available evidence and local evidence on effective interventions.

- Whilst the COVID-19 pandemic impacts everyone, we know from national literature and local data that it exposes and exacerbates existing health, social and economic inequalities
- Local data has continually demonstrated sub-borough regional inequalities
- In the first wave, areas most affected by Covid-19 were Southall and Acton
- In the second wave, areas most affected are Southall, Northolt, Greenford
- Such inequalities have multiple contextual and population origins
- In addition to this place-based analysis of inequalities, inequalities can be shown by age, deprivation, occupation group
- Local strategies and interventions to identify and address inequalities include:
 - Borough integrated impact assessment to explore the longer-term, wider impact of Covid-19 on inequalities
 - Weekly data deep-dives to identify areas of inequality around Covid-19 infections, vaccination uptake, as well as hospitalisations and death
 - Monitoring of wider impact measures - unemployment, children and young people – safeguarding, FSMs, housing...number registering as homeless etc.
 - Data and intelligence informs multi-agency approach to both universal and target interventions (communication, engagement, geographic allocation of testing and vaccination sites, support around shielding and self-isolation)
 - Learning from the local race-equality committee

Inclusion Health

Inclusion health as a subtheme of local inequality work has its dedicated workforce across local organisations and is embedded in the strands of this plan, with particular emphasis around the vaccination rollout.

London COVID-19 Find and Treat Service (F&T)

The Find and Treat service, provided by a team from University College Hospitals, is jointly funded by all of London's Local Authorities and the Greater London Authority (GLA) and provide the following for rough sleepers, homeless hostels, hotels, night-shelters, pay to sleep, large houses in multiple occupation (HMOs) and daycentres:

- **Outreach testing and contact tracing:** Telephone clinical triage and on-site testing triggered by reporting of symptomatic cases, testing of contacts and immediate infection control advice on site liaising with the London Coronavirus Response Cell (LCRC).
- **Variants of concern (VOC):** Should VOC postcode surge areas include any homeless or inclusion health settings F&T can support local surge testing.
- **Training and support:** Provision of training for testing and contact tracing for key local staff (e.g. nominated street outreach workers, and others with key trusted relationships).
- **Sentinel screening:** Testing residents and staff of high risk locations (e.g. prioritised based on size, shared facilities etc) to actively monitor the level of asymptomatic carriage. VOC testing data will be collated with sentinel testing.
- **Vaccination:** Vaccination of the homeless population and support to address wider healthcare needs (NHS funded)
- Find and Treat are also funded (via NHSE) to provide outreach testing and contact tracing to asylum hotels in London (funded until end March 2021).

Responding to Variants of Concern (VoCs) – generic 1

(*Source of data – ADPH)

Responding to Variants of Concern (VOCs)

Mutations and variants of the Covid-19 virus can present a significant risk. As well as potentially being more transmissible and leading to more severe clinical consequences for individuals, mutations also present the possibility for Covid-19 variants to more effectively bypass naturally acquired immunity and/or reduce the effectiveness of current vaccines and therapeutics

Local Authorities, alongside and with the support of PHE and NHS Test and Trace at regional and national levels, have a key role to play in the investigation, management and control of COVID-19 variants designated as 'Variants of Concern' or VOCs. The overarching purpose is to restrict the widespread growth of VOCs in the population by:

- 1. detecting, tracing and isolating cases to drive down overall community transmission, and**
- 2. case finding additional VOC cases through whole genome sequencing to help assess the risk of community transmission and determine what further interventions and actions are necessary to contain the variant.**

All local authorities need to be prepared to quickly mobilise a suite of appropriate measures if a VOC is identified in their Borough, including local “surge” testing, and complemented by action to trace contacts and isolate cases as part of a wider strategy to control overall transmission.

Following the identification of a VOC, PHE London's Coronavirus Response Cell (LCRC) will conduct the initial investigation to gather additional information, complete a minimum data set and establish whether there are epidemiological links to countries of concern. Those VOCs without an epidemiological link will require wider investigation and response, and this will be determined jointly between the Local Authority, on the advice of the DPH, and PHE London's Health Protection Team.

The combination, scale and focus of the tools deployed to investigate and control VOCs will be locally led, informed by the data and risk assessment, current epidemiology, knowledge of the local community and grounded in health protection principles and specialist health protection advice. Plans will need to be flexible and adaptable to different circumstances, such as the geography, communities or settings in scope.

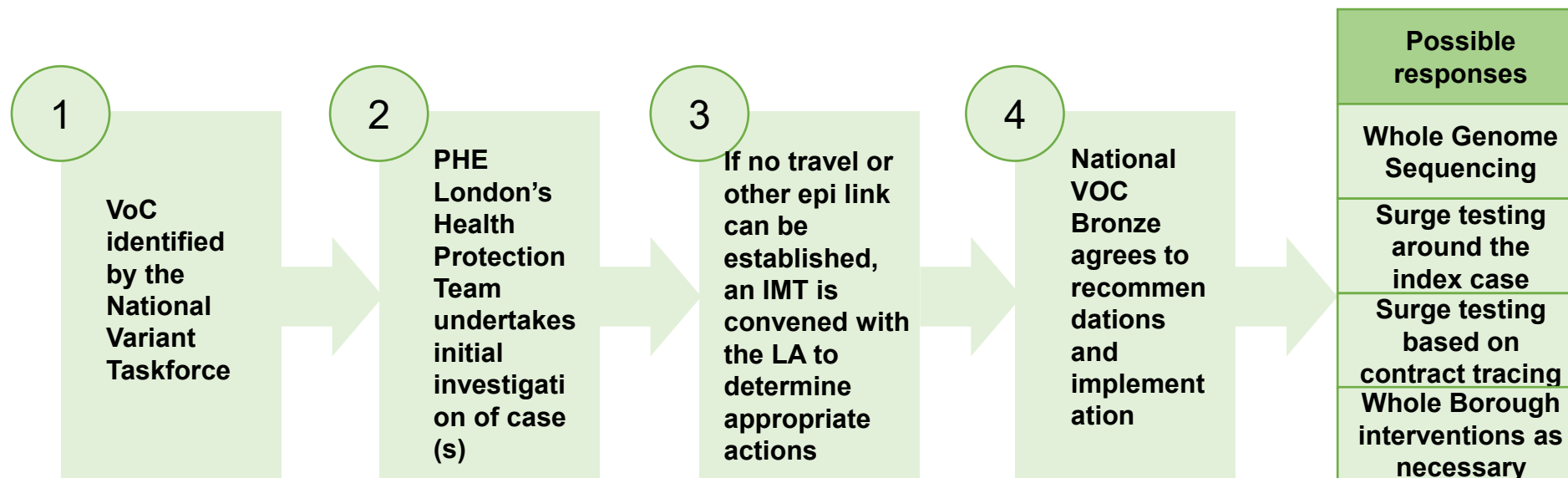
The planned local response to a VOC(s) will need to be reviewed and supported by PHE National VOC Bronze to ensure the response is appropriate to the assessed risk and, critically, that the national support required for implementation of the plan (e.g. whole genome sequencing, surge PCR testing) can be mobilised within available national capacity.

The figure overleaf gives a high level representation of this process, and slide 3 describes the measures and interventions that boroughs should consider deploying as part of their local VOC response.

Variants of concern (VOC) management – generic 2

(*Source of data – ADPH)

Variants of Concern (VoC) Investigation and Management



S1.3 Variants of concern (VOC) management – generic 3

- **Guide to determining Public Health Action- range of approaches**

Whole Genome Sequencing	Increase symptomatic PCR testing	Targeted surge asymptomatic PCR testing	Rapid and enhanced contact tracing	Support for isolation	NPIs
<ul style="list-style-type: none"> • Define and agree coverage/scope of PCR positives for WGS (over & above routine 5% surveillance) including pillar 1, and time period • Data led eg small area/geography around VOC case; setting specific; whole borough • Contingent on national capacity • Explore leveraging local hospital and academic sequencing capabilities 	<ul style="list-style-type: none"> • Consider increasing symptomatic testing capacity via additional MTU deployment, increased or changed opening hours • Enhanced or increased local communications to encourage and ensure people get tested. Start or potentially increase the local booking arrangements for LTS sites 	<ul style="list-style-type: none"> • Determine target population, geography or setting • Determine best operational method(s) for targeted surge testing eg: <ul style="list-style-type: none"> • Door drop model (Council, VCS or other trusted delivery partner, commercial partner) • Collect and drop model • ATS (swapping in PCR for LFDs or including supplementary PCR tests for positives) • Surge of up to 5000 asymptomatic tests • MTUs deployed for asymptomatic testing, not on the national portal, for walk up and booked via local system 	<ul style="list-style-type: none"> • Immediate tracing response to positive cases from the defined area/population ie tracing begins on entry of positive case to CTAS/the trace process • A dedicated team within NHS Trace contacts all positive cases from the defined area, using tailored scripting • LA's Local CT Partnership service works alongside national VOC Trace cell • Re-enforcement of isolation and public health advice to all cases and contacts • Consider using enhanced contact tracing to identify and investigate potential transmission events/clusters as part of wider OB control 	<ul style="list-style-type: none"> • Package of self-isolation support to meet practical and emotional/well-being support needs of cases and contacts • Self isolation payments and discretionary support for those in financial need • Consider enhanced welfare support/follow up calls and other enhancements 	<ul style="list-style-type: none"> • Post national restrictions/lockdown, consider need for targeted, local NPIs/restrictions as part of VOC control approach • Reinforce covid-secure and IPC measures in key settings
					<p>Monitoring and evaluation</p> <p>Evaluation framework in place to assess impact of local measures, inform future VOC response and outbreak control more generally. Requires data on sequencing results to be made available to the LA and IMT in a timely way, to assist with any real-time amendments to the approach, or to inform programme extension and support overall evaluation</p>
<p>Communications and engagement</p> <ul style="list-style-type: none"> • Locally led plan for culturally competent communications and community engagement • Coordination of announcements and clear messages about purpose and restrictions in place during implementation of local variant control measures/surge activities • Ensure alignment of national comms with local comms • Managing the need to inform the public about VOCs without driving negative behavioural or psycho-social outcomes • Harness existing community assets, networks and trusted messengers eg community champions • Specific considerations include: an inbound helpline; a postcode checker on Council website 					

Ealing Response to Variants of concern (VoCs)

Ealing was among the first boroughs in the UK where a case of non-travel related South African variant (SAV) of SARS-Cov2 was detected.

Local response (Phase 1) 1st to 15th February 2021:

- Determination of geographical area in the vicinity of the case enabling 'surge testing' of approximately 10,000 PCR tests over two weeks to determine any further spread of the variant through community transmission
- Door-to-door distribution of PCR tests
- Re-enforcement of stay-at-home messages and support for self-isolation
- In total, almost 9,000 people without COVID-19 symptoms carried out tests. 5,952 home testing kits were collected, and a further 735 kits were collected from local workplaces and settings in the area, e.g. staff at local schools. In addition, 2,281 tests were undertaken at the testing unit based at Dean Gardens Car Park

(A lessons learned document on the Ealing approach to Phase one is available on request)

Local response (Phase 2) 25th February to 25th March 2021:

Following the identification of a small number of further cases of SAV, a second wave of local response was initiated to contain the spread of this variant and reduce the overall transmission of SARS-CoV2. cases were found in the borough later in the month and we are currently in Phase two of Surge Testing.

- Focus is on whole borough, and especially communities with higher prevalence / focus on reducing inequalities
- Daily conversations with DHSC, LCRC and local partners
- Increased Symptomatic Testing through the addition of 2 MTUs (bookable via the national portal)
- Increased Asymptomatic Testing through the addition of Hyper-Local/roving MTU, LTD testing in local pharmacies
- Door-to-door delivery of Home Test kits, which residents are then asked to return to the MTU
- Continued Genome-Sequencing for the duration of phase 2
- Enhanced targeted communication, enforcement capacity, supported self-isolation
- Community engagement pilot with the view to developing longer-term community resilience and reduced inequalities

Step 1a – 8th March, Step 1b – 28th March

1a All schools reopen, leave home for recreation and exercise outdoors with household or one other person, care home residents allowed one regular visitor

1b 'Stay at home' rule ends. Outdoor gatherings (including in private gardens) of either 6 people or 2 households, Outdoor sports (e.g. tennis and basketball courts, open-air swimming pools reopen, formally organised outdoor sports starts.

Regulatory Service Impacts	Community Protection Impacts
<ul style="list-style-type: none">• Misconception that it is now safe and restrictions are over• Increase in high street footfall, shops and public transport• Non-adherence to social distancing and wearing of face coverings	<ul style="list-style-type: none">• Increased activity in parks and open spaces expecting• Numbers of school pupils in high streets and at business premises out of school hours• Non-adherence to social distancing and face covering• Increase in complaints around compliance• Improving weather will lead to increased socialising in public areas• Potential increase in street crime• Potential for increase in street drinking

Mapping our recovery approach against each stage of the roadmap

Council response to step 1

- Universal and target communication to communities around detail of step 1
- Reinforcement of Covid-safe messaging
- Sustained development of local test, trace and isolate programme
- Regular engagement with staff and community groups
- Sustained daily SitReps and meetings with police outlining problem locations and issues and task officers appropriately
- Continue co-ordinated and joint patrols where appropriate between Safer Neighbourhood Teams, Police Response officers, Council Covid Stewards and our ASB Parks and housing estate patrols
- Utilise the Covid Stewards, Safer Neighbourhood Police and Regulatory Enforcement Officers to target high streets and commercial spaces.
- Regular tasking meetings to link in Council resources like CCTV, ASB patrols in parks and housing estates, park rangers and parking provisions to ensure a co-ordinated approach to managing our spaces, particularly over weekends and other periods of intense use.
- Continue to monitor the overall situation on our high streets Ahead of Step 2, start engaging with businesses due to reopen and advise of any updated guidance

Please note multiple services across the Council will be involved in planning around the Roadmap, this document focuses on those within the Outbreak Management Plan.

Step 2 – from 12th April at the earliest

Gym and indoor leisure reopen, rule of 6 outdoors continues , outdoor attractions reopen, eating outdoors permitted, non-essential shops reopen, person care premises resume business, Libraries and community centres open, Household over night stays permitted, Indoor children’s activities resume.

Regulatory Service Impacts	Community Protection Impacts
<p>Increased activity from businesses and shoppers in high streets</p> <p>Possible noncompliance from businesses (open early, non-compliance with guidance)</p> <p>Enforcement required of the only outdoor hospitality requirement and what this actually means</p> <p>Increase in licensed premises returning to normal hours with potential for late night noise.</p> <p>Ensuring indoor leisure is operating in compliance with any required guidelines</p>	<p>Increased ASB activity high streets</p> <p>Increase in footfall around betting establishments</p> <p>Fly tipping and Environment Crime likely to increase</p> <p>Emergence of UMEs and other unauthorized gatherings.</p> <p>Increase in licensed premises returning to normal hours with potential for late night noise.</p>

Mapping our recovery approach against each stage of the roadmap

Council response to step 2

- Increase frontline staff deployment ahead, during and after 12 April on our high streets to advise and support business with their reopening.
- Provide support to high footfall areas where there are likely to be an increase of shoppers.
- Enforcement Team may be able to advise or investigate complaints around queues/crowds at busy premises such as barbers, hair salons and homeware or clothing stores.
- Conduct checks of leisure premises and outdoor hospitality to advise on any new guidance and oversee compliance.
- Target known waste crime hotspots proactively to prevent fly-tipping
- Ahead of Step 3, start engaging with hospitality businesses due to reopen and advise of any updated guidance.

Step 3 – from 17th May at the earliest

Indoor entertainment and attractions, 30 person limit outdoors, Rule of 6 or two households can meet indoors, Organised indoor adult sport.

Domestic overnight stays, Remaining outdoor entertainment including performances, Remaining accommodation to open, International travel review.

Regulatory Service Impacts	Community Protection Impacts
<p>Misconception that it is now safe with outdoor social contact rules lifted</p> <p>People applying the outdoor social contact rules indoors in business premises</p> <p>Enforcement required of any indoor hospitality requirements</p> <p>Communications needed to businesses should there be any variance from the current roadmap or specific directions for certain business types</p>	<p>Increased activity of large groups in parks and open spaces and increase in footfall in town centres and defined crime/ASB hotspot areas.</p> <p>Increased community tensions and possible ASB and increase in Noise Nuisance and demand from dwellings</p>

Mapping our recovery approach against each stage of the roadmap

Council response to step 3

- Review and where required, continue with actions set out above in Steps 1 and 2 Response.
- Ongoing information to businesses and communities.
- Provide support to high footfall areas where there are likely to be an increase of shoppers.
- Conduct checks of leisure premises and outdoor hospitality to advise on any new guidance and oversee compliance.
- Ahead of Step 4, start engaging with businesses and organisations due to reopen and advise of any updated guidance.

Step 4 – from 21st June at the earliest

Nightclubs to reopen, No legal limits on social contact, Larger events, no legal limits on all life events

Regulatory Service Impacts	Community Protection Impacts
Possible noncompliance from businesses trying to open ahead of permitted date If any rules/guidance remains in place, this will need communication and enforcement	Increased activity of all groups of people in public areas leading to UMEs and/or other celebrations

Mapping our recovery approach against each stage of the roadmap

Council response to step 4

- Review and where required, continue with actions set out above in Step 1, 2 and 3 Responses.
- Update businesses with any changes in legislation or guidance.
- Consider specific actions for any problem premises or hotspot areas.
- Respond to any longer term guidance or best practice that may arise towards the end of the pandemic.
- Oversee the removal of signage or other changes to public realm that are no longer considered necessary

Ensuring system resilience

- Maintenance and continuous improvement of local governance and response structures
- Ongoing service infrastructure, e.g. testing, contact tracing
- Sustained, joined-up communication (universal and targeted)
- Sustained community engagement and participation
- Ongoing improvements to the use of data and intelligence
- Sustained join-up between LBE and the local NHS as well as other system partners
- Ongoing identification and reduction of inequalities
- Sustained reduction of viral transmission
- Joined-up response to surges and local variants of concern
- Joined-up vaccination rollout both universal and targeted
- Continuous evaluation, learning and improvement
- Health and Social Care leads cover system resilience through the work plan for the ICP (for example Winter Planning)



Report for:
ACTION

Item Number:

9

Contains Confidential or Exempt Information	YES (Part) Confidential Appendix A - LBE Supplier Support Services Specification contains Exempt Information by virtue of Paragraph 3 of Schedule 12A to the Local Government Act 1972 -
Title	ICT Infrastructure Managed Services Contract
Responsible Officer(s)	Peter Greenham, Head of ICT Edward Axe, Director ICT, IDM, & Property Services (CIO)
Author(s)	Christy VanRooyen, Commercial Planning & Performance Manager
Portfolio(s)	Cllr. Bassam Mahfouz, Portfolio Holder for Finance and Leisure
For Consideration By	Cabinet
Date to be Considered	20 th April 2021
Implementation Date if Not Called In	4 th May 2021
Affected Wards	All
Keywords/Index	ICT, Infrastructure, Contract

Purpose of Report:

This report is to ensure continued ICT infrastructure support for the ICT Infrastructure Managed Services Contract following May 2022 when the current contract expires.

This report seeks approval from Cabinet to:

- authorise the Director of ICT, IDM & Property Services (CIO) to invite and evaluate tenders under a G-Cloud framework agreement for the ICT Infrastructure Managed Services Contract for a duration up to four years commencing June 2022.
- delegate authority to the Director of ICT, IDM & Property Services (CIO) to award the contract for the ICT Infrastructure Managed Services Contract.

1. Recommendations

It is recommended that Cabinet:

- 1.1. Authorises the Director of ICT, IDM & Property Services to carry out a procurement in accordance with rules of the framework for a call off contract from a Crown Commercial Services G-Cloud 12 framework for the ICT Infrastructure Managed Services Contract for a duration of 2 years plus two 1-year extensions commencing June 2022 at an estimated value of £7.000m . The contract will be awarded based upon an evaluation of suppliers that are returned from the digital marketplace search.
- 1.2. Delegates authority to the Director of ICT, IDM & Property Services award a contract for the provision of the ICT Infrastructure Managed Services Contract for a duration of 2 years plus two 1-year extensions in accordance with rules of the framework for both:
 - a) Managed service for up to £0.982m per annum to be funded from the existing ICT Contracts Register annual revenue budget and.
 - b) Project management, technical design and delivering technical projects (integrated with ICT infrastructure server and storage support) for up to £0.768m per annum from the ICT capital budget as and when required by service areas within the council for relevant projects who have the requisite budgets.
- 1.3. Full specification of the required works can be referenced in Confidential Appendix A.

2. Reason for Decision and Options Considered

- 2.1 The existing contract for the supply of ICT management services, ICT Server and Storage Support Contract, currently expires on 31st May 2022. The contract provides services to support, maintain, and deliver key ICT and business outcomes. These services range from maintaining and developing business applications, project management services and technical/non-technical support.
- 2.2 The principal business drivers for this contract include the need to:
 - Deliver better value for money from existing and new ICT investments.
 - Respond to evolving and growing demands of the business, especially under the current circumstances with the global pandemic (COVID- 19)
 - Maintain and enhance data security compliance standards.
 - Position, support, and drive infrastructure environments to support home, flexible and mobile working.

2.3 Following consultation with the Commercial Hub and considering the substantial revenue pressures caused by the global pandemic (COVID -19), there is a need to procure in a cost effective and expedient way. We are therefore seeking to call off from the Crown Commercial Services G-Cloud framework for a single supplier for all off the managed services. Procuring multiple suppliers would result in fragmentation of service with a reduction in quality due to the lack of end-to-end accountability. G-Cloud was identified as the most cost-efficient procurement route as this:

- negates the need for consultancy services to oversee and project manage the tender process and minimises the need for evaluation, procurement, and legal resources.
- option delivers the desired outcome in the shortest time as it provides an off-the-shelf solution without the need for: Invitation to Tender (ITT), Request for price (RFP), Request for quote (RFQ), request for information (RFI) or negotiation.
- Framework is legally compliant and regulated and ensures minimal contractual risk.
- Framework provides an off the shelf solution and transparency as the catalogue displays the supplier's service information and pricing. It is therefore easy to ensure delivery of a solution that is best fit, and the price provides value for money given that the framework was tendered.
- Framework is benchmarked to ensure continued value for money.

3. Key Implications

3.1 The contract award shall deliver value for money ICT Infrastructure managed service for the duration of the contract from an approved G-Cloud agreement, whose supplier can deliver a highly professional, flexible, and dynamic service. The new contractor will be managed effectively from mobilisation, and performance statistics will be reviewed monthly and monitored. This will ensure any concerns raised can be rectified promptly.

3.2 Some of the core determining factors governing procurement options is that the relationship with the supplier should provide the contractual necessities of agility and mobility that provide:

- Flexibility in service level delivery
- Agility to match future direction of strategic level
- Commercial attractiveness to the market
- High quality services
- Sustainability

- 3.3 The standard G-Cloud framework agreement has an initial contract term of 2 years plus two 1-year extensions due to the evolving nature of the ICT marketplace and solutions superseding one another. This ensures any contracts procured through this framework remain relevant to the required technical requirements as consumers have access to the latest technology and innovation with every refresh of the G-Cloud agreement.
- 3.4 Procuring through G-Cloud allows for new services to be added and existing services to be cancelled down, providing adherence to the suppliers notice period. This degree of flexibility allows for tighter spend controls without locking in fixed pricing for services that may not be required in the future. Services will be called off as and when required. Thus, the contract allows a degree of mitigation and future proofing in case of changes across the council.
- 3.5 The services to be included in the Managed Service are referenced in Appendix A – LBE Supplier Support Services Specification and includes, but not limited to, the following: Azure lifecycle services, Managed Virtualisation Servers, Managed Operating System Services, Managed Database Services, Managed Desktop Virtualisation, O365 Lifecycle and Collaboration Services, Managed Infrastructure Application Services , Managed Back up as a Service Support, Managed Unified Communication Support, Managed Dynamics CRM Support, Managed SharePoint Sites and Applications, Managed Certificates and lastly, Managed IP Schema & integrated IT operation services.
- 3.6 Where applicable, should the awarding supplier deliver technical design services, project management and project delivery that relate to a project that is chargeable to another part of the Council, the cost of the service shall be directly funded by the by the Service Area or recharged through a customer acceptance payment from ICT.
- 3.7 ICT follows strict project governance practice which dictates that no work shall be commissioned unless the relevant budget holder demonstrates that budget is available and appropriate approval to spend has been granted.

4. Financial

4.1 This Key Decision is to approve a call-off value of up to £1.750m per annum to be awarded through the Crown Commercial Services G-Cloud framework. Some of the services will be required on an ongoing basis (e.g., ICT Infrastructure Services), others will be called off on an 'as and when' required basis (e.g., project delivery)

4.2 The full value of the contract for the four-year duration will not exceed £7.000m and will be fully funded from existing budgets (relating to revenue & capital) and breaks down as follows:

	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m	Total £m
Budget					
Revenue - ICT Contracts Register Budget	0.982	0.982	0.982	0.982	3.928
Capital - ICT budget (see note 1)	0.768	0.768	0.768	0.768	3.072
Estimated Total Budget	1.750	1.750	1.750	1.750	7.000

Note 1: The capital budget is sufficient to cover the annual call off contract and will be funded by either the ICT capital budgets detailed below or in combination with service capital budgets.

Approval to spend

4.3 The Managed Service cost of £0.982m per annum will be funded from the existing ICT Contracts Register revenue budget.

4.4 This Key Decision also provides the facility to use the services of the supplier for the delivery of technical design and project management, which shall only be used when required. This facility is essential given that the revenue resources that enable ICT to deliver this inhouse have reduced.

4.5 The projects that will require a call-off from this contract shall be funded in the main from capital budgets either held within Service Areas or ICT.

4.6 Services will need to provide capital budgets for such work. However, the any solutions for ICT's own capital projects, best supported through this framework, will be funded from approved ICT capital up to the value of £0.768m.

5. Legal

The call off from a framework as described in this report will be tendered in compliance with the rules of the Crown Commercial Services G-Cloud 12 framework which complies with the Public Contract Regulations 2015.

A financial assessment of the winning supplier will be conducted prior to making the call off.

6. Value for Money

This report recommends an approach that will deliver the best possible value for money outcome for Ealing.

A Specialist IT provider will continue to supply crucial services within budget.

7. Sustainability Impact Appraisal

Not applicable.

8. Risk Management

High risk ICT services will be outsourced to a specialist provider who has an up-to-date and in-depth knowledge and speciality of ICT.

9. Community Safety

ICT underpins the operation of all Ealing departments, including all services related to community safety.

10. Links to the 6 Priorities for the Borough

Efficient delivery of ICT in a cost-effective way supports the delivery of all the council's priorities. ICT failure would affect the Council's ability to deliver the outcomes it has prioritised.

11. Equalities, Human Rights and Community Cohesion

The proposals in this report have been screened and believe there are no diversity implications.

12. Staffing/Workforce and Accommodation implications:

Not applicable.

13. Property and Assets

There are no property implications in this report.

14. Any other implications:

Not applicable.

15. Consultation

There is no requirement for external consultation at this stage

16. Timetable for Implementation

- April 2021 - Key Decision
- May 2021 - Procurement begins
- March 2022 - Contract Award
- June 2022 - New ICT Infrastructure Managed Support Contract begins

17. Appendices

Confidential Appendix A – LBE Supplier Support Services Specification

18. Background Information

April 2017 Cabinet Paper “Proposal for Future ICT Server and Storage support for 2018 Onwards”

March 2018 Cabinet Paper “ICT Server and Storage Support Contract”

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Edward Axe	Director ICT, IDM, & Property Services (CIO)	02/03/2021	09/03/21	Approved by JCB, no further comments.
Peter Greenham	Head of ICT	02/03/2021	09/03/21	Approved by JCB, no further comments.
Kevin Griffin	Chief Information Security Officer	02/03/2021	09/03/21	Approved by JCB, no further comments.
Christy Van Rooyen	Commercial Planning & Performance Manager	02/03/2021	09/03/21	Approved by JCB, no further comments.

Frazer Thomson	ICT Infrastructure Manager	02/03/2021	09/03/21	Approved by JCB, no further comments.
Shabana Kausar	Assistant Director – Strategic Finance	09/03/2021		
Tony Murphy	Finance Business Advisor	09/03/2021	16/03/2021	4. Financial – Table figures corrected.
Chuhr Nijjar	Senior Contracts Lawyer	09/03/2021	09/03/2021	1. Recommendations – Added G-Cloud framework name & existing contract name.
Darren Sullivan	Category Lead, Procurement	09/03/2021	16/03/2021	Approved by JCB, no further comments.
Simon Davis	Interim Assistant Director Commercial Hub	09/03/2021		
External				
Not applicable at this stage				

**Report for:
ACTION**

Item Number:

10

Contains Confidential or Exempt Information	NO
Title	Contract for the provision of a managed service for temporary agency workers
Responsible Officer(s)	Liz Chiles, Director of HR & OD
Author(s)	Andrew Scully, HR Business Partner and Head of HR Operational Services
Portfolio(s)	Councillor Bassam Mahfouz, Finance and Leisure
For Consideration By	Cabinet
Date to be Considered	Tuesday 20 th April 2021
Implementation Date if Not Called In	Tuesday 4 th May 2021
Affected Wards	All
Keywords/Index	Agency workers, agency worker contract, managed services for temporary agency resources, procurement, commercial, Eastern Shires Purchasing Organisation (ESPO), Framework Agreements

Purpose of Report:

Authority is to be sought by Cabinet to conduct a mini competition for a call off contract from the Eastern Shires Purchasing Organisation (ESPO) Framework Agreement for the provision of a managed service for temporary agency workers. The start date of the contract is 9th January 2022 and the contract would be for two years with the option to extend for a further 2 periods of 12 months each.

1. Recommendations

1.1. It is recommended that Cabinet:

Gives authority to conduct a mini competition for a call off contract from the Eastern Shires Purchasing Organisation (ESPO) MSTAR3 Framework Agreement for the provision of a managed service for temporary agency workers which has been effective from 11th April 2019. The start date of the contract is 9th January 2022 and the contract would be for two years with the option to extend for a further 2 periods of 12 months each for an estimated value of £25,136,198 per annum.

2. Reason for Decision and Options Considered

- 2.1. On 13th September 2016 Cabinet granted approval for the Council to enter into a contract with The Adecco Group from 9th January 2017 for a period of three years, with an option to extend for a further one year under the Eastern Shires Purchasing Organisation (ESPO) Framework Agreement for Managed Services for Temporary Agency Resources (MSTAR2). The Adecco group was awarded the contract under Lot 2 (Master Vendor) of the MSTAR2 Framework Agreement, following a collaborative mini-competition exercise led by the London Borough of Newham on behalf of a number of London Boroughs.
- 2.2. On 10th December 2019 Cabinet granted approval to extend the current contract with The Adecco Group from 9th January 2020 to 8th January 2021. The reasons for this were:
- oneSource, working on behalf of the London Boroughs of Havering and Newham council, had been working on arrangements for a new contract and procurement activities had been taking place over Summer/Autumn 2019.
 - oneSource, were presenting to London councils on Tuesday 3 December 2019 the launch of future arrangements under the MSTAR3 Lot1a and Lot1b Collaboration Launch.
 - Decisions needed to be made ahead of this launch on 3rd December 2019 of the best way forward for the council; and
 - Options considered included:
 - Entering into new contractual arrangements effective from 9 January 2020; and
 - Extending the current contractual arrangements for one year from 9 January 2020 to 8 January 2021 to allow time for the most effective and financially advantageous decisions to be made on behalf of the council.

The option of extending the current contractual arrangements for one year for 9th January 2020 to 8th January 2021 was the preferred option which was recommended to Cabinet for approval.

- 2.3. On 10th November 2020 Cabinet authorised the extension of the existing contract with Adecco UK Limited for the provision of Managed Services for Temporary Agency Resources for the duration of one year from 9th January 2021 to 8th January 2022.
- 2.4. The current contract ends on 8th January 2022.
- 2.5. A Managed Services For Temporary Agency Resources – Agency Worker contract will be required from 8th January 2022.

2.6. Options have been considered including:

- Continuing with the current contract using emergency COVID19 procurement regulations.
- Continuing with a contract through joining an appropriate Framework Agreement.
- Re-procuring a contract. This would have significant capacity and resource issues across several Service Areas which have not been planned or budgeted for to date and will be difficult particularly due to COVID-19.
- Providing the service requirements in house. This would have significant capacity and resource issues across several Service Areas which have not been planned or budgeted for and will be difficult; and
- No longer providing agency workers. For a large organisation with circa 3,000 employees it is essential to have a Managed Services For Temporary Agency Resources – Agency Worker Contract to provide additional temporary resources required by the council to deliver its business requirements.

The preferred option is that with effect from 8th January 2022 Ealing Council enters a contract for Managed Services For Temporary Agency Resources – Agency Workers through joining the ESPO Framework Agreement.

3. Key Implications

- 3.1. Ealing Council is a large organisation with circa 3,000 employees (this excludes employees based in Schools) and, as for any organisation of this size, it is essential to have a Managed Services For Temporary Agency Resources – Agency Worker Contract.
- 3.2. The contract is needed to provide temporary additional resources so that the organisation can meet and deliver business requirements etc.
- 3.3. A continued contract is required because any large organisation, such as Ealing Council with circa 3,000 employees, needs to be able to access temporary additional resources from time to time to meet and deliver organisational requirements.
- 3.4. The option of procuring a new Agency worker contract via the ESPO framework is the most sensible route to market and ensures the council will achieve the best possible solution for the council. Procuring via the framework will involve assessing the suppliers who are on the framework against our specification and selection to the provider who best meets our

needs. Social benefits will be assessed as part of the framework supplier evaluation.

- 3.5. The chosen provider will be required to deliver a Managed service portal to enable staff to manage their agency requirements through an on line portal, the service is managed internally by the HR & OD department and the supplier will be subject to regular meetings with management information provided. The chosen provider will be responsible for managing the agency supplier base to ensure compliance and ensure a high level of agency hire.
- 3.6. The contract will be managed by the Director of HR & OD and HR Business Partner and Head of HR Operational Services, who will hold regular contract review meetings with the chosen supplier to ensure the contract is achieving the Key Performance Indicators (KPIs) set and to address issues that arise. In addition, and with the support of the Commercial Hub, HR & OD will carry out annual benchmarking exercises to certify the council is receiving value for money.
- 3.7. Authority is to be sought by Cabinet to permit a mini competition for a call off contract from the ESPO Framework Agreement for the provision of a managed service for temporary agency workers. The start date of the contract is 9th January 2022 and the contract would be for two years with the option to extend for a further 2 periods of 12 months each.
- 3.8. A further report to Cabinet will be made in late Summer/Autumn 2021 with recommendations about the chosen provider following the usual procurement and governance processes.

4. Financial

- 4.1. There are no new direct financial implications on councils overall budgets, as individual services will continue to manage cost of employing temporary agency workers within their existing service budgets.
- 4.2. Under the current contract, ways of achieving cashable and non-cashable savings to the Council have been and continue to be explored both in-house and Adecco UK Limited and meetings with Adecco UK Limited have taken place. Meetings with the future chosen provider will take place to achieve financial and efficiency savings (both cashable and non-cashable).

5. Legal

The ESPO Framework Agreement has been procured in accordance with the Public Contracts Regulations 2015 and the mini competition for the call off contract will be in accordance with its rules.

6. Value For Money

The contract will be managed by the Director of HR & OD, HR Business Partner and Head of HR Operational Services and other staff in the HR & OD department. Regular contract review meetings will be held with the supplier to ensure the contract is achieving the KPIs set and address any issues that arise.

In addition, and with the support of the Commercial Hub HR & OD will carry out an annual benchmarking exercise to certify the council is receiving value for money.

The contract performance information will be shared with the Joint Contracts Board (JCB) on a regular basis.

7. Sustainability Impact Appraisal

Not applicable.

8. Risk Management

Risk management will be managed through regular Service Review meetings.

9. Community Safety

None.

10. Links to the 3 Key Priorities for the Borough

None.

11. Equalities, Human Rights and Community Cohesion

These remain as stated in the reports to Cabinet on 13th September 2016 and 10th December 2019.

12. Staffing/Workforce and Accommodation implications:

These remain as stated in the reports to Cabinet on 13th September 2016 and 10th December 2019.

13. Property and Assets

No implications.

14. Any other implications:

No other implications.

15. Consultation

Please see table below.

16. Timetable for Implementation

The new contract is effective from 9th January 2022. The Council and the chosen provider will need to sign the contract before 9th January 2022.

17. Appendices

None.

18. Background Information

Cabinet – 13th September 2016

Cabinet – 10th December 2019

Cabinet – 10th November 2020.

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Liz Chiles	Director of HR & OD	11.03.2021		
Helen Harris	Director of Legal & Democratic Services	11.03.2021		
Ross Brown	Chief Finance Officer	11.03.2021		
Shabana Kauser	Assistant Director – Strategic Finance	06.04.2021	08.04.2021	4
Anita Hamilton	Finance Business Partner	11.03.2021		
Darren Sullivan	Category Lead	11.03.2021	16.03.2021	1
Chuhr Nijjar	Senior Contracts Lawyer	11.03.2021	16.03.2021 and 08.04.2021	1 and 5
Julie Pickett	Recruitment and HR Administration Manager	11.03.2021		

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Andrew Scully, HR Business Partner and Head of HR Operational Services. 020 8825 6930.

Report for: ACTION
Item Number: <p style="text-align: center;">11</p>

Contains Confidential or Exempt Information	NO
Title	Contract for HR and Payroll IT System
Responsible Officer(s)	Liz Chiles, Director of HR & OD
Author(s)	Andrew Scully, HR Business Partner and Head of HR Operational Services
Portfolio(s)	Councillor Bassam Mahfouz – Finance and leisure
For Consideration By	Cabinet
Date to be Considered	Tuesday 20 th April 2021
Implementation Date if Not Called In	Tuesday 4 th May 2021
Affected Wards	All
Keywords/Index	

Purpose of Report:

To seek Cabinet approval to conduct a call off exercise from the Crown Commercial Services (CCS) G-Cloud 12 framework for the provision of a HR and Payroll IT System and associated managed service. In accordance with the rules of this framework, this would be for a duration of 2 years plus two 1-year extensions.

1. Recommendations

It is recommended that Cabinet:

1.1. Authorise the Director of HR & OD to conduct a call off exercise from the Crown Commercial Services (CCS) G-Cloud 12 framework and award a contract for the provision of a HR and Payroll IT System and associated managed services. In accordance with the rules of this framework, this would be for a duration of 2 years plus two 1-year extensions. The value of the current contract is £499.768.72 over a 2 year period which will be fully met from existing service budget.

2. Reason for Decision and Options Considered

2.1. There is a clear business need for a HR and Payroll IT System due to the significance of its service provisions.

2.2. An average of 16,500 people are paid and circa £22m processed by the “System” monthly. This system contract is critical to the business to manage

payroll, pensions, recruitment, absence management, employee self-service and people management by managers.

3. Key Implications

- 3.1. On 23rd March 2010 Cabinet agreed to award the contract for the Provision of a corporate Human Resources (HR) IT System and Associated Managed Service (the “System”) to Midland Software Limited for a period of ten years commencing on 25 July 2010.
- 3.2. The contract provided an integrated Payroll and HR Information System (the “System”) providing functionality including but not restricted to: maintenance of organisations and posts; maintenance of records for all LBE workers including LBE Employees, Teachers and Administrative staff at LBE Schools and Pensioners; maintaining a history of workers in posts; entering expenses claims; payroll processing; E-Recruitment; Employee and Manager Self-Service; provision of management information; interface with Finance and other systems; and appropriate security and audit trail.
- 3.3. The original contract was entered into in 2010 and renewed in 2017 on the basis of entering into a contractual and working relationship that was based on a practical, disciplined, fact-based approach combined with a genuine intention to achieve a long-term, transparent partnership achieving mutual benefit and offering Ealing value for money for the services delivered by the tenderer.
- 3.4. In 2010 tenderers were encouraged to provide innovative solutions such that both Ealing and the tenderer could employ commercial and operational methods where the methods were mutually beneficial and sustainable for the duration of the contract.
- 3.5. On 17th October 2017 Cabinet authorised the Director of HR & OD to proceed with an extension of the HR and Payroll system contract for a further three years from 21 February 2018 to 20 February 2021 as allowed under the contract, with the current supplier, Midland Software Limited.
- 3.6. On 27th December 2019 the Director of HR & OD a direct award was made to Midland Software Limited by way of a call off from the Crown Commercial Service (CCS) G-Cloud 11 framework for the period 31st December 2019 to 30th December 2021. When the contract was awarded effective from 31st December 2019 case management, pensions data service and mobile modules were bought. Time and effort have been invested in developing the case management module to enable better management information reporting on employee relations cases so that there is the reporting of management information including on protected characteristic information to meet strategic equalities and to meet organisational objectives. The pensions data service module is being developed and increasingly being utilised. The mobile module allows users to access the “System” on PCs, laptops, tablet devices and mobile telephones 24/7/365.
- 3.7. The current contract is for the 24 months from 31.12.2019 to 30.12.2021. The Order Form was issued under G-Cloud Framework Agreement (RM1557.11).

The Call-Off Contract is for the provision of Services under: Lot 2 – Cloud software. The G-Cloud Services provided under the Lot are: Hosting of iTrent; iTrent software modules and SAP Business Objects for a maximum of 8,000 employee and 8,500 pensioner records.

- 3.8. Ealing Council is a large organisation with circa 8,000 employees (this includes employees based in Schools), circa 8,500 Pensioners as well as outside organisations i.e. Greener Ealing Limited (GEL), Broadway Living Limited (BL) and Academy Schools etc. As for any organisation of this size, it is essential to have a corporate HR IT System and Associated Managed Service to provide HR/employment services to employees, managers and the organisation.
- 3.9. The requirement for a “System” cannot be eliminated because any large organisation such as LBE with circa 8,000 employees (this includes employees based in Schools) and circa 8,500 Pensioners needs to have a “System” to provide HR/employment services to employees, managers and to the LBE organisation.
- 3.10. An average of 16,500 people are paid and circa £22m processed by the “System” monthly.
- 3.11. The “System” is used by employees & managers of LBE and pensioners daily. The “System” links to LBE finance and other organisations e.g. First Care (LBE’s Nurse led absence management reporting system) systems. The “System” is used through manager and employee self-service. The “System” is web based and available 24/7/365 from anywhere in the world. The “System” is well established in LBE and easy to use with simple online processes. The “System” provides essential HR/employment related management information.
- 3.12. The current contract ends on 30.12.2021.
- 3.13. A new contract is required from 31.12.2021.
- 3.14. The preferred procurement route would be to procure a new contract through Crown Commercial Services (CCS) G Cloud framework. ESPO are currently tendering for HR and payroll software however the contract is not due to start until August 2021.
- 3.15. Suppliers shortlisted through G Cloud will be assessed using the Most Economically Advantageous Tender (M.E.A.T) process to evaluate multiple suppliers against pre-determined criteria. Considerations to ensure best fit will be based on: whole life cost, cost effectiveness and running costs; technical and functional merit; and value for money.
- 3.16. Approval is required from Cabinet approval to conduct a call off exercise from the Crown Commercial Services (CCS) G-Cloud 12 framework for the provision of the HR and Payroll IT System and associated managed service.

4. Financial

- 4.1. The ICT (CIO) and Property Services department are currently responsible for paying the annual licence fee for circa 16,500 users, with an annual cost of £0.250m. This is funded through budget held by the service.
- 4.2. Any increase in annual contract costs will be managed through a combination of the following to release both cashable and non-cashable savings to ensure that any new contractual arrangement is fully funded from existing service budgets;
 - negotiations with the successful supplier;
 - charging for increased licence costs provided to other parties (i.e. Greener Ealing Limited {GEL}, Broadway Living {BL} and any new Schools purchasing services etc); and
 - reviewing existing contractual arrangements to see if services/modules can be decommissioned if no longer required i.e. paper payslips etc
- 4.3. Savings will be sought through negotiations with suppliers on the Crown Commercial Services (CCS) G-Cloud 12 framework.
- 4.4. Further cashable and non-cashable savings will also be explored.

5. Legal

- 5.1. The Crown Commercial Services (CCS) G Cloud 12 framework has been procured in accordance with the Public Contract Regulations 2015. The call off exercise will be conducted in accordance with the rules of this framework which limits the term of the call off contract to a duration of 2 years plus two 1-year extensions.

6. Value For Money

- Savings will be sought through negotiations with suppliers on the Crown Commercial Services (CCS) G-Cloud 12 framework.
- Further cashable and non-cashable savings will be explored.
- Considerations to ensure best fit will be based on: whole life cost, cost effectiveness and running costs; technical and functional merit; and value for money.
- SLA reviews.
- Spend reviewed and monitored by the HR & OD Department.
- Any increase in annual contract costs will be managed through negotiations with the successful supplier, charging for increased licence costs (i.e. Greener Ealing Limited {GEL}, Broadway Living {BL} and any new Schools purchasing services etc) and reviewing existing contractual arrangements to see if services/modules are no longer required i.e. paper payslips etc
- The contract will be managed by the Director of HR & OD, HR Business Partner and Head of HR Operational Services and other staff in the HR & OD department. Regular contract review meetings will be held with the

supplier to ensure the contract is achieving the KPIs set and address any issues that arise.

- In addition, and with the support of the Commercial Hub HR & OD will carry out an annual benchmarking exercise to certify the council is receiving value for money.
- The contract performance information will be shared with the Joint Contracts Board (JCB) on a regular basis.

7. Sustainability Impact Appraisal

Not applicable.

8. Risk Management

No risks have been identified by using the Crown Commercial Services (CCS) G-Cloud 12 framework.

9. Community Safety

None.

10. Links to the 3 Key Priorities for the Borough

None.

11. Equalities, Human Rights and Community Cohesion

An EAA was attached as Appendix 2 to the Cabinet report dated 17th October 2017. The contents of this EAA still apply.

12. Staffing/Workforce and Accommodation implications:

None.

13. Property and Assets

There are no property implications.

14. Any other implications:

No other implications.

15. Consultation

Please see Consultation tables below.

16. Timetable for Implementation

The new contract is required to be effective from 31st December 2021.

17. Appendices

None.

18. Background Information

Cabinet report dated 15th September 2009.

Cabinet report dated 23rd March 2010.

Cabinet report dated 17th October 2017.

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Liz Chiles	Director of HR & OD	10.03.2021		
Helen Harris	Director of Legal and Democratic Services	10.03.2021		
Ross Brown	Chief Finance Officer	10.03.2021		
Shabana Kausar	Assistant Director – Strategic Finance	17.03.2021	17.03.2021 and 08.04.2021	1, 4.1 and 6
Lara Balogun	Payroll & iTrent System Manager	10.03.2021		
Chuhr Nijjar	Senior Contracts Lawyer	10.03.2021	08.04.2021	Throughout
Darren Sullivan	Category Lead	10.03.2021		
Anita Hamilton	Finance Business Manager	10.03.2021		

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Andrew Scully, HR Business Partner and Head of HR Operational Services. 020-8825-6930.

Report for: DECISION
Item Number: 12

Contains Confidential or Exempt Information	No
Title	Private Rented Sector Licensing Schemes Renewal
Responsible Officer(s)	Dipti Patel (Director of Place Delivery)
Author(s)	Allison Forde (Head of Property Regulation, Planning Enforcement and Environment) Rachel Fell (Property Regulation Lead Practitioner)
Portfolio(s)	Councillor Joanna Camadoo-Rothwell (Community Safety & Inclusion)
For Consideration By	Cabinet
Date to be considered	20 th April 2021
Implementation Date	4 th May 2021
Affected Wards	All
Keywords/Index	Private Rented Sector, Additional Licensing, Selective Licencing, HMOs

<p>PURPOSE OF REPORT</p> <p><u>The purpose of this report is to:</u></p> <ul style="list-style-type: none"> • To provide an update on the Council’s current private rented property licensing schemes and present up to date evidence of poor housing conditions, deprivation, crime, anti-social behaviour (ASB) and environmental nuisance linked to the private rented sector in Ealing. • Set out the process for the renewal of these licensing schemes, with some amendments. Properties which meet the criteria of these schemes would be required to be licenced for a period of up to 5 years. • Seek a decision from Cabinet to carry out a statutory consultation with all key stakeholders that would be affected by the proposals to renew the licensing schemes.
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1. RECOMMENDATIONS

It is recommended that Cabinet:

- 1.1 Notes the progress made with improving the private rented sector (PRS) since January 2017 following the introduction of additional House in Multiple Occupancy (HMO) licensing boroughwide and selective licensing of all other PRS properties in the wards of Acton Central, East Acton, South Acton, Southall Broadway and Southall Green.
- 1.2 Notes the evidence report highlighting the scale of poor housing conditions, deprivation, crime, anti-social behaviour (ASB) and environmental nuisance linked to the private rented sector in Ealing.
- 1.3 Authorises the Director of Place Delivery to commence a statutory consultation exercise with residents, private landlords, businesses and other key stakeholders on proposals for additional and selective licensing schemes for five years from 2022.
- 1.4 Notes a further report with the outcome of the consultation will be brought to November 2021 Cabinet with recommendations as to whether or not to renew the additional and selective licensing schemes.

2. REASON FOR DECISION AND OPTIONS CONSIDERED

Background

- 2.1 Ealing is among the largest Boroughs in London with a population estimated at 346,908 in 2018. Population projections by the GLA anticipate that this will increase to 398,309 by 2031.
- 2.2 Currently there are over 143,863 residential properties in the borough and 54,776 are estimated to be in the private rented sector. Based on tenure modelling undertaken in January 2021, Ealing's PRS is now calculated to be 38.1% of housing stock. This compares to 23% of households in 2011 (ONS) and represents a 65.7% increase over the last 10 years. By comparison owner occupation has shrunk from 55% in 2011 to an estimate of 42% in 2021, whilst social renting has been virtually static at 20%
- 2.3 Ealing is consistent with London in that it has a shortage of affordable housing and a shrinking prevalence of owner-occupation. These facts together with the projected increase in population indicate that the size and importance of the PRS will continue to grow and be the only type of accommodation available to many Ealing residents including persons who are on low incomes and are vulnerable. The PRS is also becoming the only sector available to older persons, including those of retirement age, who have not been able to buy their own home.
- 2.4 Housing conditions in the PRS are, on average, often in worse condition than in other tenures. The coronavirus pandemic has highlighted that housing and health inequalities are a factor in exacerbating the spread of covid-19, as well as other illnesses such as cancer, respiratory and cardiovascular diseases.

- 2.5 Black, Asian and Minority Ethnic groups are disproportionately likely to suffer from poor housing, which will not only have an impact on their health but can also have a detrimental impact on safety, education and life chances.
- 2.6 HMOs remain an important and integral part of the housing supply and meet the demands of a whole range of residents. The term HMO applies to a wide range of forms of housing normally in the private rented sector, for example, hostels, 'bed and breakfast' accommodation, halls of residence and supported housing regimes. HMOs are the cheapest form of private rented accommodation and often house people who are vulnerable, disabled and or are living on low incomes. Unfortunately, housing conditions in HMOs are often some of the worst in the PRS.
- 2.7 Licensing allows a local authority to adopt a much more proactive approach to tackling poor housing conditions and raising standards in the PRS. Licensing encourages good practices and imposes a level of self-regulation as licenses will not be granted if at point of application a landlord is not able to demonstrate that they comply with fire, gas and electrical safety conditions.
- 2.8 Mandatory HMO licensing under Part 2 of the Housing Act 2004 operates nationwide and this applies (generally) to larger HMOs that are occupied by five or more persons in two or more households. Larger HMOs are considered to be higher risk hence the requirement for all local authorities to operate a mandatory HMO licensing regime.
- 2.9 Sometimes it isn't just the larger HMOs that cause concern. If a local authority is aware of demonstrable problems associated with smaller HMOs (i.e. those not meeting the mandatory definition), then it has powers under the Housing Act 2004 to designate an area or areas to be subject to additional licensing in respect of some or all HMOs not already subject to mandatory licensing. However, unlike mandatory licensing which runs indefinitely, additional licensing can only last for up to 5 years. Ealing currently has a boroughwide additional HMO licensing scheme which includes HMOs occupied by four or more persons and some so called "section 257" HMOs. This boroughwide additional licensing scheme is due to expire on 31 December 2021.
- 2.10 In addition to HMO licensing, where an area has demonstrable problems associated with low housing demand, poor housing conditions, ASB, deprivation, migration or crime, the Housing Act 2004 enables local authorities to introduce a selective licensing scheme which is applicable to all private rented dwellings (typically single household dwellings) not just HMOs. Like with additional licensing, selective licensing can only last for up to 5 years. Ealing currently operates selective licensing in the wards of Acton Central, East Acton, South, Acton, Southall Broadway and Southall Green and the scheme is due to expire on 31 December 2021.
- 2.11 The current licensing schemes have ensured that there has been good progress in improving property standards for residents living in the PRS and reducing ASB. However poor housing conditions remain prevalent in Ealing's growing PRS and many dwellings in the PRS remain unlicensed or do not meet the necessary criteria to be licensed within the existing licensing schemes.

- 2.12 In order to build on the successes of the current licensing schemes and to continue to protect as many tenants living in the PRS as possible, the evidence supports the Council in renewing both its additional and selective licensing schemes.
- 2.13 The option of the Council not renewing both its additional and selective licensing schemes, relying on only the mandatory schemes, will lead to a deterioration in the standards of housing across the whole borough.
- 2.14 This report provides cabinet with an overview of the provisions of the Housing Act 2004 that set out the process for the renewal of the licensing schemes and seeks agreement to consult and gauge opinion with all key stakeholders that would be affected by the proposals.
- 2.15 These are two distinct schemes that will, if introduced, operate in parallel to mandatory HMO licensing and as part of the Council's wider strategies for housing and other related issues.
- 2.16 The decision to designate an additional HMO licensing scheme can be agreed locally by the Council's Cabinet. However, should the overall size of a renewed selective licensing scheme cover more than 20% of the geographical area or would affect more than 20% of private rented properties in the local authority area, approval from the Secretary of State will be required to proceed with the scheme.

3. KEY IMPLICATIONS

Licensing in Ealing: the current position

- 3.1 On 1st January 2017, the Council, introduced a boroughwide additional HMO licensing scheme and a selective licensing scheme in the wards of Acton Central, East Acton, South Acton, Southall Broadway and Southall Green. These schemes operate alongside national mandatory HMO licensing but will expire on 31 December 2021.

Since the introduction of the schemes 2239 HMO licences and 8069 selective licences have been granted.

LICENCE TYPE	APPLICATIONS RECEIVED	LICENCES GRANTED
MANDATORY	1524	1404
ADDITIONAL	987	835
SELECTIVE	8758	8069
TOTAL	11269	10308

A ward analysis of all licences granted is detailed at **Appendix 1**.

Improvements in poor property conditions

- 3.2 Through the licensing schemes, the Council has been able to improve basic standards in often the most dangerous housing at the bottom end of the housing

market where some of the most vulnerable people in society live. All licences have conditions attached which must be complied with, enabling the Council to regulate the private rented sector, improve housing conditions and promote better standards of management.

- 3.3 In particular we have been able to impose a level of 'self-regulation' in the private rented sector as landlords will not be granted a licence unless they are able to demonstrate at the point of application that they comply with fire, gas and electrical safety conditions.
- 3.4 Licensing requires landlords to proactively manage their properties and to take reasonable action to address any identified problems so that they comply with licence conditions.
- 3.5 Generally, where a landlord is intentionally operating without a licence it is highly likely that the licensing regime and inspection process will uncover further offences which officers will take action against.
- 3.6 Since the start of the licensing schemes, Ealing's Property Regulation team has served over 640 statutory notices across the full remit of Housing and Environmental Health legislation, bringing about much needed improvements and raising the standards of poor accommodation across the borough for the benefit of many tenants.
- 3.7 The case studies at **Appendix 2** show examples of the benefits of licensing schemes and how they have improved property conditions across the borough.

Reduction in Anti-Social Behaviour

- 3.8 Poorly managed privately rented properties have a negative impact on many neighbourhoods. In particular high levels of noise complaints, and accumulations of rubbish can be linked to the failure of private landlords to manage their properties and tenancies effectively.
- 3.9 Poor waste management and fly tipping particularly in HMOs has been cited as a major ASB issue in many wards. All HMO licences contain a condition that the licence holder must provide adequate sized bins and sufficient recycling containers for the occupiers. They must also display a notice for the occupiers of the property indicating the day of the week rubbish and recycling is collected. The notice must also state any Council specific requirements e.g. that rubbish and recycling should be left at the edge of the property, before 7 a.m. on the morning of the scheduled collection day or at the earliest, the evening before.
- 3.10 Working with Envirocrime colleagues a focus group was facilitated with local residents to discuss how the Council could deal with the issues of waste in rented properties. Through partnership working and sharing of intelligence we continue to educate both landlords and tenants on their responsibilities in terms of waste disposal.
- 3.11 When a property is overcrowded this is often linked to an increase in noise complaints. Through licensing we have been able to limit the number of

occupants in a property, reducing overcrowding and the likelihood of noise nuisance.

- 3.12 Through licensing, in order to ensure they do not breach licence conditions, there has been a notable increase in landlords managing their properties effectively including the enforcement of tenancy conditions to combat incidences of anti-social behaviour caused by their tenants or people visiting their properties.

Engagement with landlords and letting agents

- 3.13 We recognise that the majority of landlords in the borough are both responsible and cooperative. Therefore, in the first phase of the scheme implementation the department took a more educational approach seeking to work with landlords and bring about compliance through informal means. Over 100 letting and managing agents were visited and advised on the requirements of the new schemes.

- 3.14 At the launch of the schemes the Council offered a concessionary discount of 25% to landlords who promptly applied for a licence during a 3 month 'early bird' period. Compliant landlords were keen to take up this offer, with 3095 applications being received during this period.

- 3.15 We have particularly encouraged landlords to become accredited to increase their professionalism in managing their properties. Through accreditation landlords are able to achieve a level of knowledge and competence before letting a home, which is key to raising standards in the private rented sector. Accredited landlords are eligible to receive a £75.00 discount on the licence fee. As of January 2021, Ealing had 1,425 landlords accredited to the London Landlord Accreditation Scheme, which is the second highest figure of all London boroughs.

- 3.16 Detailed guidance for landlords on their legal obligations and responsibilities has been produced and made available on-line. A quarterly newsletter is also sent to all licensed landlords containing relevant news articles, information on legal developments and links to any available grants.

- 3.17 The information gathered through property licensing enabled the Council to proactively support landlords to understand and implement the government-imposed restrictions to minimise the spread of Covid-19. Practical guidance was given to all landlords of HMOs to help limit the spread of the disease in shared accommodation, including A4 posters to be printed and displayed within the HMO.

Engagement with tenants

- 3.18 Through publicity of the licensing schemes, tenant awareness of the minimum standards to be expected in rented accommodation has dramatically increased. Tenants have been encouraged to report landlords who do not comply with licensing conditions. Since the start of the licensing schemes the Council has

received 9,931 complaints from tenants in the private rented sector. Resulting in significant interventions and property improvements.

- 3.19 Where properties have been unlicensed the Council has been able to provide supporting information to assist with tenants seeking Rent Repayment Orders.
- 3.20 During the coronavirus pandemic, practical guidance was also sent directly to all occupants of HMOs, including A4 posters with the latest NHS advice to be displayed in all shared areas of the HMO.

Unlicensed properties

- 3.21 In the second phase of the implementation of the licensing schemes resources were focused on identifying unlicensed premises. Over 5000 properties have been visited during street surveys and over 6000 letters have been sent to landlords warning them of the consequences of failing to license their properties.
- 3.22 Working in partnership with the London Fire Brigade and Enviro Crime colleagues, high visibility action days have been undertaken in the selective licensing wards, to identify unlicensed properties and those that may have inadequate fire safety and/or waste disposal provisions.
https://www.ealing.gov.uk/news/article/1617/council_teams_up_with_fire_brigade_to_improve_local_homes
- 3.23 During this phase where compliance could not be achieved informally, landlords have been prosecuted. The Council is also using its Civil Penalty powers which were brought into law under the Housing and Planning Act 2016, to help councils tackle rogue landlords and agents.
- 3.24 In 2020 following a fatal house fire in an unlicensed HMO the investigation resulted in the landlord, letting agency and its directors being fined the maximum £30,000 each by the council for the safety failures contributing to the fatalities. Upon appeal to the Residential Property Tribunal, those fines, totalling £120,000 were upheld.

[Fatal fire in unlicensed HMO leads to £120,000 penalty for the landlord and managing agent | London Property Licensing](#)

Intelligence led enforcement

- 3.25 The licensing schemes has enabled the Council to create a 'level playing field' for responsible landlords by taking a much more robust approach in respect of the minority of so called 'rogue' landlords who fail to invest in their properties and meet their legal obligations. Through intelligence gathered via service requests or licence applications we are able to target our inspections to both identifying unlicensed properties and also to those properties that are deemed to be a high risk priority property. Targeted enforcement action ensures robust interventions are taken which often acts as a deterrent to other landlords in the borough, and ensures improvements are achieved for the benefit of their tenants and the wider community.

Licence compliance

- 3.26 The final phase of the administration of the schemes is to ensure that where a licence has been granted, the licence conditions are being complied with. Inspections are being carried out in accordance with their risk assessment. Those properties with the highest risk factors being inspected first. Desktop inspections or audits are also undertaken where license holders are requested to produce relevant safety certificates in accordance with their licence conditions.

Joint working initiatives

- 3.27 The licensing schemes have engendered closer working with partners such as the fire service, police, community safety team and enviro crime colleagues enabling a holistic approach to all the problems which may be present at a single address.
- 3.28 The intelligence obtained through property licensing has also improved knowledge of the prevalence of outbuildings throughout the borough. This has enabled more cross-departmental working with the Planning Enforcement team to take action against illegal and unsafe outhouses or so called 'beds in sheds'.
[Ealing Council demolish illegal outbuilding and send landlord the bill | London Property Licensing](#)
- 3.29 The Property Regulation team has also joined together with colleagues from Hounslow, Hillingdon and Slough, looking for innovative ways of tackling unscrupulous landlords who break the law. The partnership is backed by a Government grant of over almost £60,000, to untangle the web of family and company owned properties that 'Portfolio Criminal Landlords' use to disguise their operations which can extend over borough boundaries.
- 3.30 The table below provides a summary of the licensing schemes key achievements and work undertaken to improve property conditions and anti-social behaviour.

SUMMARY	TOTAL
Applications received (all schemes)	11269
Licences granted (all schemes)	10308
Number of accredited landlords	1425
Properties visited as part of street surveys	5000
Licence Compliance Checks/Audits undertaken	3723
Warning Letters issued	6000
Properties brought into compliance (licence submitted) following receipt of warning letter	75%
Service Requests (complaints) received and responded to	9931
Housing & Public Health Statutory Notices served	642
Civil Penalties (policy adopted May 2019)	44
Prosecutions	8

- 3.31 As demonstrated above the licensing schemes have enabled the Council to make a real and notable difference in driving up improvements in Ealing's private rented sector and protecting the most vulnerable in the community.

The Case to Support Additional and Selective Licensing

3.32 Part 2 of the Housing Act 2004 and the Selective Licensing of Houses (Additional Conditions) (England) Order 2015 set out the criteria and considerations that the Council must be satisfied are met when considering designating a selective licensing area. These general conditions are:

- That the area is, or is likely to become, an area of low housing demand
- That the area is experiencing a significant and persistent problem caused by antisocial behaviour
- The area has poor property conditions
- The area has high levels of migration
- The area has high levels of deprivation
- The area has high levels of crime.

3.33 Metastreet Ltd were commissioned to undertake an in-depth review of Ealing's housing stock and assess housing stressors related to key tenures, particularly the private rented sector.

The main aim of this review was to investigate and provide accurate estimates of:

- Current levels of PRS properties and tenure change over time.
- Information on the number of HMOs as a subset of the PRS.
- Levels of serious hazards that might amount to a Category 1 hazard (HHSRS).
- Other housing related stressors, including antisocial behaviour (ASB), service demand, population and deprivation linked to the PRS.

3.34 Metastreet has developed a stock-modelling approach based on metadata and machine learning to provide insights about the prevalence and distribution of a range of housing factors. The models are developed using unique property reference numbers (UPRN), which provide detailed analysis at the property level.

3.35 The report 'London Borough of Ealing Private Rented Sector: Housing Stock Condition and Stressors Report' dated January 2021 is attached as **Appendix 3**. The key findings are summarised as follows:

3.36 Ealing has a large PRS. 54,776 dwellings are currently predicted to be PRS, accounting for 38.1% of all dwellings in the borough. This high prevalence of PRS is found throughout all wards in the borough and is consistently higher than the national average (19%).

3.37 As well as having a mixture of high and low deprivation wards, Ealing has high rents, above London average private rented property possession claims, fuel poverty and homelessness. All wards are rated higher than the national average for barriers to housing and services.

- 3.38 Poor housing conditions are prevalent in all wards throughout Ealing's PRS. Furthermore, 2.2% of PRS dwellings have an EPC rating of F and G, which is below the statutory minimum requirement.
- 3.39 Ealing has a relatively high number of HMOs across all wards with ASB significantly higher in HMOs than in any other tenure.
- 3.40 The Council receives significant numbers of complaints from tenants in the private rented sector, the service recorded 9,931 complaints over a 5-year period.
- 3.41 The Council makes large numbers of statutory interventions in the private rented sector. Council enforcement officers served 1,254 housing, public health and planning enforcement notices over 5 years.
- 3.42 These key findings and indicators have been used to develop Ealing's proposals for additional and selective licensing as detailed below; and will enable the Council to take a targeted approach to tackling poor housing across the borough.

Proposals for an additional HMO licensing scheme

- 3.43 The Stock Condition and Stressor report shows that Ealing has a relatively high number of HMOs (8360) across all wards. This consists of two categories; HMOs that share basic amenities (5113) and HMOs which are converted properties with multiple flats that share common parts (3,247). Some wards show higher concentrations of HMOs (Hanger Hill, Acton Central and South Acton) but generally HMOs are distributed throughout the whole borough.
- 3.44 Poor housing conditions are prevalent in Ealing's HMOs, with nearly half (46%) of the "shared amenities" HMOs predicted to have serious (category 1) housing hazards. Poor standards are compounded by other factors such as ASB, deprivation, fuel poverty and affordability. HMOs that share common parts (or so called "section 257" HMOs) are usually older buildings converted into flats either under considerably older building regulation standards or converted without any due consideration of the required standards. They are also more likely to experience serious (category 1) housing hazards than other tenures. Common issues found in both categories of HMO include lack of adequate fire and electrical safety provisions, inadequate amenities and heating provision and overcrowding.
- 3.45 Anti-social behaviour across the PRS is considered to be moderate, with 6025 incidents recorded over the past five years. These incidents were distributed fairly consistently throughout all wards in Ealing, with the highest being East Acton and Acton Central. However, ASB is significantly higher in HMOs than in other tenures. Nearly half (40.3%) of all ASB investigations in the PRS stemmed from HMOs across all wards, again with East Acton and Acton Central having the highest number of incidents.
- 3.46 ASB incidents linked to HMOs in the PRS usually occur where management of the property is poor. These issues include noise, verbal abuse, harassment, intimidation, nuisance animals, nuisance vehicles, drugs and substance misuse, domestic violence, rubbish and fly tipping.

- 3.47 Ealing's existing boroughwide additional licensing scheme has ensured good progress in identifying smaller HMOs. Currently 835 additional HMO licences have been granted (987 applications received).
- 3.48 Since 2017 the Council has issued 565 housing, public health and planning enforcement notices in relation to HMOs bringing about much improvements to property conditions.
- 3.49 The evidence however demonstrates that there is more work to do. The Council considers that a significant proportion of HMOs boroughwide are being managed ineffectively. Many are still experiencing serious housing hazards and significant ASB. It is vital that all HMOs are of an adequate standard and offer a safe home for their (often vulnerable and low income) occupiers. The Council are satisfied that by renewing the additional licensing scheme this will enable the Council to continue its work to improve this important tenure and will significantly assist with dealing with the problems identified.
- 3.50 As such, it is proposed that the Council consult on **renewing a boroughwide additional HMO licensing scheme**.

A licence will be required for all HMOs rented to 3 or more occupiers in 2 or more households that share (or lack) toilet, washing or cooking facilities. This excludes houses in multiple occupation that require a mandatory licence.

An additional HMO licence will also be needed if you are an owner or a person in control of a "converted building" HMO as defined by s257 of the Housing Act 2004, but only where the building and any rented flats in the building are in the same ownership or control, or considered by the housing authority to be effectively in the same ownership or control. This will include buildings within mixed use development or over non-residential accommodation. Any owner-occupied flats or flats demised to separate leaseholders will not form a part of the licence. An additional s.257 HMO licence will not be required where the building has been converted into no more than two flats.

- 3.51 The proposed additional HMO licence conditions are attached as **Appendix 4**
- 3.52 Following consultation, the decision to implement an additional HMO scheme can be agreed locally by the Council's cabinet and could be implemented in early 2022.

Proposals for a selective licensing scheme

- 3.53 The Stock Condition and Stressor report shows that poor housing conditions are prevalent in Ealing's PRS. 12,063 PRS properties are predicted to have at least 1 serious hazard (Category 1, HHSRS). This represents 22% of the PRS stock, higher than the national average (13%).
- 3.54 East Acton (1,224), Acton Central (1,099) and Southall Green (1,089) have the highest number of properties with at least one Category 1 hazard.
- 3.55 The council receives a significant number of complaints from tenants in the private rented sector. With tenants living in East Acton (1564), Southall Green

(1085) and Acton Central (1042) making the highest number of complaints over a 5-year period.

- 3.56 In response to non-compliance in the private rented sector the Council has served a significant number of statutory notices over 5 years. Southall Green (200), Southall Broadway (148) and East Acton (115) were issued with the most statutory notices

Table 1 below provides a summary overview of Ealing PRS by ward

Table 1. Ward PRS summary overview

Ward	Percent PRS (%)	% of dwellings with serious hazards (Cat 1)	No. of dwellings with serious hazards (Cat 1)	No. of disrepair complaints received	No. of housing & public health Statutory Notices served	No. of ASB incidents
Acton Central	45.2	33.73	1,099	1042	37	365
Cleveland	28.0	15.59	267	164	13	197
Dormers Wells	26.3	27.37	341	268	12	167
Ealing Broadway	46.9	13.98	508	317	26	311
Ealing Common	44.0	13.04	370	240	23	268
East Acton	57.0	19.86	1,224	1564	76	501
Elthorne	37.3	13.98	354	218	9	232
Greenford Broadway	36.5	18.75	481	329	24	318
Greenford Green	30.6	23.57	408	265	22	274
Hanger Hill	46.2	17.25	530	335	24	330
Hobayne	26.0	19.89	292	172	8	223
Lady Margaret	31.6	30.14	403	332	21	160
North Greenford	29.4	26.18	417	299	15	261
Northfield	34.5	16.15	314	166	13	219
Northolt Mandeville	26.3	19.73	310	186	8	224
Northolt West End	27.6	20.21	331	181	7	247
Norwood Green	28.6	16.32	249	181	20	167
Perivale	36.7	23.74	516	374	24	289
South Acton	38.9	26.89	839	832	30	273
Southall Broadway	42.2	53.48	1,015	993	82	190
Southall Green	54.1	38.87	1089	1085	124	274
Southfield	38.7	12.81	341	183	7	249
Walpole	38.7	15.93	365	205	17	286

(Source: Ti 2021)

- 3.57 Ealing’s current selective licensing scheme applies to the five wards of Acton Central, Acton South, East Acton, Southall Broadway and Southall Green. Through selective licensing the Council has been able to make some improvement to PRS dwellings in these wards. Currently 8069 selective licences have been granted (8758 applications received).
- 3.58 However, the stock modelling shows that substantive concerns with poor housing conditions in the PRS remain in these wards and beyond in most other wards in the borough. As with the HMO sector, poor standards are compounded by other factors such as deprivation, fuel poverty, affordability and homelessness.
- 3.59 In order to continue work to drive up improvements to the PRS as a whole, it is proposed to consult on increasing the geographical area of the selective licensing scheme by adopting a phased approach.
- 3.60 **Phase 1 - Designation 1**

This designation includes the following **three wards**.

Ward	Area sq.kms	Total PRS	Percent PRS (%)	No. of dwellings with Cat 1 hazard	% of dwellings with Cat 1 hazard
East Acton	4.28	6,162	57.0	1244	19.86
Southall Broadway	1.62	1,898	42.2	1,015	53.48
Southall Green	1.59	2,802	54.1	1089	38.87

This designation equates to 13.48% of the geographical area of the borough and 18.37% of the total private rented sector in Ealing.

The designation comprises of the three wards experiencing some of the highest prevalence of poor housing conditions in the borough. The council receives a significant number of complaints from tenants in these wards and in response to non-compliance a significant number of statutory notices have been served.

The size of these designations, which affect less than 20% of the geographical area of Ealing and less than 20% of its privately rented housing, means they can be agreed locally by the Council’s cabinet and could be implemented in early 2022.

These wards are currently subject to selective licensing and the Council considers that there would be a detrimental effect to property conditions and tenant safety should selective licensing cease in these wards for any significant period of time.

3.61 **Phase 2 - Designation 2**

This designation includes the following **twelve wards**.

Ward	Area sq.kms	Total PRS	Percent PRS (%)	No. of dwellings with Cat 1 hazard	% of dwellings with Cat 1 hazard
Acton Central	1.77	3,258	45.2	1,099	33.73
Dormers Wells	2.26	1,246	26.3	341	27.37
Greenford Broadway	2.52	2,566	36.5	481	18.75
Greenford Green	3.38	1,731	30.6	408	23.57
Hanger Hill	3.28	3,073	46.2	530	17.25
Hobayne	2.21	1,468	26.0	292	19.89
Lady Margaret	1.54	1,337	31.6	403	30.14
North Greenford	3.26	1,593	29.4	417	26.18
Northolt Mandeville	2.76	1,571	26.3	310	19.73
Northolt West End	3.55	1,638	27.6	331	20.21
Perivale	3.37	2,174	36.7	516	23.74
South Acton	1.72	3,120	38.9	839	26.89

This designation equates to 56.89% % of the geographical area of the borough and 41.35% of the total private rented sector in Ealing.

The designation comprises a further twelve wards experiencing a high proportion of poor housing conditions.

Due to the size of the designation, after being agreed by the Council's cabinet, this designation would need confirmation by the Ministry of Housing, Communities and Local Government (MHCLG). If approved, this designation could be introduced Mid 2022.

3.62 **Designations 1 and 2**

Phase 1 and 2 will result in a combined designation which equates to 70.37% of the geographical area of the borough and 59.72% of the total private rented sector in Ealing.

3.63 **Wards not included in the selective licensing scheme**

Eight wards have been excluded from all selective licensing designations. Although these wards contain high levels of PRS the evidence does not show the high proportion of housing hazards that we see in other parts of the borough.

The Council considers that it is more appropriate to focus its resources to the worst affected areas of the borough. The higher risk properties included in designations 1 and 2 will be prioritised for inspection and enforcement action will be taken, where necessary, to improve poor property conditions.

We shall however continue to monitor the wards not included in the scheme and should the evidence change then consideration will be given to introducing a third designation.

The wards not included in either designation 1 or 2 are:

- Cleveland
- Ealing Broadway
- Ealing Common
- Elthorne
- Northfield
- Norwood Green
- Southfield
- Walpole

- 3.64 In accordance with the Selective Licensing of Houses (Additional Conditions) (England) Order 2015, having carried out a review of housing conditions in the borough, the Council considers it would be appropriate for a significant number of the properties within the proposed designations be inspected, with a view to determining whether any category 1 or category 2 hazards exist on the premises and the Council intends to carry out such inspections with a view to carrying out any necessary enforcement action.
- 3.65 The Council also considers that the making of the designations will, when combined with other measures taken in the area by the Council, or by other persons together with the Council, including any licence conditions imposed under section 90 of the 2004 Act, will contribute to an improvement in general housing conditions in the area.
- 3.66 The proposed selective licensing conditions are attached as **Appendix 5** and the proposed timetable for consultation is set out in section 16.

Other conditions to be satisfied before making an additional or selective licensing scheme designation

- 3.67 Before making an Additional or Selective Licensing Scheme designation the local authority must be satisfied that the following conditions are met:
- the proposed designations are consistent with the overall housing strategy,
 - a co-ordinated approach is adopted in dealing with homelessness, empty properties and ASB,
 - alternative courses of action have been considered.
 - the proposed designations will significantly assist in achieving the object or objectives.

3.68 The proposed designations are consistent with the overall housing strategy

The [London Housing Strategy](#) sets out the Mayor's plans to tackle the capital's housing crisis and his vision to provide all Londoners with a good quality home they can afford. The strategy supports well-designed and operated council property licensing schemes.

The Council is committed to expanding Private Landlord Licensing Schemes, in order to improve standards, tackle rogue landlords and revenge evictions, and campaign for new powers to roll this out boroughwide.

Ealing's overarching Housing Strategy is currently being updated, however its key aims will remain consistent with its 2014/19 [Private Sector Housing Strategy](#) which sets the following four strategic priorities:

- Increase the supply of private housing
- Support residents to access affordable, well managed private rented homes
- Improve the condition of private housing through regulation through our licencing schemes.
- Develop strong partnerships to support the private housing sector

These priorities are complimentary to the Council's [Homelessness Reduction Strategy 2018 – 2022](#) which focuses on recent developments and supplements the main strategy. It refers to PRS licensing as an "opportunity to take greater control of property standards but also provides an opportunity for households to access private sector lettings or for the Council to take on the direct management of PRS properties for homeless households. Targeting landlords and offering nominations at the point of licensing could help to boost the supply of much needed lets in the borough"

In January 2021, the Council adopted its [Climate and Ecological Strategy](#) in order to reduce emissions across the borough and become carbon neutral by 2030. Insulating homes is one of many actions that can be taken to reduce carbon emissions. A key objective of the strategy is to contact all licensed landlords to promote energy efficiency measures. Licence conditions also require dwellings to have an EPC rating of E and above.

3.69 A co-ordinated approach is adopted in dealing with homelessness, empty properties and ASB

The Council already uses a wide range of powers and approaches with respect to improving the condition of private sector housing in the borough, and dealing with homelessness, empty properties and ASB. This includes joint working initiatives with partners and agencies such as the Police, Fire Service, HMRC, Immigration Enforcement, Social Services, Park Guard, Community Safety, Envirocrime and Planning Enforcement.

Homelessness – The Homelessness Service seeks to prevent homelessness by assisting households to find their own accommodation in the private sector and identifying private sector units. HMOs and self-contained units in the private rented sector are therefore utilised to relieve homelessness pressure both as

temporary accommodation and as permanent accommodation for households leaving temporary accommodation.

The Housing Service works with landlords to support them to provide well managed homes providing secure and good quality accommodation. It is a requirement that all landlords who let their properties through the council are accredited through an approved accreditation scheme. The Housing Service is also able to offer a management service therefore any landlord unable to meet any new licensing requirements will be signposted to this service.

Empty Properties –The Empty Property team is responsible for investigating empty properties in the borough with a view to bringing them back into use through a number of interventions including enforcement and incentives such as property renovation grants. A condition of this grant is that the Council have nomination rights to the renovated properties for re-homing families in need of housing. Work in default is often undertaken to repair immediate issues affecting nearby residents. Where owners refuse to engage or are unwilling or unable to take action Compulsory Purchase Orders (CPO) are considered as an essential element of the Council's Empty Property Strategy.

Anti-Social Behaviour - The Council's Safer Communities Team oversees the Council's response to ASB in the borough and undertakes enforcement and partnership work with the Police and other key partners. Their work includes:

- Overseeing patrols of parks, housing estates, ASB/noise response and park gate locking. These patrols link closely with the Council's CCTV control room and the police.
- The introduction of a Spaces Board which analyses data to identify high ASB/crime areas in order to address areas of concern with the aim of discouraging and reducing ASB/crime activity. The Spaces Boards compliments the EC MARAC panel, which is a multi-agency board that regularly meets to examine and problem-solve specific and complex high-risk cases of ASB/exploitation.
- Enforcement work in 2019/20 resulted in 207 separate enforcement actions in relation to ASB, including 33 injunction applications to stop persistent perpetrators of ASB.
- Prioritising domestic abuse work, including a continued commitment to funding independent advocates and third sector services supporting persons fleeing domestic abuse. Additionally, the Woman's Wellness Zone has been developed to provide a one-stop shop service offering domestic abuse, drug and alcohol, mental health, job seeking and other support services for women with complex needs.
- In 2019, enacting Ealing's first boroughwide PSPO (Public Spaces Protection Order) which enables the Council to enact its own additional requirements in public spaces and give local police and council patrol officers additional powers to intervene and issue fixed penalty notices (FPN) in relation to specific ASB behaviours such as street urination, spitting, use of legal highs, drink related ASB/ street drinking and

congregation amongst others. Ealing's PSPO covers three distinct public spaces across the borough (high streets, parks and housing estate locations) and has led to a number of FPN's to be issued to persistent perpetrators of ASB.

3.70 Alternative courses of action have been considered

We have considered a number of other courses of action or alternatives to the selective and additional licensing proposals we wish to consult on, but do not believe that, individually or collectively, they provide an effective, or as effective means of tackling poor housing conditions in the borough. The alternative options considered are as follows:

- i. **To operate a mandatory HMO licensing scheme only** - The existing discretionary licensing schemes will expire on 31 December 2021 and the Council has the option to not renew these schemes. This would mean that, generally, only larger HMOs meeting the mandatory criteria would require a licence. There is clear evidence to show that the number of HMOs in Ealing is much larger than those covered by the mandatory scheme. If discretionary licensing powers are not utilised the majority of HMOs will remain unregulated. The evidence also shows that there are widespread problems of single family rented properties in poor condition. This option does not enable the Council to effectively deal with these dwellings and would revert back to a reactive rather than proactive approach to improving property conditions.
- ii. **To renew boroughwide additional HMO licensing only** – The evidence supports the designation of a further boroughwide additional licensing scheme and this would ensure all HMOs are subject to property licensing and proactive regulation. However, the evidence also shows that there are widespread problems of single family rented properties in poor condition. This option does not enable the Council to effectively deal with these dwellings and would revert back to a reactive rather than proactive approach to improving property conditions.
- iii. **To adopt a selective licensing scheme only** – The evidence suggests that many HMOs are experiencing serious housing hazards and significant ASB. This option does not enable the council to deal with the problems associated with smaller HMOs.
- iv. **To adopt a boroughwide selective licensing scheme only** – Although poor property conditions exists in all wards, levels vary, as does the extent of private renting. It is therefore considered more appropriate to focus our resources to the worst effected wards and those wards that meet key selective licensing criteria. This option does not enable the council to deal with the problems associated with smaller HMOs.
- v. **To renew a selective licensing scheme in the 5 existing wards only (Acton Central, East Acton, South Acton, Southall Broadway and Southall Green)** – The evidence supports the renewal of selective licensing in the existing wards, however it also shows a significant proportion of properties in poor condition in many more wards across the

borough. This option does not enable the council to deal with the problems associated with single family properties in other wards or smaller HMOs.

- vi. **Wider promotion of voluntary accreditation landlord schemes** - We recognise that accredited landlords are key to raising standards in private sector housing, and encourage all landlords to become accredited and achieve a level of knowledge and competence before letting a home. As of January 2021, Ealing had 1,425 landlords accredited to the London Landlord Accreditation Scheme, which is the second highest figure of all London boroughs. The scheme is however voluntary and our experience is that compliant landlords become accredited; rogue landlords do not proactively participate in such schemes.
- vii. **Use of Part 1 Housing Act 2004 enforcement powers [HHSRS] and Public Health powers** – Formal statutory notices can be served that require improvements to a property. If the notice is not complied with the council can carry out works in default or may prosecute the landlord. Works in default can however be expensive and resource intensive for the Council. Prosecutions do not themselves secure improvements. Enforcement officers have served a large number of statutory notices over the last 5-years (1254) however poor property conditions still exist across the borough. These powers are reactive and do not place any obligation on landlords to be proactive in improving conditions within a property.
- viii. **Rely on prosecutions and civil penalties** - Prosecutions or the imposition of civil penalties do not themselves secure property improvements. These powers are reactive and do not place any obligation on landlords to be proactive in improving conditions within a property.

3.71 The proposed designations will significantly assist in achieving the object or objectives.

An additional and selective licensing scheme would place the responsibility on the landlord to inform the Council that their property is licensable and encourage them, with the Council's support, to ensure that they meet the required standards. The Council can then prioritise its resources effectively to dealing with the properties of most concern and target enforcement actions to those landlords who fail to licence their properties and/or breach licence conditions.

The main objectives of the schemes will therefore be to:

- i. **Improve housing conditions by eliminating poor standards of management in the private rented sector**
 - Proactively inspect each privately rented property during the duration of the licence and robustly enforce the conditions of the license.
 - Improve the health, safety and welfare of tenants.
 - Ensure that absentee or unfit landlords employ an agent to actively manage their properties.

- ii. **Reduce ASB in the private rented sector**
 - Working with partners, proactively target nuisance areas.
 - Reduce flytipping and other forms of environmental nuisance through better management of private rented properties.
- iii. **Eliminate rogue landlords**
 - Take appropriate enforcement action against those landlords who fail to licence or deliberately flout licence conditions.
- iv. **Improve the working relationship between the Council and private sector landlords**
 - Deliver an education campaign for landlords so that they understand their rights and responsibilities.
 - Establish a landlord's focus group.
 - Provide discounts for accredited landlords.
 - Develop a comprehensive database of Ealing landlords, letting and managing agents.
 - Assist the local rental market through the provision of clear standards through which landlords will operate on a level playing field and tenants will know what they should expect.
- v. **Increased awareness in tenants on the minimum standards to be expected in rented accommodation**
 - Deliver an education campaign for tenants so that they understand their rights and responsibilities.
 - Improved protection for vulnerable groups living in the PRS.
 - Improved communication between landlords and tenants.

3.72 **Other conditions which must be satisfied when making a Selective Licensing designation**

In addition to the above criteria, when making a selective licensing designation the council must:

- a) have considered any potential negative economic impact that licensing may have on the area, and
- b) can demonstrate how licensing will work in conjunction with existing initiatives (such as landlord accreditation) and partnerships.

3.73 **Potential negative economic impact**

There is no evidence to suggest that the introduction of the Council's discretionary licensing schemes in 2017 had a negative impact on the areas in which they operated. A recent Independent review of the *Use and Effectiveness of Selective Licensing* commissioned by MHCLG determined that there was no substantive evidence of rent rises being passed onto tenants due to the introduction of selective licensing schemes. If selective licensing is extended to other wards in the borough, no negative economic impacts are anticipated. It is considered that selective licensing, when combined with other measures taken in

the designated areas will have a positive economic impact rather than negative by contributing to improved housing conditions.

3.74 Licensing working in conjunction with existing initiatives and partnerships

We will continue to build on the good working relationship with our external partners. As detailed earlier we have engaged in several joint working initiatives and partnerships with agencies such as the Police, Fire Service, HMRC, Immigration Enforcement, Social Services, Park Guard, Community Safety, Envirocrime and Planning Enforcement.

We will continue to actively promote the London Landlord Accreditation Scheme (LLAS) and provide discounts to accredited landlords.

4. FINANCIAL

- 4.1 Landlords or managing agents will be required to pay a licence fee for each property requiring a license in the designated area. Local authorities can set the level of the fee; however, it is expected that the level of fee should be 'transparent' and should cover the actual cost of the scheme's administration. The Regulatory Impact Assessment on licensing makes it clear that authorities should not use fee income to raise additional revenue.
- 4.2 The Property Licensing account (separate from statutory services) going forward will need to operate on a ringfenced trading account basis carrying over deficits and surpluses with the aim of breaking even over the period of the scheme (10 years for 5 year licenses) in terms of income and expenditure with no subsidy from the general fund (as is the case with the statutory service). This will allow the profile of income and expenditure to be managed flexibly over the period of the scheme enabling peaks and troughs in activity to be managed. Fees will be set with the aim of full cost recovery, being mindful of any benchmarking and any regulations as specified in the following paragraphs.
- 4.3 The proposed Additional Licensing fee is £1100 per HMO plus an additional £50 for each habitable room. The proposed Selective Licencing fee is £750.
- 4.4 It is also proposed for both schemes that:
 - Applicants who apply within the first three months of the scheme commencement will receive a 25% concessionary discount.
 - Applicants who apply after the commencement date and are sent two warning letters will be charged an additional 25% late application fee.
 - Applicants who are members of a Landlord Accreditation Scheme will receive a £75 discount.
 - Applicants with properties which have an Energy Performance Certificate (EPC) of C or above, will be eligible to receive a £50 discount.

- Registered charities operating and managing properties will be exempt from a licence fee but will still need to apply for a licence and meet all safety standards and conditions.

4.5 The below table illustrates Ealing's proposed fee in relation to other Council's with both additional and selective licensing schemes (based on 3 habitable rooms excluding discounts).

Local Authority	Additional	Selective
Barking and Dagenham	£1300	£900
Brent (proposed)	£840	£540
Enfield (proposed)	£900	£600
Harrow	£1310	£580
Hammersmith & Fulham	£555	£555
Havering	£900	£900
Islington	£864	£500
Newham	£1250	£750
Redbridge	£1373	£616
Southwark (proposed)	£1300	£900
Waltham Forest	£1000	£700
Average Fee	£1,053.82	£685.55
Ealing Fee (Proposed)	£1250.00	£750.00

**Correct as of February 2021*

4.6 The proposed additional and selective licence fee structure is attached as **Appendix 6**.

4.7 The administration of the schemes is such that they are intended to be self-financing over a five year period. The fees that are being applied are set at a level where the revenue from the fee will cover the cost incurred. The funding model ensures that the adequate resourcing is available for the lifetime of the license (i.e. a model which extends to 10 years).

4.8 The costs incurred will include:

- additional staff to process applications (including recruitment and training)
- additional staff to carry out inspections of premises,
- the cost of dealing with appeals against licensing decisions
- IT costs to enable online applications and payment,
- other costs associated with ensuring compliance with the scheme.

4.9 The Provision of Service Regulations 2009 and a decision of the Supreme Court (R. (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council, [2015] UKSC 25), allow the Council to include the costs of enforcement of the designations against unlicensed operators, within the license fees, as well

as the costs of monitoring the compliance of licensed landlords. Whilst all applicants can be charged a sum to cover the cost of administering the application, only successful applicants should be required to pay a fee to contribute towards regulatory and enforcement costs.

- 4.10 Payment of fees will be in two instalments. An initial payment of 30% of the fee to cover the processing of the application form. Once an application has been assessed, the 'fit and proper person' criteria met and a desktop risk assessment completed the final 70% of the fee will become payable and the licence granted and issued.
- 4.11 The income will be closely monitored and a team proportionate to the demand for the service will be employed.
- 4.12 Charges at Appendix 6 have been set with regard to costs, uptake levels, benchmarking with other LA's and also in compliance with the relevant regulations. The licensing scheme has to be cost neutral over the multi-year period of its operation by the use of a surplus/deficit mechanism for the Property Licensing trading account. Any funding not used within the period of the scheme's operation would have to be refunded to those charged. This is unlikely given that the Council is seeking to move the service from being subsidised to a break even position over the period of the scheme. The fees have therefore been set having regard to these overall objectives.
- 4.13 The proposed fee structure is based on the introduction of a combined Additional and Selective licensing scheme. If only one of the schemes is implemented, the fee structure will need to be revised to ensure that the scheme remains cost neutral.
- 4.14 The licence fee for both schemes will cover the owner of the property for a period up to 5 years, however should ownership of the property be transferred within that period, a further licence fee will be payable by the new owner.
- 4.15 The fees will be reviewed annually as part of the Council fees and charges process.

5. LEGAL

Mandatory Licensing

- 5.1 Section 61 of the Housing Act 2004 requires the Council to administer a licensing scheme for all large HMOs. Mandatory licensing applies to all privately rented HMOs occupied by five or more people who form two or more households.

Additional licensing of HMOs

- 5.2 Section 56 of the Housing Act gives Councils the discretion to introduce additional licensing of other types of (smaller) HMOs which are not subject to mandatory licensing. The authority must consider that a significant proportion of

the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise to one or more particular problems either for those occupying the HMOs or for members of the public. The Council must also be satisfied that the designation will significantly assist with dealing with the problems.

- 5.3 With additional licensing a Local Authority can specify the maximum number of people who can occupy the house, and attach conditions relating to the management of the building, as well as making sure amenities are kept up to standard.

Poorly converted flats (section 257 HMOs)

- 5.4 Under section 257 Housing Act 2004, certain converted blocks of flats may be designated an HMO for the purposes of Additional Licensing. A purpose-built block of flats is not an HMO because the building must have been "converted" into self-contained flats.

- 5.5 A property will require an additional HMO Licence if it falls into the below definition of a s.257 HMO:

- A converted property (could be a house or commercial building, for example) converted into residential flats which are self-contained (no sharing, or it would be a traditional HMO);
- The conversion was completed before 1st June 1992 (the date after which it would have had to comply with the new Building Regulations);
- The works were done to the pre 1991 Building Regulations standard or did not comply at all at the time;
- The conversion has not subsequently been upgraded to comply with current Building Regulations or at least the 1991 regulations;
- More than 1/3rd of the flats in the HMO are rented out by the leaseholders to shorthold tenants (not occupied by their owners).

Selective Licensing

- 5.6 Section 80 of the Housing Act 2004 and the Selective Licensing of Houses (Additional Conditions) (England) Order 2015 sets out the criteria and considerations that the Council must be satisfied are met when considering designating a selective licensing area. These general conditions are:

- That the area is, or is likely to become, an area of low housing demand
- That the area is experiencing a significant and persistent problem caused by antisocial behaviour
- The area has poor property conditions
- The area has high levels of migration
- The area has high levels of deprivation
- The area has high levels of crime.

- 5.7 Confirmation from the Secretary of State is required for any selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area.
- 5.8 For both additional and selective licensing schemes the Council must be satisfied that:
- the proposed designations are consistent with the overall housing strategy,
 - a co-ordinated approach is adopted in dealing with homelessness, empty properties and ASB,
 - alternative courses of action have been considered.
 - the proposed designations will significantly assist in achieving its objectives
- 5.9 In addition to the above criteria, when making a Selective Licensing designation the council must:
- a. have considered any potential negative economic impact that licensing may have on the area, and
 - b. can demonstrate how licensing will work in conjunction with existing

Duration and Notification of a Selective licensing Scheme

- 5.10 Where a designation does not require confirmation by the Secretary of State, it cannot come into force until three months after it is made. A designation may be made for up to 5 years.
- 5.11 Section 59 (Additional Licensing) and Section 83 (Selective Licensing) of the Act requires local housing authorities to publish a notice of the designation once it has been confirmed. A local housing authority must:
- publish a notice within the designated area within seven days of the designation being confirmed.
 - notify all those consulted on the proposed designation within two weeks of the designation being confirmed.

Local Authority Review of a Selective licensing Scheme

- 5.12 Once made, the operation of the designations must be reviewed from time to time and if appropriate the designation may be revoked.

Licence conditions

- 5.13 Under Schedule 4 of the Housing Act 2004, the following mandatory conditions must be applied to all additional and selective licences:
- a gas safety certificate must be presented annually to the council (if there is a gas supply to the house)
 - electrical appliances and furniture supplied by the landlord must be maintained in a safe condition

- the landlord must provide the authority, on demand, with declaration as to the safety of electrical appliances and furniture in the property
- smoke alarms must be provided and kept in working order
- a carbon monoxide alarm must be installed in every room used as living accommodation in which there is a solid fuel burning combustion appliance, and kept in working order
- the landlord must provide the authority, on demand with a declaration as to the condition and positioning of smoke and carbon monoxide alarms
- the landlord must provide each occupant with a written statement of the terms of occupancy.

HMO licences must also include mandatory conditions relating to minimum room sizes and compliance with the council's storage and waste disposal scheme.

Selective licences must also include a mandatory condition requiring the landlord to obtain references from prospective tenants.

For additional licensing, councils can impose further discretionary conditions for the management, use and occupation of the house and also its condition and contents.

For selective licensing, councils can only impose further discretionary conditions for the management, use or occupation of the house.

- 5.14 The proposed additional and selective licence conditions are attached as **Appendix 4 and Appendix 5.**

Granting a Licence

- 5.15 Under section 64 (Additional Licensing) and section 88 (Selective Licensing) of the Act, having received a complete licence application, the Council must issue a licence if it is satisfied that:
- The proposed licence holder is a fit and proper person
 - The proposed licence holder is the most appropriate person to hold the licence.
 - The proposed manager is a fit and proper person,
 - The manager has control of the property, or they are an agent, an employee of the person having control of the property.
 - The proposed management arrangements for the property are satisfactory.
 - The property is reasonably suitable for occupation.
- 5.16 The most appropriate person is the person in control of the house; in most cases the person who collects the rent, even if it is on behalf of someone else and who usually has day-to-day control of repairs and management responsibility (Housing Act 2004, s263). Similarly, if the licence holder appoints a manager to carry out part of the functions, the manager must also be deemed 'fit and proper'
- 5.17 In determining if a person is fit and proper for the purposes of the Act, the Council must take into account:

- Any previous convictions relating to violence, sexual offences, drugs and fraud;
- Contravention of any law relating to housing or landlord and tenant matters;
- Whether the person has been found guilty of unlawful discrimination;
- Whether the person has contravened any Approved Code of Practice.
- Whether there is a banning order in force against the person

5.18 A criminal conviction doesn't necessarily mean that a landlord won't pass the test. The Council will look at every case individually and weigh up all the circumstances when making a decision. For example, the Council will have to think about:

- What the conviction was for;
- How long ago it was and whether it is spent or not;
- Whether or not it will affect the person's ability to be a good landlord;
- The risk of the same thing happening again and whether that would affect the person's duties as a Licence Holder.

5.19 The proposed Licence Holder and any proposed manager will be required to declare to the Council as part of the application process that they are a 'fit and proper' person.

5.20 Before making a decision to grant or refuse a licence the Council is obliged to consult "relevant persons", i.e. any other person who has an estate or interest in the property (other than a tenant under a lease of three years or less to run) or any other person managing or person having control of the property. On the grant or refusal of the licence, the authority must inform the applicant and any relevant person of their decision. There is a right of appeal to the appropriate tribunal within 28 days.

5.21 A licence may be revoked where the Council no longer considers that the licence holder is a fit and proper person to be the licence holder or the Council no longer consider that the management of the property is being carried out by fit and proper persons.

Penalties and Sanctions

5.22 It is a criminal offence for a landlord to operate a property without a licence in a designated area or to fail to comply with any licence conditions. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.

5.23 In accordance with the Housing and Planning Act 2016 a landlord operating a property without a licence or failing to comply with any licence conditions may also be subject to a Banning Order, preventing them from letting or managing a property in England.

5.24 Furthermore, landlords operating a licensable property without a licence are also liable to being issued, by the First-tier Tribunal, a Rent Repayment Order (RRO) to repay up to 12 months of rent or housing benefit paid during the period the property was unlicensed.

- 5.25 A landlord who does not have a licence for a property in a designated area cannot rely on section 21 Housing Act 1988 to gain possession for as long as the property remains unlicensed.

Consultation

- 5.26 Section 56 (3) for Additional Licensing, and Section 80 (9) for Selective Licensing, of the Housing Act 2004, state that when considering designating an area the local housing authority must:
- a. take reasonable steps to consult persons who are likely to be affected by the designation, and,
 - b. consider any representations made in accordance with the consultation.

Public Sector Equality Duty

- 5.27 When considering the recommendations of this report, due regard must be given to the public sector equality duty in section 149 of the Equality Act 2010. This requires the council to consider all individuals when carrying out its functions. Specifically, to have due regard to the need to eliminate discrimination, harassment, victimisation or other prohibited conduct; advance equality of opportunity and foster good relations between people with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The PSED also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation or other prohibited conduct. Cabinet must take note of the Council's obligations as set out above when making a decision and are referred to the Equality Analysis Assessment detailed in section 11 of this report.

6. VALUE FOR MONEY

- 6.1 Once the scheme is set up it is designed to be self-financing through the levy of fees. The schemes also have potential to produce value for money in other areas, as set out below.

- 6.2 Health benefits - It is estimated that poor housing costs the NHS in the UK at least £2.5bn per year. By addressing poor housing conditions this will help to improve health and wellbeing, reduce health inequalities, and prevent and reduce demand for primary health care and social care interventions, including admission to long-term care settings. This will produce a quantifiable cost saving to health and social care budgets. (<https://www.bre.co.uk/filelibrary/pdf/87741-Cost-of-Poor-Housing-Briefing-Paper-v3.pdf>)

The Covid-19 pandemic has also shown correlations between susceptibility to the virus and poor-quality housing. Therefore, good quality housing can do much to help combat the spread of covid-19, as well as other illnesses such as cancer, respiratory and cardiovascular diseases.

- 6.3 Educational attainment - It is also well understood that poor housing conditions and overcrowding have a negative impact on educational attainment. This in turn impacts on an individual's ability to reach their full potential. It is expected that licensing will assist the council and partners in achieving objectives in improving educational attainment and residents achieving their full potential.
- 6.4 Fraud detection - Other licensing schemes have identified housing benefit, council tax benefit and leasehold/tenancy fraud through their schemes, recouping money for the public purse as a result.
- 6.5 Future Ealing – The goal of Future Ealing is to improve the lives of residents, which in turn will save the Council money. Licensing helps contribute to the achievement of the nine [Future Ealing outcomes](#).

7 SUSTAINABILITY IMPACT APPRAISAL

- 7.1 The introduction of the additional and selective licensing schemes will have a positive impact on property conditions. A good quality private rented sector will encourage residents to stay in Ealing, in turn creating sustainable communities.
- 7.2 All property licence conditions will contain a requirement to ensure properties have a minimum energy performance indicator of 'E', in line with the Minimum Energy Efficiency Standard (MEES). In addition, landlords will be incentivised to improve the EPC rating of their properties to 'C' through licence fee discounts.

8 RISK MANAGEMENT

- 8.1 The following risks have been identified in respect of introducing additional and selective licensing schemes in Ealing:

Risks	Mitigation
Failure to receive estimated number of applications and fees creating significant budget shortfall.	<p>Landlords will be incentivised to apply for a licence through the fee structure.</p> <p>Prior to commencement of the schemes a major publicity campaign will be undertaken.</p> <p>Sufficient staffing resources have been allocated to identifying unlicensed properties.</p>
Landlords exit the Private Rented Sector causing a reduction in private rented dwellings.	Evidence from previous additional and selective licensing schemes and other authorities who have introduced similar schemes suggests that this will not happen. However, we will carefully monitor the impact on homelessness in the PRS.

Risks	Mitigation
	Due to Ealing's desirability as a location, very high demand with good links to central London, and cross rail development it will still be viewed as an area in which to invest. Therefore, new landlords will enter the PRS balancing out those who exit.
Landlords evict tenants reducing the occupancy below the threshold.	Evidence from previous additional and selective licensing scheme and other authorities who have introduced similar schemes suggests that this will not happen. However, advice and assistance will be available for any displaced tenants.
Cost of licence fee passed on to tenants	<p>Evidence from previous additional and selective licensing scheme shows that landlords absorb the cost of the licence fee over the 5-year period. Should landlords raise rents the overall impact on rent affordability to tenants would be minimal and outweighed by the additional benefits tenants would receive from the scheme.</p> <p>Independent review of the Use and Effectiveness of Selective Licensing commissioned by MHCLG determined that there was no substantive evidence of rent rises being passed onto tenants due to the introduction of selective licensing schemes.</p>
Displacement of good landlords to other boroughs.	This risk is considered unlikely as many of Ealing's neighbouring boroughs have or are in the process of introducing similar licensing schemes.
Scheme does not reduce ASB or improve property conditions	<p>Robust enforcement action will accompany the licensing regime. Inspections will be undertaken to ensure that landlords comply with licensing conditions and maintain well managed properties. Enforcement action will be taken where appropriate.</p> <p>Tenants will also be aware of the standards that should be in place and will be encouraged to report landlords who do not comply with licensing conditions.</p>
The proposed designations may not be approved by Secretary of State.	A large selective licensing scheme (more than 20%) will require Secretary of State approval. Due regard will be had to legal advice and lessons learnt from authorities

Risks	Mitigation
	have who have had applications approved and rejected.
<p>The designations may be challenged by judicial review, as has been the experience of other local housing authorities. There is the potential for additional and unfunded legal work to meet any such challenges or cases brought against the local authority</p> <p>Judicial review proceedings may be successful where local authorities have failed to follow the correct processes or have been unable to justify part of their scheme, proposals or evidence base.</p>	<p>Independent research has been undertaken to develop the evidence base. The evidence is considered to be reliable and supports justification for scheme proposals.</p> <p>Independent consultants experienced in the legal process required for proposed licensing schemes have been commissioned to conduct the statutory consultation process.</p> <p>It is considered that the above actions mitigate the potential risk of Judicial review.</p> <p>Furthermore, should the designations require confirmation from the secretary of state and receive such confirmation, the risk of Judicial review is lowered.</p>

9 COMMUNITY SAFETY

- 9.1 This report has direct links to making Ealing one of the safest places in London and impacts on residents' perception of how we deal with crime and antisocial behaviour.

10 LINKS TO THE THREE KEY PRORITIES

- 10.1 Future Ealing is the council-wide transformation programme. Its goal is to improve the lives of residents. Making things better for residents saves the council money and Future Ealing is central to the Council's plan to close the budget gap by 2022. The licensing schemes help to contribute to improving housing for residents which underpins the nine Future Ealing outcomes.

11 EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

- 11.1 The United Kingdom is a signatory to the European Convention on Human Rights (ECHR) which came into force as an international treaty in 1953. The Convention comprises a statement of rights, which signatory states guarantee, and incorporates machinery and procedures for their enforcement through the European Commission of Human Rights and the European Court of Human Rights in Strasbourg.

- 11.2 The provisions of the ECHR which are of most relevance to additional and selective licensing in this context are as follows:

Article 8 - "Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country. For the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

Article 1 of the First Protocol - "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. The preceding provisions shall not, however, in any way impair the right of the state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest...."

- 11.3 The Human Rights Act 1998 came fully into force on 2 October 2000, incorporating the provisions of the ECHR into domestic law.
- 11.4 Although the ECHR guarantees the right to peaceful enjoyment of property, it is clear from Article 1 of the First Protocol that the control of property does not involve an infringement of the ECHR so long as it is done in the public interest and subject to the law laid down by statute. Similar considerations apply to Article 8.
- 11.5 Members need to be satisfied that the proposed interference with the use of property is justified by virtue of being in the public interest before a final decision to introduce the scheme is made.
- 11.6 A full Equality Analysis Assessment (EAA) has been undertaken to consider the impact on any groups having protected characteristics. It is considered that that the schemes will have a positive impact on any of the groups having a protected characteristic who are negatively affected by poor housing conditions, ASB, discrimination and/or overcrowding in the borough's PRS. Please refer back to the Public Sector Equality Duty at para 5.27 of this report and the EAA attached as **Appendix 7**.
- 11.7 The Council's EAA shall be kept under continuous review and the analysis revised before making any further recommendations to Cabinet.

12 STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

- 12.1 There are no direct staffing/workforce and accommodation implications arising from this report.

13 PROPERTY AND ASSETS

- 13.1 There are no property or assets implications.

14 ANY OTHER IMPLICATIONS

14.1 None applicable.

15 CONSULTATION

15.1 Section 56 (3) for Additional Licensing, and Section 80 (9) for Selective Licensing, of the Housing Act 2004, state that when considering designating an area the local housing authority must:

- a) take reasonable steps to consult persons who are likely to be affected by the designation, and,
- b) Consider any representations made in accordance with the consultation.

15.2 Local housing authorities will be required to conduct a full consultation. This should include consultation of local residents, including tenants, landlords and where appropriate their managing agents and other members of the community who live or operate businesses or provide services within the proposed designation. It should also include local residents and those who operate businesses or provide services in the surrounding area outside of the proposed designation that will be affected, including those in neighbouring authorities' areas. Local housing authorities should ensure that the consultation is widely publicised using various channels of communication.

15.3 If the designation does not require the confirmation of the Secretary of State because of its extent the local housing authority must consult on the proposed scheme for at least 10 weeks.

15.4 The consultation should be informative, clear and to the point, so the proposal is readily understood. It should inform local residents, landlords, letting agents and businesses about the proposed designation, giving the reasons for proposing it, why alternative remedies are insufficient, demonstrating how it will tackle specific problems together with other specified measures, and describing the proposed outcome of the designation. It should also set out the proposed fee structure and level of fees the authority is minded to charge (if any). Consultees should be invited to give their views, and these should all be considered and responded to.

15.5 Once the consultation has been completed the results should then be published and made available to the local community. This should be in the form of a summary of the responses received and should demonstrate how these have either been acted on or not, giving reasons.

15.6 It is proposed that a consultation exercise be undertaken with stakeholders from the 10th May 2021, for a period of 12 weeks. The consultation methodology will include: an online questionnaire, virtual public consultation meetings, focus groups meetings with landlords and tenants, interviews with key stakeholders.

15.7 The consultation exercise will be accompanied by a comprehensive communications plan and the following communications methods will be used to highlight the consultation exercise:

- Leaflet drop to all those affected in the proposed designated areas
- Articles in Around Ealing
- Articles/Adverts in local press
- A link to the consultation will be posted out via Social Media (Twitter and Facebook)
- Articles in Inside Ealing/intranet
- Posters will be placed on community notice boards across the borough
- Adverts will be placed on the Council and ECVS website
- Adverts will be placed in neighbouring borough local press and national press
- Leaflets to be distributed at key locations across borough
- Direct mail outs to landlords/letting agents/tenants (where address known to council).

16 TIMETABLE FOR CONSULTATION AND PROPOSED IMPLEMENTATION

	Date	Action
PHASE 1	May – Jul 2021	Statutory consultation period
	Aug – Oct 2021	Consideration of consultation responses. Formulate final proposals.
	Nov 2021	Report to cabinet on results of consultation process and make recommendations. Publication of consultation results
	Dec 2021	Implementation date if not called in
	Dec - Feb 2022	If proposals accepted by cabinet, and for any scheme not needing Secretary of State approval (less than 20%) , major statutory publicity campaign will be undertaken to advertise the schemes in the three-month period before they come into operation.
	Mar 2022	Additional HMO and any small selective licensing schemes commence.
PHASE 2	Dec – Jan 2022	For proposals accepted by Cabinet requiring Secretary of State approval (more than 20%) application to be prepared and submitted. A response is usually expected in around 6 months but presently, some applications submitted by other LA's 12 months ago are still awaiting a response.
	Jun 2022	Secretary of State approves larger selective scheme. Launch three-month statutory publicity campaign.
	Sept 2022	Larger selective licensing scheme commences.

17 APPENDICES

No.	Title
Appendix 1	Ward analysis of licences granted
Appendix 2	Licensing Case studies
Appendix 3	London Borough of Ealing Private Rented Sector: Housing Stock Condition and Stressors Report
Appendix 4	Draft additional HMO licence conditions
Appendix 5	Draft selective licence conditions
Appendix 6	Proposed additional and selective licensing fee structure
Appendix 7	Equalities Analysis Assessment

18 BACKGROUND INFORMATION

- [Cabinet Report: Licensing the Private Rented Sector July 2016](#)
- [The Housing Act 2004](#)
- [The Housing and Planning Act 2016](#)
- [The Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation \(England\) General Approval 2015.](#)
- [Selective licensing in the private rented sector, a guide for local authorities, MHCLG, March 2015](#)
- [The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018](#)
- [Houses in multiple occupation and residential property licensing reform: guidance for local housing authorities, MHCLG, June 2018.](#)

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Gary Alderson	Executive Director of Place	11.03.21		
Dipti Patel	Director Place Delivery	11.03.21	18.03.21	Section 1
Justin Morley	Head of Legal Services (Litigation)	11.03.21	18.03.21	Throughout
Russell Dyer	Assistant Director, Accountancy	11.03.21	18.03.21	Section 4

Report History

Decision type:	Urgency item?
Key decision	No
Report no:	Allison Forde, Head of Property Regulation, Planning Enforcement and Environment Email: fordea@ealing.gov.uk Tel: 020 8825 7741
	Rachel Fell, Property Regulation Lead Practitioner Email: fellr@ealing.gov.uk Tel: 020 8825 8513

WARD ANALYSIS OF LICENSED PROPERTIES

Number of HMO licences granted

WARD	MANDATORY	ADDITIONAL	TOTAL
Acton Central	122	57	179
Cleveland	46	17	63
Dormers Wells	33	18	51
Ealing Broadway	74	39	113
Ealing Common	97	56	153
East Acton	176	147	323
Elthorne	54	24	78
Greenford Broadway	34	24	58
Greenford Green	24	14	38
Hanger Hill	93	46	139
Hobbayne	15	7	22
Lady Margaret	31	27	58
North Greenford	42	19	61
Northfield	75	28	103
Northolt Mandeville	10	5	15
Northolt West End	17	7	24
Norwood Green	27	19	46
Perivale	79	36	115
South Acton	103	46	149
Southall Broadway	80	68	148
Southall Green	62	55	117
Southfield	45	39	84
Walpole	65	37	102
Grand Total	1404	835	2239

Number of selective licences granted

WARD	SELECTIVE
East Acton	2389
Acton Central	1705
Southall Green	1524
South Acton	1529
Southall Broadway	922
TOTAL	8069

Case Study 1 – Additional Licensing Scheme

Background

The Property Regulation team routinely undertake street surveys to identify unlicensed properties. During a street survey the occupants of a property raised concerns about their housing conditions. The property was identified as being an unlicensed s257 HMO and therefore a full inspection was conducted.

Description

The property is a three storey semi-detached house converted to five self-contained flats.

Licensing Status

The property was converted into self-contained flats, which did not meet the appropriate building regulations. There were more flats than storeys in the building and the property was in single ownership. The property therefore meets the necessary criteria to be licensed under the Additional HMO licensing Scheme as a section 257 HMO.

Hazards Identified

- **Structural collapse** – one of the basement flats flank wall was hit by a car and as a result a significant proportion of the wall and ceiling had large structural cracks making it unsafe for the tenants to occupy.
- **Electrical and lighting hazards** – due to the incident plug sockets and lighting were not working in the front part of the dwelling. As there were no adequate windows in this area the front part of the flat was very dark making it difficult for occupiers to navigate.
- **Food safety** - uneven flooring in the kitchen, lack of sufficient space, inadequate lighting and ventilation, disrepair to facilities.
- **Domestic hygiene, Pests & Refuse** – presence of rodent droppings and an active mice infestation.
- **Damp and mould growth and Excess Cold** – The thermal efficiency of the dwelling was significantly compromised by the disrepair and there was damp and mould growth throughout the property.
- **Fire** – there was no adequate fire detection system in the property. None of the flats entrance doors offered the required 30 minutes fire resistance therefore a fire could spread very easily between all units. Some of the means of escape were also compromised i.e. through the open plan kitchen
- **Falls on stairs and between levels** – the staircases in the house lacked adequate balustrades and handrails, combined with insufficient lighting making it dangerous for the occupiers to use. In the garden the paved area at the back of the flat lacked sufficient guarding and as there was a large difference in height between the area and the steps there was a risk of a serious injury.
- **Entry by intruders** – the flat entrance doors were in disrepair and did not have adequate locks.

Council Action

The landlord was contacted and made aware of his legal requirements in accordance with the Housing Act 2004 and HMO Management Regulations 2007.

As part of the licensing process the landlord is required to produce gas, electrical and fire safety reports. Therefore, before the property could be licensed the landlord had to undertake significant improvement works.

A series of Improvement Notices and Prohibition Orders were served under Part 1 of the Housing Act 2004 requiring the landlord to address the unsafe and poor condition of the property. These were all subsequently complied with.

The property is now licensed and in future should the condition of the property deteriorate the landlord may be prosecuted for failing to comply with the conditions of the HMO Licence.

BEFORE

Structural cracks to the front part of the flat



AFTER

Refurbished kitchen. Means of escape has been separated and occupants do not have to go through kitchen to exit property



BEFORE

Unsafe lighting in bathroom



AFTER

New electrically compliant bathroom light fitting installed and bathroom refurbished



BEFORE

Hazardous kitchen door with smashed glass pane



AFTER

Kitchen door glazing replaced



BEFORE

Unguarded external area



AFTER

New guarding to external area preventing falls



Case Study 2 – Selective Licensing Scheme

Background

The Council received an enquiry from a concerned neighbour as to whether the property was licensed in accordance with the provisions of the council's new property licensing schemes.

Description

The property is a single storey flat above commercial premises occupied by a single tenant within a selective licensing area within the Borough.

Licensing Status

Desk top research identified that the property is two storeys high, the occupier was the sole resident within the property and it is classified as a single family dwelling. The property and its occupation therefore meets the necessary criteria to be licensed under the Selective Licensing Scheme. At the time of the enquiry no application had been received.

Hazards Identified

- **Damp and Mould Growth** – Presence of damp in property and ingress of water.
- **Excess Cold** – Broken/missing window panes with no heating present.
- **Entry by Intruders** – Damaged entrance door and damaged locking mechanism.
- **Domestic Hygiene, Pests & Refuse** – presence of rodent droppings and an active mice infestation.
- **Food Safety** –Threat of infection due to inadequate facilities for the storage, preparation and cooking of food.
- **Personal Hygiene**– Lack of heating and hot water to bath, wash hand basin or kitchen sink.
- **Falls on stairs and on the level** – Damaged carpets and linoleum flooring creating risk of falls on stairs and throughout the property.
- **Electrical hazards** – Exposed electrics and damaged socket.
- **Fire** - No fire detection present and condemned gas facilities.
- **Structural Collapse and Falling Elements** – Cracked lintel and damaged/missing brickwork and plaster creating threat of collapse to parts of the building.

Council Action

The landlord was contacted and made aware of his legal requirements in accordance with the Housing Act 2004.

The Landlord was served with statutory notices under the Housing Act 2004, Environmental Protection Act 1990 and the Prevention of Damage by Pests Act 1949. These notices required the landlord to address the unsafe and poor condition of the property and abate hazards prejudicial to health.

In order to meet the conditions of the selective licence and the requirements of the notices served the property has undergone extensive works.

The property is now licensed and in future should the condition of the property deteriorate the landlord may be prosecuted for failing to comply with the conditions of the Licence.

BEFORE

Bathroom in a state of disrepair with no hot water to bath or wash hand basin.



AFTER

Bathroom refurbished with fully functioning water supply



BEFORE

Kitchen in state of disrepair



AFTER

Kitchen refurbished all deficiencies remedied



AFTER

Stair carpets replaced to mitigate hazard of falls on stairs



AFTER

New door with working locking mechanism installed to mitigate hazard of entry by intruders.



London Borough of Ealing

Private Rented Sector: Housing Stock Condition and Stressors Report

January 2021



Executive Summary

Metastreet were commissioned by the London Borough of Ealing to review housing stock in the borough and assess housing stressors related to key tenures, particularly the private rented sector.

The detailed housing stock information provided in this report will facilitate the development and delivery of Ealing's housing strategy and enable a targeted approach to tackling poor housing.

The main aim of this review was to investigate and provide accurate estimates of:

- Current levels of private rented sector (PRS) properties and tenure change over time.
- Information on the number of Houses in Multiple Occupation (HMOs) as a subset of the PRS.
- Levels of serious hazards that might amount to a Category 1 hazard (HHSRS).
- Other housing related stressors, including antisocial behaviour (ASB), service demand, population and deprivation linked to the PRS.
- Assist the council to make policy decisions, including the possible introduction of property licensing schemes under Part 2 and Part 3 of Housing Act 2004.

Metastreet has developed a stock-modelling approach based on metadata and machine learning to provide insights about the prevalence and distribution of a range of housing factors. This approach has been used by several councils to understand their housing stock and relationships with key social, environmental and economic stressors.

The models are developed using unique property reference numbers (UPRN), which provide detailed analysis at the property level.

Data records used to form the foundation of this report include:

Council tax	Electoral register	Other council interventions records	Tenancy deposit data
Housing benefit	Private housing complaints and interventions records	ASB complaints and interventions records	Energy Performance data

Key Findings

- Ealing's private rented sector (PRS) has grown considerably in recent years, from 23% (2011) to 38.1% (2021).
- There are a total of 143,863 residential dwellings in Ealing, 38.1% (54,776) of which are PRS.
- The PRS in Ealing is distributed across all 23 wards.
- Ealing has a mixture of high and low deprivation wards. 13 of 23 wards have aggregated Index of Multiple Deprivation (IMD) 2019 rankings below the national average.
- Ealing has above London average private rented property possession claims, fuel poverty and homelessness.
- Poor housing conditions are prevalent in the PRS. 12,063 PRS properties are predicted to have at least 1 serious hazard (Category 1, HHSRS).
- Ealing Council receives significant numbers of complaints from tenants in the private rented sector, the service recorded 9,931 complaints over a 5-year period.
- 2.2% of PRS properties have an F and G Energy Performance Certificate rating. Extrapolated to the entire PRS, 1,205 PRS properties are likely to fail the statutory requirement.
- Ealing makes large numbers of statutory interventions in the private rented sector. Council enforcement officers served 1,254 housing, public health and planning enforcement notices over 5 years.
- There are moderate levels of recorded anti-social behaviour (ASB) linked to private rented properties across the borough. Over the last 5-years, 6,025 ASB incidents in the PRS have been recorded.
- Ealing's PRS has a relatively high number of Houses in Multiple Occupation (HMO) distributed across all 23 wards (8,360).
- The HMO population is made up of two categories; HMOs that share basic amenities (5,113) and converted properties with multiple flats that share common parts (3,247).
- Analysis shows that 2,360 of 5,113 (46%) shared amenities HMOs (s254) in Ealing are predicted to have serious hazards.
- Over a 5-year period 2,431 ASB incidents have been linked to HMOs in Ealing.
- Rates of ASB incidents in the HMO sector are significantly higher than other tenures.

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Introduction & Project Objectives

Metastreet were commissioned by the London Borough of Ealing to review its housing stock with a focus on the following key areas:

- Residential property tenure changes
- Distribution of the PRS and HMO
- Condition of housing stock in the PRS
- Housing related stressors, including Anti-Social Behaviour (ASB), population change and deprivation.

The report provides the council with the evidence base for developing housing policy and service interventions. The report also satisfies the council's responsibility to review its housing stock as set out under Part 1, Section 3 of the Housing Act 2004.

The first section of the report details the findings of the stock and tenure modelling, including an introduction to the methodology. A combination of Ealing's data warehouse, machine learning, and modelling techniques have been used to pinpoint tenure and predict property conditions within its PRS housing stock. An advanced property level data warehouse has been developed to underpin the process.

For the purposes of this review, it was decided that a ward-level summary is the most appropriate basis to assess housing conditions across Ealing, built up from property level data.

Four separate predictive tenure models (Ti) have been developed as part of this project which are unique to Ealing, they include:

- Private rented sector (PRS)
- Houses in multiple occupation (HMO) (s254 & s257)
- Owner occupiers
- Serious PRS housing hazards (Category 1)

The second section provides a short private housing policy overview for the region to determine if characteristics exist in the Borough to support any specific intervention.

The appendices to the report contain a summary of the data and a more detailed report methodology.

1 London Borough of Ealing overview

Ealing is a borough of West London. It covers an area of 55.5km². The borough borders the London Borough of Hillingdon to the west, the London Borough of Harrow and London Borough of Brent to the north, the London Borough of Hammersmith and Fulham to the east and the London Borough of Hounslow to the south.¹

1.1 Population

The Office of National Statistics (ONS) household population estimate for Ealing as of 2018 was 346,908. This makes Ealing the 4th most populous London borough (Figure 1)².

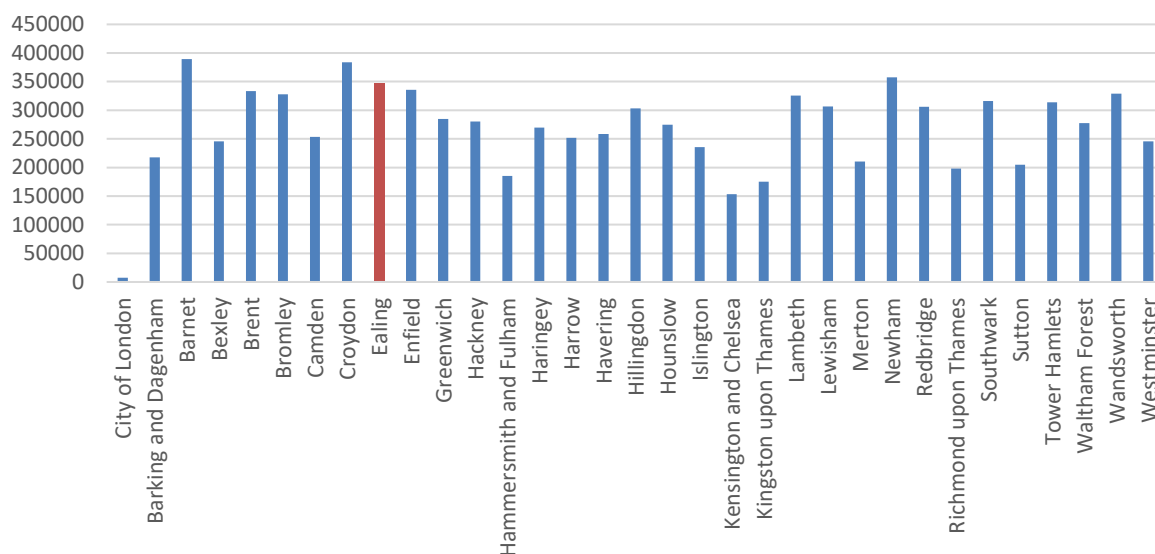


Figure 1. Population estimates by London boroughs (Source: ONS 2018).

1.2 Migration

Net international migration into Ealing in 2018-2019 was 2,514 (Figure 2)³.

¹ Wikipedia, October 2020, https://en.wikipedia.org/wiki/London_Borough_of_Ealing

² London Datastore 2018, <https://data.london.gov.uk/dataset/trend-based-population-projections>

³ ONS 2018

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>

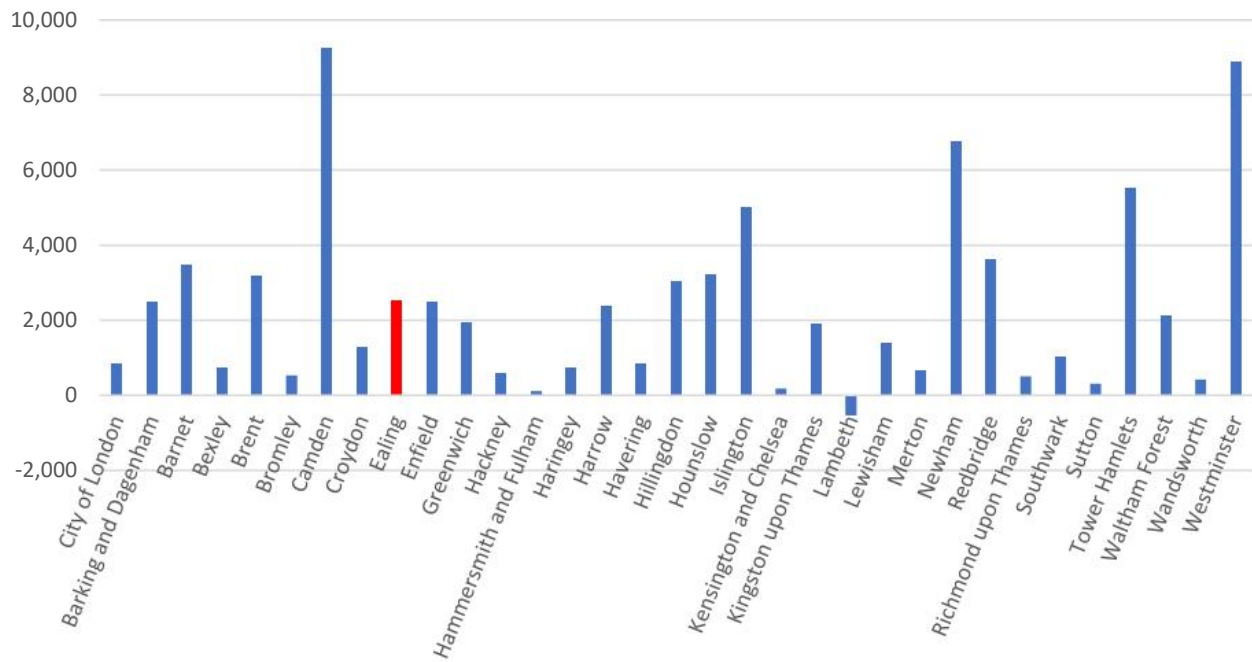


Figure 2. Long-term international migration (net flow) by London boroughs (2018/2019).

1.3 Deprivation

The Indices of Multiple Deprivation 2019 (IMD 2019) provide a set of relative measures of deprivation for LSOAs (Lower-layer super output areas) across England, based on seven domains of deprivation⁴.

⁴ ONS 2019 <https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019>.

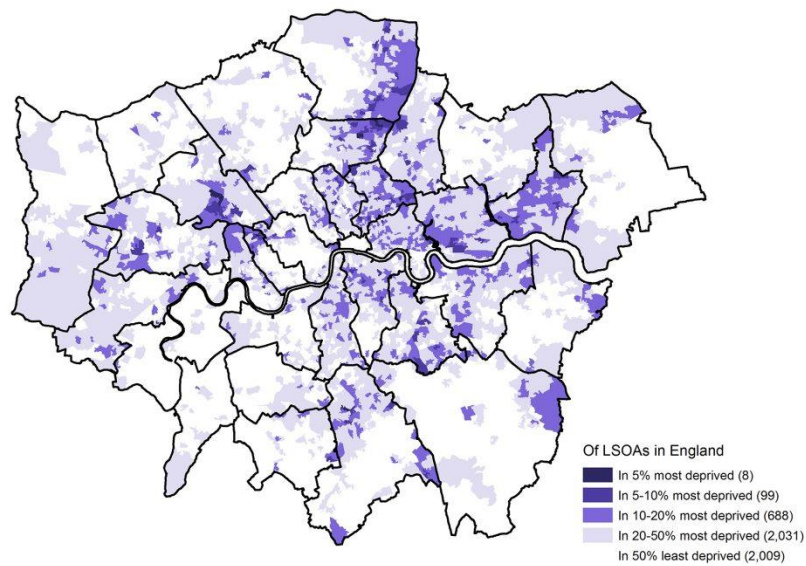


Figure 3. Distribution of deprivation across London (Source & map: London Datastore 2019).

The darker shades are the most deprived areas. Ealing ranks (Rank of average rank) as the 88th most deprived borough in England out of 317.

To produce the ward level data, LSOAs have been matched to new wards using an Open Geoportal lookup table⁵. Average IMD 2019 decile aggregated at ward level reveals a clear picture (Figure 4 & Map 1). 1.0 on the graph represents the most deprived 10% areas and 5.0 represents 50% most deprived.

Ealing has a mixture of high and low deprivation wards. 13 of 23 wards have aggregated IMD rankings below the national average.

⁵ ONS2019 http://geoportal.statistics.gov.uk/datasets/8c05b84af48f4d25a2be35f1d984b883_0/data

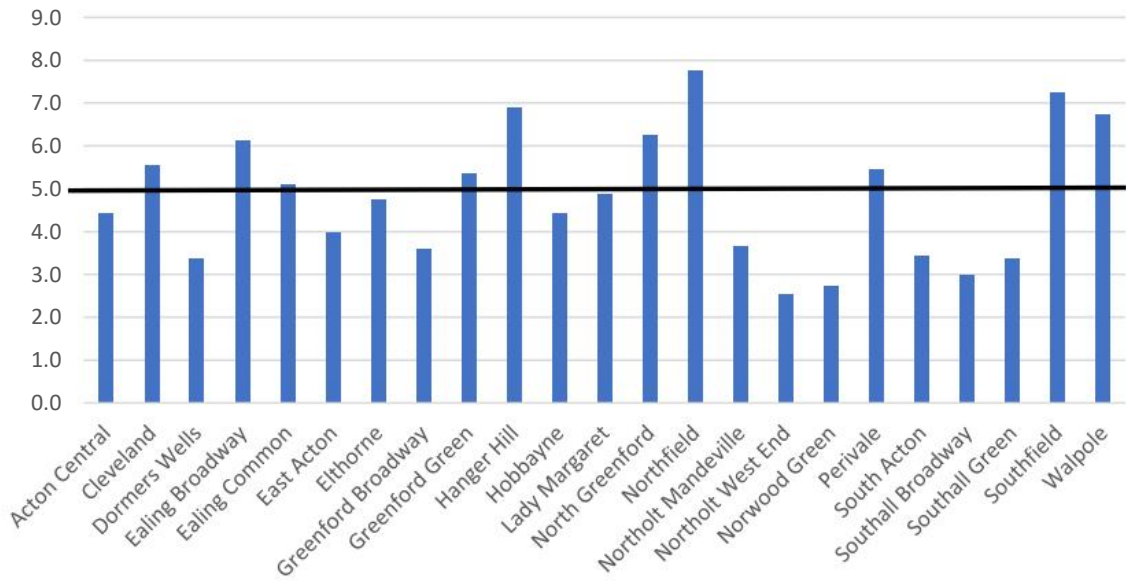
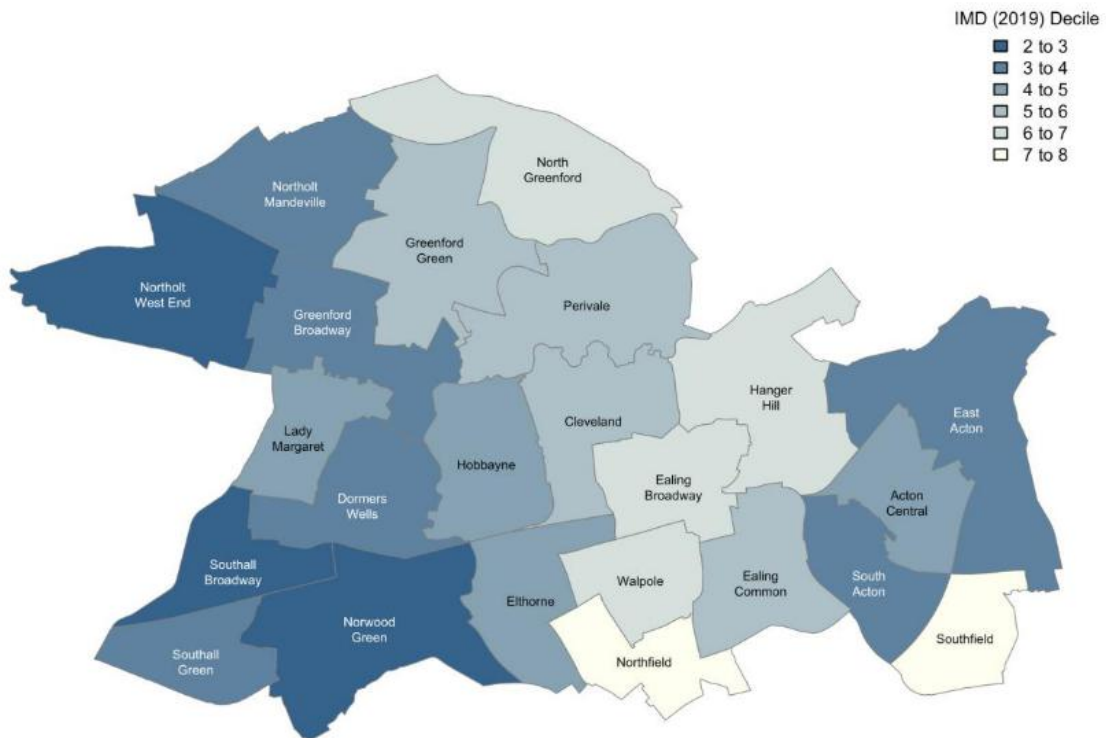


Figure 4. Average IMD (2019) decile by ward (Source: IMD 2019). Horizontal line shows the national average (5)



Map 1. Distribution of Average IMD (2019) decile by ward (Source: ONS 2019, Map by Metastreet).

Ealing faces challenges relating to barriers to housing. All wards are worse than the national average (21.6) for IMD 2019 Barriers to Housing and Services measure (Figure 5). The barriers to housing IMD domain includes indicators such as overcrowding, homelessness and housing affordability.

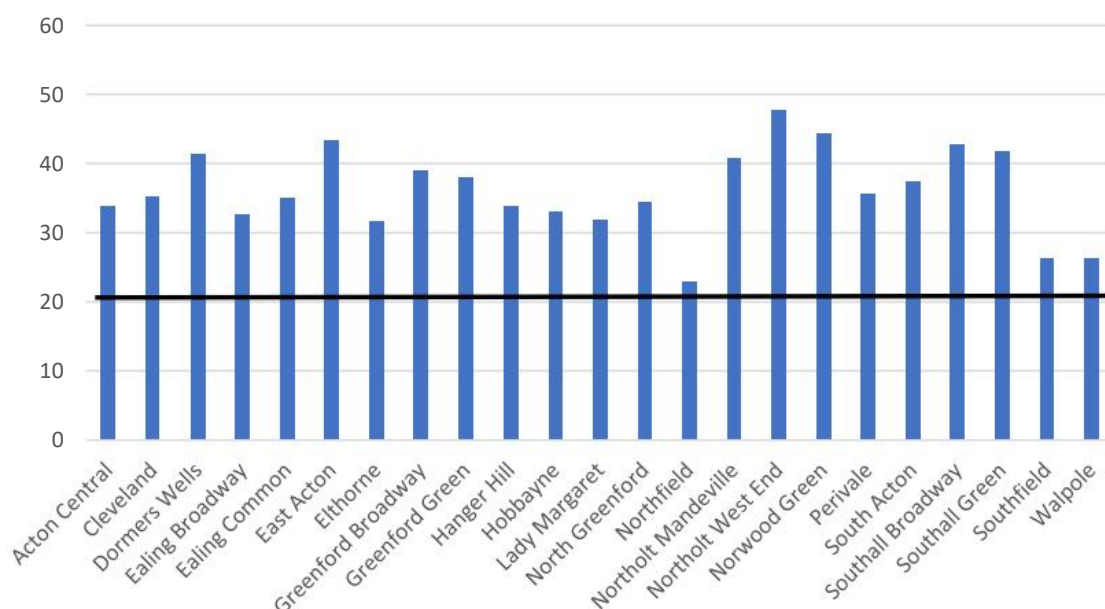


Figure 5. Average barriers to housing and services decile by ward (IMD 2019). Horizontal line shows the national average (21.6).

1.4 Fuel Poverty

Fuel poverty is defined by the Warm Homes and Energy Conservation Act 2000 as if a member of a household living on a lower income in a home which cannot be kept warm at reasonable cost. The fuel poverty score represents a percentage of households that are of risk from fuel poverty. Fuel poverty is measured by the Department for Energy and Climate Change. Ealing has a higher proportion in fuel poverty than the London average (Figure 6) ⁶.

⁶ DECC 2020, <https://data.gov.uk/dataset/b1a8812c-de77-4eb9-87e5-4bfff23014e8/fuel-poverty>

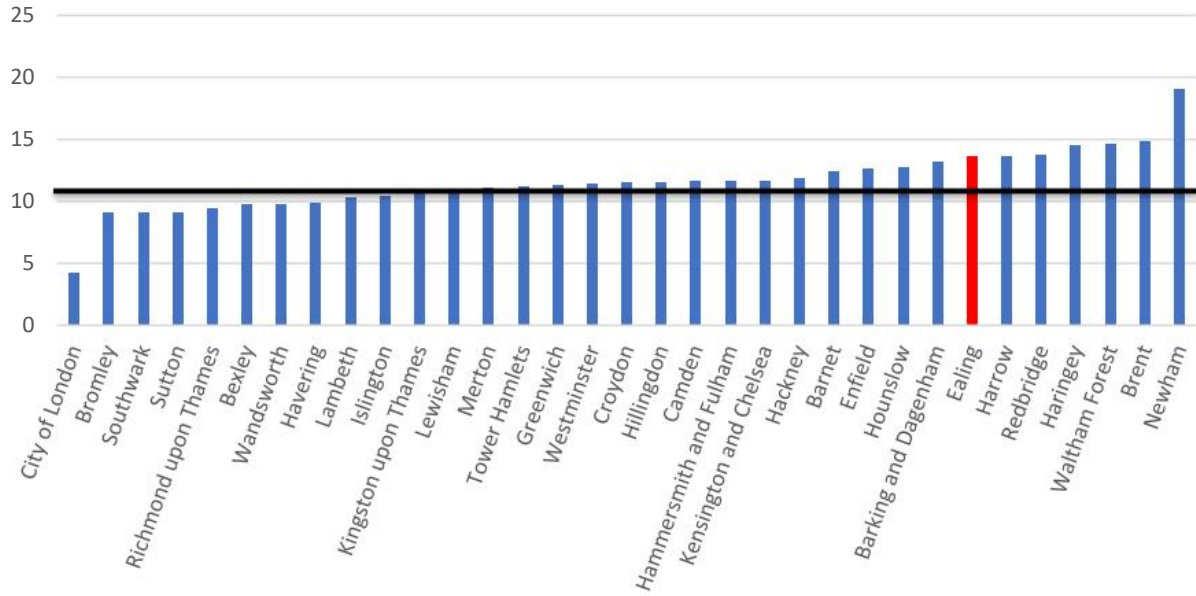


Figure 6. Proportion of households in fuel poverty (%) by London boroughs (DECC 2017). Horizontal line shows London average (11.6%).

1.5 Rented property possession claim rates

Ealing has the 3rd highest number of private landlord possession claims in London, with 2,403 in 2019⁷ (Figure 7). The average number of claims for London boroughs is 1,224.

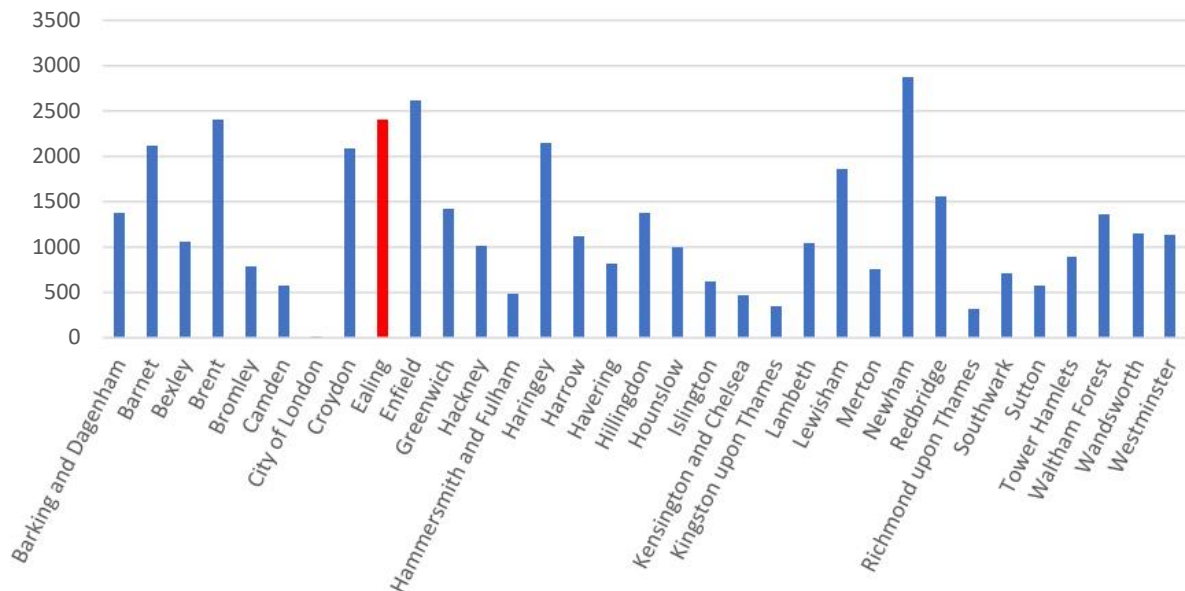


Figure 7. Possession order claims by private landlords by London boroughs (MOJ 2019)

⁷ MOJ Possession claims by local authority (2019) <https://www.gov.uk/government/statistics/mortgage-and-landlord-possession-statistics-january-to-march-2020>

1.6 Homelessness

Local authorities are required by law to either provide accommodation to homeless households (the main homelessness duty), work to stop households becoming homeless (the homelessness prevention duty) or relieve homelessness when it does occur (the homelessness relief duty).

The extent and nature of homelessness duties owed by different boroughs varies significantly.

Homelessness returns to government in 2019/20 for Q2 show Ealing has the 2nd highest homelessness duties owed in London (Figure 8)⁸ (excludes main duty to avoid double counting).

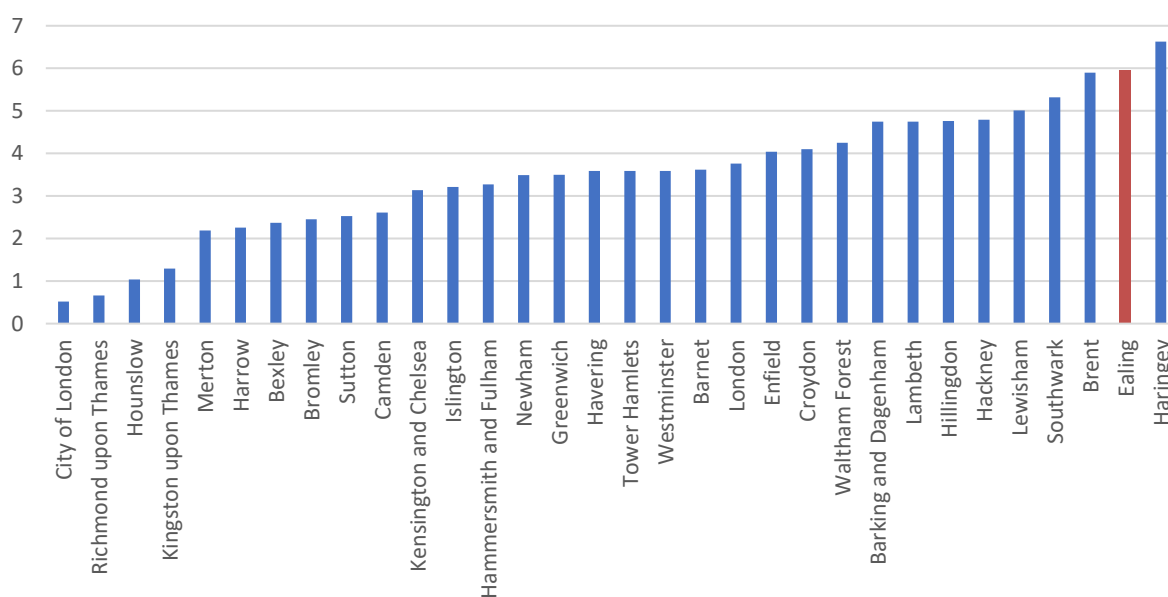


Figure 8. Homelessness duties owed by London boroughs (2019/20) (Q2) (Source: MHCLG 2019/20) (excludes main duty to avoid double counting). No data available for Redbridge and Wandsworth

1.7 Rents and affordability

Private rents vary by borough. As this report is concerned with housing conditions and other housing stressors, we have looked at the average (median) earnings for one-bedroom dwellings as a proportion of median rents. Ealing has above average rents, with 53.7% of median earnings used to pay rent (Figure 9)⁹.

⁸ Trust for London, <https://www.trustforlondon.org.uk/data/homelessness-duties-borough/>

⁹ Valuation Office Agency (VOA), Private rental market summary statistics: 2018

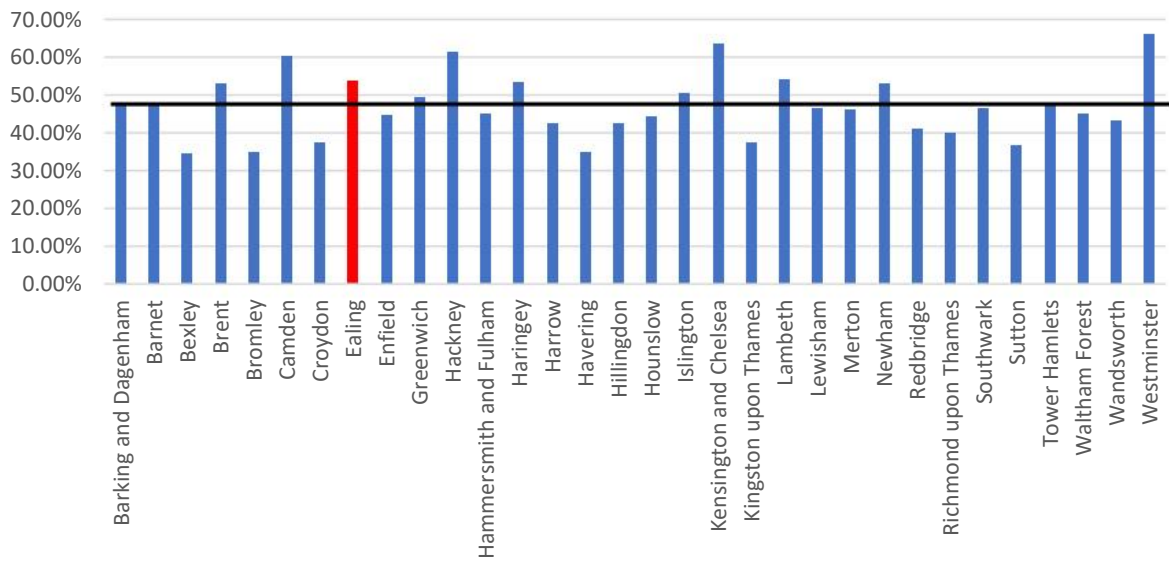


Figure 9. Median rent for a one-bedroom dwelling as a percentage of gross pay by London borough (2019/20) (Source: TFL 2020). Horizontal black line shows London average (47.9%)

1.8 Residential property crime (burglary)

2,574 burglaries were reported to the Metropolitan Police in Ealing between February 2019 & March 2020. East Acton (263) and Hanger Hill (149) wards have the highest rates of burglaries.

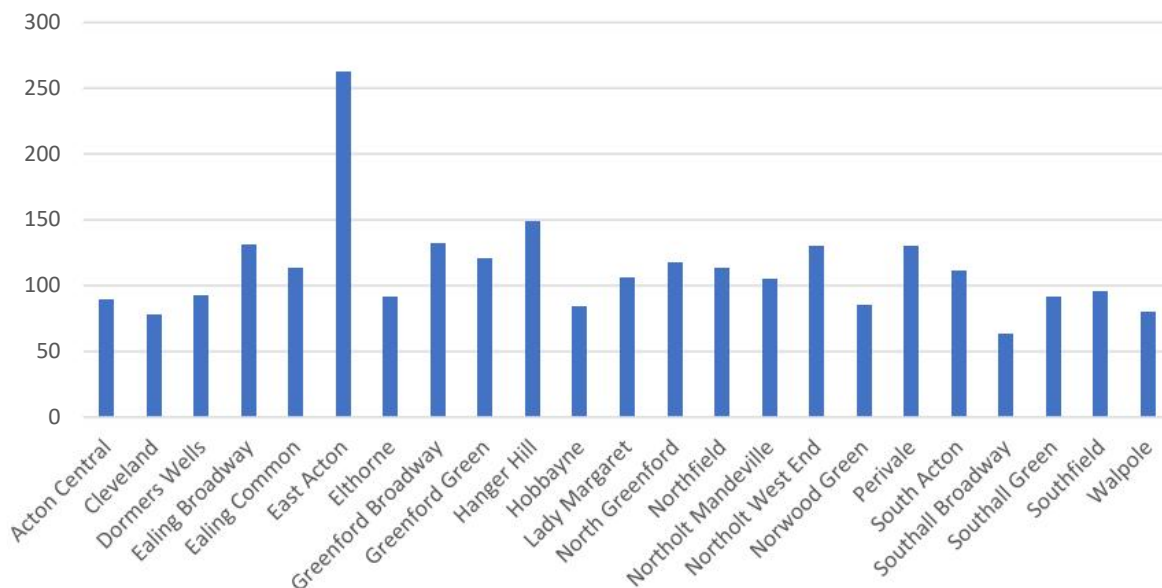


Figure 10. Distribution of reported burglary in Ealing - Metropolitan Police (Feb 2019-March 2020)

2 Results of housing stock and stressor modelling

2.1 Methodology

Tenure Intelligence (Ti) uses council held and publicly available data to identify tenure and analyse property stressors, including property conditions and ASB.

Data trends at the property level are analysed using machine learning to help predict the tenure of individual properties. Metastreet has worked with the council to create a residential property data warehouse. This has included linking millions of cells of council and externally held data to 143,863 unique property references (UPRN), excluding parent and non-dwellings.

Machine learning is used to make predictions for each tenure and property condition based on a sample of known tenures and outcomes. Results are analysed to produce a summary of housing stock, predictions of Category 1 hazards (HHSRS) and other stressors. To achieve the maximum accuracy, unique models are built for each council and tenure, incorporating individual borough data and using known outcomes to train predictive models.

Once the data warehouse was created, statistical modelling was used to determine tenure using the methodology outlined below. All specified and requested council held longitudinal data is 5 consecutive years, from April 2015 – March 2020.

Different combinations of risk factors were systematically analysed for their predictive power in terms of key outcomes. Risk factors that duplicated other risk factors but were weaker in their predictive effect were systematically eliminated. Risk factors that were not statistically significant were also excluded through the same processes of elimination.

For each UPRN a risk score was calculated using logistic regression. The selected risk factors have a better or worse than evens chance of being predictive.

A number of predictive models have been developed as part of this project which are unique to Ealing. Known stressors linked to individual properties have been modelled to calculate population level incidences and rates.

It is important to note that this approach can never be 100% accurate as all large datasets and statistical models include some level of error. A more detailed description of the methodology and the specific factors selected to build predictive models for this project can be found in Appendix 2.

2.2 Results - Private rented sector

2.2.1 Population and distribution

The private rented sector (PRS) in Ealing has grown steadily since 2011 ¹⁰.

Based on tenure modelling (January 2021), Ealing's PRS is now calculated to be 38.1% of housing stock (Figure 11). This compares to 23% of households in 2011 (ONS). This represents a 65.7% increase over the last 10 years (Figure 12).

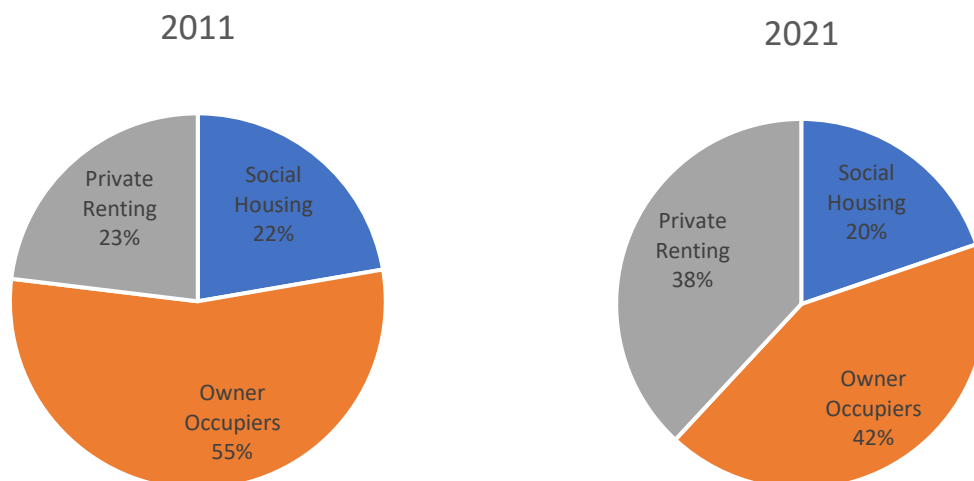


Figure 11. Tenure profile 2011 & 2021 (Source: ONS & Metastreet Ti model).

Tenure percentage change over the last two decades in Ealing has been consistent with the London trend, owner occupation decreasing while private renting increasing. Private renting has grown at the expense of owner occupation; however, a sizable proportion of the growth appears to come from new supply. Social housing stock levels have remained steady.

This increase is part of a long term nationwide and regional trend. The PRS in the UK has grown from 9.4% of housing stock in 2000 ¹¹ to 19% of households 2020 ¹². The PRS remains the second largest housing tenure in England. ¹³.

¹⁰ <https://data.london.gov.uk/dataset/2011-census-housing>

¹¹ The profile of UK private landlords Scanlon K & Woodhead C CML research. LSE London. December 2017 www.cml.org.uk

¹² EHS Headline 2919-20, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945013/2019-20_EHS_Headline_Report.pdf

¹³ EHS Headline 2919-20, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945013/2019-20_EHS_Headline_Report.pdf

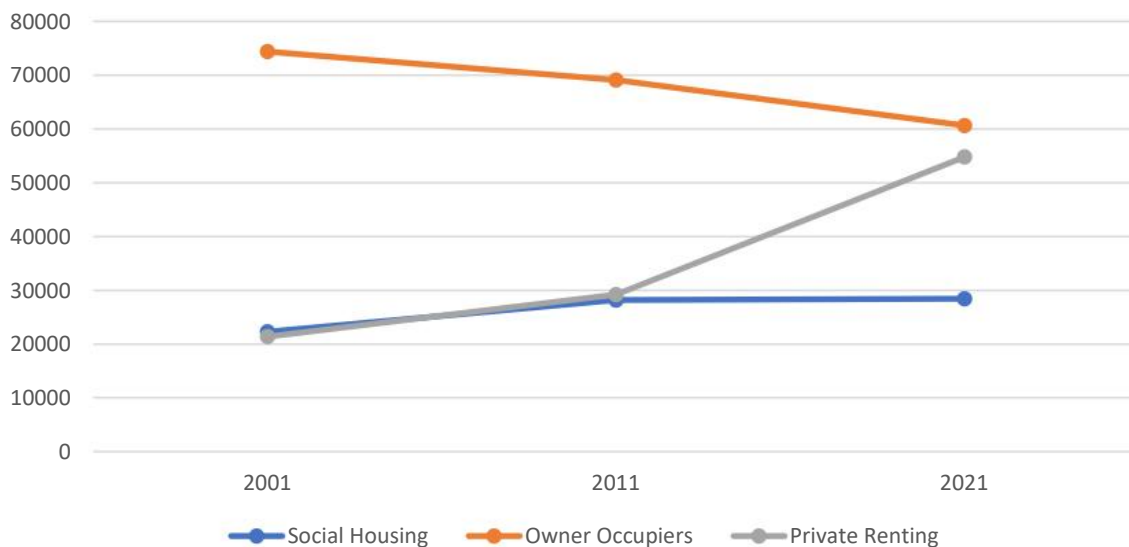


Figure 12. PRS as a percentage of total housing stock, 2001, 2011 & 2021 (Source: ONS & Metastreet).

Tenure	2001	2011	2021
Social Housing	22,277	28,200	28,425
Owner Occupiers	74,375	69,100	60,635
Private Renting	21,371	29,200	54,776
Total dwellings	118,023	126,500	143,836

Table 1. Number of dwellings by tenure 2001, 2011 & 2021 dwellings by ward (Source Ti 2021).

The PRS in Ealing is distributed across all 23 wards (Figure 13). The number of PRS dwellings per ward ranges from 6,162 (East Acton) to 1,246 (Dormers Wells).

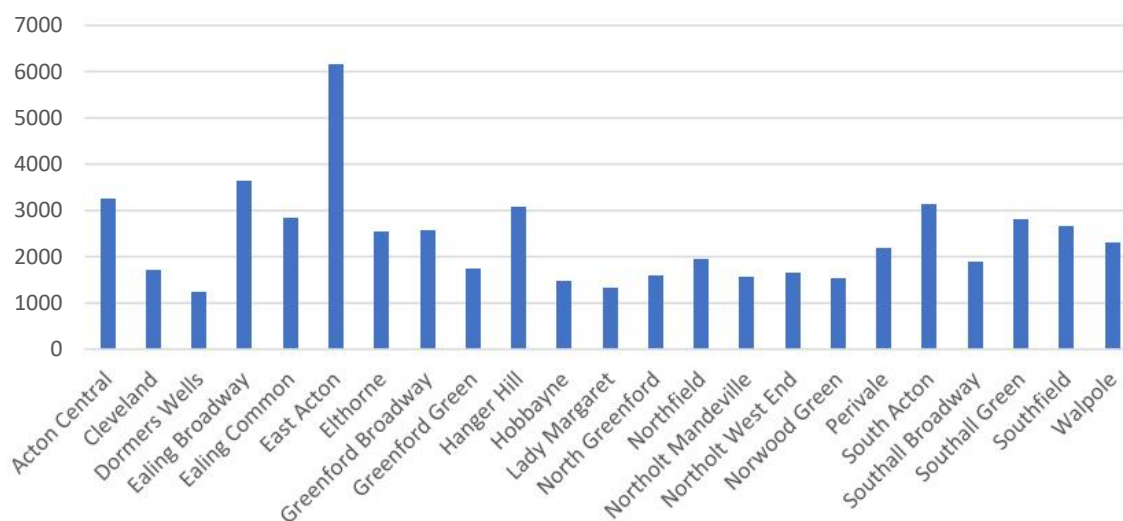


Figure 13. Number of PRS dwellings by ward (Source: Ti 2021).

The percentage of PRS properties in each ward ranges between 57% (East Acton) and 26% (Hobbayne) (Figure 14). Therefore, 23 out of 23 Ealing wards have a higher percentage PRS than the national average in 2020 (19%)¹⁴.

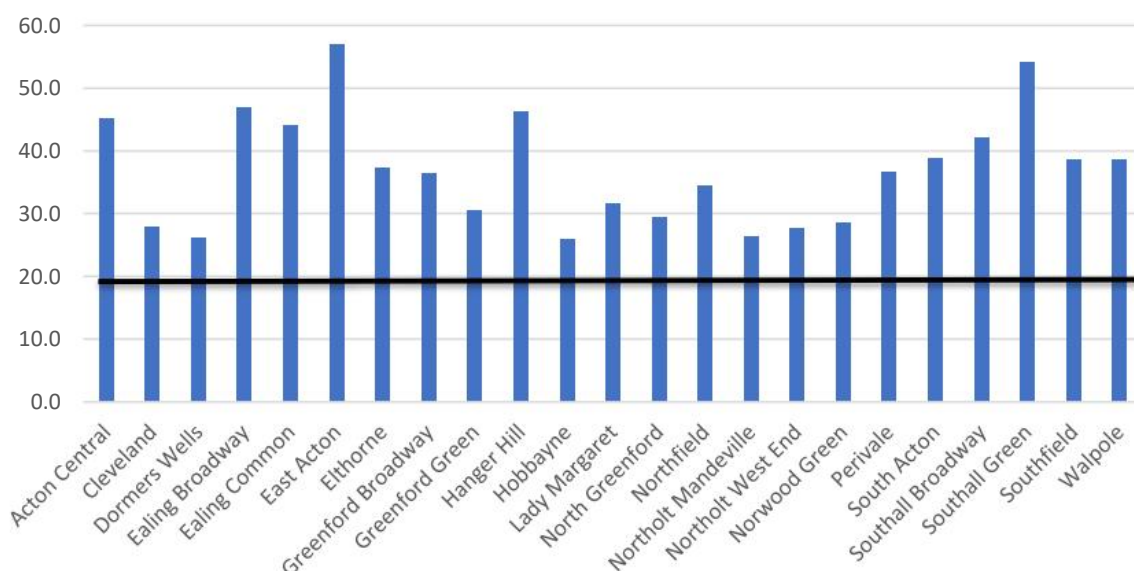


Figure 14. Percentage of PRS dwellings by each ward (Source Ti 2021). Horizontal black line shows national average 2019 (19%)

The table below shows the total PRS dwellings in each ward and the percentage PRS compared to the total housing stock.

Ward	No. PRS Dwellings	Percent PRS (%)
Acton Central	3,258	45.2
Cleveland	1,713	28.0
Dormers Wells	1,246	26.3
Ealing Broadway	3,633	46.9
Ealing Common	2,838	44.0
East Acton	6,162	57.0
Elthorne	2,533	37.3
Greenford Broadway	2,566	36.5
Greenford Green	1,731	30.6
Hanger Hill	3,073	46.2
Hobbayne	1,468	26.0
Lady Margaret	1,337	31.6

¹⁴ EHS Headline 2919-20, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945013/2019-20_EHS_Headline_Report.pdf

2.2.2 Housing conditions

Housing conditions are affected by the level of maintenance and quality of repair, the age of the property, thermal efficiency, and type of construction. Category 1 (HHSRS) hazards have a physiological or psychological impact on the occupant and may result in medical treatment.¹⁵

In 2019, 13% of private rented dwellings in England had at least one Category 1 hazard; this was a higher proportion than the average for the total housing stock (10%)¹⁶. It is notable that there is a gradient of risk with age of the property, the risk being greatest in dwellings built before 1900, and lowest in the more energy efficient dwellings built after 1980¹⁷.

A local authority's property age profile can have an impact on housing conditions. Ealing has a high number of residential properties (62.8%) built pre-Second World War (Figure 15)¹⁸.

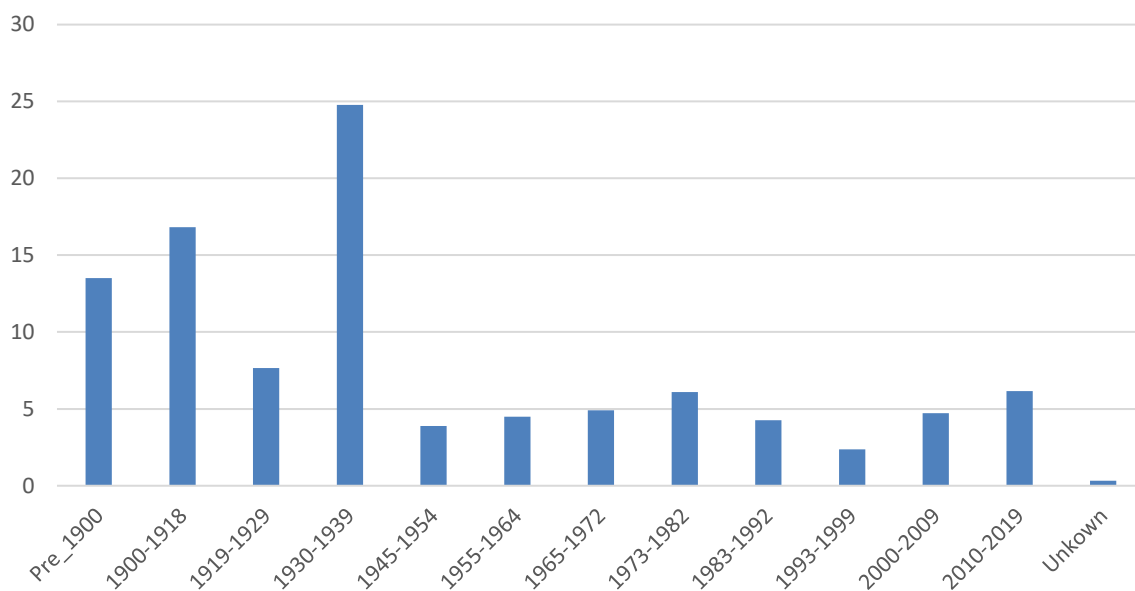


Figure 15. Age profile of housing stock (%) for all tenures (Source: VOA 2015).

¹⁵ Housing Health and Rating System, Operation Guidance, 2006, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf

¹⁶ English Housing Survey Dec 2020 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945013/2019-20_EHS_Headline_Report.pdf

¹⁷ Housing Health and Rating System, Operation Guidance, 2006, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf

¹⁸ London data store, VOA <https://data.london.gov.uk/dataset/property-build-period-isoa>

A borough's property type profile offers an indication of housing density, construction type and other population factors. The most common property type in Ealing is flats (48%), while bungalows are the least common property type (1%) (Figure 16).

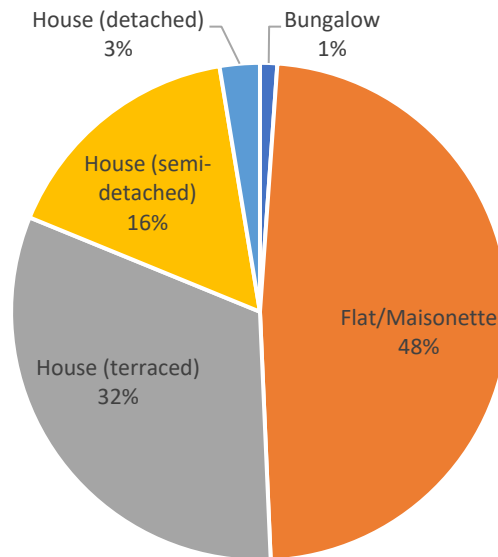


Figure 16. Property type as a percent of total (Source: VOA 2015).

Using a sample of properties that are known to have at least one serious housing hazard (Category 1, HHSRS), it is possible to predict the number of PRS properties with at least one serious hazard across the borough (Figure 17), further details of the methodology can be found in Appendix 2.

There are 12,063 private rented properties in Ealing that are likely to have at least 1 serious housing hazard (Category 1, HHSRS). PRS properties with serious hazards are distributed across the borough. East Acton (1,224), Acton Central (1,099) and Southall Green (1,089) have the highest number of properties with at least one Category 1 hazard.

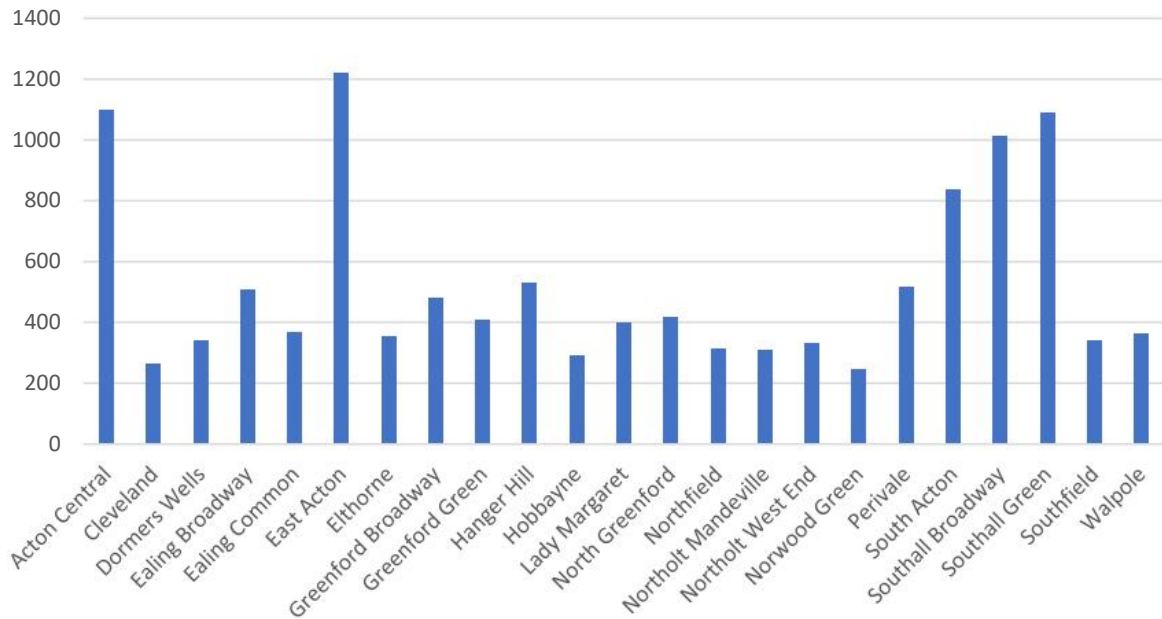
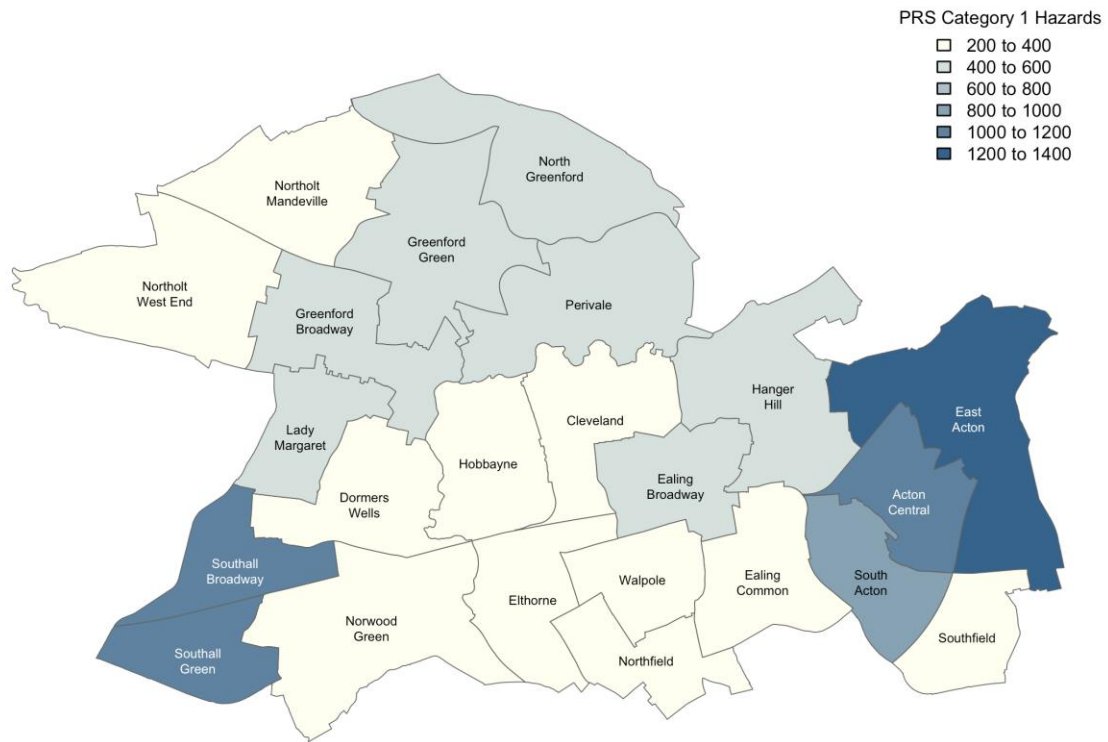


Figure 17. Predicted number of dwellings with Category 1 hazards by ward (Source: Ti 2021).

Category 1 hazards in the PRS are distributed across the whole borough. Notable concentrations of properties with serious hazards can be found predominantly in the south eastern and south western wards.



Map 3. Distribution of PRS dwellings with Category 1 hazards (HHSRS) (Source: Ti 2021, map by Metastreet).

The rates of Category 1 hazards per 1,000 PRS properties reveals a wide distribution across Ealing (Figure 18). Southall Broadway (534 per 1,000) and Southall Green (388 per 1,000) wards have the highest rates of PRS properties with Category 1 hazards.

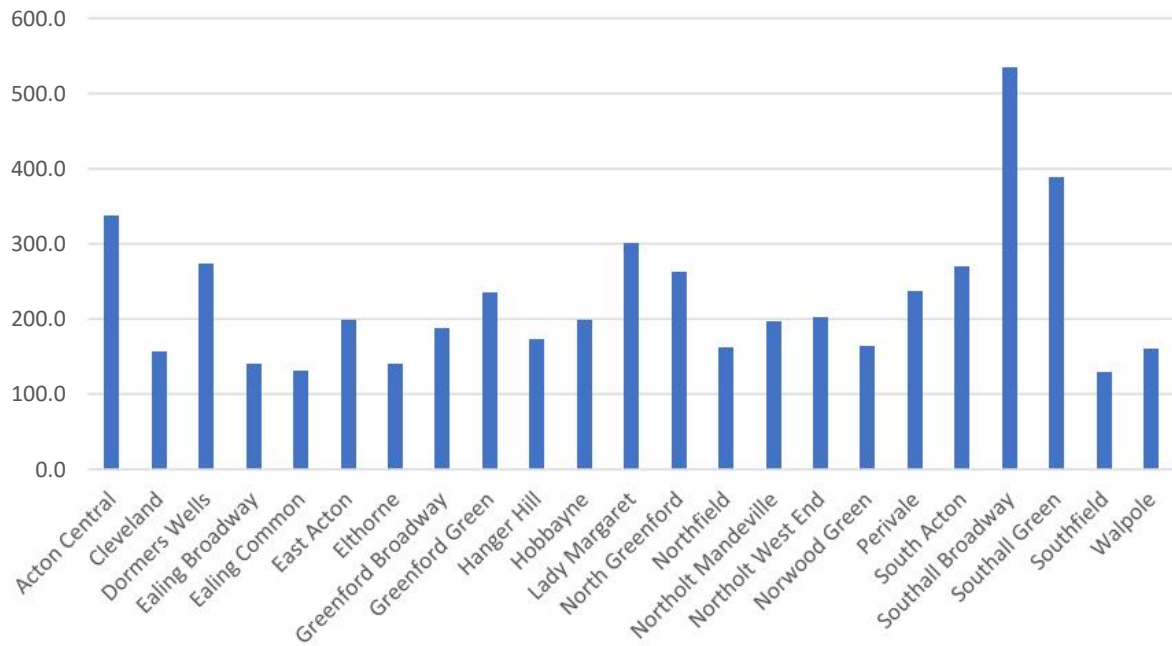


Figure 18. Rates per 1,000 PRS dwellings with predicted Category 1 hazards by ward (Source: Ti 2021).

Complaints made by PRS tenants to the council about poor property conditions and inadequate property management are a direct indicator of low quality PRS. Ealing recorded 9,931 complaints from private tenants over a 5-year period (Figure 19).

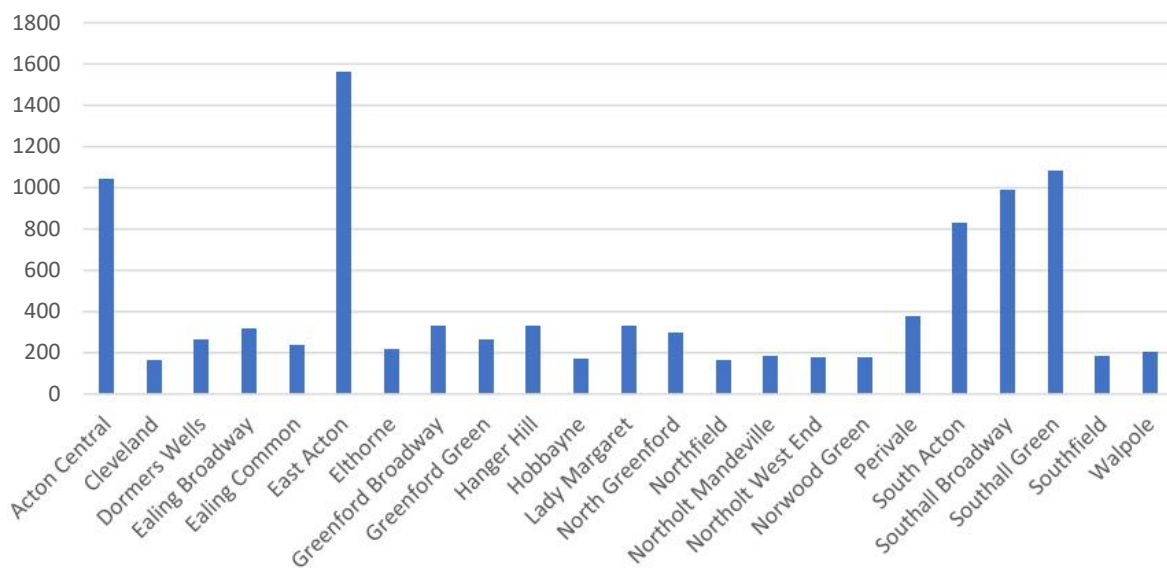
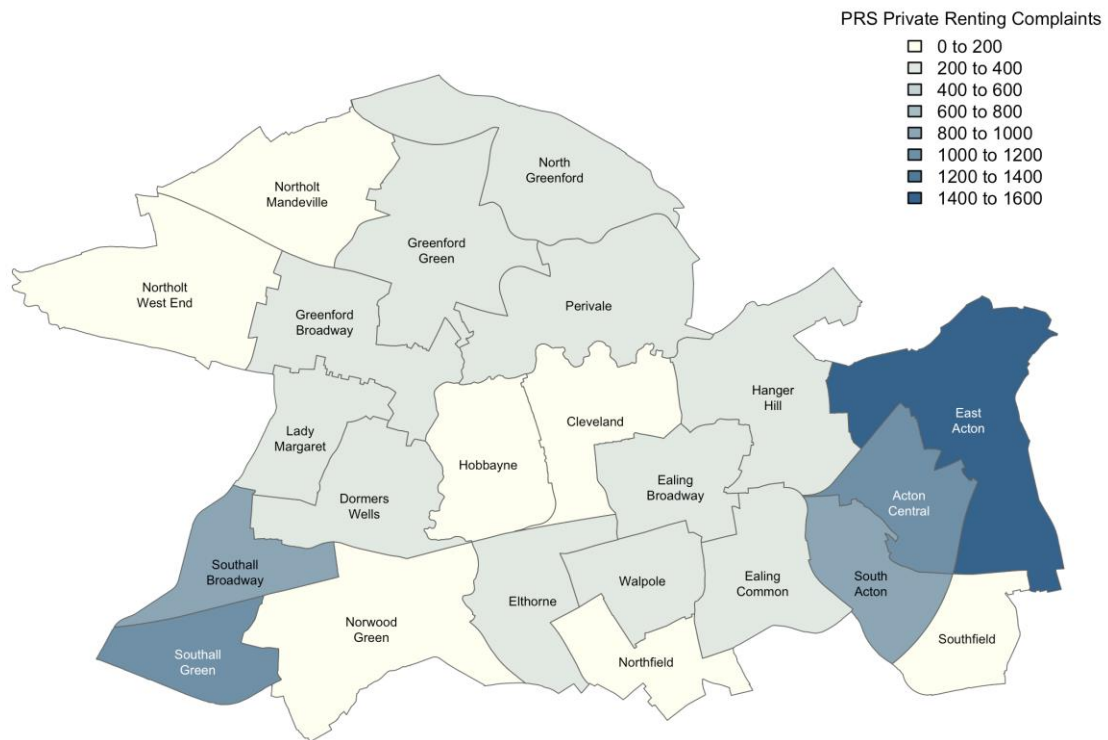


Figure 19. PRS disrepair complaints made by private tenants to the Council (Source Ti 2021)

East Acton (1,564) and Southall Green (1,085) received most private tenant complaints.



Map 4. Distribution of PRS tenant complaints (Source: Ti 2021, map by Metastreet).

An EPC rating is an assessment of a property’s energy efficiency. It’s primarily used by buyers or renters of residential properties to assess the energy costs associated with heating a house or flat. The rating is from A to G. A indicates a highly efficient property, G indicates low efficiency.

The energy efficiency of a dwelling depends on the thermal insulation of the structure, on the fuel type, and the size and design of the means of heating and ventilation. Any disrepair or dampness to the dwelling and any disrepair to the heating system may affect efficiency. The exposure and orientation of the dwelling are also relevant.

As part of this project 37,098 EPC ratings were matched to PRS properties (Figure 20). All figures have been modelled from this group.

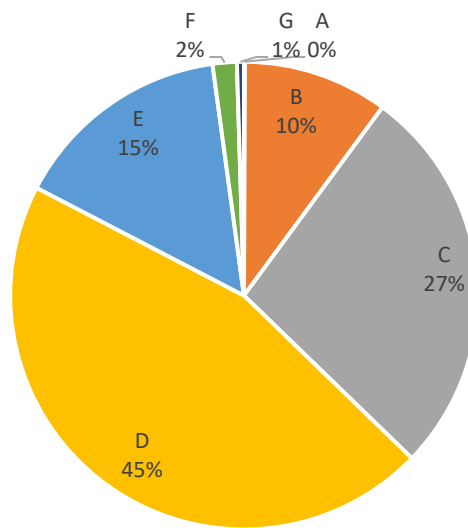


Figure 20. Distribution of Energy Performance Certificate ratings in PRS (Rating A-G) (Source: Ti 2021).

The Minimum Energy Efficiency Standard (MEES) came into force in England and Wales on 1 April 2018. The regulation applies to PRS properties and mandates that all dwellings must have an EPC rating of E and above to be compliant. It has been calculated using the matched addresses that 17.3% of PRS properties in Ealing have an E, F, and G rating. 2.2% of PRS properties have an F and G rating (Figure 20). Extrapolated to the entire PRS, 1,205 PRS properties are likely to fail the MEES statutory requirement.

The statistical evidence shows that there is a continuous relationship between indoor temperature and vulnerability to cold-related death¹⁹. The colder the dwelling, the greater the risk. The percentage rise in deaths in winter is greater in dwellings with low energy efficiency ratings. There is a gradient of risk with age of the property, the risk being greatest in dwellings built before 1850, and lowest in the more energy efficient dwellings built after 1980²⁰. Therefore, the sizeable number of F and G properties present a serious risk to the occupants' health, particularly if over the age of 65.

In response to non-compliance in the private rented sector Ealing has served a significant number of statutory notices over 5 years. 1,254 housing, public health and planning enforcement notices were

¹⁹ Housing Health and Rating System, Operation Guidance, 2006
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf

²⁰ Housing Health and Rating System, Operation Guidance, 2006
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf

issued. Southall Green (200), Southall Broadway (148) and East Acton (115) received the most statutory notices.

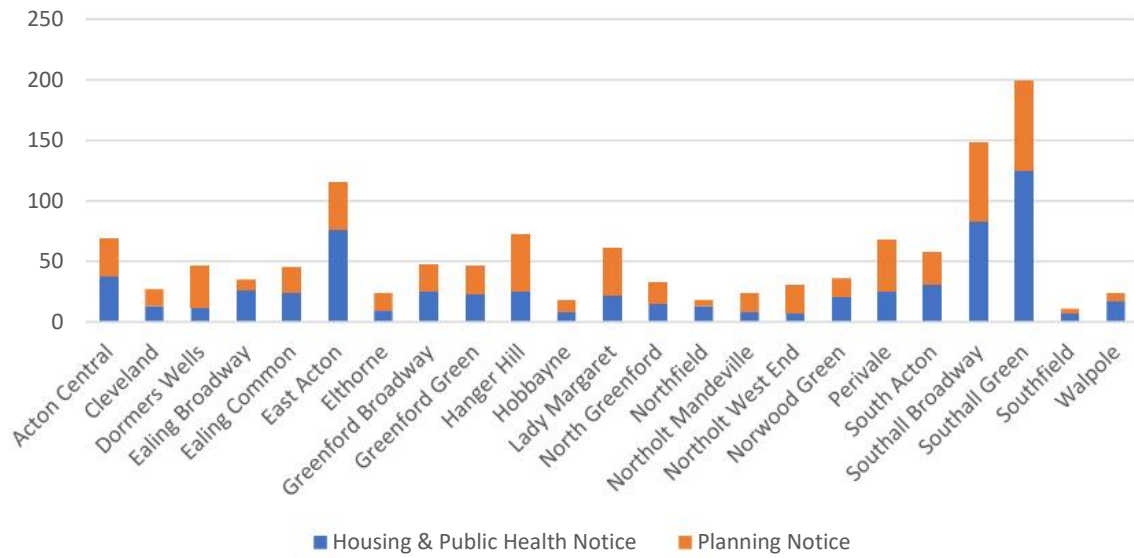
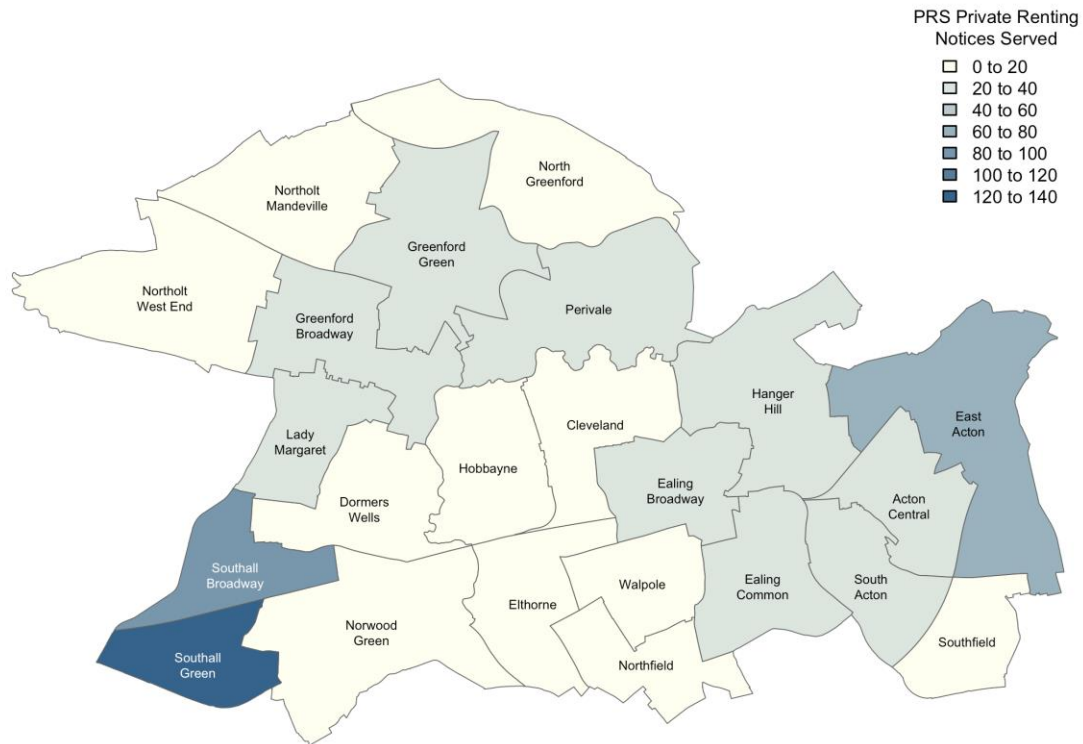


Figure 21. Statutory notices served on PRS properties (housing/public health & planning) (Source: Ti 2021)



Map 5. Distribution of statutory notices served on PRS properties (housing/public health notices only) (Source: Ti 2021, map by Metastreet).

2.2.3 Anti-social behaviour (ASB)

The number of ASB incidents recorded by the council over the last 5 years are shown below. They relate to ASB associated with residential premises only. For example, ASB incidents investigated on a street corner that cannot be linked to a residential property are excluded from the study.

Rates of ASB incidents in the HMO sector are significantly higher than other tenure types (Figure 22).

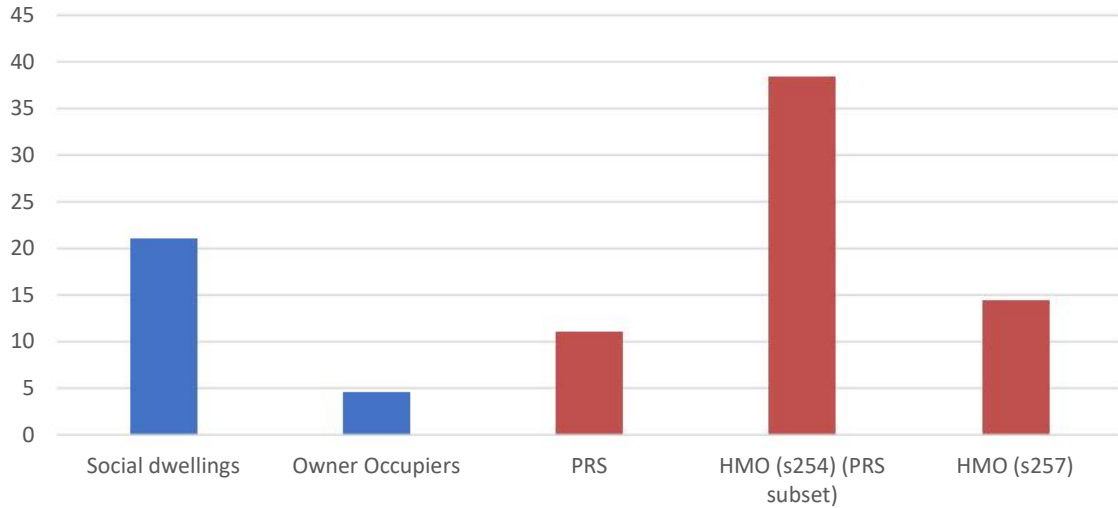


Figure 22. ASB rates per 1000 properties by tenure (Source: Ti 2021).

ASB directly linked to PRS properties occurs across the borough (Figure 23). Over a 5-year period, 6,025 ASB incidents have been recorded, this is made up of noise, verbal abuse, harassment, intimidation, nuisance animals, nuisance vehicles, substance misuse, prostitution, rubbish and fly tipping.

East Acton (501) has the highest levels and Lady Margaret (160) has the lowest numbers of PRS ASB incidents.

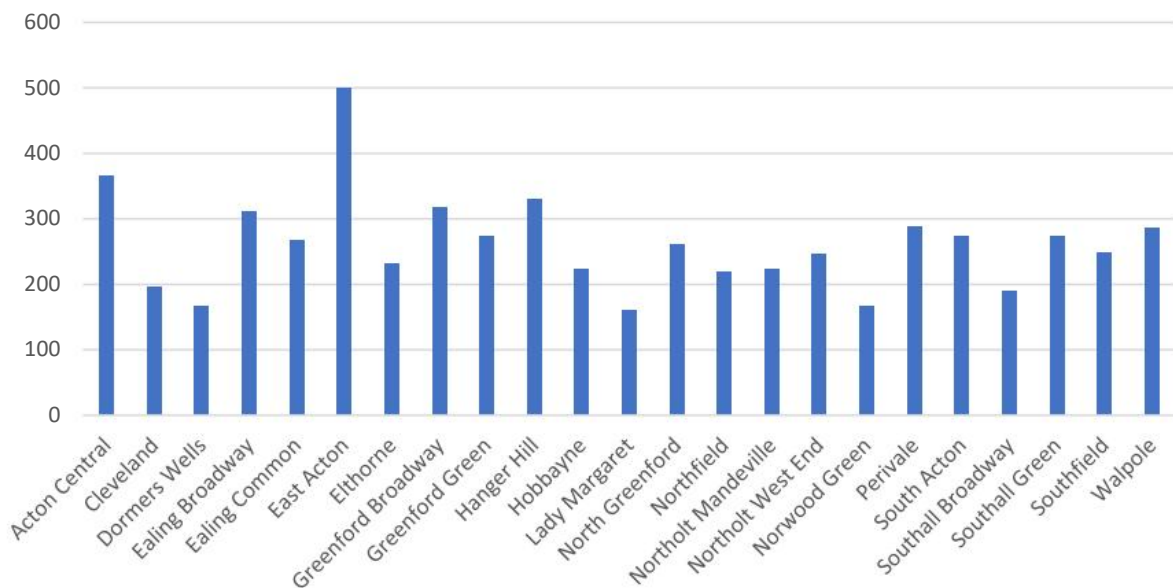
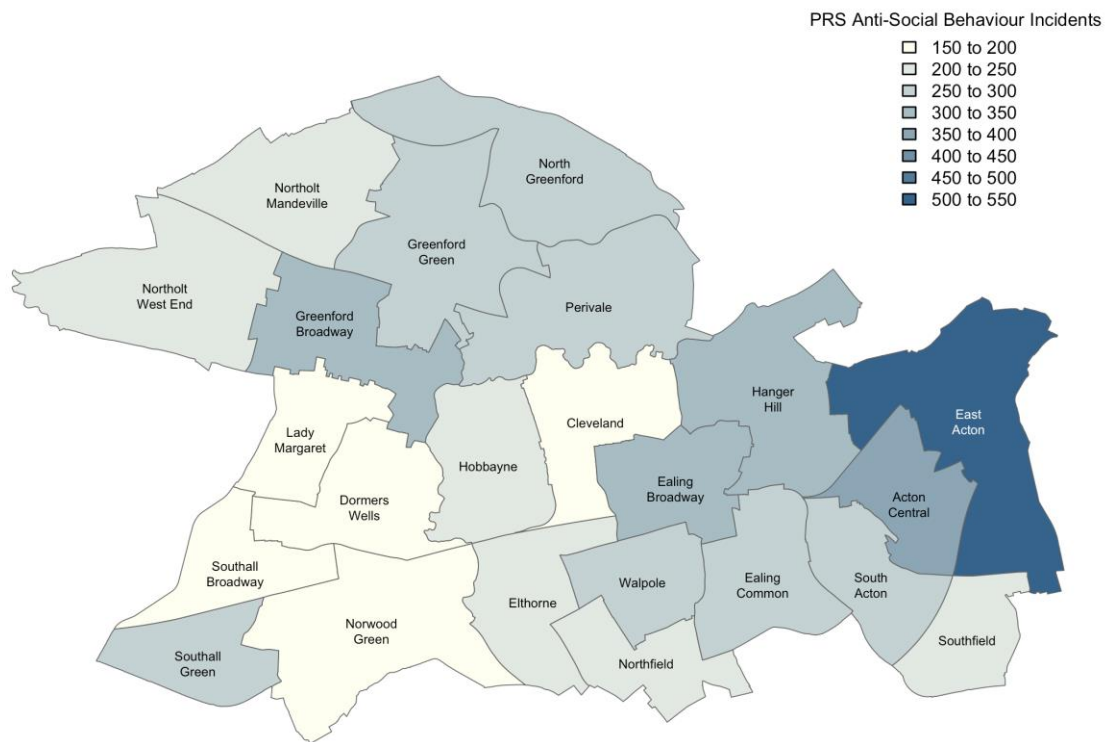


Figure 23. Number of ASB incidents linked to PRS by ward (Source Ti 2021).



Map 6. Distribution of ASB linked to PRS properties (Source: Ti 2021, Map by Metastreet).

ASB in the PRS expressed as incidents per 1000 dwellings, shows a wider distribution across all wards (Figure 24). Using this measure, North Greenford (163 per 1000) and Greenford Green (158 per 1000) wards have the greatest number of ASB incidents proportional to the size of the PRS.

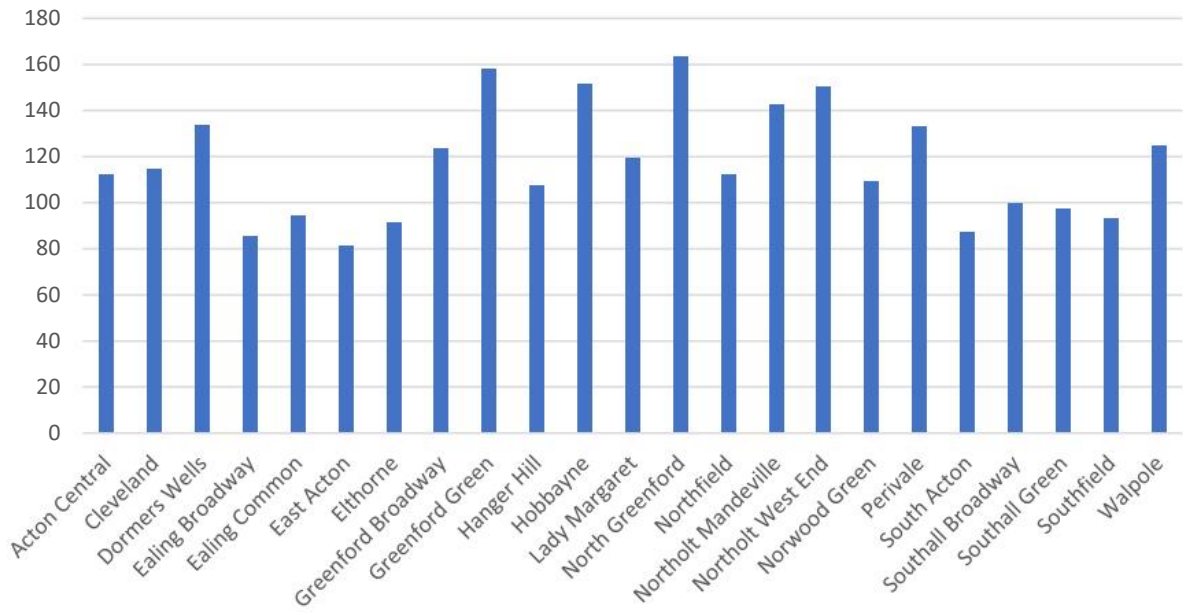


Figure 24. ASB incidents linked to PRS per 1000 properties by ward (Source: Ti 2021).

2.3 Results - Houses in Multiple Occupation (HMO)

HMOs identified as part of this study have been divided into two categories; HMOs that share basic amenities (s254) and converted properties with multiple flats that share common parts which are generally defined as less than two thirds owner-occupied (s257).

For the purposes of this study shared amenities HMO (s254) are categorised as buildings or flats that are occupied by two or more households and 3 or more persons that share a basic amenity, such as bathroom, toilet, or cooking facilities. This type of rented property represents the cheapest rental accommodation; rented by room with the sharing of amenities (usually kitchen/bathroom). The Housing Act 2004 defines HMOs as a *“dwelling of 3 or more persons not forming a single household”*. Section 257 HMOs are defined by the Housing Act 2004 in Part 7. This type of HMO is a converted block of flats where the standard of the conversion does not meet the relevant building standards (Building Regulations 1991) and fewer than two-thirds of the flats are owner-occupied.

2.3.1 Population and distribution

The total number of predicted HMOs (s254 & s257) across 23 wards is 8,360 properties (Figure 25). Acton Central has the highest concentration of HMOs (789). The HMO population is made up of two categories; HMO that share basic amenities (5,113) (s254) and converted properties with multiple flats that share common parts which are generally defined as less than two thirds owner-occupied (3,247) (s257).

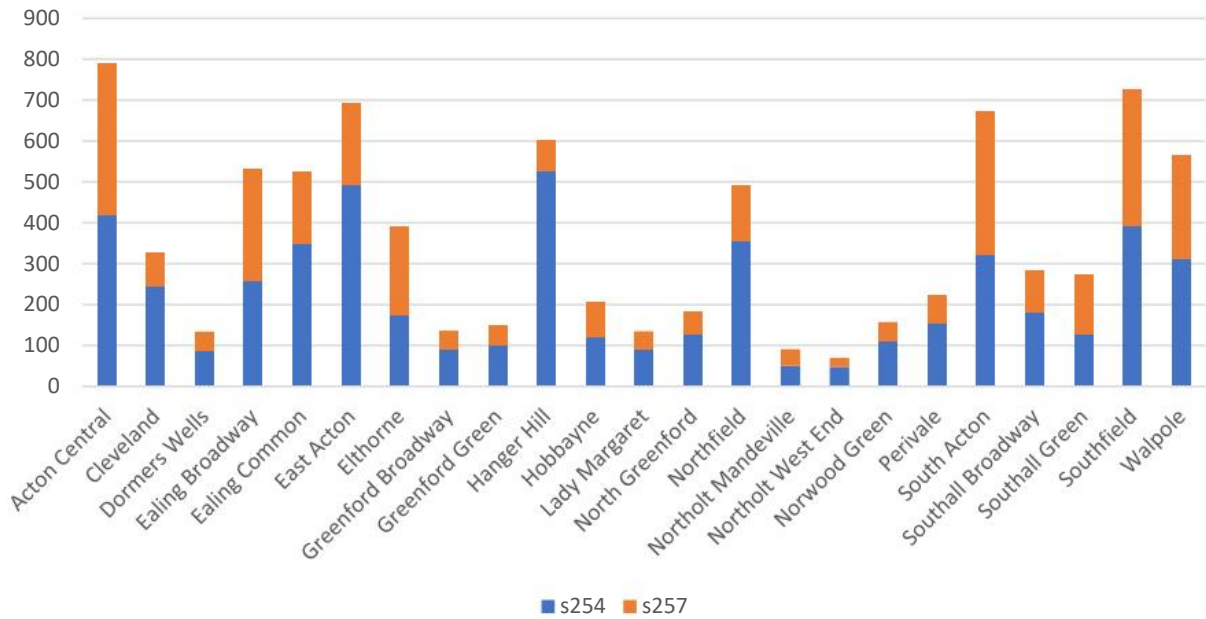
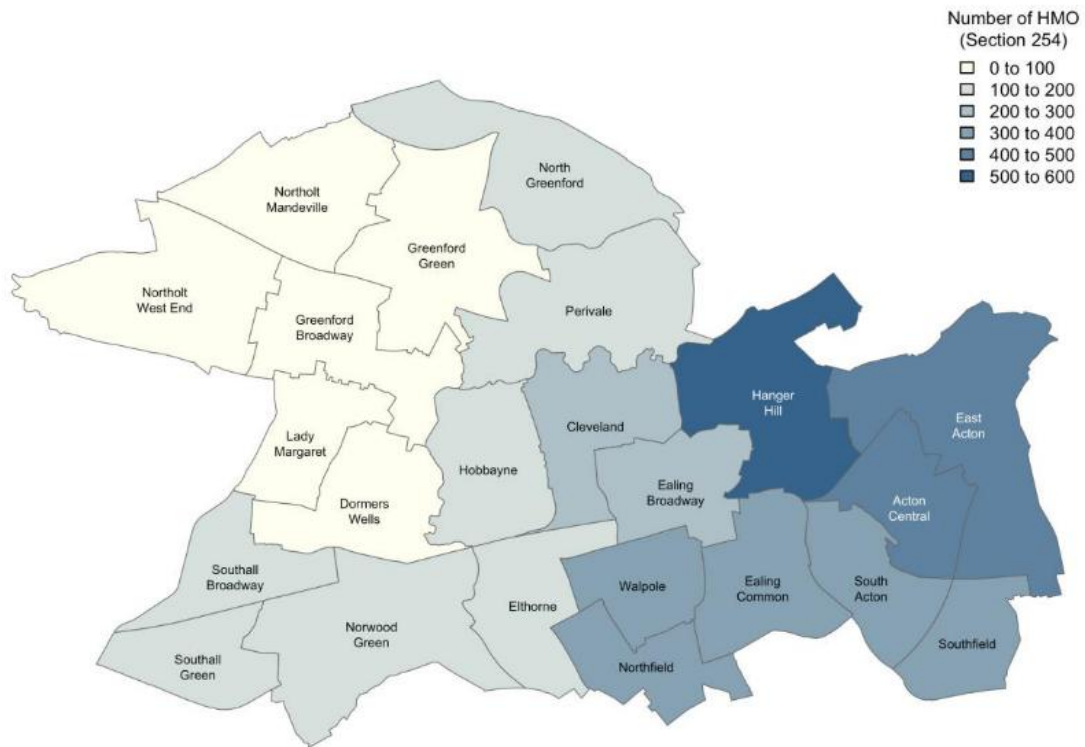
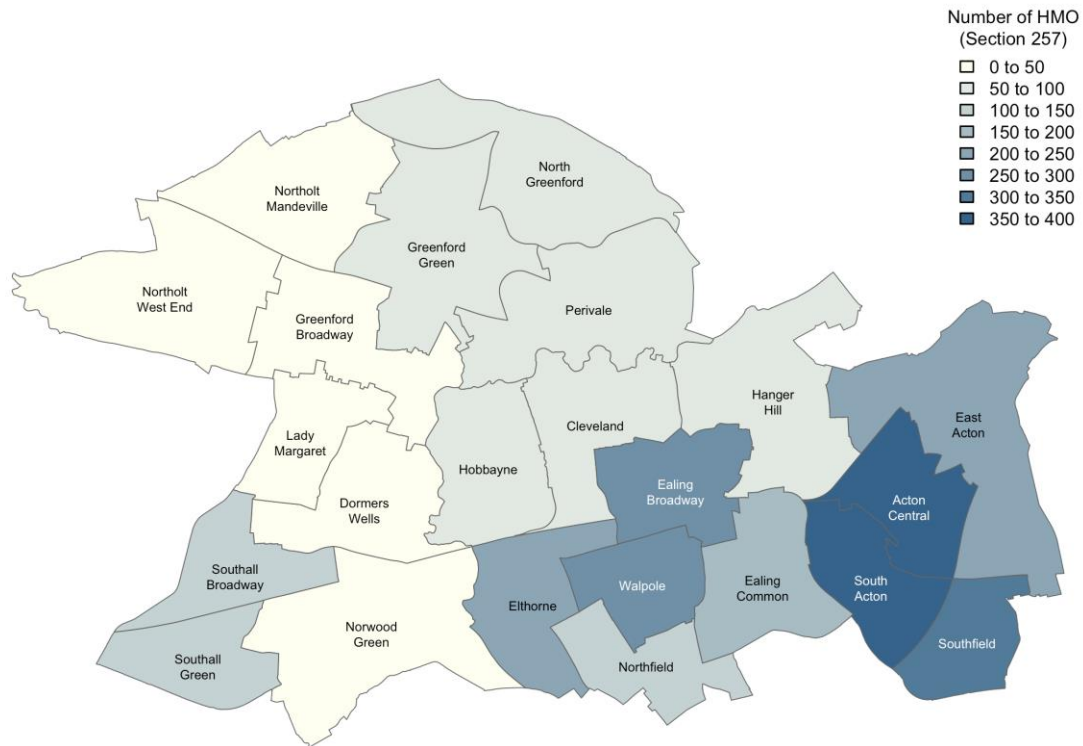


Figure 25. Number of HMOs (s257 & s254) by ward (Source Ti 2021)



Map 7: Distribution of shared HMOs (s254) (Source Ti 2021, map by Metastreet)

Shared HMOs are the cheapest form of private housing available and have traditionally been occupied by single adults, however in recent years many more couples and children reside in HMOs. Pressure on affordable housing and higher rates of homelessness has driven up demand for this type of dwelling.



Map 8: Distribution of converted property HMOs (s257 only) by ward (Source Ti 2021)

2.3.2 HMO & housing conditions

HMOs have some of the poorest housing conditions of any tenure. Analysis shows that 2,360 of 5,113 shared amenities HMOs (s254) in Ealing are predicted to have serious hazards (Category 1 HHSRS).

The number of Category 1 hazards is highest in shared amenities HMOs (s254) in East Acton (298) (Figure 26). All wards have HMOs with Category 1 hazards.

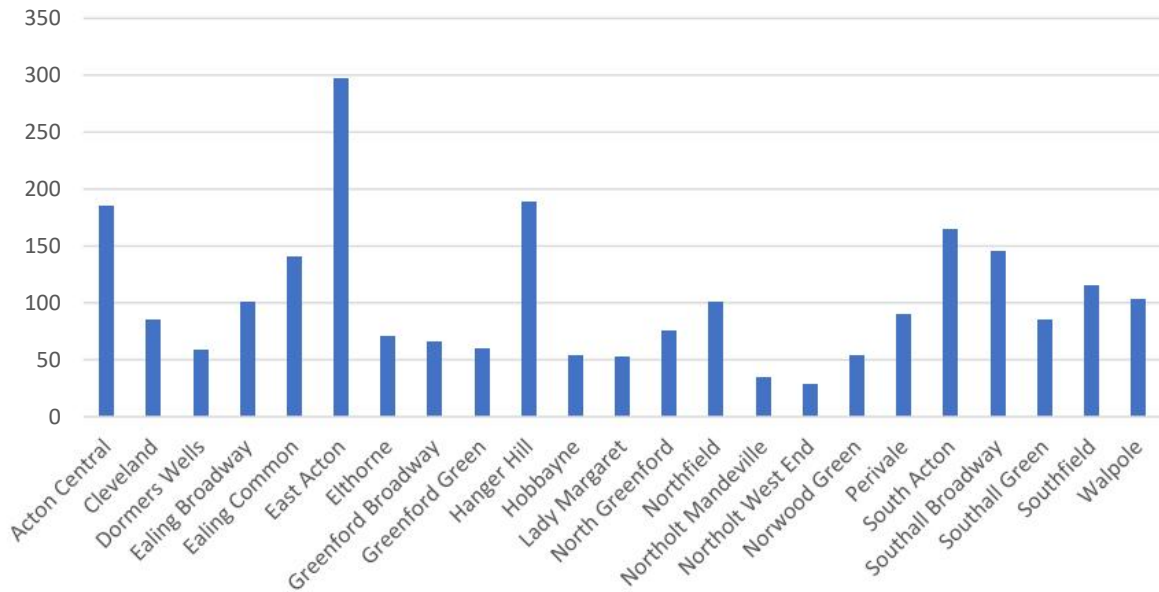
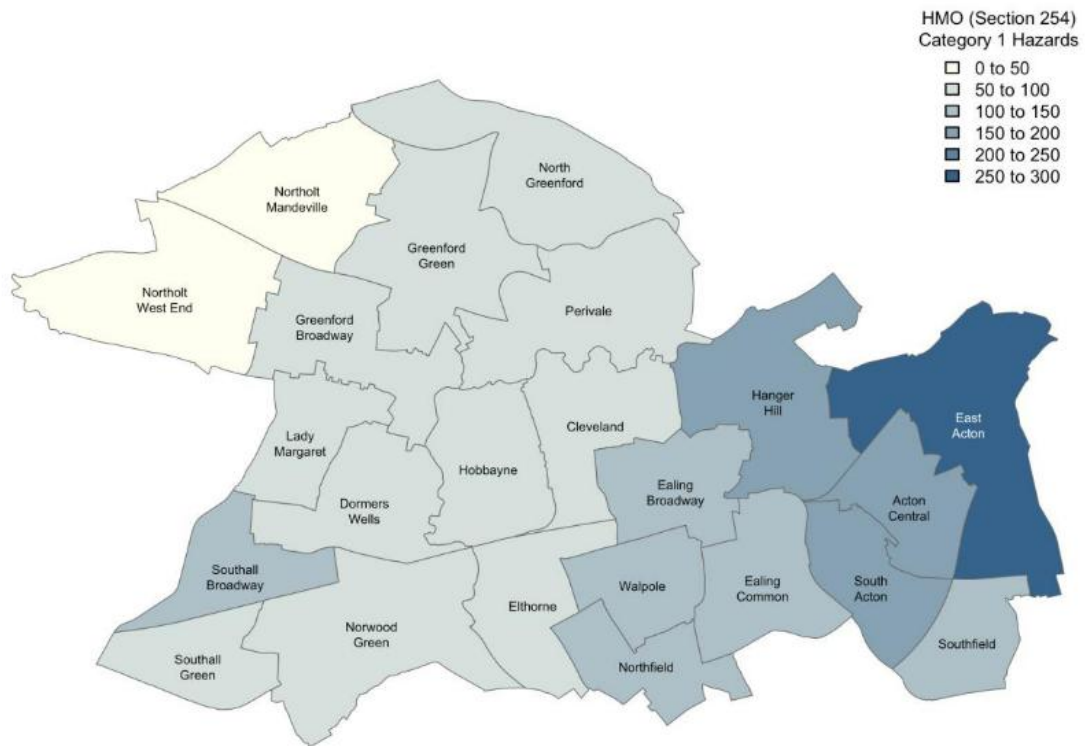


Figure 26. Number of HMO (shared amenities, s254) with Category 1 hazards by ward (Source Ti 2021).



Map 9: Distribution of HMO (shared amenities, s254) with Category 1 hazards by ward (Source Ti 2021).

The council has received 2,266 complaints from private tenants linked to all HMOs over 5 years. Complaints are distributed across all wards, East Acton (313) and Acton Central (209) have the highest rates (Figure 27).

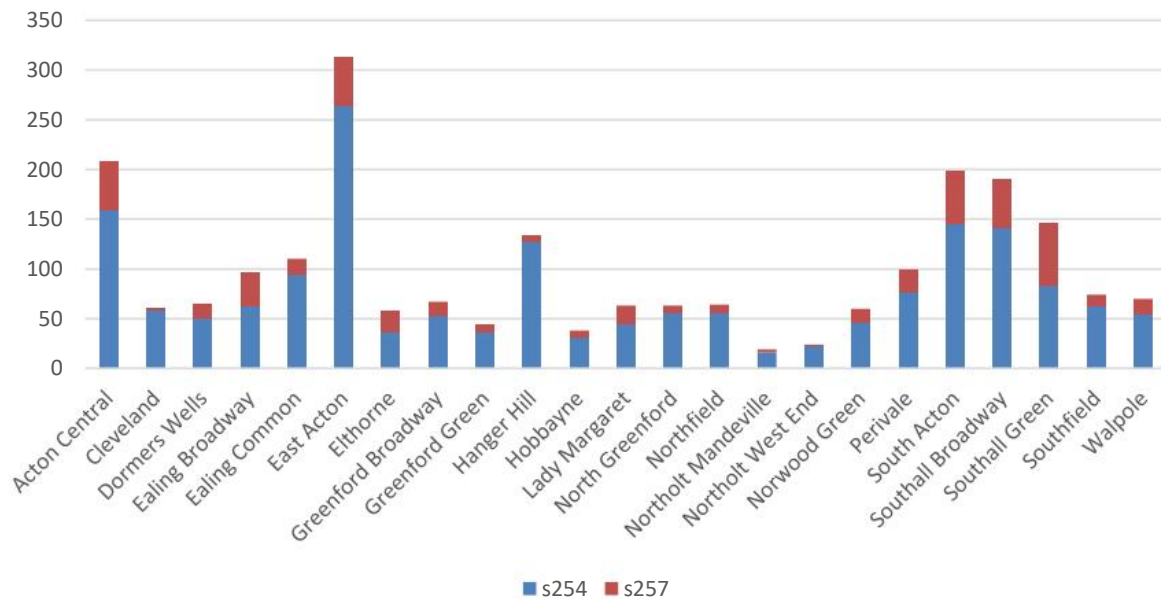


Figure 27. Number of tenant complaints linked to HMO (s254 & s257) by ward (Source Ti 2021)

The council has served 565 statutory notices (housing, public health & planning enforcement) on HMO properties over 5 years. HMOs in East Acton (42) and Southall Broadway (55) have received the highest number of statutory notices.

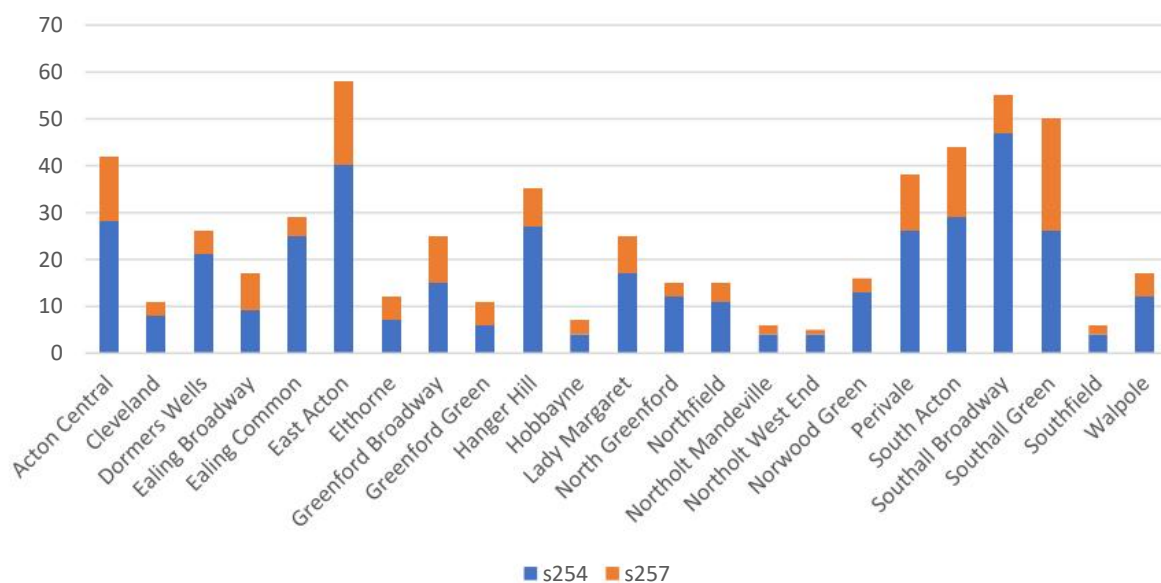


Figure 28. Number of statutory Notices related to HMO (s254 & s257) by (Source Ti 2021).

2.3.3 HMO & anti-social behaviour

Over a 5 year period 2,431 ASB incidents have been linked to all HMOs in Ealing. ASB incidents are made up of noise, verbal abuse, harassment, intimidation, nuisance animals, nuisance vehicles, substance misuse, prostitution, rubbish and fly tipping.

Figure 29 shows the number of ASB incidents associated with all HMO premises (commercial and ASB incidents not linked to residential premises are excluded from these figures).

ASB linked to HMOs is distributed across all wards. The wards with the highest recorded ASB incidents linked to HMOs are East Acton (247) and Acton Central (186).

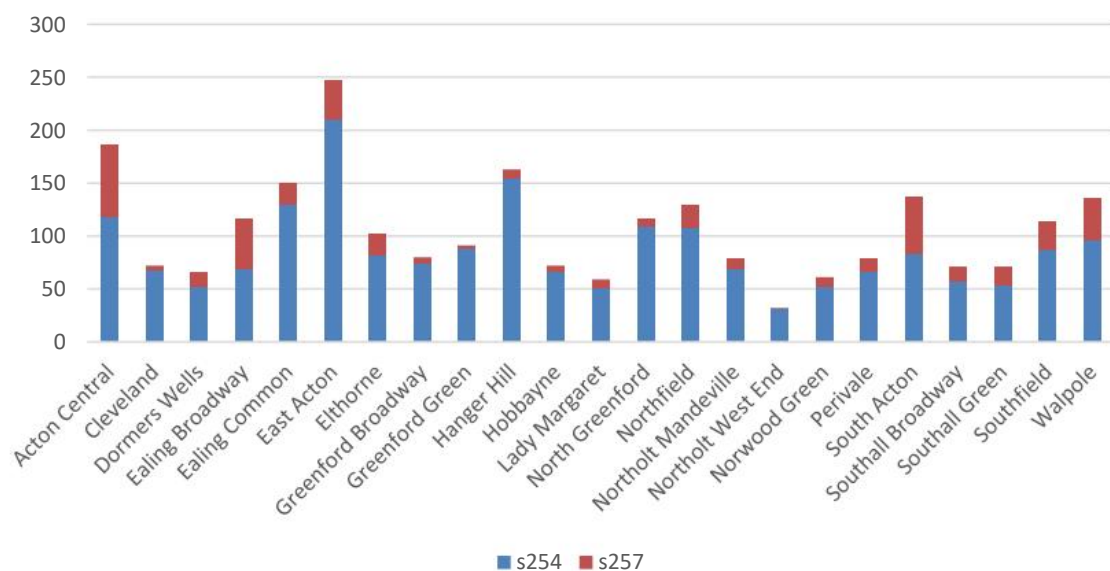
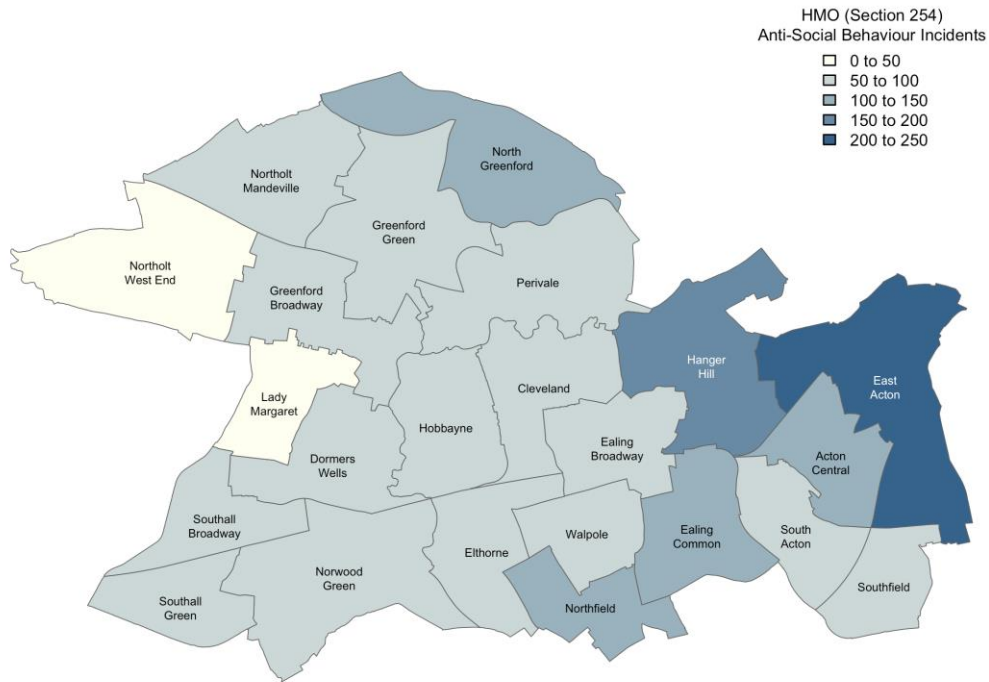
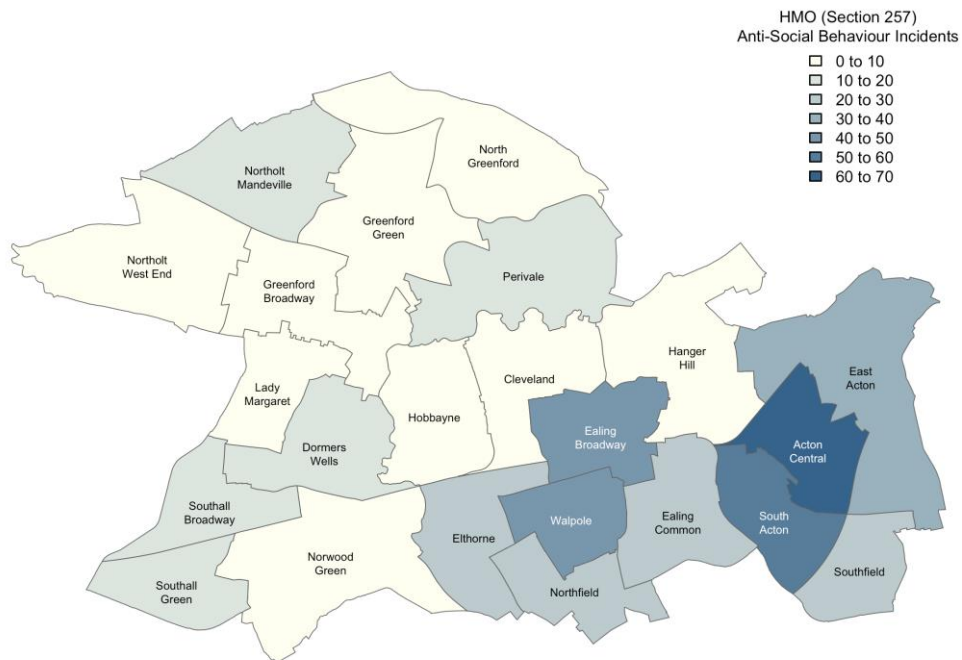


Figure 29. Number of ASB incidents linked to all HMOs (s254 & s257) by ward (Source Ti 2021).

Elevated levels of ASB can be an indicator of poor property management. HMO properties often have higher levels of transience which can result in higher waste production and ASB by tenants.



Map 10: Distribution of HMOs (s254, shared amenities) with ASB (Source Ti 2021, map by Metastreet)



Map 11: Distribution of HMOs (s257, converted property) with ASB (Source Ti 2021, map by Metastreet)

All HMO ASB incidence rates range between 868 per 1,000 (Northolt Mandeville) and 157 per 1,000 (Southfield). However, it shows that ASB can be linked to HMOs across all wards (Figure 30).

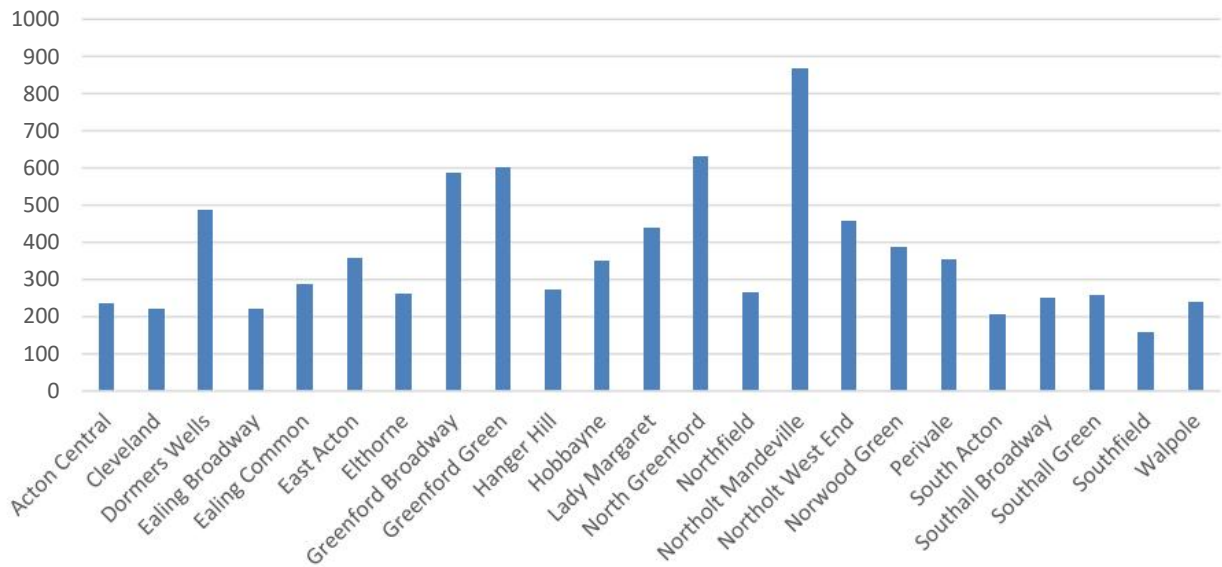


Figure 30. ASB linked to all HMOs (s254 & s257) per 1,000 properties by ward (Source Ti 2021).

3 Policy Context

3.1 PRS strategy - London

Rapid PRS growth has been seen across London over the last 20 years. The policy response has generally been for greater regulation of the market through property licensing to mitigate some of the concerns that accompany large and growing PRS populations, including HMOs (Table 3).

Table 3. Overview of the PRS and property licensing across London.

Borough	No. PRS	% PRS	Selective Licensing (Y/N)	Additional Licensing (Y/N)	Notes
L.B. Barking and Dagenham	21,000	28%	Yes	No	Borough wide selective licensing introduced in 2014, Renewed in 2019
L.B. Brent	35,000	32%	Yes	Yes	Borough wide additional, ward based selective
L.B. Camden	NA	32.2%	No	Yes	Borough-wide additional licensing
L.B. Croydon	58,585	35.6%	Yes	No	Borough wide selective licensing, due for renewal in 2021
L.B. Ealing	54,776***	38.1%	Yes	Yes	Borough wide additional, area based selective
L.B. Enfield	43,500	34%	No	No	Currently operating a borough wide additional licensing and propose a selective scheme
L.B. Hammersmith & Fulham	NA	33%	Yes	Yes	Borough wide additional, area based selective

Borough	No. PRS	% PRS	Selective Licensing (Y/N)	Additional Licensing (Y/N)	Notes
L.B. Haringey	43,775	40.2%	No	Yes	Additional licensing introduced in 2019 borough wide
L.B. Havering	30,215	29%	No	Yes	Borough wide additional, ward based selective
L.B. Islington	25,217	27%	No	No	Borough wide additional and ward based selective
R.B. Kensington & Chelsea	39,047	44.2%	No	No	Currently no discretionary property licensing
L.B. Newham	52,000	47%	Yes	Yes	Borough wide additional and selective licensing introduced in 2013, renewed in 2017 excluding Olympic Park area.
L.B. Redbridge	30,000	30%	Yes	Yes	Borough wide additional and 78% Selective introduced in 2016
L.B. Southwark	42,964	29.4%	Yes	Yes	Borough wide additional, area based selective, now expired
L.B. Waltham Forest	38,000	39%	Yes	No	Borough wide licensing introduced in 2015, renewed in 2019 (excluding 2 wards)
Westminster C.C.	55,784	44%	No	No	Propose a boroughwide additional scheme

*Additional licensing - relates to small HMOs only (3 & 4 person) **Selective licensing - related to all private single-family dwellings *** Figures updated by this report.

4 Conclusions

Ealing's PRS has grown considerably in recent years, from 23% (2011) to 38% (2021). There are a total of 143,863 residential dwellings in Ealing, 38.1% (54,776) of which are PRS (Figure 11). The PRS in Ealing is distributed across all 23 wards (Figure 13 & Map 2).

Ealing has a mixture of high and low deprivation wards. 13 of 23 wards have aggregated IMD 2019 rankings below the national average (Figure 4). The borough also faces challenges relating to IMD 2019 Barriers to Housing and Services measure. All wards are worse than the national average (Figure 5). Ealing also has worse than the London average for rented property possession claims (Figure 7), fuel poverty (Figure 6) and homelessness (Figure 8). Some of these stressors may be linked to factors existing within Ealing's PRS.

Poor housing conditions are prevalent in Ealing's PRS. 12,063 PRS properties are predicted to have at least 1 serious hazard (Category 1, HHSRS). This represents 22% of the PRS stock, higher than the national average (13%). (Figure 17 & Map 3). East Acton (1,224), Acton Central (1,099) and Southall Green (1,089) have the highest number of properties with at least one Category 1 hazard.

Ealing receives significant numbers of complaints from tenants in the private sector, the service recorded 9,931 complaints from private tenants over a 5-year period (Figure 19 & Map 4).

2.2% of PRS properties have an F and G EPC rating (Figure 20). Extrapolated to the entire PRS, 1,205 PRS properties are likely to fail the MEES statutory requirement.

Ealing makes large numbers of statutory interventions in the private rented sector. (Figure 21 & Map 5). Council enforcement officers served 1,254 housing, public health and planning enforcement notices over 5 years.

There are moderate levels of recorded ASB linked to private rented properties across the borough (Figure 23 & Map 6). Over the last 5-years, 6,025 ASB incidents in the PRS have been recorded.

Ealing's PRS has a relatively high number of HMOs distributed across all 23 wards (8,360) (Figure 25). The HMO population is made up of two categories; HMO that share basic amenities (5,113) (s254) and converted properties with multiple flats that share common parts which are generally defined as less than two thirds owner-occupied (3,247) (s257).

Analysis shows that 2,360 of 5,113 (46%) shared amenities HMOs (s254) in Ealing are predicted to have serious hazards (Category 1, HHSRS) (Figure 26 & Map 9).

Over a 5-year period 2,431 ASB incidents have been linked to all HMOs in Ealing. ASB linked to HMOs is distributed across all wards (Figure 29 & Map 10 & 11). Rates of ASB incidents in the HMO sector are significantly higher than other tenure types (Figure 22).

Appendix 1 – Ward summaries

Table 4. Ward PRS summary overview (Source Ti 2021).

Ward	ToT PRS Dwellings	Percent PRS (%)	No. dwellings with serious hazards (HHSRS)	Notices served	ASB incidents
Acton Central	3,258	45.2	1,099	37	365
Cleveland	1,713	28.0	267	13	197
Dormers Wells	1,246	26.3	341	12	167
Ealing Broadway	3,633	46.9	508	26	311
Ealing Common	2,838	44.0	370	23	268
East Acton	6,162	57.0	1,224	76	501
Elthorne	2,533	37.3	354	9	232
Greenford Broadway	2,566	36.5	481	24	318
Greenford Green	1,731	30.6	408	22	274
Hanger Hill	3,073	46.2	530	24	330
Hobbayne	1,468	26.0	292	8	223
Lady Margaret	1,337	31.6	403	21	160
North Greenford	1,593	29.4	417	15	261
Northfield	1,944	34.5	314	13	219
Northolt Mandeville	1,571	26.3	310	8	224
Northolt West End	1,638	27.6	331	7	247
Norwood Green	1,526	28.6	249	20	167
Perivale	2,174	36.7	516	24	289
South Acton	3,120	38.9	839	30	273
Southall Broadway	1,898	42.2	1,015	82	190
Southall Green	2,802	54.1	1,089	124	274
Southfield	2,661	38.7	341	7	249
Walpole	2,291	38.7	365	17	286

Table 5. Ward HMO summary data (Source Ti 2021).

Ward	Shared HMO (s254)	Converted flats HMO (s257)	All HMOs	All ASB HMO incidents (s254 & s257)
Acton Central	417	372	789	186
Cleveland	244	84	328	72
Dormers Wells	87	47	134	65
Ealing Broadway	256	276	532	117
Ealing Common	347	177	524	150
East Acton	492	201	693	247
Elthorne	174	216	390	102
Greenford Broadway	89	47	136	80
Greenford Green	100	51	151	91
Hanger Hill	525	76	601	163
Hobbayne	119	87	206	72
Lady Margaret	90	45	135	59
North Greenford	128	57	185	117
Northfield	353	138	491	130
Northolt Mandeville	50	41	91	79
Northolt West End	48	22	70	32
Norwood Green	110	47	157	61
Perivale	154	70	224	79
South Acton	320	351	671	137
Southall Broadway	180	104	284	71
Southall Green	125	150	275	71
Southfield	393	334	727	114
Walpole	312	254	566	136

Appendix 2 - Tenure Intelligence (Ti) – stock modelling methodology

This Appendix explains at a summary level Metastreet’s Tenure Intelligence (Ti) methodology (Figure 31).

Ti uses big data and machine learning in combination with expert housing knowledge to accurately predict a defined outcome at the property level.

Council and external data have been assembled as set out in Metastreet’s data specification to create a property data warehouse comprising millions of cells of data.

Machine learning is used to make predictions of defined outcomes for each residential property, using known outcome data provided by the council.

Results are analysed by skilled practitioners to produce a summary of housing stock, predictions of levels of property hazards and other property stressors. The results of the analysis can be found in the report findings chapter.

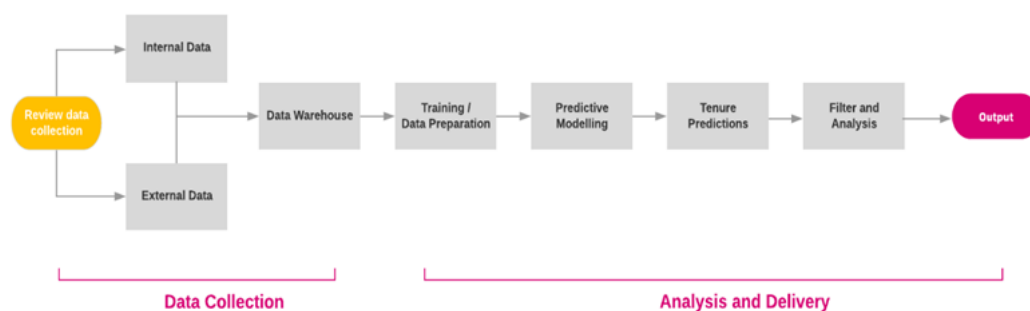


Figure 31. Summary of Metastreet Tenure Intelligence methodology.

Methodology

Metastreet has worked with Ealing Council to create a residential property data warehouse based on a detailed specification. This has included linking approximately 8 million cells of data to 143,836 unique property references, including council and externally sourced data. All longitudinal data requested from council department is 5 consecutive years, from April 2015 – March 2020

Once the property data warehouse was created, the Ti model was used to predict tenure and stock condition using the methodology outlined below.

Machine learning was utilised to develop predictive models using training data provided by the council. Predictive models were tested against all residential properties to calculate risk scores for each outcome. Scores were integrated back into the property data warehouse for analysis.

Many combinations of risk factors were systematically analysed for their predictive power using logistic regression. Risk factors that duplicated other risk factors but were weaker in their predictive effect were eliminated. Risk factors with low data volume or higher error are also eliminated. Risk factors that were not statistically significant are excluded through the same processes of elimination. The top 5 risk factors for each model have the strongest predictive combination.

Four predictive models have been developed as part of this project. Each model is unique to Ealing, they include:

- Owner occupiers
- Private rented sector (PRS)
- Houses in Multiple occupation (HMO)
- PRS housing hazards

Using a D^2 constant calculation it is possible to measure the theoretical quality of the model fit to the training data sample. This calculation has been completed for each model. The D^2 is a measure of “predictive capacity”, with higher values indicating a better model.

Based on the modelling each residential property is allocated a probability score between 0-1. A probability score of 0 indicates a strong likelihood that the property tenure type is *not* present, whilst a score of 1 indicates a strong likelihood the tenure type *is* present.

Predictive scores are used in combination to sort, organise and allocate each property to one of 4 categories described above. Practitioner skill and experience with the data and subject matter is used to achieve the most accurate tenure split.

It is important to note that this approach cannot be 100% accurate as all mathematical models include error for a range of reasons. The D^2 value is one measure of model “effectiveness”. The true test of predictions is field trials by the private housing service. However, error is kept to a minimum through detailed post analysis filtering and checking to keep errors to a minimum.

A continuous process of field testing and model development is the most effective way to develop accurate tenure predictions.

The following tables include detail of each selected risk factors for each model. Results of the null hypothesis test are also presented as shown by the Pr(>Chi) results. Values of <0.05 are generally considered to be statistically significant. All the models show values much smaller, indicating much stronger significance.

Owner occupier model

The owner occupier model shows each of the 5 model terms to be statistically significant, with the overall model showing a “predictive capacity” of around 87% (Table 6).

Table 6. Owner occupier predictive factors.

Risk factors selected	Pr(>Chi)*
Accounts over 5 years	0.0039591
Ctax account balances for all liabilities	0.0025293
ACORN category	0.0002835
Total service requests	2.346e-09
EPC tenure	0.0092706
Training data, n= 1713	
D ² test = 0.87**	

* Pr(>Chi) = Probability value/null hypothesis test, ** D² test = Measure of model fit

PRS predictive model

The PRS model shows that each of the 5 model terms is statistically significant, with the overall model having a “predictive capacity” of around 85% (Table 7).

Table 7. PRS predictive factors.

Risk factors selected	Pr(>Chi)
Ctax accounts over 5 years	0.0039591

Risk factors selected	Pr(>Chi)
ACORN Category	0.0002835
Elector count	0.0291487
Total service requests	3.904e-07
Ctax length of current account	2.346e-09
Training data, n= 1713	
D ² test = 0.85	

HMO (House in Multiple Occupation) model

This model predicts the likelihood that a UPRN will be an HMO (Table 8). Each of the 5 model terms is statistically significant and the overall model has a “predictive capacity” of around 77%.

Table 8. HMO predictive factors.

Risk factors selected	Pr(>Chi)
ASB (noise)	0.0004285
CTax band	6.562e-07
Ctax account balances for all liabilities	0.0213966
EPC number of heated rooms	1.258e-13
Ctax accounts over 5 years	0.0115384
Training data, n= 1140	
D ² test = 0.77	

Category 1 (HHSRS) hazards model

Numerous properties where the local housing authority has recently taken action to address serious hazards were sampled for training data. Specifically, this included Housing Act 2004 Notices served on properties to address Category 1 hazards. The model results show that each of the model terms is

statistically significant, with the overall model having a “predictive capacity” of around 91% (Table 9).

Table 9. Category 1 (HHSRS) hazard predictive factors.

Risk factors selected	Pr (>Chi)
EPC current energy efficiency	2.867e-06
ASB count	0.0199240
EPC energy consumption current	0.0626321
PRS complaints made	2.2e-16
Total service requests	2.2e-16
Training data, n= 463	
D ² test = 0.91	

Converted property HMO (s257) model

To estimate the number of Section 257 HMO’s within Ealing a combination of predictive analytics (described above) and Land & Property Gazetteer (LLPG) data analysis have been used. Every property has its own individual Unique Property Reference Number (UPRN). These properties are referred to as either “parent properties” or “child properties”.

A combination of predictions and parent and child property references have been analysed to identify properties that are likely to meet the definition of converted property HMOs described in the Housing Act 2004, Section 257.

To arrive at the results, three assumptions have been made.

- 1) It is assumed that no s257 HMO would contain more than 5 converted flats as this is more likely to be a purpose build block of flats.
- 2) Converted blocks of flats contain at least 40% PRS (a slightly higher standard than the definition of s257 referenced above)
- 3) It has been assumed that due to the age and construction of Section 257 HMOs in Ealing they are unlikely to satisfy the requirement of the Building Regulation 1991. It is important

to note that this requirement can only be fully established through a detailed onsite inspection by a competent building surveyor. It is likely that a minority of properties identified as s257 HMO would be exempted due to established compliance with the appropriate building regulations.

Version, Final 1

Metastreet Ltd

6-8 Cole Street

London

SE1 4YH



Housing Act 2004
Part 2 – Licensing of Houses in Multiple Occupation (HMO)
(section 64 and schedule 4)

HMO LICENCE CONDITIONS

Schedule 1
Standard Licence Conditions

12

Property Address

1. Permitted Occupation

A new resident must not be permitted to occupy the property or any part of the property if that occupation:

- Exceeds the maximum permitted number of persons for the property as detailed in the schedule of permitted occupation below.
- Exceeds the maximum permitted number of persons for any letting as detailed in the schedule of permitted occupation below.

A new resident means a person who was not an occupier of the property and/or the room at the date of the issue of the licence.

Letting	Location	Area (Sq m)	Max Permitted Number per Room

Total Maximum Permitted Number of Persons for the Property

Comments - Occupation is determined at the point of application by room sizes, facilities and amenities.

2. Tenancy management

- 2.1 The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair issues and emergency issues. Copies of the written statement of terms must be provided to the Council for inspection within **7 days upon demand**.
- 2.2 The licence holder shall obtain references from persons who wish to occupy a letting in the property before entering into any tenancy, licence or other agreement with them to occupy the accommodation. No new occupiers shall be allowed to occupy the accommodation if they are unable to provide a reference.
- 2.3 The licence holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within **28 days on demand**.
- 2.4 The licence holder shall protect any deposit taken under an assured shorthold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used at the time the deposit is taken. This information must be provided to the Council within **28 days on demand**.
- 2.5 The licence holder must provide to the Council details in writing of the tenancy management arrangements that have been, or are to be, made to prevent or reduce antisocial behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within **28 days on demand**.

The following arrangements shall be implemented to fulfil the requirements of this condition:

- Provision of an emergency 24hr contact number (including out of hours response arrangements)
 - Formal arrangements for the disposal of rubbish and bulky waste
 - Maintenance of written records of property inspections for management and repair issues.
- 2.6 The licence holder shall ensure that at least three inspections per year of the property are carried out to identify any problems relating to the condition and management of the property. The records of such inspections shall be kept for the duration of this licence. Copies of these must be provided to the Council within **28 days on demand**.
- 2.7 The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the property by complying with the requirements of paragraphs (a) to (g) below:
- (a) The licence holder must not ignore or fail to take action, if he has received complaints of antisocial behaviour (ASB) that concern the visitors to or occupiers of the property or result from their actions.
- (b) If a complaint is received, or antisocial behaviour is discovered, the licence holder must contact the occupier within 14 days. The occupier must be informed

of the allegations of the antisocial behaviour in writing and of the consequences of its continuation.

- (c) The licence holder shall from the date of receipt of the complaint of antisocial behaviour, monitor any allegations of antisocial behaviour and whether it is continuing.
- (d) Where the antisocial behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the property and issue the occupier with a warning letter advising them of the possibility of eviction.
- (e) Where the licence holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed.
- (f) If after 14 days of giving a warning letter the occupier has taken no steps to address the antisocial behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms of occupation, (e.g. the tenancy agreement or licence) that must include promptly taking any legal proceedings to address the antisocial behaviour
- (g) Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the Council or police.

2.8 Any correspondence, letters and records referred to in condition 2.7 above must be provided to the Council within **28 days on demand**.

3. Property Management

- 3.1 The licence holder shall ensure that all gas installations and appliances are in a safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This must be provided to the Council within **7 days on demand**.
- 3.2 The licence holder shall ensure that every electrical installation in the property is in proper working order and safe for continued use. The licence holder must supply the Council with a declaration confirming the safety of such electrical installations within **7 days on demand**.
- 3.3 The licence holder shall ensure that all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the Council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the Council within **7 days on demand**.
- 3.4 Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment programme is carried out intended to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the Council within **28 days on demand**.
- 3.5 The licence holder shall install at least one working smoke alarm on every storey of the property on which there is a room used wholly or partly as living accommodation,

and a carbon monoxide alarm in any room in the property which is used wholly or partly as living accommodation containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove etc.) and shall submit to the Council, upon request, a declaration by him as to the condition and positioning of such precautions. Refer also to The Smoke and Carbon Monoxide Alarm (England) Regulations 2015. **(N.B. Battery operated smoke alarms are not suitable for Houses in Multiple Occupation)**

- 3.6** The licence holder shall install other fire precautions as may be deemed appropriate and shall keep them maintained and in good working order and shall submit to the Council, upon request, a declaration by him as to the condition and positioning of such precautions within **7 days on demand**.
- 3.7** The licence holder shall ensure that smoke alarms are maintained in good working order, and in particular at the start of each new tenancy. Where the following are provided, the licence holder must submit to the Council, for their inspection, a copy of all periodical inspection report/test certificates for any automatic smoke alarm system, emergency lighting and firefighting equipment provided in the property. These must be provided to the Council within **7 days on demand**.
- 3.8** The licence holder shall ensure that furniture and furnishings made available by him in the property is in a safe condition. All upholstered furniture, covers and fillings of cushions and pillows should comply with current fire safety legislation. A declaration by the licence holder as to the safety of such furniture and furnishings, must be provided to the Council, within **7 days on demand**.
- 3.9** The licence holder shall provide each separate letting with sufficient external bins with lids for the storage of rubbish, recycling and food waste pending collection. Provision shall be made for the external storage of wheelie bins or larger bins as appropriate for the number of properties. Bins can either be ordered online or by calling Ealing Council Customer Services on 020 8825 6000.
- 3.10** In addition the licence holder shall provide suitably adequate sized bins with lids within each shared kitchen for the storage of rubbish pending collection. Appropriate and sufficient recycling containers must also be made available for the occupiers.

4. Security

- 4.1** The licence holder shall ensure the property is secure by complying with the requirements of paragraphs **(a)** to **(e)** below:
- (a)** The security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order at all times;
- (b)** Where window locks are fitted, the licence holder will ensure that keys are provided to the relevant occupant;
- (c)** Where a burglar alarm is fitted to the house, the licence holder will inform the occupant in writing the circumstances under which the code for the alarm can be changed, and provide details when required on how this can be arranged;
- (d)** Where previous occupiers have not surrendered keys, the licence holder will arrange for a lock change to be undertaken, prior to new occupiers moving in;

- (e) Where alley gates are installed to the side and rear of the licensed property, the licence holder must take responsibility for holding a key and make satisfactory arrangements for the occupiers' access.

5. Absence

- 5.1 The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.

6. Heating and Insulation

- 6.1 The licence holder must ensure each letting has a system of fixed space heating capable of maintaining an indoor temperature of at least 21°C in habitable rooms, including bathrooms, when the outdoor temperature is -1°C. The system is to be efficient, suitably sized and have sufficient controls to enable the occupier to regulate the temperature within their letting.
- 6.2 The licence holder must ensure the property has adequate thermal insulation to minimise heat loss through the building structure.
- 6.3 For accommodation where Energy Performance Certificates (EPC) are required by law, the licence holder shall ensure that the minimum statutory standard rating is achieved.

7. Common Areas

- 7.1 The licence holder shall comply with the requirements of paragraphs (a) to (d) below:
- (a) Common areas, including shared living rooms, kitchens, hallways, etc. are not used for sleeping or living purposes, either by occupiers or their guests;
 - (b) Corridors, stairways and lobbies are to be fitted where appropriate, with emergency lighting in accordance with current British Standards;
 - (c) A cleaning regime is demonstrated on request to ensure that all corridors, stairways, lobbies and all exit routes are kept free from obstruction and combustible material;
 - (d) Smoking is not permitted in any common areas and 'no smoking' signs should be displayed in accordance with the Health Act 2006.

8. Documents to be displayed

- 8.1 The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property.
- 8.2 The licence holder shall display a notice with the name, address and emergency contact number of the licence holder or managing agent in the common parts of the property.
- 8.3 The licence holder shall display a copy of the current gas safety certificate in the common parts of the property.

- 8.4** The licence holder shall display an Energy Performance Certificate (EPC) for all accommodation for which EPCs are applicable at the end of the existing tenancy at the time the licence was dated and issued. This must be provided to the Council within **28 days on demand.**
- 8.5** The licence holder shall display a notice for the occupiers of the property indicating the day of the week rubbish and recycling is collected. The notice must also state any Council specific requirements e.g. that rubbish and recycling should be left at the edge of the property, before 7 a.m. on the morning of the scheduled collection day or at the earliest, the evening before. Alternatively, a copy must be provided to the tenant at the start of the tenancy. For further information see www.ealing.gov.uk or telephone 0208 825 6000

9. Outbuildings

- 9.1** The licence holder shall ensure that all outbuildings, yards and gardens are maintained in repair, a clean condition and good order. All boundary walls and fences must be kept and maintained in good and safe repair.

10. Guidance on Ealing Space Standards

- 10.1** Subject to further assessment the following Ealing Space Standards will apply.

Standards for Room Sizes for Houses in Multiple Occupation

Standards for room sizes for houses in Multiple Occupation	
Rooms with separate cooking facilities	Minimum floor area square metres
One person aged under 10 years	4.64
One person aged over 10 years	6.51
Two persons	10.22
Rooms with cooking facilities in the room	Minimum floor area square metres
One person unit of accommodation	10.2
Two person units of accommodation	13.5

Comments:

Maximum of ONE person in a single habitable room
Maximum of TWO persons in a double habitable room

11. General

- 11.1** The licence holder must notify the Council's Property Regulation, Licensing Team of any proposed changes to the construction, layout or amenity provision of the house that would affect the licence or licence conditions.
- 11.2** The licence holder must arrange for access to be granted at any reasonable time and must not obstruct Council officers from carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.
- 11.3** The licence holder shall if required by written notice provide the Council with the following particulars as may be specified in the notice with respect to the occupancy of the house:
- The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property.
 - Number of individuals in each household.
- The particulars shall be provided to the Council within **7 days on demand**.
- 11.4** The licence holder shall inform the Council of any change in ownership or management of the house.
- 11.5** The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the property.
- 11.6** The licence holder shall ensure that on completion of any works, the property shall be left in a clean tidy condition and free from builders' debris.

Comments:

For planning and building regulation queries please refer to the planning pages on the Council's website, telephone or contact:

Planning services:

Office hours: Mon-Fri, 9am-5pm
Perceval House 4SW,
14-16 Uxbridge Road, Ealing, W5 2HL
Tel: 020 8825 6600
Email: planning@ealing.gov.uk

Building control:

Perceval House 4SW, 14-16 Uxbridge
Road Ealing W5 2HL
Tel: 020 8825 8230
Email: bcontrol@ealing.gov.uk

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Planning, Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005.

Conversely compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under the Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

Failure to comply with any licence condition is a criminal offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.

Schedule 2

Property Specific Licence Conditions

Schedule of Works / Requirements

Property Address

NB: Listed below are unique licence conditions specific to property, dependent on the information supplied at the time of application.

- 1.
- 2.
- 3.

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Schedule 3

The Main Terms of the Licence, General Requirements and Duration

1. This licence relates to..... A licence may not relate to more than one HMO.
2. A licence may be granted before the time it is required, but if so, the licence will not come into force until that time.
3. The licence comes into force on the date specified on the licence and will continue in force for up to 5 years unless;
 - a) The licence holder dies when the licence is in force; the licence ceases to be in force on the death of the licence holder.
 - b) The licence is revoked under section 70 of the Housing Act 2004.
4. The licence period continues for a period of up to 5 years even if the premises are no longer an HMO, unless a valid application is made for the licence to be revoked under section 70 of the Housing Act 2004.
5. This licence may not be transferred to another person.
6. If the licence holder dies during the licence period, during the period of 3 months beginning with the date of the licence holder's death, the premises is to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licenced. Sections 62 and 68 of the Housing Act 2004 will apply.
7. If at any time during the period stated (the initial period), the personal representatives of the deceased licence holder request the council to grant a further exemption from the date the initial period ends. The premises are to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licenced. Sections 62 and 68 of the Housing Act 2004 will apply.
8. A person having control or managing a house in multiple occupation who allows the house to be occupied by more persons or households than is permitted by the licence commits an offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.
9. A licence holder or person who has restrictions or obligations placed on him by the licence and who fails to comply with any condition of the licence commits an offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.
10. A serious breach of a condition of the licence or repeated breaches of such a condition may also result in the licence being revoked.

Housing Act 2004
Part 3 – Selective licensing of other residential accommodation
(Section 90 and schedule 4)

SELECTIVE LICENCE CONDITIONS¹²
Schedule 1
Standard Licence Conditions

Property Address

1. Permitted Occupation

A new resident must not be permitted to occupy the property or any part of the property if that occupation:

- Exceeds the maximum permitted number of persons:
- Exceeds the maximum permitted number of households for the property

A new resident means a person who was not an occupier of the property at the date the licence was granted.

No account shall be taken of a child under the age of one (they would count as 0 in the total permitted number below)

A child aged one or over but under ten shall be reckoned as one half of a unit

Maximum Permitted Number of Persons for the property	
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Comments - Occupation is determined at the point of application by room sizes.

The property is licensed for a maximum of 1 household comprising of no more than 9 persons

OR

A maximum of 3 households comprising of no more than 3 persons

2. Tenancy management

- 2.1** The licence holder shall supply the occupiers of the property with a written statement of the terms on which they occupy the property and details of the arrangements in place to deal with repair issues and emergency issues. Copies of the written statement of terms must be provided to the Council for inspection within **7 days upon demand**.
- 2.2** The licence holder shall obtain references from persons who wish to occupy a letting in the property before entering into any tenancy, licence or other agreement with them to occupy the accommodation. No new occupiers shall be allowed to occupy the accommodation if they are unable to provide a reference.
- 2.3** The licence holder must retain all references obtained for occupiers for the duration of this licence and provide copies to the Council within **28 days on demand**.
- 2.4** The licence holder shall protect any deposit taken under an assured shorthold tenancy by placing it in a statutory tenancy deposit scheme. The tenant must be given the prescribed information about the scheme being used at the time the deposit is taken. This information must be provided to the Council within **28 days on demand**.
- 2.5** The licence holder must provide to the Council details in writing of the tenancy management arrangements that have been or are to be made to prevent or reduce anti-social behaviour by persons occupying or visiting the property. Copies of these must be provided to the Council within **28 days on demand**.

The following arrangements shall be implemented to fulfil the requirements of this condition:

- Provision of an emergency 24hr contact number (including out of hours response arrangements).
 - Formal arrangements for the disposal of rubbish and bulky waste.
 - Maintenance of written records of property inspections for management and repair issues.
- 2.6** The licence holder shall ensure that an inspection is carried out at least every 6 months to identify any problems relating to the management, use and occupation of the property. The records of such inspections shall be kept for the duration of this licence. Copies of these must be provided to the Council within **28 days on demand**.
- 2.7** The licence holder shall effectively address problems of antisocial behaviour resulting from the conduct on the part of occupiers of, or visitors to the property by complying with the requirements of paragraphs **(a)** to **(g)** below:
- (a)** The licence holder must not ignore or fail to take action, if he has received complaints of anti-social behaviour (ASB) that concern the visitors to or occupiers of the property or result from their actions.

- (b) If a complaint is received, or antisocial behaviour is discovered, the licence holder must contact the occupier within 14 days. The occupier must be informed of the allegations of the antisocial behaviour in writing and of the consequences of its continuation.
- (c) The licence holder shall from the date of receipt of the complaint of antisocial behaviour, monitor any allegations of antisocial behaviour and whether it is continuing.
- (d) Where the antisocial behaviour is continuing after 28 days from receipt of the complaint, the licence holder, or his agent must within 7 days visit the property and issue the occupier with a warning letter advising them of the possibility of eviction.
- (e) Where the licence holder or his agent has reason to believe that the antisocial behaviour involves criminal activity the licence holder shall ensure that the appropriate authorities are informed.
- (f) If after 14 days of giving a warning letter the occupier has taken no steps to address the antisocial behaviour and the ASB is continuing the licence holder shall take formal steps under the written statement of terms of occupation, (e.g. the tenancy agreement or licence) that must include promptly taking any legal proceedings to address the antisocial behaviour
- (g) Where the licence holder is specifically invited they shall attend any case conferences or multiagency meetings arranged by the Council or police.

2.8 Any correspondence, letters and records referred to in condition 2.7 above must be provided to the Council within **28 days on demand**.

3. Property Management

- 3.1** The licence holder shall ensure that all gas installations and appliances are in a safe condition at all times. The licence holder must have available a current valid gas safety certificate obtained within the last 12 months. This must be provided to the Council within **7 days on demand**.
- 3.2** The licence holder shall ensure that every electrical installation in the property is in proper working order and safe for continued use. The licence holder must supply the Council with a declaration confirming the safety of such electrical installations within **7 days on demand**.
- 3.3** The licence holder shall ensure that all electrical appliances provided in the property are in a safe condition. The licence holder must submit to the Council, for their inspection, an electrical appliance test report in respect of all electrical appliances that are supplied by the landlord to the Council within **7 days on demand**.

- 3.4** Where the licence holder becomes aware of a pest problem or infestation at the property he shall take steps to ensure that a treatment programme is carried out intended to eradicate the pest infestation. Records shall be kept of such treatment programs and these must be provided to the Council within **28 days on demand**.
- 3.5** The licence holder shall install at least one working smoke alarm on every storey of the property on which there is a room used wholly or partly as living accommodation, and a carbon monoxide alarm in any room in the property which is used wholly or partly as living accommodation containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove etc.) and shall submit to the Council, upon request, a declaration by him as to the condition and positioning of such precautions. Refer also to The Smoke and Carbon Monoxide Alarm (England) Regulations 2015. Please note that a room includes a bathroom lavatory.
- 3.6** The licence holder shall ensure that smoke alarms are maintained in good working order, and in particular at the start of each new tenancy. Where the following are provided, the licence holder must submit to the Council, for their inspection, a copy of all periodical inspection report/test certificates for any automatic smoke alarm system, emergency lighting and firefighting equipment provided in the property. These must be provided to the Council within **7 days on demand**.
- 3.7** The licence holder shall ensure that furniture and furnishings made available by him in the property is in a safe condition. All upholstered furniture, covers and fillings of cushions and pillows should comply with current fire safety legislation A declaration by the licence holder as to the safety of such furniture and furnishings, must be provided to the Council, within **7 days on demand**.
- 3.8** The licence holder shall provide each separate letting with a sufficient external bin with a lid for the storage of rubbish recycling and food waste pending collection. Provision must be made for the external storage of wheelie bins or larger bins as appropriate for the number of properties. Bins can either be ordered on line or by calling Ealing Council Customer Services on 020 8825 6000.

4. Security

- 4.1** The licence holder shall ensure the property is secure by complying with the requirements of paragraphs **(a)** to **(e)** below:
- (a)** The security provisions for the access to the dwelling (including but not limited to locks, latches, deadbolts and entry systems) must be maintained in good working order always;
- (b)** Where window locks are fitted, the licence holder will ensure that keys are provided to the relevant occupant;

- (c) Where a burglar alarm is fitted to the property, the licence holder will inform the occupant in writing the circumstances under which the code for the alarm can be changed, and provide details when required on how this can be arranged;
- (d) Where previous occupiers have not surrendered keys, the licence holder will arrange for a lock change to be undertaken, prior to new occupiers moving in;
- (e) Where alley gates are installed to the side and rear of the licensed property, the licence holder must take responsibility for holding a key and make satisfactory arrangements for the occupiers' access.

5. Absence

- 5.1 The licence holder is required to have in place suitable emergency and other management arrangements in the event of their absence. The name and contact details of the licence holder and/or manager must be supplied to each occupier and must also be on display in a prominent place.

6. Insulation

- 6.1 The licence holder must ensure the property has adequate thermal insulation to minimise heat loss through the building structure.
- 6.2 For accommodation where Energy Performance Certificates (EPC) are required by law, the licence holder shall ensure that the minimum statutory standard rating is achieved.

7. Common Areas (if applicable)

- 7.1 The licence holder shall comply with the requirements of paragraphs (a) to (c) below, if applicable;
 - (a) Common areas, including shared living rooms, kitchens, hallways, etc. are not used for sleeping, either by occupiers or their guests;
 - (b) A cleaning regime is demonstrated on request to ensure that all corridors, stairways, lobbies and all exit routes are kept free from obstruction and combustible material;
 - (c) Smoking is not permitted in any common areas and 'no smoking' signs should be displayed in accordance with the Health Act 2006.

8. Documents to be displayed

- 8.1** The licence holder shall display a copy of the licence to which these conditions apply in the common parts of the property, alternatively, a copy must be provided to the tenant at the start of the tenancy.
- 8.2** The licence holder shall display a notice with the name, address and emergency contact number of the licence holder or managing agent in the common parts of the property, alternatively, a copy must be provided to the tenant at the start of the tenancy.
- 8.3** The licence holder shall display a copy of the current gas safety certificate in the common parts of the property, alternatively, a copy must be provided to the tenant at the start of the tenancy.
- 8.4** The licence holder shall display an Energy Performance Certificate (EPC) for all accommodation for which EPCs are applicable at the end of the existing tenancy at the time the licence was dated and issued. Alternatively, copies must be provided to all tenants/occupiers at the start of their tenancy and provided to the Council within **28 days on demand**.
- 8.5** The licence holder shall display a notice for the occupiers of the property indicating the day of the week rubbish and recycling is collected. The notice must also state any Council specific requirements e.g. That rubbish and recycling should be left at the edge of the property, before 7 a.m. on the morning of the scheduled collection day or at the earliest, the evening before, alternatively, a copy must be provided to the tenant at the start of the tenancy. For further information see www.ealing.gov.uk or telephone 020 8825 6000.

9. Outbuildings

- 9.1** The licence holder shall ensure that all outbuildings, yards and gardens are maintained in repair, a clean condition and good order. All boundary walls and fences must be kept and maintained in good and safe repair.

10. General

- 10.1** The licence holder must notify the Council's Property Regulation, Licensing Team of any proposed changes to the construction, layout or amenity provision of the property that would affect the licence or licence conditions.
- 10.2** The licence holder must arrange for access to be granted at any reasonable time and must not obstruct Council officers from carrying out their statutory duties including the surveying of the property to ensure compliance with licence conditions and any relevant legislation.

10.3 The licence holder shall if required by written notice provide the Council with the following particulars as may be specified in the notice with respect to the occupancy of the property:

- The names and numbers of individuals/households accommodated specifying the rooms they occupy within the property.
- Number of individuals in each household

The particulars shall be provided to the Council within **7 days on demand**.

10.4 The licence holder shall inform the Council of any change in ownership or management of the property.

10.5 The licence holder shall ensure that whilst any alteration or construction works are in progress, the work is carried out to ensure the safety to all persons occupying or visiting the property.

10.6 The licence holder shall ensure that on completion of any works, the property shall be left in a clean tidy condition and free from builders' debris.

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Comments:

For planning and building regulation queries please refer to the planning pages on the Council's website, telephone or contact:

Planning services:

Office hours: Mon-Fri, 9am-5pm
Perceval House 4SW,
14-16 Uxbridge Road, Ealing, W5 2HL
Tel: 020 8825 6600
Email: planning@ealing.gov.uk

Building control:

Perceval House 4SW,
14-16 Uxbridge Road, Ealing, W5 2HL
Tel: 020 8825 8230
Email: bcontrol@ealing.gov.uk

The property licence and conditions do not imply or grant by inference or otherwise any approval or permission for any other purposes including those for Planning, Building Control, Development Control and under The Regulatory Reform (Fire Safety) Order 2005.

Conversely compliance with any of those requirements does not confer or imply compliance with the requirements of the Housing Act 2004 including property licensing.

Any requirements relating to the licence and conditions are without prejudice to assessments and appropriate actions including enforcement actions under the Housing Act 2004. This includes actions to deal with category 1 and category 2 hazards as may be identified under the Housing Health and Safety Rating System (HHSRS) and does not preclude such action.

Failure to comply with any licence condition is a criminal offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.

Schedule 2

Property Specific Licence Conditions

Property Address

Schedule of Works / Requirements

NB: Listed below are unique licence conditions specific to property, dependent on the information supplied at the time of application.

- 1.
- 2.
- 3.

DRAFT

Schedule 3

The Main Terms of the Licence, General Requirements and Duration

1. This licence relates to..... A licence may not relate to more than one property.
2. A licence may be granted before the time it is required, but if so, the licence will not come into force until that time.
3. The licence comes into force on the date specified on the licence and will continue in force for up to 5 years unless;
 - a) The licence holder dies when the licence is in force; the licence ceases to be in force on the death of the licence holder.
 - b) The licence is revoked under section 93 of the Housing Act 2004.
4. The licence period continues for a period of up to 5 years even if the premises are no longer licensable, unless a valid application is made for the licence to be revoked under section 93 of the Housing Act 2004.
5. This licence may not be transferred to another person.
6. If the licence holder dies during the licence period, during the period of 3 months beginning with the date of the licence holder's death, the premises are to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licenced. Sections 86 and 91 of the Housing Act 2004 will apply.
7. If at any time during the period stated (the initial period), the personal representatives of the deceased licence holder request the council to grant a further exemption from the date the initial period ends. The premises are to be treated for that period as if a temporary exemption notice had been served, exempting the premises from the requirement to be licenced. Sections 86 and 91 of the Housing Act 2004 will apply.
8. A licence holder or person who has restrictions or obligations placed on him by the licence and who fails to comply with any condition of the licence commits an offence. This may result in prosecution proceedings or a financial penalty of up to £30,000. On conviction, the Court may impose an unlimited fine.
9. A serious breach of a condition of the licence or repeated breaches of such a condition may also result in the licence being revoked.

PRIVATE RENTED PROPERTY LICENSING SCHEMES

SCHEDULE OF FEES & CHARGES

12

The licence fee is payable in two instalments. On submission of the application the first instalment of 30% of the total amount payable (after applicable discounts or charges) will be due to cover the processing of the application form.

Should the application be refused or rejected by the council or withdrawn by the applicant this first instalment payment will not be refunded.

Once the application has been assessed and the decision is made to grant the licence, the second instalment of 70% of the total amount payable (after applicable discounts or charges) will be due within seven days of notification.

1. DISCOUNTS

Early bird

Applicants who apply within the first three months of the scheme commencement will receive a 25% discount.

Accredited Landlords

If you are **accredited** under one of the following schemes, you may be entitled to a £75 discount:

- London Landlord Accreditation Scheme (LLAS)
- National Residential Landlords Association (NRLA)
- National Approved Lettings Scheme (NALS)
- UK Association of Letting Agents (UKALA)

If you are a **member** of one of the following schemes, you may be entitled to a £75 discount:

- Association of Residential Letting Agents (ARLA)
- Royal Institution of Chartered Surveyors (RICS)

Property EPC rating of C or above

If your property has an EPC rating of C or above, you may be entitled to a £50 discount

A discount will not be applicable where the local authority has made two requests for additional supporting documents.

A discount will not be applicable where the local authority has served a warning letter for failure to license the property.

Discounts will be determined on receipt of full application and all supporting documents

2. ADDITIONAL HMO LICENCE

Flat fee	Number of Habitable Rooms	Additional £50 per Habitable Room	Total Fee before applicable discounts or charges	Total Fee following Early Bird 25% discount
£1,100	2	£100	£1200	£900.00
£1,100	3	£150	£1250	£937.50
£1,100	4	£200	£1300	£975.00
£1,100	5	£250	£1350	£1012.50
£1,100	6	£300	£1400	£1050.00
£1,100	7	£350	£1450	£1087.50
£1,100	8	£400	£1500	£1125.00
£1,100	9	£450	£1550	£1162.50
£1,100	10	£500	£1600	£1200.00

3. SELECTIVE LICENCE

Standard Fee	Total Fee following Early Bird 25% discount
£750	£562.50

4. SELECTIVE LICENCE (BUILDING CONTAINING SELF-CONTAINED FLATS)

A discounted Selective licence fee is available to applicants who control two or more flats within the same building, i.e. are entitled to receive the rack rent for the flats, or would be entitled to receive it were the flats let at such a rent.

*Accredited Landlord and EPC discounts will be applicable to the first flat only.

	APPLICATIONS RECEIVED WITHIN 3 MONTHS OF SCHEME IMPLEMENTATION	APPLICATIONS RECEIVED AFTER 3 MONTHS OF SCHEME IMPLEMENTATION
'Block' or 'Multiple Flat' application	Early Bird 25% discount	10% discount
	£562.50 per flat	£675.00 per flat

5. ADDITIONAL CHARGES (FOR ALL SCHEMES)

Action	Fee
Applicants who are sent two warning letters	Application fee plus £25% additional late application fee
Applications submitted in paper form (excluding Selective Licensing (Building containing self-contained flats))	Application fee plus an additional £100
Council assistance to complete an application form	Application fee plus an additional £50

6. ADDITIONAL CHARGES FOR SELECTIVE LICENCE (BUILDING CONTAINING SELF-CONTAINED FLATS)

Action	Fee
Applicants who are sent a warning letter will be charged the full fee	£750 per flat
Applicants who are sent two warning letters will be charged the full fee (£750) plus an additional 25% finder's fee per flat	£937.50 per flat

7. RENEWAL LICENCE FEES APPLICABLE (FOR ALL SCHEMES)

The renewal fee shall be the same as new applications.

8. LICENCE VARIATION FEES APPLICABLE (FOR ALL SCHEMES)

These fees are applicable where the property is already licensed.

Variation to Licence	Fee
Increase in the number of occupiers and/or households, through increasing the number of habitable rooms.	Additional £50 per habitable room
Change of licence holder's address	None
Change of manager's address	None
Change/appointment of manager	None
Change of name (marriage/divorce/deed poll)	None
Change in amenities	None

9. OTHER FEES AND CHARGES APPLICABLE (FOR ALL SCHEMES)

Action	Applicable Fee
Revocation of licence	None
Application to licence following revocation of licence	New application fee
Application refused or rejected by the council	First instalment payment
Application withdrawn by the applicant	First instalment payment
Temporary Exemption Notice (TEN) made by the council	None
Application received following the expiry of a Temporary Exemption Notice (TEN) made by the council	New application fee

Licences will be issued for a maximum of five years.

We may issue a licence for a shorter period of time if we have concerns about the management of the property.

Full Equalities Analysis Assessment

1. Proposal Summary Information	
EAA Title	Private Rented Sector Licensing Proposals
Please describe your proposal?	Scheme
Is it HR Related?	No
Corporate Purpose	Cabinet Report Decision

12

1. What is the Scheme looking to achieve? Who will be affected?

1.1 This scheme is intended to improve property conditions and reduce ASB in Ealing's private rented sector (PRS). To achieve these objectives it is proposed that the following are introduced:

- a. A renewed boroughwide additional licensing scheme for Houses in Multiple Occupation (HMOs) and,
- b. A renewed selective licensing scheme for all other private rented properties. This will be introduced in two phases. The first phase will cover the wards of East Acton, Southall Broadway and Southall Green. The second phase will cover the wards of Acton Central, Dormers Wells, Greenford Broadway, Greenford Green, Hanger Hill, Hobbayne, Lady Margaret, North Greenford, Northolt Mandeville, Northolt West End, Perivale and South Acton. Properties which meet the criteria of these schemes would be required to be licenced for a period of up to 5 years.

1.2 Tenants and landlords of both HMOs and other private rented properties in the aforementioned wards will be directly affected as the new policies should ensure that the condition of properties is improved. Unfortunately, information as to the demographics of tenants and landlords is currently incomplete. People with each of the nine protected characteristics are however highly likely to fall within the broad category of private renters. Whilst there are fewer landlords than tenants, it is also likely that most of the protected characteristics are also represented amongst this cohort. Information on the demographics of households living in private rented accommodation is however available via the national decennial census.

1.3 The landlord or managing agent will be required to pay a licence fee for each property requiring a license in the designated area. The proposed additional licensing fee is £1100 per HMO plus an additional £50 for each habitable room. The proposed selective licencing fee is £750. Tenants and landlords may be concerned that they will be made to bear the additional cost of any further licensing administration. However, there is no evidence to suggest that the current licensing schemes have had negative financial impacts on the areas in which they operate. Furthermore, a recent independent review (Use and Effectiveness of Selective Licensing) commissioned by the MHCLG determined there was no substantive evidence of rent rises being passed on to tenants due to the introduction of selective licensing.

1.4 To acquire a licence the landlord/ managing agent must be determined fit and proper for the purposes of the Act. To make this decision, the Council must take into account:

- Any previous convictions relating to violence, sexual offences, drugs and fraud;
- Contravention of any law relating to housing or landlord and tenant matters;
- Whether the person has been found guilty of unlawful discrimination;
- Whether the person has contravened any Approved Code of Practice.
- Whether a banning order under section 16 of the Housing and Planning Act 2016 is in force against the person.

It is consequentially anticipated that discrimination in the private rented sector should be decreased through ensuring that licence holders are 'fit and proper'.

Full Equalities Analysis Assessment

1.5 Overall, the scheme is expected to have a positive impact on people with any/none of the protected characteristics who are negatively affected by the poor repair; antisocial behaviour, discrimination and/or overcrowding relating to the borough's private rented sector.

1.6 An additional positive impact of the scheme is that of increased awareness in tenants on the minimum standards to be expected in rented accommodation and greater understanding of their rights and responsibilities which will in turn lead to improved protection for vulnerable groups living in the PRS.

2. What will the impact of your proposal be?

Size of Ealing Borough's Private Rented Sector

2.1 Ealing's population in 2018 was estimated to be 346,908 in 2018 and is projected by the GLA to increase to 398,308 by 2031.

2.2 Since the 2011 Census the tenure structure of residential properties has markedly changed with higher numbers than ever now believed to be renting privately. Census figures for 2011 show that in Ealing 23% of households rented privately. However, a recent stock modelling exercise commissioned by the Council reveals that now, 38.1% of housing stock is now rented privately which exceeds the national average (19%).

2.3 The projected increase in population coupled with a shortage of affordable housing suggest that private renting will continue to increase for the foreseeable future, being the only option available for many residents including those who are vulnerable and on low incomes.

The Current Licensing Position

2.4 In accordance with national government legislation Ealing Council is obliged to operate mandatory HMO licensing, which essentially covers rented properties occupied by five or more persons in two or more households. Through this scheme 1404 HMOs licences have been granted. These properties have a specified maximum number of occupants and are required to have adequate amenities and demonstrate at the point of application they have up to date certification for gas, electrical and fire safety provisions. Landlords also need to be assessed as 'fit and proper' in terms of their suitability to manage the property. Mandatory HMO licensing operates indefinitely.

2.5 The Council also regulates a boroughwide additional HMO licensing scheme which requires most other smaller HMOs to be licenced with the Council. The scheme includes two storey HMOs occupied by four or more persons in two or more households, and some so-called "section 257" HMOs which are buildings poorly converted into self-contained flats/studios. Through this scheme 835 additional HMOs licences have been granted. Like with mandatory HMO licensing, these properties have a specified maximum number of occupants and are required to have adequate amenities and demonstrate at the point of application they have up to date certification for gas, electrical and fire safety provisions. Landlords also need to be assessed as 'fit and proper' in terms of their suitability to manage the property. This discretionary licensing scheme was introduced by the Council on 01 January 2017, and can only last for five years so will expire on 31 December 2021. However, a recent housing stock modelling exercise has showed that HMOs remain prevalent in Ealing's PRS, accounting for 15% of Ealing's PRS. Poor housing conditions and ASB are also present in Ealing's HMOs, with 46% of "shared amenity" HMOs predicted to have at least one serious (category 1 HHSRS) hazard. Nearly half (40.3%) of all ASB stemming from the PRS came from HMOs. The Council also continues to receive large numbers of complaints of poor conditions in HMOs. Should the additional licensing scheme not be renewed, the Council will no longer be able to proactively regulate these HMOs.

Full Equalities Analysis Assessment

2.6 The Council also introduced its first selective licensing which became operative from 01 January 2017. Selective licensing applies to all private rented property not licensable under any HMO licensing scheme. It currently operates in five wards: Acton Central, East Acton, South Acton, Southall Broadway and Southall Green. Through this scheme currently 8069 selective licences have been granted. Like with HMO licensing, these properties have a specified maximum number of occupants but the conditions are slightly different to licensed HMOs. Landlords still need to be assessed as 'fit and proper' in terms of their suitability to manage the property. This discretionary licensing scheme was introduced by the Council on 01 January 2017, and can only last for five years so will expire on 31 December 2021. However, a recent housing stock modelling exercise has showed that poor conditions remain present in Ealing's PRS, including in the wards currently subject to selective licensing. Most wards are predicted to have a high proportion of dwellings containing at least one serious (category 1 HHSRS) hazard, higher than the national average (13%).

2.7 The Council also continues to receive large numbers of complaints of poor conditions in the PRS. Should selective licensing not be renewed, the Council will no longer be able to proactively regulate much of the PRS.

The Proposed Licensing Position and Impact of the Schemes on Tenants

2.8 As already mentioned above, the proposal is to:

- a. Renew additional HMO licensing boroughwide, but to widen its scope to cover all HMOs occupied by three or more persons (in two or more households)
- b. Renew selective licensing but in two distinct phases. The first phase proposes to introduce selective licensing in the wards of East Acton, Southall Broadway and Southall Green which are considered to have the highest rates of housing hazards. The second phase will see the introduction of selective licensing in a further 12 wards also considered to have high rates of housing hazards. These wards are Acton Central, Dormers Wells, Greenford Broadway, Greenford Green, Hanger Hill, Hobbayne, Lady Margaret, North Greenford, Northolt Mandeville, Northolt West End, Perivale and South Acton. Eight wards have not been included as they do not contain the high proportion of housing hazards seen elsewhere in Ealing.

2.9 Since the introduction of the schemes 2239 HMO licences and 8069 selective licences have been granted.

LICENCE TYPE	APPLICATIONS RECEIVED	LICENCES GRANTED
MANDATORY	1524	1404
ADDITIONAL	987	835
SELECTIVE	8758	8069
TOTAL	11269	10308

2.10 It is estimated that there are in the region of 8360 HMOs in the borough; and a total of 54,776 private rented dwellings. In the wards where a renewed selective licensing scheme is proposed, there is an estimated 32,713 private rented dwellings that would fall within scope of the schemes (Metastreet Ltd, 2021).

Full Equalities Analysis Assessment

2.11 It is believed that the renewal of these schemes would serve to reduce inequalities, through raising the standards of poor quality housing of some of the most deprived households in the borough; through reducing overcrowding and the risk of antisocial behaviour; and through vetting landlords to ensure they are 'fit and proper'.

2.12 Raising the standards of private rented accommodation will benefit tenants, including those from the protected groups, across the borough. Licensing raises the profile of housing standards and may encourage tenants to seek help where they may not have done previously.

The Proposed Licensing Position and Impact of the Schemes on Landlords

2.1 The MHCLG's 2018 English Private Landlord Survey contains some demographic information on landlords in England, concluding that landlords were, on average, 57 years old with 89% of landlords identifying as White, 4% Indian, 2% Black, 1% Pakistani or Bangladeshi and the remaining 4% as "Other". However, given how widely local property markets vary (especially in London boroughs) it is not possible to draw conclusions on how this national data compares to Ealing. Landlords who operate in Ealing consist of a mix of persons/companies resident in the borough, in London or further afield in the UK or overseas. There is no data at borough level that shows the demographic make-up of Ealing's landlords, however it is expected that many will be within the protected groups.

2.2 It is anticipated that many landlords will be opposed to the renewal of the licensing schemes for various reasons including perceived costs and bureaucracy. Where landlords fall within any of the protected groups and require assistance with the application process this will be provided by the Property Regulation Licensing Administration Team. In terms of the proposed licence fees for the schemes, a number of discounts will be made available to landlords in certain circumstances, such as discounts for early application submission or membership to recognised trade bodies. The licence fee will be payable in two instalments. Licensed landlords will benefit from support and advice from the Council in regard to any changes or developments in relevant housing laws.

2.3 As with the current licensing schemes, enforcement of the renewed schemes will be intelligence-led and targeted towards the worst or so-called "rogue" landlords operating at the lowest standard and least likely to apply for a licence. In recognition of good landlords who will comply with the requirements of the schemes, various discounts on fees will be offered in relation to good practices such as being accredited, having an EPC certificate rating of C and above and applications being submitted early. Additional charges will be imposed in relation to late applications and failure to submit required safety documents, such as for gas, electrical and fire provisions.

2.4 It is believed that the renewal of the schemes may pose a marginal risk of landlords exiting Ealing's private rented sector and causing a reduction in the number of properties available in the market. However evidence from Ealing's previous schemes and other authorities who have introduced similar schemes suggests that this will not happen. Due to Ealing's desirability as a location, very high demand with good links to central London, and cross rail development it will still be viewed as an area in which to invest. Therefore new landlords will enter the PRS balancing out those who exit. Furthermore, over the past few years we have seen many new-build properties come straight onto the rental market, indicating that Ealing is a place where landlords wish to invest. We will however monitor carefully the impact on homelessness in the PRS and the impact on protected groups as part of any review process of the implemented schemes.

Poor Quality Housing

Full Equalities Analysis Assessment

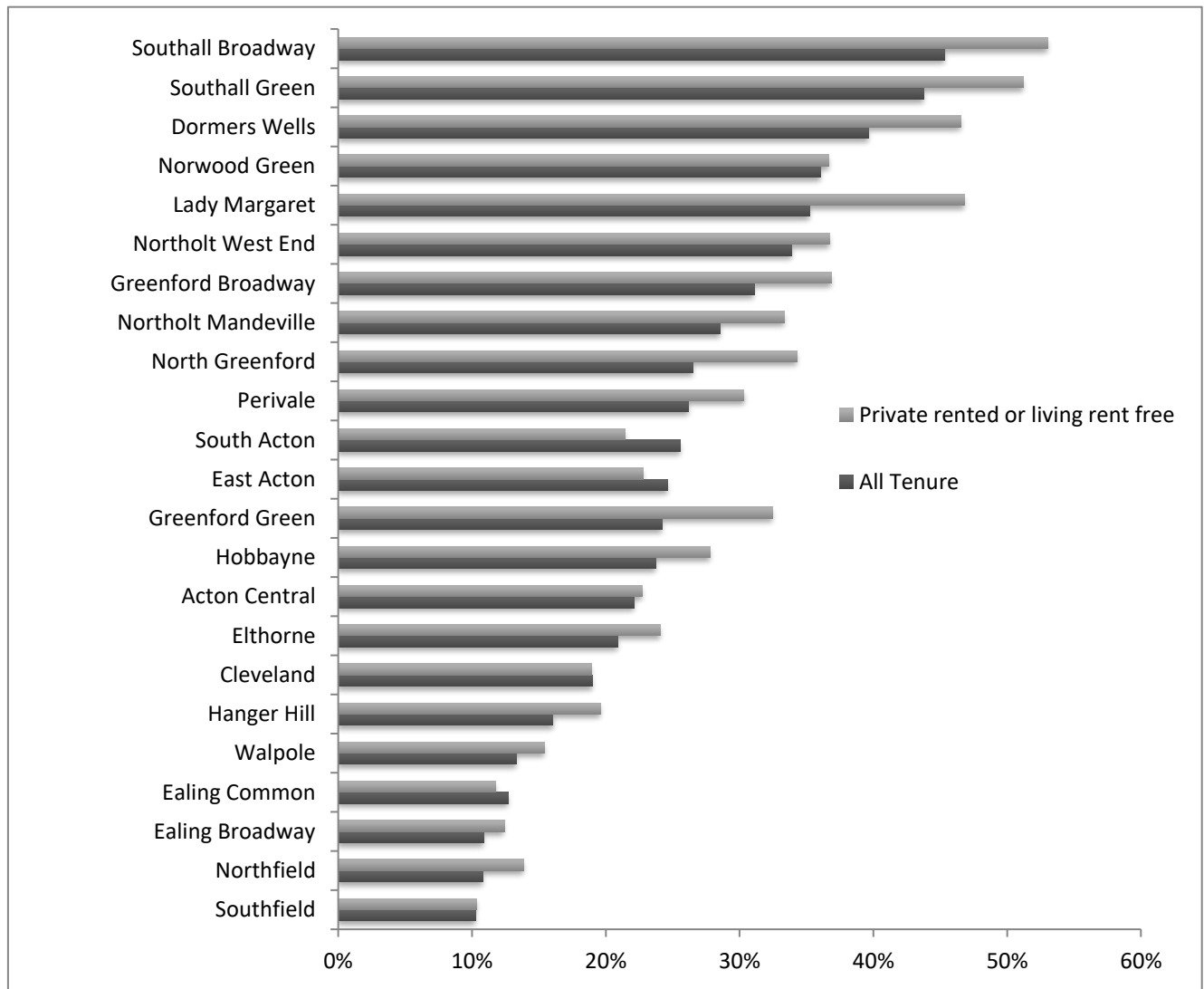
- 2.5 Ealing's private rented sector is currently thought to represent 38.1% of housing in the borough (Metastreet Ltd 2021). This is considerably higher than the national average 19%.
- 2.6 Poor housing conditions are considered to be present throughout the private rented sector in Ealing, with 12,063 dwellings predicted to have at least one serious (category 1 HHSRS) hazard. This represents 22% of Ealing's private rented sector, which is higher than the national average of 13%. Overcrowding in private rented accommodation has increased to 7% of all renters nationally, compared to 3% for all households. The proportion of overcrowded households in private rented accommodation is expected to be higher in Ealing than nationally. Overcrowding not only has a detrimental affect on the mental and physical health of persons, but puts strain on the property exacerbating hazards and poor housing conditions. Nationally ethnic minority households are also more likely to be overcrowded with 11% of all ethnic minority household estimated to be overcrowded.
- 2.7 Multiple occupation often represents a higher risk to those persons living in such a property, and as a consequence Government has created additional legal provisions to regulate the safety and suitability of such accommodation. Poor conditions are even more prevalent in HMOs with 46% of "shared amenity" HMOs predicted to have at least one serious (category 1 HHSRS) hazard (Metastreet Ltd 2021). Traditionally, these properties are viewed as the worst in the rented sector for safety, facilities, repairs and harassment of occupiers. ASB is also more prevalent in HMOs, with 40.3% of all ASB incidents stemming from the private rented sector coming from HMOs.

Deprivation and Social Class by Tenure

- 2.8 HMOs are an important and integral part of the housing supply, and meet the demands of a whole range of residents. Often HMOs are occupied by people living on low income many of whom are part of vulnerable or disadvantaged groups. Overall households in Ealing that live in private rented accommodation are marginally more likely than those living in other tenures to be unemployed or in lower grade occupations . However, borough level figures mask the marked disparity of tenure by social class visible at ward level which is illustrated in the graph overleaf.
- 2.9 In almost all wards in Ealing Borough, and particularly those in Southall and Greenford, Social Class DE households are over-represented in private-rented accommodation. East Acton, Ealing Common and South Acton wards are the exception to this, perhaps attracting more young professionals choosing to rent properties with good transport links. Percentages private renting in South Acton are also lower due to the higher percentages living in social rented accommodation there.

Full Equalities Analysis Assessment

Percentage of Private rented/ Living rent free households that are Social Classes D and E against the percentage of All households that are Social Classes D and E in Ealing wards, 2011 Census, ONS



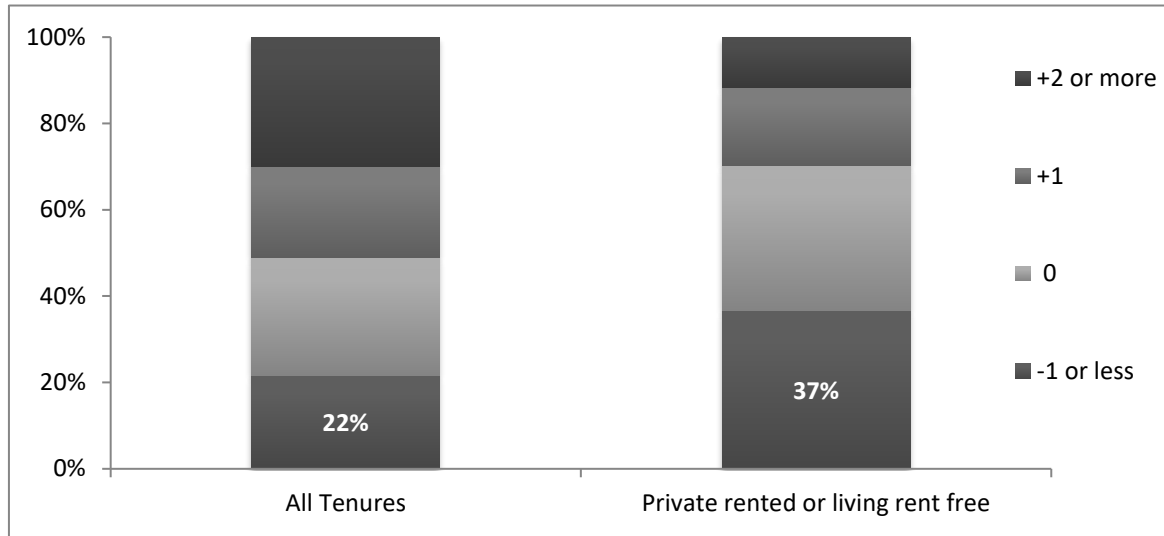
Overcrowding by Tenure

2.10 Households living in private rented accommodation are more likely to be overcrowded than those living in other tenures. Occupancy rating (rooms) provides a measure of whether a household's accommodation is overcrowded or under occupied based on the number of rooms. The ages of the household members and their relationships to each other are used to derive the number of rooms they require, based on a standard formula. The number of rooms required is subtracted from the number of rooms in the household's accommodation to obtain the occupancy rating. An occupancy rating of -1 implies that a household has one fewer room than required, whereas +1 implies that they have one more room than the standard requirement.

2.11 Evidence shows that overcrowding is considerably more common in the private rented sector than other tenures; the percentage of private rented/living rent free households in Ealing borough which have one fewer room than the standard requirement is 37% but across all tenures in Ealing borough it is just 22%. The graph overleaf illustrates this point.

Full Equalities Analysis Assessment

Percentage of Private rented/ Living rent free households that have an occupancy rating of -1 or less against the percentage of All households in Ealing Borough, 2011 Census, ONS



Antisocial Behaviour

2.12 It is probable that overcrowding is a contributor to the levels of noise reported in these accommodations. Multiple administrative data sources show that Council reported ASB and poor housing conditions are increasing over time.

Health benefits

2.13 Addressing poor housing conditions will help to improve health and wellbeing, reduce health inequalities, and prevent and reduce demand for primary health care and social care interventions, including admission to long-term care settings. This will produce a quantifiable cost saving to health and social care budgets (<https://www.bre.co.uk/filelibrary/pdf/87741-Cost-of-Poor-Housing-Briefing-Paper-v3.pdf>)

2.14 The Covid-19 pandemic has also shown correlations between susceptibility to the virus and poor-quality housing. Therefore, good quality housing can do much to help combat the spread of Covid-19, as well as other illnesses such as cancer, respiratory and cardiovascular diseases.

Educational attainment

2.15 It is also well understood that poor housing conditions and overcrowding have a negative impact on educational attainment. This in turn impacts on an individual's ability to reach their full potential. It is expected that licensing, by reducing overcrowding, will assist the council and partners in achieving objectives in improving educational attainment and residents achieving their full potential, further reducing inequalities.

Full Equalities Analysis Assessment

2. Impact on Groups having a Protected Characteristic

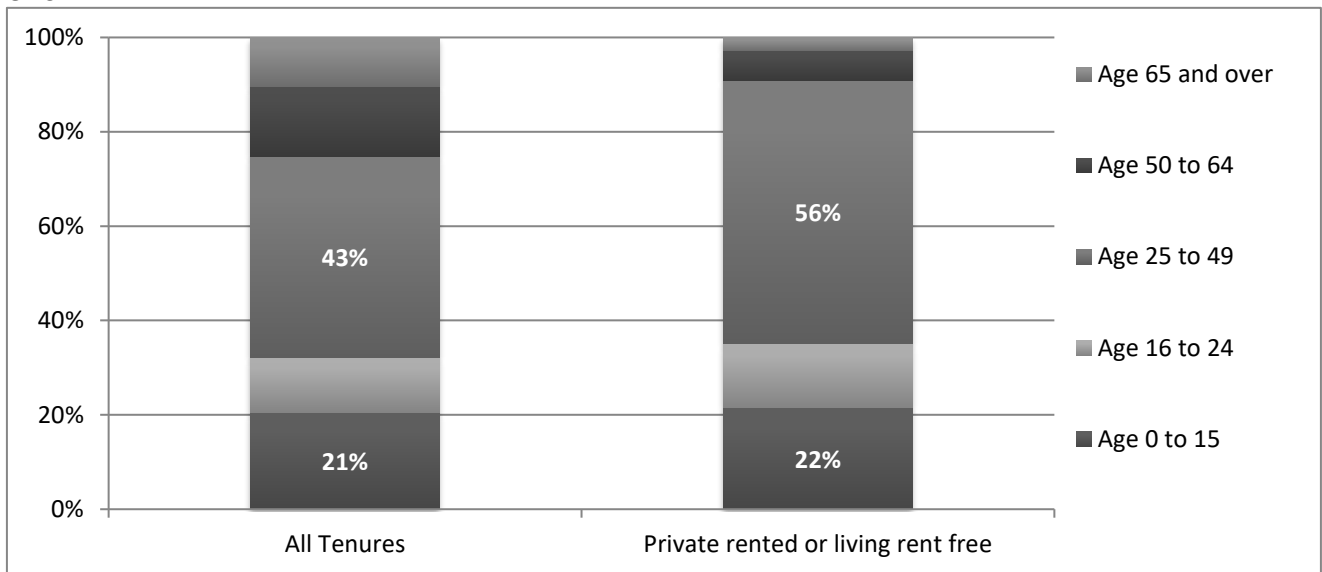
AGE: A person of a particular age or being within an age group.

State whether the impact is positive, negative, a combination of both, or neutral:

Describe the Impact

Middle-aged people are over-represented in private rented accommodation in Ealing Borough, and particularly those below pensionable age. Those aged 25 to 49 years are particularly over-represented comprising 56% of those in rented accommodation but just 43% of the overall population. The main factor here is that those aged 65 years and over are most likely to own their home.

Age distribution of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS



Within these overall figures it is unclear the extent to which younger people live in smaller and poorer quality rental accommodation than those who are middle aged; but it would be quite plausible that this is the case. In addition to this under 35-year olds applying for Housing Benefit are only entitled to the Single Room Rate and therefore tend to occupy more affordable shared or HMO accommodation within the private sector rental market. At the time of the 2011 census there were 13,893 young adults aged 16 to 24 years living in Ealing borough's private rented/rent-free accommodation.

Overall, whilst a greater proportion of middle aged people live in private rented accommodation than other tenures, it is probable that younger adults are most likely to be living in the smallest and poorest quality rented accommodation. It is therefore probable that younger people will disproportionately benefit from this scheme. Due to greater physical vulnerability, younger and older residents are likely to benefit from better housing quality in terms of their health, and any identified measures to tackle poor energy efficiency during assessment of properties.

It would seem that this scheme is likely to help reduce the inequalities of housing quality between people of different ages.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

Not applicable

Full Equalities Analysis Assessment

DISABILITY: A person has a disability if s/he has a physical, mental or sensory impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities¹.

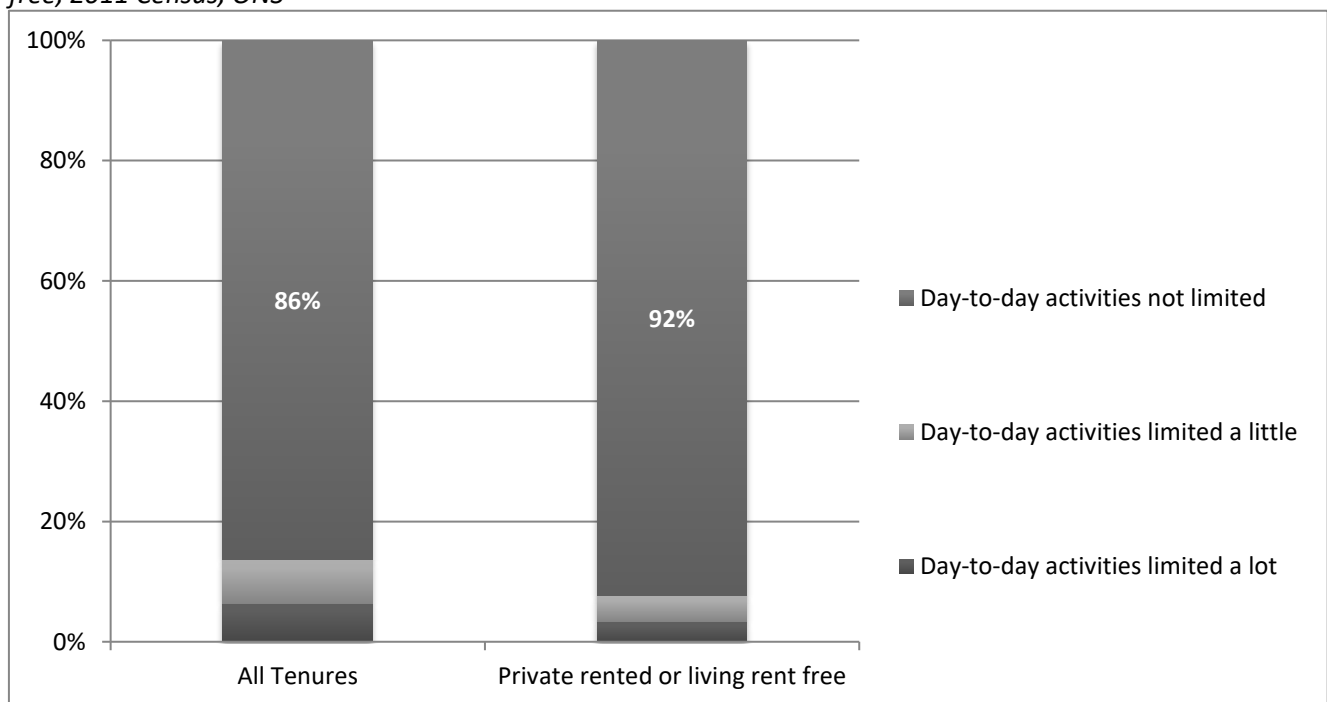
State whether the impact is positive, negative, a combination of both, or neutral:

Describe the Impact

As a rule the private rented/living rent free sector has a smaller proportion of people with long term limiting illnesses than other tenures. This is perhaps a consequence of there being fewer older people in private rented accommodation than average.

At the time of the 2011 census there were 3,423 people whose day-to-day activities are limited a lot by a long term health problem or disability living in private rented/ rent-free accommodation in Ealing Borough.

Long term health problems or disability of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS



Proportionally the scheme is more likely to impact on people without long-term disabilities or illnesses as these people are less likely to be in rented accommodation. For persons with disabilities/long-term illnesses who are in private rented accommodation, the schemes will benefit them.

If properties are assessed for the health and safety of their inhabitants it is probable that people with mobility and visual/hearing difficulties for example may disproportionately benefit through professionals' suggestions of supportive modifications to the properties. This would serve to reduce the inequality gap between those with and without serious long term health conditions.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

Not applicable

¹ Due regard to meeting the needs of people with disabilities involves taking steps to take account of their disabilities and may involve making reasonable adjustments and prioritizing certain groups of disabled people on the basis that they are particularly affected by the proposal.

Full Equalities Analysis Assessment

GENDER REASSIGNMENT: <i>This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
<p>There is no available data on the number of people who might be in the process of gender reassignment that could be impacted on by this policy.</p> <p>However, the assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should therefore on balance reduce the number of landlords in the borough who might discriminate against people in the process of gender reassignment.</p>
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
<i>Not applicable</i>

Full Equalities Analysis Assessment

RACE: A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race.

State whether the impact is positive, negative, a combination of both, or neutral:

Describe the Impact

The most over-represented ethnic group in Ealing Borough's private rented accommodation is 'White Other', comprising 30% of the private rented sector but just 15% of the overall population (2011 Census, ONS). A substantial portion of this group are believed to be economic migrants who are willing to accept poor quality housing in order (through choice or necessity) to keep their housing costs as low as possible. There were 10,632 people who identify as 'White Other' living in the borough's private rented/rent free accommodation at the time of the 2011 census.

Those defining themselves as 'Arab' are the second most over-represented, comprising 4% of the private rented sector but just 2% of the overall population. 'Other Asian' comprises 11% of the private rented sector and just 7% of the overall population. Whilst White British and Asian Indian populations are under-represented in the private rented sector, the size of these groups within the borough means that they are still a significant proportion of the private rented sector. One quarter of private sector tenants in the borough self-define as 'White British' (8,859 people) and 9% self-define as 'Indian' (3,178). The data corroborates the hypothesis that recent migrants are more likely to be in private rented accommodation than longer-term residents.

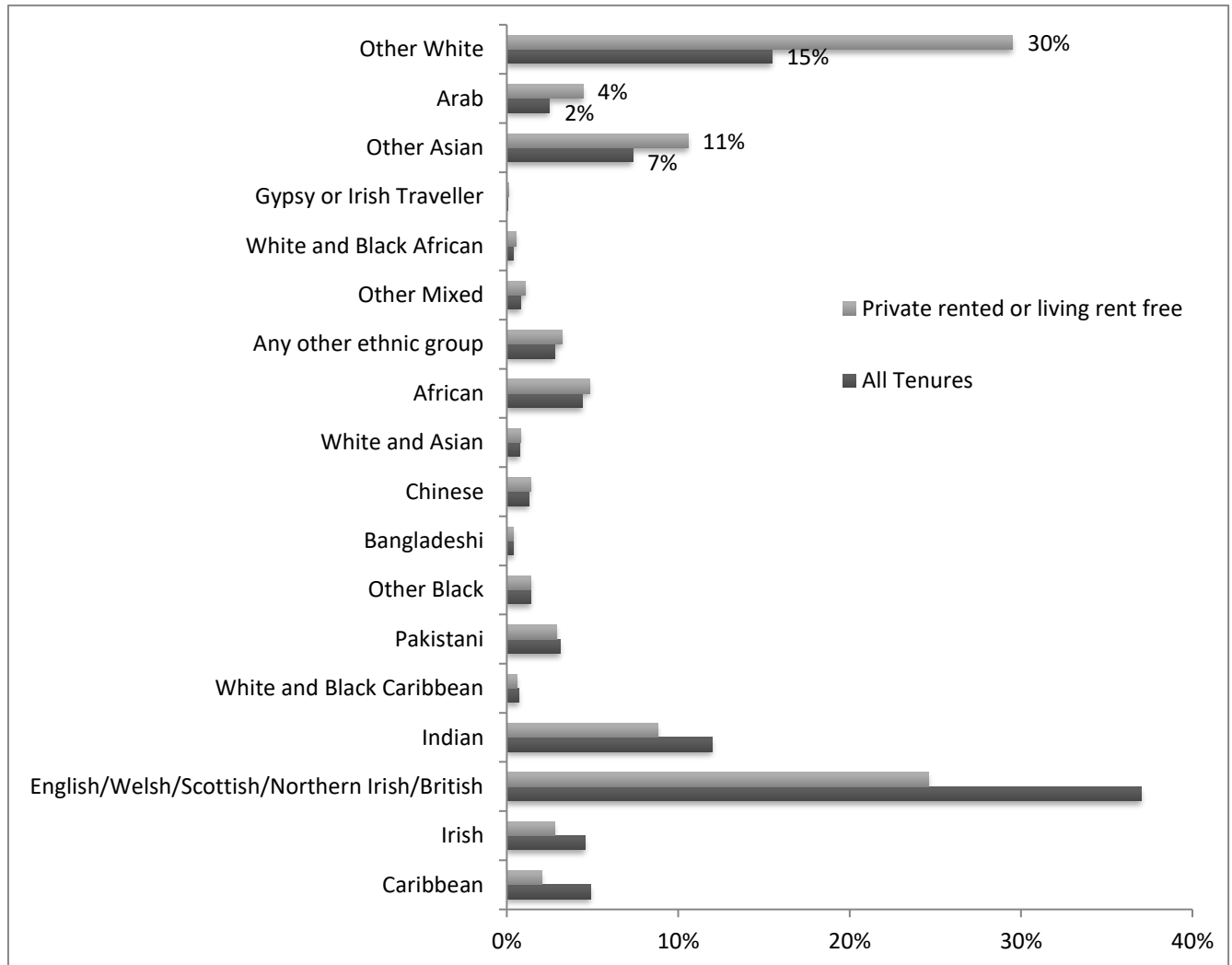
Over recent years Ealing borough's local strategic partnership working to improve the standards of local HMO and Outhouses has uncovered many rogue landlords who appear to prey upon the vulnerabilities of some migrants including those who do not know how to navigate the UK housing system or their rights as tenants, and even some who fear deportation. It is possible that some rogue landlords may opt to withdraw from Ealing Borough leading to evictions which might disproportionately impact on recent migrants and people from ethnic minorities. However, if such landlords do withdraw from the borough and more 'fit and proper' landlords come in this may be considered a net-benefit to residents of the borough. It is also possible that during transition to the new scheme some overstayers or other illegal migrants may be located and deported or driven into worse accommodation through fear of discovery. This is not anticipated to be at a higher rate to usual though. However for the majority of migrants living in substandard accommodation it is anticipated that their housing conditions will be improved by this new scheme and that the improvement of housing conditions would in turn help to reduce health and educational inequalities.

People from black and minority ethnic backgrounds are not only more likely to live in rented accommodation than other tenures but they are also more likely to live in deprived neighbourhoods than the White British majority (ESRC Centre on Dynamics of Ethnicity Centre on Dynamics of Ethnicity, 2013) where there are greater proportions of White British people living in the less deprived areas. Those living in deprived neighbourhoods are likely to experience greater health/education/ housing inequalities than their counterparts in less deprived neighbourhoods. Raising the quality of housing and reducing antisocial behaviour in the borough's private sector should serve to reduce inequalities amongst the minority ethnic groups.

The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of race.

Full Equalities Analysis Assessment

Ethnic distribution of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS



Overall this scheme would appear to disproportionately benefit BME and migrant groups which ultimately should serve to reduce inequalities across a number of spheres.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

Not applicable

Full Equalities Analysis Assessment

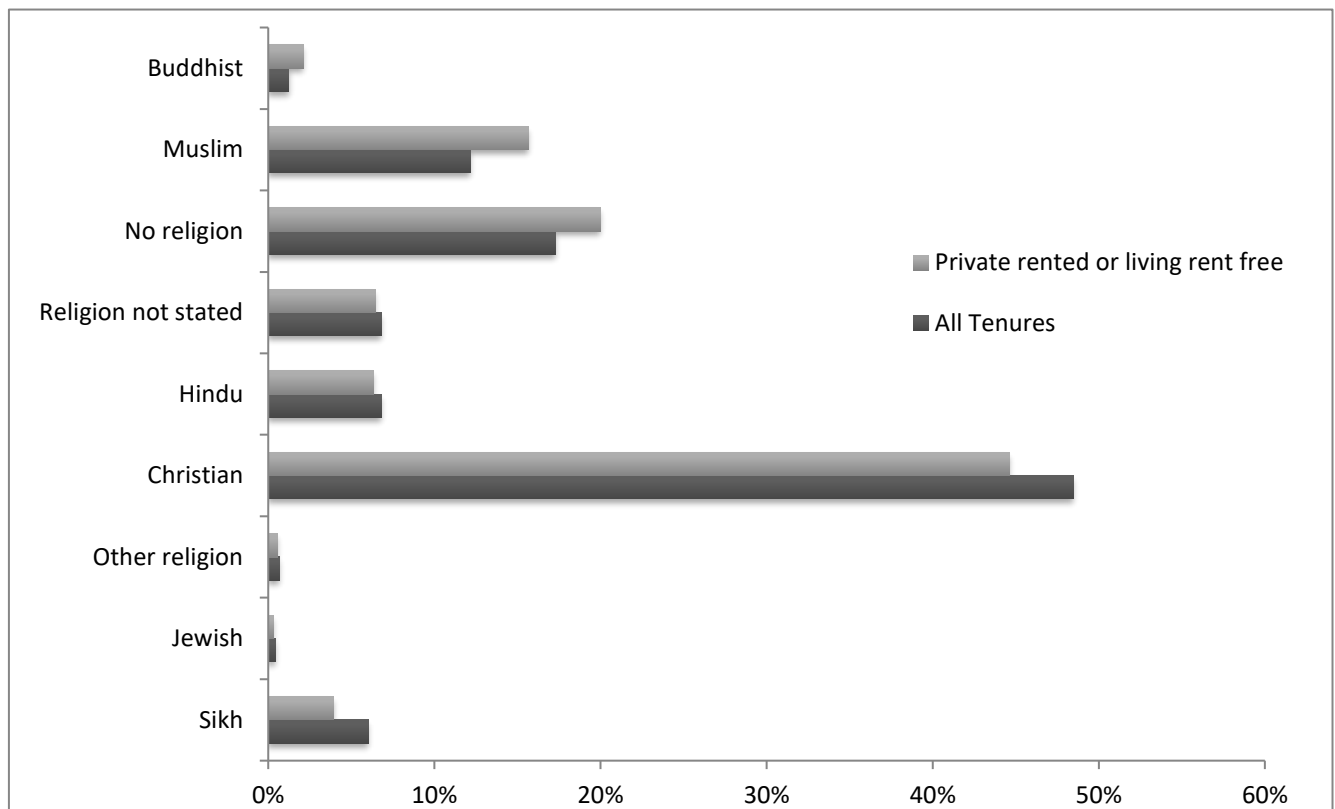
RELIGION & BELIEF: *Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect a person's life choices or the way you live for it to be included.*

State whether the impact is positive, negative, a combination of both, or neutral:

Describe the Impact

People who are Buddhist, Muslim or have no religion are over-represented in private rented accommodation. The size of the Christian population in Ealing Borough means that whilst they are marginally under-represented in private rented accommodation, they still make up a significant proportion of tenants in the borough (45%). At the time of the 2011 census there were 7,211 people identifying with no religion and living in private rented/rent free in the borough. There were also 5,644 people identifying as Muslim living in private rented/rent free in the borough and 762 identifying as Buddhist.

Religious distribution of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS



The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of their religion or beliefs.

Overall this scheme would appear to disproportionately benefit people with a Muslim faith, those with no religion and those of a Buddhist faith which ultimately should serve to reduce inequalities.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

Not applicable

Full Equalities Analysis Assessment

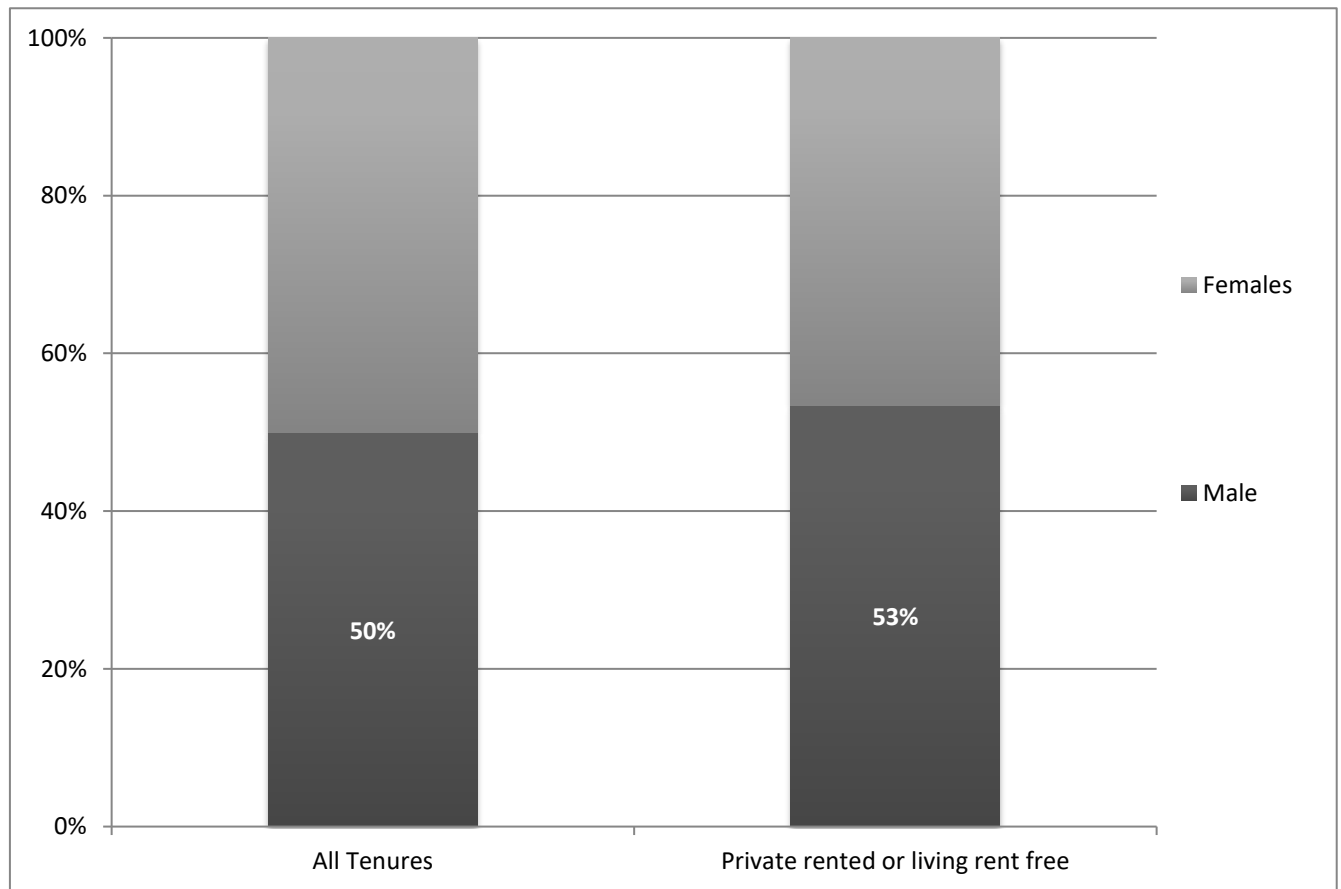
SEX: Someone being a man or a woman.

State whether the impact is positive, negative, a combination of both, or neutral:

Describe the Impact

Men are over-represented in the private rented sector (53% of the sector). This is perhaps because more men migrate to Ealing Borough to work than women. At the 2011 census, 55,083 of those private renting/rent free in the borough were male.

Sex distribution of Ealing borough residents living in private rented accommodation/ rent free, 2011 Census, ONS



The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of their gender/sex.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

Not applicable

Full Equalities Analysis Assessment

SEXUAL ORIENTATION: A person's sexual attraction towards his or her own sex, the opposite sex or to both sexes, covering including all LGBTQ+ groups
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
<p>There is no available data on the number of people who might be attracted toward his or her own sex, the opposite sex or to both sexes that might be impacted on by this scheme.</p> <p>The assessment of landlords to be 'fit and proper people' will however identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of their sexual orientation.</p>
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
<i>Not applicable</i>

PREGNANCY & MATERNITY: Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
<p>There is no clear data on the number of people who might be pregnant or have recently given birth that might be impacted on by this scheme. However some data on country of mother's birth is available from the ONS at borough level. In 2010, 70% of live births in the borough were to non-UK born mothers: 1,819 were to mothers born in the Middle East and Asia, and 1,129 were born elsewhere in the European Union (878 were from the new EU). A further 766 of new mothers in 2010 were born in Africa (ONS, 2015). Given the high numbers of people from White Other ethnicity who are living in rented accommodation in the borough, it seems likely that there are high numbers of Eastern European mothers amongst these. They are likely to benefit from improved housing quality which again would assist in reducing inequalities.</p> <p>The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of pregnancy or maternity.</p>
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
<i>Not applicable</i>

Full Equalities Analysis Assessment

MARRIAGE & CIVIL PARTNERSHIP: <i>Marriage: A union between a man and a woman. or of the same sex, which is legally recognised in the UK as a marriage</i> <i>Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
<p>There is no available data on the number of people who might have entered into marriage or a civil partnership with someone of the same or a different sex that might be impacted on by this scheme.</p> <p>The assessment of landlords to be 'fit and proper people' will identify any with convictions for hate crimes of any kind, excluding these people from a position where harassment, victimisation or discrimination of any kind has the potential to be particularly harmful. The assessment of landlords should on balance reduce the number of landlords in the borough who might discriminate against people on the grounds of whether they have entered into marriage or a civil partnership with someone of the same or a different sex.</p>
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
<i>Not applicable</i>

3. Human Rights²
4a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4c. Does your proposal impact on the rights of persons with disabilities as defined by the UN Convention on the rights of persons with disabilities?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<i>Not applicable</i>

4. Conclusion
<p>2011 Census data remains the most up to date available data to assess the numbers and proportions of people of different sexes, ages, disabilities, races and religion/beliefs who live in rented accommodation in Ealing Borough and are most likely to be impacted upon by the introduction of this licensing schemes. It has also been possible to investigate the numbers and proportions of people of different social classes who are living in private rented/rent free accommodation, and to consider the numbers of rented households that are overcrowded across the borough. Unfortunately the categorisation of census variables makes it difficult to separate out those living in private rented accommodation from those who are living rent free. However the numbers living rent free are small and unlikely to have a significant impact on the figures.</p>

² For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities [web page](#).

Full Equalities Analysis Assessment

The potential impacts of this scheme on groups with different characteristics have been investigated and considered using all the available evidence. Two significant and resolvable evidence gaps are apparent as well as one hard-to resolve-evidence gap.

- The first is a lack administrative data on the demographics of both landlords and private sector tenants in the borough, and also on victims or perpetrators of anti-social behaviour such as noise nuisance. It would be ideal to have such information available when making decisions that impact on these groups. Further data collection should be considered if the proposed scheme is implemented, although any such decision must be balanced with a small administrative burden and cost.
- The second is a present lack of consultation data. A full consultation is planned with local residents, tenants, landlords and where appropriate their managing agents and other members of the community who live or operate businesses or provide services within the proposed designation. It is proposed that this is undertaken from 10th May2021 for a period of 12 weeks and that this EAA is revisited at this juncture. The consultation methodology will include a range of methods that are intended to support the access of all subgroups: an online questionnaire, public consultation meetings and focus groups/telephone interviews with key stakeholders.
- The third is the lack of data regarding how some groups might be impacted by social interventions such as this, in particular those who are transitioning from one sex to another, sexual orientation, pregnancy and maternity, and marriage and civil partnership.

The main perceived threat to the well-being of any of these protected groups is the possibility of eviction by a landlord who as a result of the initiation of these schemes may no longer wish to do business in the borough. However there was no evidence to suggest that this occurred following the implementation of the current discretionary licensing schemes. Also, other London boroughs who have undertaken similar Additional or Selective Licensing Schemes have not reported any significant increase in evictions or homelessness that could be attributable to these schemes. In the event of any eviction, advice will be available, homeless applications can be supported and households will be prioritised in the usual manner.

Overall, it is considered that the renewal of additional and selective licensing will continue to significantly assist in reducing inequalities across the board and particularly for tenants of the poorest quality private rented accommodation with the most unfit and improper landlords. It is considered that renewing the schemes will:-

- a) Continue to allow the Council to develop a more comprehensive database of private rented properties.
- b) Better protect the health, safety and welfare of more tenants.
- c) Reduce the number of complaints associated with private rented properties.
- d) Assist the local rental market through the provision of clear standards through which landlords will operate on a level playing field and tenants will know what they should expect.
- e) Assist and encourage stable, long-term tenancies to the benefit of both landlords and tenants (creating sustainable communities)
- f) Assist in the delivery of the council's wider housing and related strategies.

It is further hoped that licensing will contribute to increased confidence in the local housing market leading to investment by fit and proper landlords; well-housed tenants; and cohesive neighbourhoods that do not suffer with anti-social behaviour. It is considered that the renewal of these schemes will ultimately assist in reducing inequalities.

Full Equalities Analysis Assessment

4a. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.

Office for National Statistics (ONS):

2011 Census

2015 Country of Parents' Birth statistics

Department for Communities and Local Government, 2015: Indices of Deprivation

Metastreet Ltd: London Borough of Ealing, Private Rented Sector: Housing Stock Condition and Stressors Report (January 2021)

English Private Landlord Survey 2018 (MHCLG) [English Private Landlord Survey 2018: main report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/681112/English-Private-Landlord-Survey-2018-main-report.pdf)

English Housing Conditions Survey: Headline Report 2019-20 [English Housing Survey: headline report \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/681112/English-Housing-Survey-Headline-Report-2019-20.pdf)

House of Commons Library: Overcrowding Housing (England), 2020 [Overcrowded housing \(England\) - House of Commons Library \(parliament.uk\)](https://www.parliament.uk/resources/library/overcrowding-housing-england-2020/)

ESRC Centre on Dynamics of Ethnicity (CoDE), 2013: Dynamics of Diversity: Evidence from the 2011 Census <http://www.ethnicity.ac.uk/medialibrary/briefingsupdated/ethnicity-and-deprivation-in-england-how-likely-are-ethnic-minorities-to-live-in-deprived-neighbourhoods%20%281%29.pdf>

Building Research Establishment (BRE) Cost of poor housing briefing paper 2015 <https://www.bre.co.uk/filelibrary/pdf/87741-Cost-of-Poor-Housing-Briefing-Paper-v3.pdf>

5. Action Planning: (What are the next steps for the proposal please list i.e. what it comes into effect, when migrating actions³ will take place, how you will measure impact etc.)



Action	Outcomes	Success Measures	Timescales/ Milestones	Lead Officer (Contact Details)
Consultation with all stakeholders	Increased understanding of situation and wishes of residents and businesses	High response rate overall, and high response rates from people with protected characteristics.	May – July 2021	Rachel Fell, Property Regulation Lead Practitioner

Additional Comments

³ Linked to the protected characteristics above

Full Equalities Analysis Assessment

6. Sign off: (All EAA's must be signed off once completed)

Completing Officer Sign Off:	Service Director Sign Off:	<i>HR related proposal (Signed off by directorate HR officer)</i>
Signed:  Name (Block Capitals): RACHEL FELL Date: 18.03.21	Signed:  Name (Block Capitals): DIPTI PATEL Date: 18.03.21	Signed: Name (Block Capitals): Date:

For EAA's relating to Cabinet decisions: received by Committee Section for publication by (date):

Appendix 1: *Legal obligations under Section 149 of the Equality Act 2010:*

- As a public authority we must have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP
- Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
 - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.
- Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.

Full Equalities Analysis Assessment

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Report for:
ACTION

Item Number:

13

Contains Confidential or Exempt Information	No
Title	Update on Wood End Infant and Junior Academy determining Statutory Proposals for Wood End Infant School
Responsible Officer(s)	Tamara Quinn, Assistant Director Planning, Resources & Service Development, Ext. 8444, E-mail: TQuinn@ealing.gov.uk
Author(s)	Tom Lindsay, Education Strategic Advisor, E-mail: tlindsay@ealing.gov.uk
Portfolio(s)	Cllr Yvonne Johnson, Schools and Children's Services and Deputy Leader
For Consideration By	Cabinet
Date to be Considered	20 April 2021
Implementation Date if Not Called In	4 May 2021
Affected Wards	All
Keywords/Index	School amalgamation; Closure; Statutory Proposal. Wood End Infant and Wood End Junior, Academy

Purpose of Report:

The purpose of this report is to seek Cabinet approval for the closure of Wood End Infant to enable the amalgamation of Wood End Infant School and Wood End Academy (a junior school) to become an all through primary school. The closure of Wood End Infant and extension of Wood End Academy Junior would both take effect on 1 September 2021 to enable the primary school to be in operation for the start of the 2021/22 academic year.

1. Recommendations

It is recommended that Cabinet:

- i. Notes the progress made regarding the amalgamation of Wood End Infant School (WEI) and Wood End Academy Junior (WEAJ), including the Statutory Notice;
- ii. Approves the statutory proposal to close WEI to enable the amalgamation of WEI and WEAJ to become an all through primary school to take effect for the start of the 2021/22 academic year.
- iii. Delegates to the Executive Director Children, Adults and Public Health, in consultation with the Portfolio Holder and Director of Legal Services, authority to make all necessary decisions to amalgamate WEI and WEAJ.

Reason for Decisions and Options Considered

The Cabinet decision is required to enable the local authority (LA) and the schools to progress with the creation of an all through infant and junior education provision. This involves the technical closure of WEI and extension of the age range at WEAJ. As WEAJ is an academy it sought, and has received, approval from the Regional Schools Commissioner for the extension of its age range to include the WEI provision.

The Governing Body of each school wish to meet the challenges for education in the future and to enable children to continue experiencing excellent teaching and learning. The schools have been collaborating increasingly closely in recent years. Since September 2019, the schools share an Executive Head Teacher, which both Governing Bodies believe has benefited pupils and staff.

The Legal Framework within which Cabinet must consider the proposals is set out in **section 5**.

The relevant background reports were presented to Cabinet on the 13th of October 2020 for starting the consultation and authority to publish statutory proposals was given by Cabinet in the report on 19th of January 2021.

2. Key Implications

To determine the Statutory Proposal for WEI to close to enable WEI and WEAJ schools to amalgamate and become an all through primary school.

The statutory consultation period was 3 March 2021 to 31 March 2021. The Statutory Notice was completed based on the Department for Education (DfE) prescribed template and guidance. Notification of the publication of the Statutory Notice and Statutory Proposal was advertised widely in line with DfE guidance.

The Council did not receive any comments or objections during the four-week statutory representation period.

Stakeholder consultation was run by both schools supported by the LA in November and December 2020. Details of this are included in **appendix A** and were reported to Cabinet on 19th of January 2021. The consultation complied with the statutory requirements. Consultees were asked to comment upon proposals and other matters associated with an amalgamation. The overall support for the proposal was 84% agree or strongly agree from a total of 65 respondents.

The LA has been supportive of WEI and WEAJ amalgamating. Our lead primary advisor has chaired the Partnership Advisory Committee that includes governors from both schools who have been leading the work towards amalgamation.

Currently, the two GBs are working together on:

- Governance transition to a single GB utilising strength of governors across both schools
- Developing vision, values and ethos – again, building on the current schools
- Working with community about future practical areas such as uniform and logo

From 1 September 2021, if the amalgamation is approved, pupils currently at WEI would have places at the primary school – the enlarged WEAJ. The current Year 3

Published Admission Number at Wood End Academy would be removed, and pupils in Year 2 would automatically transition to Year 3 in the school.

4. Financial Implications

At the end of financial year 2019/2020 WEI had a deficit of £0.356m, an increase of £0.153m on the previous year. WEI has implemented a number of successful measures to reduce expenditure while improving standards. However, without further action it is likely that the deficit will continue to increase exposing both the school and the LA to financial risk.

WEI continues to work to reduce the deficit, with additional monitoring by the LA. The most recent budget outturn sent to the LA shows no material change in the financial position. Any remaining liability as a result of the closure of the school will be contained within earmarked general fund reserves.

School funding is largely linked to pupil numbers, reduced demand impacts school budgets, and is more acutely felt in small schools such as these.

WEAJ has a surplus reserves position, this was £430k at end of August 2020.

Two form entry all through primary schools are at a lower risk of financial difficulty and are more sustainable than separate two form entry infant and junior schools. This is due to the overall funding available to them and economies of scale, such as a single leadership structure.

WEI is a foundation school, and the land is accordingly owned by the governing body. If the amalgamation is approved, the land owned by WEI will transfer to WEAJ.

5. Legal

The Council has a statutory duty to ensure that there are sufficient school places in their area. They must also promote high educational standards, increased parental choice, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential.

The Education and Inspections Act 2006, the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 establish detailed procedures for the establishment of new schools, the closing of schools and the making of prescribed alterations to existing schools including enlargement.

The Council is currently required to comply with this statutory framework so far as maintained schools are concerned.

In November 2019, statutory guidance was published entitled: 'Opening and closing maintained schools'. Part 4 of this guidance sets out the stages for closing a maintained school.

Those stages are:

- Stage 1: Consultation (statutory)
- Stage 2: Publication
- Stage 3: Representation
- Stage 4: Decision
- Stage 5: Implementation

In November 2019 the DfE published Departmental Guidance for Academy Trusts entitled 'Making Significant Changes to an open academy and closure by mutual agreement'.

Since the abolition of School Organisation Committees in 2007 Cabinet has had the responsibility under the Constitution to agree matters relating to school organisation in the borough, which are not within the legal remit of the Schools Adjudicator or the Secretary of State.

Cabinet is required to consider the proposal and either:

- a) Reject it
- b) Approve it
- c) Approve it with such modifications as they think desirable after consultation
- d) Approve it conditional to an event occurring by a date specified

Cabinet must give reasons for each decision, irrespective of whether the proposal is rejected or approved, including the main factors/criteria for the decision. If conditional approval is granted, Cabinet must set a date by which the condition should be met. The list of possible conditions is stated in regulations, and none of those would apply in this situation.

The amalgamation of the schools requires two approvals:

- The Secretary of State (through the Regional Schools Commissioner) to approve the extension of age range at WEAJ so that it incorporates the WEI provision (i.e. moves from a school for pupils in Year 3 to Year 6, to one for pupils from Nursery to Year 6).
- The Cabinet to approve the closure of WEI.

In this situation, the Regional Schools Commissioner needed to provide their approval first, since they could provide conditional approval (with the condition being that Cabinet approve the closure of WEI). On 24th March 2021 the Secretary of State approved the change of age range of WEAJ subject to Cabinet approving the closure of WEI. So, Cabinet can approve the closure of WEI as the proposals are linked and interdependent.

If Cabinet is unable to decide proposals within two months of the end of the representation period the LA must forward proposals to the Schools Adjudicator for decision, within one week of the end of the two-month period.

A copy of all decisions must be forwarded to applicable bodies prescribed in the Guidance, including the Secretary of State, Diocesan Authorities, objectors to the proposals etc. The Governing Body of schools subject to the proposals and the local Diocesan Authorities may appeal against a decision, to the Schools Adjudicator. Appeals must be submitted within four weeks of the decision.

Proposers are under a statutory duty to implement any proposals which a local authority or the Schools Adjudicator has approved by the approved implementation date.

If proposers cannot implement approved proposals, they must publish fresh proposals to be relieved of the duty to implement. To approve revocation proposals Cabinet must be satisfied that implementation of the existing proposals would be unreasonably

difficult or that circumstances have so altered since the original proposals were approved that their implementation would be inappropriate.

Under the School Premises (England) Regulations 2012 suitable outdoor space must be provided in order to enable:

- a) Physical Education to be provided to pupils in accordance with the school curriculum; and
- b) Pupils to play outside

This legislative requirement with respect of land transfers is contained in [Part II of Schedule 22 to the School Standards and Framework Act 1998](#) (as amended by Schedule 4 of the Education Act 2006).

The Transfer of Undertakings (Protection of Employment) Regulations 2006 (commonly known as “TUPE”) will apply in relation to any staff who are employed at WEI immediately before the closure. At present staff have contracts of employment with the school. At the point of closure, those contracts of employment will be automatically transferred to the proprietor of the academy. This means that, subject to some specific exceptions, the transferring staff will retain the same terms and conditions, and continuity of employment. Furthermore, any trade union recognition agreements applying to transferring staff will also transfer, as will any collective agreements in force at the time of the transfer.

TUPE imposes certain obligations to inform/consult appropriate employee representatives prior to the transfer. It also imposes an obligation on the interim executive board at the infant school to supply information about transferring employees to the proprietor of the academy at least 28 days before the transfer (and to update as and when required, up to the date of the transfer).

The Commercial Transfer Agreement also contains provisions in relation to staffing issues.

Pension membership falls outside the provision of TUPE. The Teachers’ Pension Scheme is not administered locally. Employees of the academy will fall within the provisions of the Local Government Pension Scheme Regulations 2013. As a result of Regulations 2, 3 and Schedule 2, Part 1, para 20, the proprietor of the academy will be a “scheme employer” in the fund for which LB Ealing is the “administering authority”.

In regard to public law and equalities considerations

When making decisions the Council must act reasonably and rationally. It must take into account all relevant information and disregard all irrelevant information and consult those affected, taking into account their views before final decisions are made. It must also comply with its legal duties, including relating to equalities.

As public bodies schools and local authorities have duties, known as the ‘public sector equalities duties’ under S 149 the Equality Act 2010.

The Equality Act 2010 places separate duties on Local Authorities as the responsible body (alongside the governing body) for schools maintained by the local authority.

6. Value for Money

Representative governors from both schools supported by LA officers have agreed to form a working party to meet regularly to review progress and ensure the process is being managed and executed according to statutory processes and agreed timescales.

7. Sustainability Impact Appraisal

The consultation showed the impact on sustainability will be neutral as outlined within the Council's procurement policies.

8. Risk Management

The Authority is working closely with the governing bodies of both schools and will develop a key risk register. See EAA appendix B. And sections 12 and 13 of this report.

9. Community Safety

There were no concerns about transport, traffic and travel gathered as part of the initial consultation. The amalgamation would not change total pupil numbers or the sites occupied by the school.

10. Links to the 3 Priorities for the Borough

The project is linked to 'Opportunities and living incomes' and 'A healthy and great place' priorities.

11. Equalities, Human Rights and Community Cohesion

An Equalities Assessment has been carried out for the proposals described in this report.

12. Staffing/Workforce and Accommodation implications

- Wood End Primary School would be an academy, and the academy trust would be the employers of the staff.
- Staff at WEI who have an employment contract that extends to or beyond the date of amalgamation would be entitled to transfer under TUPE to the academy trust on their current terms and conditions. HR due diligence is being undertaken on any measures required and pertinent info will be included in future reports.
- The TUPE process would be managed by the WEI Governing Body (as the current employer) with input from the academy trust (as the future employer). The Council's Schools' HR team provide support to WEI.
- The TUPE Regulations set out requirements for information and consultation which would be followed if the amalgamation is approved.
- All teaching and support staff unions, staff were consulted in the autumn term on the proposed amalgamation.

13. Property and Assets

WEAJ was previously a foundation school, and so the land is freehold owned by the academy trust.

WEI is a foundation school, and so the land is held by the Governing Body. If amalgamation is approved the freehold ownership would transfer to the academy trust.

Ealing Council's legal team will support both schools to ensure all statutory processes are met.

14. Any other implications

None.

15. Consultation

Consultation has taken place with the Portfolio Holder. Extensive consultations have been, and will continue to be carried out with the school staff, parents, local schools, unions and the community.

16. Timetable for Implementation

Cabinet decision on whether to approve statutory proposals	April 2021
Implementation	September 2021

17. Appendices

Appendix A: Consultation feedback report

Appendix B: Equalities Analysis Assessment (EAA)

18. Background Information

13th October 2020 Report

<https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/6517/Committee/3/SelectedTab/Documents/Default.aspx>

19th January 2021 Report

<https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/6520/Committee/3/Default.aspx>

Available at <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

<https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>

Consultation

	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Cllr. Yvonne Johnson	Portfolio Holder, Schools and Children's Services	18/3/21	18/3/21	Throughout
Judith Finlay	Executive Director Children, Adults and Public Health	18/3/21	18/3/21	Throughout
Tamara Quinn	Assistant Director, Planning, Resources and Service Development	18/3/21	18/3/21	Throughout
Justin Morley	Head of Legal Services (Social Care and Education)	26/3/21	30/3/21	Throughout
Russell Dyer	Assistant Director, Accountancy	18/3/21		
Stephen Bell	Finance Manager – Children and School Services	25/3/21		
Craig McDowell	Commercial and Procurement Partner	18/3/21	29/3/21	
Laurence Field	Programme Manager	18/3/21		

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Tom Lindsay, tlindsay@ealing.gov.uk

Appendix A: Consultation at Wood End Infant School relating to closure of the school to enable amalgamation with Wood End Academy Junior School to create an all through primary phase school

Consideration of Consultation

Members should consider the views of all those affected by the proposal or who have an interest in them including pupils, families of pupils, staff, other schools and colleges etc. Members should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead, Members should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposal.

Initial Consultation

The proposal consulted on is the closure of Wood End Infant School to enable amalgamation with Wood End Academy Junior School to create an all through primary phase school. This would involve transferring pupils, staff, land, buildings and equipment to Wood End Primary.

Almost all pupils progress from Wood End Infant School to Wood End Academy, and few join Wood End Academy who were not previously at Wood End Infant School. The schools have been collaborating increasingly closely in recent years, including sharing an Executive Headteacher since September 2019, which both Governing Bodies believe has benefited pupils.

Amalgamating the schools to form a primary school therefore reflects the pupil journey and formalises the collaboration. In addition, Ealing Council and the two Governing Bodies believe that a single primary school is educationally and financially more sustainable than separate infant and junior schools.

Both schools were judged to be 'Good' when last inspected by Ofsted.

The whole consultation period was from **Monday 2nd November 2020 to Friday 11th December 2020**

Who was consulted?

The proposal was sent to the following stakeholders:

- Parents of pupils
- Staff and Governors
- An EGFL gatekeeping article was sent to all Ealing Schools about the proposals
- Ward Councillors
- Local MP
- Adjacent Local Authorities

The initial proposal was available to download on the school website during the consultation period.

How were stakeholders consulted?

- **Consultation Leaflet and Feedback Forms** – The initial proposal detailed and circulated with a feedback form attached. Response forms were received.

- **Consultation Events** – Consultation events took place on 17th and 18th November. Overall, 20 parents attended the online meetings.
- A separate event was held for staff at on 2nd (WEI) and 3rd November WEA
- This was well attended by staff.
- **Emails were sent directly to:**
 - The Ward Councillors
 - Local MP
 - Adjacent Local Authorities
- **An EGFL gatekeeping article was sent to all Ealing Schools about the proposals**

Feedback from Stakeholders

The overall support for the proposal was 84% agree or strongly agree.

In addition to attendance at the meetings, there were 65 written responses:

- 8 from staff (6 from WEI and 2 from WEA)
- 52 from parents (29 from WEI and 31 from WEA and 9 who have children at both schools)
- 1 local resident who was not also a parent

Representatives of LB Brent and LB Hillingdon responded saying the proposals would not have any impact in their Boroughs.

Note –the sum of the respondent categories is more than the number of responses because respondents could identify as more than one category; for example, a respondent could identify as a member of staff, a parent, and a local resident.

The four most commonly identified advantages or benefits were:

- Practical benefits, including not needing to reapply for Year 3, single uniform, single communications, single pre/after school club arrangements etc (mentioned 21 –25 times)
- Continuity of educational provision (curriculum, SEND) from Nursery to Year 6 (mentioned 16-20 times)
- A financially more sustainable school (mentioned 5 or fewer times)
- The opportunity for children to engage with children across Key Stages, including siblings (mentioned 5 or fewer times).

The consultation responses raised relatively few concerns, each of which was raised five or fewer times. The concerns raised were mainly within three themes. The responses from the Governing Bodies is in italics:

- Whether the process being followed to achieve amalgamation was the most appropriate and / or whether it was or appeared to be a WEA ‘takeover’
 - This is not how either Governing Body or the Executive Headteacher perceives it. The amalgamation process is to establish a primary school that builds upon the best of each current school –for example the new Governing Body would be formed from individuals in both current Governing Bodies.*
- Staffing implications, including terms and conditions, the potential for staff restructure, and whether the transition would have a negative impact upon well-being
 - Teachers at both schools are employed in accordance with national terms and conditions and this would continue. There is difference in the*

current terms and conditions for support staff and the two Governing Bodies are considering the most appropriate way forward to ensure consistency within the school and no detriment to staff. Detailed proposals for how the primary school would operate would need to be developed and consulted upon so at the moment it is not known whether there would need to be a restructure. Irrespective of the amalgamation, the number of pupils in KS2 in 2021/22 would be lower than in 2020/21 as the outgoing Year 6 cohort is larger than the incoming Y3 cohort and WEA is reducing staffing accordingly to reflect the smaller pupil roll. We have support from an external project manager and from Ealing Council to reduce the impact upon our senior leaders, including the primary school improvement lead advisor who has led amalgamations while he was a Headteacher.

- Whether a primary school has negative aspects –such as wider age range of children mixing together, whether a larger school may be concerning for some pupils, whether one Governing Body can maintain sufficient oversight of what is currently overseen by two Governing Bodies, and whether transition would be a distraction for staff this year.

Within curriculum time, older children working with younger children can have very positive impacts for both groups of pupils when it is effectively managed. For play / lunch times these would be staggered in time and / or different year groups or Key Stages would use different parts of the site. Concern about whether a bigger school would be good for all pupils. The year groups would remain the same size (up to 60 pupils in each new Reception year group divided into 2 classes). All pupils would continue to be extremely well known by staff. Having a single school enables continuity and consistency of support for pupils throughout the whole primary age range, and reduces the anxiety and risks that potentially exist now around transition from Year 2 to Year 3 as pupils move school.

Most of the questions raised in consultation responses were regarding implementation (such as child drop off arrangements, how governors would be selected, day to day impact).

The most substantive issues raised was whether the primary school would consider having an Additionally Resourced Provision (ARP) for pupils with an identified special educational need.

There are not any current plans for an ARP. Any proposal for an ARP would require further statutory consultation in the future.

Full Equalities Analysis Assessment

1. Proposal Summary Information

EAA Title	Determination of Statutory Proposals for Wood End Infant to enable all through education provision of Wood End Infant and Wood End Junior schools.
Please describe your proposal?	Scheme: Amalgamation through the closure of the Infant School and extending the age range of the Junior School.
Is it HR Related?	Yes <input type="checkbox"/>
Corporate Purpose	Cabinet Report Decision

1. What is the Initiative/Function/Policy/Project/Scheme (*pick one*) looking to achieve? Who will be affected?

The scheme under consideration is for Wood End Infant (WEI) and Wood End Junior Academy (WEJ) Schools to amalgamate and become an all through primary on the schools' present sites.

Consultations with staff, parents, children and the local community were held in the autumn 2020 term. The scheme is supported by both Governing Bodies.

This EAA accompanies a report to the 20th April 2021 Cabinet. Cabinet is asked to determine a Statutory Proposal to close Wood End Infant School to enable amalgamation with Wood End Academy. Wood End Junior Academy has received Secretary of State approval to extend their age range to include the Wood End Infant age-range.

The key stakeholders include parents of current pupils at the school, parents of future pupils at the school, and local residents will be affected, so potentially all of the protected groups will be affected.

2. What will the impact of your proposal be?

The proposed amalgamation would be achieved through the closure of the infant school and by extending the age range of the junior school from 7-11 years to 3 -11 years. The closure of the infant school is only a means to achieve the amalgamation.

Full Equalities Analysis Assessment

2. Impact on Groups having a Protected Characteristic

AGE: <i>A person of a particular age or being within an age group.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No negative effect on persons due to their age has been identified. The schools are mixed community based schools and admit children on admissions criteria fully compliant with admissions code. All current policies and practices (in both schools) conform to statutory legislation and meet the requirements of national/local and equalities objectives as such they do not discriminate based on age so the impact is considered neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
The proposal is anticipated to have a neutral effect.

DISABILITY: <i>A person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities¹.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No negative effect on persons due to their disability has been identified. The schools are mixed community based schools and admit children on admissions criteria fully compliant with admissions code. All current policies and practices (in both schools) conform to statutory legislation and meet the requirements of national/local and equalities objectives as such they do not discriminate based on disability so the impact is considered neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
The proposal is anticipated to have a neutral effect.

GENDER REASSIGNMENT: <i>This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual.</i>
State whether the impact is positive, negative, a combination of both, or neutral:

¹ Due regard to meeting the needs of people with disabilities involves taking steps to take account of their disabilities and may involve making reasonable adjustments and prioritizing certain groups of disabled people on the basis that they are particularly affected by the proposal.

Full Equalities Analysis Assessment

Describe the Impact
No negative effect on persons due to gender reassignment has been identified. The schools are mixed community based schools and admit children on admissions criteria fully compliant with admissions code. All current policies and practices (in both schools) conform to statutory legislation and meet the requirements of national/local and equalities objectives as such they do not discriminate based on gender reassignment so the impact is considered neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

RACE: <i>A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No negative effect on persons due to their race has been identified. The schools are mixed community based schools and admit children on admissions criteria fully compliant with admissions code. All current policies and practices (in both schools) conform to statutory legislation and meet the requirements of national/local and equalities objectives as such they do not discriminate based on race so the impact is considered neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

RELIGION & BELIEF: <i>Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect a person's life choices or the way you live for it to be included.</i>
State whether the impact is positive, negative, a combination of both, or neutral:

Full Equalities Analysis Assessment

Describe the Impact
No negative effect on religion and belief has been identified. The schools are mixed community based schools and admit children on admissions criteria fully compliant with admissions code. All current policies and practices (in both schools) conform to statutory legislation and meet the requirements of national/local and equalities objectives as such they do not discriminate based on religion or belief so the impact is considered neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

SEX: <i>Someone being a man or a woman.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No negative effect on persons due to their sex has been identified. The schools are mixed community based schools and admit children on admissions criteria fully compliant with admissions code. All current policies and practices (in both schools) conform to statutory legislation and meet the requirements of national/local and equalities objectives as such they do not discriminate based on sex so the impact is considered neutral.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

SEXUAL ORIENTATION: <i>A person's sexual attraction towards his or her own sex, the opposite sex or to both sexes.</i>

Full Equalities Analysis Assessment

State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No differential impact on people based on sexual orientation, so neutral impact identified.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

PREGNANCY & MATERNITY: <i>Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No differential impact on people based on pregnancy and maternity, so neutral impact identified.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

MARRIAGE & CIVIL PARTNERSHIP: <i>Marriage: A union between a man and a woman. or of the same sex, which is legally recognised in the UK as a marriage</i>
--

Full Equalities Analysis Assessment

<i>Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.</i>
State whether the impact is positive, negative, a combination of both, or neutral:
Describe the Impact
No differential impact on people based on marriage and civil partnership so neutral impact identified.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
This proposal has a neutral effect.

3. Human Rights²
4a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4c. Does your proposal impact on the rights of persons with disabilities as defined by the UN Convention on the rights of persons with disabilities?
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<i>(If yes, please describe the effect and any mitigating action you have considered.)</i>

4. Conclusion
The information shows that there is no negative impact identified. The main driver for this proposal is to bring about greater benefit to all staff, children and parents as one all through provision.

² For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities [web page](#).

Full Equalities Analysis Assessment

As part of the process opportunities for any concerns or issues to be raised will be offered so that these can be considered prior to a formal proposal being submitted for consideration.

As a foundation school, governors are the employers of staff at WEI. Staff at WEI who have an employment contract that extends to or beyond the date of amalgamation would be entitled to transfer under TUPE to the Academy Trust on their current terms and conditions. The primary school will be an academy, and the Academy Trust would be the employers of the staff. HR due diligence is being undertaken on any measures required and pertinent info will be included in future reports.

The TUPE process would be managed by the WEI Governing Body (as the current employer) with input from the academy trust (as the future employer). The Council's Schools' HR team provide support to WEI. The TUPE Regulations set out requirements for information and consultation which would be followed if the amalgamation is approved. All teaching and support staff unions, staff were consulted in the autumn term on the proposed amalgamation.

4a. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.

Information summarized in the Cabinet report.

DfE statutory

Available at <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

<https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>

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Legislation

- Ealing's Equality Assessment Process
- Guidance for Human Rights and Equality Effect Assessments
- Summary of the UN Convention on the Rights of the Child and Tights of Persons with Disabilities

(All above at http://inside.ealing.gov.uk/downloads/download/89/equalities_templates)

Governing board meetings at Wood End Infant 8th January 2021 and Wood End Junior 9th January. Boards discussed option and unanimously agreed to take forward

Full Equalities Analysis Assessment

5. Action Planning: *(What are the next steps for the proposal please list i.e. what it comes into effect, when migrating actions³ will take place, how you will measure impact etc.)*

Action	Outcomes	Success Measures	Timescales/ Milestones	Lead Officer (Contact Details)

Additional Comments:

No mitigating actions to be taken.

6. Sign off: *(All EAA's must be signed off once completed)*

Completing Officer Sign Off:	Service Director Sign Off:	HR related proposal (Signed off by directorate HR officer)
Signed:  Name (Block Capitals): L M FIELD Date: 6 th April 2021	Signed:  Name (Block Capitals): T Quinn Date: 6 th April 2021	Signed: Name (Block Capitals): Date:

For EA's relating to Cabinet decisions: received by Committee Section for publication by (date):

Appendix 1: Legal obligations under Section 149 of the Equality Act 2010:

³ Linked to the protected characteristics above

Full Equalities Analysis Assessment

- As a public authority we must have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP
- Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
 - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.
- Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.

Contains Confidential or Exempt Information	YES (Part) Appendix B contains Exempt Information by virtue of Paragraph 3 of Schedule 12A to the Local Government Act 1972	14
Title	Northolt High School Redevelopment Temporary Classrooms Contract Award and Beaconsfield Primary Capital Approvals	
Responsible Officer	Tamara Quinn, Assistant Director Planning, Resources & Service Development, Ext. 8444, E-mail: TQuinn@ealing.gov.uk	
Author	Laurence Field, Ext. 5425, E-mail: FieldL@ealing.gov.uk	
Portfolio	Councillor Johnson, Cabinet Member for Schools and Children's Services and Deputy Leader	
For Consideration By	Cabinet	
Date to be Considered	20 th April 2021	
Implementation Date if Not Called In	4 th May 2021	
Affected Wards	Northolt Mandeville; Southall Broadway	
Keywords/Index	Northolt High School; Beaconsfield Primary School; Schools Capital Programme; award contract.	

Purpose of Report:

To obtain authority to award a contract for the temporary classrooms associated with the redevelopment of Northolt High School further to the decision to invite and evaluate tenders by Cabinet dated 8th December 2020. This report also seeks approval to add S106 funds to the capital programme for Beaconsfield Primary School Dining Extension.

1. Recommendations

It is recommended that Cabinet:

- i. awards a contract in the sum of £1,289,168.50 to CMS Accommodating People Limited for the temporary classroom accommodation for Northolt High School redevelopment works to be funded from the existing approved budget of £9m as set out in the Capital Programme 2020/21 to 2024/25.
- ii. approves the addition of £0.088m Section 106 money to the existing approved Schools Service Capital Programme as a contribution to the funding of the Beaconsfield Primary School dining extension, with spend of the received funds incorporated into the budget as outlined in section 4 of this report.

2. Reason for Decision and Options Considered

2.1 The Council has a statutory duty to secure sufficient school places and to promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. The Council must also promote choice and diversity.

- 2.2** Cabinet authorised the Assistant Director Planning, Resources and Service Development, in consultation with the Portfolio Holder, to invite and evaluate tenders for the any enabling and temporary classroom accommodation works required for the redevelopment works at Northolt High School at an estimated value of £2.100m, on 8th December 2020.
- 2.3** Awarding the building contract for the enabling and temporary classroom accommodation works for Northolt High School Redevelopment works will allow the Council and school to progress the redevelopment of the school accommodation.
- 2.4** The relevant background report, Redevelopment of Northolt High School, which was presented to Cabinet on the 8th of December 2020, can be accessed via the following link:

<https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/6519/Committee/3/Default.aspx>

3. Key Implications

- 3.1** Cabinet on 8th December 2020 approved proposals for to invite and evaluate tenders for any enabling and temporary classroom accommodation works required for the redevelopment works at Northolt High School at an estimated value of £2.100m.
- 3.2** Competitive tenders were sought for the enabling and temporary classroom accommodation works for Northolt High School Redevelopment works. Tenders were submitted on 23rd March 2021. The tenders were evaluated, by the Council's Quantity Surveyors, on the basis of the most economically advantageous tender to the Council using an Evaluation Matrix approved by the Council's Commercial Hub. CMS Accommodating People Limited submitted the most economically advantageous tender to the Council as set out in Appendix A. The tender evaluation report is included in Confidential Appendix B.
- 3.3** This report also seeks to add Section 106 monies to the Schools Service Capital Programme for the extension to Beaconsfield Primary School dining facilities following expansion of the school from 1 form of entry (FE) to 2 FE, as set out in section 4 of this report.

4. Financial

- 4.1** A schedule of costs is contained in Appendix A. The total cost of the enabling and temporary classroom accommodation works for Northolt High School Redevelopment is estimated at £2.2m. The full current funding for the scheme is summarised in **Table 1** below with an indicative cashflow.

TABLE 1: Indicative Spend Profile

	To 2019/20	2020/21	2021/22	2022/23	2023/24	Total
	£m	£m	£m	£m	£m	£m
Existing Approved Expenditure Budget	0.752	0.300	-	-	7.948	9.000
Revised Additional Expenditure	-	-	3.500	9.000	4.700	17.200

Budget Profile						
Total Expenditure	0.752	0.300	3.500	9.000	12.648	26.200
Funded by:						
Mainstream Funding	0.752	0.300	-	-	7.948	9.000
Capital Receipt for Additional Budget	-	-	3.500	9.000	4.700	17.200
Total Funding	0.752	0.300	3.500	9.000	12.648	26.200

4.2 The contract will be managed by the Council’s internal Property Services Delivery Unit (PSDU) within Children’s Services. Schools Service budgets, DSG usage and the Council’s capital programme are monitored as part of the Council’s budget monitoring process.

4.3 The report also seeks the approval of Cabinet to use contribution from S106 receipts to enable an extension of the dining facilities at Beaconsfield Primary School. Finance has confirmed that £0.088m S106 income has been received which contributes to education provision at Beaconsfield Primary School. These income form part of the legal agreement with developers and the income is triggered at points. A requirement of the Section 106 agreement is that the funding be used towards the improvement and increase in capacity of Beaconsfield Primary School. The funding is shown in **Table 2** below:

Table 2: Beaconsfield Primary Dining Extension

	2021/22	2022/23	2023/24	Total
	£m	£m	£m	£m
Beaconsfield Primary Dining Extension	0.088	-	-	0.088
Total Expenditure	0.088	-	-	0.088
Funded by:				
S106 Funding	0.088	-	-	0.088
Total Funding	0.088	-	-	0.088

5. Legal

5.1 The contract for the enabling and temporary classroom accommodation works for Northolt High School Redevelopment has been tendered and is being let in accordance with the Council’s Contract Procedure Rules and the Public Contract Regulations 2015 (as amended) as applicable.

5.2 Section 14 of the Education Act 1996 establishes that the Council has a statutory duty to ensure that there are sufficient school places in their area, to promote high educational standards, to ensure fair access to educational opportunity and to promote the fulfilment of every child’s educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice.

5.3 The School Standards and Framework Act 1998 places a statutory duty on the Council to maintain the fabric of the premises of a maintained and community schools. Further, the Council has statutory duties to provide school places and to comply with the School Premises (England) Regulations 2012.

5.4 Payments made pursuant to section 106 obligations can only be applied for the purposes set out in the relevant agreements. As confirmed above in this case it is a requirement of the relevant Section 106 agreement that the funding be used towards the improvement and increase in capacity of Beaconsfield Primary School.

6. Value For Money

Competitive tenders were sought for the enabling and temporary classroom accommodation works for Northolt High School redevelopment. The Council's Quantity Surveyors evaluated the tenders using the evaluation matrix approved by the Council's Commercial Hub to determine the most economically advantageous tender to the Council. The proposals as submitted by CMS Accommodating People Limited have been fully examined by the Council's Quantity Surveyors and are considered to represent value for money.

7. Sustainability Impact Appraisal

The proposals will include an assessment of the impact on sustainability as outlined within the Council's procurement policies.

8. Risk Management

There are established processes for managing Capital projects and risks are identified as part of the project management process. A Risk Register will be prepared for the project, and this will be updated and managed until completion of the project.

9. Community Safety

None

10. Links to the 3 Priorities for the Borough

The project is linked to 'Opportunities and living incomes' and 'A healthy and great place' priorities.

11. Equalities, Human Rights and Community Cohesion

An Equalities Analysis Assessment has been carried out for the project described in this report and is set out in Appendix C.

12. Staffing/Workforce and Accommodation implications:

N/a.

13. Property and Assets

This report deals with schools' property and assets.

14. Any other implications:

None

15. Consultation

Extensive consultations were carried out with Northolt High School. Consultation has also taken place with the Portfolio Holder.

16. Timetable for Implementation

Table 2: Northolt Contract Timetable for Implementation

Approval to Award Contract	20 April 2021
Contracts Signed and Sealed	May 2021
Construction Work Commences on Site	June 2021
Construction Work Completes on Site	October 2021
Accommodation Opens	October 2021

17. Appendices

- A. Financial Implications
- B. Tender Evaluation Report (Confidential Appendix)
- C. Equalities Analysis Assessment

18. Background Information

18.1 Report to Cabinet in December 2020.

The above reports are available on the Council's website at:

http://www2.ealing.gov.uk/services/council/committees/agendas_minutes_reports/cabinet/index.html

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Cllr Yvonne Johnson	Portfolio Holder, Schools and Children's Services and Deputy Leader	18/3/21	18/3/21	Throughout
Judith Finlay	Executive Director Children, Adults & Public Health	18/3/21	18/3/21	Throughout
Tamara Quinn	Assistant Director Planning, Resources & Service Development	18/3/21	18/3/21	Throughout
Gary Redhead	Assistant Director Schools Planning and Resources:	18/3/21	18/3/21	
Justin Morley	Head of Legal Services (Social Care and Education)	18/3/21		
Craig McDowell	Category Lead (People)	18/3/21	29/3/21	
Russell Dyer	Assistant Director Finance	18/3/21	8/4/21	4
Stephen Bell	Finance Manager – Children and School Services	24/3/21		
Jackie Adams	Head of Legal (Commercial)	7/4/21	8/4/21	5
Chuhr Nijjar	Senior Contracts Lawyer	18/3/21	8/4/21	
External				
	eg voluntary organisation			

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Laurence Field, Programme Manager; Ext. 5425

Appendix A - Financial Implications

The total expenditure to be approved is as follows:

Ref.	Item	14 £
1	Recommended tender for acceptance: CMS Accommodating People Limited	1,289,168.50
2	Structural Engineers Fees	8,245.00
3	CDM Advisor Fees	3,600.00
4	Planning	9,246.00
5	Design & Project Management Fees	154,700.22
6	FFE & ICT	130,000.00
7	Remodelling Classrooms	300,000.00
8	Specialist fit out – Science Laboratories	150,000.00
9	Incoming Electrical Supply for Temporary Accommodation including housing and associated builders work	28,000.00
10	Decanting, Removals	20,000.00
11	Client Contingency	100,000.00
12	ESTIMATED TOTAL COST [exc. VAT]	<u>2,192,959.72</u>

Equalities Impact Assessment

1. Proposal Summary Information	
EAA Title	Award of contract for the enabling and temporary classroom accommodation works for Northolt High School Redevelopment
Please describe your proposal?	Scheme: approval for award of contract for the enabling and temporary classroom accommodation works for Northolt High School Redevelopment.
Is it HR Related?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Corporate Purpose	Cabinet Decision

1. What is the Initiative/Function/Policy/Project/Scheme (pick one) looking to achieve? Who will be affected?
<p>Seeks Cabinet approval for the award of contract for the enabling and temporary classroom accommodation works for Northolt High School Redevelopment, as part of the project to redevelop Northolt High School including consultation on opening an ARP within the redeveloped school providing facilities for children aged 11-16 with an Education Health and Care Plan with needs on the Autistic Spectrum or related Speech, Language and Communications needs.</p>

2. What will the impact of you proposal be?
<p>The impact of the Redevelopment of Northolt High School proposal is to ensure sufficient school places in good quality physical educational environment are available to serve the local community including for pupils with Special Education Need and Disability (SEND).</p>

Equalities Impact Assessment

2. Impact on Groups having a Protected Characteristic

AGE: <i>A person of a particular age or being within an age group.</i>
State whether the impact is positive, negative, a combination of both, or neutral: Positive
Describe the Impact
<p>The redevelopment is considered to have a positive impact on current and future high school age students attending the school. The planned redevelopment includes initial consultation on providing Additionally Resourced Provision for High Needs places to serve the local community which would have a positive impact on those who are of school age. If there are not sufficient specialist SEND school places in an area then pupils may not be able to access provision most appropriate to meet their needs. There is inequality between those of the same age living in the same area as some children either have to remain in a mainstream school with additional support at a higher cost than an ARP or will be offered places in an ARP (if available) much further away.</p>
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
No negative effect identified.

DISABILITY: <i>A person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities¹.</i>
State whether the impact is positive, negative, a combination of both, or neutral: Positive
Describe the Impact
<p>Redevelopment is considered to have a positive impact for the users of the school and the wider community. If an ARP proceeds, it is considered that this will have a positive impact for children and young people with Special Educational Needs, specifically with needs on the Autistic Spectrum or related Speech, Language and Communications needs.</p> <p>The ARP accommodation would be designed to meet the needs of people with disabilities by taking steps to take account of their disabilities and making reasonable adjustments. The proposal prioritizing the needs of pupils on the Autistic Spectrum or related Speech, Language and Communications needs on the basis that they are particularly affected by the proposal.</p>
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
No negative effect identified.

¹ Due regard to meeting the needs of people with disabilities involves taking steps to take account of their disabilities and may involve making reasonable adjustments and prioritizing certain groups of disabled people on the basis that they are particularly affected by the proposal.

Equalities Impact Assessment

GENDER REASSIGNMENT: <i>This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual.</i>
State whether the impact is positive, negative, a combination of both, or neutral: Neutral
Describe the Impact
Neutral impact. Persons who are undergoing gender reassignment or consider themselves to be trans, transgender and transsexual may have children at, or intending to attend, the school.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
No negative effect identified.

RACE: <i>A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race.</i>
State whether the impact is positive, negative, a combination of both, or neutral: Neutral
Describe the Impact
Neutral impact. Places at the school are available to all, and there is no discrimination by race, ethnic origins or nationality.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
No negative effect identified.

RELIGION & BELIEF: <i>Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect a person's life choices or the way you live for it to be included.</i>
State whether the impact is positive, negative, a combination of both, or neutral: Neutral
Describe the Impact
The school is open to young people of all religions and beliefs, and there would be no negative impact to people of any faith or belief as a result of this proposal.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
No negative effect identified.

SEX: <i>Someone being a man or a woman.</i>
State whether the impact is positive, negative, a combination of both, or neutral: Neutral
Describe the Impact
Neutral effect identified in terms of the above recommendations.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action

Equalities Impact Assessment

No negative effect identified.

SEXUAL ORIENTATION: *A person's sexual attraction towards his or her own sex, the opposite sex or to both sexes.*

State whether the impact is positive, negative, a combination of both, or neutral: Neutral

Describe the Impact

No differential impact on people based on sexual orientation so neutral impact identified.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

No negative effect identified.

PREGNANCY & MATERNITY: *Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.*

State whether the impact is positive, negative, a combination of both, or neutral: Neutral

Describe the Impact

There should be a neutral impact on pregnancy & maternity.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

No negative effect identified.

MARRIAGE & CIVIL PARTNERSHIP: *Marriage: A union between a man and a woman. or of the same sex, which is legally recognised in the UK as a marriage
Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.*

State whether the impact is positive, negative, a combination of both, or neutral: Neutral

Describe the Impact

There should be a neutral impact on marriage & civil partnership.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

No negative effect identified.

Equalities Impact Assessment

3. Human Rights²
4a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4c. Does your proposal impact on the rights of persons with disabilities as defined by the UN Convention on the rights of persons with disabilities? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
The proposal links to article 28 (right to education) as defined by the UN Convention on the Rights of a Child. The Act facilitates the education of the most educationally and physically disabled children. It supports high aspirations and plans around the child. This provision will enhance the education and life chances of such children.

4. Conclusion				
The proposals will not disadvantage any group or individual with a protected characteristic. The ARP proposal would have a positive impact for children with Special Educational Needs, specifically with needs on the Autistic Spectrum or related Speech, Language and Communications needs.				
4a. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.				
SEN Code of Practice; Special Educational Needs and Disability Regulations 2014; Children and Families Act 2014; Early Years Census Data reports; Connexions data on attendance at Ealing Youth Centres.				
5. Action Planning: (What are the next steps for the proposal please list i.e. what it comes into effect, when migrating actions³ will take place, how you will measure impact etc.)				
Action	Outcomes	Success Measures	Timescales/ Milestones	Lead Officer (Contact Details)
Additional Comments:				
No mitigating actions to be taken.				
6. Sign off: (All EAA's must be signed off once completed)				

² For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities [web page](#).
³ Linked to the protected characteristics above

Equalities Impact Assessment

Completing Officer Sign Off:	Service Director Sign Off:	<i>HR related proposal (Signed off by directorates HR officer)</i>
Signed:  Name (Block Capitals): L M FIELD Date: 6 th April 2021	Signed:  Name (Block Capitals): T QUINN Date: 6 th April 2021	Signed: Name (Block Capitals): Date:

For EA's relating to Cabinet decisions: received by Committee Section for publication by (date):

Appendix 1: *Legal obligations under Section 149 of the Equality Act 2010:*

- As a public authority we must have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP
- Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
 - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.

Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.

**Report for:
ACTION**

Item Number:

15

Contains Confidential or Exempt Information	NO
Title	Request for approval to use a recognised procurement framework, Eastern Shires Purchasing Organisation (ESPO) and a Dynamic Purchasing System (DPS) to streamline the tendering process; recognised by Local and Central Government for a four-year period.
Responsible Officer(s)	Dipti Patel Director of Place Delivery
Author(s)	Rosalie Pereira Operations Manager
Portfolio(s)	Councillor Binda Rai and Cllr Sabiers
For Consideration By	Cabinet and Councillor Binda Rai and Cllr Sabiers
Date to be Considered	20 th April 2021
Implementation Date if Not Called In	(Day after Call-In expiration date, or most appropriate date after Call-In expiration date)
Affected Wards	All
Keywords/Index	Disabled Facilities Grant – funding up to £30K to assist independent living (DFG) Council Housing Adaptations – works undertaken in Council housing stock (CHA) Housing Revenue Account (HRA) Better Care Fund– Central Government Funding which (BCF) reimburses DFG expenditure Eastern Shires Purchasing Organisation (ESPO) a public sector owned professional buying organisation which quality and competency vets’ contractors and consultants Repairs and Adaptations Service – The Home Improvement Agency (RAS-HIA) – delivers DFG’s and CHA’s

Purpose of Report:

The Council has a Statutory requirement under Regulatory Reform Order 2002 and Housing Grants and Construction Act 1996 to assist / facilitate the provision of adaptations and alterations to help residents remain independently in their own home. This is primarily funded via central government’s Better Care Funding and also via Housing Revenue Account.

Public Funding requirement highlight the need to demonstrate value for money and fair and transparent procurement systems.

This report is to gain approval for: -

The proposal to call off a contract from a specialised framework agreement (ESPO) and establish a DPS.

Key Benefits will include: -

- Reduced waiting times for grant approvals
- More effective spend / uptake of monies to maintain residents in their own home and reduce pressure on Adult Social Care and NHS.
- Allow trusted local approved contractors to continue providing exemplar services to our residents.
- Promote local economic development via local procurement.

1. Recommendations

It is recommended that Cabinet:

- 1.1 Authorise the Director of Place Delivery to award a direct contract to Handicare (stairlift providers) via the ESPO Framework Agreement 364_18 Stairlifts, Steplifts, Vertical Through Lifts and Hoists for a term of four years from May 2021 to March 2025 for an estimated total value of £3.200m
- 1.2 Authorise the Director of Place Delivery to conduct a law compliant procurement process for the establishment of a five-year Dynamic Purchasing System for the provision of services starting from May 2021 to deliver major adaptations through the Disabled Facilities Grant and Council Housing Adaptations processes.
- 1.3 Delegates authority to the Director of Place Delivery to admit suppliers from the DPS once established in accordance with its rules and selection criteria during its five-year term.
- 1.4 Note that the CHA estimated contract value to be funded by approved Housing Revenue Account budget, with provision made in the HRA Business Plan approved by Cabinet in January 2021. The DFG contract spend from April 2021 to March 2023 is to be funded by the approved DFG capital scheme budget and it is assumed that the DFG grant allocation will continue through the BCF for the remaining three years of the contract period as it is mandatory. The 2021/22 budget has been approved but for the following year of 2022/23 this is subject to the annual budget process and grant announcements, although it is anticipated that this will be as planned in the table at 4.3.. Any changes to the grant regime would mean a change to the budget for the remaining 3 years of the contract period, which is again subject to the annual budget process.

2. Reason for Decision and Options Considered

- 2.1 The ESPO Framework Agreement estimated value of the contract for stairlifts and hoisting lifting equipment to be procured is £0.600m to £0.800m annually.
- 2.2 The DPS estimated value of the contract and set up costs will be contained within the proposed budgets (as set out in section 4). The overall cost of set up will be met from existing resources.

2.3 Both awarded values are based on an estimate on previous yearly returns and will be contained within the approved capital budgets over the five years 2021/22 through to 2025/26.

3. Key Implications

3.1 The DFG is a mandatory grant available to all, disabled, vulnerable and elderly residents of our borough. The grant is delivered and administered by the RAS-HIA and can pay or contribute towards the cost of adapting a home, for example by installing a stairlift, creating a level access shower room, widening doorways, and providing ramps and hoists etc.

3.2 The maximum grant that can be awarded in England per applicant is £0.030m. The grant approval will be for the total cost of works that have been deemed necessary and appropriate and reasonable and practicable.

3.3 The DFG is a mandatory grant, which means that it is a legal requirement for local authorities to provide help to people who meet the eligibility criteria, whether or not the authority has sufficient budget. These criteria include ensuring that the works are necessary and appropriate to meet the needs of the disabled person, and that they are reasonable and practicable given the age and condition of the property.

3.4 The RAS-HIA draw resources from a large supply of specialist adaptation contractors and providers. These providers meet a minimum standard in terms of business suitability compete equally against others in the locality to supply services to Ealing Council, irrespective of their size or reputation which gives local Small Medium Enterprises the opportunity to provide services.

3.5 Current status

- a) Procuring a stairlift provider: the previous framework for stairlifts has expired and currently an individual contract is awarded to each specialist approved contractor based on the DFG recommendation and needs of the client
- b) on procuring a specialist contractor for delivering adaptations works: RAS-HIA currently use an in-house tender process in line with the Council's Contract Procedure Rules.

3.6 The formation of the DPS involves a two-stage process. First, in the initial set up stage, when all suppliers who meet the selection criteria and are not excluded will be admitted. Thereafter, individual contracts are tendered and awarded during the second stage. In this stage, the authority invites all suppliers in the relevant category to bid for each specific contract / grant.

3.7 The overarching strategy of procuring services through a functional DPS remains a flexible electronic system that will allow the tendering and awarding of contracts, but at the same time gives the council access to the market by allowing new entrants to the market, subject to them meeting the requirements..

3.8 This report seeks Cabinet's approval to establish a new inhouse DPS and enable it to admit suppliers throughout its five year life and to procure and award

adaptation contracts based on specific tender evaluation criteria, subject to the council's contract standing orders, and the council's governance arrangements from time to time.

4. Financial

a) Financial impact on the budget

- 4.1 The service provided under the new proposed DPS, will establish a formal agreement with the existing providers already being utilised. This will provide a procurement mechanism for commissioning contractors to provide specialist adaptations services. The overall cost of set up will be met from existing resources.
- 4.2 The ESPO Framework agreement will enable to purchase the equipment at value for money prices via a single award contract using existing and proposed grant budgets
- 4.3 The below table details the overall estimated contract value and the funding. (Estimate based on previous financial year spend).

ESPO Framework Contract	Year 1 2021/22 £'m	Year 2 2022/23 £'m	Year 3 2023/24 £'m	Year 4 2024/25 £'m	Year 5 2025/26 £'m	Total 2021/26 £'m
Estimated costs:						
(ESPO) Stairlifts Contract estimated cost	0.800	0.800	0.800	0.800	0.000	3.200
Estimated cost of DPS contracts	5.126	3.865	3.265	3.265	3.265	18.786
Total Cost	5.926	4.665	4.065	4.065	3.265	21.986
Financed by:						
Approved HRA Adaptations (capital budget)	(1.600)	(1.600)	(1.600)	(1.600)	(1.200)	(7.600)
Approved Better Care Fund (DFG capital budget)	(4.326)	(3.065)				(7.391)
Better Care Fund (DFG capital budget To Be Approved as per future estimated Grant)			(2.465)	(2.465)	(2.065)	(6.995)
Total funding	(5.926)	(4.665)	(4.065)	(4.065)	(3.265)	(21.986)

5. Legal

- 5.1 The call off from the ESPO framework will in accordance with its rules and the DPS will be established in accordance the Public Contracts Regulations 2015 as amended by the Trade and Co-operation Agreement as set out in the European Union (Future Relationship) Act 2020 and the Council's Contract Procedure Rules.

5.2 Regulation 34 of the Public Contracts Regulations 2015 (the Regulations) provides that contracting authorities may use a DPS for commonly used purchases the characteristics of which, as generally available on the market, meet their requirements.

5.3 The Proposals were tabled and approved by the Joint Contract Board in Sept 2019 but progress delayed due to Covid pandemic.

5.4 The Council, in discharging its duty under section 8 of the Housing Act 1985 (as amended), must consider housing conditions and the provision of further housing accommodation in its borough.

5.5 DFG's are governed by the following legislation: -

- The Housing Grants Construction and Regeneration Act 1996 places a statutory mandatory duty on the Council to provide grant assistance to disabled people for adaptations to their homes, if the application meets the criteria set out in the legislation.
- The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 amended the Housing Grants Construction and Regeneration Act 1996 by providing an enabling framework for discretionary assistance beyond the mandatory DFG, removed the power for Councils to give discretionary DFGs and extended the mandatory DFG to those occupying other types of dwellings.
- The Housing Renewal Grants Regulations 1996 set out the basis for the DFG test of resources. Details of allowances, premiums and other factors are updated periodically by Statutory Instrument.
- The Disabled Facilities Grants (Maximum Amounts and Additional Purposes (England) Order 2008 places a limit of £0.030m on the amount of mandatory DFG which may be awarded.
- Councils are responsible for the local implementation and enforcement of the Housing Health and Safety Rating System which requires that any residential premises should provide a healthy environment for any potential occupier or visitor.
- Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 gives Councils the discretion to impose a limited charge on the property; if it is sold or otherwise disposed of within 10 years. The general consent will enable Councils to place limited charges on approvals of owner's interest applications, where the value of the DFG exceeds £0.005m limited to a maximum charge of £0.010m.
- Further guidance is provided in the Housing Adaptations for Disabled People: A detailed guide relating to legislation guidance and good practice, published by the Home Adaptations Consortium in 2013 (and updated in 2015 to take into account the Care Act 2014)

- Care Act 2014 – this provides the context for the assessment of and response to potential care and support needs of adults and carers, including the adaptation of properties.
- Equality Act 2010 – this provides the definition of disability – a person has a disability for the purpose of this Act if s/he has a physical impairment which has a substantial and long-term effect on their ability to carry out normal day to day activities.

6. Value for Money

6.1 Through the DFG recommendation process often there is a requirement to install various specialist equipment such as Steplifts, Platform lifts, and Vertical lifts etc., Handicare offer all specialist products in addition to Stairlifts, thus allows consistency in service, and demonstrates value for money.

6.2 The ESPO framework permits the following benefits of awarding through an established framework and retains the current provider for the next 4 years:

- Compliant procurement route
- Agreed terms and conditions call-off contract and offer protection (e.g. introduction fees, liabilities etc)
- Successfully used by other Home Improvement Agencies nationwide
- Meets stringent safeguarding requirements
- Delivers a guaranteed saving on rates of between 2-3% with a gain share agreement

6.3 The table below demonstrates that the current provider (preferred supplier) is better value for money compared to that of other competitors (including those inside the framework agreement).

Type	Supplier X	Supplier Y Preferred supplier
1. Standard straight stairlifts	from £1365.00	From £1105.00
2. Standard curved track stairlift	from £4095.00	From £3190.00
3. Standard 1-year warranty	included	included
4. Straight Standard 5-year warranty	£600.00	£450.00 not on ESPO framework
5. Straight Standard 5-year warranty	£650.00	£500.00 not on ESPO framework

7. Sustainability Impact Appraisal

7.1 Handicare offer a recycling scheme and also offer to remove and reuse parts of the stairlift if appropriate and fit for purpose. Handicare will ethically dispose of unsuitable items.

8. Risk Management

8.1. Due to Covid 19 there is a waitlist within RAS-HIA and the numbers of stairlifts required may increase, as well as the cost of supplies and materials due to Brexit.

8.2 It is critical that the Council continues to deliver adaptation otherwise there may be serious implications for resident's health and safety and potential exposure to legal challenge alongside pressure on Adult Social Care.

8.3 Procuring through the ESPO framework or DPS will deliver value for money, and respond to the increasing demand for ensuring our vulnerable residents can safely stay within their homes. .

9. Community Safety

9.1 Provision of stairlifts reduces hospital discharges and trips and falls.
Reducing the risks of hospital admissions and domiciliary and residential care.

10. Links to the 3 Key Priorities for the Borough

10.1 The council's administration has three key priorities for Ealing. They are:

- Good, genuinely affordable homes
- Opportunities and living incomes
- A healthy and great place

10.2 Included in the key priorities are ways in which the strategic priorities will be delivered: (Ealing Corporate Plan 2018-2022. These proposals for consideration fall into the following

- *Residents are physically and mentally healthy, active and independent we will support those with the most complex needs, in particular vulnerable adults and older people, protecting residents from harm, and supporting them to live as independently as possible, continuing to reduce delayed transfers of care, waiting times for assessments and inappropriate admissions of older adults.*

- *Ealing is a strong community that promotes diversity and tackles inequality and discrimination*

We will continue to build a borough where different communities live happily alongside each other and have opportunities to come together. We will enable them to develop the connections and support networks that will enable them to achieve their full potential. We will also do all we can to tackle the inequalities that persist across our borough

- *Collaborating with partners*
- Looking into the future we will need to collaborate even more so that, rather than different agencies, people see and experience ‘one public service’ in Ealing. Our Borough Plan outlines how we will work with partners to deliver results collectively.

- *Driving efficiency and being commercial*
Find out more Like all public services, the council will continue to review everything it does to ensure we get value for money. This means things like reviewing our management structures or exploring the potential for co-locating our services. It also means thinking about how we can grow income – for example, by providing services to other areas where we have expertise others may want to buy etc.

11. Equalities, Human Rights and Community Cohesion

11.1 An initial Equality Impact Assessment has been prepared for the delivery of stairlifts within the borough. This identified no need for a full assessment at this stage because it did not identify any potential for unlawful conduct or disproportionate impact. All opportunities to address diversity, particularly vulnerability for all residents of various tenure will be addressed through the contract specification on each individual project and ensure residents receive the same service regardless of but considering specific needs.

11.2 Referrals are received based on the needs of the client and adaptations are provided accordingly. services positively promote equalities across all groups with protected characteristics. The provision of adaptations services promotes independence and improves quality of life. The procurement exercise is designed to deliver existing policies and strategies maintaining the current level of equality in service provision. The project is very clear on the equalities related duties on contractors, given the wide range of needs of our customers.

12. Staffing/Workforce and Accommodation implications:

None

13. Property and Assets

13.1 CHA – enhances the asset by making it more accessible for present and future clients

14. Any other implications:

None

15. Consultation

15.1 Foundations (regional director) and other London HIA’s have been consulted with regards to other frameworks used and also stairlift providers used to deliver adaptations in various boroughs

15.4 Suppliers are being consulted and made aware that the council is considering continuing this approach to procurement. Suppliers have been positive about the proposals. and are already following this route with other HIA's.

16. Timetable for Implementation

16.1 The following timetable demonstrates stages and deadlines for implementing the recommendations including measurable aims and outcomes

16.2 The proposal is to phase the implementation of the DPS due to size of the overall project and to spread the amount of additional intensive work required in setting up a new procurement approach.

16.3 The following is an indicative timetable for carrying out the proposals.

Activity	Start date
Cabinet Report and Officer Decisions for SLT	April 21
DPS Specification and procurement documents commenced	May 21
Award ESPO Framework to specialist Provider Formal Acceptance required	May 21
Despatch of Contract notice to the Find a Tender for the DPS	TBC Min of 30 calendar days
DPS - receipt of requests to participate (RTP)	10-15 working days from receipt of RTP
DPS – Evaluate exclusion and selection information and make decision whether to admit	TBC
Notify bidders	TBC Earliest possible date
Initial list of DPS Suppliers	TBC
DPS – Set up and implemented	TBC

17. Appendices

17.1 ESPO Framework 364_18 Issue 12 11234 Quick Start Guide Stairlifts, step lifts, vertical through floor lifts (Home lifts) and ceiling track hoists. <\\bealing-tc.gov.uk\Share\REPAIRS AND ADAPTATION\Pereira\Procurement\4 - Cabinet Report\364-18-QSG-Issue-12-Stairlifts-Steplifts-and-Hoists.pdf.pdf>

This framework offers Ealing Council RAS-HIA a quick, simple and competitive route for supply, installation, servicing & maintenance of stairlifts (straight, compact and curved), Steplifts, vertical through floor lifts (home lifts) and ceiling track hoists.

17.2 The framework can be used in two different ways:

- Place orders directly with a contractor selected from those available on the framework agreement on the basis of the pricing and/or the other publicised information.
- Conduct a further competition (e.g. a mini-tender exercise) from amongst those contractors identified in the framework as being able to supply the required products or services.

17.3 The framework has been advertised and established in full compliance with public procurement legislation. Therefore, by using the framework, customers are exempt from having to undertake any further advertising, supplier assessment or adherence to lengthy European Union (EU) procurement procedures and their successors post Brexit. So, procurement costs and timescales are minimised.

17.4 The DPS is a fully electronic procurement approach for setting up and maintaining a list of potential service providers. It is a regulated procurement tool, hence the council must ensure that it is established in accordance with EU public procurement rules and must be open throughout its duration for the admission of any provider that satisfies the selection criteria to be admitted to the DPS and thereafter allows them to bid for any further tenders issued via the DPS. [\\bealing-tc.gov.uk\Share\REPAIRS AND ADAPTATION\Pereira\Procurement\4 - Cabinet Report\Guidance on Dynamic Purchasing System - Oct 16.pdf](https://bealing-tc.gov.uk/Share/REPAIRS AND ADAPTATION/Pereira/Procurement/4 - Cabinet Report/Guidance on Dynamic Purchasing System - Oct 16.pdf)

18. Background Information

18.1 The proposed Framework Agreement and DPS concept has been discussed with finance, procurement, legal and a procurement strategy developed through this financial year.

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Dipti Patel	Director of Place Delivery	18/03/2021	19/03/2021	throughout
Yalini Gunarajah / Rohit Ahuja	Senior Finance Business Advisor Finance Business Advisor	02/03/2021	18/03/2021	4 Financial
Chuhr Nijjar / Shabana Khan	Senior Contracts Lawyer Lawyer	02/03/2021	12/03/2021	5 Legal
Sima Khatun	Commercial Manager	02/03/2021	05/03/2021	Procurement
External				
Dave Eldridge	Foundations – Regional Director	02/03/2021	08/03/2021	HIA Governing Body