

Minutes of the meeting of the Cabinet

Date: Wednesday, 15 June 2022

Venue: The Liz Cantell Room, Ealing Town Hall, New Broadway,
Ealing, W5 2BY

Attendees (in person): Councillors

Mason (chair), J Anand, S Donnelly, B Mahfouz, S Manro, K Nagpal, A Raza and L Wall

Apologies:

D Costigan

Attendees (virtual): Councillors

J Blacker

Also present:

ALSO PRESENT:

Councillor Shaw, Chief Whip, was also present.

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

Item 7 - Revenue and Capital Outturn 2021/22 (Councillors Malcolm and Young)

Item 8 – The Broadway Connection, Ealing Broadway W5 – potential CPO (Councillor Ball)

Item 9 - Private Rented Sector – Selective Licensing Scheme (Designation 2) (Councillors Ball, and Young)

Item 11- Right to Buy-back Fund - GLA Grant Agreement (Councillor Ball)

1 Apologies for Absence

Resolved

Councillor Costigan sent apologies for absence.

Councillor Blacker joined the meeting remotely.

This meeting was held in a hybrid format with members and officers able to join the meeting remotely.

However, regulations did not allow for members attending virtually to be counted as present in the attendance section of the minutes, and their attendance would not count as attendance in relation to section 85(1) of the Local Government Act 1972.

Members attending virtually would be able to speak but would not be able to vote.

Councillors joining remotely:

Councillor Blacker.

2 Urgent Matters

There were none.

3 Matters to be Considered in Private

There were none.

4 Declarations of Interest

Councillors Anand, Mahfouz and Manro declared an interest and left the meeting for the duration of item 9 Private Rented Sector – Selective Licensing Scheme (Designation 2) by virtue of being landlords within the areas covered in the report.

5 Minutes

That the minutes of the meeting held on 18 May be approved as a true and correct record.

6 Appointments to Sub Committees and Outside Bodies

There were none.

7 Revenue and Capital Outturn 2021/22

Resolved

That Cabinet:

- i) notes the General Fund revenue budget outturn position of £2.678m net underspend (1.05%) for 2021/22 (section 4 of the report), and an underspend of £0.903m on the Housing Revenue Account (HRA) for 2021/22 (section 7 of the report).
- ii) approves for reserves to be topped-up by the General Fund underspend of £2.678m (section 9 of the report).
- iii) notes financial pressures arising from COVID-19 in 2021/22 with total spend of c£37m in relation to General Fund, fully funded from government grants (section 4 of the report) and £0.903m in relation to the HRA (section 7 of the report).
- iv) notes the progress on delivering the 2021/22 savings (section 5 of the report).
- v) notes the year end Dedicated Schools Grant (DSG) surplus of £0.781m within the DSG account (section 6 of the report).

- vi) notes the HRA balance as at 31 March 2022 of £4.925m and earmarked reserves of £15.249m (section 9 of the report).
- vii) notes the 2021/22 capital programme outturn variance of £0.009m overspend (paragraph 8.3 and 8.5.1 of the report).
- viii) approves the re-profiling of 2021/22 capital programme schemes with slippage in excess of £1m, of £67.469m (Appendix 2 of the report) into future years.
- ix) notes the General Fund balance as at 31 March 2022 of £15.919m and the total balance on General Fund earmarked reserves of £124.535m as at 31 March 2022 (section 9 of the report).
- x) noted the tabled addendum correcting table 8 in the report.
- xi) thanked Ross Brown (Chief Finance Officer), Shabana Kauser (Assistant Director, Finance) and the finance team for their hard work on on delivering a balanced budget.
- xii) thanks Ross Brown (Chief Finance Officer) for the support that he has given to the portfolio holder and the Council during his time being Chief Finance Officer.

Reason for Decision and Options Considered

The report outlined the Council's outturn position on revenue, capital, income and expenditure for 2021/22.

8 The Broadway Connection, Ealing Broadway W5 – Potential CPO

Resolved

That Cabinet:

- i) agrees, in principle, that the Council use its statutory powers, including its powers of compulsory purchase to support land assembly in respect of those properties within the Site that are not in the Developer's ownership, and to facilitate the comprehensive redevelopment of the Site, subject to the Council and the Developer entering into a CPO Indemnity Agreement (CPOIA).
- ii) delegates authority to the Director of Growth and Sustainability to negotiate and agree the terms and authorise the Council to enter into a CPOIA with the Developer summarised at paragraph 5.3 in the report.
- iii) agrees in principle to the disposal of Council land within the Site, shown on the plan in Appendix 1 of the report subject to the disposal being for best consideration under section 123 of the Local Government Act.
- iv) notes that the proposed development of the Site known as The Broadway Connection (the planning application for which is due to be submitted in August 2022) (the Development) would include the stopping up of the footpath at Haven Place, and agrees that Cabinet supports the preparation of an application to stop up Haven Place if required to facilitate the redevelopment of the Site and for the application to be progressed under officer delegations at the appropriate time.
- v) delegates authority to the Director of Growth and Sustainability to

take all steps necessary to enable a CPO to be made including but not limited to:

- (a) the carrying out of land referencing including without limitation the service of notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and/or section 5A of the Acquisition of Land Act 1981.
 - (b) the entry onto the Site and other land for the purpose of carrying out surveys pursuant to section 15 of the Local Government (Miscellaneous Provisions) Act 1976 (c) the preparation of a draft statement of reasons .
 - (d) the preparation of a draft CPO plan and schedule (e) the preparation of notices to owners, lessees and occupiers, site notices and any other notices required to be served and/or advertised in accordance with the Acquisition of Land Act 1981 should the Executive authorise the making of a CPO.
- vi) notes the current position with regard to the Site as shown on the plan in Appendix 1 of the report (the Site), noting in particular that the Site is currently incohesive and dated and British Land (the Developer) is proposing to submit a planning application for the comprehensive redevelopment of the Site and that regeneration of the Site can deliver a cohesive site with refreshed retail, significant improvements in public realm and connectivity, as well as, much needed quality office space, bringing social and environmental benefits to Ealing and contributing towards economic growth in the area.
- vii) notes that the Developer has strong financial standing and an excellent reputation and track record in carrying out and managing retail and commercially led development sites, including the existing Broadway Shopping Centre in Ealing.

Reason for Decision and Options Considered

The majority of the Site was originally assembled for comprehensive redevelopment by Glenkerrin Ltd and its directors well over 10 years ago (known at that time as the Arcadia development). When Glenkerrin 3 subsequently went into administration in December 2011 the part of the Site in its ownership was subsequently disposed of by the receivers.

Proposals for the Site were then brought forward in 2015 by London Newcastle for a mixed-use scheme focusing on retail and residential (the 2015 Scheme). The 2015 Scheme was approved in principle by the Council but subject to a challenge and call-in for consideration on heritage grounds. Following this, the majority of the Site was sold to the Developer in 2017 and the 2015 Scheme was withdrawn.

The Developer now owned most, but not all, of the Site. The Developer had contacted the few remaining third-party landowners and would attempt to acquire the remaining parts of the Site through negotiation. Although the Developer would continue to negotiate to acquire all necessary land interests and rights, given the size of the Site it was

likely that this would not be possible and therefore a CPO would be required to assemble the Site to enable its comprehensive redevelopment.

The Developer proposed to submit a planning application for the Development in August 2022, the Development would provide replacement retail, restaurant and café uses at ground floor and significant new office provision on the upper floors, alongside new public realm, a music venue and leisure use, and enhanced permeability across the Site, in particular the creation of a more direct route from the train station to the existing shopping centre. Learning lessons from earlier failed proposals for the development of the Site, notably the 2015 Scheme, the Development would retain some of the most important buildings to ensure a positive contribution to conservation and heritage.

Ealing Town Centre was the main shopping and food and beverage destination in the borough and ranked as one of London's 'Metropolitan Centres'. According to the recent Town Centre Health Check commissioned by the Council as part of the preparation of the new local plan, Ealing's footfall had held up relatively well since the Covid Pandemic. However, parts of it were slightly run down and in need of investment to protect the character and attraction of the area, which continued to suffer from lower business weekday footfall. The provision of new office space as well as providing jobs in itself would support the wider catchment area demand for shopping, leisure and services in the town centre. These two contributions would help support Ealing as a Metropolitan Centre and ensure it retained its competitive position compared to other centres across Greater London.

The Developer had ownership of a number of sites in the town centre, including the majority of the Site under consideration here, the Ealing Broadway Shopping Centre and International House. Considering the scale of potential investment in the wider area and the genuine opportunity to create a 'critical mass' of office provision sufficient to be attractive to the wider office market and to support town centre retail, leisure and service activities, the Developer had approached the Council to ask if the Council would be willing to exercise its statutory powers to enable it to complete the land assembly and facilitate the redevelopment of the Site.

Provided that the Council was satisfied that a sustainable, commercially led, cohesive redevelopment of the Site which delivered significant improvements to public realm and connectivity was consistent with the Council's strategic planning policies for the area it was able to support the principle of a CPO for this type of redevelopment subject to the Developer indemnifying the Council in respect of its costs by means of a CPOIA. Officers were satisfied that the Scheme proposed for the Site met this requirement for the purposes of this report.

The Council acting as planning authority would of course need to be satisfied that the specific Development proposals were consistent with its strategic policies for the future planning of Ealing Metropolitan Town Centre before granting planning permission for the Development, and it was noted that an approval in principle to make a CPO to support redevelopment of the Site as described above did not prejudice the Council's position as planning authority in the consideration and determination of specific planning application(s) for the Site (including the proposed Development) as such applications come forward. All planning applications related to the Site would be considered on their merits in the usual way.

The decision to make a CPO being sought at this stage was a decision in principle and it was proposed that a further report would be brought back to Cabinet for authority for confirmation of the making of a CPO in due course when the planning status of the Site was known, i.e., if/when both Ealing Council and the Mayor of London had resolved to approve a planning application for the proposed scheme for the Site following proper consideration of the planning merits.

The reason for requesting these 'in principle' decisions now was that this would give greater confidence to the Developer that a redevelopment scheme of the type described above would be deliverable in principle, as despite engaging in negotiations it may not be possible for the Developer to acquire all the remaining properties within the Site and rights required to redevelop the Site by agreement. Further, some of the work needed to prepare the CPO if required, needed to be started now and therefore the CPOIA needs to be put in place early to indemnify the Council against the cost of any work and officer time required to work with the project team to help prepare the CPO. This Developer confidence supports the Council's strategic objectives to promote good quality economic growth and local jobs for local people in its largest and most economically significant Town Centre.

Officers have considered the option of delaying this report until later in the planning application process for the Development. However, this would not give any benefit to achieving the positive outcomes of the redevelopment of the Site and would delay the implementation of the Development consent (if granted) if indeed a CPO is later required. The planning process is separate from the Council's executive decision making through Cabinet and it is not a legal requirements for a specific planning permission to have been granted for a site to make a CPO, it is appropriate for the Council to take an 'in principle' view now, and for the avoidance of doubt, such a decision does not fetter the Council's discretion as a planning authority in determining planning applications related to the Site.. In the meantime, the Developer can continue to seek to acquire the remaining property interests and rights required for redevelopment of the Site by agreement thereby potentially avoiding

the need for a CPO later.

9 Private Rented Sector – Selective Licensing Scheme (Designation 2)

Resolved

That Cabinet:

- i) agrees to designate a new selective licensing area (to be known as Selective Licensing Designation 2) in the 12 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 (pre-May 2022 boundaries) as delineated and edged red on the map in the draft designation in Appendix 1 for a five-year period, subject to confirmation by the Department of Levelling Up, Housing and Communities (DLUHC).
- ii) agrees that this Selective Licensing Designation 2 will have the same terms and conditions as Selective Licensing Designation 1 that was agreed by Cabinet on 8 December 2021. Those terms and conditions are set out in paragraphs 1.4 and 1.6 – 1.10 of the 8 December 2021 Cabinet report Private Rented Sector Licensing Schemes Renewal.
- iii) authorises the Director of Community Development, following consultation with the Portfolio Holder, to agree the final document requesting confirmation of the selective licensing designation from DLUHC.
- iv) Note the content of the Property Regulation teams HR/People Strategy in Appendix 3 of the report.

Reason for Decision and Options Considered

In order to bring private rented properties in Ealing with the worst property conditions under a selective licensing regime the council has adopted a phased strategic approach. The first phase of this approach had been the implementation of a small selective licensing designation in the three wards of East Acton, Southall Broadway and Southall Green (pre-May 2022 boundaries) which came into force on 1 April 2022. This ensured that there was a continuation of licensing (following the expiry of its initial PRS licensing schemes on 31 December 2021) in the three wards which have some of the worst property conditions, the most PRS complaints and some of the highest levels of category 1 hazards in the borough. This was known as Selective Licensing Designation 1.

Prior to the agreement of this designation, the council had undertaken a statutory consultation on its licensing proposals between 10 May and 16 August 2021. The findings of that consultation, the council's response to the representations made and the final proposals for the designation were presented to Cabinet in the 08 December 2021 report Private Rented Sector Licensing Schemes Renewal. The consultation also included proposals to introduce a second selective licensing

scheme, known as Selective Licensing Designation 2 in 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 (Pre-May 2022 boundaries). The streets in this designation were listed in Appendix 2 to the report. This second phase was vitally important to ensure that improvements in the safety of properties could continue to be made across all wards where there was evidence of poor property conditions and serious housing hazards.

Having two phases to the scheme was strategically significant as it allowed the Property Regulation team to gradually scale up resource to administer and enforce a larger designation. The team was reduced in line with the end of the initial schemes (December 2021) and recruitment was underway to ensure a fully operational team was in place to service designation 1. 2.7 in the report. However, it was noted in the 8 December 2021 cabinet report that scaling up for designation 2 was an even greater challenge. In response, a fully researched and realistic HR/People Strategy had been devised that would provide a practical road map to how this larger selective licensing designation would be resourced. The strategy set out the Property Regulation team's approach to the recruitment, development, and retention of people to the team to ensure the substantially enlarged licensing schemes are efficiently and effectively administered, scheme objectives met and statutory obligations are fulfilled. Refer to Appendix 3 of the report Approvals for selective licensing designations.

Confirmation from DLUHC was required for any selective licensing scheme which would cover more than 20% of the geographical area or would affect more than 20% of privately rented homes in the local authority area.

Designation 2 equates to 56.89% of the geographical area of the borough and 41.35% of the total affected (i.e. affected by the designation) private rented sector in Ealing. This figure was of the predicted PRS without s254 HMOs, which would be covered by additional or mandatory HMO licensing and not selective licensing. Together with designation 1, this would equate to 70.37% of the geographical area of the borough and 59.72% of the total affected private rented sector in Ealing. The figure for the total PRS inclusive of s254 HMOs in designation 2 was 45.23% and when combined with designation 1, is 65.06%. This designation therefore requires confirmation from DLUHC. Strategic importance of selective licensing for Ealing.

The government published its White Paper 'Levelling Up the United Kingdom' on 2 February 2022. Levelling up is the government's moral, social and economic programme and sets out how it will spread opportunity more equally across the UK. 2.12 The paper includes commitments to improve the PRS. These measures include:

the publication of a further White Paper containing proposals to introduce a legally binding “Decent Homes” standard in the PRS. • explore a National Landlord Register. • bring forward other measures to reset the relationship between landlords and tenants, including through ending section 21 “no fault evictions”. • A 50% reduction in non-decent homes by 2030.

Selective licensing compliments the measures proposed within the Levelling Up White paper. Licence conditions improve property conditions by requiring landlords to proactively manage their properties to a consistent standard. All eligible licensable PRS properties would have to be licenced with the council and recorded on a public register. Better managed properties/tenancies result in improved landlord-tenant relations and longer, more sustained tenancies and less evictions. As well as supporting national policy objectives, property licensing supports the council in meeting a number of its own local strategic priorities, and these were set out in the paragraphs in the report.

The 2022 Ealing Labour manifesto sets out the following key pledges/priorities for the council: • Decent living incomes • Genuinely affordable homes • Good growth • Climate action • Thriving communities • Inclusive economy • Tackling crime and inequality • A fairer start • Healthy lives

In relation to genuinely affordable homes the manifesto recognises there was a housing crisis in London and that too many people could not access affordable, safe and decent homes. A number of pledges had been made to help deliver genuinely affordable homes including the following:

- a) Establishing a Private Renters Association, led by renters, to provide mutual support and advocacy for the 15,000 families that are renting privately within the borough. One of the objectives of the property licensing schemes is to increase awareness in tenants of the minimum standards to be expected in rented accommodation. Property licensing would therefore support the council in meeting this pledge.
- b) Continuing the fight with government to give us the powers we need to extend our landlord licencing scheme across 100% of the borough, to ensure that we put an end to rogue slum landlords taking advantage of tenants.

The proposed designation 2 would increase selective licensing to 15 wards as opposed to the 3 wards currently covered by designation 1. One of the objectives of the property licensing schemes was to eliminate rogue landlords. Implementing the enlarged designation 2 was a significant step towards meeting this pledge.

Presently eight wards have not been included in selective licensing designations 1 or 2. These being Cleveland, Ealing Broadway, Ealing Common, Elthorne, Northfield, Norwood Green, Southfield and Walpole (pre-May 2022 boundaries). Although these wards contained

high levels of PRS the evidence did not show the higher proportion of housing hazards that we had seen in other parts of the borough. We would however continue to monitor the wards not included in the schemes and should the evidence change then consideration would be given to develop proposals for a third designation.

10 Future Funding for the Voluntary Sector

Resolved

That Cabinet

- i) approves a six-month extension from 1 April 2023 to 30 September 2023 to the existing grants in the 2019-23 VCS Funding Programme subject to satisfactory monitoring of current service delivery costing £1.12m.
- ii) approves the proposals for consultation on the 2023-27 VCS funding programme.
- iii) notes there will be a future report following the consultation on the 2023-27 VCS funding programme with recommendations for priorities and budget allocations.

Reason for Decision and Options Considered

A six-month extension to the current VCS funding programme was needed to allow sufficient time for a reasonable and rational consultation process post-election and the application and assessment processes for the VCS funding programme for 2023-27. The extension also factored in adequate notice for currently funded VCS organisations to wind down their existing activities and for the newly funded organisations to mobilise in advance of the start of delivery of services from 1 October 2023.

Not to extend the current grant funding would mean that a number of key services would cease to be provided whilst the application process for the 2023-27 programme was being conducted.

The council was obliged to consult with the voluntary sector about grant funding. Not to consult would be contrary to the commitment to the voluntary sector through the joint council, CCG and VCS partnership agreement.

11 Right to Buy-back Fund - GLA Grant Agreement

Resolved

That Cabinet:

- i) notes that the application for up to £3.250m to the GLA Right to Buy-back Fund has been successful.
- ii) agrees that the Council enter into the grant agreement to secure the funding.

- iii) delegates authority to the Director of Housing Development to finalise the terms of the grant agreement with the GLA and authorise the Council to enter into the agreement.
- iv) approves an increase in the Temporary Accommodation Acquisitions Framework capital budget by up to £2.223m to be fully funded by the grant at 1.1 of the report.
- v) approves the substitution of up to £1.027m of the grant at 1.1 of the report in place of currently approved borrowing supporting the TA Accommodation Acquisitions Framework capital budget.

Reason for Decision and Options Considered

The Mayor of London had launched a new Right to Buy-back (RTBB) fund to help increase the stock of council-owned housing and to mitigate the historic impact of the Right to Buy policy on London's affordable housing. This forms part of the GLA's Affordable Homes for Londoners Programme 2016-2023.

The GLA was making funding available for affordable housing tenures, but specifically encouraged and expected to allocate the majority of grant under this fund to bids for acquisitions that would be let at social rent levels or accommodation within Affordable Rent levels or Local Housing Allowance rates (whichever was lower) for households who were homeless or at risk of homelessness and in housing need.

The standard grant rate is £100,000 per property under the social housing route and £65,000 per property under the temporary accommodation (TA) route.

100 per cent of grant is payable upon completion once the grant recipient had confirmed that the relevant land acquisition milestone has been achieved.

Acquisitions funded through the Right to Buy-back fund must be completed before March 2023 and only capital funding was available to support the acquisition costs of these homes.

All homes purchased through this scheme must also meet the Government's Decent Homes Standard, be in a fit condition (subject to ongoing repairs and maintenance) to be occupied for the agreed purpose for at least a further 30 years and do not form part of any known or anticipated plans for demolition within that timeframe.

For properties to be eligible for Right to Buy-back Funding, bidders must have acquired either a freehold interest or a leasehold interest with a minimum of 60 years unexpired duration.

Ealing have successfully bid and received an allocation up to £3.250m to part-fund the acquisition of up to 50 properties for use as Temporary Accommodation.

12 Stanhope Primary School Redevelopment

Resolved

That Cabinet

- i) notes the update provided in this report relating to the proposed redevelopment of Stanhope Primary School, which was incorporated into the capital programme by Cabinet in January 2019.
- ii) authorises the Assistant Director: Planning, Resources and Service Development to further develop proposals for a rebuild of the school.
- iii) authorises the Assistant Director: Planning, Resources and Service Development to undertake consultation with required stakeholders on the proposals.
- iv) a) Agrees, subject to the outcome of public consultation, to an application being submitted for the consent required from the Secretary of State, for the appropriation of land for residential purposes to generate capital funding towards the rebuild of the school.
b) Notes that further report will be presented to Cabinet following the activities in 1.4 a), for Cabinet to decide whether to proceed with the appropriation of land for residential purposes.
- v) notes that the site is shared with the Ealing Education Centre (EEC) which provides training and continuing professional development (CPD) for school staff, and that EEC would move to an alternative site, yet to be confirmed.
- vi) authorises the Assistant Director Planning, Resources and Service Development:
 - a. to invite and evaluate tenders or run a mini-competition via a framework or dynamic purchasing system for the pre-construction services agreement to develop proposals for redevelopment works at Stanhope Primary School at an estimated value of £0.6m, to be for a period of 12 months, funded from the Stanhope Primary School Rebuild budget in the schools capital programme;
 - b. to invite and evaluate tenders or run a mini-competition via a framework or dynamic purchasing system for any enabling and temporary accommodation works required for the redevelopment works at Stanhope Primary School, funded from the Stanhope Primary School Rebuild budget in the schools capital programme;
 - c. to submit any planning applications required to progress with the redevelopment of the school.
- vii) delegates to the Assistant Director: Planning, Resources and Service Development to seek all necessary Planning and Statutory Approvals for the schemes described in this report.
- viii) notes that contracts will not be entered into until further approval has been obtained.

Reason for Decision and Options Considered

The decisions were required to enable the Council to progress with plans to rebuild Stanhope Primary School.

Under the Council's Constitution, Cabinet approval was required to proceed with schemes over £5m per annum in value, Portfolio Holder approval was required in order to proceed with schemes between £0.500m and £5m per annum, and the schemes up to £0.500m per annum fall within Director delegated powers.

13 Date of the Next Meeting

Resolved

That Cabinet notes that the next meeting of Cabinet would be held on 13 July 2022 at 7pm.

Meeting commenced: 7.00 pm

Meeting finished: 7.42 pm

Signed:

Dated: Wednesday, 13 July 2022

P Mason (Chair)