

Minutes of the meeting of the Cabinet

Date: Wednesday, 22 February 2023

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

Attendees (in person): Councillors

P Mason (Chair)
J Anand, J Blacker, D Costigan, S Donnelly, B Mahfouz, S Manro and A Raza

Apologies:

K K Nagpal and L Wall

Also present:

J Ball, J Gallant, G Malcolm

1 Apologies for Absence

Apologies were received from Cllrs Wall and Nagpal.

Requests to speak:

In accordance with paragraph 2.6(a) of the Constitution, the following speakers addressed the Cabinet with regard to the following items:

Item 8 – 2023/24 Budget Strategy and Medium-Term Financial Strategy (MTFS)

- Cllr Julian Gallant

Item 9 - Additional Council Tax Support 2023.24

- Cllr Gary Malcolm

Item 13 - Replacement of Gurnell Leisure Centre

- Cllr Julian Gallant
- Cllr Jon Ball

With permission from the Leader/Chair, the following speakers made representations:

Item 13 - Replacement of Gurnell Leisure Centre

- David Hibbert, Chair of Trustees of Ealing Swim Club (at request of Chair)
- Sir Sherard Cowper Coles, Chair of the Gurnell Community Sounding Board (at request of Chair)

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. There were no Members joining virtually.

2 Urgent Matters

The Chair explained that the Overview and Scrutiny Committee on 21 February 2023 had utilised its right under Part 4, Scrutiny Procedure Rules, Schedule 15 to Call-In the decision made by Cabinet on 25 January 2023 relating to “The Future of Warren Farm Sports Ground.”

The Chair noted that the Overview and Scrutiny Committee had upheld the decisions made by Cabinet on The Future of Warren Farm Sports Ground.

The Chair additionally noted that the Overview and Scrutiny Committee had made two informal recommendations. The Chair laid out the informal recommendations as set out below and Cabinet responded to them as follows:

Recommendation 1:

That Cabinet is recommended to undertake an ecological and habitat survey of the whole site as part of the feasibility study

Response of Cabinet:

As outlined both in the cabinet report, dated 25 January 2023, and the subsequent briefing to and discussion at the Overview and Scrutiny Committee, an Ecological Survey would be a required component of any future planning application for material changes to the existing use at Warren Farm Sports Ground. Importantly, an Ecological Survey would determine both potential risks to ecological impact, as well as any proposed mitigations.

An Ecological Survey would be a material consideration for the planning authority in determining any changes to the existing configuration and use classes at the Sports Ground. The feasibility study and soft market testing were anticipated to bring greater clarity to the extent of any proposed development of community sports facilities at Warren Farm Sports Ground.

Recommendation 2:

Cabinet is recommended to engage with Imperial College in order to reconsider whether the proposed sports facilities can be located on their land rather than on the Warren Farm site

Response of Cabinet:

The London Borough of Ealing remains in ongoing discussions with Imperial College over the proposals for re-wilding across the expanded site. All options would be considered in the context of each party’s requirements and rights over their respective freeholdings within the feasibility study. Those

discussions continue.

3 Matters to be Considered in Private

Item 11 Housing Delivery Update – Appendix 1, 2, 3

Item 14 Sale of Minority Shareholding in BSF Project company' – Appendix 1, 2, 3

Item 15 Special Education Needs Statutory and Capital Approvals – Mandeville statutory and capital proposals and John Chilton contract award- Appendix C

4 Declarations of Interest

There were none.

5 Minutes

The minutes of the previous meeting held 25 January 2023 were discussed.

RESOLVED:

The minutes of the previous meeting held 25 January 2023, were approved as a true and accurate record.

6 Appointments to Sub Committees and Outside Bodies

There were none.

7 2022/23 Budget Update

- I. Noted the estimated General Fund revenue budget outturn position of net £5.169m (2.24%) overspend for 2022/23, and a breakeven position on the Housing Revenue Account for 2022/23.
- II. Noted that financial pressures arising from COVID-19 in 2022/23 of £5.046m were forecast to be met from combination of available grants and reserves held for these purposes.
- III. Noted the in-year Dedicated Schools Grant (DSG) deficit forecast of £1.249m to be charged to the DSG account.
- IV. Noted the progress on delivering the 2022/23 savings programme.
- V. Noted the 2022/23 capital programme break-even forecast position.
- VI. Approved the re-profiling of 2022/23 capital programme net slippage of over £1m of £44.429m into future years.

REASON FOR DECISION AND OPTIONS CONSIDERED:

1. The Council has forecast the financial position for 2022/23 based on available information at end of 31 December 2022. Recommendations made outline the Council's forecast position on revenue, capital, income, and expenditure to the end of Quarter 3.

8 2023/24 Budget Strategy and Medium Term Financial Strategy (MTFS)

RESOLVED:

Revenue Budget

- I. Approved total General Fund savings of £14.729m over the MTFS period 2023/24 to 2026/27, submitted as part of the 2023/24 budget review process. This included £7.396m savings from the General Fund over the same period of which £7.184m was to be delivered from the General Fund in 2023/24.
- II. Authorised the Strategic Director or Director with responsibility for each proposal (including fees and charges) to:
- III. Carry out all steps required in relation to each proposal, including carrying out any consultation.
- IV. Consider any consultation outcomes and other detailed implications.
- V. Complete and consider the implications of any equalities analysis assessment required.
- VI. Following completion of 1.3(a), 1.3(b) and 1.3(c) above:
 - a. Determined whether to amend any proposal prior to implementation.
 - b. Determined whether a further report needs to be considered by cabinet or the relevant officer or portfolio holder before a final decision is taken on implementation; and
 - c. Where a decision was taken not to proceed with any proposal then alternative proposal(s) would be brought forward for consideration.
- VII. In relation to savings proposals that were significantly cross cutting across more than one service, authorised the Strategic Director or Director with primary responsibility for the savings proposal to complete any required equalities analysis assessments and to consider the outcome, and any other cross-cutting implications, following consultation with the Strategic Directors or Directors of the other services significantly impacted by the proposals, prior to taking any decisions to implement such proposals.
- VIII. Noted in relation to above, that where appropriate any key decisions would be brought back to Cabinet.

- IX. Noted the latest Medium-Term Financial Strategy (MTFS) for 2023/24 to 2026/27.
- X. Approved £46.368m of revenue growth for 2023/24 (paragraph 5.2.2) and authorised the Strategic Director of Corporate Resources (Section 151), following consultation with the Portfolio Holder and Strategic Leadership Team (SLT) to agree and allocate the service growth as part of the detailed service budget setting process.
- XI. Noted that the Council is in a position to agree a balanced budget for 2023/24 and that any remaining budget gap following the Council Tax decision by Full Council on 8 March 2023 will be closed using reserves.

Fees and Charges

- XII. Approved the schedule of fees and charges for 2023/24.

Council Tax

- XIII. Considered and recommended to Full Council an increase of 2% for the Social Care Precept and an increase of 2.99% for Council Tax in 2023/24.

Council Tax Reduction Scheme

- XIV. Noted the changes to the current Council Tax Reduction Scheme as approved by Cabinet on 7 December 2022 for recommendation to Full Council on 8 March 2023.
- XV. Noted that Cabinet is being asked to approve the distribution of the additional Council Tax Support Fund for 2023/24.

Council Tax Empty Property Premium Charge

- XVI. Approved to continue with an additional premium on top of the standard council tax for properties which have been empty for more than 2 years and to agree in principle to commence an additional 100% charge for the properties empty for more than one year from 1 April 2024.

Business Rates Discount

- XVII. Approved (in accordance with powers granted under Section 47 of the Local Government Finance Act 1988) the continued offering of a discount in National Non-Domestic Rates (NNDR) of two times the cost of accreditation to the first 100 businesses in Ealing which were, or which will become accredited with the Living Wage Foundation and who meet the criteria as set out in the February 2016 Cabinet report: Discretionary Discount Scheme for Businesses accredited to Living Wage Foundation and extend the offer to new applicants, for 2023/24 .

- XVIII. Authorised the Strategic Director of Corporate Resources (Section 151) to make determinations in relation to applications for such NNDR discounts, in accordance with the Council's adopted criteria.

Schools Budget

- XIX. Noted the outcome of 2023/24 School Funding Formula changes as agreed in consultation with Schools Forum and authorised the Strategic Director of Corporate Resources (Section 151) to consider and, following consultation with the portfolio holder for a Fairer Start to take on behalf of the Council any actions necessary for the Council to fulfil requirements for Dedicated Schools Grant (DSG) budgets.
- XX. Approved the Dedicated Schools Grant (DSG) Early Years Funding Formula Factors for 2023/24.

Housing Revenue Account (HRA)

- XXI. Noted the HRA revenue budget for 2023/24, as presented to Cabinet on 25 January 2023.

Capital Programme 2023/24 – 2027/28

- XXII. Noted the new General Fund capital programme additions totalling £12.850m to be approved by Full Council on 8 March 2023 and decommissioning of £12.574m.
- XXIII. Noted the capital programme additions relating to the HRA that were considered as part of the HRA Business Plan by Cabinet on 25 January 2023.

- XXIV. Endorsed and approved the following recommendations to Full Council, on 8 March 2023, that it:

Revenue Budget 2023/24 and Medium-Term Financial Strategy 2023/24 to 2026/27:

- XXV. Considered and approved the Revenue Budget for 2023/24 as summarised in Appendix 1.
- XXVI. Considered the advice of the Strategic Director of Corporate Resources (Section 151) on the levels of reserves and robustness of estimates in setting the budget as required by Section 25 of the Local Government Act 2003.
- XXVII. Noted the financial risks and pressures set out in the report.

XXVIII. Approved the Parking Account 2023/24.

XXIX. Approved the draft Schools budget of £310.595m and agrees that any changes to the budget reasonably required as a result of the final 2023/24 DSG settlement were delegated to the Strategic Director of Children's following consultation with the Strategic Director of Corporate Resources (Section 151).

XXX. Approved for the Strategic Director of Corporate Resources (Section 151) to agree appropriate actions to comply with the revised DSG guidance, including agreeing the appropriate Deficit Recovery plan for DSG.

XXXI. Noted that the General Fund balance is scheduled to remain the same at £15.919m for 2022/23 and noted the forecast levels of earmarked reserves.

Capital Programme 2023/24 – 2027/28

XXXII. Approved the new General Fund capital programme additions totalling £12.850m and £12.574m of budgets to be decommissioned.

XXXIII. Approved the updated profile of the current Capital Programme.

Capital Strategy, Treasury Management and Pension Fund

XXXIV. Approved the Treasury Management Strategy including the associated Prudential Indicators and Annual Investment Strategy.

XXXV. Approved the Treasury Management Policy Statement.

XXXVI. Noted the Strategic Director of Corporate Resources (Section 151) will implement the Treasury Management Strategy under existing officer delegated powers.

XXXVII. Approved the Minimum Revenue Provision (MRP) policy.

XXXVIII. Noted that the Council manages cash on behalf of the Pension Fund and West London Waste Authority in accordance with the Treasury Management Strategy.

XXXIX. Approved the Capital Strategy.

XL. Approved the Flexible Use of Capital Receipts policy for 2023/24 over the new MTFS period, subject to meeting Department for Levelling Up Housing and Communities (DLUHC) criteria.

XL I. Authorised for the Strategic Director of Corporate Resources (Section 151) to agree commencement of the programme and sub-projects to be funded from the Flexible Use of Capital Receipts.

Council Tax and Business Rates

XLII. Approved the officer recommendation of an increase of 2% for the Social Care Precept and an increase of 2.99% for Council Tax in 2023/24.

XLIII. Noted the Greater London Authority (GLA) Band D precept of £434.14 for 2023/24.

XLIV. Noted that the Strategic Director of Corporate Resources (Section 151) calculated under delegated authority on 9 January 2023 the amount of 121,612.9 as the Council Tax Base, being the number of properties in Bands A-H in the Borough, expressed as an equivalent number of Band D units for the year 2023/24; in accordance with regulation 3 of the Local Authorities Calculation of Council Tax Base Regulations 1992 as amended made under Section 335 and 344 of the Local Government Finance Act 1992.

XLV. Noted the forecast Collection Fund position for 2022/23.

XLVI. Noted the Council's share of the council tax and business rates income forecast for 2023/24, as approved by the Strategic Director of Corporate Resources (Section 151).

XLVII. Approved to continue an additional premium on top of the standard council tax for properties which have been empty for more than 2 years and to agree in principle to commence an additional 100% charge for the properties empty for more than one year from 1 April 2024.

XLVIII. Noted the revised Local Council Tax Reduction Scheme for the financial year 2023/24 as approved by Cabinet on 7 December 2022.

XLIX. Noted that elsewhere on this agenda Cabinet is being asked to approve the Additional Council Tax Support Fund for 2023/24.

L. Noted the verbal feedback from the Portfolio Holder for the following meetings with regards to the budget proposals:

- a. Ealing Business Partnership meeting held on 16 February 2023; and
- b. Overview and Scrutiny meeting held on 21 February 2023.

REASON FOR DECISION AND OPTIONS CONSIDERED:

This report to Members on the 2023/24 Budget and Medium-Term Financial

Strategy (MTFS) finalises the position since the last budget strategy report to Cabinet in July 2022 and brings together a number of significant issues for Cabinet decision. The main purpose is to enable Cabinet to consider the budget proposals and make recommendations to Full Council for when it finalises the budget and sets the council tax on 8 March 2023.

The Council has continued to invest in services that experience significant and continued demand pressures, with prioritisation being given to the most vulnerable groups. Due to the complexity of the service provision, against the backdrop of a pandemic, continuing uncertainty of long-term Government funding notwithstanding the increase in funding as a result of the final Local Government finance settlement, these services continue to operate in a challenging resource environment where small demand changes can lead to material budget variances.

The proposals in this report will contribute to the savings agreed in the budget strategy. Some of the savings' proposals will have more detailed implications which will only emerge following consultation. Where this is the case, those detailed implications will be considered before a final decision is taken on implementing the proposal, including whether a proposal should be amended prior to implementation. Where proposals when considered in more detail result in a lower financial saving, it is the responsibility of the respective Director to find alternative savings to the equivalent value to replace the reduced amount.

Any consultation in relation to proposals will be carried out as required and in accordance with the Council's legal duties and responsibilities.

9 Additional Council Tax Support 2023.24

RESOLVED:

- i. Approved the recommendations set out in section 3 for distribution of additional Council Tax Support funding 2023/24.
- ii. Approved the proposed discretionary reduction policy pursuant to section 13A(1)(c) of the Local Government Finance Act 1992 as set out in Appendix 1 to this report.
- iii. Delegated authority to the Strategic Director for Corporate Resources in respect of decisions on individual applications for reducing Council Tax payable.

REASON FOR DECISION AND OPTIONS CONSIDERED:

On 23 December 2022, the government announced funding and guidance for its Council Tax Support Fund for 2023/24. This allowed the Council to reduce Council Tax bills by up to £25 for those in receipt of Council Tax Support

(CTS) and to use remaining funding as they see fit to further support households in need.

This was following the revised Council Tax Reduction report being considered by Ealing's Cabinet on 7 December.

The government had advised that the mechanism which should be used to make these reductions in Council Tax liability is by relying on section 13A(1)(c) of the Local Government Finance Act 1992 ("1992 Act"). Therefore, this report recommended an amendment to the Council's existing 13A(1)(c) policy provided as Appendix 1 to this report.

The government advice regarding the funded scheme for 2023/24 would be found here: [Council Tax Support Fund guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/council-tax-support-fund-guidance)

Ealing funding allocation for the additional Council Tax Support funding was: £630,896

10 Community School Admissions Arrangements 2024/25

RESOLVED:

- I. Approved the admissions arrangements 2024/25 for Ealing community schools
- II. Approved the published admission numbers for all Ealing community schools including a reduction of 15 places at Oldfield Primary School.
- III. Approved Ealing's scheme for co-ordination of admissions to Year 7 and Reception/Junior in 2024/25 as part of Pan London co-ordination.

REASON FOR DECISION AND OPTIONS CONSIDERED:

All admission authorities must determine their admission arrangements by 28 February every year, even if they have not changed from previous years and consultation has not been required. These were set out in paragraph 1.49 of the School Admissions Code.

11 Housing Delivery Update

RESOLVED:

- I. Noted the progress made to date on the sites listed below and as shown on the plans for proposed redevelopment to provide 306 new homes at:
 - a. Lexden and Steyne Road
 - b. Northolt Grange Community Centre
 - c. Sussex Crescent.

- II. Noted and agreed to proceed with the redevelopment of the Sites in the HRA (and not by BLRP as originally proposed) in accordance with the budget allocation approved by Cabinet as part of the HRA Business Plan 2023-2024 in January 2023.
- III. Noted the outcome of the tender exercise for the main construction contracts for the redevelopment of the Sites and approved the award of the contracts.
- IV. Delegated authority to the Strategic Director of Housing and Environment to:
- V. Award a Design and Build JCT contract for the construction of 188 new homes (71 London Affordable Rent, 90 Shared Ownership and 27 Private Sale dwellings) at Lexden and Steyne Road (the Steyne Estate).
- VI. Award a Design and Build JCT contract for the construction of 92 new affordable homes at Northolt Grange.
- VII. Award a Design and Build JCT contract for the construction of 26 new affordable homes at Sussex Crescent.
- VIII. (a) Agreed in principle for the Sites to be appropriated for planning purposes and then for housing purposes.
- IX. (b) Delegated authority to the Strategic Director of Economy and Sustainability to undertake the appropriation processes for each Site as, and when, necessary.
- X. (a) Noted the current position with regard to the land swap in respect of Northolt Grange Community Centre as set out in paragraph 2.9.11 below and agrees the proposed steps to mitigate the risks set out in paragraph 2.9.12.
- XI. (b) Delegated authority to the Strategic Director of Housing and Environment to agree and secure compliance with such conditions as may be imposed by the Secretary of State for Education.
- XII. Agreed to grant a lease of the land shown on the plan at Appendix 2 (shown in plain green) to the Roman Catholic Diocese of Westminster / St Raphael's Roman Catholic Primary School as part of the Northolt Grange C.C. site development and associated land swap.
- XIII. Noted the successful bid for Care and Specialist Supported Housing (CASSH) grant for the sheltered homes proposed on the Lexden Road Site and delegates authority to the Strategic Director of Housing and

Environment to enter into the necessary grant agreement to secure the funding.

REASON FOR DECISION AND OPTIONS CONSIDERED:

Tranche 2 Delivery Programme

Ealing Council had set an ambitious target to deliver 4,000 genuinely affordable homes (GAH) by 2026. The BLRP Business Plan Tranche 2 Programme of sites, included within the GLA Affordable Homes Programme (AHP) 2016-2023, was approved by Cabinet in April 2022. However, due to a significant downturn in the economy, including increasing loan interest rates, major build cost inflation, and instability in the supply chains and development industry, the viability of schemes in Tranche 2 has been negatively impacted.

To address this, the Council and BLRP conducted a review of the programme with the aim of improving the viability of schemes and ensuring delivery. Options considered included deferring schemes, reducing cost and improving design efficiency, changing tenures, and securing additional funding.

Due to AHP 2016-23 grant conditions requiring site starts by March 2023, the schemes of Mandeville Road, Broomcroft Avenue, and Canberra Drive have been deferred from Tranche 2 and will be delivered in the next GLA AHP (2021-26). Negotiation with the GLA to secure additional grant of £9.82m for the remaining schemes of Lexden and Steyne Road, Northolt Grange C.C, and Sussex Crescent has been successful, with approval given in January 2023.

Under current conditions, financial modelling has confirmed that, even with the additional grant, these schemes remain unviable if delivered by BLRP but are now viable through the HRA. This is largely due to the HRA's ability to secure funding from the Public Works Loan Board at a lower interest rate and on different terms than Broadway Living RP can borrow from the Council.

As a result, it is proposed that Lexden and Steyne Road, Northolt Grange C.C., and Sussex Crescent are now delivered through the HRA. In preparation, a budget allocation has been made within the HRA Business Plan 2023-2024, approved by Cabinet in January 2023. It should also be noted that, if economic conditions improve, the Council and BLRP may agree in the future to BLRP acquiring the schemes from the HRA, reducing HRA borrowing. This would be subject to a further decision by Cabinet.

Approval to enter into Pre-Construction Services Agreement (PCSA) contracts for these sites was given by Cabinet in December 2022. The

presented report sought approval to award Design and Build JCT contracts to progress developments on time and according to schedule.

Lexden and Steyne Road

Unit type	Number	Affordable (LAR)	Shared Ownership
1b/2p flat	36	0%	16%
1b+ flat	71	37.8%	0%
2b/4p flat	72	0%	31.9%
3b/5p flat	9	0%	0%
Total	188	71 37.8%	90 47.9%

Lexden and Steyne Road (or the Steyne Estate) was an existing Council estate at the junction of Lexden and Steyne Roads in Acton Central ward and within Acton District Town Centre. The estate consisted of: Lantry Court, comprising 23 retirement bungalows and maisonettes with small car park but no communal facilities; two identical 22-storey towers: Rufford Tower and Moreton Tower containing 100 dwellings each (with associated car parks); and play space and landscaping.

The proposed project would deliver three new buildings on the estate in addition to accessible landscaping and play improvements, a podium car park, and improvements to the under crofts of existing towers.

The scheme included an Older Adults building, containing 71 London Affordable Rent sheltered housing units (specialised flats for independent living with no permanent on-site care but designed specifically with older people in mind). A collection of six 3-bed 5-person flats (currently for outright sale) to the north of the site aimed specifically at families. And a separate, general needs residential building containing 90 Shared Ownership and 21 private sale homes (111 total).

In February 2022, a two-stage procurement process was agreed by Cabinet as being suitable for the appointment of a main contractor for the Lexden and Steyne Road scheme.

Approval to enter into a PCSA contract for this site was given by Cabinet in December 2022.

This report sought approval to award a Design and Build JCT contract as below to progress development on time and according to schedule.

Following a compliant tender process, it was proposed to enter into a JCT Design and Build (2016) Contract.

Proposed Programme:

Item	Start	End	Notes
PCSA Signed		01/02/2023	
Stage 4 Design	01/02/2023	26/05/2023	
Pre-commencement Condition discharges	17/02/2023	25/05/2023	
Utility Diversions	16/03/2023	24/04/2023	
Early GLA Works	13/03/2023		Slit trenches, trial pits disconnections
Main Works Contract Signed		13/03/2023	
Main Build Phase		27/10/2025	

In addition, confirmation was received that an application for £12,131,983 Care and Specialist Supported Housing (CASSH) grant for the sheltered homes on the Lexden Site has been successful. Delegated authority is therefore sought to enter into the associated grant agreement.

Northolt Grange C.C. Scheme

Unit type	Number	Affordable (LAR)	Shared Ownershi
1b/2p flat	43	46.8%	0%
2b/3p flat	4	4.3%	0%
2b/3p WC flat	4	4.3%	0%
2b/4p flat	19	20.8%	0%
2b/4p WC flat	4	4.3%	0%
3b/4p WC flat	1	1%	0%

3b/5p flat	9	9.8%	0%
4b/6p house	8	0%	8.7%
Total	92	84	8
		91.3%	8.7%

This scheme involved redeveloping the Northolt Grange C.C. to provide 92 new affordable homes and new community open space.

The former community centre site will be combined with land to be acquired from the Roman Catholic Diocese of Westminster through a 'land swap' agreement, as approved by Cabinet in January 2021 for which the consent of the Secretary of State is required and has been applied for.

The design development for the main works, included community consultation and a series of five Pre-Application meetings. The scheme is for a five-storey building, facing the street, providing 84 new London Affordable Rented (LAR) homes including 43 no. 1 bedroom flats, 31 no. 2 bedroom flats and 10 no. 3 bedroom flats (including duplexes). A row of 8 two storey 4-bedroom town houses (shared ownership) behind the main block, creates a car-free street and amenity space.

The planning proposals for the overall scheme were split into two separate applications, namely the school-works (temporary classrooms / enabling works / demolition) and the main works. Planning permission was granted for the school-works in October 2021 and Planning Committee approved the application for the main works in June 2022.

Approval to enter into a PCSA contract for this site was given by Cabinet in December 2022. This report now seeks approval to award a Design and Build JCT contract as below to progress development on time and according to schedule.

Following a compliant tender process, it was proposed to enter into a JCT Design and Build (2016) Contract to deliver 84 homes for London Affordable Rent and eight homes for Shared Ownership sale

Proposed programme:

Item	Start	End	Notes
PCSA signing		01/02/2023	Approved by Cabine 07/12/2022
Portakabin contract		01/02/2023	Approved by Cabine 07/12/2022

signing			
Asbestos removal from Community Centre	16/02/2023	01/03/2023	Triggers Start on Site funding – dependent Contractor’s program
Cabinet decision – JCT Contract	22/02/2023	07/03/2023	
SoS DfE decision	31/08/2022	27/03/2023	Expected date
Land swap and possible lease		29/03/2023	Between LB Ealing and RCDow/St Raphael’
Licence swapped land back to RCDow/ School		29/03/2023	For land transferred – to last until temp cl installed
JCT Contract signed		22/03/2023	Triggers Start on Site from GLA
Enabling works on LB Ealing and RCDow/ School land	09/03/2023	18/08/2023	Commencing under 1 and Portakabin contract dependent on Contractor programme
Drainage installation	03/04/2023	21/04/2023	Triggers acceptance Regs application under 2022 building regulations dependent on Contractor programme
Temporary Classrooms installed	03/04/2023	12/05/2023	
School move to Temp Classrooms and end of licence on LB Ealing land	15/05/2023	02/06/2023	Late May half term
Enabling works on former school land	05/06/2023	18/08/2023	Including demolition holidays

Remaining groundworks commence	21/08/2023	27/10/2023	
Project completion		08/2025	Two-year build progr

adjacent school (St Raphael's Roman Catholic Primary School) which required consent from the Secretary of State for Education for the disposal of the school land, as part of that land swap. This has been applied for as shown in the above programme.

As part of ongoing discussion with the Department for Education there was a likely requirement for the council to agree to lease some playing field land to the school in place of a proposed licence.

Authority was therefore sought for the Council to grant a lease of the playing field land to the Roman Catholic Diocese of Westminster / St Raphael's Roman Catholic Primary School as part of the Northolt Grange CC site development.

The officer from the Department for Education / Education and Skills Funding Agency (DfE/ESFA) has confirmed that the application will be considered by the DfE Playing Fields Panel on 14th March 2023 with a recommendation for approval – subject to certain conditions which are under negotiation. However, it is very tight to get the results of the Playing Fields Panel to the Secretary of State for Education for their consideration prior to the Parliamentary recess which commences on 31st March 2023. Consequently, there is a risk that the DfE approval will not be received this financial year.

In order to mitigate this risk several actions had been taken: A break clause is being inserted in the JCT Contract in case there is a delay in the DfE decision on the application. This will limit the financial exposure for LB Ealing. Works which are eligible for GLA grant to be claimed can be undertaken on LB Ealing owned land in order to mitigate any delays. A PCSA has been entered into with the main Contractor (decision made by Cabinet in December 2022) to begin the design work and submit statutory applications in order to facilitate a prompt start on site.

Since the publication of the HRA Business Plan in January 2023, a final contract recommendation and risk report has been received detailing the areas where cost risks lie (see Confidential Appendix 2). These risks have subsequently been added into the financial appraisal, leading to the increase

in the total scheme cost reported here. As the development progresses through the RIBA Stage 4 design process, some of these risks will not be realised and other mitigation in the form of Value Engineering (VE) will be investigated and implemented if they are not detrimental to the overall quality of the development. As this work is being completed any changes in budget will be brought to Members in the form of a further Cabinet report.

2.8 Lexden and Steyne Road

Unit type	Number	Affordable (LAR)	Shared Ownership
1b/2p flat	36	0%	16%
1b+ flat	71	37.8%	0%
2b/4p flat	72	0%	31.9%
3b/5p flat	9	0%	0%
Total	188	71 37.8%	90 47.9%

The site was within five minutes walking distance of Northolt Underground Station and is proposed to be car free with one on-street blue badge space adjacent to the site. Pedestrian and cycle access will be from Sussex Crescent.

The scheme consisted of a single four storey block, 26 flats at London Affordable Rent.

Planning permission for the scheme was granted in October 2022.

Having a highly efficient façade enables the scheme to make the most of low carbon heating methods such as air source heat pumps. It will also be supported by solar panels to further reduce energy demand and reduce costs for residents.

The development was tendered between May and July 2022 and two competitive tenders were returned.

Approval to enter into a PCSA contract for this site was given by Cabinet in December 2022. The PCSA was signed on 27th January 2023. This report now seeks approval to award a Design and Build JCT contract as below to progress development on time and according to schedule.

Following a compliant tender process, it is proposed to enter into a JCT

Design and Build (2016) Contract to deliver 26 homes for London Affordable Rent.

Proposed Programme:

Item	Start	End	Notes
PCSA Signed		01/02/2023	
Stage 4 Design	01/02/2023	26/05/2023	
Pre-commencement Condition discharges	17/02/2023	25/05/2023	
Utility Diversions	16/03/2023	24/04/2023	
Early GLA Works	13/03/2023		Slit trenches, trial pits, disconnections
Main Works Contract Signed		13/03/2023	
Main Build Phase		27/10/2025	

Golf Links Phase 3

Cabinet approved the award of a Design and Build JCT form of contract to the successful bidder following a tender process. Since December Cabinet 2022 it was established that the final contract bid was higher than the final sum reported to Cabinet in December 2022.

Having re-assessed the tender returns, taking account of the original quality and cost weighting, it has been confirmed by the Employer's Agent (F&G) that the ranking of the tender returns and therefore successful contractor has not changed from the original assessment. A notice of contract award and standstill letters to the unsuccessful bidders have been issued on that basis.

12 Property Insurance Procurement

RESOLVED:

- I. Authorised the Interim Strategic Director, Corporate Resources to invite and evaluate tenders for a property insurance contract for a period of four years with the option to extend for up to two years to be funded from the

existing revenue budget of £750,000 per annum within Finance.

- II. Delegated authority to the Interim Strategic Director, Corporate Resources upon completion of the tender process to award the contract to the most advantageous tenderer in line with the evaluation criteria if suitable tenders were received.

REASON FOR DECISION AND OPTIONS CONSIDERED:

The council maintains a variety of insurance policies, of which property is one. This includes housing stock, commercial, environment, education, social services, and general properties. The main objective of this procurement is to achieve value for money.

The current property insurers contract expires on 30 September 2023. To ensure continued cover, it is necessary to carry out a procurement exercise for a new contract starting 1 October 2023 within the existing budget provision.

The route proposed is an Open procedure using the Find a Tender Service. Such a procedure will maximise the number of potential bidders. As part of the options appraisal the use of frameworks were explored but were discounted primarily due to limiting potential bidders and all include a commission element.

It is proposed the decision will be based upon a weighting criterion of price 60% and quality 40%. The quality criteria include added value, claims handling and assessment of policy cover.

A period of six (split into four plus two) years is proposed, in order to provide the insurer with a sufficiently lengthy commitment but with break options at year 4 allowing the Council to assess the service performance and determine the appropriateness of continuing the contract.

13 Replacement of Gurnell Leisure Centre

RESOLVED:

- I. Authorised the Strategic Director of Economy and Sustainability to commission further design work for a mixed-use development at the Gurnell site based upon the 'Optimised 1' leisure brief and Site Arrangement 1, as described in the Feasibility Study and further informed by the optimised Site Strategy contained within the Feasibility Study Plus addendum to the Feasibility Study. Further authorised the Strategic Director of Economy and Sustainability, following consultation

with the Portfolio Holders, to seek planning permission for a mixed-use proposal to include a new build replacement leisure centre with a suitable and planning compliant level of enabling residential development which is anticipated to be in the order of 200-300 units in total.

- II. Agreed with the professional advice contained within the Feasibility Study included at Appendix 1 to this report, inclusive of
 - a. a reuse appraisal, which evidences that the existing Leisure Centre building is unsuitable for refurbishment and is beyond economical repair;
 - b. Further agrees that the existing Leisure Centre building should be demolished at the earliest opportunity on the basis of it having no continuing value or opportunity for reuse.
 - c. Authorised the Strategic Director of Economy and Sustainability to take all steps to arrange for demolition of the building, including securing any necessary consents and undertaking a tender process to appoint a demolition contractor and to award a contract and instruct demolition works to proceed
- III. Authorised the Strategic Director of Economy and Sustainability to commission a detailed analysis of procurement routes to realise a replacement scheme, considering appropriate routes to secure both leisure and residential elements of the proposal.
- IV. Delegated authority to the Strategic Director of Economy and Sustainability, following consultation with the Portfolio Holders, to implement procurement processes and market engagement in line with the outcome of this analysis.
- V. Agreed to expenditure of £2.5m for the activities described at recommendations 1.1 – 1.3 above to be funded from the existing capital programme; and
- VI. Agreed that, subject to the proposals receiving planning permission and the successful conclusion of any procurement exercise(s), Cabinet will receive further recommendations on the next steps for the project, including an overall funding strategy informed through further market testing.
- VII. Agreed that the Council should continue to engage and consult via the Gurnell Sounding Board through the next phase of the project.

Recommendations for NOTING

- I. Noted the summary of the outcome of the 'gurnell – leisure for all' online survey which sought views from the public on future plans for

gurnell leisure centre, carried out between march and may 2022, and summarised at appendix 2 to this report.

- II. Noted that a sounding board has been established for the gurnell leisure centre project which has met on several occasions throughout 2022 and which has informed the recommendations contained in this report. Noted the summary report with appendices as submitted by the independent chair of the sounding board for consideration by cabinet and contained at appendix 3 to this report.
- III. Noted the findings of a feasibility study, inclusive of an additional feasibility plus addendum to the original study, which has been commissioned to consider options for the replacement of gurnell leisure centre as summarised in this report and as provided in full at appendix 1.
- IV. Noted that a new build replacement leisure centre, based upon meeting an optimised brief as generated through the feasibility study, would be anticipated to require capital expenditure in the order of £45m to deliver.

REASON FOR DECISION AND OPTIONS CONSIDERED:

Gurnell Leisure Centre had historically formed a core part of the Council's strategic leisure provision. A redeveloped centre would be a major contributor towards achieving a surplus generating leisure provision, in part based upon the existing centre providing the largest learn to swim programme in London prior to its closure. The existing facility, which closed at the outset of the Covid-19 pandemic, and which remains closed at this time, includes the borough's only 50m pool and is one of only a small number in London, which has been the home of Ealing Swimming Club, the largest swimming club in the country with over 1,650 members.

The proposed redevelopment of Gurnell Leisure Centre features in both the Council Plan 2022-26 and also was referenced throughout the Council's draft Indoor and Outdoor Sports Facility Strategy and Action Plan 2022 – 2031, with regards to a 50m and learner pool provision, to meet current and future demand. Numerous reports on the project have been approved by Cabinet from 2015 to the present and the recent history of the project is summarised below.

In 2015, a comprehensive assessment of potential external grant funding opportunities was explored, however, it was noted that there were no current opportunities to fund such projects via Sports England or wider grant funding programmes. It was therefore agreed that the Council should seek to realise a new leisure centre scheme in part funded by enabling residential development.

Cabinet took the decision in March 2015 for the Council to engage Willmott Dixon, via the SCAPE framework, to consider the feasibility of the long-term

replacement of Gurnell Leisure Centre. Subsequent reports were taken to Cabinet updating on the design and legal aspects of the scheme. In May 2016, Cabinet approved an allocation of £12.5m as a contribution towards the project, to be funded from mainstream borrowing, to support the fitout of the leisure centre following an increase in projected costs.

In September 2019, Cabinet received a further update on the Gurnell scheme and approved the principle of amending the existing agreement with the then developer which would facilitate the Council directly delivering part of the scheme. Cabinet additionally noted that the designs for the scheme were sufficiently progressed to enable a planning application to be submitted.

The existing centre closed at the outset of the Covid-19 pandemic in March 2020. In July 2020, Cabinet agreed to not re-open Gurnell Leisure Centre after Covid-19 restrictions were lifted on the grounds of it being economically unsustainable to do so and in anticipation of proceeding with a replacement scheme. In April 2021, a planning application for a mixed-use scheme developed in partnership with Be:Here Ealing Ltd was refused permission by the planning committee leading to the abandonment that scheme.

The Council Plan 2022-2026 includes a continued commitment to “deliver new, state of the art leisure facilities at Gurnell” and, in pursuit of this objective, a new architect-led Feasibility Study was commissioned in April 2022 to consider future options for Gurnell and forms the basis of the recommendations contained within this report.

In parallel with commissioning the Feasibility Study, the Council carried out an online survey between March and May 2022 to seek residents’ views on future plans for Gurnell. There was a high level of participation in this survey with 1,913 responses received. A detailed summary of the results of this survey were included at Appendix 2 to this report which includes the following key findings:

- Gurnell Leisure Centre used to play a key role in people’s active and healthy lifestyle, including opportunities for socialising with friends and family
- Many say they were disappointed with Gurnell’s closure, and ask to re-open/re-develop the centre as soon as possible
- Most of the respondents attended Gurnell for swimming, but also gym and fitness classes. This is also reflected in water and fitness activities being the most desired facilities for the future centre
- There were requests to keep the green space and expand outdoor activities
- There were suggestions to expand leisure facilities further to increase options (shops & restaurants, BMX track & skate park, children’s playgrounds, multiple sports facilities)

- Although just over a quarter used to walk or cycle to Gurnell, more than two in five want to do so in the future
- A third want mixed-use development to pay for the new site, and less than one in five would accept an increase in Council Tax

As part of establishing a fresh approach to the project, a Gurnell Sounding Board has been established to engage with interested parties and stakeholders on plans to replace Gurnell as these were developed. An independent Chair has been appointed to oversee the Sounding Board and there have been 4 sessions held to date.

The Chair provided a summary report on the key matters arising from the Sounding Board sessions and his full report is attached. This noted the following were where a broad consensus has been expressed by the Sounding Board membership:

1. *That there is a continuing need for a community Leisure Centre in this location*
2. *That the existing Leisure Centre building is at end of life and refurbishment would not be financially feasible nor sustainable over the long term*

The Chair's report goes on to summarise a series of concerns as expressed by members of the Sounding Board noting that the single largest concern relates to the inclusion of residential development within the scheme and the claim by the Council, refuted by some on the Sounding Board, that this is necessary to be able to support the costs of replacing the leisure centre. There is a strong opposition to any form of tower blocks which would be reminiscent of the previous Ecoworld scheme with some holding the strong view that there should be no residential development whatsoever and that the Council should look to other means of raising the capital funding to replace Gurnell

A separate concern, which would be exacerbated by the inclusion of residential development within the scheme, is around the impact of any development on Metropolitan Open Land inclusive of ecological impact and development in the flood plain, with some holding the strong view that the development should be no larger than the existing facility in terms of footprint and massing

A further concern, linked to each of the above, was the scope/specification and size of a replacement leisure centre and the costs of replacement with a view that the brief should be based upon a 'like for like' facility rather than an enhancement on the existing Gurnell Leisure Centre.

The Chair's report goes on to pose several questions for the Council to consider in reaching a decision on the future for the project

1. *Is the Council in a position to fully fund the replacement leisure*

centre through means other than residential enabling development, including through the use of Section 106 monies and other sources of grant funding, as well as direct Council funding, which would avoid the need to include residential development in the scheme?

2. *Is the Council satisfied that the 'Optimised 1' brief for the replacement facility which the architect team recommends would offer an appropriate mix to meet need or should this scope be further reduced to bring down the size and cost of the replacement facility?*
3. *Is the Council satisfied that the 'Optimised 1' brief will not adversely affect other businesses including for example private gyms / health and fitness clubs?*
4. *Subject to the Council's position on the above questions, is there a cost threshold below which the need for residential enabling development could be avoided? It is suggested by the architect that the scheme costs for a 'like for like' replacement would be circa £28m. Would this scheme for example be affordable without a requirement for residential development?*

Section 4 of this report provides a summary of the conclusions arising from the Feasibility Study and presents further information on the questions raised by the Chair in his summary.

14 Sale of Minority Shareholding in BSF Project company'

RESOLVED:

- I. Approved the sale of the shares to Amber Infrastructure on the terms set out in confidential Appendix 1
- II. Authorised the Strategic Director of Corporate Resources, following consultation with the Director of Legal and Democratic Services, to negotiate and complete all necessary documentation to achieve an effective sale to Amber Infrastructure of the Council's stake in Future Ealing Phase 1 Limited.

Recommendations for NOTING

1. Noted the consequences of selling the shares outlined in the report.

REASON FOR DECISION AND OPTIONS CONSIDERED:

Future Ealing Phase 1 Limited (FEP1 Ltd _ Hold Co) was formed to develop the Dormers Wells School PFI – this school, which is a high school, has now converted to Academy status since the original arrangement was set up. This PFI achieved financial close in December 2010. The Council has a 20%

minority stake (18% direct and 2% via Future Ealing Limited – Lep Co-) in FEP1 Ltd. The majority shareholder, Amber Infrastructure, has offered to purchase the Council's 20% stake in the company.

Under the BSF programme the commercial structure of the arrangements involved the set up for each phase of the programme. The arrangements provided for the Council to take a minority stake in the company and also indirectly through the Council's shareholding in the LEP.

The Council has appointed Asteros Advisors Limited, who were financial advisors that specialise in PFI contract financing and Bevan Brittan as legal advisors, to advise the Council on whether the financial valuation of the offer is appropriate and on the legal implications of the share sale.

15 Special Education Needs Statutory and Capital Approvals - Mandeville statutory and capital proposals and John Chilton contract award

RESOLVED:

- I. Noted the feedback from the consultation on expanding Mandeville Special School by up to 24 places on a satellite at Oldfield Primary School and that the Governing Board of both schools, after reviewing the consultation feedback, have confirmed their desire to proceed with the proposal.
- II. Authorised the Strategic Director for Children's Services to publish the necessary Statutory Proposals and any further consultative documents required for the expansion of Mandeville Special school by way of a satellite site at Oldfield Primary.
- III. Authorised the Strategic Director for Children's Services to invite and evaluate tenders for the building contracts for the Mandeville Satellite at Oldfield Primary School.
- IV. Noted that there will be a further report to Cabinet for determining the statutory proposal and award of contract.
- V. Authorised the award of a contract in the sum of £1,331,708.08 to Oakland Building Services Ltd for the John Chilton School expansion on the Wood End Academy site Phase 1A building enabling works to be funded from the existing approved Schools SEN Expansion Programme budget, subject to approval by DfE of Wood End Primary's application to DfE for John Chilton School's extended use of the site.

REASON FOR DECISION AND OPTIONS CONSIDERED:

The decisions were required to enable the Council to progress to the next stage of the process for expanding special school provision to meet its statutory duty to secure sufficient school places. The Council has a statutory responsibility 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 diversity and increase choice.

Cabinet authorised the Assistant Director Planning, Resources and Service Development to invite and evaluate tenders for the main works contracts, and any enabling works contracts, required for the provision of the John Chilton School on the Wood End Academy site, on 14th September 2022.

Awarding the building contract for the John Chilton School on the Wood End Academy Phase 1A site works will allow the Council to carry out its statutory duty of providing sufficient school places.

16 Violence Against Women and Girls Strategy

RESOLVED:

- I. Cabinet approved the implementation of the Council's refreshed *Male Violence Against Women and Girls* strategy for the period 2023-2027.

Recommendations for NOTING

- I. Cabinet noted the priorities highlighted within the strategy, along with the data analysis of national and local crime data, as well as the qualitative feedback received through the *Safer Ealing for Women* listening exercise in 2022.

REASON FOR DECISION AND OPTIONS CONSIDERED:

Ealing and the Safer Ealing Partnership were committed to making the borough a safer place to live, work, and visit for everybody. A key part of this commitment is in recognising and responding effectively to violence against women and girls.

The Council's current plan also included a strong commitment in relation to MVAWG issues and sets out an ambitious approach to making women safer:

'Continue to take tough action to prevent violence against women and girls, end female genital mutilation (FGM), and extend support through the Women's Wellness Zone network established in the borough. We will also remain committed to enforcing our public space protection order at Mattock Lane, ensuring women have access to family planning free from intimidation, and we will also invest more than £1m in making public spaces safer and well lit.'

The UN defines violence against women and girls as:

Any act of gender-based violence that is directed at a woman because she is a woman or acts of violence that were suffered disproportionately by women.

This included physical, sexual, and psychological/emotional violence, economic abuse, and sexual exploitation. Violence against women and girls can take place at home, at work, or in public places.

Male violence against women and girls was a health and human rights issue, which cuts across all areas of work in Ealing and has links with a number of local strategies, including our approach to health and wellbeing, education, Prevent and community safety. Ealing's strategy is informed by the Government's *Tackling Violence Against Women and Girls Strategy* and by the Mayor of London's *Violence Against Women and Girls (VAWG) Strategy*, the work of the Mayor's Office for Policing and Crime (MOPAC) and the *Domestic Abuse Act (2021)*.

Ealing's existing Violence Against Women and Girls Strategy was devised in 2015. This refreshed strategy reflects the developed knowledge by professionals working with victims and survivors as well as with perpetrators; it also reflects the changes in insight and understanding of the issues among the broader public and our residents.

The latest available data from the crime survey of England and Wales, Metropolitan Police, and organisations working with victims and survivors has been used to inform the refreshed strategy. In Ealing, this learning is additionally underpinned by the feedback from over 2,800 women and girls who took part in the Council's listening exercise, *A Safer Ealing for Women (SEfW)* in early 2022.

The strategy had expanded to recognise misogyny, behaviours, and offences that were not explicitly identified in our previous strategy. Examples of this were the inclusion of stalking within the strategy, recognising the challenge posed by perpetrators and repeat perpetrators, and a sharper focus on women and girls' safety in public spaces.

The offences and challenges explored in the strategy were:

- Rape & sexual assault
- Stalking
- Honour-based violence
- Forced marriage
- Female genital mutilation
- Childhood exploitation & sexual exploitation (this will include gang-related crime and modern slavery etc)
- Trafficking
- Sex working
- The challenge posed by perpetrators and repeat perpetrators
- Women's safety in the public realm
- Domestic abuse
- Misogyny

We know from our listening exercise that some of these issues were universal and affect nearly all women and girls in Ealing, while others were more prevalent in a specific group who were disproportionately affected.

The refreshed strategy sets out four key priorities in response to these challenges:

- Prevention
- Support for victims/survivors
- Developing a Community Co-ordinated response
- Holding perpetrators to account

Another key consideration for Ealing's strategy was around the label we apply when discussing the issue of violence against women and girls, and specifically to what extent we acknowledge the offender within this. We know violence against women and girls is an overwhelmingly gender-based crime, where the offender or offenders were male.

A number of professional, voluntary and advocacy groups have flagged the 'passive' nature of VAWG as a label, as it implies violence is something that happens but does not explicitly recognise who is committing the violence. For this reason, Ealing's VAWG strategic partnership and the Safer Ealing Partnership formerly recognise within the label we apply that the strategy is targeting those gender-based offences where the perpetrators were overwhelmingly male. A number of other local authorities, community safety partnerships and constabularies were beginning to adopt this term.

The adoption of the term MVAWG did not mean the partnership does not recognise those instances of violence perpetrated on women by other women. Indeed, the partnership, the Council Plan, and the strategy itself recognise there were complex behaviours within the context of interfamilial and honour-based violence, as well as FGM and abuse within same sex relationships, where women do perpetrate violence on other women. However, we know from the evidence reviewed, from careful data analysis, and from feedback from a wide range of professional and voluntary sector partners that the majority of violence against women and girls is perpetrated by men, and that the complexities of interfamilial violence stem from patriarchal hierarchies that reinforce systems of abuse or control by men towards women and girls.

In London, the messaging from City Hall and from the Mayor's Office for Policing and Crime (MOPAC) refers to 'male violence' when discussing issues of violence against women and girls. The recent well-received media communications and awareness campaigns by MOPAC, including the *'Have a word with yourself, then with your mates'* awareness campaign targeting men, remind us that violence 'starts with words,' and that words matter.

We therefore believe it was appropriate to recognise male violence in the label we apply to our strategy and recognise the key role that men play in

changing behaviours and attitudes towards women. We understand the fact that including these words in the naming of the strategy may create a wider debate and we welcome this dialogue and feel it is something that should be discussed and understood more. We also recognise that violence against women and girls is complex, and, for the avoidance of doubt, this strategy is clear that all instances of violence against women and girls were unacceptable and that it is our collective responsibility to protect women and girls and support them in feeling safe.

17 Date of the next meeting

The date of the next meeting will be 29 March 2023

Meeting commenced: 7.00 pm

Meeting finished: 8.34 pm

Signed:

Dated: Wednesday, 29 March 2023

P Mason (Chair)