

## **Minutes of the meeting of the Cabinet**

**Date:** Wednesday, 19 April 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, K K Nagpal and  
A Raza

### **Attendees (virtual): Councillors**

A Steed

## **1 Apologies for Absence**

There were no apologies received.

### **Request 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 7 – [Council Plan Performance Report Q3 22/23](#)

- Cllr Andrew Steed (nominated by Cllr Malcolm)

Item 11 - Ealing's Strategy for Additional and Special Educational Needs and Disabilities (SEND) and Inclusion 2023-2027

- Cllr Andrew Steed (nominated by Cllr Malcolm)

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. Cllr A Steed attended virtually. Due to technical issues, Cllr Steed could not be heard in the meeting room, however, questions were submitted in writing and answered by Members.

## **2 Urgent Matters**

There were none.

### **3 Matters to be Considered in Private**

Item 10, Public Sector Decarbonisation Scheme Update and Phase 3b Contract Award Appendix A was exempt by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972

### **4 Declarations of Interest**

There were none.

### **5 Minutes**

The minutes of the meeting 29 March 2023 were discussed

#### **RESOLVED:**

The minutes of the meeting, 29 March 2023, were agreed as a true and accurate record of meetings

### **6 Appointments to Sub Committees and Outside Bodies**

There were none.

### **7 Council Plan Performance Report Q3 22/23**

#### **RESOLVED:**

That Cabinet noted and approved the:

- I. Key performance highlights against the 2022/23 Council Plan Delivery Plan
- II. Progress on the Council Plan numeric targets
- III. Progress against the Corporate Health Check indicators as at Quarter 3 (Q3) 2022/23

#### **REASONS FOR THE DECISION:**

1. Progress on the delivery of the Council Plan 2022-26 was noted and discussed, with specific reference to performance against the 2022/23 Delivery Plan. Performance management is an essential part of a high performing organisation and therefore performance reporting will continue to be provided.

### **8 Household Support Fund 2023/24 - local eligibility framework and**

## **approach**

### **RESOLVED:**

- I. Approved the proposed distribution of Household Support Fund to residents who qualify for grant payments under conditions laid down by central government and local scheme guidance.
- II. Authorised the Strategic Director of Corporate Resources, following consultation with the Cabinet Member for Decent Living Incomes and the Cabinet Member for Inclusive Economy and the Director of Legal and Democratic Services, to determine and amend the award criteria as may be appropriate in response to circumstances and further guidance from central government.
- III. Approved temporary expansion of eligibility criteria for Local Welfare Assistance in line with eligibility criteria of Household Support Fund to be applicable until 31 March 2024.

### **REASONS FOR THE DECISION:**

1. The cost of living was increasing since late 2021 and was caused by high inflation fueled by sharp increases of energy costs. Overall inflation for February 2023 was reported to be 12%, however, the cost of food, energy and housing were rising at much higher rate. The energy cap was set at £3,000 from 1 July 2023 which meant that households would see their energy costs increasing further.
2. As part of the measures to address the raising prices of food and fuel, the Department for Work and Pensions (DWP) was providing further allocation of Household Support Fund from 1 April 2023 until 31 March 2024.
3. The objective of the Household Support Fund was to provide support to vulnerable households in most need of support to help with significantly rising living costs.
4. Allocation of funding for Ealing under the scheme was £5,317,610.
5. There was no separate allocation for administration of the scheme and the Council was allowed to use part of this funding towards administration costs as long as these were 'reasonable'.

## **9 London Boroughs Legal Alliance (LBLA) Barristers Framework 2023**

### **RESOLVED:**

- I. Authorised the Director of Legal and Democratic Services to invite and evaluate tenders for a Barristers Framework for a period of three years with the option to extend for one year, with Ealing as the lead authority on behalf of LBLA authorities and other authorities wishing to access the framework.
- II. Authorised the Director of Legal and Democratic Services upon completion of the tender process to award the Framework Agreement to Barristers Chambers in accordance with the evaluation criteria, for each of the Lots.
- III. Authorised the Director of Legal and Democratic Services to enter into Access Agreements with any LBLA members and other authorities that request to use the framework

#### **REASONS FOR THE DECISION:**

1. The procurement process to establish the fourth pan-London Barristers Framework Agreement for the LBLA and other councils was outlined.
2. The LBLA was made up of the City of London Corporation, the London boroughs of Barnet, Bexley, Brent, Bromley, Camden, Croydon, Ealing, Enfield, Greenwich, Hackney, Hammersmith & Fulham, Haringey, Harrow, Havering, Hillingdon, Hounslow, Islington, Kensington & Chelsea, Islington, Lambeth, Newham, Redbridge, Southwark, Tower Hamlets, Waltham Forest, City of Westminster, the London Fire Commissioner, and Slough Council. Buckinghamshire County Council, Swale Borough Council, Maidstone Borough Council, South Oxfordshire District Council, Vale of the White Horse District Council, and Tunbridge Wells Borough Council are not LBLA members but have access to the current framework.
3. Ealing was one of the founding members of the LBLA, which was set up fourteen years ago. It is fair and appropriate for Ealing to take our turn to lead the procurement of the latest iteration of the Barristers Framework Agreement. Previous versions of the framework were led by other LBLA borough members, most recently by the City of London Corporation in 2019. Use of a framework enables councils to use their bulk purchasing power to achieve the best rates and terms of service.
4. The current agreement expired on 31 December 2023 and had 25 sets of chambers appointed under the framework. A replacement Framework Agreement was required to provide LBLA members with continued access to a panel of expert legal advisers for specialist advocacy, advice, and related legal services. In addition, the

replacement Framework Agreement will provide access to other local authorities in London and South East England who wish to buy into it; this helps to strengthen the bargaining power of the framework.

5. The proposed Framework Agreement would be divided into the distinct areas. There are eight Lots in the current framework;
  - a) Lot 1 - Adult Social Services
  - b) Lot 2 - Children's Services
  - c) Lot 3 - Governance & Public Law
  - d) Lot 4 - Criminal Litigation & Prosecutions
  - e) Lot 5 – Housing
  - f) Lot 6 – Planning
  - g) Lot 7 – Property
  - h) Lot 8 – Civil Litigation

The number of Lots within the proposed new framework would be finally determined following consultation with LBLA members. It is likely that there will be additional Lots for Education, Licensing and possibly also Employment.

6. When acting as the lead contracting authority, Ealing would work closely with specialist independent legal consultants, Kennedy Cater (KC). KC is contracted to supply secretarial and other support services to the LBLA and fees are covered through LBLA subscriptions.
7. The procurement process proposed was a one stage (Open) procedure (under the Light Touch Regime). It was considered the proposed replacement Framework Agreement provides the necessary platform and resources for LBLA members (including Ealing) and other councils.

## **10 Public Sector Decarbonisation Scheme Update and Phase 3b Contract Award**

### **RESOLVED:**

- I. Noted the applications by the then Executive Director Children's, Adults and Public Health for a further £13.721m of grant funding as part of the Public Sector Decarbonisation Scheme and, if successful, authorised the Strategic Director for Children's Services, following consultation with the Strategic Director for Economy and Sustainability to agree the final terms and agree the Council to enter into a grant agreement with Salix Finance (the fund administrator) to receive the grant funding. Successful applicants have 10 days in which to return a signed Grant Offer Letter.

- II. Approved, subject to the grant applications being successful, capital expenditure of up to £13.721m being incepted into the 2023/24 capital programme for Phase 3b of the Public Sector Decarbonisation Scheme (PSDS), to be funded from a mix of grant and match funding, and to spend the entire grant income for the Public Sector Decarbonisation Scheme in accordance with the terms of the grant. Also noted the match funding of £1.273m will be funded from the existing approved capital programmes, which will require virement under the Financial Regulations.
- III. Approved, subject to the PSDS 3b grant application being successful, the inception of £803,332 match funding from the carbon offset fund, which funding was allocated by the carbon offset fund board, into the 2023/24 Economy and Sustainability capital programme for Phase 3b of the Public Sector Decarbonisation Scheme. Cabinet additionally noted that further match funding was being sought to maximise the grant received, which would be the subject of further approval. If further match funding could not be secured, then the scope of the leisure centres works would be reduced to fall within the available funding.
- IV. Approved the appointment of the delivery partner for Stage 1 of Phase 3b following a mini-competition procurement process using the GLA and Local Partnerships RE:FIT framework agreement (National Framework Agreement for Energy Performance Contracting). Cabinet additionally noted that there were no financial implications, apart from the Investment Grade Proposal fees, if of acceptable quality, directly associated with the appointment for Stage 1, and that the financial commitment related to Stage 2, the construction works, which would be the subject of a further report.
- V. Authorised the Strategic Director for Children's Services to finalise the terms and enter into the Stage 1 agreement following consultation with the Strategic Director for Economy and Sustainability and the Strategic Director of Corporate Resources.
- VI. If the bids for Public Sector Decarbonisation Scheme (PSDS) 3b Grant funding were successful, delegated authority to the Strategic Director for Children's Services to finalise the terms of, and enter into, the Stage 2 agreement for appointment of the delivery partner for the

construction/installation works, following consultation with the Strategic Director for Economy and Sustainability and the Strategic Director of Corporate Resources, to meet the short project delivery timescales set by Salix Finance as the fund administrator.

- VII. Delegated authority to the Strategic Director for Children's Services, following consultation with the Strategic Director for Economy and Sustainability, to finalise the list of building works and take any other necessary steps to secure the implementation of the works.
  
- VIII. Noted that appointment of the Stage 1 Delivery Partner under a Call-Off Contract under the Re:Fit Framework Agreement enables projects to be delivered in phases and subsequent phases (if for example, additional funding becomes available) so that further phases of scoping/design work and works contracts may be entered into beyond the first phase of works. It should be noted that additional works contracts will not be entered into until further approval has been obtained.

#### **REASONS FOR THE DECISION:**

1. The Ealing Climate and Ecological Emergency Strategy (CEES) set a date of 2030 to be a net zero carbon borough. A number of funding routes were being used to progress towards this target.
2. The Department for Business, Energy and Industrial Strategy (BEIS) launched the Public Sector Decarbonisation Scheme (PSDS) in 2020, delivered by Salix Finance. The Council was successful in significant funding awards in earlier phases and is currently on site with schemes funded by Phase 3a of the scheme.
3. The scheme was now extended to a further phase, Phase 3b, and the Council had bid for funding to enable a further seven schools to receive new low carbon heating systems in 2023/24, bid value £3,006,074; and new low carbon heating systems which will remove the use of gas at the Council's three major wet leisure centres, bid value £10,715,176.
4. A small proportion of match funding was required for each bid, and this had been agreed with services as detailed in paragraphs 4a and 4b of this report, at £469,570 for the schools and £803,332 for the leisure centres.
5. The CEES committed the Council to improving its own commercial portfolio (offices, centres, etc.) and managed schools to meet the net

zero carbon target by 2030. This funding would allow the Council to make progress toward these targets.

6. Phase 3b PSDS grants were available for capital energy efficiency and heat decarbonisation projects within public sector non-domestic buildings including central government departments and arm's length bodies in England. It had been confirmed that the retrofit of leisure centres is allowable under the scheme. The scheme allowed Public Sector Bodies including eligible central government departments and their arm's length bodies to apply for a grant to finance up to 100% of the costs of capital energy saving projects that meet the scheme criteria.
7. The Council bids were based on energy efficiency audits on corporate buildings, including schools and leisure centres. These were confirmed with the Strategic Property and Investment team as assets that would not be disposed of in the near term. The audit produced a costed plan for energy efficiency upgrades, and two PSDS bids were based on these plans.
8. The Council was delivering Phase 3a of PSDS under the National Framework Agreement for Energy Performance Contracting dated 24 April 2020 (the "Framework Agreement"), OJEU reference number OJ/S S194 08/10/2019 471647–2019–EN. A further procurement through the RE:FIT framework agreement had been undertaken for the Phase 3b bid.
9. The grant funding award decision was expected soon, and the scheme sets a very tight timescale for delivery which requires that the schemes be complete by March 2024.

**11 Ealing's Strategy for Additional and Special Educational Needs and Disabilities (SEND) and Inclusion 2023-2027**

**RESOLVED:**

- I. Noted and approved The Strategy for Additional and Special Educational Needs and Disabilities (SEND) and Inclusion 2023-2027.
- II. Noted that The Strategy for Additional and Special Educational Needs and Disabilities (SEND) and Inclusion 2023-2027 links to adjacent strategies through the strategy action plans which included updates from programmes of delivery for the SEND Placement Sufficiency Plan, All Age Autism Board and All Age Learning Disability Strategy, and Child and Adolescent Mental Health Service (CAMHS) Delivery Group.
- III. Noted that the Council's High Needs Sustainability Programme will be aligned with strategic priority action plans to ensure the SEND Strategy



supports the Council's MTFS (Medium Term Financial Strategy) commitments.

- IV. Delegated the authority to develop and implement the action plan to the Strategic Director for Children's Services, following consultation with the relevant Portfolio Holders, the Strategic Director for Resources and the Director for Legal and Democratic Services.

#### **REASONS FOR THE DECISION:**

1. The Strategy for Additional and Special Educational Needs and Disabilities and Inclusion 2023-2027 would replace Ealing's SEND and inclusion Strategy (2018-22), which expired April 2023 with 2022 as a transition year.
2. The new strategy took into account the Council's legal responsibility to publish a strategy for Special Educational Needs for children and young people aged 0-25, and where necessary the strategy will be updated to respond to national guidance, best practice, and legislative changes in the future.
3. The strategy would provide strategic direction for the Council and Ealing's local Strategic Partnership for additional needs, SEND and Inclusion, to improve outcomes for children and young people with Additional and Special Educational Needs and Disabilities, which was led and chaired by the local authority, working together with practitioners across Education, Health and Social Care as well as Ealing Parent Carer forum and from the Voluntary and Community Sector (VCS).
4. The option to do nothing and continue with an expired strategy is not recommended, because it would fail to maximise the positive impact on provision and services for children and young people with SEND and the use of available resources.

## **12 Renovation of the Young Adult Centre and Undertaking an Options review on youth service provision**

#### **RESOLVED:**

- I. Noted that an appraisal has been completed which considers the potential scope and costs of renovating the existing Young Adult Centre (YAC) building in Southall.
- II. Based upon the indicative costs shown in the option, approved the establishment of a budget of £2.8m to be added to the capital programme for the purpose of proceeding with further design and

building activity to renovate the YAC, to be funded from borrowing in the absence of available developer contributions or other funding sources and delegates the final financing to the Strategic Director of Corporate Resources.

- III. Authorised the Strategic Director of Economy and Sustainability to invite and evaluate tenders in order to commission further detailed design work, working in consultation with the Youth Service, to confirm the scope of renovation to the YAC building, including securing any necessary approvals and planning permission for building works for an approximate total value of £2.8ml and delegates authority to the Strategic Director of Economy and Sustainability to award any contract(s) for these services. A bespoke project plan will cover the specific costs.
- IV. Authorised the Strategic Director of Economy and Sustainability to invite and evaluate tenders for renovation works contract(s) for a total approximate value of £2.8m and delegates authority to the Strategic Director of Economy and Sustainability to award any building contract(s) required to facilitate the renovation works.
- V. Noted that an options appraisal will be undertaken to create an alternative delivery model for youth services in Ealing which may include the formation of a Charitable Foundation to safeguard the delivery of future youth services.

#### **REASONS FOR THE DECISION:**

- 1 The 2022-2025 Youth Plan was published in 2021 following consultation with young people and communities in Ealing. In this plan the YAC site was reaffirmed as a site for redevelopment. The confirmation of the redevelopment proposal followed on from a Council decision in 2015. Further consultation with young people and the community took place during 2022 and following this consultation, the decision was made that the site would no longer be regenerated for housing and that the YAC would remain on the site. It would be renovated to provide services that children, young people and the community want, underpinned by a sustainable finance model.
- 2 Youth centres in Ealing made a significant contribution to the health and wellbeing of children and young people across the Borough through their

accessibility and locations.

- 3 The youth centres also had a wide role that supports and improves community engagement and participation with children and young people. Children and young people could engage in a range of programmes and activities as well as receiving support from youth workers, working locally within the community and within youth centres. Following a consultation with children and young people, the programmes and activities were what young people wanted locally.
- 4 The Council had an overall strategy to promote Active Citizenship and engagement with communities, and the Youth Plan promotes how youth services will be delivered as part of a wider partnership. Youth centres have a vital role to play in that strategy, by making the youth centres attractive and well-maintained venues where children and young people want to visit is vital to increase engagement and participation.
- 5 To achieve further engagement and participation an options appraisal for an alternative delivery model would need to be completed for the youth service. The options appraisal would consider how the Council's new model for youth service delivery works together with the partners in the community and young people to achieve common objectives particularly to encourage and promote the use of youth centres for programmes and activities. There must be a real focus towards engagement and participation of children and young people.
- 6 The renovation of the YAC required significant capital investment. This investment would provide the basis and the opportunity for any new model for delivery with young people and community partners working closely alongside each other, using the YAC to jointly deliver youth services.
- 7 Utilising community partnerships, while at the same time reviewing the model to deliver youth services could result in an ability to attract additional external resources and finances.

### **13 Date of the Next Meeting**

The date of the next meeting is scheduled for 18 May 2023.

Meeting commenced: 7.05 pm

Meeting finished: 8.04 pm

Signed:

Dated: Thursday, 18 May 2023

P Mason (Chair)