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Notice of Meeting:

Cabinet

Meeting Location:

The Atrium - Perceval House

Date and Time:

Wednesday, 17 January 2024 at 5.00 pm

Contact for Enquiries:

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Chief Executive:

Tony Clements

Members:

J Anand
J Blacker
L Brett
D Costigan

S Donnelly
P Knewstub
B Mahfouz

S Manro

P Mason (Chair)
K K Nagpal

Portfolio

Cabinet Member for Tackling Inequality
Cabinet Member for Healthy Lives
Cabinet Member for Decent Living Incomes
Deputy Leader and Cabinet Member for
Climate Action
Cabinet Member for Inclusive Economy
Cabinet Member for Thriving Communities
Cabinet Member for Safe and Genuinely
Affordable Homes
Cabinet Member for Good Growth and New
Homes
Leader of the Council
Cabinet Member for A Fairer Start

AGENDA

This meeting will broadcast live on YouTube

Please click the following link to view the meeting:

[Ealing Council – YouTube](#)

- 1 **Apologies for Absence**
- 2 **Urgent Matters**
- 3 **Matters to be Considered in Private**
- 4 **Declarations of Interest**
- 5 **Minutes** (Pages 3 - 10)

To approve as a correct record the minutes of the meeting held on 6 December 2023.
- 6 **Appointments to Sub Committees and Outside Bodies**
- 7 **Council Plan Performance Report Quarter 2 2023/24** (Pages 11 - 46)
- 8 **5 year housing capital program procurement** (Pages 47 - 54)
- 9 **Housing Delivery Update** (Pages 55 - 168)
- 10 **Housing Strategy** (Pages 169 - 220)
- 11 **Regulation of Investigatory Powers Act 2000 (RIPA) Update** (Pages 221 - 260)
- 12 **Date of the next meeting**

The date of the next meeting is 7 February 2024.

Exclusion of the Public and Press

Published: Tuesday, 9 January 2024

Minutes of the meeting of the Cabinet

Date: Wednesday 6 December 2023

Venue: The Atrium, Perceval House, 14-16 Uxbridge Road,
Ealing, W5 2HL

Attendees (in person): Councillors

P Mason (Chair), J Anand, L Brett, D Costigan, S Donnelly, P Knewstub, B Mahfouz, S Manro and K K Nagpal

Also present (in person): Councillors

G Malcolm, J Gallant and M Rice

Also present (virtual): Councillors

J Ball, J Blacker and G Shaw

1 Apologies for Absence

There were no apologies received.

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

Cessation of use of Marston Court

- Cllr Malcolm
- Cllr Gallant

Cycle Network Plan

- Cllr Gallant

Final Report of Scrutiny Panel 3 - 2022/2023: Regrow, Rewild and Recycle

- Cllr Malcolm

The 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 Blacker attended virtually.

2 Urgent Matters

There were none.

3 Matters to be Considered in Private

There were none.

4 Declarations of Interest

There were none.

5 Minutes

RESOLVED:

That the minutes of the Cabinet meeting held on Wednesday 8 November 2023 be agreed and signed as a true and correct record.

6 Appointments to Sub Committees and Outside Bodies

There were none.

7 Cessation of use of Marston Court

RESOLVED:

That Cabinet:

- I. Authorised the Strategic Director Housing and Environment to:
- II. Cease the use of the units at Marston Court as temporary accommodation.
- III. Continue decanting residents out of Marston Court.
- IV. Negotiate and finalise with QED a solution for the future of Marston Court that better meets the council's developing temporary accommodation strategy, including (should it be possible to reach agreement in that regard) the early surrender of the lease of Marston Court.
- V. Utilise the units for an alternative purpose other than accommodation until the end of the lease If the negotiations to surrender the lease are not successful.
- VI. Investigate alternative housing options for the current residents of
- VII. Marston Court.
- VIII. Identify funding options to meet the additional financial burden of
- IX. closing Marston Court, where other funding options cannot be identified,
- X. these one-off costs would be met from reserves.

REASONS FOR DECISION AND OPTIONS CONSIDERED:

The report sought approval from Cabinet to end the current lease agreement, subject to QED agreement. The lease for Marston Court ends in April 2027 and the proposal was to seek to end the lease early following the

decommissioning of the service being completed. The options that had been considered included:

1. Continue as is
This option had been discounted because Marston Court does not meet the standard of the temporary accommodation that the Council wishes to provide.
2. Vacate the accommodation and leave empty
Although Marston Court could be left empty until the end of the lease, the Council would continue to incur costs for securing the units in addition to the rental payments. For this reason, this option has been discounted.
3. Re-purpose for different use
Opportunities are being considered for re-using the units for a different purpose, including accommodation at a different location through local charities or supporting local businesses and ventures. Where this is possible, this may help to reduce the cost of the units.
4. Exit the lease agreement early and return the units
The recommended option is for the Council to try to exit the lease agreement and decommission the site. This could be implemented at the same time as pursuing the alternative use of the site with local partners as outlined in (3). However, if it is not possible to negotiate acceptable terms then one or more of the above options would need to be explored.

8 Cycle Network Plan

RESOLVED:

That Cabinet:

- I. Approved the draft borough-wide Cycle Network Plan, based on resident consultation, as shown in 3.5 and detailed in Appendix 2.
- II. Approved the action plan for improving cycle routes, arising from the resident consultation, which was undertaken in line with our Travel in Ealing Charter (TIE).

9 Children's Services Capital Approvals

RESOLVED:

That Cabinet:

- I. Agreed the list of proposed High Priority Condition Works as set out in Confidential Appendix A, and that further work would take place to finalise detailed schemes.
- II. Authorised the Assistant Director Planning, Resources and Service Development to invite and evaluate tenders or make call offs from appropriate frameworks or dynamic purchasing systems, including where these exceed £0.500m, in accordance with their rules for the

- works contracts for the schemes set out in Confidential Appendix A.
- III. Delegated to the Assistant Director Planning, Resources and Service
 - IV. Development authority to award contracts for the schemes, where these exceed £0.500m, following consultation with the Portfolio Holder and the Strategic Director Resources, set out in Confidential Appendix A.
 - V. Delegated authority to the Assistant Director Planning Resources and Service Development, to procure the appointment of a delivery agent in compliance with the Council's Contract Procedure Rules (CPRs) to manage and deliver Phase 3c, and to approve the inception of up to £2.235m into the capital programme; this will be funded by the Public Sector Decarbonisation Scheme (PSDS) grant if the bid for PSDS 3c Grant funding of up to £2.235m is successful. Also, in addition, agreed match funding of approximately £0.525m to be funded from the existing approved High Priority Condition programme.
 - VI. Approved the inclusion of Grant funding for High Priority Condition Works and
 - VII. associated spend into the capital programme in 2024/25 from the Schools
 - VIII. Condition Allocation Grant once the 2024/25 final allocation has been announced.
 - IX. Authorised the Assistant Director Planning, Resources and Service Development to seek all necessary Planning and Statutory Approvals for the schemes described in this report.

REASON FOR DECISION AND OPTIONS CONSIDERED:

- 1. The decisions are required to enable the Council to progress with capital works to schools.
- 2. Under the Council's Constitution, Cabinet approval is required to proceed with schemes over £5m per annum in value, Portfolio Holder approval is 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. As all of the schemes are to be undertaken during the same time period, authority is being sought from Cabinet for all of the projects in this report rather than submitting separate reports for smaller numbers of projects to Cabinet, the Portfolio Holder or Director.

10 Villiers High School Places Award of Main Works Contract

RESOLVED:

That Cabinet:

- I. Subject to receipt of planning approval for the scheme, awarded a contract in the sum of £25,298,501.00 to Geoffrey Osborne Construction Limited for construction of the new building at Villiers High School to be funded from the Villiers High School budget as set out in the Capital Programme 2021/22 to 2025/26.

- II. Approved the inception of £2.058m Section 106 money into the existing approved Villiers High School budget.
- III. Approved the inception of £11.048m Basic Need grant money into the existing approved Villiers High School budget.
- IV. Authorised the Strategic Director for Children's Services to finalise the terms of the works contract.
- V. Delegated authority to the Strategic Director for Children's Services, to take any other necessary steps to secure the implementation of the works.

The Leader, on behalf of Cabinet members, put on record, their thanks to Aruna Sharma, the outgoing Head Teacher of Villiers High School.

REASON FOR DECISION AND OPTIONS CONSIDERED:

1. The Council has a statutory duty to secure sufficient school places and to promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. The Council must also promote choice and diversity.
2. Cabinet authorised the Executive Director for Children, Adults and Public Health, in consultation with the Portfolio Holder, to invite and evaluate tenders for the Villiers High School Places project, on 15 October 2019.
3. The Cabinet Member for a Fairer Start, in April 2022, authorised the award of a contract in the sum of £543,803.00 to Geoffrey Osborne Construction Limited for Pre- Construction Services for the new building at Villiers High School.
4. Cabinet, in September 2022, authorised the inclusion of accommodation for an additional form of entry, and to progress an Additionally Resourced Provision (ARP).
5. As reported to Cabinet in October 2021 and April 2022, despite the increase in capacity and projected reduction in demand elsewhere in the borough, the Council continues to experience significant pressure on places in Southall. This is due to a combination of the increased popularity of high schools in the area, and primary cohort sizes reducing later than elsewhere in the borough. This pressure is expected to increase as the major planned residential developments in the area progress, with a need for further secondary capacity likely in Southall over the next 10 years. The Council continues to keep the timings and potential child yield from these developments under close review and work closely with schools in the area to look at potential options to meet this demand. Villiers High School continues to fill at 8 forms of entry, plus bulge classes. The school had 1,501 students on roll at October 2023 census. This has risen from 1,459 students at January 2022 census, and 1,370 at the October 2019 schools census prior to the October 2019 Cabinet report. The school's roll was 1,140 at the summer 2014 schools' census.
6. Awarding the main works contract for the new building at Villiers High School will enable the work to commence.

7. The relevant background reports, “Villiers High School Expansion, ARP and Capital Approvals”, which was presented to Cabinet on 15th September 2022, “Update on School Places, Determination of Statutory Proposals for Havelock Primary School ARP and Children’s Services Capital Approvals”, which was presented to Cabinet on 15 October 2019, and “Authority to award a contract for Pre-Construction Services for the new building at Villiers High School”, which was an Individual Cabinet Member Decision on 6 April 2022 can be accessed via the following links:

[Agenda for Cabinet on Wednesday, 14 September 2022, 7.00 pm \(moderngov.co.uk\)](#)

[Meeting of Cabinet on Tuesday, 15 October 2019, 7.00 pm \(moderngov.co.uk\)](#)

[Meeting of Individual Cabinet Member Decisions - A Fairer Start on Wednesday, 6](#)

[April 2022, 9.00 am \(moderngov.co.uk\)](#)

11 Final Report of Scrutiny Panel 2 - 2022/2023: Recovery from the Pandemic

RESOLVED:

That Cabinet:

- I. Noted the final report of Scrutiny Panel 2 – 2022/2023: Recovery from the Pandemic, which was attached as Appendix 1.
- II. Accepted the Panel’s recommendations in Section 7.0 of the final report.

REASON FOR DECISION AND OPTIONS CONSIDERED:

Scrutiny panels have a role in improving decision-making and service delivery through effective scrutiny. Recommendations from scrutiny panels need to be taken forward in a timely manner and in accordance with the Council’s constitution if the scrutiny function is to be effective. The Scrutiny and Executive Protocol identifies the timescale for Cabinet to respond to scrutiny panel recommendations. This decision will mean that the response is made in a timely manner and that services can implement the accepted recommendations.

12 Final Report of Scrutiny Panel 3 - 2022/2023: Regrow, Rewild and Recycle

RESOLVED:

That Cabinet:

- I. Noted the final report of Scrutiny Panel 3 – 2022/2023: Regrow, Rewild and Recycle, which was attached as Appendix 1.

- II. Accepted the Panel's recommendations in Section 7.0 of the final report.

REASON FOR DECISION AND OPTIONS CONSIDERED:

Scrutiny panels have a role in improving decision-making and service delivery through effective scrutiny. Recommendations from scrutiny panels need to be taken forward in a timely manner and in accordance with the Council's constitution if the scrutiny function is to be effective. The Scrutiny and Executive Protocol identifies the timescale for Cabinet to respond to scrutiny panel recommendations. This decision will mean that the response is made in a timely manner and that services can implement the accepted recommendations.

13 Final Report of Scrutiny Panel 4 - 2022/2023: Genuinely Affordable Homes

RESOLVED:

That Cabinet:

- I. Noted the final report of Scrutiny Panel 4 – 2022/2023: Genuinely Affordable Homes, which is attached as Appendix 1.
- II. Accepted the Panel's recommendations in Section 7.0 of the final report with the exception of recommendations 3 and 4 of which were rejected.

REASON FOR DECISION AND OPTIONS CONSIDERED:

Scrutiny panels have a role in improving decision-making and service delivery through effective scrutiny. Recommendations from scrutiny panels need to be taken forward in a timely manner and in accordance with the Council's constitution if the scrutiny function is to be effective. The Scrutiny and Executive Protocol identifies the timescale for Cabinet to respond to scrutiny panel recommendations. This decision will mean that the response is made in a timely manner and that services can implement the accepted recommendations.

14 Date of the next meeting

The next meeting was scheduled for Wednesday 17 January 2024.

The Leader extended his best wishes to everyone for Christmas and the New Year.

Meeting commenced: 5.05 pm
Meeting finished: 5.51 pm

Signed:
P Mason (Chair)

Dated: Wednesday, 17 January 2024

Agenda Item 7



Report for: INFORMATION
Item Number:

Contains Confidential or Exempt Information	NO
Title	Council Plan Performance Report Quarter 2 2023/24
Responsible Officer(s)	Amanda Askham Strategic Director of Strategy & Change 020 8825 5005 Email: AskhamA@ealing.gov.uk
Author(s)	Maria Gull Research and Performance Officer 0208 825 6430 Email: GullMa@ealing.gov.uk Rajiv Ahlawat Strategic Intelligence & Corporate Performance Manager 0208 825 6380 Email: AhlawatR@ealing.gov.uk
Portfolio(s)	Cllr. Mason, Leader of the Council
For Consideration By	Cabinet
Date to be Considered	17 January 2024
Implementation Date if Not Called In	N/A – Information only
Affected Wards	All
Keywords/Index	Key Performance Indicators, Priorities, Corporate Performance, Council Plan, Delivery Plan
Purpose of Report: This report presents progress on the delivery of the Council Plan 2022-26, with specific reference to Quarter 2 performance against the 2023/24 Delivery Plan. It also updates on the operational effectiveness of the council.	

1. Recommendations for DECISION

None

2. Recommendations for NOTING

That Cabinet notes the:

- i) key performance highlights against the 2023/24 Council Plan Delivery Plan
- ii) progress on the Council Plan numeric targets
- iii) progress against the Corporate Health Check indicators at Q2 2023/24

3. Reason for Decision and Options Considered

Performance management is an essential part of a high performing organisation and therefore not providing a performance report was discounted as an option. This report presents progress on the delivery of the Council Plan 2022-26, with specific reference to Q2 performance against the 2023/24 Delivery Plan.

4. Council Plan Performance Framework

The Council Plan 2022-26 was agreed in July 2022. Annual delivery plans show the actions to be taken to work towards the Council Plan commitments. The 2023/24 Council Plan Delivery Plan was agreed in September 2023. Progress on Council Plan delivery is reported in the following three ways:

- a) Narrative updates on key achievements against the 2023/24 Council Plan Delivery Plan.
- b) Progress against numeric, quantifiable, targets under the '4-year commitments' contained within the Council Plan 2022-26.
- c) Performance against target on the key performance indicators that enable a 'corporate health check' of the organisation in terms of its operational effectiveness.

4.1 Council Plan delivery highlights

This section presents key highlights of the council's 2023/24 Delivery Plan. These deliverables are designed to contribute towards the achievement of our overall 4-year goals contained within the Council Plan 2022-26. Highlights are presented by the nine council priorities, outlining what we said we would do as part of the 2023/24 Delivery Plan and what we have achieved by Quarter 2 this year (April – September 2023).

4.1.1 Tacking Inequality and Crime

In response to the [Ealing Race Equality Commission \(REC\) report](#), we have recruited 13 members of the first Citizen's Tribunal to hold the council, police and other organisations accountable for the promises we made. [Two public meetings](#) on REC priority areas of Health and Education have been held to date, with another 4 to take place by March 2024. Progress against REC demands were highlighted at the meetings, which also provided a platform for Tribunal members to update the public on how they have been working to scrutinise actions, provide input, feedback and guidance. The [public meeting on health](#) was held on 28 March 2023, where Ealing officers, relevant stakeholders and NHS partners provided detailed evidence and information about the actions and initiatives they have put in place in response to the demands.

We continue to build on the commitment of schools against the 5 leadership pledges set out in our Education Race Equality Plan 2022 – 2026, closely monitoring the outputs. To date, 79% of Ealing schools have reviewed their curriculum through a race equality lens and 66% have actively engaged with the race equality programme. Nearly half of all schools have directly commissioned their own training programmes, with over 1,000 staff taking part. 70% of schools have a designated lead for race equality. 20 Black and Asian leaders were identified for bespoke and personalised coaching to support their progression to senior leadership roles. The Education public meeting was held in summer 2023, where Ealing Learning Partnership provided an update on how they had progressed against the Education REC demands.

We are enhancing our capacity to tackle anti-social behaviour (ASB) and inappropriate behaviours on our streets. As of Q2, Safer Communities have completed 354 welfare checks (up 19% from 2021/22); undertook 6,162 proactive reassurance patrols (up 68% from 2021/22); served 72 fixed penalty notices for breaches of Ealing's borough-wide Public Spaces Protection Order (PSPO); and provided evidence to support Safer Communities' investigations and enforcement on 988 occasions. We have worked with the police to increase the number of hours of patrolling delivered, both by neighbourhood teams and our council-funded patrols, providing more reassurance to residents with a more uniformed presence on the streets. There are now over 20 police officers patrolling the Uxbridge Road corridor alone, as well as 2 dedicated officers per ward across the borough. Ealing's Safer Communities and police services are also represented on town centre and business improvement forums, including Ealing's High Street Taskforce, which has improved information sharing and collaboration with issues affecting local businesses and customers.

As part of our [Male Violence Against Women and Girls \(MVAWG\) Strategy 2023 - 2028](#), we continue our dialogue with women to ensure we are working to and responding on

their concerns around safety in our borough. [The Safer Ealing for Women website](#) was launched in July 2023, which contains resources and tools, information on organisations that provide support and a blog that continues to be updated on new developments in the MVAWG work Ealing and its partners are doing. MVAWG now features consistently as a standalone item within the key partnership meetings, with police providing a monthly update on MVAWG-related offences and activity to respond to these.

4.1.2 Climate Action

As part of our [Climate and Ecological Emergency Strategy 2021-2030](#), we have taken increased active and sustainable travel and reduced carbon emissions. We have delivered 96 bike hangars and increased the number of new electric vehicle charge points (EVCPs) across the borough to 820. Over 500 free bicycles were distributed among residents as part of Let's Ride Southall Project which has already generated a reduction of 6,500kg in CO2. Three new School Streets (Ark Priory, Blair Peach, Ravenor schools) have been delivered this year, making a total of 24 School Streets in the borough. We are installing solar panels in 2 schools, Khalsa and Brentside primary schools, and retrofitting 43 homes, supporting residents to insulate, heat and cool their homes sustainably, reducing their energy bills.

We have implemented a borough-wide traffic management order from 4 September 2023 which prohibits vehicle engine idling in Ealing. Our Civil Enforcement Officers (CEOs) can now approach drivers where they observe engine idling and request that they switch the engine off whilst stationary. If the driver refuses to do so, a Penalty Charge Notice (PCN) can be issued. New idling signage has been installed and a media campaign is held to underpin engagement and enforcement.

Ealing has committed to create 10 new parks and open spaces by 2026. The first of the 10 new parks, Central Plaza park in Acton, was officially opened on 14 October 2023. We have also pledged to re-wild 800,000sqm of the borough, as well as pioneer 10 new community growing spaces in our housing estates and new developments by 2026. The third of the 10 growing spaces, Popesfield Allotments in Ealing town, was open on 21 July 2023. Plans are in place for 230,000sqm of rewilding this year, and planting 19,000 more trees by March 2024. We will continue investing into our green and open spaces to make them beautiful and resilient, and ensuring our parks and nature are enhanced and protected.

Exciting plans have been developed for the potential delivery of a new regional park running through the heart of the borough, following the River Brent Valley, and extending to circa 580 acres. Due to its scale, it is anticipated to have transformative benefits not just for Ealing, but the whole of West London. New wetlands habitats can be introduced to help manage flooding and water quality, and the site is large enough for an expansive tree planting project with up to 15,000 trees. Cabinet agreed on 13 September 2023 to commission consultants to develop the ambition, vision, objectives and business case for the creation of a regional park in Ealing. [Public consultation](#) on the creation of the park ran between 31 October and 19 December 2023.

4.1.3 Healthy Lives

At Ealing, we promote independence for local people and work towards improving their quality of life at home. 3,073 vulnerable people receiving social care are currently being supported within the community. As of Q2, we have invested over £1.5m into home adaptations, including work in 156 private properties and in 122 council properties. More than £12m has been invested to enable people to live healthy, active and independent lives, and this spend includes the Public Health Inequalities Fund for innovation projects across the council to help reduce inequalities.

Between October 2022 and March 2023 we consulted residents in receipt of direct payments and their carers to understand how well the existing offer was meeting their aspirations around choice and control. The feedback highlighted that although direct payees felt more in control of their social care, they would like more flexibility in how they could use their payment, and more information about different options. We are developing ways to extend support provided by the council in managing direct payments, and exploring how we can connect direct payees with community-based services or local offers that can be readily accessible to residents across the 7 towns. The direct payments implementation plan is under review and is due to be finalised in the coming months.

We are continuing to develop a bespoke Community Champions programme across Ealing's seven towns to better engage and work with communities. The programme supports strengthening of social and community connection, development of community assets, building of trust between communities and the council, and decentralisation of power to affect change to improve the long-term health and wellbeing of residents. There are currently 55 Champions, all have been offered training in Making Every Contact Count, Core Conversations Skills, Crowdfunding training, Suicide Awareness, a wide range of online health and wellbeing courses, and are due to be offered community research skills and digital champion training. The programme has hosted bimonthly forums where stronger relationships are forming among the champion group, as well as a range of conversations are held regarding mental health, understanding funding opportunities for community projects, Ealing's Food Partnership, Learn Ealing programme, the Health and Wellbeing Strategy 2023-2028, winter wellbeing, fuel poverty, and the cost-of-living crisis. Champions have recruited other champions and have developed proposals for community project ideas for delivery in winter 2023/24.

4.1.4 A Fairer Start

In Ealing, we aim that all children and young people get the best start in life, including excellent educational outcomes, access to a good and sustainable school, and support available in their education, especially for those who are disadvantaged. Provisional pupil data for key assessment points in 2023 shows that outcomes in Ealing are above the national average broadly across all key stages, including at early years, KS1, KS2, KS4 and Post 16. 99% of all Ealing schools are also rated good or outstanding. Attendance was above London and national averages for the autumn term 2023. A successful Department for Education visit in November 2023 confirmed that Ealing made an "excellent" progress in meeting new local authority expectations in improving attendance rates.

[Ealing Additional Needs, SEND and Inclusion Strategy 2023-2027](#) was launched in April 2023. It has been shared with all stakeholders via the Local Offer, Ealing Grid for Learning (EGFL) and networks, with Contact Ealing supporting to communicate the strategy's priorities to parents. A young people's group has been set up to help us to start bringing the strategy to life. We will finalise action plans based on outcomes from our self-evaluation process and carry out workshops with parents to share key actions and activities. As part of the strategy, we have provided 78 additional SEN places in September 2023, in addition to 50 new places opened last year. Out of 78 places opened this year, 53 places were created at special schools and 25 places at Additionally Resourced Provisions in mainstream schools in Ealing, Greenford, Hanwell, Northolt and Southall.

Children's social care services continue to strive towards an efficient, high-quality service, with a focus on prevention and fewer children entering care. The Rapid Engagement of Children and Adolescents (REACH) team pilot helped support children and young people at risk of entering care, maintain placement stability and returns to family and kinship settings. To date, REACH has worked with 46 young people, reduced risk levels for 34 families, prevented 26 children from becoming Looked After Children (LAC), supported reunification of 4 families. The Family Group Conference pilot has also enabled some positive outcomes for over 20 families. The team has supported practitioners to hold less formal 'family meetings' that have contributed to supporting wider family and friends to find solutions. Our rate of LAC children remains lower than that in London and our statistical neighbours.

Our aspiration is that every young person in or leaving care can fulfil their dreams and their potential and receive support to mitigate the impacts of their experience. In March 2023, young people experiencing care in the borough and staff who support them, hosted the [first Care Summit](#) where 101 pledges were made by those attending. The pledges to support this cohort have been developed into an action plan, with many already completed or on track. Successes include 33 care leavers securing social housing tenancies this year, a new Care Leavers app co-produced and launched on 1 November and a successful Takeover Day on 17 November 2023. Young people aged 17-25 who spent the day at the council were matched with council officers and services where they could bring their own experiences to bear on decisions that were being made. Another positive outcome of the pledges is 30 young people enrolled in the Pathways pre-apprenticeship programme which is aimed at the cohort who find it challenging to sustain employment. A certified Construction Taster Programme for 15 of our young people has just been completed by 2 companies committed to the pledges. We will continue to expand opportunities for our care leavers as well as strengthen their active involvement in shaping and developing services.

4.1.5 Decent Living Incomes

We have committed to secure 10,000 new jobs in the borough during 2022-26 to ensure that our residents can access a well-paid job locally. As of Q2 this year, 1,060 Ealing residents have been supported into employment by Work Ealing and its partners, and another 236 apprenticeship vacancies have been created. 27 young people with disabilities have been enrolled into SEND Supported Internship Programme. 1,460 qualifications and training programme graduations have been achieved by Ealing residents as part of Learn Ealing programme and we are on track to the 4-year target of

12,000. The new Learn Ealing prospectus was launched in August 2023, available in a printed and an [online format](#), with a variety of courses available for enrolment. A Welcome Centre at Greenford town hall for the Homes for Ukraine scheme was launched on 24 October. A tailored programme of ESOL, professional skills and health and wellbeing is being delivered at the centre and is also open to other refugees in the borough.

The council continues to deliver Ealing's Plan for Good Jobs and Industrious Ealing Strategy, with a focus on local business growth and investment. We have curated and delivered a Good for Ealing inward investment breakfast on 27 September with nearly 90 delegates in attendance and launched the new [Good for Ealing website](#) with Ealing inward investment proposition that focuses on attracting key growth sectors. Via a competitive bidding, the council secured an additional £500,000 of UK Shared Prosperity Fund to support local businesses and entered into a Grant Funding Agreement with GLA to commence delivery. Following the London Living Wage Celebratory event on 8 June 2023 attended by over 300 businesses, we have launched a package of incentives and established the Living Wage Action Group that would work to secure more accredited businesses in the borough. We will strive to ensure that every resident in Ealing can access a local well-paid job in a growing economy that keeps more of our money local.

The council is working with the voluntary and community sector (VCS) to prepare for winter, developing warm spaces, tackling food poverty and increasing community connection. A dedicated Curb the Cost of Living event on 23 June brought together representatives from the voluntary sector in Ealing, and there is an ongoing engagement between the council and the VCS with a specific focus on cost of living. Grants of up to £2,500 are made available to local organisations in return for help in providing warm spaces to local people during the ongoing crisis. We have received more than 30 applications from VCS groups and will award grants subject to final checks. Warm spaces will run until March 2024 and will be listed on the council's [Community Support Directory](#). We are encouraging organisations who had not applied for a grant to also list their spaces on the directory so residents can easily identify their nearest warm space. Furthermore, Ealing's Food Partnership is now established and has recently launched an [Ealing Food map](#) showing where residents can access food support across the borough.

4.1.6 Inclusive Economy

A new Commercial Strategy 2023-2027 has been developed setting out our vision and ambition for achieving greater commercial, social and economic value from our commissioning, procurement and contracting activities. The strategy seeks to encourage innovation and partnerships, to deliver social benefits, support the local economy and achieve our wider objective of promoting equalities and climate change. We are developing an online local supplier registry and guidelines to ensure officers consider local suppliers and that opportunities are visible and transparent to local small and medium enterprises (SMEs). [The new e-tendering system](#) went live on 2 October 2023.

We committed to be an inclusive council, expanding the range of services available instantly by making them online, accessible and responding quickly and effectively when things go wrong. As part of our pledge, we continue implementation and impact monitoring of digital inclusion programme. All four of our Community Hubs are now registered as data banks and are issuing free data SIM cards to eligible residents. Since

the scheme started in May 2023, we have handed out 140 free data SIMs. Customers who do not have access to devices can visit a community hub and get free, supported access. There is free internet access in all the borough's libraries. The Cost of Living team continues to work alongside Learn Ealing to distribute new laptops to unemployed, digitally excluded residents. Of the 240 laptops purchased, there are approximately 50 left to distribute. All 1,100 devices donated by Ealing Council's IT department as part of the [Re-Klaim programme](#) have now been distributed. We are looking at opportunities to establish an ongoing device donation and recycling programme with the potential of setting up a facility in the new Stirling Road Circular Economy Hub. In the meantime, Learn Ealing offer a variety of digital skills courses to residents, while all the staff at Community Hubs are trained Digital Champions and can offer support to those who need it.

We continue all the workstreams in our Cost-of-Living programme. In July, prior to school holidays, we issued the second batch of vouchers to families on free school meals, families with children under 5 on housing benefit or council tax reduction, and to care leavers. In total, 15,925 vouchers have been issued. Local welfare assistance continues to support residents with household support fund via referral and application process, having issued 547 payments in Q2 alone. We also distributed £200,000 to 6 voluntary sector organisations that help support our residents. Council staff are also included in the programme with specific activities aimed at employees such as the introduction of the employee benefits scheme or the internal cost of living week. There is [a dedicated website section](#) to advise people on cost of living support available and how to access it, as well as an ongoing communications campaign that continues to raise awareness and signpost people to support available.

4.1.7 Safe and Genuinely Affordable Homes

We have secured 2022-25 funding through the government Rough Sleeping Initiative to meet our need for securing emergency accommodation for all rough sleepers with recourse to public funds, as well as to fund our Resettlement, Move-On and Housing Led initiatives helping this cohort to access more appropriate accommodation. 25 new supported places for rough sleepers have been acquired by Q2 this year. Our Rough Sleeping Prevention team works in partnership with the Department of Work and Pensions and local VCS to provide support for people who are having difficulties with housing, and aims to identify and support cases that do not meet the criteria to be owed statutory duty. Ealing's rough sleeping commissioned services, Thames Reach and St Mungo's, are offering support to 110 residents at different stages (prevention, rough sleeping, in emergency accommodation and floating/sustainment support). Hot weather Severe Weather Emergency Protocol (H-SWEP) was successfully delivered this summer and we have secured a suitable building to be used as a cold weather centre in the coming winter months. We are also currently helping 71 residents with no recourse to public funds to access immigration advice with the aim to establish their legal status in the UK, both through our commissioned Street Legal Worker and the West London commissioned Immigration Advice Service. Our commissioned Street Legal worker has successfully set up an immigration advice drop-in service in collaboration with North Kensington Law Centre and Hope for Southall Street Homeless providing advice to rough sleepers in the community.

We are working with council tenants and leaseholders so that they have power and control over what happens in and around their homes. More than 200 tenants are involved in shaping services and we are extending the engagement paths to a more local level. A draft resident engagement strategy and plan have been developed setting out how the foundations of resident engagement will be achieved. A number of pop-up events were held earlier in the year with over 120 residents attending, which helped to start the discussion on co-developing local estate plans. We have developed resident engagement strategies as part of the 'Building Safety' cases. A requirement of the Building Safety Act is that all high-rise buildings have a specific resident engagement strategy in place which is developed with the residents in the affected block.

The Local Plan continues to evolve towards Regulation 19 stage for Council approval by the end of 2023, with a 6-week public consultation in early 2024, and submission version thereafter by summer 2024. Local Development Plan Advisory Committee (LDPAC) was held on 15 November dedicated to housing issues. The new Housing Strategy will be adopted in 2024, taking forward Ealing's known housing programme. S106 policies will continue to secure new affordable housing (volume, mix and tenure) via private sector residential consents, as guided by evidence emerging through the Housing Strategy.

4.1.8 Good Growth and New Housing

Our new Local Plan, expected to be formally adopted in spring 2025, would give residents and businesses confidence that our borough can change for the better in the coming decades. It will include spatial and infrastructure plans for Ealing's 7 Towns prepared collaboratively between regeneration and strategic planning policy teams. Community-led regeneration programmes in Ealing and Hanwell towns are in progress, with phase 1 engagement completed in October 2023 resulting in circa 1,000 responses, and phase 2 engagement to be complete in December. Frameworks for the remaining 5 towns were completed in 2022/23, with projects initiated.

The Local Plan process will test and reaffirm appropriate designations for Metropolitan Open Land and Green Belt, alongside other existing environmental designations, to ensure the best set of policy provisions are in place to secure and enhance quality open space in location and scale. This will include broad provision for a proposed new Regional Park. Provision of new spaces will take account of other council strategies across leisure services, climate and sustainability. Development management decision-making will continue to ensure we mitigate and respond positively to the impacts of growth and need for accessible green spaces.

We committed to institute a 'retrofit-first' principle for council buildings and deliver zero-carbon development as standard. A decision-making matrix that embeds a 'retrofit-first' principle is being scoped as part of the Council's Local Plan. We have completed stock options appraisal of existing council housing assets and are currently developing the best route to retrofit existing buildings. 43 council properties have already been retrofitted this year. We are seeking to ringfence funding to improve green infrastructure and are reviewing the most suitable funding streams available. Decarbonisation and energy assessments survey of schools is currently being undertaken, which will inform decisions on future energy strategy and decarbonisation works.

4.1.9 Thriving Communities

Following the meeting in February 2023 of representatives among Ealing Faith leaders it was agreed that the group would work together to create an Ealing-wide Faith Forum, with the council providing secretariat. The group completed a detailed survey, and the results informed areas for a collective leadership role in the areas of food and warm spaces, focus on safety, aging, wellbeing, food poverty and other poverty, identifying vulnerable people and providing suitable support, consultation, and providing contact points. These areas have been grouped into themes: Economic Empowerment, Health and Education, Environment Equality. A steering group was established and met at a workshop on 14 September where a draft vision and governance structures for the Faith Forum were agreed, to be shortly shared with the wider group for sign off. At the upcoming meetings, the group would agree on which faith leader would cover each of the themes in the respective working groups and establish a work plan. Additional faith leaders will be recruited to the steering group to ensure it is representative and reflective of all the main faiths in Ealing.

We continue to embed the spirit of mutual aid and community action from voluntary, faith and charitable groups that step up our support and facilitation of communities. The [2023-27 VCS funding programme](#) was launched on 1 October 2023. The programme invests £2.39m per annum for the next four years and helps a number of local organisations to empower communities in the areas of building community connections, information and advice, mental health, respite care, domestic violence and infrastructure support. The [2023-24 small grants programme](#) application process was also launched on 23 October to run for 6 weeks with awards being made in December.

We aim to expand our cultural offer for Ealing to secure its status as west London's leading borough of culture. A key action arising from the [Cultural Manifesto](#) agreed in March 2023 was the commissioning of the Cultural Infrastructure Plan (CIP) which will become Ealing's blueprint for what cultural spaces are needed for its diverse communities over the short, medium and long term. The plan's recommendations due in early 2024 will be supported with robust evidence on why these facilities should be provided, what local jobs they will provide, and include a practical toolkit on how to deliver them. It also ties into the Local Plan, which sets out a borough-scale vision for the next 15 years (2023-2038). In the meantime, [the regional park consultation](#) engaged with residents on our idea of a new state of the art major cultural space in the borough. A grant of £30,000 has been secured from the Arts Council to deliver a virtual reality programme at Southall Library in celebration of Martinware's centennial. £47,000 of external funding has been secured to facilitate a traineeship programme for young creators. We have also submitted a bid to the Arts Council to expand the Northolt Library to create a culture and arts space. Finally, Ealing is bidding to be [London Borough of Culture 2025](#) to place culture at the heart of our communities and make as an even better borough.

4.2 Progress against numeric, quantifiable, targets under the ‘4-year commitments’ contained within the Council Plan 2022-26, as of September 2023

A summary of progress towards the numeric ‘4-year’ Council Plan commitments can be found at Appendix 1. No annual targets have been set for these commitments, but regular tracking helps ensure that all commitments are delivered over the life of the administration.

4.3 Summary of Q2 2023/24 performance on Corporate Health Check KPIs

This section presents performance of the 72 indicators in the Corporate Health Check KPI set (Appendix 2). Out of 72 indicators, 22 are not due for reporting in the second quarter as they are annual or 4-monthly.

Out of the 50 reportable indicators, 3 indicators are contextual and therefore do not have specific targets. Their performance is monitored and reported on a quarterly basis to ensure we regularly track progress. These indicators are as below.

Table 1: ‘Monitoring only’ Corporate Health Check KPIs

S.no	Council Plan Priority	Performance Indicator	Polarity	Perf Q1 2023/24	Perf Q2 2023/24	Perf YTD 2023/24	RAG YTD 2023/24
12	Tackling inequality and crime	% of ethnic minority residents among those supported into employment through council and partner schemes	Bigger is better	60.9%	57.5%	59.2%	Monitoring only
25	Healthy Lives	Number of contacts to adults social care front door	Smaller is better	12,368	8,871*	21,239	Monitoring only
26	Healthy Lives	Number of referrals from the social care contact centre	Smaller is better	1,435	1,373*	2,808	Monitoring only

*provisional data

Therefore, performance against target (RAG status) is presented for 47 indicators in the table below. Nearly three quarters (34 or 72%) of the 47 indicators either met their target or were within tolerance at Q2 2023/24, while 13 (28%) did not meet their target.

Table 2: Performance of Corporate Healthcheck KPIs at Q2 2023/24

Status	Number of KPIs reportable with a RAG status	Percent of total KPIs ¹
Green	28	60%
Amber	6	13%
Red	13	28%
Total	47	

The full list of KPIs is provided at Appendix 2, followed by commentary where performance did not meet target at Q2 2023/24.

¹ Percentages may not sum to 100 due to rounding.

5. Financial

There are no direct financial implications as part of this report.

6. Legal

There are no direct legal implications as part of this report.

7. Value for Money

Having clear objectives and measurable targets assists the Council to ensure that all activity is focused on delivery, makes officers accountable for that delivery and increases effectiveness.

8. Sustainability Impact Appraisal

There are no direct sustainability impact appraisal implications for this report.

9. Risk Management

There is a clear link between managing performance and risk management. Performance indicators are used to regularly monitor the performance of services – this information is used to highlight trends in performance and enable the early identification of any potential issues. Through this regular monitoring of information by both members and senior officers, informed decisions can be made regarding any mitigating actions that need to be taken.

10. Community Safety

There are no direct community safety implications as part of this report.

11. Links to the 3 Key Priorities for the Borough

Performance measures in the framework contribute to all three key priorities for the borough.

The council's administration has three key priorities for Ealing. They are:

- creating good jobs
- tackling the climate crisis
- fighting inequality

12. Equalities, Human Rights and Community Cohesion

There are no direct equalities implications of the report. Both Council Plan commitments and organisational health check indicators include a focus on narrowing inequalities in line with the council's strategic priority on tackling inequalities. Effective performance management is therefore a key part of achieving the council's objectives.

13. Staffing/Workforce and Accommodation implications:

There are a number of workforce indicators as part of the organisational healthcheck suite.

14. Property and Assets

None.

15. Any other implications:

None.

16. Consultation

None. This report is for information only.

17. Timetable for Implementation

Implementation is dependent on specific action plans for improving performance in key areas.

18. Appendices

Appendix 1: Update on Council Plan numeric targets as of September 2023

Appendix 2: Performance on Corporate Health Check KPIs at Q2 2023/24

19. Background Information

- Ealing Council Plan 2022/26
- Ealing Council Delivery Plan 2023/24

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Strategic Leadership Team	Various	07/12/2023	08/12/2023	
Una McCarthy	Interim Head of Strategy, Performance and Intelligence	20/12/2023	21/12/2023	
Amanda Askham	Strategic Director of Strategy & Change	20/12/2023	03/01/2024	
Baljinder Sangha	Finance Manager – Planning & Monitoring, Corporate Resources	20/12/2023	04/01/2024	
External				

Report History

Decision type:

Urgency item?

For information

Report no.:

Report authors and contact for queries:

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Maria Gull – extn 6430

Appendix 1: Update on Council Plan numeric targets as of September 2023

In the Council Plan 2022-26 we have committed to deliver on some specific goals that can be numerically quantified, for example delivering 4,000 genuinely affordable homes by the end of March 2026. This section presents progress updates on the 43 such targets, as of September 2023 (Q2 2023/24).

Measure	4-year target	Progress at Q2 2023/24	Cumulative figure since 2022/23	Commentary
Tacking inequality and crime				
Investment in fighting antisocial behaviour, burglary, violent crime, and violence against women	£13m	£1.6m	£4.9m	This covers a range of activity under our Safer Communities and Youth Justice services, and is progressing as expected in terms of spend and outcomes. Final position will be reported at year end.
Investment alongside the NHS in drug, alcohol, and substance abuse services	£15m	£3.0m	£8.4m	Ealing is on track to invest the money from the 2 additional government grants targeting rough sleepers and rebuilding the treatment system to deliver the National Drug Strategy. Any underspend due to difficulties recruiting additional staff to deliver the programmes is being re-purposed at the end of each quarter with Central Government. RISE (charity that supports people affected by domestic abuse and violence) is financed through the public health grant and any underspend is also reallocated where necessary.
Investment in making public spaces safer and well lit	£1m	£0.7m	£1.4m	Spend to date on Safer Streets and street lighting this year is in excess of £740,000, with over £1m projected spend in 2023/24.

Measure	4-year target	Progress at Q2 2023/24	Cumulative figure since 2022/23	Commentary
Investment in preventing youth violence	£2m	£0.3m	£1.0m	Investment in Integrated Youth Service is in excess of £0.3m so far this year: <ul style="list-style-type: none"> £162,000 - Violence Reduction Unit (multi-agency cooperation to tackle violent crime and its underlying causes) £88,000 - Your Choice programme (intensive, therapeutic support for young people aged 11-17 who are at most risk of being affected by violence or exploitation) £116,000 - The Turnaround Programme (focused interventions to prevent children from offending in the future).
Climate Action				
No. of new parks and open spaces created	10	1	1	The Central Plaza park in Acton has been designed and delivered by Countryside Partnerships and was officially opened on 14 October 2023. We are carrying out a public consultation on potential creation of a Regional Park and work towards the 4-year goal of 10 new parks and open spaces.
Area rewilded	800,000m2	230,000m2	247,000m2	Expected wildflowers seeding for 2023 includes: <ul style="list-style-type: none"> 9 hectares of wildflowers in parks more than 3 hectares of wildflowers on Housing Estates more than 11 hectares of improvements to Hanwell Meadows as part of GLA-funded project. There has been a number of other wetland improvements and greening of highway verges.
No. of new community growing spaces	10	1	3	We created two new community growing spaces in 2022/23, the Western Road Urban Garden in Southall and Dean Gardens in Ealing. Popesfield Allotments in Ealing launched on 21 July 2023.
Investment in increasing cycling, walking, running, and scooting	£10m	£1.05m	£2.55m	Spend to date in 2023/24 exceeds £1.05m, including on the following improvements: <ul style="list-style-type: none"> Ruislip Road East and Marnham Fields Footbridge have been completed Cycle track along Greenford Road substantially completed Kensington Road cycle track progressing well and due for completion in January 2024.

Measure	4-year target	Progress at Q2 2023/24	Cumulative figure since 2022/23	Commentary
No. of School Streets implemented	50	3	24	3 new school streets (Ark Priory, Blair Peach, Ravenor schools) have been delivered this year, making the total of 24 School Streets in the borough. We are now progressing with Tranche 5 of the School Street programme with another 4 schools (Greenwood, John Perryn, Stanhope and Villiers High).
No. of trees planted	50,000	0	7,000	7,000 trees were planted in 2022/23, with further 19,000 trees planned for delivery in 2023/24.
No. of bike hangars	150	49	96	There were 47 hangars in the borough in March 2023. Since then, 49 more bike hangars have been installed, taking the total number to 96.
No. of electric vehicle charge points (EVCPs) installed	2000	320	824	298 EVCPs were installed in 2022/23, with 504 EVCPs in total being operational across the borough by year-end. We have now implemented another 320 EVCPs as of Q2 2023/24, taking the total number to 824.
Investment in improving our roads, tracks and pavements	£35m	£4.5m	£12.2m	45% of the programmes planned for the year are completed, including Greenford Roundabout and Oldfield Lane. We are working on the remainder of the programme.
No. of homes retrofitted	750	43	258	We have retrofitted 43 council properties as of Q2 this year, with over 200 projected by the year-end.
No. of new community led energy projects	20	2	5	Two community solar projects for Khalsa' and 'Brentside' Primary schools are underway and being delivered by Transition Ealing and the Schools Energy Co-operative.
Healthy Lives				
No. of new supported accommodation homes for older people	300	0	71	71 units started on site as part of Lexden Project in Q4 2022/23. The current estimate for completion/ delivery is Q3 2025/26. There are no planned new starts this year however the programme is being scoped to deliver 300 by 2026.

Measure	4-year target	Progress at Q2 2023/24	Cumulative figure since 2022/23	Commentary
No. of vulnerable residents supported to live at home	3,000	3,073	3,073	With a steady increase in the trajectory of the number of people receiving social care being supported within the community, the 4-year target of 3,000 has now been exceeded. This reflects our strength-based Better Lives ambition, and is being monitored as part of the wider demand management strategy.
Investment in home adaptations	£20m	£1.5m	£5.7m	The total investment of over £1.5m as of Q2 this year includes adaptations work in 156 private properties through Disabled Facilities Grant (£0.919m) and in 122 council properties through the Housing Revenue Account spending (£0.622m).
Investment to enable people to live healthy, active and independent lives	£100m	£12.5m	£37.5m	On track. This includes the Public Health Inequalities Fund for innovation projects across the council to help reduce inequalities.
A Fairer Start				
Increase in the no. of young people receiving specialist support	300	47	156	In 2022/23, the Youth Service supported 109 vulnerable children who had been referred by partners over the year. By October 2023, another 47 children received specialist support.
% increase in the no. of young people involved	10%	9,918 attendances	29,201 attendances	There have been 9,918 attendances in the Youth Centres this year by 5,556 children.
No. of new special educational needs places	70	78	128	78 additional SEN places were provided in 2023/24, in addition to the 50 already provided in 22/23. In total, 128 additional places have been provided over the 2 years, with further planned. Out of 78 SEN places opened in September 2023, 53 places were created at special schools and 25 places at Additionally Resourced Provisions in mainstream schools in Ealing, Greenford, Hanwell, Northolt and Southall.

Measure	4-year target	Progress at Q2 2023/24	Cumulative figure since 2022/23	Commentary
Investment in working with families to prevent those on the edge, falling into care	£1.5m	Data awaited	Data awaited	This is the investment to fund our Intensive Family Support team to provide additional non-statutory support to families where a young person is likely to come into care, working instead to keep them at home. The team is also working with young people being reunified out of care, and those children in care who are at risk of placement breakdown that would necessitate an out of London residential placement.
Decent Living Incomes				
No. of new jobs created	10,000	1,296	3,917	1,296 jobs and apprenticeships have been delivered this year as of Q2, of which: <ul style="list-style-type: none"> • 973 were job starts (201 delivered by developers) • 87 apprenticeship starts (34 delivered by developers) • 236 apprenticeship vacancies.
No. of registered Real Living Wage (RLW) employers	200	63	63	There are currently 63 registered RLW employers in Ealing, and campaigns coming up in November/ December to promote and increase the number of businesses registered.
No. of qualifications and training programme graduations	12,000	1,460	4,688	1,460 qualifications and training programme graduations have been achieved by Ealing residents this year and we are on track to the 4-year target of 12,000.
No. of new apprenticeships secured	2,000	236	778	236 apprenticeship vacancies based in Ealing have been achieved in 2023/24.

Measure	4-year target	Progress at Q2 2023/24	Cumulative figure since 2022/23	Commentary
Levy transfers made (£)	£200,000	£47,500	£151,779	<p>£47,500 has been invested so far this year through the Levy Transfer scheme that resulted in the creation of 6 apprenticeships:</p> <ol style="list-style-type: none"> 1. Level 2 Horticulture 2. Level 2 Carpentry 3. Level 3 Team Leader 4. Level 3 Teaching Assistant 5. Level 5 Early Years Practitioner 6. Level 6 Teacher Trainer <p>We are working with employers to gift Ealing's unspent levy towards new apprenticeships for existing staff to upskill.</p>
Investment to help coordinate enhancements to our high streets and local parades	£1m	£0	£0	<p>£1m funding has been secured through the UK Shared Prosperity Fund (UKSPF) allocation. A report summarising Ealing's UKSPF programme was approved by Cabinet on 29 March 2023. Provisional forecast indicates that investment will take place over the next two years.</p>
No. of residents with the toughest barriers to employment supported into employment	2,000	871	2,608	<p>871 residents with toughest barriers to employment have been supported through:</p> <ul style="list-style-type: none"> • BEAM - supporting residents who are homeless or at risk of homelessness into training and employment • BESS - supporting those that are unemployed, long-term unemployed and economically inactive into employment • WHP - Work and Health Programme helping those who are out of work and claiming unemployment benefits, with a tailored approach to residents who have a health condition or disability • Youth Offer - helping young people into employment and training through a range of projects, interventions and partnerships (for example, through Ealing Council's apprenticeship scheme, Pathways Programme for care leavers, the Supported Internship programme with the University of West London, etc).

Measure	4-year target	Progress at Q2 2023/24	Cumulative figure since 2022/23	Commentary
Investment in training and supporting those excluded from the jobs market	£1m	£74,977	£407,977	As of Q2 this year, £74,977 has been invested in training and supporting those excluded from the job market.
Safe and Genuinely Affordable Homes				
Investment in safe and secure places for people to stay, instead of in B&B temporary accommodation	£20m	£0.773m	£19.500m	We invested £19.499m in 2022/23 against the 4-year target of £20m. As of Q2 this year, additional £0.773m has been spent on properties, and another £2.4m award from Department of Levelling Up, Housing and Communities is to be spent by March 2024.
No. of new safe and secure places for people to stay	100	2	91	Delivery is on track with the 4-year target of 100 new safe places for people to stay nearly reached.
Investment in the council's housing to ensure everyone can live in a safe, secure, and healthy home	£400m	£14.1m	£86.5m	Spend included internal and external refurbishment, fire safety works, mechanical and electrical works, etc.
No. of supported places for rough sleepers	100	25	99	We have nearly reached our 4-year target of 100 supported places, and work continues to provide rough sleepers with additional support.
Good Growth and New Housing				

Measure	4-year target	Progress at Q2 2023/24	Cumulative figure since 2022/23	Commentary
Percentage of homes that are affordable	35%	Data awaited	Data awaited	Emerging Local Plan Regulation 18 consultation sets out the ambition for 40% of homes to be affordable. Development Management processes continue to seek to maximise and balance affordable housing content of schemes, subject to feasibility testing.
No. of new genuinely affordable homes (GAH) across the borough	4000	180	1,305	As of September 2023, we have started on site on 1,305 GAH. Of these, 1,125 were started in 2022/23 and 180 are being delivered as of Q2 this year.
Amount raised/year from developers via s106/CIL	£12m per year	N/A	N/A	Underway within Local Plan, Infrastructure Development Plan and S106 Obligations Supplementary Planning Document work across 2023. CIL is not expected to come in until Year 3 of the Council Plan.
Thriving Communities				
No. of new sports facilities	a) 5 new cricket pitches b) 4 tennis courts c) 8 football pitches	a) 3 cricket pitches b) 2 tennis courts	a) 3 cricket pitches b) 2 tennis courts	<p>Lawn Tennis Association (LTA) funded tennis court improvement works were carried out to the schedule set by LTA - Elthorne (3 courts) and Wolf Fields (2 courts) have been refurbished and are in use. Work started at the remaining 4 other venues (Churchfields x 2 courts, Ravenor x 2 courts, Spikesbridge x 2 courts and Southfields x 3 courts) in September, with completion of all works scheduled for early November 23, weather permitting.</p> <p>London Cricket Trust funded non turf pitches (NTPs) at Perivale and Rectory were available for use this summer and the third pitch was installed at Ealing Central Sports Ground after the busy cricket season finished.</p> <p>Work continues on the new Playzone (specially designed Multi Use Games Areas with improved playing surfaces) - the number of new facilities across the borough will be determined by the amount of match funding secured.</p>

Measure	4-year target	Progress at Q2 2023/24	Cumulative figure since 2022/23	Commentary
New investment in Southall to improve cycling facilities	£3.2m	£1.2m	£1.8m	<p>As part of the Let's Ride Southall (LRS) Project, we have developed a pool of 7 local mechanics, a pool of freelance instructors, and 10 active cycle ride leads, with a fully functional large cycle repair and build workshop. Daily free cycling rides are available for all levels.</p> <p>There is a stock of 1,012 cycles available for residents, 500 of which have already been given away. 659 residents have passed the cycle proficiency programme, ready to receive a free cycle. 146 cycles with GPS tracking are in use and have recorded 53,000km and 4,200 hours of use saving over 6,500kg of CO2.</p>
Investment in new and renewed playgrounds	£2m	£0.3m	£0.5m	<p>Plans are in development for the list of playgrounds to be focused on over the next three years with the play capital funding. These include (but not limited to) Spikesbridge Park, Ravenor Park, Acton Park, Lammas Park, Cuckoo Park, Horsenden Farm, Northala Fields, etc. Several sites will have repairs and enhancements of outdoor gyms, such as Blondin Park, Pitshanger Park and Southall Park to name a few.</p> <p>Refurbishment of the playground at Rectory Park is nearly complete. Lammas Parkour Park was open on 15 September.</p>
Investment in community and grassroots art, music, dance and culture	£1m	£0.537m	£0.653m	<p>A grant of £30,000 has been secured from the Arts Council to deliver a virtual reality programme at Southall Library in celebration of Martinware's centennial.</p> <p>External funding of £47,000 has been secured to facilitate a traineeship programme for young creators.</p> <p>We have submitted a bid to the Arts Council to expand the Northolt Library with a new culture and arts space. A further £450,000 of UK Shared Prosperity Fund has been awarded to Northolt and Southall libraries to establish three community, enterprise, and cultural hubs in the most deprived neighbourhoods.</p> <p>We are also bidding to become a London Borough of Culture 2025 (award if successful: £1.35m - match funding of 30% likely to be required).</p>
CIL/s106 over which communities exert control	£2m	N/A	N/A	This will be progressed once the CIL is in place (expected in Year 3 of the Council Plan).

Appendix 2: Performance on Corporate Health Check KPIs as of Q2 2023/24

Key

Red	Performance is below target
Amber	Performance is below target but within tolerance
Green	Performance is above target
N/A	Data not applicable (e.g. no performance data due for reporting in Q2)

S.no	Council Plan Priority	Performance Indicator	Polarity	Frequency	Target 2023/24	Target Q2 2023/24	Performance Q2 2023/24	Target YTD 2023/24	Performance YTD 2023/24	RAG YTD 2023/24
1	Tackling Inequality and Crime	Police-recorded offences of Personal Robbery and Violence With Injury (rate per 1,000 residents)	Smaller is better	Quarterly	10.25	2.73	2.91	2.73	2.77	Amber
Page 34	Tackling Inequality and Crime	First time entrants to the Youth Justice System aged 10-17 (Rate per 100,000 10-17 population)	Smaller is better	Quarterly	150.0	75.0	35.3	75.0	35.3	Green
	Tackling Inequality and Crime	Percentage of young offenders engaged in suitable education, training or employment	Bigger is better	Quarterly	87.0%	87.0%	75.0%	87.0%	67.9%	Red
4	Tackling Inequality and Crime	Percentage of care leavers who were in EET (19-21)	Bigger is better	Quarterly	60%	64.0%	61.8%	64.0%	61.8%	Amber
5	Tackling Inequality and Crime	Percentage of care leavers who were in EET (17-18)	Bigger is better	Quarterly	71%	74.0%	75.9%	74.0%	75.9%	Green
6	Tackling Inequality and Crime	Percentage of the top paid 5% of local authority staff who are from an ethnic minority (excluding those in maintained schools)	Bigger is better	Annual	25.0%	N/A	N/A	N/A	N/A	N/A

S.no	Council Plan Priority	Performance Indicator	Polarity	Frequency	Target 2023/24	Target Q2 2023/24	Performance Q2 2023/24	Target YTD 2023/24	Performance YTD 2023/24	RAG YTD 2023/24
7	Tackling Inequality and Crime	Percentage of the top paid 5% of local authority staff who have a disability (excluding those in maintained schools)	Bigger is better	Annual	6.0%	N/A	N/A	N/A	N/A	N/A
8	Tackling Inequality and Crime	Percentage of the top paid 5% of local authority staff who are female (excluding those in maintained schools)	Bigger is better	Annual	49.5%	N/A	N/A	N/A	N/A	N/A
9	Tackling Inequality and Crime	Mean disability pay gap within the Council	Smaller is better	Annual	1.0%	N/A	N/A	N/A	N/A	N/A
10	Tackling Inequality and Crime	Mean ethnicity pay gap within the Council	Smaller is better	Annual	12.0%	N/A	N/A	N/A	N/A	N/A
11	Tackling Inequality and Crime	Mean gender pay gap for council employees	Smaller is better	Annual	3.6%	N/A	N/A	N/A	N/A	N/A
12	Tackling inequality and crime	% of ethnic minority residents among those supported into employment through Council and partner schemes	Bigger is better	Quarterly	Monitoring only	Monitoring only	57.5%	Monitoring only	59.2%	Monitoring only
13	Climate Action	Percentage of household waste sent for reuse, recycling and composting	Bigger is better	Quarterly	52.0%	53.0%	50.7%	53.0%	48.9%	Red
14	Climate Action	Fly tips cleared within target time	Bigger is better	Quarterly	95%	95%	79%	95%	88%	Red
15	Climate Action	Levels of cleanliness (Percentage streets free of litter)	Bigger is better	Every 4 months	94%	N/A	N/A	N/A	N/A	N/A

S.no	Council Plan Priority	Performance Indicator	Polarity	Frequency	Target 2023/24	Target Q2 2023/24	Performance Q2 2023/24	Target YTD 2023/24	Performance YTD 2023/24	RAG YTD 2023/24	
16	Climate Action	Levels of cleanliness (Percentage streets free of detritus)	Bigger is better	Every 4 months	94%	N/A	N/A	N/A	N/A	N/A	
17	Climate Action	Levels of cleanliness (Percentage streets free of graffiti)	Bigger is better	Every 4 months	92%	N/A	N/A	N/A	N/A	N/A	
18	Climate Action	Levels of cleanliness (Percentage streets free of fly posting)	Bigger is better	Every 4 months	94%	N/A	N/A	N/A	N/A	N/A	
19	Climate Action	% residents stating walking and cycling as main mode of transport within 1 mile	Bigger is better	Annual	78%	N/A	N/A	N/A	N/A	N/A	
Page 36	Healthy Lives	Admissions into permanent residential and nursing care (Rate per 100,000 population aged 18-64)	Smaller is better	Quarterly	12.0	6.0	15.3	6.0	15.3	Red	
	21	Healthy Lives	Admissions into permanent residential and nursing care (Rate per 100,000 population aged 65+)	Smaller is better	Quarterly	399.1	199.6	239.0	199.6	239.0	Red
	22	Healthy Lives	Proportion of older people (65+) not in permanent residential care 91 days after discharge from hospital into reablement	Bigger is better	Quarterly	95.0%	95.0%	94.8%	95.0%	94.8%	Amber
	23	Healthy Lives	Percentage of reablement services at home that reduce the level of ongoing support needed	Bigger is better	Quarterly	80.0%	80.0%	94.2%	80.0%	91.4%	Green
	24	Healthy Lives	Percentage of CQC regulated care agencies rated Good or Outstanding	Bigger is better	Quarterly	75.0%	73.0%	74.3%	73.0%	74.3%	Green

S.no	Council Plan Priority	Performance Indicator	Polarity	Frequency	Target 2023/24	Target Q2 2023/24	Performance Q2 2023/24	Target YTD 2023/24	Performance YTD 2023/24	RAG YTD 2023/24
25	Healthy Lives	Number of contacts to adults social care front door	Smaller is better	Quarterly	Monitoring only	Monitoring only	8,871	Monitoring only	21,239	Monitoring only
26	Healthy Lives	Number of referrals from the social care contact centre	Smaller is better	Quarterly	Monitoring only	Monitoring only	1,373	Monitoring only	2,808	Monitoring only
27	Healthy Lives	Average Waiting Times for Contacts (days)	Smaller is better	Quarterly	25	25	19	25	24	Green
28	Healthy Lives	Percentage of delayed reviews	Smaller is better	Quarterly	40.0%	40.0%	28.1%	40.0%	33.5%	Green
Page 37	Healthy Lives	Percentage of people who use services who are satisfied with their care and support	Bigger is better	Annual	58.0%	N/A	N/A	N/A	N/A	N/A
	A Fairer Start	Percentage of children looked after with more than 3 placements within a year	Smaller is better	Quarterly	12.5%	6.0%	7.2%	6.0%	7.2%	Red
31	A Fairer Start	Percentage of child and family assessments following a referral to social care completed within 45 days	Bigger is better	Quarterly	85%	83%	87%	83%	88%	Green
32	A Fairer Start	Percentage of re-referrals in the last 12 months	Smaller is better	Quarterly	17.0%	18.0%	18.7%	18.0%	18.7%	Red
33	A Fairer Start	Percentage of EHC plans issued within 20 weeks (exc. exceptions)	Bigger is better	Quarterly	45.0%	45.0%	73.6%	45.0%	73.6%	Green

S.no	Council Plan Priority	Performance Indicator	Polarity	Frequency	Target 2023/24	Target Q2 2023/24	Performance Q2 2023/24	Target YTD 2023/24	Performance YTD 2023/24	RAG YTD 2023/24
34	A Fairer Start	Percentage of 16-17 year olds not in education, employment or training	Smaller is better	Quarterly	1.4%	1.4%	0.6%	1.4%	0.6%	Green
35	A Fairer Start	Percentage of Ealing primary schools rated good or outstanding	Bigger is better	Annual	95.6%	N/A	N/A	N/A	N/A	N/A
36	A Fairer Start	Percentage of Ealing secondary schools rated good or outstanding	Bigger is better	Annual	90.8%	N/A	N/A	N/A	N/A	N/A
37 Page 38	A Fairer Start	Percentage of pupils achieving the expected standard in Reading, Writing and Maths at Key Stage 2	Bigger is better	Annual	65.8%	65.8%	67.1%	65.8%	67.1%	Green
	A Fairer Start	Percentage of pupils achieving Levels 5 and above in English and Maths at Key Stage 4	Bigger is better	Annual	57.5%	57.5%	56.8%	57.5%	56.8%	Amber
39	A Fairer Start	Percentage of disadvantaged pupils achieving the expected standard in Reading, Writing and Maths at Key Stage 2	Bigger is better	Annual	52.8%	52.8%	55.1%	52.8%	55.1%	Green
40	A Fairer Start	Percentage of disadvantaged pupils achieving Levels 5 and above in English and Maths at Key Stage 4	Bigger is better	Annual	42.6%	42.6%	44.8%	42.6%	44.8%	Green
41	A Fairer Start	Percentage of Black Caribbean pupils achieving the expected standard in Reading, Writing and Maths at Key Stage 2	Bigger is better	Annual	52.1%	52.1%	58.6%	52.1%	58.6%	Green

S.no	Council Plan Priority	Performance Indicator	Polarity	Frequency	Target 2023/24	Target Q2 2023/24	Performance Q2 2023/24	Target YTD 2023/24	Performance YTD 2023/24	RAG YTD 2023/24
42	A Fairer Start	Percentage of Black Caribbean pupils achieving Levels 5 and above in English and Maths at Key Stage 4	Bigger is better	Annual	36.9%	36.9%	34.0%	36.9%	34.0%	Red
43	A Fairer Start	Primary school attendance rate – most recent academic year	Bigger is better	Annual	94.1%	94.1%	93.7%	94.1%	93.7%	Amber
44	A Fairer Start	Secondary school attendance rate – most recent academic year	Bigger is better	Annual	93.1%	93.1%	93.2%	93.1%	93.2%	Green
45	Decent Living Incomes	Average days taken to process new benefit claims	Smaller is better	Quarterly	24	24	24	24	24	Green
	Decent Living Incomes	Number of people completing employability and professional courses	Bigger is better	Quarterly	1,353	275	199	600	647	Green
47	Inclusive Economy	Percentage of telephone calls answered within 5 minutes	Bigger is better	Quarterly	80%	80%	71%	80%	73%	Red
48	Inclusive Economy	Sickness absence (Number of days lost per FTE)	Smaller is better	Quarterly	8.0	8.0	7.9	8.0	7.9	Green
49	Inclusive Economy	Percentage of council tax collected in year	Bigger is better	Quarterly	97.2%	57.2%	54.5%	57.2%	54.5%	Red

S.no	Council Plan Priority	Performance Indicator	Polarity	Frequency	Target 2023/24	Target Q2 2023/24	Performance Q2 2023/24	Target YTD 2023/24	Performance YTD 2023/24	RAG YTD 2023/24
50	Inclusive Economy	Percentage of business rates collected in year	Bigger is better	Quarterly	97.2%	52.8%	55.6%	52.8%	55.6%	Green
51	Inclusive Economy	FOIs responded to within 20 days	Bigger is better	Quarterly	100.0%	100%	94.2%	100%	91.9%	Red
52	Inclusive economy	Calls resolved at first point of contact	Bigger is better	Quarterly	80%	80%	79%	80%	81%	Green
53	Inclusive economy	Customers satisfied with their contact	Bigger is better	Quarterly	80%	80%	72%	80%	74%	Red
54	Inclusive economy	Percentage of total council spend within the borough	Bigger is better	Quarterly	25%	25%	28%	25%	28%	Green
55	Inclusive economy	% residents satisfied with the way the council runs things	Bigger is better	Annual	73%	N/A	N/A	N/A	N/A	N/A
56	Inclusive economy	% residents agreeing the council is easy to contact	Bigger is better	Annual	61%	N/A	N/A	N/A	N/A	N/A
57	Inclusive economy	% residents visiting the council's website in the last 12 months	Bigger is better	Annual	61%	N/A	N/A	N/A	N/A	N/A
58	Inclusive economy	% residents using MyAccount, the council's customer portal	Bigger is better	Annual	21%	N/A	N/A	N/A	N/A	N/A

S.no	Council Plan Priority	Performance Indicator	Polarity	Frequency	Target 2023/24	Target Q2 2023/24	Performance Q2 2023/24	Target YTD 2023/24	Performance YTD 2023/24	RAG YTD 2023/24
59	Safe and Genuinely Affordable Homes	Households with children in B&B over 6 weeks	Smaller is better	Quarterly	125	125 (Q1)	124 (Q1)	125 (Q1)	124 (Q1)	Green
60	Safe and Genuinely Affordable Homes	Number of families in B&B	Smaller is better	Quarterly	175	175 (Q1)	162 (Q1)	175 (Q1)	162 (Q1)	Green
61	Safe and Genuinely Affordable Homes	Number of households in Temporary Accommodation	Smaller is better	Quarterly	2500	2500 (Q1)	2610 (Q1)	2500 (Q1)	2610 (Q1)	Red
62	Safe and Genuinely Affordable Homes	Percentage of homelessness applications prevented through early intervention as a percentage of total cases where duty was owed	Bigger is better	Quarterly	55%	55% (Q1)	57% (Q1)	55% (Q1)	57% (Q1)	Green
63	Safe and Genuinely Affordable Homes	Percentage of homes meeting Decent Homes Standard	Bigger is better	Annual	prov. 98%	N/A	N/A	N/A	N/A	N/A
64	Safe and Genuinely Affordable Homes	Number of eligible rough sleepers on Ealing's streets without an offer of accommodation	Smaller is better	Annual	prov. 0	N/A	N/A	N/A	N/A	N/A
65	Good Growth and New Housing	Percentage of 'Major' planning applications determined within target time	Bigger is better	Quarterly	96.0%	96.0%	100.0%	96.0%	100.0%	Green
66	Good Growth and New Housing	Percentage of 'Minor' planning applications determined within target time	Bigger is better	Quarterly	93.0%	93.0%	97.4%	93.0%	98.5%	Green

S.no	Council Plan Priority	Performance Indicator	Polarity	Frequency	Target 2023/24	Target Q2 2023/24	Performance Q2 2023/24	Target YTD 2023/24	Performance YTD 2023/24	RAG YTD 2023/24
67	Good Growth and New Housing	Percentage of 'Other' planning applications determined within target time	Bigger is better	Quarterly	94.0%	94.0%	98.1%	94.0%	98.4%	Green
78	Good Growth and New Housing	Percentage of S78 Planning Appeals allowed	Smaller is better	Annual	28.0%	N/A	N/A	N/A	N/A	N/A
69	Thriving Communities	Number of participants attracted to take part in the borough's cultural offer annually	Bigger is better	Annual	100,000	N/A	N/A	N/A	N/A	N/A
71	Thriving Communities	Number of physical visits to libraries	Bigger is better	Quarterly	598,528	141,870	139,265	282,249	287,809	Green
	Thriving Communities	Number of electronic/virtual visits to libraries	Bigger is better	Quarterly	261,319	61,433	56,474	122,731	119,768	Amber
72	Thriving Communities	Number of visits to leisure centres	Bigger is better	Quarterly	1,975,100	471,800	532,995	970,600	1,092,088	Green

Commentary on the KPIs that did not meet target at Q2 2023/24 (rated Red)

a) Young offenders engaged in suitable education, training or employment (EET)

As of Q2, 67.9% of young offenders were engaged in EET against the target of 87.0%. We have a dedicated Connexions advisor allocated to all children who are not in ETE during their order to work alongside the child to identify all appropriate opportunities. We have also just received £5,000 from the Violence Reduction Unit to help set up mentoring and tutoring for those children who are not fully engaged in school to break the cycle of them not engaging fully in education. We have also seconded a staff member into

Employee Assistance Programme to support children at an earlier stage to keep their interest and enthusiasm in education. The recent Ofsted inspection identified that our ETE offer is very strong as we try everything possible to identify opportunities for the children. By the end of October 2023, we were at 100% of young offenders in EET and we will seek to maintain this level of performance throughout the year.

b) Household waste sent for reuse, recycling and composting

Ealing's recycling rate has been consistently in the top three in London in the last few years, and we collected the lowest kilogrammes per household, per year of residual waste. While year-to-date recycling rate was 48.9% at Q2, September performance was at 52% and we expect it to improve further to reach our ambitious target of 53.0%. The Covid pandemic led to changes in waste volumes and composition, and whilst we are seeing a recovery, there is still improvement to be made to achieve pre-pandemic levels and further encourage waste reduction, reuse and recycling. The council's Reduction and Recycling Plan 2023-25 and work around the circular economy will continue to improve recycling rates with measures including rolling out the food waste service to flats, increasing participation in recycling services (particularly food waste), reduction in contamination of dry mixed recycling, etc.

c) Fly tips cleared within target time

88% of fly tips have been cleared within target time at the end of Q2, worse than 95% targeted. Work is underway to clear up reported fly tips and the service expects performance to improve from Q3 onwards.

d) Admissions into permanent residential and nursing care

Permanent admissions into residential and nursing care were above target among 16-64 and 65+ population. This is due to work carried out to review and convert short-term placements to permanent, and more of current short-term placements will become long-term at review. The overall number of people in care remains relatively static.

e) Children looked after with more than 3 placements within a year

By the end of the second quarter, 7.2% of looked after children (LAC) had more than 3 placements within a year. We are actively monitoring placement moves and this should be steadied over the subsequent months, although there will continue to be support for planned reunification as part of court care plans.

f) Re-referrals in the last 12 months

The indicator on percentage of re-referrals in the last 12 months (18.7%) did not meet target set of 18.0%. A large majority (76%) of re-referrals were received from sibling groups, with 25% coming from sibling groups of 4 or more children - this has contributed to the increased re-referral rate. The service is reviewing cases to verify that appropriate outcomes were reached for previous referrals based on information available at that time. Those re-referrals that have progressed further are being audited to ensure previous case closure were justified. Provisional data indicates that re-referral rate for October 2023 dropped to 15.8% and is expected to reduce further.

g) Black Caribbean pupils achieving Level 5 and above in English and Maths at KS4

34% of Black Caribbean pupils achieved Level 5 and above in English and Maths at KS4 in the academic year of 2023, 2.9 percentage points below target. School attendance of this cohort is worse than that of their peers (non-Black Caribbean), affecting academic performance. A number of interventions is expected to improve performance by 2024. We are working with experts and stakeholders to develop data and analysis tools to drive attendance borough-wide and monitor progress, which should result in improved attendance rates, academic attainment, enhanced safeguarding and fairer start for Ealing's children. Most high schools have a Race Equality Lead which will focus on outcomes, attendance and mental health of this cohort, and this area is also an integral part of the headteacher performance management. Our Link Officer visits high schools to investigate support available for this cohort, and we hold network meetings with senior staff to share good practice and collaborate on how to close academic gaps between Black Caribbean pupils and their peers.

h) Telephone calls answered within 5 minutes

73% of telephone calls were answered within 5 minutes, less than 80% targeted. Customer services are closely monitoring telephone answering performance with a view to improve response times while maintaining the quality of service provided. Performance is expected to improve in the coming months.

i) Council tax collected in year

The council tax collection rate at the end of September 2023 was 54.5%, 2.7 percentage points below target. This shortfall equates to £6.128m which was the total sum awarded in energy rebates in 2022/23 to help residents with the impact of cost-of-living crisis. The amount of tax collected in the first 6 months of 2023/24 has increased when compared to the same period last year, and additional recovery action taken against nonpayers is expected to help hit the target by the end of the year.

j) FOIs responded to within 20 days

91.9% of FOI requests were responded to within 20 days by Q2 2023/24, against the statutory target of 100%. Although the target has not been met, there has been an improvement from 89% in Q1 to 94% in Q2, indicating a commitment to prioritise FOI responses across the organisation. The FOI team have support from all the Strategic Directors, and the framework we have put in place of escalating to the Strategic Directors the week before any request is due is improving response levels.

k) Customers satisfied with their contact

74% of customers surveyed were satisfied with their contact, against the expected 80%. Reasons for contact are monitored and used to identify any service issues where intervention is needed. Service teams are met with on a regular basis to discuss service gaps and opportunities to enhance service delivery, working towards an ongoing improvement. We are also carrying out targeted interventions in areas where customers were not satisfied, which should result in a better overall satisfaction rate over the rest of the year.

l) Number of households in Temporary Accommodation (TA)

2,610 households were staying in TA at the end of September 2023. In line with trends seen across London, the increase in the number of households needing assistance from the council has continued, primarily due to issues within the private rented sector as the cost of renting is increasing and the supply available is reducing. The council has started a Homelessness Prevention and Housing Solutions Programme Board which will address the issues of temporary accommodation supply and determine a sustainable delivery model to address this. A Temporary Accommodation Strategy has been developed with actions agreed and implemented in the short, medium, and long-term. The programme is expected to start to deliver solutions from the fourth quarter of 2023/2024 and into 24/25.

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Report for:
ACTION/INFORMATION* (delete as appropriate)

Item Number:

Contains Confidential or Exempt Information	YES (in Part) Confidential Appendix A List of Contracts by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (see paragraph 10 to the Access to Information Procedure Rules)
Title	5 year Housing Capital Program Procurement
Responsible Officer(s)	Dawn Kent-Payne, Assistant Director Housing Asset Management
Author(s)	Paul Woodham
Portfolio(s)	Safe and genuinely affordable homes - Cllr Bassam Mahfouz
For Consideration By	Cabinet
Date to be Considered	17 January 2024
Implementation Date if Not Called In	29 January 2024
Affected Wards	All
Keywords/Index	Housing Capital Program, 5 year, Procurement

Purpose of Report:

To seek authority to procure multiple contracts to deliver the planned programme over a 5-year period – 2024-2029, ensuring that we deliver on our programme of safety works and home upgrades as we continue to deliver safe and genuinely affordable homes for our residents.

1. Recommendations

That Cabinet:

- 1.1 Authorises procurement of multiple contractors to deliver the planned program for 2024-2029 and the variation to the Housing Procurement Strategy previously agreed by Cabinet in Jan 2023, which approved the use of short-term interim procurement arrangements.
- 1.2 Authorises the Strategic Director of Housing & Environment following consultation with the Portfolio Holder for Genuinely Affordable Homes, Strategic Director of Corporate Resources and the Director of Legal and Democratic Services, to invite and evaluate the contracts with values set out in Confidential Appendix A of up to 5 years each with an option to extend for up to another five years.

- 1.3 Delegates authority to the Strategic Director of Housing & Environment following consultation with the Portfolio Holder for Genuinely Affordable Homes, Strategic Director of Corporate Resources and the Director of Legal and Democratic Services to award contracts following the procurement procedure referred to in Recommendation 1.2.

2. Reason for Decision and Options considered

- 1.1. The Housing Procurement Strategy was approved by Cabinet on 25 January 2023 and recommended that contracts will be of a duration of a minimum of 4 years but ideally longer term, with contractual break clauses (e.g., 5 years plus 5 years) moving away from a spot purchase-based approach, to foster better working relationships with contractors and make the contracts attractive to the market, encourage investment by contractors and encourage a partnership-based approach.
- 1.2. The Housing Procurement Strategy initially identified 23 contracts relating to the delivery of repairs, maintenance, compliance, and planned works. Further stock evaluation and changes to legislation suggest that additional works required may lead to additional contracts being required in addition to those already identified.
- 1.3. The Housing Procurement Strategy identified 8 contractor lots to be awarded in a geographical split across the borough. Market engagement has identified that this would offer us the most efficient route to achieve value for money. The budgets will be in line with the HRA Business plan which will be approved in February 2024, and these remain in development.
- 1.4. The Housing Procurement Strategy recommended market engagement prior to procurement. This work has been completed and forms the basis for the changes this report seeks to have approved.
- 1.5. Cabinet approved the HRA 5-year Capital Programme on 25 January 2023. As noted above this will be refreshed and will be considered and approved at February 2024 cabinet.
- 1.6. It is anticipated that from approval of the recommendations it will take 6 months to complete procurement and have contractors ready to deliver any capital works.
- 1.7. Currently limited capital contracts are in place to enable delivery of capital works from quarter 1 2024. Limited capital works can be undertaken with current procured contractor resources. If recommendations 1.1 and 1.2 are approved, the delivery of capital programme would be phased from quarter 2 and fully commence in quarter 3 of 2024. Although only limited works would be completed in quarter 1, the broader strategic approach would significantly improve the procurement benefits and future delivery opportunities.

- 1.8. Work is currently in progress to produce full specifications for all works required to enable procurement to commence once approval is granted. This will also include defining the routes to market. All routes to market will be fully compliant with the council's CPRs and PCR 2015.
- 1.9. Final contract values will be determined once the HRA budget is approved in February 2024. Procurement will not commence until approval of HRA budget in February 2024. Delivery of any elements of the capital programme requiring procurement would be delayed until July 2024, however this has been factored into our plan. Confidential Appendix 1 provides an indicative costed plan for 24/25 and indicative values for a 5 year plan.
- 1.10. Following initial feedback from market engagement and advice from external experts (Lumensol), procuring short term contracts for any capital program would result in poor contractor engagement, poor value for money and potential reputational risk for the council.
- 1.11. A 1+1 term capital program would take 6 months to complete procurement and have contractors ready to deliver any capital works.
- 1.12. A minimum of 5 years is industry standard for capital contracts with the option to extend for a further 5 years. This is benchmarked within the industry to ensure true partnering contracts are placed.
- 1.13. Stock condition reports will inform the planned programme from 2025 onwards. We expect there to be variations to the programme as a result of the information this will provide, and we will manage this through the flexibility of the contracts we procure.

3. Key Implications

- 3.1. Failure to gain approval to proceed with procurement will result in the council being unable to deliver the necessary investment in health and safety works and other elements of the housing capital programme.
- 3.2. Currently limited capital contracts are in place to enable further delivery of capital works from quarter 1 of 2024.
- 3.3. It is anticipated that from approval of the decision to procure, it would take 6 months to complete procurement and have contractors ready to deliver any capital works. The contracts focus on high-risk M&E requirements directly relating to building safety and our need to be compliant.
- 3.4. Our advisors (Lumensol) who have assisted with shaping the market brief and strategy have advised, that given the current market conditions, we would receive very little interest from the market, should we offer any term less than 5 years. Those that may express an interest would price accordingly and would not take a true partnering approach or provide VFM. At the time of writing, we have received 40 expressions of interest.

4. Financial

4.1. The financial impact of the procurement strategy notes the service and inflationary challenges, and these are contained within the overall revenue and capital budgets of the approved HRA 30-year business plan. These budgets are reviewed annually. As noted previously the indicative values for 24/25 and for 5 years are noted in Confidential Appendix 1 and these will be subsequently confirmed at Cabinet in February 2024.

5. Legal

5.1. All procurement will be in line with Ealing Councils CPRs and fully compliant with PCR 2015

5.2. The type of individual contracts will be determined on a case-by-case basis following full advice from Ealing Legal team.

5.3. Section 20 of the Landlord & Tenant Act 1985 (as amended by the Commonhold & Leasehold Reform Act 2002) sets out a three-stage consultation process which must be followed when carrying out qualifying works to a building where the contribution from any one lessee exceeds £250, or a qualifying long-term agreement where the contribution from any one lessee exceeds £100 in one financial year. Section 20 consultation with leaseholders may have a significant impact on the timing of the procurements and subsequent award of contracts.

6. Value For Money

6.1. Procuring a minimum of 5-year contracts will produce best value for money for the council, as stated above, short-term contracts will be more expensive. Our advisors (Lumensol) who have assisted with shaping the market brief and strategy have advised that given the current market conditions, we would receive very little interest from the market, should we offer any term less than 5 years. Those that may express an interest would price accordingly and would not take a true partnering approach or provide VFM. We have produced a matrix to create combined packages to reduce the volume of contracts and to appeal to a broader supply chain. This will also be influenced from the feedback from our market testing to ensure we have an agile and proportionate approach to our procurement and delivery model.

If we were to procure on a shorter timeline other than our proposed strategy, this would have a significant impact on our ability to meet the Decent Homes standards bringing reputational risk and possible intervention from the regulator. Delays to planned capital works would drive additional cost and resource requirements into the revenue account and repairs team.

- 6.2. Each new contract will be assigned a clear contract administrator within the planned team, with the head of Capital Programmed Delivery having overall responsibility.
- 6.3. Monthly operational and Quarterly strategic reviews will be established with all contracts to maximise performance and cost savings.
- 6.4. Annual reviews will be written into all contracts for CPI changes and to agree the following year's programme value.

7. Sustainability Impact Appraisal

- 7.1. All procurement will follow Ealing sustainability guidelines.

8. Risk Management

- 8.1. A risk register will be established as part of the contract management approach and will be reviewed at contract management and operational management meetings. The risk register will include mitigating actions for minimising inherent and emerging risks and the monitoring of these actions will form part of the review.

9. Community Safety

- 9.1. None.

10. Links to the three Key Priorities for the Borough

- 11.1. This initiative links to the three key priorities.

- fighting inequality
- tackling the climate crisis
- creating good jobs.

11. Equalities, Human Rights and Community Cohesion

- 11.1. None

12. Staffing/Workforce and Accommodation implications:

- 12.1 None

13. Property and Assets

- 13.1. This initiative relates to the ongoing improvement of the council's housing stock.

14. Any other implications:

- 14.1. None

15. Consultation

- 15.1. Finance, Legal, Commercial Hub and JCB have been consulted.
- 15.2. Lead member for genuinely affordable homes.

16. Timetable for Implementation

The implementation of the housing procurement strategy commenced in Feb 2023, following the completion of the market engagement exercise and development of the procurement lots, a detailed timetable will now be developed.

17. Background Information

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Nicky Fiedler	Strategic Director	29/11/2023	30/11/2023	
Dawn Kent-Payne	AD Housing & Asset management	27/11/2023	28/11/2023	
Paul Woodham	Head of capital programme delivery	26/11/2023	28/11/2023	
Chuhr Nijjar	Senior Contracts Lawyer	13/12/2023	22/12/2023	
Emily Hill	Strategic Director Resources		13/12/2023	
Cllr Bassam Mahfouz	Cabinet Member for genuinely affordable homes	01/12/2023	14/12/2023	
Zamil Ahmed	AD Commercial hub		14/12/2023	
Russell Dyer	AD Accountancy Finance		14/12/2023	
External	Lumensol			

Report History

Decision type:	Urgency item?
Key decision	
Report no.:	Report author and contact for queries:
Dawn Kent-Payne	Assistant Director Housing Asset Management
Paul Woodham	Head of capital programme delivery

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Report for:
ACTION

Item Number:

Contains Confidential or Exempt Information	YES (part) Appendices 1, 3a and 3b, 4, 5, 6, 7, 8, 9, and 10 are exempt by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972
Title	Housing Development Update
Responsible Officer(s)	Peter George, Strategic Director for Economy and Sustainability
Author(s)	Adam Towle, Head of New Business, Housing Development
Portfolio(s)	Councillor Shital Manro, Good growth and new housing
For Consideration By	Cabinet
Date to be Considered	17 January 2024
Implementation Date if Not Called In	29 January 2024
Affected Wards	All
Keywords/Index	Housing, homes, development, affordable, Greater London Authority (GLA), Affordable Homes Programme (AHP), Broadway Living RP (BLRP), Housing Revenue Account (HRA), Genuinely Affordable Homes (GAH)

Purpose of Report:

This report provides an update on all activity relating to the delivery of new build council homes in the borough and the progress being made toward the Council Plan commitment to start building 4,000 new genuinely affordable homes by April 2026.

It updates on **A. committed projects** – projects on site and in contract – and describes the fallout, risks, and issues relating to contractor insolvency, including establishing a strategy for resolution with recommendations to be brought to cabinet early 2024.

B. allocated projects describes the current viability of allocated projects in the GLA Affordable Homes Programme (AHP) 2021-26, including a) those which are now unviable; b) changes to existing schemes to make them viable; and c) new projects to be included in the programme (subject to GLA negotiation). The report seeks approval on matters relating to viable projects to progress development to the next delivery stage.

Finally, **C. pipeline projects** explains the work underway to identify more projects to ensure that unallocated AHP grant is used up and to create a pipeline of projects for future funding rounds.

1. Recommendations

It is recommended that Cabinet:

- 1.1. Notes the status of the council's Housing Development Programme and progress toward its 4,000 Genuinely Affordable Homes (GAHs) objective.

A. Committed projects

- 1.2. Notes the increased level of risk on **Southall Market car park** (section 2.18) and **High Lane** (section 2.30) and that a fuller update and mitigations for approval will be presented to cabinet in early 2024.
- 1.3. Notes the current position of **Dean Gardens car park, Chesterton and Evesham Close, Shackleton Road, Norwood Road, Woodend Library** (the "**Package 1 Sites**") (section 2.19), following the administration of Henry Construction Projects Ltd and that a fuller update and recommendation on how to progress these sites will be presented to Cabinet for approval in early 2024.

B. Allocated projects

- 1.4. Notes that four projects within the GLA Affordable Homes Programme (AHP) 2021-26 and with grant allocations:
 - **Stanhope School**
 - **Neville Close**
 - **Shillaker Court**
 - **Golf Links phase 4**(the "**Unviable Projects**") are currently unviable and that further feasibility and appraisal work is required to demonstrate if they can meet required financial hurdles prior to approval of further progress.
- 1.5. Notes proposals for delivery of the following projects within the Housing Delivery Programme and with existing AHP 2021-26 grant allocations:
 - **George Street car park** (section 2.45)
 - **Mandeville Parkway** (section 2.46)(the "**Existing Projects**").
- 1.6. Approves a new general fund capital budget for **George Street car park** of £1.050m and **Mandeville Parkway** of £0.200m to be funded from general fund borrowing until the full scheme costs and financing are known and approved.
- 1.7. Authorises the Strategic Director of Economy and Sustainability to procure and appoint consultants to undertake RIBA stages 1-3 and to prepare and submit a planning application in relation to **George Street car park** (at an estimated total cost of £1.050m should the scheme proceed through all pre-construction approval gateways and to planning decision).
- 1.8. Authorises further design work (RIBA stage 3) and changes to the planning permission on **Mandeville Parkway** (up to a total value of £0.200m) to meet

new Building Safety Act regulations and to ensure a viable scheme, and to submit a revised application.

- 1.9. Notes proposals for the delivery, and inclusion in the AHP 2021-26, of:
 - **Perceval House car park** (section 2.47)
 - **57 Greenford Road** (section 2.48)(the “**New Projects**”).
- 1.10. Approves a new general fund capital budget for **Perceval House car park** of £1.713m to be funded from the general fund borrowing until the delivery model is confirmed and/or full scheme costs and financing are known and approved.
- 1.11. Authorises the Strategic Director of Economy and Sustainability to procure and appoint consultants to undertake RIBA stages 1-3 and to prepare and submit a planning application for **Perceval House car park** (at an estimated total value of £1.713m should the scheme proceed through all pre-construction approval gateways and to planning decision).
- 1.12. Approves a total scheme expenditure budget of up to £33.219m for **57 Greenford Road** to be funded from GLA grant, right to buy receipts and temporary borrowing until the scheme is completed and funded by capital receipts on transfer to its ultimate owner(s).
- 1.13. Authorises the Strategic Director of Economy and Sustainability, following consultation with the Strategic Director of Resources and the Director of Legal and Democratic Services, to purchase the freehold of **57 Greenford Road** and enter into a development agreement (DA) with UB6 Holdings Ltd based on the Heads of Terms attached at appendix 7, subject to further due diligence being satisfactorily completed and authorises the Strategic Director of Economy and Sustainability to issue a al Ex-Ante Transparency (VEAT) notice and enter into any ancillary legal documents required to facilitate the project or protect the council’s interests.
- 1.14. Notes the potential risk of the GLA withdrawing grant allocations for the **Unviable Projects** (2.33) and authorises the Strategic Director of Economy and Sustainability, following consultation with the Director of Legal and Democratic Services, to negotiate with the GLA to vary the terms of the existing grant agreement and to substitute the **New Projects** and other projects which meet the agreed hurdle rates for the **Unviable Projects** within the AHP 2021-26 (including the Council Homes Acquisition Programme).
- 1.15. Notes that the working assumption (for financial modelling purposes) is for the homes created by the **New Projects** and the **Existing Projects** to sit in Broadway Living RP (BLRP) subject to agreement from the BLRP Board and approval of a viable BLRP Growth Business Plan and authorises the Strategic Director of Economy and Sustainability, following consultation with the Strategic Director of Resources and the Director of Legal and

Democratic Services, to determine and implement the most suitable delivery or disposal route.

- 1.16. Authorises the Strategic Director for Economy and Sustainability, following consultation with the Strategic Director of Resources and the Strategic Director of Housing and Environment, to decide whether projects should proceed to the next gateway stage having considered gateway reports, RIBA stage reports, and the latest financial viability information and within approved budgets.

2. Reason for Decision and Options Considered

Housing Development Programme context

A continuing housing crisis

- 2.1. Housing is perhaps the most significant economic and social challenge in Ealing, exacerbating issues of low pay, deprivation, and inequality. Poor housing affordability emerges as the primary factor contributing to deprivation throughout the borough (Shaping Ealing survey 2022).
- 2.2. According to Shelter (2023), Ealing has the 10th highest rate of people who are homeless (living in temporary accommodation or sleeping on the streets) in the UK. The number of families living in temporary accommodation is now circa 2,500, putting Ealing in the top five highest in London.
- 2.3. The waiting list for social housing stands at circa 7,500 applications. Three- and four-bedroom homes have waiting times of 10 and 13 years, respectively. A two-bedroom flat has an average waiting time of six years.
- 2.4. Moreover, earnings have failed to match the rapid growth in house prices, resulting in a significant affordability gap. The current level of unaffordability is unprecedented, with the median house price to median gross annual (residence-based) earnings ratio at 16:1. This makes it difficult for most residents to secure suitable and affordable accommodation.
- 2.5. These statistics highlight the severity of the continuing housing crisis and provide a very strong case, which has not diminished despite tough macro-economic conditions, for the council to continue to support new housing development and regeneration in all forms which will continue to improve the overall number, quality and mix of homes in the borough.

Building 4,000 Genuinely Affordable Homes

- 2.6. In response to the housing crisis, the council committed to “continue a long-term homebuilding programme” in the *Council Plan 2022-2026* and set a four-year target to “deliver [start building] 4,000 new genuinely affordable homes across the borough” by April 2026.

- 2.7. GLA Affordable Housing statistics show Ealing was a top performer – second among London boroughs – in 2022-23 (up from third in 2021-22), seeing more than 2,000 affordable homes started by either the council or housing associations. 679 were council led.
- 2.8. Ealing ranked third among London boroughs with 841 completions for Social Rent and London Affordable Rent tenures between 2016 and 2022 and seventh overall for all types and tenures of new builds with 5,329 homes complete.

Housing development during a market downturn

- 2.9. The previous corporate target of starting 2,500 genuinely affordable homes (GAHs) between 2018 and 2022 was successfully achieved during a time of economic certainty and record-low interest rates.
- 2.10. Despite the council's impressive recent track record in housing development, there are formidable new challenges presented by the prevailing economic conditions and political uncertainty: high interest rates, build cost inflation, construction skills shortages, contractor insolvencies, an uncertain sales market and a decline in private rented sector lettings, and a lack of clarity around new building safety regulations to name some. Each threaten the viability of committed and new projects.
- 2.11. As a result, over the last 18 months, the construction industry in the UK has experienced a major downturn, with the housebuilding sector particularly badly affected. Housebuilding programmes across the country have either been scaled back or stopped. A recent Chartered Institute of Housing (CIH, 2023) survey suggests 44% of all local authorities with build programmes, are reducing their housing capital programmes, and 25% are halting them altogether.

A. Committed projects

- 2.12. This section provides a status update on all committed projects – those on site and under contract/development agreement – within the Housing Development Programme. A number of these projects are now challenging to deliver within the original timeframes and budgets due to the housing market conditions described above.
- 2.13. A Housing Development Programme Overview table, with key information on all current projects, is provided as confidential appendix 1.

Schemes on site (directly delivered) (AHP 16-23)

- 2.14. The delivery of homes funded through AHP 16-23 began in September 2021 following decisions to undertake direct delivery of these developments. All proposed developments were tendered through existing construction procurement frameworks. The last project in the programme to start on site did so in October 2023.

- 2.15. Southall Market car park and Package 1 started on site prior to April 2022 and were counted toward the earlier 2,500 GAHs target.
- 2.16. In October 2022, following the fallout from the mini-budget, a successful negotiation with the GLA secured circa £9m additional grant to safeguard delivery of the final four AHP 18-23 projects.
- 2.17. Section 1 of appendix 2 provides a short status update on all projects currently on site (directly delivered) within the AHP 2016-23:
- **Southall Market car park**
 - **Package 1 (Dean Gardens car park, Chesterton and Evesham Close, Shackleton Road, Norwood Road, and Woodend Library)**
 - **Lexden Road**
 - **Northolt Grange**
 - **Sussex Crescent**
 - **Golf Links phase 3**

Southall Market car park

- 2.18. In June 2023, developer Mackenzie Homes made the council aware of cost escalations impacting the JCT contract sum and the ability of them and their contractor to meet the net maximum commitment agreed in the Forward funding Agreement. Mackenzie has requested additional capital above the agreed contract sum to complete the development. Council officers are currently conducting due diligence regarding the request; the findings of this process will be included in a forthcoming Cabinet report, anticipated for March 2024. In the meantime, work on site has stopped until a decision is reached.

Package 1 delivery (former Henry Construction Projects Ltd sites)

- 2.19. The original build contract for the development of the sites forming Package 1A (Chesterton and Evesham Close, Shackleton Road, Norwood Road and Woodend Library all leased to BLRP) and Package 1B (Dean Gardens car park on land owned by the council) was approved by Cabinet in December 2021. Following a competitive tendering process, Henry Construction Projects Ltd (HCPL) was awarded a JCT 2016 Design and Build Contract for all five sites.
- 2.20. Work started on each site in January 2022 and continued through to April 2023. Issues regarding the HCPL programme were raised as early as September 2022, with progress continuing behind schedule into 2023. Consequently, practical completion dates were missed at Norwood Road and Chesterton and Evesham Close and Liquidated and Ascertained Damages (LADs) were imposed in accordance with the contract.
- 2.21. Pay Less Notices were issued for all sites in May 2023 due to the poor quality of workmanship on site and instructions requiring these to be rectified were also issued. Consequently, no payments were made to HCPL in that month.

- 2.22. HCPL went into administration on 9 June 2023, which gave grounds for BLRP and the council to terminate each of the build contracts with HCPL, following receipt of external legal advice and without any financial penalties to either BLRP or the council.
- 2.23. On termination of the build contracts, BLRP and the council took control of the sites and contracted with a trusted supplier to initially make the sites secure and subsequently to make them safe. In addition, a specialist was procured to assess the situation and review the delivery options for both BLRP and the council.
- 2.24. A detailed update on **Package 1**, including proposals for investigation, remediation, and enabling works and a full assessment of potential next steps will be included in a forthcoming Cabinet report, anticipated for early 2024.

Estate Regeneration

- 2.25. The housing estate regeneration programme has been in operation since 2008, after the results of the Estate Review were published.
- 2.26. Most of the schemes (Dean Gardens, Green Man Lane, South Acton, and Havelock) were procured as partnership arrangements direct with registered providers (RPs) or with RPs and a developer-contractor. This was in response to the restrictions on HRA finance and prior to the Localism Act 2011. It placed responsibility for finance onto the RP who in turn retained ownership of the new housing stock but provided the council with nomination rights to the new homes at affordable rents. All these estates provide homes for shared ownership, private sale, and in some cases discount market rent.
- 2.27. Later schemes (Copley, Golf Links, and High Lane) are structured so that the affordable housing stock remains with the council. These estates also provide homes for sale, shared ownership through the council, and discount market rent. Some have private sales through Broadway Living.
- 2.28. All existing affordable housing on the estates is replaced with an up-to-date and appropriate housing mix, and rents are set at levels low enough to encourage existing tenants to stay and take up such opportunities.
- 2.29. Section 2 of appendix 2 provides a short status update on all estate regeneration projects underway:
- **Copley Close**
 - **Dean Gardens (Sherwood Close)**
 - **High Lane**
 - **Green Man Lane**
 - **South Acton**
 - **Havelock Estate**

High Lane

2.30. The council's JV partner's contractor for this project, REAL Contracting, went into receivership in October 2023. The Council is in discussion with Rydon, REAL's parent company, regarding progressing the scheme. Recent reappraisal of scheme finances has demonstrated that it is still viable. **High Lane** will be included alongside **Southall Market car park** and **Package 1** in a forthcoming Cabinet report, anticipated for early 2024, which will recommend next steps to take the project forward.

B. Allocated projects (Affordable Homes Programme 2021-26)

2.31. Since the Mayor of London announced funding allocations for the AHP 2021-26 in August 2021, worsening macroeconomic conditions have had a significant impact on the housing sector, the council's and BLRP's ability to deliver the projects receiving funding.

2.32. Considering these challenges, and in agreement with the government, the GLA invited investment partners, in February 2023, to make limited changes to their AHP 2021-26 programmes. The most recent approval of AHP 2021-26 allocations was in July 2023.

Unviable projects

2.33. With a continuing downturn in the housing market, Beacon Partnership were commissioned by the council to reappraise all AHP 2021-26 projects during Q3 2023 using revised financial assumptions (including recently benchmarked cost estimates by Beacon and a borough-wide assessment of property values by Savills) and hurdles.

2.34. The exercise resulted in several projects being deemed currently unviable. **Stanhope School, Neville Close, Shillaker Court, and Golf Links phase 4** fail to meet the required financial hurdles. Measures taken to improve viability and an assessment of the potential for partnerships and alternative delivery routes failed in creating proposals which met financial expectations.

2.35. Additionally, **Stanhope School** has received DfE funding toward the rebuild of the school, and the Secretary of State for Education is considered unlikely to approve the release of education land for housing.

2.36. In June 2023, the Housing Development team met with residents of **Neville Close** and **Shillaker Court** to discuss the potential redevelopment and in both cases most residents were happy with the condition of the blocks and wished to remain. Furthermore, a resident ballot is required at **Neville Close** due to there being general needs housing on the estate and the timescale required for this would prohibit a start on site by March 2026, even if a positive outcome were considered likely.

2.37. On **Golf Links phase 4**, a more accurate estimate of the cost of buy backs and securing vacant possession has been produced and this prevents phase 4 being considered viable on its own.

2.38. Considering the issues, it's recommended that replacement projects are sought for the **Unviable Projects** in the AHP 2021-26 programme and that alternative viable options are explored for **Neville Close**, **Shillaker Court**, and **Golf Links estate** prior to their inception into the gateway process.

Existing projects

2.39. **George Street car park** and **Mandeville Parkway** are named projects with approved grant allocations within the GLA's AHP 2021-26. **George Street car park** requires a new budget to be established and consultants procured to undertake RIBA stages 1-3. **Mandeville Parkway** was originally part of the AHP 16-23 and was moved to AHP 18-26 as part of the reforecasting process at the beginning of 2023. **Mandeville Parkway** is designed to RIBA Stage 3 and a planning application was submitted in November 2022. It is expected to go to Planning Committee in early 2024. £1.150m has been spent from the general fund to date. A redesign is now required to accommodate a second staircase in block A and to change tenures to ensure the proposal meets the new financial hurdles.

2.40. Sections 2.45 and 2.46 provide greater detail on each of the **Existing Projects** and described the specific approvals required.

New Projects

2.41. **New projects** must be proposed to the GLA through their continuous market engagement (CME) process and will be subject to negotiation. The GLA expects indicative grant allocations to be used first, before additional grant is requested (including unused/returned grant), and the intention is some of the existing grant is allocated to **Perceval House car park**. More detail and scheme specific decisions are described in section 2.47.

2.42. **57 Greenford Road** is a part-built scheme with permission for 90 homes also proposed as a **New Project** for substitution into the AHP 2021-26. The site is now stalled due to contractor insolvency and the council has agreed Head of Terms (HoTs) with the owner for purchase of the site and a development agreement. More detail and scheme specific decisions are described in section 2.48.

Interim revised AHP 2021-26

2.43. For now, a smaller but currently viable affordable homes programme is recommended including **Existing Projects** and **New Projects**. Financial details of the proposed programme are included in confidential appendix 3a and 3b: Ealing Council Development Programme Independent Financial Viability Review [and addendum].

Interim AHP 2021-26 programme:

Scheme	Mix						Total GLA Grant (assumed) (m)	Right to Buy receipts (m)
	Soc. Rent	LLR	IR/MR	SO	Sale	Total		
Perceval House car park	53	22	0	0	75	150	£12.80	£0.00
George Street car park	0	6	0	6	0	12	£0.87	£0.00

Mandeville Parkway	23	18	65	0	0	106	£5.01	£9.52
57 Greenford Road	27	30	33	0	0	90	£7.95	£4.62
Total	103	76	98	6	75	358	£26.63	£14.14

2.44. Adopting the draft programme has the following implications:

- The council will seek to renegotiate current grant allocations for **Existing Projects** to reflect changes in tenure and economic challenges and to ensure proposals meet the required financial hurdles
- Assumed grant rates have been used in the remodelling exercise; actual grant rates need to be negotiated with the GLA and are subject to change
- The council will seek to reallocate unused grant and profile out the indicative allocation for **New Projects** under the GLA's Continuous Market Engagement (CME) process
- Under the interim AHP 2021-26, the amount of currently unused grant that is not allocated to substitute projects is at risk of the GLA redistribution
- However, to achieve the 4,000 GAH target and not relinquish any grant, the council intends to supplement the projects in the above table, principally through the **bulk purchase programme** (2.59)
- The reduced programme delivers 358 homes in total, down from 1,003 (645 homes or 64% fewer)
- The reduced programme delivers 283 affordable homes (of which 179 are GAH), down from 1,003 (557 GAH) (a reduction in affordable homes of 720 or 72%; reduction in GAH of 378 or 68%).

2.45. George Street car park

Background and current position

- George Street car park is a council owned surface-level car park off Uxbridge Road, which forms part of the A4020 and is a short distance from Hanwell town centre and Hanwell Station (Elizabeth Line).
- The site is 0.215 hectares and comprises circa 80 parking spaces and several mature trees. It is adjacent to Clock Tower Conservation Area. It is allocated in the new Local Plan (HA05) for residential-led development. The car park is in an established residential area with terraced Victorian cottages on one side and modern split-level flats on the other; the two 'ends' are open to Uxbridge Road and Wilmot Place. Surrounding buildings range between two and four storeys.
- A feasibility study was commissioned from architects HOK in October 2020 on the assumption the nearby Hanwell Children's Centre would also be developed for housing and the children's centre would be relocated to the car park site, with the addition of 12 new flats above. The original AHP 2021-26 to the GLA was made on this basis.

- Subsequently a decision was made by the service to retain the children’s centre (with that project formally removed from the AHP 2021-26 programme in July 2023), meaning the car park site may be developed for housing only.

Options considered and current recommendation

- The expectation is to bring a proposal forward for at least 12 family-sized, two storey houses, reflecting the 16 small Victorian terraces along the western edge of the car park. Viability modelling has been carried out on this basis.
- It is a relatively high value area and providing intermediate tenures such as shared ownership or discount market rent supports the delivery of the more affordable London Living Rent for the remainder.
- Internal capacity studies indicate the potential for more homes and the potential to go up to three, or even four, storeys on parts of the site. The budget requested as this stage is reflective of this expectation.
- A land value has not been factored into the modelling at this stage. This will be explored further with Strategic Property and parking services at RIBA stage 1 when a more accurate picture of the number of homes achievable is known.
- It is currently assumed the project will be directly delivered by the council with homes ultimately being held by BLRP, although this will continue to be reviewed throughout the gateway process.
- Due to the small size of the site, partnerships will not be particularly attractive. However, this small site offers the potential to generate a capital return for the council. Given the restricted access making construction challenging, it may be more prudent to dispose of the site or engage an experienced SME private developer to focus on delivering homes for open-market sale. Additionally, the site’s manageable scale and the focus on family-sized housing make it a good candidate for a Community Land Trust (CLT) approach. These options will be further considered at gateways 1 and 2, again once a more accurate picture of the number of homes achievable is known.

Financial requirement

- £1.050m is required to cover the cost of specialist consultants, planning fees, legal costs, and specialist surveys to prepare and submit a planning application for the site. As previously noted, this is on the expectation of achieving more than 12 homes on the site.
- The table below provides an indicative profile of spend to cover design work to planning and fees through the planning process.

Project	Source	Gateway 1 RIBA 0	Gateway 2 RIBA 1-2	Gateway 3 RIBA 3
---------	--------	---------------------	-----------------------	---------------------

		(Revenue)	(Capital)	(Capital)
		Jan 24 – Mar 24	Apr 24 – Oct 24	Nov 24 – Apr 25
George Street car park	General Fund	50,000	350,000	650,000
		<u>£1,050,000</u> (including £50k revenue funding initially for RIBA 0)		

- It is expected that if the project complies with Affordable Homes Programme 2021-26 funding requirements, it will attract grant of circa £65k and £80k for Shared Ownership and London Living Rent homes respectively.

Schedule of accommodation

- As there is not yet a defined scheme proposal, the schedule of accommodation is currently high-level as set out in the table below. The number of homes, tenure and precise unit mix will be refined during RIBA stages 0 and 1.

Number of Homes		
LLR	SO	Total
6	6	12

Financial performance

- The financial performance details are set out in confidential appendix 4, demonstrating that at this stage the project meets the council's hurdle rates related to Net Present Value, Cost to Value and Interest Cover.

Indicative Programme

- The indicative programme below has been created assuming council-led direct delivery and achieving start on site by carrying out enabling works through a pre-construction services agreement (PCSA).

Indicative Programme	
Gateway 1 (Brief Setting)	April 2024
Gateway 2 (Design)	October 2024
Planning Submission	April 2025
Gateway 3 (Contractor Procurement)	May 2025
Start on Site	November 2025
Gateway 4 (Practical Completion)	August 2027

- Confidential appendix 4 includes a project dashboard and detailed financial information.

2.46. Mandeville Parkway

- This section of the report seeks to update members on progress of the proposed development at Mandeville Parkway.
- Additionally, this report seeks approval for an increase in the pre-construction budget - to be resourced from the general fund – to undertake a redesign for RIBA Stage 3 which will ensure the design

complies with new Building Regulations and the Building Safety Act – neither of which were in place when the project was originally approved to proceed to planning application stage.

Background and current position

Previous Cabinet reports	Scheme details	Approved Recommendation
May 2020	Newmarket Avenue infills Ph 1 and 2	Inclusion in the GLA grant funding programme 2016 - 23
July 2020	Newmarket Avenue infills Ph 1 and 2 (non HRA funded)	Authority delegated to Exec Director of Place to determine delivery route
September 2020	Newmarket Avenue infills Ph 1 and 2	Authority to consult with residents
November 2020	Newmarket Avenue infills Ph 1 and 2	Approval of a total £36.675m pre-construction budget for the overall programme from the General Fund
April 2022	Land at Mandeville Road (Newmarket Estate)	Commission BLRP to take forward Tranche 2 housing development sites using an allocation of £9.5m from the General Fund pre-construction budget (i.e. to appoint the Design Team)
July 2022	Land at Mandeville Road (Newmarket Estate)	Approval to proceed, in principle, with the redevelopment of this site; Agree that a planning application for the redevelopment of this site is submitted; and a) Authorise the Executive Director of Place to “invite and evaluate tenders ... for the Design and Build Contract and/or award a PCSA subject to: a review of the viability of the schemes once bids have been returned” b) planning consent; and c) following consultation with the Chief Finance Officer.

- Progressing the Mandeville Parkway scheme to the point of procuring a build contract will require funding by the Council. Spend to date on this site has been covered by the general fund Genuinely Affordable Homes Capital Programme Budget. The capital budget of £36.675m was approved by Cabinet in November 2020 for funding ‘pre-transfer costs’ in relation to schemes included in the approved BLRP business plan. As these costs enhance the value of a scheme, they can be recovered as consideration for the land on disposal to BLRP or another partner if they are not to be developed within the HRA.
- The table below shows spend to date on the project compared with the approved budget and additional spend required to amend the planning permission. The original budget was for the combined projects of Mandeville Parkway, Broomcroft Avenue and Canberra Drive.

	Spend
--	--------------

Costs incurred to date (Mandeville Parkway, Broomcroft Avenue and Canberra Drive)	£1.721m
Estimated additional costs for Building Safety redesign and tenure changes	£0.200m
Total	£1.921m
Previously approved budget for Mandeville Parkway, Broomcroft Avenue and Canberra Drive	£1.823m
Variance	£0.098m

- The latest scheme costs are based on the current estimates and are being kept under review as costs may potentially increase. Therefore, this forecast will be revised ahead of entering main works contracts. All pre-transfer expenditure incurred is potentially abortive if a scheme does not proceed and if this risk was to crystallise it could result in an unbudgeted charge to the council's general fund.

Schedule of accommodation (proposed):

Unit type	Total number	Social Rent	London Living Rent (LLR)	Intermediate Rent/ Discounted Market Rent
1b/2p flat	39	6	2	31
2b/3p flat	9	0	1	8
2b/4p flat	44	8	14	22
3b/5p flat	9	4	1	4
3b/5p house	5	5		
Total	106	23	18	65
		21.7%	17%	61.3%

- This scheme involves redeveloping off road car parking areas, dilapidated garages, and some open space to provide 106 new homes across four blocks – including a block of large family houses. The resulting works and landscaping will mean that there is no net loss of amenity space on the Parkway and an increase in the number of trees.
- The design development for the scheme has included two major community consultation events and a series of pre-application planning meetings. The development is designed to be car-free and meet sustainability standards. Car parking will be re-provided for existing residents, who already have a permit system in place.

Current recommendation

- Following the introduction of the Building Safety Act (October 2023) and updated Building Regulations (June 2022), it has become apparent that Block A will need to be redesigned. It has been decided that this will be undertaken should the existing planning application be approved when it is considered by Planning Committee, as the principle regarding

development on the site will be known before committing to any further expenditure.

- Additionally, tenure changes and efficiencies have been identified as being required during the AHP 2021-26 viability review. The revised tenure mix includes discount market rent/intermediate rent homes to provide cross subsidy to achieve the financial hurdles. The scheme was originally designed under the AHP 2016-23 and included London Affordable Rent (LAR) and Shared Ownership. Under the new AHP, LAR is not fundable so a switch to Social Rent is required, negatively affecting viability. Shared Ownership in the borough is not genuinely affordable and LLR is preferred.
- Should the planning application be successful, it is estimated that a further £200k will need to be drawn down from the General Fund to cover the costs of revisiting RIBA Stage 3 and the submission of a section 73 planning application to meet the latest building safety regulations and amend the tenure to reflect the Beacon modelling exercise.

Estimated additional costs for Building Safety redesign and tenure changes:

Project	Source	Gateway 1 RIBA 0 (Revenue)	Gateway 2/return to planning RIBA 1-2 (Capital)	Gateway 3 RIBA 3 (Capital)
		NA	Mar 24 – Apr 24	Jun 24 – Nov 24
Mandeville Parkway	General Fund	NA	200,000	TBC
<u>£200,000</u>				

- An application has been made to SSEN for a power supply of under 1mVA for the development. SSEN have responded stating that currently there is not enough capacity to accommodate the development without an upgrade to the grid. Negotiations are ongoing regarding the level of contribution required.

Financial performance

- The revised viability model based on section 73 proposals result in a scheme which meets the new financial viability hurdles. Greater detail is provided in confidential appendix 5.

Indicative Programme

- The proposed programme will depend on the initial Planning Committee date; however, it is expected that any redesign will take a maximum of six months before a section 73 application can be submitted. The programme below assumes a Planning Committee date of January 2024.

Mandeville Parkway		
	Start	End
Design – RIBA stages 1-3	April 2022	November 2022

Planning Application submitted	November 2022	
Planning Committee	February 2024	
Redesign (second staircase)	March 2024	April 2024
Financial review	March 2024	March 2024
Planning Determination	May 2024	July 2024
Invitation to tender	September 2024	December 2024
Build contract Approval	February 2025	March 2025
PCSA Award	April 2025	
RIBA Stage 4 design	April 2025	October 2025
Building Safety Act Gateway 2	November 2025	February 2026
Start on site		March 2026
Practical Completion		September 2028
Building Safety Act Gateway 3	September 2028	November 2028
End of Defects		September 2029

- Confidential appendix 5 includes a project dashboard and detailed financial information.

2.47. Perceval House car park

Background

- In April 2023, the council announced that it would not progress plans to redevelop the full Perceval House site. The council's intention to retain and retrofit Perceval House was also announced at the time. This will be the subject of a future Cabinet report. In April 2023, it was also acknowledged that there may be plans for residential development on the site, which would comply with Ealing's new Local Planning Policy Guidance on tall buildings.
- The car park (0.37ha) to the rear of Perceval House and the adjacent substation (0.12ha) provide a substantial development area of between 0.37ha and 0.49ha, with capacity for circa 150 homes. The site, identified in Ealing's Development sites document for residential use, could make a substantial contribution to the council's delivery programme. The ground floor of the development also provides an opportunity to increase the supply of non-residential space, complementing the proposed community and business use within Perceval House and contributing to the council's aim to create good jobs.

Options considered and current recommendation

- The council is currently undertaking a feasibility study to determine a high-level quantum of development on the car park site. In particular, the study considers the development opportunities available if the substation remains in situ or is relocated on-site or off-site. The feasibility study will include viability testing and risk assessment of these development options and assess a range of delivery routes.
- The council aims to deliver a policy compliant tenure mix of affordable housing on the site. However, tenure mix can be further refined at the viability testing stage.

Financial requirement

- The financial request for the Perceval House car park project that is the subject of this cabinet report is £1.713m. This request is to cover the cost of consultant fees, planning fees and surveys to prepare and submit a planning application for the site.
- Scheme viability is currently based on the assumption that the substation is not relocated as there is no commitment from SSE to do so. If relocation is a likely option, viability will be tested on that basis factoring in both costs and potential GLA Land Fund grant. A separate financial request will be made to cover associated costs including legal fees, professional fees, and SSE fees in a future decision report.
- The table below provides an indicative profile of spend to cover design work to planning and fees through the planning process.

Project	Source	Gateway 1	Gateway 2	Gateway 3
		RIBA 0 (Revenue)	RIBA 1-2 (Capital)	RIBA 3 (Capital)
		Nov 23 – Dec 23	Jan 24 – Aug 24	Sep 24 – May 25
Perceval House car park	General Fund	33,000	450,000	1,230,000
		£1,713,000 (Includes £50k revenue funding initially for RIBA 0)		

- It is expected that if the project complies with Affordable Homes Programme 2021-26 funding requirements, it will attract grant of circa £180k per Social Rent home and £80k London Living Rent homes.
- The project has an indicative allocation from the GLA’s Land Fund of £17m toward the relocation of the SSE substation. However, this allocation is dependent on the scheme contributing £6.8m and was based on the previous proposal with a much greater number of homes. Any revised scheme proposal will need to be discussed with the GLA. The latest viability modelling assumes a worst case of no Land Fund Grant and the substation remaining.

Schedule of accommodation

- As there is not yet a defined scheme proposal, the schedule of accommodation is currently high-level as set out in the table below. The number of homes, tenure and precise unit mix will be refined during RIBA stages 0 and 1.

Number of Homes			
SR	LLR	PS	Total
53	22	75	150

Financial performance

- The financial performance details are set out below in confidential appendix 6, demonstrating that at this stage the project meets the

council's hurdle rates related to Net Present Value, Cost to Value and Interest cover.

- Perceval House car park is in a high value area, therefore the provision of 50% private sale homes makes a significant contribution to scheme viability. Whilst there is the potential to include Land Fund grant, this has not yet been included as the final costs of substation location and grant are not yet known, and it may be preferable for the substation to remain in situ. Land value has also not yet been included as the ultimate owner of the development has not yet been determined.

Indicative Programme

- The indicative programme below has been created assuming council-led direct delivery and achieving start on site by carrying out enabling works through a pre-construction services agreement (PCSA).

Indicative Programme	
Gateway 1 (Brief Setting) – end RIBA 0	December 23
Gateway 2 (Design) – end RIBA 2	August 24
Planning Submission	December 24
Gateway 3 (Contractor Procurement) – end RIBA 3	May 25
Start on Site (enabling)	January 26
Practical Completion (affordable only)	February 29
Gateway 4 (Practical Completion)	February 30

- Confidential appendix 6 includes a project dashboard and detailed financial information.

2.48.57 Greenford Road

Background

- 57 Greenford Road has the benefit of a dual frontage onto both Greenford Road and Windmill Lane. This site was occupied previously by a BP Garage and is located circa 600m from Greenford town centre. Both Brent Valley Golf Course and River Brent Park MOLs lie to the southeast of the site. These are earmarked to form part of the proposed new regional park. The site is well served by transport links, with a bus stop directly opposite the site serving local bus routes.
- The site is well located for schools and local amenities. The Stanhope Primary school and Cardinal Wiseman schools are both within easy walking distance. The Greenford High Street is approx. 0.4 miles away and the nearest Elizabeth Line station is Hanwell, and it is 1.2 miles away. Greenford underground Station is approx. 1.6m to the north of the site. Both Greenford station and West Ealing stations can be reached by bus routes in approx. 20 mins.
- This site is located approx. 440m from Golf links Estate. Golf Links estate is current undergoing phase 3 of the ongoing regeneration project. Dependant on the programme for redevelopment at Golf Links this

scheme could offer a beneficial decanting opportunity for the residents on the estate.

- The scheme has the benefit of having been granted planning permission. The 90-home permission (216854VAR) identified 27 affordable homes as either Shared Ownership (SO), London Affordable Rent (LAR) or London Living Rent (LLR). The planning approved scheme was designed as an open market sale led scheme.
- It is proposed that the Council purchases the site, and that the vendor builds a mixed tenure scheme of Social Rent (SR), Intermediate Rent (IR) and London Living Rent (LLR) homes. The IR and LLR homes are required to cross subsidise the SR homes.
- The extant permission is for two connected blocks: Block A houses 63 LLR and IR homes. Block B houses 27 SR homes and the design allows for an interconnecting basement car and bicycle parking level to both blocks.
- The site has already been cleared and demolition of the existing structures has taken place. Underground petrol tanks have been removed. The foundations and sub ground floor has been constructed.
- This scheme has been put forward to the council as an acquisition opportunity where the freehold interest in the land is acquired by the Council. The Council will also enter into a Development Agreement (DA) with the vendor, UB6 Holdings Limited (UHL). The DA requires UHL to construct the scheme.
- This site was previously owned by Keach Holdings Ltd, who had contracted with Henry Construction. Unfortunately, Henry have gone into receivership and Keach Holdings subsequently sold the site to UHL. UHL are not willing to sell the land in its current state and will only dispose of the site if it is appointed to be the developer under the DA.
- The Council's legal team has obtained specialist procurement advice to ensure compliance with procurement legislation. The advice is summarised in the legal implications section below.
- The Heads of Terms (HoTs) are included at confidential appendix 7. The land acquisition price will be paid at the start of the project, at the point the land is transferred. The DA will provide for payments to be paid to the developer upon successful achievement of key milestones.
- UHL has inspected the works carried out to date and obtained warranties from ICW Insurance Services Limited to cover all existing construction and the scheme. The foundations and sub ground floor drainage have been inspected to ensure their adequacy.

- The owners have re-engaged the original approved building inspector – Meridian Consulting Ltd and ICW Warranties to ensure continuity of cover for the construction. The ICW warranties will be transferred to the council at practical completion.
- The independent RICS valuation report, included as confidential appendix 8, supports the proposed land cost. The build cost has been validated independently by an independent cost consultant as value for money.

Recommendation

- The recommendation is to approve a general fund capital programme budget for the scheme with total scheme expenditure of up to £33.219m, this will be funded from a combination of GLA grant and right to buy receipts, with the remaining balance met from temporary borrowing until the site is transferred to its ultimate owner.
- A valuation for the transfer will need to be agreed and any capital expenditure to that point will be funded from the resulting capital receipt unless a decision is taken for the homes to remain with the council in the HRA and general fund.
- Authorise the Strategic Director for Economy and Sustainability, following consultation with the Strategic Director of Resources to acquire the freehold interest and enter into a development agreement with UHL to build out the consented scheme, subject to the appropriate due diligence.
- Purchase and redevelopment of the land at 57 Greenford Road by the Council is subject to the following due diligence being carried out:
 - Tax advice relating to acquisition being sought and an updated financial assessment undertaken for the council
 - The development agreement being considered as value for money by the council's Employers Agent
 - The scheme has the benefit of an existing planning consent. However, to overcome weaknesses in the design, the vendor will submit a section 73 application
 - Given current build market volatility, the vendor is proposing to procure the build through a construction management (CM) route. They have engaged a CM company to procure independent works packages to ensure costs are within agreed budget
 - Further consideration of where the completed units might sit if BLRP is not the appropriate vehicle for them. In particular, officers are considering whether Intermediate Rent can be held in the HRA or the GF
 - Review of independent RICS valuation advice will be progressed in early January 2024 and will take place prior to signing the HoTs

Financial requirement

- The table below highlights the key financial funding requirements for this project:

Source of funding	
GLA Affordable Housing Grant	£7,950,000
Right to Buy receipts	£4,620,000
Borrowing before sales	£20,649,065
Total	£33,219,065

Schedule of accommodation

- The current planning approved 90-unit scheme mix and tenure breakdown is:

Type	Total Homes	Social Rent	IR	LLR
1b2p	29	3	13	13
2b3p	3	1	2	0
2b4p	47	14	16	17
3b5p	11	9	2	0
Total	90	27	33	30
		30%	36%	33%

The proposed scheme will offer:

Type	Total Homes	Social Rent	IR	LLR
1b2p	34	1	19	14
2b3p	5	3	2	0
2b4p	40	14	10	16
3b5p	11	9	2	0
Total	90	27	33	30
		30%	36%	33%

- The council was not engaged in the original design of the scheme and will be acquiring a scheme with the benefit of an existing planning consent. Officers have reviewed the design and assessed it against the Broadway Living Development Guide. Whilst it does not meet all the requirements of the guide, officers consider the shortfalls are acceptable. The vendor is prepared to accommodate minor design changes wherever practically possible, and the development agreement will require the scheme to meet all GLA grant funding requirements.

Financial performance

- The financial performance details are set out below in confidential appendix 9, demonstrating that at this stage the project meets the council's hurdle rates related to Net Present Value, Cost to Value and Interest cover.

Indicative Programme

	Date
Agree draft Heads of Terms	Oct 2023
Valuation advice received	Oct 2023
Cabinet approval to enter development agreement	Jan 2023
Exchange of Contracts (land)	Mar 2024
Legal Completion (land)	Mar 2024
Enter build contract	Mar 2024
Start on Site	April 2024
Commence super-structure works	Jun 2024
First Handover	Jun 2026
Practical Completion (Last Handover)	Jun 2026
End of Defects Period	Jun 2027

C. Pipeline projects

2.49. Meeting the ambitious target of starting 4,000 GAH requires new perspectives. Current projections suggest that without action the council will fall short of the 4,000 GAH target by at least 1,500 homes.

Draft Affordable Homes Delivery Plan

2.50. A significant step in identifying new initiatives and approaches and areas for improvement in the Housing Development Programme is the draft *Affordable Homes Delivery Plan*: a roadmap to achieve the council's ambitious housing goals. The plan is in draft and expected to be considered and adopted early in 2024.

2.51. The plan incorporates recommendations and advice from six separate audits and reviews. It makes over 50 recommendations which will be taken forward through a new Housing Development Transformation Programme. It is intended to support and inform the new *Housing Strategy* (being considered for approval by Cabinet in January 2024) and Housing Development Programme.

2.52. Approval for any resulting key decisions required will be sought through appropriate cabinet reports.

Revised financial assumptions and hurdles

2.53. Ensuring the financial viability of all projects within the Housing Development Programme has become increasingly challenging in the last 18 months and we have reviewed prudent assumptions and financial hurdles taking account of the current financial constraints and in the current economic context.

2.54. Beacon Partnership was commissioned by the council to provide benchmark assumptions and to advise on setting appropriate development assumptions and appraisal hurdle criteria.

2.55. It is these assumptions and hurdles by which the **Unviable Projects**, **Existing Projects**, and **New Projects** are measured in this report with a view to ensuring that projects are affordable under the council's various delivery options and to private developers or registered providers.

New governance and gateways

2.56. There is also a strategic review underway of the governance and gateway process for projects. This will enhance the existing gateway process which is no longer fit for purpose and does not reflect the heightened scrutiny and elevated risk profile of development projects under current conditions.

2.57. There is a critical requirement to monitor and manage the council's financial exposure to risk. By instigating a system of procedural due diligence that encourages collaborative and iterative oversight, the gateways will limit spend of approved overall project budgets until financial risk is considered mitigated or acceptable at each stage.

2.58. The final proposal is currently being tested with officers in workshops throughout December and January and will be adopted early 2024, with the final form being approved by the Strategic Director of Economy and Sustainability, following consultation with the Strategic Director of Resources.

New delivery models and initiatives

2.59. To-date, the council has broadly used three models to deliver new affordable homes: direct delivery, through registered provider partnerships, and through s106 agreements. With the economic pressures described, it is increasingly necessary for the council to work in partnership and take innovative approaches to creating new homes and sharing risk. The following workstreams are underway to diversify the council's options for housing delivery with a view to delivering more homes.

- **Bulk purchase programme** – Additional resource and skills have been brought into the New Business team to seek market opportunities for home acquisitions, including distressed 'fire-sale' sites. Some housebuilders have responded to falling market demand by selling new homes to affordable housing providers.

This acquisitions programme will likely necessitate speed in decision making to respond to and be competitive in the market and therefore may require the use of urgency procedures at Cabinet.

- **Small Sites Small Builders** – The council has been successful in bidding for £70k revenue grant from the GLA to support two workstreams relating to housing development on small sites: 1. £20k toward commissioning legal due diligence and surveys to de-risk **Ravenor Park Farm** before marketing the site on the GLA's Small Sites Small Builders portal; 2. £50k toward developing a progressive approach to small sites housing delivery and a modest divestment programme to small builders/developers in the borough.

- **Increased partnership working and diversifying to new sources of income** – The council has a good track record of securing favourable rates of grant funding from the GLA to support new affordable housing, but this is now not sufficient to prop up the costs of development and the ambition for prioritising genuinely affordable homes.

Housing teams are creating a programme of proactive engagement with existing and potential new developer and funding partners, which began with a forum in November 2023 at Pitzhanger Manor. The aim being to promote Ealing Council as a positive and proactive partner of choice in these challenging times and to explore the greater use of equity-based models of construction such as Joint Ventures (JVs). This ensures sharing of risk and the continued delivery of housing to uphold our commitments. Discussions are underway with a range of potential partners.

Selecting the most effective delivery model(s) for each project requires a comprehensive assessment methodology and business case for each site, with careful analysis of all options throughout, that is being written into the new gateway process.

Pipeline projects

- 2.60. In addition to new delivery models and initiatives, there are also known speculative **Pipeline Projects** which warrant further work on feasibility, viability, due diligence, and consideration of delivery options. The council has an existing housing development feasibility annual revenue budget of £500k, which has been identified to support this work. There is a high degree of risk that work may be abortive if viability hurdles cannot be met, or significant constraints are identified, and only limited revenue costs are committed from this budget for initial feasibility work.
- 2.61. The **Pipeline Projects**, particularly those identified under the **Bulk Purchase Programme**, are the most likely options to utilise unused GLA grant funding.
- 2.62. Section 3 of appendix 2 provides a short status update on pipeline projects currently being explored.

Finding new sites

- 2.63. Work is also underway on a brief, to be tendered in the new year, to undertake an asset review, to identify new sites, and carry out capacity studies on a shortlist with a view to increasing the supply of genuinely affordable housing and temporary accommodation in the borough. This exercise will help identify a pipeline of sites suitable for inclusion in the next Affordable Homes Programme post-2026.

3. Key Implications

A. Committed projects

- 3.1. Due to main contractor insolvencies and increased risk on several committed projects investigative work and an options appraisal is required to understand the best course of action to bring these sites forward. A fuller update and recommendation for approval on how to progress **Package 1**, **Southall Market car park**, and **High Lane** will be presented to cabinet in March 2024.

B. Allocated projects (AHP 2021-26)

- 3.2. Because of the housing market downturn, several AHP 2021-26 projects are currently unviable. There are few viable projects in the Housing Development Programme pipeline capable of starting on site within the GLA's timeframe, by April 2026, to be used as substitutes. The result is a scaled back programme of four projects (compared to seven in the bid).
- 3.3. Interim adoption of a scaled back programme results in unallocated grant which the GLA may redistribute to other investment partners if substitute projects cannot be found.
- 3.4. The reduced programme delivers 358 homes in total, down from 1,003 (645 or 64% fewer).
- 3.5. The reduced programme delivers 283 affordable homes (of which 179 are GAH), down from 1,003 (557 GAH) (a reduction in affordable homes of 720 or 72%; reduction in GAH of 378 or 68%).
- 3.6. Neither the HRA nor BLRP is currently able to confirm whether they can hold the homes being proposed. A review of the HRA is underway to establish a financial plan for the coming years and is currently having to identify savings to achieve a balanced position in 2024/25. The BLRP Board approved its latest business plan in December 2023 and must create a viable Growth Business Plan to demonstrate what new projects it can hold. The Growth Business Plan will not be viable without a renegotiation of the current loan agreement and covenants, and a drop in interest rates. The working assumption for now is for the homes created by the **New Projects** and the **Existing Projects** to sit in BLRP subject to agreement from the BLRP Board and approval of a viable BLRP Growth Business Plan. An alternative will be identified if that approval is not reached prior to gateway 3. Delivery options will be kept under constant review and reappraised at each gateway stage.
- 3.7. Projects that are to begin at RIBA stage 0/1 (**Perceval House car park** and **George Street car park**) are forecast to start on site in Q3 or Q4 of 2025/26, at the very end of the AHP 2021-26 and close to the deadline for the 4,000 GAH target. Any delay in decision making or the design and planning process, or identification of unanticipated constraints risks these missing the deadline for grant and counting toward the 4,000 GAH target.

C. Pipeline projects

- 3.8. To achieve the 4,000 GAH target and not relinquish grant, the council must support the progression of viable projects and develop at pace a contingency plan to utilise unused grant, principally through the **bulk purchase programme**.
- 3.9. Supporting pipeline growth, including the **bulk purchase programme**, requires revenue support with the risk of abortive costs.
- 3.10. All projects not currently on site are to go through the proposed new governance and gateway process to ensure there is consistent and regular oversight.

4. Financial

- 4.1. The council's General Fund capital programme included a historic budget allocation of £36.7m to ensure the delivery of BLRP schemes. This is funded initially from Prudential Borrowing, and the capital costs incurred by the Council recovered from capital receipts received upon the transfer of the sites to BLRP. To ensure appropriate approval, oversight and monitoring of scheme budgets it is recommended that new scheme budgets are established for schemes in AHP 2021-26: **Perceval House car park, George Street car park, Mandeville Parkway, and 57 Greenford Road**.
- 4.2. The total capital budget being requested for AHP 2021-26 projects is £36.082m. This is to take **Perceval House car park, George Street car park, and Mandeville Parkway** to gateway 3 and submit planning applications and to purchase **57 Greenford Road**.
- 4.3. As can be seen in the capital spend forecast by Gateway table, spend to reach gateway 1 (RIBA stage 0 work) is assumed to be nil and to come from a revenue budget available for feasibility work. If a project passes gateway 1 and proceeds to RIBA stage 1 and 2 design work, then this will be funded through capital. The initial ask for capital funding to reach gateway 2 (end of RIBA stage 2 and prior to the preparation of a planning application) is £0.983m.

Capital spend forecast by financial year

Project	Funding	2023/24	2024/25	2025/26	2026/27
		Capital	Capital	Capital	Capital
		£000	£000	£000	£000
George Street car park	General Fund temporary borrowing	0	1,000	0	0
(cumulative by project)		0	1,000	1,000	1,000
Mandeville Parkway	General Fund temporary borrowing	200	0	0	0
(cumulative by project)		200	200	200	200
Perceval House car park	General Fund temporary borrowing	0	1,563	100	0

(cumulative by project)		0	1,563	1,663	1,663
57 Greenford Road	General Fund temporary borrowing, right to buy receipts and GLA grant	4,500	17,500	6,000	5,219
(cumulative by project)		4,500	22,000	28,000	33,219
Annual total		<u>4,700</u>	<u>20,063</u>	<u>6,100</u>	<u>5,219</u>

Capital spend forecast by Gateway

Project	Source	Gateway 1*	Gateway 2	Gateway 3
		RIBA 0	RIBA 1-2	RIBA 3
		£000	£000	£000
George Street car park	General Fund temporary borrowing	0	350	650
(cumulative by project)		0	350	1,000
Mandeville Parkway	General Fund temporary borrowing	0	200	0
(cumulative by project)		0	200	200
Perceval House car park	General Fund temporary borrowing	0	433	1,230
(cumulative by project)		0	433	1,663
Total by stage		<u>0</u>	<u>983</u>	<u>1,880</u>

* costs to gateway 1 (at the end of RIBA stage 0) are shown as revenue and included in a separate table

57 Greenford Road	General Fund capital	33,219**	0	0
(cumulative by project)		33,219	33,219	33,219
Funded by:				
	Right to buy receipts	4,620		
	GLA grant	7,950		
	Temporary borrowing	20,649		
Total funding		<u>33,219</u>		

** design and build package deal total borrowing cost indicatively shown against gateway 1, total shown before grant

4.4. Estimated total scheme costs for **Perceval House car park**, **George Street car park**, and **Mandeville Parkway** at this stage is £113.860m. Further approvals for this budget will be requested once delivery routes are confirmed and more accurate scheme costs known. The total scheme cost for Greenford Road is £33.219m. The combined cost of all four projects is £147.080m.

4.5. Total income from the four projects (grant + sales + capitalised rent) is estimated at £188.970m, with an overall Net Present Value of £40.88m. The open market value of the projects is estimated at £180.816m.

4.6. To develop speculative and pipeline projects prior to gateway 1 the existing new homes feasibility annual revenue budget of £500k will be used.

Anticipated revenue spend

Project	Source	2023/24	2024/25	2025/26
		Revenue	Revenue	Revenue
		£000	£000	£000
George Street car park	General Fund	50	0	0
(cumulative by project)		50	50	50
Perceval House car park	General Fund	33	17	0
(cumulative by project)		33	50	50
New Homes revenue budget	General Fund	0	483	500
(cumulative)		0	483	1,067
Annual total		83	500	500

4.7. The total cost of the Housing Development Programme (schemes on site; before grant and sales income) is currently circa £320.884m (excluding projected additional costs on **Package 1** projects).

4.8. This is compared to a total estimated income of £285.636m.

4.9. With the inclusion of the four AHP 2021-26 projects, the total cost of the programme will be circa £467.963m. The total income is estimated at £472.538m.

4.10. See appendix 1: Housing Development Programme Overview table for more detail.

Key financial risks and mitigations arising from the recommendations

4.11. Recommendations 1.6 and 1.10 include requests for new general fund capital budgets for **George Street car park** (£1.050m), **Mandeville Parkway** (£0.200m) and **Perceval House car park** (£1.713m) to undertake work and appoint consultants to complete work to RIBA stage 3. Further budget approvals will be required once this work is complete.

4.12. These total £2.963m and will be funded from temporary general fund borrowing with the expectation that the schemes will transfer to ultimate owners such as the HRA, BLRP, RPs or other development partners and the council's costs will be recouped from the capital receipts (or in the case of the HRA through appropriation).

4.13. In undertaking work pre-planning, the key risk is that of abortive work and costs. Where costs are capitalised and the scheme does not go ahead, these costs may be abortive and therefore need to be written off the revenue budgets in year or financed from revenue reserves. These will be mitigated by seeking to reduce abortive costs/write-offs to a minimum through: funding initial feasibility work of up to £50k (in the case of **George Street car park** and **Perceval House car park**) through the housing development feasibility budget, a robust gateway process which assesses viability throughout the gateway process as additional costs are incurred and the expectation that design work will add value to the council's land should the schemes not proceed through direct delivery and costs recovered through disposal. The maximum risk if the schemes do not

proceed and can't be recovered through disposal of the above decision is therefore £2.863m (after £100k revenue feasibility financing), costs to gateway one are £0.983m.

- 4.14. There is a further risk that the capital receipts of disposal are not sufficient to meet the council's costs incurred, for example that they don't add value to the council's land to the same extent of the council's costs which will be monitored via the council gateway process.
- 4.15. Recommendation 1.12 seeks approval of a general fund capital expenditure budget of up to £33.219m for the purchase of land and to enter into a development agreement at **57 Greenford Road**. This will be funded from GLA grant, right to buy receipts and temporary borrowing until the scheme is completed and funded by capital receipts on transfer to its ultimate owner(s). At this point there is no agreement for another party to take on the completed homes and the key financial risk is that the capital receipt on transfer may not be sufficient to recover the council's costs. Other financial risks may be in relation to incurring additional costs under the development agreement and the development agreement will need to be clear how additional costs are managed.

5. Legal

- 5.1. The council's in-house legal team works closely with the teams tasked with delivering the projects described in this report to identify legal issues, mitigate risks, and achieve the best outcomes available to the council. Where appropriate the council's legal team instructs external solicitors to deliver supplementary legal services.
- 5.2. The HoTs relating to 57 Greenford Road are attached and have been agreed. They will form the basis of the development agreement which will need to be negotiated by the parties. There will be various other legal agreements relating to the land acquisition and the works which will need to be completed.
- 5.3. The council will need to ensure that the land price and the costs of all development are justified and do not constitute a subsidy as defined in the Subsidy Control Act 2022.
- 5.4. The council has obtained external legal advice relating to the public procurement regime as it applies to 57 Greenford Road. The Council is able to enter into the development agreement without running a procurement process by relying on an "exclusive rights" argument under Regulation 32 of the Public Contracts Regulations 2015. This argument is used when awarding development agreements to owners of land, on the basis that they have an "exclusive" property right that they are entitled to protect. The recommendations above seek delegated authority to issue a VEAT notice. This will give notice that the council is entering into the development

agreement and set out the reasons that it believes it is permitted to directly award the contract.

- 5.5. In all other projects where the council is entering into works or services contracts, it will need to comply with the Council's Contract Procurement Rules and applicable public procurement legislation.

6. Value for Money

- 6.1. Increasing the delivery of affordable homes will result in better outcomes for Ealing residents by providing more options to access housing and the associated benefits of having a good quality secure home. This also helps to reduce the costs of other services which are dependent on the supply of good quality housing to make an impact on the services provided to their clients. Council services such as: temporary housing and homelessness will all benefit from the substantial increase in affordable housing delivery.
- 6.2. Value for money is monitored through the new gateways process. A scheme can be considered value for money if it meets the new financial hurdles. Projects also report against a range of other benchmarked performance outputs to provide a fuller picture, these include loan repayment year; works cost/sqm; open market value/sqm; total cost per homes; internal rate of return; interest cover year; breakeven year; peak debt; peak debt year; loan to cost. Metrics will be reviewed annually and if a significant event justifies them being changed.

7. Sustainability Impact Appraisal

- 7.1. The objective of this work programme is to increase the supply of new, good quality genuinely affordable homes, which are designed in compliance with current environmental and sustainability standards. The Council's and BL's Development Guide and employers' requirements are living documents which will help to ensure that high quality, sustainable homes and places are built and the journey towards zero carbon amongst other standards will be considered in each development.

8. Risk Management

- 8.1. Risk is inherent to the process of regeneration and the building of new homes. Every care is taken in terms of managing scheme risks and working within appropriate financial parameters.
- 8.2. Risks for each project are separately assessed, managed, and regularly reviewed. This ensures risks and issues that may affect the delivery of a scheme can be understood and properly monitored enabling appropriate action to be taken. Project dashboards (Appendix 4, 5, 6, and 9) include an assessment of scheme specific risks.

- 8.3. In addition, the whole programme is risk assessed to ensure that all the internal and external factors affecting delivery are identified, assessed and mitigating factors applied. Housing Development Programme risks are included within the risk register at appendix 10.
- 8.4. The risk management process adheres to the council's Risk Management Policy (updated by Audit Committee February 2022). Utilising the risk matrix, risks are identified and categorised in adherence to this policy. Regular accountability and oversight of these risks at the Housing Delivery Board (with escalation to the Housing Delivery Oversight Board) and BL and BLRP Boards will support informed decision making and ensure scrutiny and accountability. Overall, the identified risks will enable the council to optimise resources to deliver the work programme.
- 8.5. Risks to highlight, specifically relating to this report, include:
- HDR6 - 4,000 genuinely affordable new homes not achieved
With a reduced programme and RPs and developers cutting back or pausing their own programmes the risk of not achieving the corporate target is high. This is being mitigated through an increased focus on partnership working and adopting new initiatives and delivery models.
 - HDR7 - GLA AHP 2021-26 - grant criteria not met - grant returned
To claim GLA grant projects must start on site by April 2026. For new projects starting at gateway 1 this is incredibly tight, particularly considering unknown timeframes around new building safety regulator sign off. The GLA may also seek to reallocate unused grant associated with unviable projects to other investment partners. To mitigate this, substitute projects must be identified urgently and a convincing plan of action for bringing these forward agreed with the GLA.
 - HDR8 - Overall Programme Viability
The viability of the programme remains fragile considering the council's financial position and an uncertain market. The mitigations are ongoing reviews of the HRA and General Fund, the gateway review process and the more prudent hurdle rates that are being developed.
 - HDR10 - Emerging fire regulations and Building Safety Act
Emerging changes to fire regulations post Grenfell are leading to increased costs and delays due to enhanced signoff (planning and building regulations gateways) by the building safety regulator and the availability of compliant materials. This is leading to a high risk of non-delivery of schemes and increased reputational risk. Officers, with the Head of Fire Safety, will review designs in consideration of the developing regulations and ensure that all new schemes are

developed in line with emerging regulations. Risk of design changes on individual projects before contract is to be monitored.

- **HDR12 - Contractor/delivery partner insolvency**
There is a continued risk of further contractors or partners going into administration. Mitigations include, reviewing current schemes and not contracting with a single supplier; undertake stricter due diligence on the selection of contractors/developers for the duration of the programme; and increase non-routine reviews for projects in progress and quarterly review of financial resilience of key contractors.
- **HDR16 - New debt/capacity to borrow**
The council acknowledges a lack of financial headroom which is now being considered as part of the reviews of the General Fund and the HRA. The BLRP Board approved its latest business plan in December 2023 and must create a viable Growth Business Plan to demonstrate what new projects it can hold. The Growth Business Plan will not be viable without a renegotiation of the current loan agreement and covenants, and a drop in interest rates. Consequently, neither the HRA nor BLRP is currently able to confirm whether they can hold the homes being proposed. Additionally, alternative sources of funding are to be explored such as use of equity-based models of construction such as Joint Ventures (JVs).
- **HDR19 - West London electricity capacity constraints**
Many projects in the borough are affected by electricity capacity restrictions in West London which are leading to scheme delays due to long connection times or high costs for connection/new infrastructure. This is affecting scheme viability on several projects and increasing the risk of not starting on site by April 2026. Officers are working closely with the GLA, National Grid, and SSEN to better understand the extent of the constraints faced on current and pipeline projects and to set out potential solutions in the short-, medium-, and long-terms.

9. Community Safety

- 9.1. Projects are designed to Secured by Design standards.

10. Links to the 3 Key Priorities for the Borough

- 10.1. Fighting inequality - Improving the housing outcomes of residents in Ealing also contributes to a range of other important outcomes, such as increasing household incomes, improving educational attainment, and reducing homelessness.

- 10.2. Tackling the climate crisis - Improved levels of energy efficiency and reduction of CO2 emissions in newly built homes. Promote low carbon living and minimise future energy costs for residents.
- 10.3. Creating good jobs - The provision of genuinely affordable homes below market levels supports living incomes, provide a platform for local enterprise, and boost the local economy, and create employment, training, and skills opportunities through construction.

11. Equalities, Human Rights and Community Cohesion

- 11.1. The overall Housing Development Programme is expected to have a positive impact on the borough by providing additional homes, especially those that are genuinely affordable. An Equality Analysis Assessment (EAA) has previously been prepared for Mandeville Road and it is not considered that there are any changes arising because of the decisions to be made arising from this report. EAAs will be completed at Gateway 1 for the other schemes discussed in this report, once it's more evident what can be delivered in each case.

12. Staffing/Workforce and Accommodation implications

- 12.1. Interim and consultant staff have been brought into the New Business (Housing Development) team to support the Bulk Purchase Programme. It is intended to establish fixed term posts for these roles for the life of the AHP 2021-26 programme. One of these posts is funded through maternity cover for an existing post and the other is funded using GLA revenue grant.
- 12.2. A review of additional resource requirements in the Housing Development team to deliver on the 4,000 GAH commitment is underway.
- 12.3. The Housing Development team will be supported by specialist finance, legal, design, and land and property consultants to deliver projects.

13. Property and Assets

- 13.1. The purchase of land is required as part of the 57 Greenford Road project. An independent valuation has been received and this will be agreed with Strategic Property prior to signing Heads of Terms.
- 13.2. The other projects are being delivered on existing Council assets and property. The delivery of the programme by BLRP as suggested will require the transfer of land to BLRP, HRA or other partners. Each transfer will be subject to approval by the Cabinet on a scheme-by-scheme basis and will require agreement of valuations confirming best consideration.

14. Consultation

14.1. Individual projects will have their own specific consultation strategies, requirements, and stakeholders. Proposals will be required to be tested with the local community during the planning process.

15. Timetable for Implementation

15.1. Individual timetables are provided for projects within the corresponding sections.

16. Appendices

- APPENDIX 1[CONFIDENTIAL]: Housing Development Programme overview table
- APPENDIX 2: Housing Development Programme projects update
- APPENDIX 3a [CONFIDENTIAL]: Ealing Council Development Programme Independent Financial Viability Review, Beacon Partnership
- APPENDIX 3b [CONFIDENTIAL]: Independent Financial Viability Review addendum update, Beacon Partnership
- APPENDIX 4 [CONFIDENTIAL]: George Street car park combined financial information and project dashboard
- APPENDIX 5 [CONFIDENTIAL]: Mandeville Parkway combined financial information and project dashboard
- APPENDIX 6 [CONFIDENTIAL]: Perceval House car park combined financial information and project dashboard
- APPENDIX 7 [CONFIDENTIAL]: 57 Greenford Road draft Heads of Terms
- APPENDIX 8 [CONFIDENTIAL]: 57 Greenford Road draft valuation
- APPENDIX 9 [CONFIDENTIAL]: 57 Greenford Road combined financial information and project dashboard
- APPENDIX 10 [CONFIDENTIAL]: Housing Development Programme risk register

17. Background Information

- Cabinet Report: Delivery Strategy for 2,500 Genuinely Affordable Homes, 16 October 2018
- Cabinet Report: Housing Delivery Update 18 June 2019
- Cabinet Report: Setting up a Registered Provider of Social Housing to Support the Delivery of Genuine Affordable Housing 16 July 2019
- Cabinet Report: Housing Delivery Update 10 December 2019
- Cabinet Report: Housing Delivery Update 14 July 2020
- Cabinet Report: BLRP Business Plan 10 November 2020
- Cabinet Report: BLRP Tranche 2 Final Plan 6 April 2022
- HDCC Report: Housing Delivery Update of BLRP Tranche 2 Business Plan Sites 15 June 2022

- HDCC Report: Housing Delivery Update of BLRP Tranche 2 Business Plan Sites 13 July 2022
- Cabinet Report: GLA Grant Agreement 2021-26 Affordable Housing Programme 12 October 2022
- Cabinet Report: Housing Delivery Update 7 December 2022
- Cabinet Report: Housing Delivery Update 22 February 2023

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Cllr. Manro	Portfolio Holder for Good Growth and New Housing	18.12.23	20.12.23 04.01.24	Throughout
Peter George	Strategic Director for Economy and Sustainability	11.12.23	20.12.23 04.01.24	Throughout
Emily Hill	Strategic Director Resources	11.12.23	14.12.23 04.01.24	Throughout
Nicky Fiedler	Strategic Director of Housing and Environment	11.12.23		
Helen Harris	Director of Legal and Democratic Services	19.12.23	04.01.24	Throughout
Clare Tostevin	Interim Assistant Director of Housing Regeneration	13.12.23	14.12.23	Throughout
Jamie Burns	Assistant Director Housing Commissioner and Strategy	11.12.23		
Philip Browne	Director of Housing Development	11.12.23		
Ozay Ali	Interim Housing Development Transformation Director	11.12.23		
Jessica Tamayao	Assistant Director of Strategic Property and Investment	11.12.23	04.01.24	Throughout
Alice Rowland	Head of Legal (Commercial)	11.12.23	11.12.23	Throughout
Kevin Kilburn	Interim Assistant Director Strategic Finance	11.12.23		
Russell Dyer	Head of Accountancy	11.12.23		

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:

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Council Housing Development Programme update cabinet report

January 2024

APPENDIX 2

Projects update

Section 1: Schemes on site (directly delivered) (AHP 16-23)

Overview of schemes on site (directly delivered) (AHP 16-23)		
Project	Total number of homes (of which are GAHs)	Update
Southall Market car park	125 (101)	Developer Mackenzie Homes has requested additional capital above the agreed contract sum to complete this development. Officers from Ealing Council are currently conducting due diligence regarding the request; the findings of this process will be included in a forthcoming Cabinet report. In the meantime, work on site has stopped until a decision has been reached, which is expected early in 2024.
Package 1 (Dean Gardens car park, Chesterton and Evesham Close, Shackleton Road, Norwood Road, and Woodend Library)	107 (73)	<p>The main report provides a fuller update on the status of the Package 1 housing development sites, particularly regarding the situation and progress following the contractor Henry Construction Projects Limited (HCPL) going into administration.</p> <p>A further cabinet report is expected in March 2024 to make recommendations as to how these projects should be taken forward.</p>

Overview of schemes on site (directly delivered) (AHP 16-23)		
Project	Total number of homes (of which are GAHs)	Update
Lexden Road	188 (71)	<p>The project experienced some delays when a major Openreach duct was identified beneath the footprint of the proposed new high-rise building. Openreach provided an initial diversion quotation which proposed a significant cost for further investigation and an anticipated diversion. As a result of the duct location, the project has delayed by some six months, whilst legal investigations around rights over the land and obligations to relocate infrastructure were investigated. The project team have engaged continuously with Openreach since, to negotiate an agreement to building over the existing duct to avoid diversion. A build over agreement is now expected to be formally executed no later than quarter 1, 2024.</p> <p>The delay incurred prevented development commencing in August 2023 and has attracted a loss and expense claim being received from McLaren. The financial implications of this claim are being reviewed, with negotiation between parties taking place. It is expected that the loss and expense claim will be financed through the available scheme contingency, however if the contingency is significantly impacted and the remaining contingency is not seen to be adequate for the programme, a further update will be provided to cabinet.</p>
Northolt Grange	92 (84)	The demolition phase of this development is complete, and piling is due to start in February 2024. The project is on track to complete in March 2026.
Sussex Crescent	26 (26)	This scheme is progressing well. Brickwork has commenced, currently up to first floor level. Scheme on programme to complete in November 2023.
Golf Links phase 3	143 (104) plus 3 commercial spaces	Portrush has now been demolished. Alnmouth is currently being demolished with completion of the demolition phase programmed for 3 rd week of December 2023. Due to the discussions regarding access over Thames Water land has entailed a delay to the programme. The revised practical completion date has moved from April 2026 to July 2026.

Section 2: Estate Regeneration

Overview of estate regeneration projects	
Project	Update
Copley Close	<p>A seven-phase scheme, being delivered directly by the council in accordance with a masterplan approved in 2012. Six-hundred-and-eighty existing homes will either be comprehensively refurbished or redeveloped and replaced to create new homes. Extensive improvement to the public realm, a new housing hub, offices for council 24-7 services, a convenience store and new community centre have also been provided.</p> <p>To date, phase 1 (21 x refurbished flats and 5 x new build houses), phase 2 (34 x new build flats), phase 4 (31 x flats and houses) and phase 6 (201 x houses and flats) have all been completed.</p> <p>Phase 3 (refurbishment of 19 existing flats and 3 x new) will reach practical completion early in 2024. The completion of this phase will enable flats used for decanting purposes to be re-used to house decants from phase 5. Phase 5 is a refurbishment of 100 existing homes in six blocks, and it is envisaged work will commence Summer 2024.</p> <p>Phase 7 (refurbishment of 333 existing flats and construction of six new homes) is unlikely to be affordable within the current budget. This is because experience from earlier phases of refurbishment has shown this to be extremely challenging, and the recently imposed 18-tonne weight restriction on the box tunnel along which the highway runs at this point will require careful consideration. An options appraisal process is currently underway.</p>
Dean Gardens (Sherwood Close)	<p>The redevelopment of the Dean Gardens (sometimes known as Sherwood Close) Estate by Clarion Housing Association via a principal development agreement (PDA) with the Council is being undertaken in 3 phases with the demolition of 209 existing properties and construction of 362 new properties in a mixed-tenure development including 147 social rent, 6 shared ownership and 209 market sale homes.</p> <p>Phase 1 completed in 2019 with the construction of 71 units for social rent.</p> <p>Phase 2 completed May 23 and comprises of 106 new homes. 40 for social rent, 60 shared ownership and 6 shared equity for leaseholder replacement.</p> <p>A full phase 3 planning application for the construction of 185 properties was determined in November 23. This will represent an increase of 43 properties over the 142 for which they had outline consent.</p> <p>The Phase 3 site is now empty and is being prepared for handover to Clarion for demolition of properties to commence in Spring 24.</p>
High Lane	<p>Replacement of 264 flats in LPS blocks with 503 new build homes, with genuinely affordable homes being replaced on a habitable room basis. A masterplan has been approved, detailed design work completed and vacant possession of blocks forming phase 1 will be achieved early next year. To be delivered in three phases of development over seven years.</p>

Overview of estate regeneration projects	
Project	Update
	<p>Unfortunately, the JV partner's constructor for the scheme, REAL Contracting, went into receivership in October. Rydon, REAL's parent company, has yet to respond meaningfully to legal approaches regarding the scheme. Recent reappraisal of scheme finances has demonstrated, however, that it is still a viable scheme. Several companies have expressed an interest in taking on the scheme and, at this stage, it would appear the most likely course of action will be to recommend re-tendering the scheme as a JV once existing contractual obligations have been extinguished. A 12 to 15-month delay in scheme commencement is anticipated at this stage.</p>
Green Man Lane	<p>Estate redevelopment by A2 Dominion (A2D) in partnership with REAL Contracting via a development agreement with the Council. The redevelopment is being carried out in 4 phases with the demolition of 472 existing properties and construction of 706 (revised total 849) new properties in a mixed-tenure development including social rent, shared ownership and market sale homes.</p> <p>During the construction of Phase 2, Education colleagues were interested in developing the school to the east of the estate. A wing of Tintern Court was demolished along with the Community Centre. This area together with part of the existing St Johns Primary School playground was used to build the new enlarged school which opened in October 2017, with the developer being transferred former school land to develop homes of sale.</p> <p>Phase 1 - 3 have completed bringing forward 364 new homes, community space and new energy centre. Phase 4 of the scheme is empty, and a CPO is being promoted to gain possession of the remaining leasehold and freehold interests (mainly Dean Hall a standalone building used by the Dean Hall Christian Church Organisation). This is expected to go to a Public Inquiry.</p> <p>The Green Man Lane LLP is the Council's counterparty in the PDA - this is a Joint Venture between REAL (Ealing) Ltd and housing association A2D. In September, Real (LSE) made an application for administration. This is a subsidiary contracting arm in the Real Group and is not the Council's counterparty, though they are delivering some construction. Under the terms of the PDA should either counterparty to the PDA fail or withdraw, the obligation is on the remaining party to source a partner or take on the remaining elements of the project themselves. Officers continue to work with partners, particularly A2D to understand the impact, if any, and remedies should the administration progress to affect the JV partnership itself.</p>
South Acton	<p>A partnership known as Acton Gardens LLP comprising Countryside Partnerships and L&Q housing trust. Redevelopment of 1,860 existing homes in 52 blocks to create a brand-new residential quarter of circa 3,500 homes in four new neighbourhoods, each centred around a new or substantial improved open space.</p>

Overview of estate regeneration projects	
Project	Update
	<p>The scheme has now delivered 2,098 homes and almost 1,000 of these are affordable, the bulk being genuinely affordable rented homes with priority for existing tenants.</p> <p>AG LLP have advised the next five phases of development, to include 628 new homes, can proceed with the assistance of the release of funding held in the overage account. This is in line with the terms of the agreed as part of the PDA. At the point of land transfer, the council will receive reimbursement of land assembly costs associated with these phases.</p>
Havelock Estate	<p>The redevelopment of the Havelock estate by Catalyst (now Peabody) is via a PDA with the Council. The scheme is to be carried out in 4 phases, each phase containing sub phases A and B and comprises of the demolition of 692 existing properties, and construction of 922 new homes in a mix of 367 social rent /affordable rent, 121 shared equity and 434 market sale homes.</p> <p>Phases 1a and 1b of the project completed in 2020 bringing forward 287 new properties (1,2,3 and 4 bed properties) in a mix of sale, social rent, and shared equity. Under the terms of the PDA the Council were paid its land assembly costs for both phases and it became apparent that the scheme, in its current form, was subjected to several viability challenges. These challenges included increases in construction costs and leaseholder buyback costs, and sales not achieving anticipated values.</p> <p>The PDA makes provision for the council to consider options to improve scheme viability should this become an issue. Officers have been working with partners on several options such as increased density, increasing the scheme redline and engaging a joint venture partner.</p> <p>During the viability work Catalyst merged with Peabody and the new entity, known as Peabody Housing Trust, have confirmed their Board's support for further work to be undertaken to develop a viable solution for phase 2a, which is their favoured option to proceed, without relying on increased financial support from the Council. It is anticipated that Peabody would be able to report on progress, early in spring 24.</p> <p>Officers are also working on further options for the estate should viable scheme remain difficult to achieve. A stock condition survey has been commissioned to understand the costs involved in considering a do nothing, fully refurbishment or part refurbishment approach.</p> <p>Phase 2a of the scheme is currently vacant and the properties have been demolished. The cleared site is being considered as an option to accommodate part of the council's modular construction targets to support of temporary accommodation and reduce bed and breakfast usage</p>

Section 3: Pipeline projects

Overview of pipeline projects		
Project	Total number of homes (of which are GAHs)	Update
Gurnell Leisure Centre housing	200 (70)	Opportunity for at least 200 new homes as enabling development for new leisure centre. Overall project is being led by the Major Project Teams with the housing overseen by New Business. Potential to start on site by April 2026 and include within the AHP 21-26.
Trinity Way estate	200 (70)	HRA estate with opportunity for 200-300 new homes depending on retrofit or replacement of existing homes. Leaseholder buybacks and decanting costs affecting viability. A JV partnership is a realistic option and will be explored further.
Heller House	70-180 (100)	Opportunity for circa 70 homes on a site currently occupied by Heller House, a Council-owned respite centre which closed in 2016 and is currently used as temporary housing. The site is adjacent to the Grand Union Canal. Marriage value in adjacent plots to improve viability and increase number of homes to circa 180. Potentially suitable for delivery with a partner.
Golf Links estate	1,300 (650)	Major estate regeneration opportunity for up to 1,300 new homes. LBE is committed to doing a masterplan prior to phase 4 (or any other phase) coming forward. Phase 4 (280 homes) has AHP grant for 100% affordable scheme but considerable leaseholder buybacks and decanting costs (estimated £12m) affecting viability. Potentially suitable for a JV partnership.
Dormers Wells leisure centre housing	Unknown	Exploring the potential for new homes in the vicinity of the leisure centre as enabling development for leisure centre refurbishment.
Yeading Lane estate	Unknown	Opportunity for an exemplar estate regeneration and climate action project, including retrofitting, modifying, and enlarging homes; infill and rooftop development; extensive environmental improvements; and an estate retrofit Design Code for homeowners. The site largely consists of the Yeading Lane housing estate, also known as Radcliffe Way Estate.
Copley phase 7	Unknown	Phase 7 currently assumed to be refurbishment of 333 existing flats and construction of six new homes. An options appraisal is currently underway.

Overview of pipeline projects		
Project	Total number of homes (of which are GAHs)	Update
Bulk purchase programme	Unknown	Programme stands the greatest chance of identifying projects which can start before April 2026 for inclusion in the AHP 21-26. Individual projects are not listed due to commercial sensitivities, but number of homes across nine opportunities currently being explored range from 33 to 588.

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Report for:
ACTION

Item Number:

Contains Confidential or Exempt Information	No
Title	Housing Strategy
Responsible Officer(s)	Peter George Strategic Director Economy & Sustainability Nicky Fiedler Strategic Director Housing & Environment
Author(s)	Jamie Burns Assistant Director of Housing Commissioning & Strategy
Portfolio(s)	Cllr. Shital Manro Cabinet Member for Good Growth & New Housing Cllr. Bassam Mahfouz Cabinet Member for Safe & Genuinely Affordable Homes
For Consideration By	Cabinet
Date to be Considered	17 th January 2024
Implementation Date if Not Called In	Subject to following Public Consultation.
Affected Wards	All
Keywords/Index	Affordable Housing, Broadway Living, Climate Change, Climate Emergency, Communities, Delivery Plan, Developers, Empty Homes, Energy Efficiency, Fuel Poverty, Genuine Affordable Housing, GLA, Homelessness, Homeowners, Housing, Housing Crisis, Housing Market, Inequality, Landlords, Local Plan, Neighbourhoods, Private Sector Housing, Retrofitted Homes, Rough Sleeping, Seven Towns, Strategy.

Purpose of Report:

'Great Homes, Better Lives: A Housing Strategy for Ealing's Residents' represents a forward-thinking and transformative five-year strategy, aimed at ensuring that everyone in Ealing has access to a genuinely affordable home, underpinned by a stable and sufficient income. This ambitious strategy outlines the Council's dedicated efforts to address the pressing housing crisis, with a commitment to providing safe, healthy, and secure housing for all residents in Ealing.

Spanning all housing types, the strategy comprehensively addresses owner-occupied, privately rented, and social housing sectors, alongside targeted initiatives to combat homelessness and rough sleeping. Integral to this approach is the development of a new comprehensive Homelessness & Rough Sleeping Strategy, designed to augment and support the overarching goals of the Housing Strategy, which is currently being finalised. Central to the strategy is the empowerment of local communities, harnessing the collective resources of the borough to innovate and improve the delivery of housing services. This strategic approach is not just about housing; it's about enhancing the quality of life in Ealing, making it a more prosperous and enjoyable place for everyone. The strategy is action-oriented, with a clear focus on both immediate solutions and sustainable, long-term change. It prioritises the delivery of genuinely affordable homes, strategically located based on the specific housing needs of the diverse communities across Ealing's seven towns.

This Strategy marks the commencement of an ambitious journey towards a thriving, healthy, and sustainable future for Ealing. With the steadfast commitment of the Council, coupled with the invaluable support of residents, landlords, and collaborative partners, we stand poised to make a profound and positive impact on the lives and wellbeing of the residents of Ealing.

The final version of the strategy following public consultation, will have an agreed delivery plan detailing how it will be monitored and regularly reviewed; a foreword by the Leader; be professionally designed meeting corporate standards; and contain supporting images, statistics, and graphics.

1. Recommendations for DECISION

- 1.1 It is recommended that Cabinet:
- 1.2 Agree that there should be public consultation on the draft Housing Strategy 2024-2029 (Appendix A).
- 1.3 Delegate authority to the Strategic Director of Economy & Sustainability to consider the outcome of the consultation and the Equalities Analysis Assessment, make amendments and approve the final version of the Housing Strategy 2024-2029.
- 1.4 Delegate authority to the Strategic Director of Economy & Sustainability to approve the Housing Strategy Delivery Plan.

2. Reasons for Decision and Options Considered

2.1 The Council is proposing a new Housing Strategy to provide safe, healthy, and secure homes for all its residents. The proposed strategy aims to deliver a step change to secure more good homes for Ealing and improve the borough's existing stock, while also addressing urgent areas of improvement.

2.2 The Council's immediate focus is on working for those most impacted by the housing crisis. The strategy includes four strategic priority themes to provide the foundations for long-term change in the borough.

- I. *Increasing the supply of genuinely affordable homes*
- II. *Quality housing: homes that are healthy, safe, and sustainable*
- III. *Supporting people to live well in the community*
- IV. *Promoting resilience, inclusion, and fighting inequality*

These are underpinned by four commitments about the way we will work:

- *Empowering communities*
- *Being bold and innovative*
- *Delivering through partnership*
- *A polycentric approach –Ealing's seven towns*

2.3 Each in turn and together support the Council's three primary strategic goals:

- ***Creating Good Jobs***
- ***Tackling the Climate Crisis***
- ***Fighting Inequality***

2.4 The strategy is driven by the fact that Ealing is changing, and the Council is transforming its relationship with residents to modernise local government in a way that empowers communities and liberates the workforce. Housing is one of the most fundamental determinants of quality of life and is key to the borough's journey. The proposed strategy is built around the principle that every resident should have the best possible experience of living in Ealing, with their home being the basis for a prosperous and enjoyable life in the borough.

2.5 The Council recognises that the housing system needs to be underpinned by fundamentally different ways of working to tackle the climate emergency and drive an improved quality of life for residents. The proposed strategy and subsequent delivery plan include immediate actions along the above four interconnected strategic priorities, which will provide the foundations for long-term change in the borough.

It has been produced at a challenging time of a troubled economy, highest levels of inflation in a generation, and increasing demand for the Council's statutory services, where local authority budgets are being squeezed to their limits.

- 2.6 The proposed strategy is based on evidence showing the scale of the challenge faced by Ealing. The Council aims to make a measurable difference to the lives of residents in Ealing by providing the foundation for a thriving, healthy, prosperous, and green borough.
- 2.7 The strategy is informed by conversations with residents and tenants, reflecting the findings of the broader borough engagement undertaken in 2022, which highlighted key local issues, such as a lack of social housing, family-sized homes, and energy-efficient homes. The proposed strategy aims to respond to these and other key issues throughout its implementation.
- 2.8 The Council commissioned consultants Campbell Tickell to write the new Strategy to address the borough's complex housing challenges, ensuring it aligns strategically with the Council's other strategies and plans to meet Ealing's high expectations and ambitions. Subject to approval by Cabinet, the next step will be to carry out extensive public consultation, which will enable direct feedback to be incorporated into the strategy.
- 2.9 Focusing on the key areas below, the strategy aims to create inclusive, sustainable, and thriving communities, that complement and enhance the unique characteristics and needs of our seven towns. At its core the new strategy will provide the strategic direction to ensure that all residents of Ealing have access to safe, affordable, and suitable homes.

2.10 What is a Housing Strategy

- 2.11 A housing strategy is a comprehensive plan developed by local authorities to address the unique housing needs of its communities. While not a statutory requirement, it is essential for effective housing management and development. It serves as a blueprint guiding the council's actions in the housing sector, aligning with broader social, economic, and environmental objectives of the borough.

2.12 Why is a Housing Strategy Needed

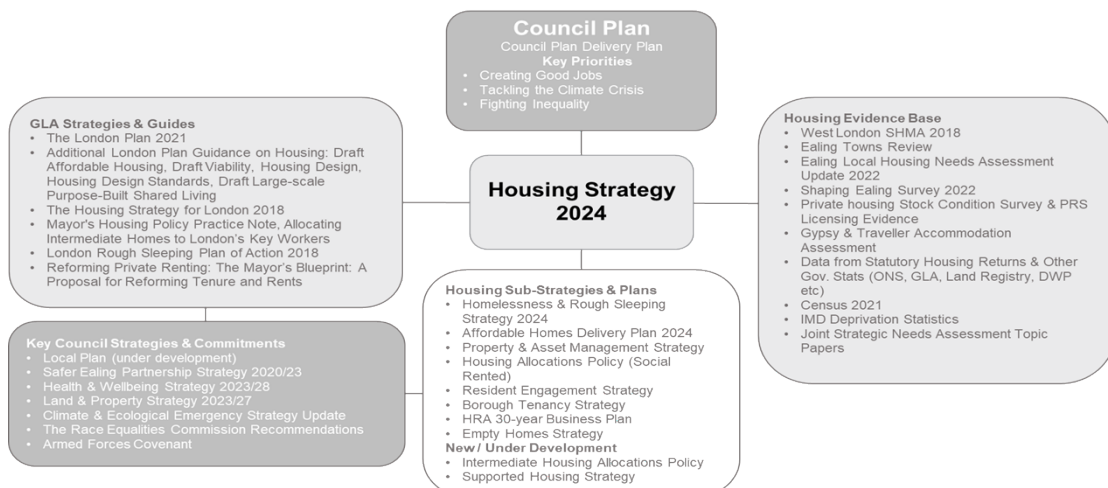
- **Diverse Housing Needs:** Ealing, like many London boroughs, is characterised by a diverse population with varying housing requirements. A housing strategy helps to identify and address these different needs systematically
- **Affordability Challenges:** Affordability is a significant concern. The strategy seeks to provide solutions for more affordable housing options
- **Development:** With ongoing development, a housing strategy ensures that growth is sustainable, balancing the need for new housing with the preservation of community character and environment

- **Homelessness and Social Issues:** Addressing homelessness and providing support for vulnerable populations is a critical aspect of the strategy, reflecting the council's commitment to social responsibility
- **Economic Growth and Stability:** Good housing policy is integral to the economic vitality of the borough, attracting investment and supporting a stable, prosperous community

2.13 Main Components of a Housing Strategy

- **Assessment of Housing Needs:** An in-depth analysis of current and future housing demands across different demographics and socio-economic groups in Ealing
- **Affordable Housing Development:** Strategies to increase the supply of affordable housing, including partnerships with developers, housing associations, and government schemes
- **Homelessness Reduction:** Initiatives and programmes aimed at reducing homelessness and rough sleeping, through prevention, support services, and provision of emergency housing
- **Quality and Sustainability:** Ensuring that new and existing housing meets high standards of quality and sustainability, contributing to the overall health and wellbeing of residents
- **Community Engagement:** Actively involving local communities in housing decisions, ensuring that the strategy reflects the needs and aspirations of Ealing's residents
- **Integrated Approach:** Collaboration with other policy areas such as education, health, and transport, to create a holistic approach to housing and community development
- **Monitoring and Evaluation:** Establishing clear metrics and regular reviews to assess the effectiveness of the strategy and adjust as needed

2.14 Strategic Context Overview



2.15 In summary, a housing strategy is a vital tool in shaping the future of the borough, ensuring that housing development is aligned with the needs of its communities and contributes positively to the overall quality of life in Ealing.

3. Key Implications

3.1 The new comprehensive Housing Strategy, is focused on ensuring affordable homes for everyone, which carries several significant implications:

- **Addressing Affordability and Quality of Housing:** The strategy confronts the stark challenges of high housing costs and the scarcity of affordable homes. It aims to make housing more accessible to all residents, particularly young families and those in the private rented sector who are increasingly priced out. This approach includes enhancing the quality, safety, and sustainability of homes in Ealing
- **Strategic Focus on Diverse Housing Needs:** Recognising the growing and diverse population of Ealing, the strategy aims to cater to varying housing needs, including the requirement for larger, family-sized homes and support for older residents to live independently
- **Community Engagement and Regeneration:** A significant emphasis is placed on engaging with the community to shape the future of housing in Ealing. This includes developing Town Plans and local interventions, fostering a culture of inclusion and transparency, and focusing on regeneration that benefits all seven towns within the borough
- **Combating Homelessness and Housing Vulnerabilities:** The strategy prioritises addressing homelessness and rough sleeping through various measures, including the development of a new homelessness and rough sleeping strategy. There is a commitment to providing support for the most vulnerable, including those with mental or physical health needs
- **Sustainable and Healthy Living:** Aligning with the borough's ecological goals, the strategy underscores the importance of sustainable housing that contributes positively to residents' health and well-being. This includes efforts to retrofit homes for better energy efficiency and to promote healthier living environments
- **Private Rented Sector (PRS) Improvements:** The strategy acknowledges the issues within the PRS, including poor property conditions. Measures like Selective Licensing aim to raise standards and ensure safe, quality housing in the private rented market
- **Empowering Residents and Tackling Inequality:** The strategy recognizes the need to fight inequality and promote resilience in housing. This includes empowering tenant groups, establishing community hubs for housing advice, and actively working to reduce disparities, particularly those that affect minority and vulnerable groups

- **Promotion of Employment and Economic Growth:** The strategy links housing with economic development, aiming to create jobs and improve residents' access to employment opportunities. This approach recognises that economic stability is crucial for addressing housing issues
 - **Collaborative Efforts for Housing Delivery:** The strategy highlights the necessity of collaboration with various partners, including private sector entities, to meet housing goals. This collaborative approach is seen as vital for funding and delivering new, genuinely affordable homes
- 3.2 In summary, Ealing's new Housing Strategy is an ambitious and multifaceted plan that aims not only to address the current housing crisis but also to improve the overall quality of life for its residents through sustainable, inclusive, and community-focused initiatives.

4. Financial

- 4.1 The strategy will contain a detailed Delivery Plan, setting out the proposals to deliver the strategy priorities and objectives over the next five years, along with the timescales for implementation. Where a proposal is defined as a 'key decision' under the council's constitution with a significant financial implication, then it will be brought to Cabinet for decision separately, with a detailed breakdown of the financial implications.
- 4.2 Financial implications arising from the objectives outlined within the Housing Strategy will be met by the Housing General Fund revenue budgets, and the HRA where expenditure relates to Ealing's housing estates and wider council housing stock.
- 4.3 There are no direct financial implications from the strategy itself.

5. Legal

- 5.1 Since 26th May 2015, the obligation to have a housing strategy only applies to local housing authorities in Wales.
- 5.2 Although the Secretary of State has not exercised the power contained in section 87 of the Local Government Act 2003 to require local authorities to produce housing strategies, in practice most authorities do produce strategies.
- 5.3 Under the Greater London Authority Act 2007 any housing strategies produced or revised by the Council must be in general conformity with the London Housing Strategy.
- 5.4 A local authority is required to have a Homelessness Strategy pursuant to the Homelessness Act 2002.

- 5.5 Consultation needs to take place at a formative stage at a point where the mind of the decision-maker is still open to change and can, therefore, be influenced by the responses to the consultation. Conscientious consideration must be given to the consultation responses by the decision maker.

6. Value For Money

- 6.1 Value for money is a theme running through the strategy in the priorities, objectives, and actions. There are some key objectives which will provide significant value for money and contribute direct savings to the council's budgets, including: 'making the most efficient use of the existing housing stock'. Increasing the supply of housing will help meet housing need, reduce overcrowding, and reduce the need for using expensive temporary accommodation for homeless households.

7. Sustainability Impact Appraisal

- 7.1 One of the key priorities is '*Quality housing: homes that are healthy, safe, and sustainable*'. This priority contains several objectives and associated actions to improve sustainability:
- Improve energy efficiency and reduce fuel poverty.
 - Invest in and improve communities.
 - Ensure new homes are of a high-quality design and environmentally sustainable.

8. Risk Management

- 8.1 The delivery of many of the actions in the strategy are reliant on Government grant, such as the GLA Affordable Housing Programme. Some actions are reliant on partner organisations progressing key actions. The evidence base and delivery plans will be kept under review to identify and manage risks. Risk registers will be maintained for major projects, and the risks reported to Cabinet as part of any decision-making process.

9. Community Safety

- 9.1 The strategy will make a positive contribution towards improving community safety.

10. Links to the 3 Key Priorities for the Borough

10.1 The strategy includes four strategic priority themes to provide the foundations for long-term change in the borough.

- I. Increasing the supply of genuinely affordable homes*
- II. Quality housing: homes that are healthy, safe, and sustainable*
- III. Supporting people to live well in the community*
- IV. Promoting resilience, inclusion, and fighting inequality*

10.2 Each in turn and together supporting the Council's three primary strategic goals.

- **Fighting inequality**
- **Tackling the climate crisis**
- **Creating good jobs**

11. Equalities, Human Rights and Community Cohesion

11.1 A full equalities analysis assessment will be undertaken following the public consultation.

12. Staffing/Workforce and Accommodation implications:

12.1 No direct implications.

13. Property and Assets

13.1 No direct implications.

14. Any other implications:

14.1 None.

15. Consultation

15.1 Full public consultation will follow approval at Cabinet to proceed.

16. Timetable for Implementation

16.1 A final implementation date will be agreed following public consultation.

17. Appendices

17.1 Appendix A: Housing Strategy.

18. Background Information

18.1 None.

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Cllr. Shital Manro	Cabinet Member for Good Growth & New Housing	Throughout	Throughout	Throughout
Cllr. Bassam Mahfouz	Cabinet Member for Safe & Genuinely Affordable Homes	Throughout	Throughout	Throughout
Peter George	Strategic Director Economy & Sustainability	Throughout	Throughout	Throughout
Nicky Fiedler	Strategic Director Housing & Environment	Throughout	Throughout	Throughout
Alice Rowland	Head of Legal (Commercial)	Throughout	Throughout	Throughout
Justin Morley	Head of Legal (Litigation)	Throughout	Throughout	Throughout
Shabana Khan	Lawyer (Litigation)	Throughout	Throughout	Throughout
Russell Dyer	Head of Accountancy	Throughout	Throughout	Throughout
Adam Towle	Head of New Business, Housing Development	Throughout	Throughout	Throughout

Report History

Decision type: EITHER: Key decision OR Non-key decision OR For information (delete as applicable)	Urgency item?
Report no.:	Report author and contact for queries: Jamie Burns Assistant Director Housing Commissioning & Strategy burnsja@ealing.gov.uk

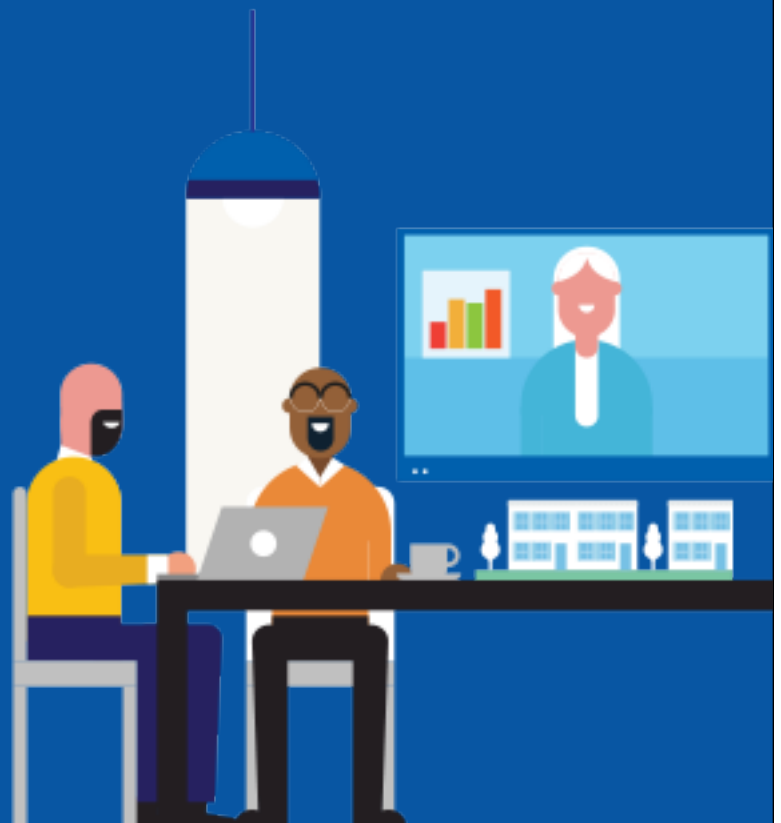
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Great Homes, Better Lives: A Housing Strategy for Ealing's Residents

2024 – 2029

Draft

January 2024



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Foreword

Our new strategy reiterates our commitment to providing genuinely affordable homes for our residents and communities in Ealing, as well as ensuring that we continue to deliver on our three key missions: creating good jobs, tackling the climate crisis, and fighting inequality.

At the last election, we committed to delivering 4,000 genuinely affordable homes by 2026 - one of the most ambitious home building programmes in the country. We've already been working hard to not only provide those new genuinely affordable homes for our residents, but also to ensure that homes in the borough are safe, secure places to live. With over 1,300 genuinely affordable homes started on site since the beginning of 2022/23, as well as the successful launch of our private rental sector licensing scheme at the start of 2023, we're already taking real action to improve our residents' lives.

Our main vision when launching our housing strategy is to build on our achievements by ensuring we continue to increase the supply of genuinely affordable homes for our residents. It is through this strategy, that the council can continue to ensure that affordable housing is available for residents across our 7 towns. We know that the homes that we build in the borough must meet our residents' needs. Ensuring that the homes themselves are of the quality our residents deserve, that the neighbourhoods that they form are safe places to live, and that they meet our sustainability criteria as we continue to fight the climate crisis, are all of paramount importance.

We're striving to support our residents to create, nurture, and engage with new communities on their estates, encouraging everyone in Ealing to live in communities filled with pride and identity. Having somewhere safe and secure to call home is essential for creating and improving opportunities for our residents. Good quality homes are known to improve physical and mental health outcomes for residents, as well as being a key determinant in educational outcomes for children and young people. Housing is crucial in fighting the inequalities we know are present in our society.

We know that many of our residents are finding their household budgets at breaking point, with difficult economic conditions and the current housing crisis. Whether its rising rents for private tenants, increased interest rates for mortgage holders, councils across London are continuing to face up against a housing affordability crisis. That's why this strategy is so important, helping to navigate the challenges ahead of us, and to provide a robust framework to help us weather economic hardship or political change.

This strategy is not just about delivering new homes but creating new communities and improving the lives of our residents. We know that there are big challenges ahead of us, but we are committed to delivering on our promises and ensuring that our residents, from all our 7 towns, can continue to afford to call Ealing their home.

Cllr. Peter Mason
Leader of Ealing Council

Strategy on a Page

Our mission is to take proactive action to meet our residents diverse housing needs and aspirations, supporting health and wellbeing, through the provision of a range of good quality, well managed, genuinely affordable homes across Ealing's seven towns. We will work in partnership to eliminate housing inequalities, prevent housing crisis, and support those in housing need.¹

We have four interconnected **strategic priorities** for housing in Ealing for the next five years, which will support us to deliver on our mission. These are:

- Increasing the supply of Genuinely Affordable Homes
- Quality housing - homes that are safe, secure, and sustainable
- Supporting people to live well in the community
- Promoting resilience, inclusion and fighting inequality

The actions we take to achieve these priorities will contribute to delivering on our three Council-wide strategic objectives of creating good jobs, tackling the climate crisis, and fighting inequality.

Our approach to delivering this strategy will be underpinned by **four commitments** about the way we will work. These are:

- Empowering communities
- Being bold and innovative
- Delivering through partnership
- A polycentric approach – Ealing's seven towns

¹ By 'genuinely affordable' we mean a home which costs no more than a third of gross household income.

1. Introduction

A new housing strategy for Ealing

- 1.1 Ealing is a dynamic and vibrant place with a unique blend of characteristics including diverse communities, high-performing schools, a wide variety of employment opportunities, abundant parks and green spaces and outstanding connectivity to other parts of the capital. These characteristics, as well as the strong identity of each of our seven towns, make Ealing an attractive place where people want to live, put down roots and bring up a family.
- 1.2 Good quality, genuinely affordable housing plays a fundamental role in the lives of our residents and communities. This is why we have worked hard to increase housing supply locally. We are proud to have one of the strongest track records in London of delivering new homes. But we know we need to do more.
- 1.3 This Housing Strategy sets out our plans to shape housing provision across Ealing's seven towns over the next five years. It is purposefully ambitious and broad in scope. The strategy is designed to help us deliver on our wider corporate objectives by integrating our work on housing with that in other areas including community engagement, economic development, addressing the climate emergency, and providing essential support to our most vulnerable residents.
- 1.4 As a council, we have a range of legal responsibilities for housing. These include:
 - managing and maintaining our council homes
 - assisting people at risk of homelessness or rough sleeping
 - ensuring suitable accommodation for those with care needs
 - enforcing minimum standards of rental homes in the private sector
 - delivering measures to help people to live independently; and
 - planning for future housing needs across the borough
- 1.5 In addition to these responsibilities, the council has an important role to play in bringing together the wide range of organisations that we will rely on to deliver the mission and priorities set out in this strategy.
- 1.6 We do not have direct control or influence over many of the homes in our borough. Because of this, a theme of this strategy is how we will work with others to deliver on our mission and priorities. We want to work with our partners and residents to find creative solutions, empowering others to take leading roles where they are best placed to do so.
- 1.7 We know that achieving the ambitions set out in this strategy will be challenging, particularly within the financial and legal constraints we face. This is why, as we deliver this strategy, we will be working hard to find ways to finance our activities that will be sustainable over the long term. We are an ambitious and compassionate council, and we recognise that we, our residents, and our communities cannot afford a lack of ambition in housing. The costs of not being ambitious would be more profound still.

Our mission, objectives, and commitments

- 1.8 **Our mission** is to take proactive action to meet our residents diverse housing needs and aspirations, supporting health and wellbeing, through the provision of a range of good quality, well managed, genuinely affordable homes across Ealing's seven towns. We will work in partnership to eliminate housing inequalities, prevent housing crisis, and support those in housing need.²
- 1.9 We have four interconnected strategic priorities for housing in Ealing for the next five years, which will support us to deliver on our mission.

Priority 1: Increasing the supply of Genuinely Affordable Homes

We will place residents at the centre of our work with partners to ensure that Ealing's seven towns have a sufficient number and mix of new homes to meet population growth and existing housing needs.

Priority 2: Quality housing: homes that are healthy, safe, and sustainable

We will work to improve the quality of housing in Ealing, so that homes in our borough benefit the health and wellbeing of our residents and communities.

Priority 3: Supporting people to live well in the community

We will work in partnership to prevent homelessness and rough sleeping and provide a range of housing options and support for Ealing's ageing population and those with support needs, enabling people to live independently.

Priority 4: Promoting resilience, inclusion and fighting inequality

We will seek to identify and address housing inequalities within our communities through targeted initiatives, increasing community resilience, improving resident engagement, and ensuring the accessibility of our services for all.

- 1.10 The actions we take to achieve these priorities will contribute to delivering on our three Council-wide strategic objectives and the housing targets in our 2022 – 2026 Council Plan, set out below.

² By 'genuinely affordable' we mean a home which costs no more than a third of gross household income.



1.11 These housing targets are to:

- Deliver 4,000 new Genuinely Affordable Homes across the borough
- Invest £20 million in 100 new safe and secure places for people to stay
- Invest £400 million in the council's housing
- Work to end the need for families who face eviction to stay in temporary accommodation

Our commitments

1.12 To achieve our mission and deliver on our priorities requires a way of working that builds on the Council's corporate pledge to deliver a new culture of public service where we engage and work in partnership with our communities. Our approach to delivering this strategy will be underpinned by four commitments about the way we will work.

1.13 **Commitment 1: Empowering communities.** We commit to fostering collaboration with the individuals and organisations deeply familiar with their respective communities and empowering them to work alongside us to deliver our mission and priorities. This will help ensure we live up to our commitment to inclusion and making Ealing a fairer place to live and work. While the council will not have solutions to every housing challenge, we will guide our residents towards the resources and experts who can provide the necessary support.

1.14 **Commitment 2: Boldness and innovation.** We commit to embracing innovation and trying new approaches that can enhance housing opportunities and residents' quality of life. This strategy introduces fresh perspectives, such as expanding partnerships, including potential collaboration with institutional investors, and considering out-of-borough development at scale to broaden housing choices for Ealing's residents.

1.15 **Commitment 3: Delivering through partnership.** We cannot deliver this strategy on our own. We will work in partnership with our residents, communities, and partners like Broadway Living, to deliver on our priorities. These partnerships will be instrumental in attracting additional investment into Ealing, expanding the availability of genuinely affordable housing, and strengthening our ability to face future challenges.

1.16 **Commitment 4: A polycentric approach.** As a large borough comprising different areas and several town centres, we recognise that one size does not fit all when it comes to housing. That is why, in addition to the three commitments set out above, we will work over the course of this strategy to tailor our approach to respond to the different housing needs in each of Ealing’s seven towns.³

1.17 Sections 3 to 6 set out our four priorities, and under each priority we have outlined how we will deliver in line with our first three commitments. Section 7 explains how we will deliver on commitment 4, setting out our seven towns approach to implementing the housing strategy.

Developing this Strategy: our approach

1.18 This strategy has been developed through a multi-stage approach building on research, consultation, and engagement.



Document review



Horizon scanning



Needs and demand assessment



Internal stakeholder interviews



External partner interviews



Community engagement



Resident surveys

1.19 In the development of the strategy, we reviewed over 70 documents and carried out over 50 interviews across key council services, housing partners, and community organisations. It has also been informed by an accompanying update to our Local Housing Needs Assessment, which now includes analysis of housing need across each of Ealing’s seven towns based on the latest available information.

1.20 It builds on the objectives and priorities of Ealing’s Council Plan 2022 to 2026 as well as many other council strategies and plans, such as the emerging Local Plan, Health & Wellbeing Strategy, Climate & Ecological Strategy, as well as regional strategies and plans such as the London Plan and Mayor of London’s Housing Strategy. An outline of the links to key council documents is included in Appendix 1.

1.21 This document has been prepared for the purposes of public consultation, following initial approval by Ealing council’s Cabinet. Residents, stakeholders, community representatives and other interested parties will be invited to comment and share views on the strategy, which will be reviewed to produce a final version.

1.22 We are producing this strategy at a time of great uncertainty in the wider political and economic environment. This strategy seeks to respond to today’s challenges while also providing a firm foundation and clear direction for our borough over the next five years. It strives to be both ambitious and deliverable, identifying the roles of our residents, communities, and partners in shaping the future of Ealing’s housing.

³ These are Acton, Ealing, Greenford, Hanwell, Northolt, Perivale, and Southall.

2 Housing in Ealing: understanding the issues

About Ealing

2.1 Ealing is a dynamic and diverse area with a growing population and abundant local amenities. It also faces a number of challenges in sustainably meeting local housing needs.

[Below box to be redesigned as a one-page infographic, featuring comparisons]

- Ealing is London's third largest borough with a population of over 367,000. The population increased by 8.5% over the past decade – faster than both London and England
- Ealing's population is relatively young compared to the national average, but the number of residents aged 25 – 35 is decreasing and the number aged 50 and over is increasing significantly
- Ealing is highly diverse. 160 languages are spoken in the borough, and less than half of the population (47.6%) were born in the UK
- Around 60% of Ealing's residents are economically active but wages are the lowest in West London and lower than all but three other London boroughs
- 71% of neighbourhoods throughout Ealing fall within the 20% most deprived areas nationwide when it comes to housing and services barriers⁴
- 46% of households own their home, making it the most common tenure, but homeownership has been in decline over the past decade
- The median average house price is over 16x local earnings, making Ealing one of the least affordable places to buy a home in London
- The private rented sector has grown to account for over 34% of the borough's households and is becoming more expensive
- There are around 25,000 affordable homes for rent in Ealing, accounting for less than 20% of the borough's homes, below the London average of 23%
- Ealing requires an additional 27,734 affordable homes over a fifteen-year period to meet housing need, 70% of which should be social or affordable rent⁵

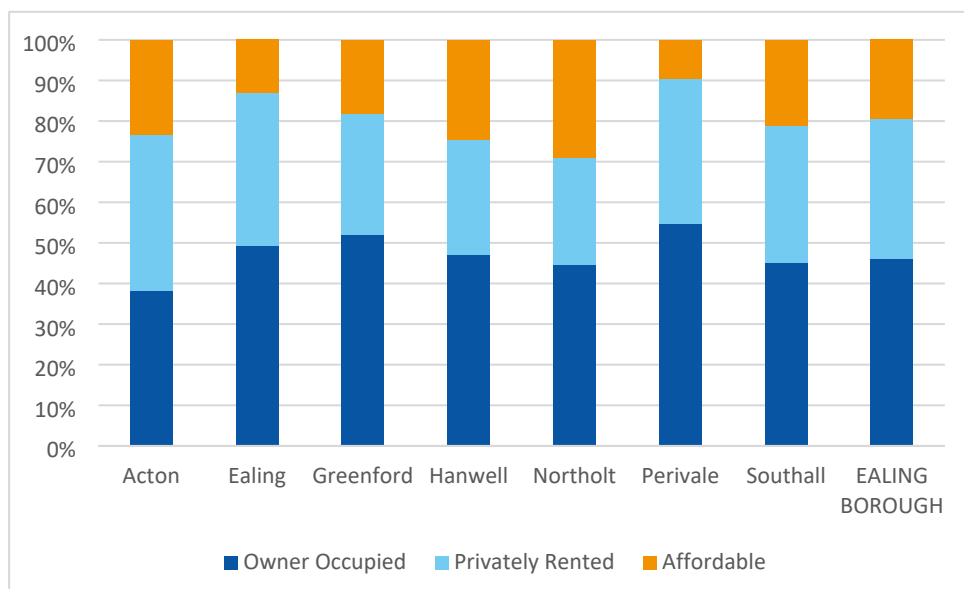
⁴ This is based on the latest Indices of Deprivation 2019 which measures relative deprivation across England.

⁵ According to Ealing's Local Housing Needs Assessment 2022.

Genuinely Affordable Homes

- 2.2 Ealing’s growth and diversity are reflected in the scale of local housing need. Housing costs are high throughout the borough. The median price of a house in Ealing is £550,000 (slightly above the London average of £535,000)⁶. Property prices have increased by over 100% since 2007. However, average incomes remain relatively low with median gross annual earnings in Ealing just over £36,000, which is lower than in all but three other London boroughs.⁷ This results in significant affordability challenges for aspiring homeowners.
- 2.3 Most people in Ealing still own their own home (46% of households), but this has been in decline over the past decade, from 51% at the previous census in 2011. Affordable housing accounts for fewer than one in five households (19.5%) across Ealing, which is below the London average (23.1%), and the proportion of households living in affordable housing varies significantly by area, from 29.1% in Northolt to 9.6% in Perivale.

Figure – Housing Tenure by Town in Ealing (Census 2021)



- 2.4 Many residents are not only priced out of home ownership but are increasingly priced out of the Private Rented Sector (PRS) too. Recent analysis shows that the average PRS property is unaffordable to those on average incomes for all but studio flats in a small number of areas across the borough. The only three genuinely affordable tenures housing for the majority of households on average incomes are Social Rent, London Affordable Rent, and London Living Rent.

⁶ ONS, Median house prices for administrative geographies (September 2023) – 12 months to March 2023.

⁷ These boroughs are Sutton, Newham, and Barking & Dagenham.

- **Social Rent** is a low-cost rental tenure which uses a capped rent formula and is intended for households who qualify for social housing through the local housing register
- **London Affordable Rent** is a low-cost rental tenure which uses rent levels set by the Greater London Authority (GLA) and is intended for households who qualify for social housing through the local housing register. This is no longer funded by the GLA and is being phased out in favour of social rented homes
- **London Living Rent** is an intermediate tenure with an option to buy, which uses rent levels linked to local incomes at no greater than 80% of market rents and is intended for middle income households

- 2.5 The challenges faced by low- and middle-income households in Ealing finding genuinely affordable housing in the private market is reflected in the findings of our most recent Local Housing Needs Assessment. This explored housing needs across a range of circumstances for Ealing's population, identifying the need for an additional 27,734 affordable homes over a fifteen-year period, 70% of which would need to be for social or affordable rent. Over 45% of the need will be for larger homes of 3 bedrooms or more. This evidence justifies the need for an increase in the number of Genuinely Affordable Homes in Ealing.
- 2.6 Ealing already has a strong track record of delivering new homes, performing the seventh best across London and the third best for completion of affordable homes in the previous five years. While Ealing's local plan has allocated substantial amounts of land for housing, there are constraints on the supply of available land for development in the borough. A large share of Ealing's land is Green Belt, Metropolitan Open Land or Strategic Industrial Land, which is subject to stronger planning protection.
- 2.7 Our residents are generally supportive of the need for more Genuinely Affordable Homes in their area. In recent resident surveys, only 10% of residents agreed with the statement 'there is a good range of affordable homes to rent or buy'. This was consistent across different areas with younger respondents and people with disabilities particularly likely to disagree.⁸ Affordable housing was third on the list of things that residents consider make their local area a good place to live.⁹

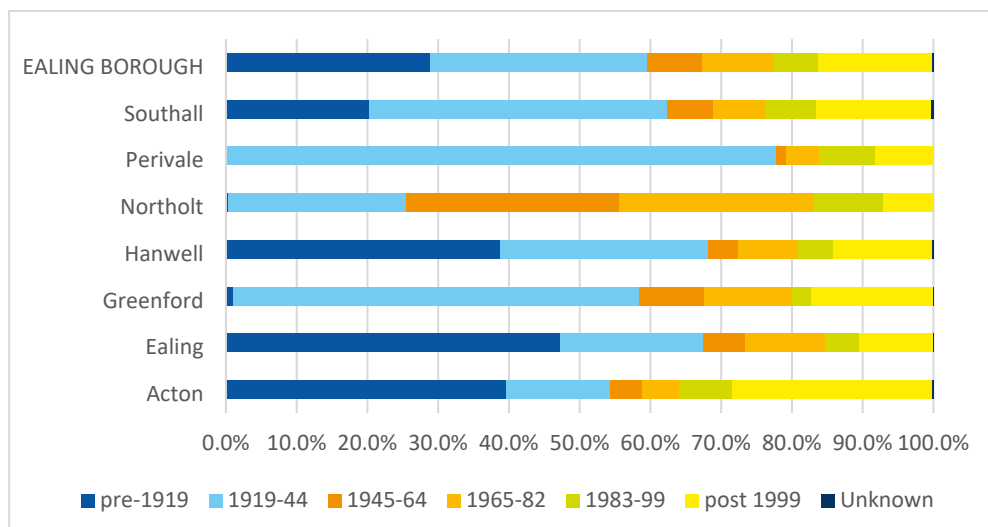
Quality Housing

- 2.8 There are considerable challenges associated with improving the quality of Ealing's homes, ensuring they remain safe, secure, and sustainable. Ealing is home to a significant number of older properties, with almost 60% of homes being built pre-1945. Whilst the age of a property is not necessarily a direct reflection of its quality, there is a strong relationship between the age of a property and poorer energy efficiency.

⁸ The Shaping Ealing survey was carried out between November 2021 and May 2022 with 10,661 respondents.

⁹ According to the most recent resident survey from 2022 (based on 1,250 interviews).

Figure – Ealing’s housing by built age (Valuation Office Agency, 2023)



2.9 Ealing Council has set itself the objective of becoming net zero by 2030. Currently housing is the single biggest contributor to local carbon emissions.¹⁰ 13% of Ealing’s residents are living in fuel poverty, over half (54%) of Ealing’s homes are EPC D or lower, and over three-quarters (75.5%) of Ealing’s homes depend on gas as their main heating source.¹¹ The extent of fuel poverty and poor energy performance is greater for private homes and suggests the need for a widescale retrofit programme to reduce carbon emissions and tackle fuel poverty.

2.10 Across Ealing, more than a third (34%) of households are now living in the Private Rented Sector. Recent analysis showed that 22% of homes in the PRS are predicted to have at least one category 1 hazard, significantly higher than the national average of 12%. These are serious hazards which pose a risk to the health and safety of the occupants and for which the local authority should take enforcement action, which will be better enabled through the roll-out of licensing schemes.

Supporting People

2.11 The high costs and lack of housing security, low wages, and benefit shortfalls, leads more people to approach the council at risk of homelessness. According to the latest report from Shelter (2023), Ealing ranks as the 10th highest council in the UK in terms of homelessness rates. The number of households assessed as homeless increased by almost 13% between 2021/22 and 2022/23, the most common cause of which was the end of a PRS tenancy.

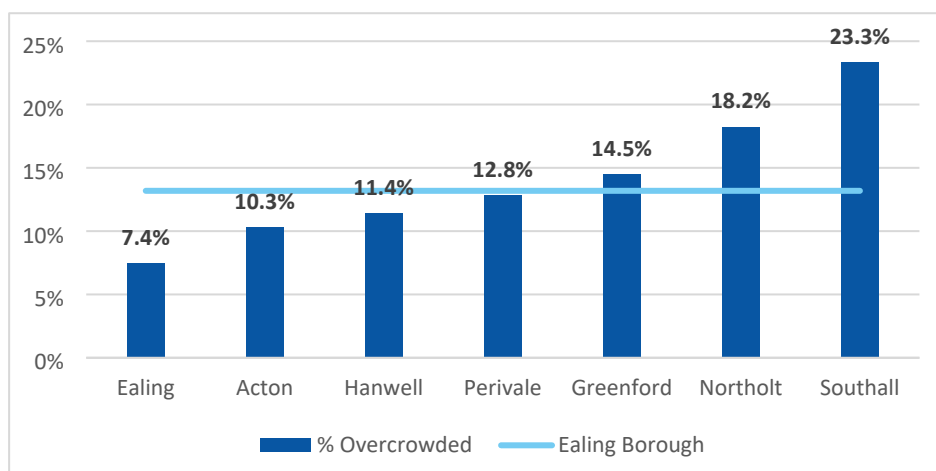
2.12 Overcrowding is a major issue in parts of the borough, particularly in Southall where 23% of households are overcrowded by one bedroom or more.¹²

¹⁰ Housing accounts for 42% of local emissions – higher than both transport (32%) or industry/commercial (26%) according to the Council’s Climate & Ecological Strategy.

¹¹ EPC refers to a properties Energy Performance Certificate which is ranked from A (highest performing) to G (lowest performing).

¹² This is based on the 2021 Census definition of overcrowding which is calculated by comparing the number of bedrooms the household requires to the number of available bedrooms. Further information about bedroom requirements by occupants is available [here](#).

Figure – Overcrowding in Ealing (Census 2021)



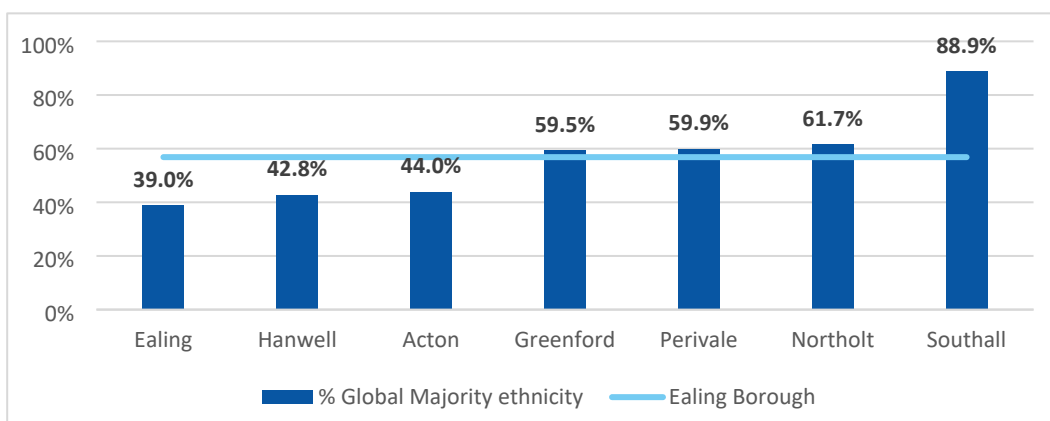
2.13 Ealing has an ageing population, with 21% of our residents projected to be 65 or over by 2041. The London Plan target is for each borough to provide an additional 200 homes per year specifically for older people. We currently do not have enough housing options for this group. For example, there are only two Extra Care schemes currently operating in the borough. Between 2023 and 2024 the population of residents aged under 40 is projected to fall by almost 14,000. This also suggests the need for more family-sized accommodation to be provided locally.

Addressing Inequality

2.14 Ealing is home to considerable deprivation, and we face profound challenges with housing that affect our diverse residents and communities in different and unequal ways. We do not shy away from these challenges - we remain determined to confront and address them by working with people affected to provide them with more choices in finding solutions.

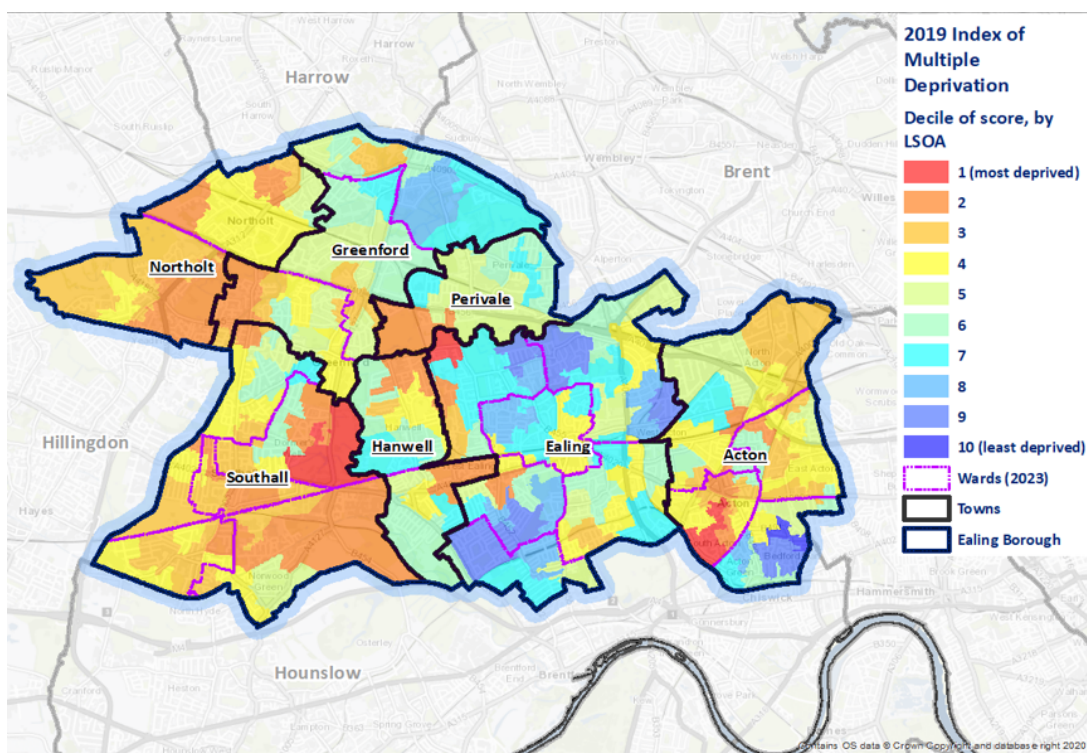
2.15 Ealing is the third largest London borough with a population of over 367,000, of which 54% are from ethnic minorities, over half were born outside of the UK and only 24% identify as ‘White British’ – the third most diverse borough nationally, with 160 languages spoken.

Figure – Ethnicity of Ealing’s population (2021 Census)



- 2.16 The diversity of the borough is one of its key strengths but can also present challenges for our residents where English is not their first language. We know that there are considerable disparities in the living standards across different ethnic groups in Ealing, as well as significant challenges in providing housing support for those with no recourse to public funds due to their immigration status.
- 2.17 The borough features a wide range of household incomes, comprising those on both high and low incomes often living in close proximity to one another. This is particularly prominent in the towns of Acton and Ealing, which include both large volumes of affordable housing alongside relatively expensive private housing.

Image – Deprivation by Lower Super Output Area (2019 Index of Multiple Deprivation)



3 Increasing the supply of Genuinely Affordable Homes

Key outcomes

- More residents are able to access a Genuinely Affordable Home
 - Better quality of life for residents
 - Increased investment in Ealing's homes and communities
-

Links to council priorities on Genuinely Affordable Homes and Good Growth

Context

- 3.1 Too many of our residents face great difficulty in finding good quality affordable housing. In recognition of this, Ealing Council have set an ambitious target of delivering 4,000 Genuinely Affordable Homes by 2026, following successful achievement of our previous target of 2,500 such homes built between 2017 and 2022.
- 3.2 Facilitating the delivery of Genuinely Affordable Homes will help provide a better quality of life for our residents by enabling them to meet their other daily needs and live a fulfilling life, whilst also reducing the costs we as a council spend on homelessness and temporary accommodation, housing benefit, social care, public health, and other services.
- 3.3 We have a proud track record of securing grant funding from Government to support new affordable housing, but this is not sufficient to meet the full costs of development. We will explore other forms of investment and partnerships to cover the full costs of delivering new Genuinely Affordable Homes.
- 3.4 **By 'genuinely affordable' we mean homes where housing costs do not exceed broadly one-third of a household's gross household income, or 40% including service charges.** Practically, this means that we will focus on delivering Social Rent, London Affordable Rent and London Living Rent homes. We will also support Discounted Market Rent in locations where rent levels meet our definition of genuinely affordable. We recognise the potential value that other tenures, such as Shared Ownership, can bring to housing markets but this does not meet our definition of 'genuinely affordable' across most of the borough.

Delivering the homes that Ealing's residents need

- 3.5 We support a mixed economy of housing delivery, whether that be through the council, our wholly owned housing company Broadway Living and its subsidiary Broadway Living RP where financially viable, joint ventures and partnerships, and housing associations, including for profit registered providers.

- 3.6 Our existing development partners recognise the strength of Ealing's commitment to increasing the delivery of new Genuinely Affordable Homes, regarding the council as a willing partner and seeing Ealing as an attractive place to deliver new homes owing to its connectivity, strong communities, and abundance of local amenities.
- 3.7 We will:
- Focus on delivering genuinely affordable homes at Social Rent and London Living Rent. We will support Discounted Market Rent in locations where rent levels meet our definition of genuinely affordable
 - Look to deliver as many Genuinely Affordable Homes as possible through the planning system. Our priority is for new affordable homes to be delivered on site with an appropriate mix of property sizes and for any affordable homes to remain so in perpetuity
 - Identify opportunities to acquire homes that can be converted into genuinely affordable housing
 - On larger new build developments we will encourage build to rent housing over market sale homes as the former are more financially accessible to a larger proportion of borough residents; however the build to rent housing is expected to be delivered alongside genuinely affordable housing
 - Be open to student housing or co-living developments where they take place in suitable locations, of sufficient quality and high management standards, and provide acceptable levels of genuinely affordable housing
 - Work with Broadway Living, our housing company and its subsidiary registered provider Broadway Living RP, to explore how we can increase the provision of homes to meet local need

Broadway Living

Broadway Living is the Council's wholly owned local housing company, along with its subsidiary, Broadway Living RP, it plays a crucial role in advancing the Council's housing ambitions and objectives. The companies have historically been instrumental in developing and managing homes.

We will explore together broadening their scope. This strategic shift is aimed at better addressing the diverse housing needs within the borough and providing homes that are most urgently required.

Working in partnership to fund and deliver new homes

- 3.8 Our vision and growth targets can only be achieved by working in creative partnership with private sector businesses, developers, and investors. We are working closely with partners such as the Old Oak and Park Royal Development Corporation (OPDC), which will oversee the delivery of 15,000 new homes, many of which will be in Ealing, as well as wider infrastructure which will have an impact locally.
- 3.9 Through our “Good for Ealing” inward investment programme we are promoting Ealing’s potential for good growth and new homes to potential new partners. By positioning ourselves as ‘being open for business’ as a positive and proactive partner of choice in these challenging times, we can ensure the continued delivery of housing and uphold our commitments on affordability and sustainability. In turn, our partners will be expected to demonstrate how they share our values, spread good practice, and support our diverse communities and residents by actively engaging with them.
- 3.10 We are keen to explore the potential for Ealing to use its skills and resources to develop a new town or community outside of the borough where some of Ealing’s housing needs could be more sustainably met. This would involve finding a suitable area to partner with who would benefit from the development of new homes and incoming residents who could fill skills gaps and vacancies in the local jobs market. With careful planning the amenities and infrastructure that is required for a thriving community such as transport, healthcare, schools, jobs, leisure, and retail facilities would be developed alongside new homes.
- 3.11 We are also working with residents and community groups to support more innovative forms of housing supply, such as Community Land Trusts (CLTs), not-for-profit organisations that acquire and manage land for the benefit of local communities by providing affordable housing.
- 3.12 We will:
- Advertise site opportunities to potential regeneration and development industry partners via the “Good for Ealing” inward investment programme
 - Where the council does fund new homes, we will ensure the homes are of high quality, subject to a rigorous appraisal of their financial viability and that robust governance is in place
 - Explore opportunities for Ealing to establish a sustainable new community beyond the borough, in collaboration with neighbouring areas, to address housing needs
 - Continue to work with our statutory partners, the West London Alliance on One Public Estate, Old Oak, and Park Royal Development Corporation (OPDC), and Transport for London to support the delivery of new homes across the wider sub-region
 - Deliver at least 100 new homes through Community Land Trusts, working with Ealing Citizens to bring forward suitable sites for development

Housing Commissioning

Ealing has launched a new strategic housing commissioning system, offering a comprehensive framework to meet the Borough's diverse housing needs. At its core is a focus on revitalising existing housing and maximising new home creation. This marks a pivotal shift towards a commissioning-based methodology, grounded in a detailed analysis of housing requirements. By identifying and addressing these needs, the Council and its partners can employ a variety of delivery methods.

More than just increasing housing numbers, this system is about strategically ensuring the right homes in the right places, tailored to meet community needs. It adopts a transformative approach that addresses housing demand, financial feasibility, and sustainability. The system emphasises collaboration, strategic planning, and community empowerment, aiming to deliver housing solutions that are effective, sustainable, and inclusive.

Recognising the role of regeneration in increasing supply

- 3.13 The regeneration of existing estates will play an important role in achieving our ambition to increase the number of Genuinely Affordable Homes. Estate regeneration delivers upgrades to quality, safety, space, and sustainability while also allowing us to better match the size of homes to those that our communities need.
- 3.14 Ealing Council has a strong track record of working with communities to bring forward regeneration proposals as seen in successful recent estate ballots at the Golf Links and High Lane. Ealing has provided over 3,000 new homes through regeneration schemes to date, with potential for around 5,000 homes in our development pipeline forecast to be delivered across seven regeneration projects. Over the course of this strategy, our approach to regeneration will evolve in line with the wider Seven Towns framework and the needs of local communities.
- 3.15 Regeneration schemes are complex by their very nature. They often involve many partners, are delivered in multiple phases across several years and require rehousing existing residents. The costs of delivering these schemes are typically funded through the cross-subsidy provided through developing a mixture of tenures of housing, including private sale.
- 3.16 We will:
- Seek to continue to deliver these homes over the course of this strategy, providing regular updates to those residents and communities affected, and closely scrutinising the financial viability of our schemes
 - Look to adopt an area-based approach to regeneration which closely ties in new homes with the surrounding area and the provision of a mixture of uses
 - Work collaboratively with housing associations who are planning to regenerate their own estates in order to improve the quality of their homes and surroundings and potentially

to increase the supply of Genuinely Affordable Homes. Where these are adjacent to council owned homes, we would explore close working to maximise the mutual benefits

Case Study – Acton Gardens

[Photo to be included in final version]

The former South Acton Estate will see the delivery of 3,463 new mixed-tenure homes as part of the Acton Gardens regeneration programme. These will replace 1,800 homes, of which 50% will be affordable plus other wider amenities.

Back in 2009, 80% of the estate's residents wanted to leave the estate, whereas now most residents wish to stay and are being rehoused in the new homes. The original estate suffered from isolation from the surrounding area, featuring a series of large blocks with poor quality public spaces and bad connectivity.

The new masterplan sought to rectify this through designing new streets which better link to the local neighbourhood and remove unnecessary boundaries. It also sought to protect mature trees, create new public gardens, and allow for homes to face onto the street to create a more open environment. Design decisions were made to use brick as a primary material, but for each phase of the estate to appear slightly different, providing more variety whilst remaining cohesive.

Successful delivery of this project has owed to a strong and effective partnership between the Council, the Community Board, and its development partner Countryside. Such collaboration has been present throughout the project to date, recognising the strengths which each partner could bring to achieving a shared vision for new high-quality genuinely affordable housing.

The project has built on the strong community spirit of the original estate. A £50,000 community fund was distributed to local community groups and a community hub has been built, incorporating a youth centre, two halls, training kitchens, a doctor and dental surgery.

Acton Gardens are not only building fantastic new homes people want to live in, but strong communities people want to remain part of.

Priority activities for increasing the supply of Genuinely Affordable Homes

- Attract investment in new housing through “Good for Ealing” and explore alternative funding and partners such as For-Profit Registered Providers and institutional investors to help deliver genuinely affordable homes as well as a range of tenures including intermediate housing, build to rent and temporary accommodation
- Explore options to partner with other areas to deliver a new town or housing communities outside of Ealing's boundaries to meet housing needs
- Improve the commissioning of supply to address a diversity of needs, including through the potential redevelopment of underused and poor-quality sheltered housing schemes which could better meet a wider range of housing needs
- Explore how Broadway Living could be used as a vehicle for providing more supported and specialist housing options (subject to viability)
- Prioritise the delivery of London Living Rented homes over Shared Ownership homes both on the Council's own development pipeline and all developments coming through planning
- Explore opportunities for property acquisition using external funds
- Explore opportunities to collaborate with housing associations to increase supply on their existing estates, especially if they are adjacent to council owned estates

4 Quality housing: homes that are healthy, safe, and sustainable

Key outcomes

-
- Better quality housing which allows people to live healthier lives
 - More sustainable housing which reduces local carbon emissions
 - Ealing's residents and communities are safer
-

Links to corporate priorities on Tackling inequality and crime; Climate action; Healthy Lives.

Context

- 4.1 We are committed to ensuring the well-being and sustainability of our residents. By prioritising quality, affordability, safety, and environmental responsibility, we aim to create thriving communities that enrich lives, while also taking significant steps towards becoming a net-zero carbon borough by 2030. Our approach encompasses not only utilizing council resources but also forging partnerships, securing funding, and empowering our communities to collectively elevate the standard of housing in Ealing.
- 4.2 The quality of housing has a substantial impact on the health and wellbeing of people and communities, how accessible places are to diverse groups. Poor quality housing often leads to increased costs and interventions across other public services such as health and social care.
- 4.3 Recent events have underscored the importance of safeguarding our homes against hazards. We will continue to identify and address potential risks, particularly in social housing. This extends to ensuring the safety of our residents from various security concerns, including anti-social behaviour and domestic abuse. With the introduction of Consumer Regulations under the Social Housing Regulation Act, we will proactively reinforce these standards, reaffirming our unwavering commitment to the well-being of our community.
- 4.4 Our focus on housing quality will contribute to achieving our target of becoming a net zero carbon borough by 2030, and the London Councils target of achieving average EPC B across all of London's homes by 2030. This will be a challenging task given the relatively old age of Ealing's homes, the numbers currently with poor energy performance, and the significant shortfall in funding available to cover the full costs of retrofit measures to be installed.
- 4.5 For all these challenges we will look to use the council's powers and funding to raise standards. We will also continue to lobby for more powers and look to draw in funding from central government, private finance and households who are 'able to pay' to help improve the quality of housing. We will also explore how best to work with community partners and build resilience to address some of these issues within communities.

Enshrining good quality design and place shaping

4.6 Ealing has a rich and diverse heritage which we will retain and celebrate through the future growth of the borough. We want to enable developments of different eras to form coherent and legible neighbourhoods which complement the local context, encourage greener buildings and greater levels of open green space and biodiversity. We also want the homes built in Ealing to make a positive contribution to the local area and safeguard against new homes from enabling anti-social behaviour and crime.

4.7 We will:

- Seek to enshrine good quality, sound design and place shaping principles throughout new development via our updated Housing Development Guide, Design Review Panel, and expanded membership of our Community Review Panels to better reflect our seven towns
- Increase design capacity within council teams and foster a culture of celebrating good design across the council
- Where housing development occurs, it will be integrated into the local area and improve the potential for residents to meet their daily needs within a 20-minute walk, cycle, or public transport journey
- Adopt a plan led approach to tall buildings as set out in our Regulation 19 Local Plan.
- Work with developers to implement design policy and guidance in support of high-quality homes and overall housing delivery. This engagement will recognise the need to take account of the overall development plan and avoid mechanistic applications of guidance

Promoting closer working between health and housing

4.8 This strategy reinforces the housing-related commitments made in our Health & Wellbeing Strategy, such as further embedding the 'social prescribing' model through which we can better support people who present at medical settings with housing issues, helping them to find appropriate support through referral to the right information, advice, or guidance.

4.9 We will:

- Look to increase understanding of how affordable homes are allocated through training for healthcare staff working with families, including how to better understand the use of supporting information (e.g., for medical, special educational needs)
- Explore how we could provide 'Making Every Contact Count' training across housing services, to enable referrals into health care services, where appropriate

Retrofitting and adapting homes to be more sustainable

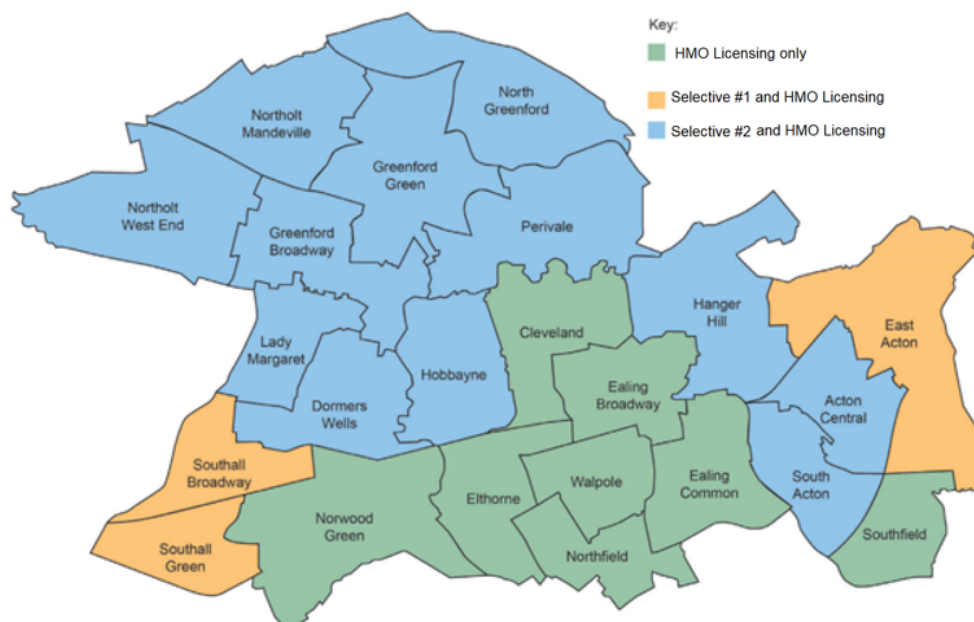
- 4.10 We have been delivering innovative retrofit pilot projects across the council's own homes, such as the trial of graphene and infra-red heating of homes in Greenford, 'Energiesprong' whole house retrofit in Ealing, and trial of smart airbricks in a selection of council homes across the borough. The learning from such pilots will help inform our long-term retrofit plan for our own homes, as well as spreading learning to the wider housing sector. There are major funding constraints to deliver such work at scale, both within the Housing Revenue Account and also for private households, particularly those without the funds available to cover the full costs. This is particularly the case where the return on such technology can only be made over a longer period of time.
- 4.11 New homes have a vital role to play in reducing carbon emissions through the adoption of more sustainable design and construction techniques. We must also ensure that both new and existing homes are adaptable to a changing environment, including extreme heat, flooding, and biodiversity loss.
- 4.12 We will:
- Develop a large scale retrofit programme to be delivered across all housing tenures. This will build upon the work done to date through Healthy Homes Ealing to support low-income households to install energy efficiency measures. We will also be looking to secure additional and new sources of funding, including institutional investment
 - Encourage housing associations to work in partnership to jointly commission at scale improvements to their own stock
 - Continue to make the case to government for increasing funding to deliver retrofit
 - Look to explore the introduction of measurable sustainability standards for new homes such as Passivhaus. Where carbon offset payments are incurred, we will ensure these support sustainability schemes across the borough
 - Work to make homes in our borough more resilient by ensuring they are adequately ventilated and shaded during future heatwaves, prevent an increase of flood risk through sustainable urban drainage systems, and maximise opportunities for urban greening, biodiversity gains and habitat creation

Working with landlords and tenants to improve the Private Rented Sector

- 4.13 We have successfully sought new powers to monitor and enforce property standards in the Private Rented Sector (PRS). As a result, our Selective Licensing scheme is now in place across 15 of the borough's 23 wards, accounting for around 60% of PRS homes in the borough, whilst mandatory and additional licensing of Houses in Multiple Occupation (HMO) is in place throughout the borough (*see below*).

- 4.14 Work is underway to ensure all applicable properties are licensed under the latest Selective Licensing scheme, with discounts in place for those who apply early or who have properties with an EPC band C or higher. Our current Selective Licensing scheme runs for five years, with multi-year licenses being granted up until the end of the period.
- 4.15 Property licensing helps ensure the quality and standard of PRS homes in Ealing are better, as well as encouraging more effective management practice of landlords in addressing potential problems. This also enables us to better co-ordinate our response to anti-social behaviour, particularly where this occurs in HMO settings, and provide effective links with other council services, such as Housing Demand.

Image – Property Licensing Schemes operating in Ealing



- 4.16 We will:
- Continue to scale up our resources to engage in more proactive monitoring and enforcement of standards
 - Continue to monitor the effectiveness of our current licensing schemes, as well as on the condition of PRS homes in the other eight wards not currently subject to Selective Licensing
 - Make the case for borough-wide Selective Licensing to Government should the data support this
 - Work with our residents and communities to establish a Private Renters Association to provide mutual support and advocacy for the 46,000 households that are renting privately within the borough

- Deliver a series of workshops in 2024 to understand renters' views and aspirations for a renter-led Private Renters Association so the Council can support establishment of a truly independent tenant advocacy and support organisation in our Borough

Ensuring higher standards across council homes and social housing

- 4.17 Our responsibilities as a landlord are considerable and will be subject to increased oversight from the Regulator for Social Housing from April 2024 onwards, as well as greater scrutiny from the Housing Ombudsman.
- 4.18 The challenges of effectively managing and maintaining our homes are considerable, in part owing to the low rents that we can charge, which remain significantly lower than other West London authorities and our housing association counterparts. We are planning for record levels of investment in our council homes over the course of this strategy, including meeting new standards in building safety and net zero requirements.
- 4.19 We have allocated over £20m initially over the course of the next five years to retrofit our stock and we will seek to match this with other funding sources, such as the Social Housing Decarbonisation Fund.
- 4.20 Ealing has 33 blocks over 16 metres, for which we have a funded remediation plan in place. We have recently instituted a new approach to identifying and resolving cases of damp and mould. This has involved the creation of a specialist team to assess the risk of occurrence and to commission work where required to rectify the issue.
- 4.21 In addition to the council's own homes, there are around 13,000 affordable homes owned and managed by registered providers (RPs) – the largest of which has over 5,000 homes in the borough. Under the new social housing regulations, these providers have a responsibility to demonstrate how they contribute to the local area and collaborate with the local authority.
- 4.22 We will:
- Involve our tenants closely in shaping how we deliver services, moving away from a traditional transactional landlord approach to being more relationship based. This includes continuous learning from complaints, generating insights through our data and tenant surveys, and effectively supporting formal resident engagement structures, whether that be local estate-based Tenant & Resident Associations, or the newly formed Residents Forum – all of which will be embedded in our new tenant engagement strategy
 - Improve day-to-day repairs and effectively manage disrepairs. We will also review our investment and planned works programmes, using improved data informed by the latest stock condition surveys to inform where we prioritise our work and how to meet expected changes to the Decent Homes Standard

- Implement our plans to establish a tenants' building safety group, as well as ensuring compliance across other key health and safety indicators such as gas safety
- Ensure our housing management services are accessible to all tenants. This will involve having a clear physical presence onsite and at our Housing Hubs through which our tenants can go to find support, alongside our responsive call centre, website and roll-out of more digital options at the convenience of the resident
- Continue to provide specialist financial inclusion advice and support for those in need. We will also look to improve how we respond to those experiencing domestic abuse through gaining Domestic Abuse Housing Alliance accreditation across Housing Services
- Work proactively and collaboratively with RPs on issues such as anti-social behaviour, complaints, estate services, lettings, and tenancy sustainment. This will also provide us with the means to ensure increased collaboration on wider council agendas, such as public health and race equality

Case Study – Energiesprong

[Photo to be included in final version]

Ealing has declared a climate emergency with an ambition of becoming a net zero emissions borough by 2030. Homes are the single biggest current source of carbon emissions locally, and so we are keen to explore how they can be retrofitted to increase their energy efficiency whilst trialling new sources of heat and power. This includes pilot projects on our own council homes, which can help inform our future plans and encourage other property owners to engage in retrofit.

A good example of this is the Energiesprong project. This is a ground-breaking Dutch approach which guarantees a net-zero energy performance including a year-round comfortable temperature of 18-21 degrees centigrade, energy and hot water generation to meet the needs of the households, for up to 30 years.

Each of the 44 homes subject involved in the pilot will receive whole-house retrofits, including insulation and ventilation, low-carbon heating systems, and solar PV panels for on-site energy generation. Residents will have minimal disruption while the work takes place, remaining in their homes the whole time, and will be supported after to use the technology.

The benefits of this will not only include reduced energy bills but also year-round comfort, improved air quality, eradication of mould and condensation, and more attractive, refurbished housing. It is being delivered with funding secured via the Government's Social Housing Decarbonisation Fund.

Priorities activities for homes that are Healthy, Safe, and Sustainable

- Work with developers to implement design policy and guidance in support of high-quality homes and place shaping
- Develop a boroughwide retrofit strategy and continue to seek funding to support activity to decarbonise the borough's homes, including opportunities to attract new funding from institutional investors
- Gather and monitor data from our Selective Licensing schemes to ensure compliance and prepare a case for a boroughwide scheme in future
- Work with private renters and community partners to define the role of and establish an independent Private Renters Association to promote renters' rights and support
- Continuously improve our landlord services in response to feedback and ensure compliance with the new consumer standards, including introduction of an assurance framework
- Prioritise the delivery of our building safety remediation plans
- Set up a regular housing association forum to discuss non-development issues with partners operating in the borough

5 Supporting people to live well in the community

Key outcomes

-
- People are securely and sustainably housed
-
- Residents are able to live independently in the community
-
- Commissioning of new supply to effectively meet needs
-

Links to corporate priorities on Genuinely Affordable Homes; Healthy Lives; Thriving Communities.

Context and aims

- 5.1 We know that Ealing needs a range of specialist housing options for older people and those with additional needs, including supported housing, accessible homes, sheltered housing, extra care, and co-living.
- 5.2 We will strive to prevent homelessness wherever possible, provide rough sleepers with appropriate support and a route off the streets, and cater for a range of housing options suitable for older people and those with specific needs relating to their physical or mental health.
- 5.3 We will focus on people's strengths and seek to enable them to remain living independently in the community wherever possible. Solutions will reflect the diversity of individuals and their needs and be situated within, and connected to, the wider community. This is in recognition of the benefits this brings to an individual's health and wellbeing compared with institutional settings.
- 5.4 The costs of providing care are placing huge pressures on local government finances, and we must ensure that Ealing continues to enjoy the financial stability needed to continue providing a wide range of services.
- 5.5 It is essential that we ensure our commissioning strategy remains fit for purpose and that we provide a suitable range of housing options. This includes delivery of our council plan ambitions of supporting 3,000 of the most vulnerable residents get the care they need in their own homes, investing at least £20m in home adaptations, and delivering 300 new state-of-the-art, units of purpose-built supported accommodation.

Preventing homelessness and supporting rough sleepers

- 5.6 We are committed to identifying the underlying causes of homelessness and aligning our resources, support, and services in a coordinated effort to support people who are homeless, or at risk of homelessness.

- 5.7 We face substantial challenges in responding to homelessness in Ealing. Currently we do not have enough funding to meet the scale of demand. A separate Homelessness & Rough Sleeping Strategy has been commissioned.
- 5.8 In the face of limited resources, we will be honest with residents about available housing options. We recently introduced a new allocations policy which sets out who is eligible for social housing, how their needs will be assessed, and what relative priority their application will be given. The pressures on the local housing market mean that for some residents they may need to expand their search to other areas.
- 5.9 We will:
- Focus on preventing people from becoming homeless by identifying those at risk and intervening before they reach a crisis point. This includes by working with households to develop personalised housing plans and supporting through mediation with landlords
 - Use our existing funds – such as Discretionary Housing Payments and the Homelessness Prevention Grant – to help find more sustainable housing solutions or provide temporary support
 - Providing appropriate support for homeless people with complex needs, such as drug and alcohol dependency
 - Have open and honest conversations with our residents and communities about their housing options, allowing them to make informed choices. Where people do opt to relocate, we will look to provide wraparound support to help access schools, healthcare, and benefits to allow them to build new networks and settle into a new area
 - Explore opportunities together with our partners to provide quality temporary accommodation (TA) in appropriate locations, whilst ensuring value for money.
 - Where people move out of TA into mainstream housing, we will look to see how we can support them to cover the costs of basic household items through a potential housing benefit-eligible furniture rental scheme
 - Deliver an additional 100 supported places where rough sleepers can be helped back into homes, work, and receive the mental and physical support they need

Providing housing support for the most vulnerable

- 5.10 We want to promote the independence and well-being of people in line with best practice in social care. This recognises the higher costs involved with institutional settings, as well as the better outcomes associated with living independently in the community.
- 5.11 We will seek to ensure more effective and efficient commissioning of housing and care services to meet needs, now and in the future. Where people require some help and support, we will aim to do this either in specialist housing specifically provided for their needs or through floating support provided in mainstream housing.

5.12 The Supported Housing Bill will bring a new legal requirement for local authorities to have a supported housing strategy. This will also provide us with new powers to monitor and enforce standards across so-called exempt accommodation, a category of poorly regulated housing for vulnerable people which has been subject to abuse in recently years. It will be essential that these new responsibilities are adequately funded by government.

5.13 We will:

- Develop a supported housing strategy that outlines our vision and priorities, including our expectations around the quality and standards of accommodation and the needs of residents living in supported housing
- Support 3,000 of the most vulnerable residents get the care they need in their own homes and invest at least £20m in home adaptations
- Review our housing and care services, including out-of-borough placements, gaps in supply, and whether some people currently living in care homes or supported living would be better suited to living more independently through the provision of services such as Extra Care
- Support people with physical disabilities to live independently in the community through the installation of aids and adaptations using our Disabled Facilities Grant which covers the cost of measures such as ramps, wet rooms, and stair lifts
- Work with developers to ensure that new developments contribute towards the supply of accessible and adaptable properties

Meeting the needs of older residents

5.14 We want to create older people's housing which is attractive and as adaptable as possible for the individual's current and future needs. Many people as they age wish to continue living an active life with members of their community but can struggle to do this in some of the existing housing solutions. We also know that too many older people end up in care homes due to a lack of suitable accommodation that allows them to receive the care they need in the community.

5.15 We will:

- Consider the type and location of housing that best meets the needs and preferences of older people as determined by factors such as age, income, equity, health, mobility and support or care requirements
- Consider how new older people's housing can follow HAPPI principles¹³
- Explore the potential to create Extra Care schemes in Ealing, in partnership with other organisations

¹³ HAPPI principles ensure that good design is featured throughout the development, such as daylight in the homes and shared spaces, positive use of circulation space, and the natural environment.

- Work with and support partners who bring forward co-living or co-housing schemes in which people can support each other in residential settings

Case Study – Rough Sleeper Outreach & Job Centres

[Photo to be included in final version]

Many of our partners may encounter people in housing difficulties and provide us with information about potential future cases to the council's homelessness prevention service. This includes the Job Centre Plus (JCP).

Each week the JCP schedules appointments for their clients who are at risk of homelessness. This includes, but is not limited to, situations where a client is sofa surfing, has rent arrears, or has already been served with a notice to leave the property. The team's initial aim is to support an individual to resolve any issues in relation to the risk of losing the tenancy, including mediation between a client and the landlord or property owner. However, if all options are exhausted, the team supports clients to find alternative accommodation.

Thanks to the strong partnership with the Job Centre, the team has had many success stories and successfully prevented clients from rough sleeping. One such success benefited a young male. At the initial meeting at the job centre, the client shared his concerns regarding a rent increase which his landlord wanted to implement the following month. The client explained that he would need to move out as he would be unable to afford the rent due to the benefit cap. The officer contacted the landlord and managed to negotiate the rent, so it remained affordable for the client.

A significant amount of people referred to the team by the Job Centre are sofa surfing at friends and family members' houses. In this case, the rough sleeping prevention officers help clients approach the statutory services; the clients are triaged, and then they are provided with the next available appointment. While clients await their statutory housing appointments, the rough sleeping prevention officers look for a suitable accommodation for them. The team have been successful in rehousing clients in this situation and have consequently relieved the pressure on the statutory services.

Key Priorities for supporting people to live well in the community

- Establish and implement a housing commissioning approach within the organisation to better ensure supply reflects need, and to create clear pathways to housing and support for people with eligible care needs or complex needs
- Produce a new homelessness and rough sleeping strategy
- Minimise the use of nightly-paid temporary accommodation and source more suitable and sustainable supply options – including working with partners such as large housing associations to provide homes via for example through leasing models
- Review the support offered to households making out-of-borough moves, including in collaboration with the West London Alliance to work with families to relocate outside of London into more financially sustainable accommodation
- Deliver 300 new state of the art, purpose built supported accommodation homes

6 Promoting resilience, inclusion and fighting inequality

Key outcomes

-
- Equitable access to good quality and Genuinely Affordable Homes
 - Council services remain accessible to residents across range of channels and locations
 - A borough where everyone feels welcome
-

Links to strategic priorities – Tackling inequality and crime; Thriving Communities; Decent Living Incomes

Context

- 6.1 Our vision for Ealing is of an area with thriving communities where people are brought together for the purpose of building strong neighbourhoods. This means empowering volunteers, encouraging more community activism, engaging with civil society, and delivering facilities and services over which people feel a genuine sense of ownership.
- 6.2 We know we cannot achieve all our housing ambitions alone but must work with our residents, communities and others who share our vision and can bring additional resources or new solutions. This will involve the co-creation of new resident engagement structures and forums to help empower our residents and communities, providing a way to shape the future growth of the borough and influence the quality of local housing.
- 6.3 The diversity of Ealing's residents is one of our greatest assets, and something which is reflected in the strength of the local voluntary and community sector. We intend to work in creative and constructive partnership with advisory services, faith groups and charities, to further the ambitions in this strategy.
- 6.4 In this strategy we have sought to illustrate the challenges which Ealing faces in terms of increasing the supply of genuinely affordable housing, improving the quality of homes, and in meeting the needs of vulnerable groups. We know these issues do not affect all our residents and communities in equal measure. Through its policies and strategies, it is important that the council works to protect and strengthen Ealing's diversity and ensure that the borough does not become hollowed out or polarised between wealthy households and less well-off residents.
- 6.5 Our efforts to address such housing challenges are set against the backdrop of prolonged austerity in the public sector which continues to have a detrimental impact on our finances. But as a council, we strive to be ambitious, looking to go beyond delivering the bare minimum of services and aiming to make a positive long-term impact on major issues such as climate change or racial inequality.

Building resilience and promoting inclusion in our communities

- 6.6 Our ambition is to create a more equal and affordable borough, where the opportunities to access good quality housing, employment, digital connectivity, culture, and physical, social, and green infrastructure are maximised.
- 6.7 As we deliver on this strategy, we will work to promote mixed and balanced communities particularly in those areas of high levels of multiple deprivation. We are also committed to making sure our services remain accessible for those with limited mobility, those where English is not their first language, or where they may lack the digital skills or technology to access information online.
- 6.8 When faced with tough challenges in housing we want to work with our residents and communities to build resilience to enable them to help find their own solutions. The council should be an enabler rather than a place of last resort. This is why we want to develop a new way of working across the council, in which we work with our residents and communities to shape services and growth.
- 6.9 We want to create new groups, forums and associations that are owned by people in our communities, rather than the council. We see our role as supporting and enabling the creation of these organisations, promoting their work, and encouraging residents from all backgrounds to participate in them.
- 6.10 For many residents, the best route to accessing good quality housing is through employment. One of the council's cross-cutting strategic objectives is 'creating good jobs,' which means bringing new and well-paid jobs back to Ealing. We have a target to create 10,000 new jobs by 2026. Many of these could be created in the housing sector, including construction, trades to service the retrofit of existing properties, and the management of homes and neighbourhoods.
- 6.11 We will:
- Continue our work to review how residents can access key council services including the future role of community and housing hubs
 - Via our network of local hubs provide the opportunity for the co-location of council services with partner organisations such as local advice services and housing associations
 - Ensure key housing information is available in accessible formats (e.g., large print, audio etc.) and support is available for those who may be digitally excluded
 - Work with our partners to design safe, secure, and accessible urban environments, ensuring that new developments contribute to a sense of security and community cohesion and reduce opportunities for criminal behaviour
 - Seek out opportunities to support our own tenants, as well as those of our housing association partners, into better paid employment

- Work with the community to facilitate new and independent engagement structures, such as the co-creation of Towns Forums to shape future development in each town, the creation of a Residents Forum for council tenants and leaseholders, and a Private Renters Association to provide mutual support and a voice among households in the private rented sector

Fighting racial and other forms of inequality in housing

- 6.12 Whilst our diversity is a great strength, we know there are disparities between different groups. Certain housing issues have a disproportionate impact on particular communities, which often follow racial lines. We know, for instance that non-white or 'global majority' households are overrepresented among those experiencing overcrowding and living in poor quality homes. They also make up a disproportionate amount of those experiencing homelessness or living in temporary accommodation. The causes of this are often rooted in deep historical structural factors.
- 6.13 We set up an independent Race Equality Commission in 2021 and accepted their findings a year later. These were the findings which came out of it:
- The Council should empower tenant groups and place them at the heart of both new and existing developments
 - The Council should run a campaign with tenants in the private sector to promote a greater awareness of their rights, where to go for support and advice, and how to hold bad landlords to account
 - The Council should establish hubs accessible to people in each ward where people can go to get advice and support specifically for housing queries
 - We urge the Government to change the law to allow councils to continue the work started during the pandemic to end rough sleeping
- 6.14 A Citizens Tribunal has since been established to monitor implementation of the findings.
- 6.15 We have a proud tradition of welcoming refugees to our borough. As one of the country's most diverse and harmonious areas to live, we are confident that refugees will be able to settle successfully and to make a positive contribution to our community and the local economy. To do so we will need to join up of council services and community support, including the provision of housing advice and support.
- 6.16 We will:
- Continue to work towards achieving the four demands that emerged from the Race Equality Commission's findings and holding ourselves to account for these
 - Continue to monitor how housing impacts different parts of the community, examining racial disparity alongside other protected characteristics

- Seek to be accredited as a Borough of Sanctuary to ensure refugees fleeing conflict and the climate crisis find a welcome home in the borough. This will build upon our recent involvement in the Homes for Ukraine and Afghan Relocation and Assistance Policy

Case Study – Race Equality Commission

[Photo to be included in final version]

In late 2020, we launched a new independent Race Equality Commission, inspired by two events – the brutal murder of George Floyd by a police officer in the United States, and the disproportionate impact of the Covid pandemic on minority communities.

This featured 12 commissioners selected from a range of backgrounds and ages, to reflect the diversity of the community. They met to discuss how inequality can be addressed across the priority areas of education, health, participation and democracy, policing, income and employment, and housing.

Alongside this a call for evidence was launched, inviting members of the community to share their views and experiences of race inequality. The commissioners also carried out a number of site visits to local community organisations and statutory services in the borough.

The Commissioners heard that Ealing is a borough of opportunity, a borough of rich diversity and a borough with pride in its cultural history. However, they also heard that not everyone can benefit from the same richness of opportunities because of their race.

A final report was published in 2022, compiling the findings of the commission, including a series of demands related to each priority area. These demands were accepted by the council in full and are now being actively monitored by an independent Citizens Tribunal.

Members of the Tribunal all work on a voluntary basis and were appointed on the basis of their collective expertise and lived experience. They continue to play a vital role in reporting on progress on race equality and the impact of inequality and discrimination on the different communities of Ealing.

Key priorities for promoting resilience, inclusion and fighting inequality

- Clarify the role of community and housing hubs including their geographical remit, the services provided, and the potential for co-location of partners such as housing associations and advice organisations
- Create, embed, and monitor the impact of new resident engagement forums, including the Private Renters Association, Tenants Forum, and Towns Forums. Encourage residents of all backgrounds to participate in these networks
- Continue to support the Citizens Tribunal in overseeing the four housing demands of the Race Equality Commission in relation to tenant empowerment, private sector rights, advice and support hubs, and campaigning to end NRPF rules
- Monitor how housing outcomes differ across each of the protected characteristics, identifying any disparities which arise and devising plans to amend our policies and procedures to address this
- Seek Borough of Sanctuary status, lobby the Government for increased resource to provide support and consider the most effective role of the council in meeting the housing needs of refugees and asylum seekers

7 Seven Towns

- 7.1 Ealing is made up of seven distinct towns, each characterised by a unique set of attributes. Housing need varies across the towns, as does their capacity to accommodate development.
- 7.2 This strategy and our new Local Plan are designed to facilitate sustained investment in each of these seven towns, ensure equitable distribution of new housing and that new development enhance each town's unique characteristics. This new area-based approach will help prevent any town from being overlooked or unduly burdened with excessive development pressures. We will continue to pay close attention to the relationships and connectivity between the Seven Towns which remains vitally important.
- 7.3 To deliver this new approach, we will engage with our communities to explore how our towns can expand and develop while preserving their distinctive character and heritage. We will accomplish this by crafting Town Plans and Town Forums that have the power to shape the priorities for their area.
- 7.4 Alongside this Seven Towns approach, we recognise the importance of other communities and identities that do not follow geographical boundaries, such as communities of culture, faith, interest, and need.

[Image to be included in final version]

- 7.5 This strategy is informed by a detailed analysis of population and housing market trends across each of our Seven Towns. This helps us to understand local housing requirements, including the types, sizes, and tenures of homes that are needed across Ealing.
- 7.6 We are using this information to better understand local housing needs and develop our tailored approach to implementing the strategy in each town. Based on our analysis we have developed a set of Town Profiles and localised housing priorities for each of the Seven Towns, which will guide our tailored approach to implementing this strategy in each town.

STRATEGY APPENDIX 1 - STRATEGIC LINKS

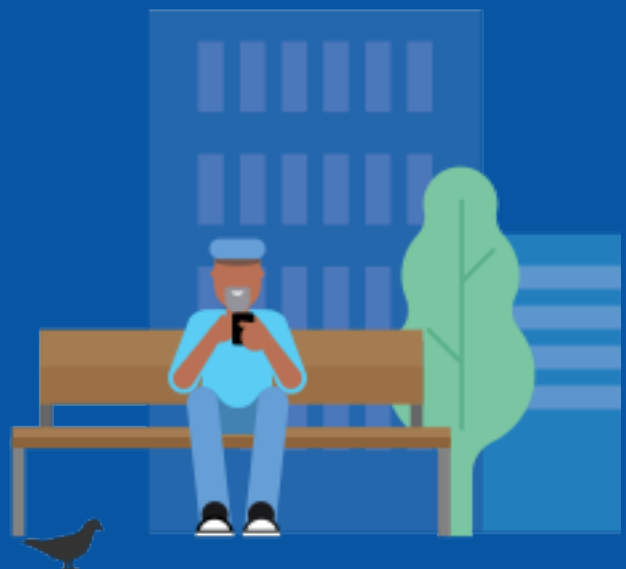
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Report for:
ACTION/INFORMATION

Item Number:

Contains Confidential or Exempt Information	YES/NO NO
Title	Regulation of Investigatory Powers Act 2000 (RIPA) Update
Responsible Officer(s)	Helen Harris, Director of Legal and Democratic Services
Author(s)	Hatoon Zeb
Portfolio(s)	Cllr Steve Donnelly, Inclusive Economy
For Consideration By	Cabinet
Date to be Considered	17 January 2024
Implementation Date if Not Called In	29 January 2024
Affected Wards	ALL
Keywords/Index	

Purpose of Report:

To update Cabinet on the use of the Council’s powers under RIPA and to update the Council’s RIPA policy.

1. Recommendations

It is recommended that Cabinet:-

- a) Notes the current use of RIPA in relation to surveillance and acquisition and disclosure of communications data as set out in this report.
- b) Approves the RIPA policy at Appendix 1.
- c) Approves the continuing appointment of:
 - i) Helen Harris (Director of Legal and Democratic Services) as senior responsible officer (SRO) for directed surveillance, use of covert human intelligence sources, and obtaining communications data.
 - ii) the following as authorising officers for directed surveillance and the use of covert intelligence under s.28 and S.29 of RIPA 2000 (prior to judicial approval):
 - Mike Pinder (Assistant Director, Audit and Investigations)
 - Justin Morley (Head of Legal Services - Litigation)
 - Jess Murray (Assistant Director, Safer Communities and Resident Services)

d) Authorises the Director of Legal and Democratic Services to:

- i) make any further amendments to the RIPA Policy which are necessary to maintain consistency with legislation, Codes of Practice, good practice
- ii) make any necessary changes in authorising officers, and
- iii) review the authority's procedures, policies and training on a quarterly basis.

2. Reason for Decision and Options Considered

There is a requirement in the 2018 Code of Practice for Covert Surveillance and Property Interference, that elected members are to be kept informed about the Council's use of powers under RIPA and that Cabinet approves a policy annually to ensure the policy remains fit for purpose.

3. Key Implications

3.1 Human Rights legislation requires the Council to respect the private and family life of citizens and their homes and correspondence. This is not an absolute right but a qualified right which the Council may interfere with provided such interference is in accordance with the law, necessary and proportionate.

3.2 RIPA regulates the circumstances and methods by which public bodies may carry out covert surveillance and in certain circumstances compel telecommunications and postal companies including internet service providers to obtain and release to the Council communications data in their possession or control.

3.3 RIPA is used by public authorities to ensure that surveillance activities are lawful. It provides for the authorisation of covert surveillance by the court where that surveillance is likely to result in the obtaining of private information about a person.

3.4 The Council has its own RIPA Policy, which is updated annually as required having regard to the Home Office Codes of Practice and any changes in the law.

3.5 RIPA seeks to ensure that any interference with an individual's right to privacy under Article 8 of the European Convention on Human Rights is both necessary and proportionate.

3.6 There is a risk that if the correct procedures are not followed, evidence may be disallowed by the courts or a complaint of maladministration could be made to the Ombudsman, and/or the Council could be ordered to pay compensation. Furthermore any failure to comply would expose the Council to unnecessary legal risks and criticism from the Investigatory Powers Commissioners Office (IPCO).

4. Investigatory Powers Commissioners Office

4.1 The IPCO is tasked with carrying out regular inspections of law enforcement agencies such as the Council to ensure compliance with RIPA insofar as directed surveillance and the use or conduct of a covert human intelligence source ('CHIS') is concerned. The Council was last inspected on the 4th August 2023.

4.2 The only recommendation from the 2023 inspection was to continue to ensure the key compliance issues receive the necessary internal governance and oversight which include:

- a) policy updates
- b) annual updates as required by this report to elected members
- c) ongoing training and awareness raising
- d) internal compliance monitoring by lead managers within their business areas
- e) the retention, review and destruction (RRD) of any product obtained through the use of covert powers (Records and Product Management in accordance with the Safeguards Chapters of the relevant Codes of Practice)

The policy will be uploaded onto Onespace (the Council's intranet) so it is accessible to all council officers.

5. Officer Training

5.1 The last training session on RIPA for the Council's officer team was held on 30 June 2023. The training was attended by officers from various departments of the Council including the Senior Responsible Officer, Authorising Officers and investigating officers. The training was comprehensive in providing a refresher on the law, process and procedure around RIPA 2000. Although the Council has not carried out RIPA investigations in recent years, it is essential that officers understand the constraints and opportunities afforded by RIPA, including best practice examples from experts in the field. Further training is anticipated in early 2026 to ensure officers remain updated in this area. IPCO requires the Council to arrange for training to be carried out once in every three year period.

6. Use of RIPA powers

6.1 There were no RIPA applications for covert surveillance made in period 1 April 2022 - 31 March 2023. This reflects the fact that nearly all enforcement activity by Council officers continues to be overt and does not therefore require RIPA. There have been no inquiries regarding Non-RIPA requests.

6.2 The Council has a RIPA Officer Group who schedule to meet at least twice annually to oversee the Council's obligations under RIPA are adequately met. The SRO chairs the meeting and attendees include the Council's authorising officers and the RIPA legal adviser. Regular agenda items include training, IPCO Inspection, RIPA Applications update and any live issues following IPCO guidance.

7. Financial

Any financial implications arising from RIPA will continue to be managed within the respective existing budgets. Ensuring adequate arrangements and procedures are in place safeguards against the risks of the Council needing to pay compensation.

8. Legal

8.1 Since 1 November 2012 the Council's ability to exercise their powers under RIPA have been restricted to offences which may be punishable by a custodial sentence of 6 months or related to the underage sale of alcohol and tobacco. Furthermore, since that date, such applications, including renewals, have required judicial approval (namely approval by a Magistrate).

8.2 The role of the Magistrate is to ensure that the correct procedures have been followed and the relevant factors have been taken into account. These provisions allow a Magistrate, on refusing an approval of an authorisation, to quash that authorisation.

8.3 The Home Office issues Codes of Practice which give guidance on Covert Surveillance and the use or conduct of Covert Human Intelligence Sources. Revised Codes of Practice have been incorporated in the Council's Policy.

9. Value For Money

Proper compliance with RIPA ensures that enforcement action and prosecutions are robust.

10. Sustainability Impact Appraisal

No Sustainability Impact appraisal is required.

11. Risk Management

Failure to use RIPA appropriately and correctly could result in reputational damage for the Council and claims for compensation.

12. Community Safety

Appropriate and proportionate use of RIPA powers will improve community safety in some enforcement and prosecution matters.

13. Links to the 3 Key Priorities for the Borough

The Council's three key priorities are:

- Creating good jobs
- Tackling the climate crisis
- Fighting inequality

The recommendations in this report support those priorities.

14. Equalities, Human Rights and Community Cohesion

An initial assessment indicates that there are no specific equalities issues arising from this report. Human Rights issues are addressed in the Policy.

15. Staffing/Workforce and Accommodation implications:

None

16. Property and Assets

None

17. Any other implications

None

18. Consultation

None

19. Timetable for Implementation

None

20. Appendices

Policy attached

21. Background Information

- (i) Regulation of Investigatory Powers Act 2000
<http://www.legislation.gov.uk/ukpga/2000/23/contents>
- (ii) Covert Surveillance and Property Interference Code of Practice – August 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733218/201800802_CSPI_code_reformatted_for_publication_003_.pdf
- (iii) Home Office Covert Human Intelligence Sources – August 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742042/20180802_CHIS_code_.pdf
- (iv) IPCO Guidance – July 2016
<https://www.ipco.org.uk/docs/OSC%20PROCEDURES%20AND%20GUIDANCE.pdf>
- (v) Article 8 Human Rights Act 1988
<https://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/I/chapter/7>

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Helen Harris	Director of Legal & Democratic Services			
Emily Hill	Strategic Director, Resources	07/12/2023	07/12/2023	Throughout
Cllr Steve Donnelly	Portfolio Holder	07/12/2023	08/12/2023	Para 5.1 only

Report History

Decision type:	Urgency item?
Non-key decision	No
Report no.:	Report author and contact for queries:
	Hatoon Zeb Senior Lawyer (Litigation & Prosecution)

LONDON BOROUGH OF EALING

REGULATION OF INVESTIGATORY POWERS ACT 2000

CORPORATE POLICY AND PROCEDURE

Title	Regulation of Investigatory Powers Act 2000
Owner	Legal Services
Responsible Officer	Helen Harris
Issue Date	
Approved	
Revision Date	JANUARY 2024

After the Review date has expired this document may not be up to date so please contact the document owner to check the status after the renew date above.

If you would like help to understand this document or would like it in another format please contact Ealing Council RIPA Legal adviser Ms H. Zeb at zebH@ealing.gov.uk.

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APPENDIX 1: LIST OF AUTHORISING OFFICERS

**APPENDIX 2: RIPA "A" AUTHORISATION FORMS
DIRECTED SURVEILLANCE**

Form A 1 Application for authority for directed surveillance
Form A 2 Review of Directed Surveillance Authority
Form A 3 Cancellation of Directed Surveillance Authority
Form A 4 Renewal of directed surveillance

**APPENDIX 3: RIPA "B" AUTHORISATION FORMS
COVERT HUMAN INTELLIGENCE SOURCES**

Form B 1 Application for Authority for conduct and use of CHIS
Form B 2 Review of conduct and use of a CHIS
Form B 3 Cancellation of conduct and use of a CHIS
Form B 4 Renewal of conduct and use of a CHIS

APPENDIX 4: Non -RIPA AUTHORISATION FORM

INTRODUCTION

Everyone has a fundamental right to privacy. This means a right not to be watched, have your emails opened or have your personal space invaded. This right is contained in Article 8 of the European Convention on Human Rights:

“Everyone has the right to respect for his private and family life, his home and his correspondence”.

There are times however when the London Borough of Ealing (“the Council”) can interfere with this right, provided it has a good reason and follows the proper procedures. Accordingly, the council may interfere with a person’s right to privacy, if such interference is in accordance with the law; necessary (as defined in this document); and proportionate.

The Councils use of RIPA is overseen by an independent regulatory body known as the Investigatory Powers Commissioner’s Office, where further information about RIPA is also available: - <https://www.ipco.org.uk/>

This policy should be considered as supplementary to:

(i) Regulation of Investigatory Powers Act 2000

<http://www.legislation.gov.uk/ukpga/2000/23/contents>

(ii) Home Office guidance on the judicial approval process for RIPA and the crime threshold for directed surveillance.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf

(iii) Covert Surveillance and Property Interference Code of Practice – Updated 13 December 2022 (August 2018)

[CHIS Code \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf)

(iv) Home Office Covert Human Intelligence Sources – Updated 13 December 2022 (August 2018) [CHIS Code draft formatted \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf)

(v) IPCO Guidance – July 2016

<https://www.ipco.org.uk/docs/OSC%20PROCEDURES%20AND%20GUIDANCE.pdf>

(vi) Article 8 Human Rights Act 1988

<https://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/II/chapter/7>

This policy document sets out how the council will comply with Part II of the Regulation of Investigatory Powers Act 2000 (RIPA).

1. POLICY OVERVIEW

1.1 There are three areas that require a RIPA authorisation:

- 1) Directed Surveillance;
- 2) Covert Human Intelligence Sources (CHIS);
- 3) Requests for Communications Data.

Covert surveillance should be used rarely and in exceptional circumstances.

1.2 There should be an audit trail of all RIPA authorisations, reviews, renewals, cancellations and rejections.

1.3 At no time should the Council undertake any surveillance that interferes with any private property such as a dwelling or a private vehicle.

1.4 Directly employed Council staff and external agencies working for the Council are covered by RIPA for the time they are working for the Council. All external agencies must, therefore, comply with RIPA and the work carried out by agencies on the Council's behalf must be properly authorised by one of the Council's Authorised Officers.

1.5 In terms of monitoring e-mails and internet usage, it is important to recognise the important interplay and overlap with the Council's e-mail and internet policies and guidance, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, the Data Protection Act 2018 and its Codes of Practice.

1.6 Under normal circumstances, the Council's e-mail and Internet policies should be used, as any surveillance is likely to be more relevant under the contract of employment terms as opposed to RIPA.

2. The Law and how it is to be applied

2.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into effect in September 2000. RIPA sets out a regulatory framework for the use of covert surveillance techniques by public authorities. If such activities are conducted by council officers then RIPA regulates them in a manner which is compatible with the European Convention on Human Rights (ECHR), particularly Article 8 (the right to respect for private and family life).

2.2 Sections 37 and 38 of the Protection of Freedoms Act 2012 (the Act) came into force on 1 November 2012. Under the Act, local authority authorisations and notices for the use of particular covert techniques (direct surveillance, CHIS and the acquisition of communications data) can only be given effect once an order approving the authorisation or notice has been granted by a Justice of the Peace (JP).

2.3 In addition amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (“the 2010 Order”) mean that a local authority can now only grant an authorisation under RIPA for the use of directed surveillance where the local authority is investigating particular types of criminal offences. These are criminal offences which attract a maximum custodial sentence of 6 months or more or criminal offences relating to the underage sale of alcohol or tobacco.

2.4 Investigations undertaken by Council Enforcement Officers will also from time to time rely upon the use or conduct of a Covert Human Intelligence Source (“CHIS”). This is defined as a person who establishes or maintains a personal relationship or other relationship with a person in order to covertly obtain or disclose information. Although a CHIS can, in law, be either a juvenile or a vulnerable individual, the Council’s Policy is that such persons will not be used as CHIS.

2.5 Again, prior to a CHIS being used, RIPA provides that the use must be authorised, and the CHIS can only be used where it is for the purpose of preventing or detecting crime or of preventing disorder. The authorisation ensures that the use of the CHIS is both necessary and proportionate as well as limiting any potential collateral intrusion.

2.6 Article 8 of the European Convention on Human Rights provides that everyone has the right to respect for his private and family life, his home and his correspondence. That right is a qualified right and is not an absolute one. Accordingly, the Council may, in certain circumstances, interfere in the citizen’s right mentioned above, if such interference is: -

- (a) in accordance with the law;
- (a) necessary; and
- (b) proportionate.

3. Necessity and Proportionality

3.1 Obtaining a RIPA authorisation will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place. It must be necessary for the prevention and detection of crime and that the crime attracts a custodial sentence of a maximum of 6 months or more, or is an offence relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933. It must also be shown the reasons why the requested activity is necessary in the circumstances of that particular case. Can you achieve the same end result without the surveillance?

3.2 If similar objectives could be achieved by methods other than covert surveillance, then those methods should be used unless it can be justified why they cannot be used.

3.3 Then, if the activities are necessary, the person granting the authorisation must believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the intrusiveness of the activity on the subject and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair. The interference with the person's right should be no greater than that which is required to meet the aim and objectives.

3.4 The onus is on the Authorising Officer to ensure that the surveillance meets the tests of necessity and proportionality.

3.5 The codes provide guidance relating to proportionality which should be considered by both applicants and Authorising Officers:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

3.6 It is important that the staff involved in the surveillance and the Line Manager manage the enquiry and operation and evaluate constantly the need for the activity to continue.

4. Types of Surveillance

4.1 Surveillance, for the purpose of the 2000 Act, includes monitoring, observing or listening to persons, their movements, conversations or other activities and communications. It may be conducted with or without the assistance of a surveillance device and includes the recording of any information obtained

Surveillance can be **overt** or **covert**.

Overt Surveillance

4.2 Most of the surveillance carried out by the Council will be done overtly- there will be nothing secretive, clandestine or hidden about it. In many cases, officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases), and/or will be going about council duties openly for instance an Environmental Health Officer carrying out an inspection of premises to ensure compliance with legislation.

4.3 Similarly surveillance will be overt if the subject has been told it will happen for instance if a noise maker is warned advisably in writing that noise levels will be recorded if the noise continues, or where an entertainment licence is issued subject to conditions and the licensee is told that officers may visit without notice or identifying themselves to the business to check that the conditions are being met.

Covert Surveillance:

4.4 Covert Surveillance is defined in Section 26 (9) (a) RIPA:

“Surveillance is covert if, and only if, it is carried out in a manner that is calculated to ensure that persons who are subject to the surveillance are unaware that it is or may be taking place”.

4.5 If activities are open and not hidden from the persons subject to surveillance such as Officers conducting Council business openly, e.g. a market inspector walking through markets, the RIPA framework does not apply because that is “Overt Surveillance”. Equally, if you tell the subject that surveillance will be taking place, the surveillance is overt. This would happen, for example, where you warn a noisemaker that noise will be recorded if it continues. RIPA does not regulate Overt Surveillance. Remember it is the Council’s responsibilities to ensure that whatever action is taken is compliant with the Human Rights Act and is a necessary and proportionate response to the issue being dealt with.

4.6 The installation of CCTV camera as for the purposes of generally observing activity in a particular area is not surveillance which requires Authorisation as members of the public are aware that such systems are in use for their own protection and to prevent crime.

4.7 An authorisation maybe required if a CCTV camera is to be used for surveillance as part of a specific investigation or operation otherwise than as an immediate reaction to events. In such circumstances either the council or the police will need to obtain the necessary authorisation. If an authorisation is given by the police, then a record of the authorisation will be kept ensuring any surveillance is within its terms.

4.8 Part II of RIPA applies to the following conduct:

- **Directed Surveillance**
- **Intrusive Surveillance; and**
- **The conduct and use of covert human intelligence sources (CHIS)**

Directed surveillance: (Section 26(2) RIPA)

4.9 Surveillance is directed surveillance if the following are all true:

- it is covert, but not intrusive surveillance;
- it is conducted for the purposes of a specific investigation or operation;
- it is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation);
- it is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of the 2000 Act to be sought.

4.10 Thus, the planned covert surveillance of a specific person, where not intrusive, would constitute directed surveillance if such surveillance is likely to result in the obtaining of private information about that, or any other person.

4.11 By way of examples where directed surveillance is conducted by the council include monitoring of noise complaints; monitoring of benefit claimants who have not declared that they are working/living with a partner etc.

Immediate response to events

4.12 There may be occasions when officers come across events unfolding which were not pre planned which then requires them to carry out some form of observation. This will not amount to Directed Surveillance. However, it will amount to surveillance outside of RIPA and must still be necessary and proportionate and take account of the intrusion issues. Officers must not abuse the process and be prepared to explain their decisions in court should it be necessary. It is important when conducting surveillance in these circumstances that officers still understand that they have obligations to ensure that their actions are Human Rights Act compliant and are therefore necessary and proportionate and take account of the intrusion issues. Therefore, they should document their decisions, what took place, and what evidence or information was obtained.

Recording of telephone conversations

4.13 The recording of telephone conversations connected to criminal investigations outside of the Councils monitoring at work policy for its own equipment falls under RIPA. Where one party to the communication consents to the interception, it may be authorised in accordance with section 46 of the Investigatory Powers Act 2016. In such cases, the interception is treated as directed surveillance.

4.14 There may be occasions where this is required such as a witness who has text or voicemail evidence on their mobile telephone and we require to examine the phone.

Intrusive surveillance:

4.15 Local Authorities cannot conduct intrusive surveillance as regulated by the RIPA 2000.

4.16 Intrusive surveillance is defined in section 26(3) of the 2000 Act as covert surveillance that:

- is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
- involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

4.17 Where surveillance is carried out in relation to anything taking place on any residential premises or in any private vehicle by means of a device, without that device being present on the premises, or in the vehicle, it is not intrusive unless the device consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle. Thus, an observation post outside premises, which provides a limited view and no sound of what is happening inside the premises, would not be considered as intrusive surveillance.

4.18 Local authorities cannot authorize property interference Entry on or interference with property or with wireless telegraphy as regulated by the Police Act 1997, the Intelligence Services Act 1994 and in certain respects the Investigatory Powers Act 2016.

5. Covert Human Intelligence Source (CHIS)- S26(8) RIPA

5.1 A CHIS could be an informant or an undercover officer carrying out covert enquiries on behalf of the council. The provisions of the 2000 Act are not intended to apply in circumstances where members of the public volunteer information to the Council as part of their normal civic duties, or to contact numbers set up to receive information such as the Benefit Fraud Hot Line. Members of the public acting in this way would not generally be regarded as sources. However, it is possible that members of the public, whom repeatedly supply information to Council staff on either one particular subject or investigation or a number of investigations, may become a CHIS. It is important that Council staff make the necessary enquiries of the person reporting the information to ascertain how the information is being obtained. This will not only assist with evaluating the information but will determine if the person is establishing or maintaining a relationship with a third person to obtain the information, and then provide it to the Council staff. If this is the case, the person is likely to be acting as a CHIS and there is a potential duty of care to the individual which a duly authorised CHIS would take account of. Therefore, Council staff should ensure that they are aware of when a person is potentially a CHIS by reading the below sections. If further advice is required contact the RIPA Legal Adviser.

5.2 Under section 26(8) of the 2000 Act a person is a source if:

- a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph (b) or (c);
- b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or

- c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

5.3 By virtue of section 26(9)(b) of the 2000 Act a purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

5.4 By virtue of section 26(9) (c) of the 2000 Act a relationship is used covertly, and information obtained as above is disclosed covertly, if and only if it is used or, as the case may be, disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

5.5 Conduct and Use of a Source

The **use of a source** involves inducing, asking or assisting a person to engage in the conduct of a source or to obtain information by means of the conduct of such a source.

5.6 The **conduct of a source** is any conduct falling within section 29(4) of the 2000 Act, or which is incidental to anything falling within section 29(4) of the 2000 Act.

5.7 The **use of a source** is what the Authority does in connection with the source and the **conduct** is what a source does to fulfil whatever tasks are given to them or which is incidental to it. **The Use and Conduct require separate consideration before authorisation.**

5.8 When completing applications for the use of a CHIS you are stating who the CHIS is, what they can do and for which purpose

5.9 When determining whether a CHIS authorisation is required consideration should be given to the covert relationship between the parties and the purposes mentioned in a, b, and c above.

5.10 Management of Sources

Within the provisions there must be;

- (a) a person who has the day to day responsibility for dealing with the source and for the source's security and welfare (**Handler**)
- (b) at all times there will be another person who will have general oversight of the use made of the source (**Controller**)
- (c) at all times there will be a person who will have responsibility for maintaining a record of the use made of the source

The **Handler** will have day to day responsibility for:

- dealing with the source on behalf of the authority concerned;
- directing the day to day activities of the source;

- recording the information supplied by the source; and
- monitoring the source's security and welfare;

The Controller will be responsible for the general oversight of the use of the source.

Tasking

5.11 Tasking is the assignment given to the source by the Handler or Controller by, asking him to obtain information, to provide access to information or to otherwise act, incidentally, for the benefit of the relevant public authority. Authorisation for the use or conduct of a source is required prior to any tasking where such tasking requires the source to establish or maintain a personal or other relationship for a covert purpose.

5.12 In some instances, the tasking given to a person will not require the source to establish a personal or other relationship for a covert purpose. For example, a source may be tasked with finding out purely factual information about the layout of commercial premises. Alternatively, a Council Officer may be involved in the test purchase of items which have been labelled misleadingly or are unfit for consumption. In such cases, it is for the Council to determine where, and in what circumstances, such activity may require authorisation.

5.13 Should a CHIS authority be required all of the staff involved in the process should make themselves fully aware of all of the aspects relating to tasking contained within the CHIS Codes of Practice

5.14 Security Welfare and Confidentiality

The Council has a responsibility for the safety and welfare of the source and for the consequences to others of any tasks given to the source. Before authorising the use or conduct of a source, the Authorising Officer should ensure that a risk assessment is carried out to determine the risk to the source of any tasking and the likely consequences should the role of the source become known. The ongoing security and welfare of the source, after the cancellation of the authorisation, should also be considered at the outset.

5.15 The confidentiality of the CHIS is paramount, and consideration should be given to the management of any requirement to disclose information tending to reveal the existence or identity of a CHIS to, or in court.

CHIS and Test Purchases

5.16 Carrying out test purchases will not (as highlighted above) require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS. For example, authorisation would **not** normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter).

5.17 By contrast, developing a relationship with a person in the shop, to obtain information about the seller's suppliers of an illegal product (e.g. illegally imported products) will require authorisation as a CHIS. Similarly, using mobile hidden recording devices or CCTV cameras to record what is going on in the shop will require authorisation as directed surveillance. A combined authorisation can be given for a

CHIS and directed surveillance. However, both directed surveillance and CHIS application forms will need to be completed and authorisation obtained. The forms should also be cross referenced.

CHIS and ANTI-SOCIAL BEHAVIOUR

5.18 Persons who complain about anti-social behaviour, and are asked to keep a diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information and, therefore, does not require authorisation.

Making Use of CHIS Intelligence Data

5.19 Material obtained from a source may be used as evidence in criminal proceedings. Furthermore, the product obtained by a source described in this code is subject to the ordinary rules for retention and disclosure of material under the Criminal Procedure and Investigations Act 1996. There are also well-established legal procedures that will protect the identity of a source from disclosure in such circumstances. Information obtained from a CHIS must be processed in the same way the product of a Directed Surveillance operation is handled and stored. Access to the information must be restricted and the confidentiality of the CHIS maintained.

Record Management for CHIS

5.20 All original surveillance authorisation (whether authorised or refused), Review, Renewal and Cancellation documents will be forwarded to the RIPA Legal Advisor. The RIPA Legal Advisor will be responsible for maintaining the Central Record of Authorisations and will ensure that all records are held securely with no unauthorised access. The only persons who will have access to these documents will be the RIPA Legal Advisor and the Senior Responsible Officer.

6. Exceptions

6.1 General observation forms part of the duties of the Council and is not usually regulated by RIPA. For example, trading standards officers might covertly observe and then visit a shop as part of their enforcement function to verify the supply or level of supply of goods or services that may be liable to a restriction or tax. Such observation may involve the use of equipment to merely reinforce normal sensory perception, such as binoculars, or the use of cameras, where this does not involve systematic surveillance of an individual.

7. Examples of Different Types of Surveillance

Type of Surveillance	Examples	Authorisation Required
Overt	<ul style="list-style-type: none"> • Police Officer or Parks Warden on patrol • Signposted Town Centre CCTV cameras (in normal use) 	No
Overt	<ul style="list-style-type: none"> • Recording noise coming from outside the premises after the occupier has been warned in writing that this will occur if the • noise persists. 	No
Overt	<ul style="list-style-type: none"> • Most test purchases (where the officer behaves no differently from a normal member of the public). 	No
Overt	<ul style="list-style-type: none"> • CCTV cameras providing general traffic, crime or public Safety information. 	No
Directed	<ul style="list-style-type: none"> • Officers follow an individual or individuals over a period, to establish whether s/he is working when claiming benefit or off long-term sick from employment. 	Yes
Directed	<ul style="list-style-type: none"> • Test purchases where the officer has a hidden camera or other recording device to record information which might include information about the private life of a shop-owner, e.g. where s/he is suspected of running his business in an unlawful manner. 	No (but only because not permitted)

8. How Can We Use This Intelligence Data?

General Intelligence Data

8.1 The information must be preserved and properly recorded to ensure that it can be adduced as Prosecution evidence without any doubt as to its probity and value. Furthermore, the product of the surveillance described in this code is subject to the

ordinary rules for retention and disclosure of material under the Criminal Procedure and Investigations Act 1996.

8.2 There is nothing in RIPA which prevents material obtained from properly authorised surveillance from being used in other investigations. Authorising Officers must ensure, therefore, that arrangements are in place for the handling, storage and destruction of material obtained through the use of covert surveillance. Authorising Officers must also ensure compliance with the appropriate data protection & GDPR requirements and any relevant codes of practice produced by individual authorities relating to the handling and storage of material.

9. Storage of the Product of Surveillance

9.1 The 'product' of a Directed Surveillance operation, i.e. the surveillance footage obtained through the operation may be used in as evidence in criminal proceedings. The code of practice issued under the Criminal Procedure and Investigations Act 1996 requires that information obtained during the course of a criminal investigation that may be relevant to the investigation is recorded and retained.

9.2 Departments making use of Directed Surveillance operations must ensure procedures are in place for the secure handling, storage and subsequent destruction of the product of the surveillance.

10. The Acquisition of Communications Data

What is Communications Data?

10.1 Communication data means any traffic or any information that is or has been sent by over a telecommunications system or postal system, together with information about the use of the system made by any person. It is the 'who', 'when' and 'where' of communication, but not the content, not what was said or written.

10.2 The acquisition of communications data under RIPA will be a justifiable only if it is both necessary and proportionate that the conduct being authorised or required take place.

10.3 The Council is only permitted access to under Section 21(4)(b) and (c) of RIPA:

- Service user information; and
- Subscriber information.

Examples of service user information include:

- itemised telephone call records (numbers called);
- itemised records of connections to internet services;
- itemised timing and duration of service usage (calls and/or connections);
- information about amounts of data downloaded and/or uploaded;
- information about the connection, disconnection and reconnection of services;

- information about the provision and use of forwarding/redirection services (by postal and telecommunications service providers);
- information about the provision of conference calling, call messaging, call waiting and call barring telecommunications services;
- information about selection of preferential numbers or discount calls;
- records of postal items, such as records of registered, recorded or special delivery postal items, records of parcel consignment, delivery and collection.

Examples of subscriber information include:

- ‘subscriber checks’ (also known as ‘reverse look ups’) such as “who is the subscriber of phone number 012 345 6789?”, “who is the account holder of e-mail account xyz@xyz.anyisp.co.uk?” or “who is entitled to post to web space www.xyz.anyisp.co.uk?”;
- subscribers or account holders’ account information, including payment method(s) and any services to which the subscriber or account holder is allocated or has subscribed;
- addresses for installation and billing;
- information provided by a subscriber or account holder to a CSP, such as demographic information or sign-up data (to the extent that information, such as a password, giving access to the content of any stored communications is not disclosed).

Procedure

10.4 There are two possible ways of acquiring Communications Data from telecommunications and postal companies ("Communications Companies").

Acquiring Communications Data as a Council

10.5 Service Providers will only respond to requests from Local Authorities via designated single points of contact (SPoC) who must be trained and authorised to act as such. SPoC’s should be in a position to:

- Advise applicants if their request is practicable for the service provider
- Advise designated persons as to the validity of requests
- Advise applicants and designated persons under which section of the Act communications data falls

The National Anti Fraud Network (NAFN) provides a SPoC service to the Council precluding the Council from the requirement to maintain their own trained staff and allowing NAFN to act as a source of expertise. All applications for Communication data must be submitted to NAFN who will assist and advice officers and submit the applications to the Designated Person for authorisation.

Once the application has been approved by a designated person and Judicial Approval has been obtained NAFN, acting as SPOC, will serve a Notice on the relevant service provider requiring the service provider to obtain and provide the information to the council.

10.8 When seeking communications data advice should be sought from the Chris Rabe-Reactive Fraud Manager Audit & Investigations rabec@ealing.gov.uk . Any requests for communications data will be processed with the approval of the SRO (Helen Harris).

10.7 The Council has a Single Point of Contact (SPoC), identified to the Communications Service Provider to enable them to comply with a notice. The SpOC for

local authority communication data requests under RIPA is NAFN. The contact details are:

Address: NAFN Data and Intelligence Services, Thameside MBC, PO Box 304, Ashton Under Lyne, OL6 OGA.

Telephone Helpline 01613423480.

Email: general@nafn.gov.uk.

11. The RIPA Application and Authorisation Procedures

11.1 Since 1 November 2012 the local authorities use of RIPA requires the following consideration:

- **Approval of Local Authority Authorisations under RIPA by a Justice of the Peace:** The amendments in the Protection of Freedoms Act 2012 mean that local authority authorisations under RIPA for the use of Directed Surveillance or use of Covert Human Intelligence sources (CHIS) can only be given effect once an order approving the authorisation has been granted by a Justice of the Peace (JP). **This applies to applications and renewals only, not reviews and cancellations.**
- **Directed surveillance crime threshold:** Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 ("the 2010 Order") mean that a local authority can now only grant an authorisation under RIPA for the use of Directed Surveillance where the local authority is investigating criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933.

This crime threshold, as mentioned, is only for Directed Surveillance.

11.2 Application, Review, Renewal and Cancellation Forms

No covert activity covered by RIPA or the use of a CHIS should be undertaken at any time unless it meets the legal criteria (see above) and has been authorised by an Authorising Officer and approved by a JP/Magistrate as mentioned above. The activity conducted must be in strict accordance with the terms of the authorisation.

11.3 The effect of the above legislation means that all applications and renewals for covert RIPA activity will have to have a JP's approval. It does not apply to Reviews and Cancellations which will still be carried out internally.

11.4 The procedure is as follows;

All applications and renewals for Directed Surveillance and use of a CHIS will be required to have a JP's approval.

The applicant will complete the relevant application form ensuring compliance with the statutory provisions shown above. The application form will be submitted to an Authorising Officer for consideration. If authorised, the applicant will also complete the required section of the application for judicial approval form. Although this form requires the applicant to provide a brief summary of the circumstances of the case, this is

supplementary to and does not replace the need to supply the original RIPA authorisation as well.

11.5 It will then be necessary for the applicant to contact Her Majesty's Courts & Tribunals Service (HMCTS) (within Office hours) to arrange a hearing at the Magistrates' Court, to apply to a JP to grant an order approving the authorisation. The hearing will be in private and heard by a single JP.

11.6 Officers who may present the authorisations will need to be formally designated by the Council under section 223 of the Local Government Act 1972 to appear, be sworn in and present evidence or provide information as required by the JP. If in doubt as to whether you are able to present the application seek advice from the RIPA Legal advisor.

11.7 Upon attending the hearing, the officer must present to the JP the partially completed application for judicial approval form, a copy of the RIPA authorisation form, together with any supporting documents setting out the case, and in the case of a renewal the original authorisation form.

11.8 The original RIPA authorisation should be shown to the JP but will be retained by the local authority so that it is available for inspection by the Investigatory Powers Commissioners' Officers and in the event of any legal challenge or investigations by the Investigatory Powers Tribunal (IPT).

11.9 The JP will read and consider the RIPA authorisation and the application for judicial approval form. They may have questions to clarify points or require additional reassurance on particular matters. These questions are supplementary to the content of the authorisation form. **However, the forms and supporting papers must by themselves make the case. It is not sufficient for the local authority to provide oral evidence where this is not reflected or supported in the papers provided.**

11.10 The JP will consider whether he or she is satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate. They will also consider whether there continues to be reasonable grounds. In addition, they must be satisfied that the person who granted the authorisation or gave the notice was an appropriate designated person within the local authority and the authorisation was made in accordance with any applicable legal restrictions, for example that the crime threshold for directed surveillance has been met.

11.11 The JP may decide to:

Approve the Grant or renewal of an authorisation

The grant or renewal of the RIPA authorisation will then take effect and the local authority may proceed to use the technique in that particular case.

Refuse to approve the grant or renewal of an authorisation

The RIPA authorisation will not take effect and the local authority may **not** use the technique in that case.

11.12 Where an application has been refused the applicant may wish to consider the reasons for that refusal. If more information was required by the JP to determine whether the authorisation has met the tests, and this is the reason for refusal the officer should consider whether they can reapply, for example, if there was information to support the application which was available to the local authority, but not included in the papers provided at the hearing.

11.13 For, a technical error, the form may be remedied without going through the internal authorisation process again. The officer may then wish to reapply for judicial approval once those steps have been taken.

11.14 Refuse to approve the grant or renewal and quash the authorisation or notice

This applies where the JP refuses to approve the authorisation or renew the authorisation and decides to quash the original authorisation or notice. However, the court must not exercise its power to quash the authorisation unless the applicant has had at least 2 business days from the date of the refusal in which to make representations. If this is the case the officer will inform the RIPA Legal Adviser who will consider whether to make any representations.

11.15 Whatever the decision, the JP will record their decision on the order section of the judicial approval form. The court administration will retain a copy of the local authority RIPA authorisation form and the judicial approval form. The officer will retain the original authorisation and a copy of the judicial approval form.

11.16 If approved by the JP, the date of the approval becomes the commencement date and the three months duration will commence on this date. The officers are now allowed to undertake the authorised activity.

11.17 The original application and the copy of the judicial approval form should be forwarded to the RIPA legal Adviser to be added to the Central Register and a copy retained by the applicant and by the AO. This will enable the AO to check what was authorised and monitor any reviews and cancellation to determine if any errors occurred and if the objectives were met.

11.18 There is no complaint route for a judicial decision unless it was made in bad faith. If the applicant has any issues they must contact the RIPA Legal adviser for advice. A local authority may only appeal a JP decision on a point of law by judicial review. If such a concern arises, the Legal team will decide what action if any should be taken.

11.19 All the relevant forms for authorisation through to cancellation must be in writing using the standard forms which are available from the Intranet site and from the RIPA Legal Adviser, but officers must ensure that the circumstances of each case are accurately recorded on the application form (see Application Process).

11.20 If it is intended to undertake both directed surveillance and the use of a CHIS on the same surveillance subject, the respective application forms and procedures should be followed and both activities should be considered separately on their own merits.

11.21 An application for an authorisation must include an assessment of the risk of any collateral intrusion or interference. The Authorising Officer will take this into account,

particularly when considering the proportionality of the directed surveillance or the use of a CHIS.

12. Applications

All the relevant sections on an application form must be completed with sufficient information for the Authorising Officer to consider Necessity, Proportionality and the Collateral Intrusion issues. Risk assessments should take place prior to the completion of the application form. Each application should be completed on its own merits of the case. **Cutting and pasting or using template entries should not take place as this would leave the process open to challenge.**

12.1 All applications will be submitted to the Authorising Officer via the Line Manager of the appropriate enforcement team in order that they are aware of the activities being undertaken by the staff. Where appropriate, the Line Manager will perform an initial quality check of the application and/or legal advice sought from the RIPA legal adviser. Completed application forms are to be initiated by Line Managers to show that the quality check has been completed.

12.2 Applications whether authorised or refused by the Authorising Officer will be issued with a unique number by the Authorising Officer, taken from the next available number in the Central Record of Authorisations.

12.3 If authorised the applicant will then complete the relevant section of the application for judicial approval form and follow the procedure above by arranging and attending the Magistrates Court to seek a JP's approval. (see procedure above RIPA application and authorisation process)

12.4 Duration of Applications

Directed Surveillance	3 Months
Renewal	3 Months
Covert Human Intelligence Source	12 Months
Juvenile Sources	4 Months
Renewal	12 months

All Authorisations must be cancelled by completing a cancellation form. They must not be left to simply expire.

13. Reviews

The reviews are dealt with internally by submitting the review form to the Authorising Officer. There is no requirement for a review form to be submitted to a JP.

13.1 Regular reviews of authorisations should be undertaken to assess the need for the surveillance to continue. The results of a review should be recorded on the central record of authorisations. Particular attention is drawn to the need to review authorisations frequently where the surveillance provides access to confidential information or involves collateral intrusion.

13.2 In each case the Authorising Officer should determine how often a review should take place. This should be as frequently as is considered necessary and practicable and they will record when they are to take place on the application form. This decision will be based on the circumstances of each application. However, reviews will be conducted on a monthly or less basis to ensure that the activity is managed. It will be important for the Authorising Officer to be aware of when reviews are required following an authorisation to ensure that the applicants submit the review form on time.

13.3 Applicants should submit a review form by the review date set by the Authorising Officer. They should also use a review form for changes in circumstances to the original application so that the need to continue the activity can be reassessed. If the circumstances or the objectives have changed considerably, or the techniques to be used are now different a new application form should be submitted and will be required to follow the process again and be approved by a JP. The applicant does not have to wait until the review date if it is being submitted for a change in circumstances.

Managers or Team Leaders of applicants should also make themselves aware of when the reviews are required to ensure that the relevant forms are completed on time.

14. Renewal

Should it be necessary to renew a Directed Surveillance or CHIS authorisation this must be approved by a JP.

14.1 Applications for renewals should not be made until shortly before the original authorisation period is due to expire but the applicant must take account of factors, which may delay the renewal process (e.g. intervening weekends or the availability of the relevant Authorising Officer and a JP to consider the application).

14.2 The applicant should complete all the sections within the renewal form and submit the form to the Authorising Officer.

14.3 Authorising Officers should examine the circumstances with regard to Necessity, Proportionality and the Collateral Intrusions issues before deciding to renew the activity. A CHIS application should not be renewed unless a thorough review has been carried out covering the use made of the source, the tasks given to them and information obtained. The Authorising Officer must consider the results of the review when deciding whether to renew or not. The review and the consideration must be documented.

14.4 If the Authorising Officer refuses to renew the application the cancellation process should be completed. If the AO authorises the renewal of the activity the same process is to be followed as mentioned earlier for the initial application.

14.5 A renewal takes effect on the day on which the authorisation would have ceased and lasts for a further period of three months.

15. Cancellation

The cancellation form is to be submitted by the applicant or another investigator in their absence. The Authorising Officer who granted or last renewed the authorisation must cancel it if they are satisfied that the directed surveillance no longer meets the criteria upon which it was authorised. Where the Authorising Officer is no longer available, this

duty will fall on the person who has taken over the role of Authorising Officer or the person who is acting as Authorising Officer

15.1 As soon as the decision is taken that directed surveillance should be discontinued, the applicant or other investigating officer involved in the investigation should inform the Authorising Officer. The Authorising Officer will formally instruct the investigating officer to cease the surveillance, noting the time and date of their decision. This will be required for the cancellation form. The date and time when such an instruction was given should also be recorded in the central record of authorisations. It will also be necessary to detail the amount of time spent on the surveillance as this is required to be retained by the RIPA Legal Advisor.

15.2 The officer submitting the cancellation should complete in detail the relevant sections of the form and include the period of surveillance, if any images were obtained and any images containing third parties. The Authorising Officer should then take this into account and issue instructions regarding the management and disposal of the images etc.

15.3 The cancellation process should also be used to evaluate whether the objectives have been achieved and whether the applicant carried out what they stated was necessary in the application form. This check will form part of the oversight function. Where issues are identified they will be brought to the attention of the line manager and the Senior Responsible Officer (SRO). This will assist with future audits and oversight.

16. Who Can Grant a RIPA Authorisation

16.1 Officers who are designated "Authorising Officers" may authorise the use of directed surveillance or the use of a CHIS whether on a written application or under the urgency oral procedures.

16.2 Please refer to Appendix 1 for the list of Authorising Officers, to show name, contact number and levels of Authority.

16.3 The Chief Executive Officer or in his absence the Executive Director of Children and Adults Services will authorise cases where confidential information is likely to be gathered or in the case of a juvenile or vulnerable CHIS.

16.4 The Director of Legal and Democratic Services (Senior Responsible Officer) will inform the RIPA Legal Advisor of any changes to the list of Authorising Officers and will amend the policy accordingly. The intranet will also be updated appropriately.

16.5 Directed surveillance and the use of a CHIS can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation. Without a proper understanding of the authorisation process through the correct chain of command you will not be able to comply with RIPA.

17. Working with/through other agencies

When an outside agency has been instructed on behalf of the Council to undertake any action under RIPA, this Document and the Forms in it must be used (as per normal

procedure) and the agency advised or kept informed, as necessary, of the various requirements. They must be made aware explicitly what they are authorised to do.

17.1 When an outside agency (e.g. Police, HM Revenue & Customs) wish to use the Council's resources (e.g. CCTV surveillance systems), that agency must use its own RIPA procedures and, before any Officer agrees to allow the Council's resources to be used for the other agency's purposes, s/he must obtain a copy of that agency's RIPA form for the record.

17.2 If the Police or other Agency wish to use Council resources for general surveillance, as opposed to specific RIPA operations, an appropriate letter requesting the proposed use, extent of remit, duration, who will be undertaking the general surveillance and the purpose of it must be obtained from the Police or other Agency before any Council resources are made available for the proposed use.

Local Sensitivities

17.3 Authorising Officers and Applicants should be aware of particular sensitivities in the local community where the directed surveillance is taking place, or of similar activities being undertaken by other public authorities which could impact on the deployment of surveillance. This should form part of the risk assessment.

17.4 It should be noted that although this is a requirement there is no provision made within the application form for this information. Therefore, applicants should cover this area where they feel it is most appropriate such as when detailing the investigation or proportionality or within the separate risk assessment form. This must be brought to the attention of the Authorising Officer when deciding whether to authorise the activity.

18. Authorising Officers Responsibility

18.1 Authorising Officers should not be responsible for authorising investigations or operations in which they are directly involved, although it is recognised that this may sometimes be unavoidable such as where it is necessary to act urgently. Where an Authorising Officer authorises such an investigation or operation the Central Record of authorisations should highlight this and it should be brought to the attention of a Commissioner or Inspector during their next inspection.

18.2 Authorising Officers must treat each case individually on its merits and satisfy themselves that the authorisation is in accordance with the law, **necessary** for the prevention and detection of crime, that the crime attracts a custodial sentence of a maximum of 6 months or more, or is an offence relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933.

18.3 The Authorising Officer must believe the surveillance is **proportionate** to what it seeks to achieve, considering the **collateral intrusion** issues, and that the level of the surveillance is appropriate to achieve the objectives. If any equipment such as covert cameras, video cameras is to be used, the Authorising Officer should know the capability of the equipment before authorising its use. This will have an impact on

collateral intrusion, necessity and proportionality. They should not rubber-stamp a request. It is important that they consider all the facts to justify their decision. They may be required to justify their actions in a court of law or some other tribunal.

18.4 Authorising Officers are responsible for determining when reviews of the activity are to take place.

Before authorising surveillance, Authorising Officers should also consider the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation (collateral intrusion). Measures should be taken, wherever practicable, to avoid or minimise unnecessary intrusion into the lives of those not directly connected with the investigation or operation.

18.5 Authorising Officers must also pay particular attention to Health and Safety issues that may be raised by any proposed surveillance activity. Under no circumstances, should the Authorised Officer approve any RIPA form unless, and until they are satisfied the health and safety of Council employees/agents are suitably addressed and/or risks minimised, so far as is possible, and proportionate to/with the surveillance being proposed.

18.6 Authorised Officers must acquaint themselves with the relevant Codes of Practice issued by the Home Office regarding RIPA and the latest Procedures and Guidance from the Investigation Powers Commissioners Office (IPCO).

18.7 Before authorising surveillance/use of CHIS, Authorising Officers must be mindful of this policy, training provided by the council and any other guidance issued from time to time.

18.8 When authorising the conduct or use of a CHIS, Authorising Officers must also be satisfied that the conduct and/or use of the CHIS is proportionate to what is sought to be achieved; be satisfied that appropriate arrangements are in place for the management and oversight of the CHIS and this must address health and safety issues through a risk assessment and consider any adverse impact on community confidence that may result from the use or conduct or the information obtained.

18.9 In the absence of the Senior Responsible Officer the Application should be submitted to another Authorising Officer for authorisation. (See list of Authorising Officers - Appendix 1)

19. Collateral Intrusion

Collateral intrusion is an integral part of the decision-making process and should be assessed and considered very carefully by both applicants and Authorising Officers.

19.1 The Revised Codes state Collateral Intrusion is intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation such as neighbours or other members of the subject's family. Where it is proposed to conduct surveillance activity specifically against individuals who are not suspected of direct or culpable involvement in the overall matter being investigated, interference with the privacy or property of such individuals should not be considered as collateral intrusion but rather as intended intrusion. Any such surveillance activity should be carefully considered against the necessity and proportionality criteria

19.2 Intended intrusion could occur if it was necessary to follow a person not committing any offences but by following this person it would lead you to the person who is committing the offences.

19.3 Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved. The same proportionality tests apply to the likelihood of collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.

19.4 Prior to and during any authorised RIPA activity, a risk assessment should take place to identify the likely intrusion into the subject and any collateral intrusion. Officers should take continuing precautions to minimise the intrusion where possible. The collateral intrusion, the reason why it is unavoidable and your precautions to minimise it will have to be detailed on any relevant application forms. This will be considered by the Authorising Officer.

19.5 Before authorising surveillance, the Authorising Officer should consider the risk of collateral intrusion detailed on the relevant application forms as it has a direct bearing on the decision regarding proportionality.

19.6 The possibility of Collateral Intrusion does not mean that the authorisation should not be granted, but you should weigh up the importance of the activity to be carried out in operational terms on the one hand and the risk of collateral intrusion on the other hand.

20. Unexpected Interference with Third Parties

When you are carrying out covert directed surveillance or using a CHIS, you should inform the Authorising Officer if the investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation in some other way. It will be appropriate in some circumstances to submit a review form and in other cases the original authorisation may not be sufficient, and consideration should be given to whether a separate authorisation is required.

21. Confidential Information

Confidential information consists of matters subject to Legal Privilege, confidential personal information or confidential journalistic material and applications where there is a likelihood of acquiring such information can only be authorised by the Chief Executive
No authorisation should be authorised if there is any likelihood of obtaining legally privileged material without consulting the Legal Services.

21.1 Confidential personal information is information held in confidence relating to the physical or mental health or spiritual counselling concerning an individual (whether living or dead) who can be identified from it. Such information, which can include both oral and written communications, is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation. Examples might include consultations between a health professional and a patient, or information from a patient's medical records. Journalistic material is also mentioned in the codes; however, it is highly unlikely that this will be obtained.

21.2 Confidential constituent information is information relating to communications between a Member of Parliament and a constituent in respect of constituency business. Again, such information is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation. The reasons for acquiring information of this type must be clearly documented and the specific necessity and proportionality of doing so must be carefully considered. Material which has been identified as confidential personal or confidential constituent information should be retained only where it is necessary and proportionate to do so in accordance with the authorised purpose or where otherwise required by law. It should be securely destroyed when its retention is no longer needed for those purposes.

21.3 Where confidential personal or constituent information is retained or disseminated to an outside body, reasonable steps should be taken to mark the information as confidential. Where there is any doubt as to the lawfulness of the proposed handling or dissemination of confidential information, advice should be sought from the RIPA legal adviser before any further dissemination of the material takes place.

21.4 Any case where confidential personal or constituent information is retained, other than for the purpose of destruction, and disseminated should be reported to the Investigatory Powers Commissioner as soon as reasonably practicable, and any material which has been retained should be made available to the Commissioner on request so that the Commissioner can consider whether the correct procedures and considerations have been applied.

21.4 The following general principles apply to confidential material acquired under authorisations:

- Those handling material from such operations should be alert to anything which may fall within the definition of confidential material. Where there is doubt as to whether the material is confidential, advice should be sought from the SRO before further dissemination takes place;
- Confidential material should not be retained or copied unless it is necessary for specified purpose;
- Confidential material should be disseminated only where an appropriate officer (having sought advice from the SRO) is satisfied that it is necessary for a specific purpose;
- The retention or dissemination of such information should be accompanied by a clear warning of its confidential nature. It should be safeguarded by taking reasonable steps to ensure that there is no possibility of it becoming available, or its content being known, to any person whose possession of it might prejudice any criminal or civil proceedings related to the information;
- Confidential material should be destroyed as soon as it is no longer necessary to retain it for a specified purpose.

22.1 The use of the CCTV systems operated by the Council does not normally fall under the RIPA regulations. However, it does fall under the Data Protection Act 2018 and the Councils CCTV policy. Should there be a requirement for the CCTV cameras to be used for a specific purpose to conduct surveillance it is likely that the activity will fall under Directed Surveillance and therefore require an authorisation.

22.2 On the occasions when the CCTV cameras are to be used in a Directed Surveillance situation either by enforcement officers from relevant departments within the Council or outside Law Enforcement Agencies such as the Police, either the CCTV staff are to have a copy of the application form in a redacted format, or a copy of the authorisation page. If it is an urgent oral authority a copy of the applicant's notes are to be retained or at least some other document in writing which confirms the authorisation and exactly what has been authorised. It is important that the staff check the authority and only carry out what is authorised. A copy of the application or notes is also to be forwarded to the RIPA Legal Advisor for filing. This will assist the Council to evaluate the authorisations and assist with oversight.

22.3 Operators of the Councils CCTV system need to be aware of the RIPA issues associated with using CCTV and that continued, prolonged systematic surveillance of an individual may require an authorisation.

23 Internet Investigations

23.1 The use of the internet as an investigative method is now becoming routine. However, just because the information being obtained is from the internet staff must still consider all the normal rules and guidance applicable to any type of enquiry conducted within a criminal investigation, such as, the Data Protection Act (DPA), Criminal Procedures Investigations Act (CPIA) and RIPA.

23.2 It is important to be aware that the use of social media in an investigation could, depending on how it is used and the type of information likely to be obtained, constitute covert activity that requires authorisation under RIPA.

23.3 Generally researching "open source" material" (example is material you could view on social media without becoming a friend, subscriber or follower) would not require authorisation, but return visits in order to build up a profile could change the position, and this may constitute directed surveillance depending on the circumstances.

23.4 The use of the internet may be required to gather information prior to and/or during an operation, which may amount to directed surveillance. Whenever a public authority intends to use the internet as part of an investigation, they must first consider whether the proposed activity is likely to interfere with a person's Article 8 rights, including the effect of any collateral intrusion. Any activity likely to interfere with an individual's Article 8 rights should only be used when necessary and proportionate to meet the objectives of a specific case. Where it is considered that private information is likely to be obtained,

an authorisation (combined or separate) must be sought as set out elsewhere in this code. Where an investigator may need to communicate covertly online, for example, contacting individuals using social media websites, a CHIS authorisation should be considered.

23.5 Where someone, such as an employee or member of the public, is tasked by the local authority to use an internet profile to establish or maintain a relationship with a subject of interest for a covert purpose, or otherwise undertakes such activity on behalf of the public authority, in order to obtain or provide access to information, a CHIS authorisation is likely to be required. For Example:

- a) An investigator using the internet to engage with a subject of interest at the start of an operation, in order to ascertain information or facilitate a meeting in person;
- b) Directing a member of the public (such as a CHIS) to use their own or another internet profile to establish or maintain a relationship with a subject of interest for a covert purpose.
- c) joining chat rooms with a view to interacting with a criminal group in order to obtain information about their criminal activities.

23.6 Some websites require a user to register providing personal identifiers such as name and phone number before access to the site will be permitted and therefore a CHIS authorisation will not always be appropriate. Where an investigating officer sets up a false identity for this purpose, this doesn't immediately amount to establishing a relationship and so a CHIS is not required, however you should consider a directed surveillance authorisation if the activity is likely to result in the obtaining of private information. For example:

- a) A trading standards officer intends to make a one-off online test purchase of an item on an auction site, to investigate intelligence that the designer goods being offered are indeed fake. The officer concludes the purchase and does not correspond privately with the seller or leave feedback on the site. No covert relationship is formed, and a CHIS authorisation is not required.
- b) trading standards task a member of the public to purchase goods from a number of websites to obtain the identity of the seller, country of origin of the goods and banking arrangements. The individual is required to engage with the seller as necessary to complete the purchases. This should be covered by a CHIS because of the intention to establish a relationship for covert purposes.

23.7 Additionally where a website or social media account requires minimal level of interaction, such as sending or receiving a friend request before access is permitted, this may not in itself amount to establishing a relationship. Equally, the use of electronic gestures such as "like" or "follow" posted by others online would not in itself amount to forming a relationship. Unless you then enter a website and respond on these terms which leads to further interaction with users and a CHIS should be obtained to engage in any further interaction. For example:

- a) An investigating officer maintains a false persona, unconnected to law enforcement, on social media sites in order to facilitate future operational research or investigation. As part of this activity he "follows" a variety of people and entities and "likes" occasional posts without engaging any further. No CHIS is required as no relationship is formed.
- b) The investigating officer sends a request to join a closed group known to be set up by a subject of interest connected to an investigation. A directed surveillance authorisation would be needed to cover the proposed covert monitoring of the site. Once accepted into the group further interaction is required as part of the investigation and so a CHIS

authorisation would be required.

23.8 Officers should not use false personae for instance a false Facebook or twitter handle to disguise their online activities. False personae should not be used for a covert purpose without authorisation.

23.9 In order to determine whether an authorisation should be sought for accessing information on a website as part of a covert investigation or operation, it is necessary to look at the intended purpose and scope of the online activity it is proposed to undertake. Factors that should be considered in establishing whether a directed surveillance authorisation is required include:

- if the investigation is directed towards an individual or organisation;
- if it is likely to result in obtaining private information about a person or group of people;
- if it is likely to involve visiting internet sites to build up an intelligence picture or profile;
- if the information obtained will be recorded and retained
- If the information is likely to provide an observer with a pattern of lifestyle
- If the information is being combined with other sources of information or intelligence, which amounts to information relating to a person's private life;
- if the investigation or research is part of an ongoing piece of work involving repeated viewing of the subject;
- If it is likely to involve identifying and recording information about third parties, such as friends and family members of the subject of interest, or information posted by third parties, that may include private information and therefore constitute collateral intrusion into the privacy of these third parties.

23.10 To ensure that no unauthorised online covert activity takes place within the Council please ensure that legal advice is sought from the RIPA legal adviser. The Home Office Codes of practice on covert surveillance and CHIS contain essential guidance in relation to online covert activity and must be considered.

23.11 When an authorisation has been obtained to utilise a false identity to undertake online surveillance the Authorising Officer must maintain a register of identities utilised alongside the record of who is using the profile and for what purpose. All interaction online should be noted/recorded and be the subject of regular audit by the manager to ensure that it is conducted in accordance with the authorisation. The authorising officer should consider the account of such activity at the time of review or renewal of the authorisation.

24 SURVEILLANCE OUTSIDE of RIPA

24.1 Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 mean that a local authority can now only grant an authorisation under RIPA where the local authority is investigating criminal offences which attract a maximum custodial sentence of at least six months or criminal offences relating to the underage sale of alcohol or tobacco.

24.2 There may be a necessity for the Council to undertake surveillance which does not meet the criteria above to use the RIPA legislation such as in cases of serious disciplinary investigations or anti-social behaviour.

24.3 The Council still must meet its obligations under the Human Rights Act and therefore any surveillance outside of RIPA must still be necessary and proportionate having taken account of the intrusion issues. The decision-making process and the management of such surveillance must be well documented. The IPCO Guidance states that it is prudent to maintain an auditable record of decisions and actions to use covert surveillance without the protection of RIPA and that such activity should be regularly reviewed by the SRO.

24.4 The Councils Senior Responsible Officer (SRO) will therefore regularly monitor surveillance outside of RIPA. Before any such surveillance takes place, advice must be sought from the RIPA legal adviser.

24.5 As part of the new process of formally recording and monitoring non RIPA surveillance, a non RIPA surveillance application form should be completed and authorised by an Authorising Officer level only. A copy of the non RIPA surveillance application form can be found on the Intranet appendix 4 of this Policy or is available from the RIPA Legal adviser.

24.6 Non RIPA surveillance also includes staff surveillance which falls outside of RIPA. Any surveillance of staff must be formally recorded on the non-RIPA surveillance Application Form and authorised by an Authorised Officer in consultation with the RIPA Legal Adviser who will report to the SRO. A central record of staff surveillance is also maintained by the SRO.

25 Audit trail

Records maintained in the Department

25.1 The following documents must be retained by the relevant Authorising Officer:

- a copy of the Forms together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- a record of the period over which the surveillance has taken place;
- the frequency of reviews prescribed by the Authorised Officer;
- a record of the result of each review of the authorisation;
- a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- the date and time when any instruction was given by the Authorised Officer;
- the Unique Reference Number for the authorisation (URN).

26 Central Register maintained by the Legal Department of the Council

26.1 The RIPA Legal Advisor, Hatoon Zeb will retain a Central Record for a period of at least three years from the ending of the authorisation. The Investigatory Powers

Commissioners Office (IPCO) can audit/review the Council's policies and procedures, and individual authorisations.

As well as the Central Record the RIPA Legal Advisor will also retain:

- the original of each application, review, renewal and cancellation, copy of the judicial approval form, together with any supplementary documentation of the approval given by the Authorising Officer
- a record of the period over which the surveillance has taken place;

26.2 Annual Report to Investigatory Powers Commissioners Office (IPCO)

The Council is required to provide statistics to the IPCO every year in March for the purposes of the IPCO Annual Report. The RIPA Legal Advisor shall be responsible for completing the return and providing the statistics.

27 Storage and Retention of Material

27.1 All material obtained and associated with an application will be subject of the provisions of the Criminal Procedures Investigations Act 1996 (CPIA), Codes of Practice which state that relevant material in an investigation has to be recorded and retained and later disclosed to the prosecuting solicitor in certain circumstances. It is also likely that the material obtained as a result of a RIPA application will be classed as personal data for the purposes of the Data Protection Act 2018 and or GDPR.

27.2 All officers involved within this process should make themselves aware of the provisions within this legislation and how it impacts on the whole RIPA process. Material obtained together with relevant associated paperwork should be held securely and ensure any dissemination of the product takes account of the DPA and is only disclosed to those that can lawfully receive it. The material may only be retained for as long as is necessary, therefor material which will be retained outside of the CPIA provisions (see below) must have some justification to meet the DPA &/ GDPR requirements. If in doubt advice should be sought from the Data Information Governance Manager.

27.3 Extra care needs to be taken if the application and material relates to a CHIS as set out above.

27.4 Material is required to be retained under CPIA should be retained until a decision is taken whether to institute proceedings against a person for an offence or if proceedings have been instituted, at least until the accused is acquitted or convicted or the prosecutor decides not to proceed with the case.

27.5 Where the accused is convicted, all materials which may be relevant must be retained at least until the convicted person is released from custody, or six months from the date of conviction, in all other cases.

27.6 If the court imposes a custodial sentence and the convicted person is released from custody earlier than six months from the date of conviction, all material which may be relevant must be retained at least until six months from the date of conviction.

27.7 Departments making use of Directed Surveillance operations must ensure procedures are in place for the secure handling, storage and subsequent destruction of the product of the surveillance. Whilst each department will have its own internal procedure for the handling of evidence, below is a non-exhaustive list of factors which should be considered.

- Details of the product of surveillance must be recorded including the date, time and place the product was obtained and the operation to which it relates.
- The product must be kept in secure storage with access to the product restricted.
- The movements of the product must be recorded. If the product is removed from storage, the time, date and reasons for the movement of the product must be recorded; so too the details of the recipient of the product and the person authorising its removal from storage. Similarly, records must be updated when the product is returned to storage and when the product is destroyed.
- Any product that is deemed to be of no use in proceedings must be destroyed immediately. If the product is used as evidence in proceedings, it must be securely stored and destroyed with the additional evidence in accordance with the department's internal procedures.

28 Training

28.1 There will be an ongoing training programme for Council Officers who will need to be aware of the impact and operating procedures with regards to this legislation. The RIPA Legal Adviser will be required to retain a list of all those officers who have received training and when the training was delivered.

28.2 Authorising Officers must have received formal RIPA training before being allowed to consider applications for surveillance and CHIS.

29 Errors

29.1 An error must be reported if it is a "relevant error", which is defined under section 31(9) of the Investigatory Powers Act 2016 as being any error by the Council in complying with any requirements that are imposed on it by any enactment which are subject to review by a Judicial Commissioner. This would include compliance by the authority with Part II of RIPA. Examples of relevant errors occurring would include circumstances where:

- Surveillance or Covert Human Intelligence Source activity has taken place without lawful authority
- There has been a failure to adhere to the safeguards set out in the relevant statutory provisions and Codes.

29.2 All relevant errors made by the Council of which it is aware must be reported to the IPC as soon as reasonably practicable, and no later than ten working days (or as agreed with the Commissioner). Where the full facts of the error cannot be ascertained within that time, an initial notification must be sent with an estimated timescale for the error being reported in full and an explanation of the steps being undertaken to establish the full facts of the error.

29.3 From the point at which the Council identifies that a relevant error may have occurred, it must take steps to confirm the fact of an error as quickly as it is reasonably practicable to do so. Where it is subsequently confirmed that an error has occurred and that error is notified to the Commissioner, the Council must also inform the Commissioner of when it was initially identified that an error may have taken place.

29.4 A full report must be sent to the Investigatory Powers Commissioner as soon as reasonably practicable in relation to any relevant error, including details of the error and, where it has not been possible to provide the full report within ten working days (or as agreed with the Commissioner) of establishing the fact of the error, the reasons this is the case. The report should include information on the cause of the error; the amount of surveillance conducted and material obtained or disclosed; any unintended collateral intrusion; any analysis or action taken; whether any material has been retained or destroyed; and a summary of the steps taken to prevent recurrence. The Investigatory Powers Commissioner may issue guidance as necessary, including guidance on the format of error reports. The Council must have regard to any guidance on errors issued by the Investigatory Powers Commissioners.

29.5 If the Investigatory Powers Commissioner considers that the error is a serious error and that it is in the public interest for the person concerned to be informed of the error, they will inform them. An error is a serious error where it is considered to have caused significant prejudice or harm to the person concerned. In deciding whether it is in the public interest for the person concerned to be informed of the error, the Commissioner will in particular consider:

- The seriousness of the error and its effect on the person concerned
- The extent to which disclosing the error would be contrary to the public interest or prejudicial to:
 - national security
 - the prevention or detection of serious crime
 - the economic well-being of the United Kingdom
 - the continued discharge of the functions of any of the security and intelligence services

29.6 Before making his or her decision, the Commissioner will ask the Council to make submissions on the matters concerned, and the Council must take all such steps as notified to them by the Investigatory Powers Commissioner to help identify the subject of a serious error.

When informing a person of a serious error, the Commissioner will inform the person of any rights that the person may have to apply to the Investigatory Powers Tribunal, and provide such details of the error as the Commissioner considers to be necessary for the exercise of those rights.

29.7 This does not apply to covert activity which is deliberately not authorised because an authorising officer considers that it does not meet the legislative criteria but allows it to continue. This would be surveillance outside of RIPA.

30 Reporting to Members

30.1 Quarterly updates of any surveillance activity undertaken by Council staff including joint surveillance and Directed Surveillance using the CCTV system will be compiled by the RIPA Legal Advisor and reported to the SRO to update the Portfolio Holder for Finance and Performance in line with the current advice in the Codes of Practice. Members will review on a yearly basis the policy to assess whether the activity undertaken is in line with this policy.

40. Scrutiny and Tribunal

40.1 Scrutiny will be provided by the Investigatory Powers Commissioners Office (IPCO) The Commissioner will periodically inspect the records and procedures of the Authority to ensure the appropriate authorisations have been given, reviewed, cancelled, and recorded properly.

40.2 It is the duty of any person who uses these powers to comply with any request made by a Commissioner to disclose or provide any information he requires for enabling him to carry out his functions.

40.3 A tribunal has been established to consider and determine complaints made under RIPA if it is the appropriate forum. Persons aggrieved by conduct, e.g. directed surveillance, can make complaints. The forum hears application on a judicial review basis. Claims should be brought within one year unless it is just and equitable to extend that period.

Complaints can be addressed to the following address

Investigatory Powers Tribunal
PO Box 33220
London
SW1H9ZQ