

Minutes of the meeting of the Cabinet

Date: Wednesday, 7 February 2024

Venue: The Atrium - Perceval House

Attendees (in person): Councillors

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

Also present (in person): Councillors

J Gallant, G Malcolm and G Shaw

1 Apologies for Absence

Apologies were received from Cllr Costigan.

Apologies for lateness were received from Cllr Mahfouz.

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

Agenda Item 7 - 2023/24 Quarter 3 Budget Monitoring Report

- Cllr Gallant

Agenda Item 8 - 2024/25 Budget Strategy and Medium-Term Financial Strategy

- Cllr Gallant

Agenda Item 9 - Acquisition programme to increase supply of housing for temporary accommodation

- Cllr Malcolm
- Cllr Gallant

Agenda Item 11 - Gurnell Leisure Centre

- Cllr Malcolm
- Cllr Gallant

Agenda Item 12 - Housing Revenue Account (HRA) Business Plan 2024-25

- Cllr Gallant

Agenda Item 13 - Mattock Lane Safer Zone PSPO

- 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.

2 Urgent Matters

There were none.

3 Matters to be Considered in Private

Items 13 contained a confidential appendix but was not taken in private as it was not necessary to discuss the confidential information provided.

4 Declarations of Interest

There were none.

5 Minutes

RESOLVED:

That the minutes of the Cabinet meeting held on Wednesday 17 January 2024 be agreed and signed as a true and correct record.

6 Appointments to Sub Committees and Outside Bodies

There were none.

7 2023/24 Quarter 3 Budget Monitoring Report

RESOLVED:

That Cabinet:

- I. Noted the estimated General Fund revenue budget outturn position of net £0.018m (0.01%) overspend for 2023/24 (section 4), and an overspend of £5.975m position on the Housing Revenue Account for 2023/24 (section 7).
- II. Noted the Dedicated Schools Grant (DSG) balance at the year-end was forecast as a deficit balance of £1.952m. The forecast in-year movement of the DSG was £3.297m, which was to be charged to the DSG account (section 6).
- III. Noted the progress on delivering the 2023/24 savings programme (section 5).
- IV. Noted the 2023/24 capital programme forecast (paragraph 8.3).
- V. Approved the re-profiling of 2023/24 capital programme net slippage of over £1m of £53.065m (Appendix 2) into future years.
- VI. Noted that the capital schemes to be decommissioned (£0.212m of 2023/24 budgets) (paragraph 8.5.) were to be agreed to be decommissioned in the '*Budget Strategy and MTFs 2024/25 to 2027/28*' report.

REASON FOR DECISION AND OPTIONS CONSIDERED:

To forecast the financial position for 2023/24 based on available information at the end of 31 December 2023. The report outlined the Council's forecast position on revenue, capital, income, and expenditure to the end of Quarter 3.

8 2024/25 Budget Strategy and Medium Term Financial Strategy

RESOLVED:

That Cabinet:

Revenue Budget

- I. Approve total General Fund savings of £32.847m over the MTFS period 2024/25 to 2027/28, of which £15.918m is to be delivered from the General Fund in 2024/25 (section 11.23 and Appendix 2).
- II. Authorised the Strategic Director with responsibility for each proposal (including fees and charges) to:
 - a) carry out all steps required in relation to each proposal, including carrying out any consultation.
 - b) consider any consultation outcomes and other detailed implications.
 - c) complete and consider the implications of any equalities analysis assessment required.
 - d) following completion of 1.3(a), 1.3(b) and 1.3(c) above:
 - i) determine whether to amend any proposal prior to implementation;
 - ii) determine whether a further report needs to be considered by Cabinet, the relevant portfolio holder or officer before a final decision is taken on implementation; and
 - iii) where a decision is taken not to proceed with any proposal, bring forward alternative proposal(s).
- III. In relation to savings proposals that are cross-cutting across more than one service, authorise the Strategic Director with primary responsibility for the proposal to complete any required equalities analysis assessments and to consider the outcome, and any other implications, following consultation with the Strategic Directors of other services, prior to taking any decisions to implement such proposals.
- IV. Noted the latest Medium-Term Financial Strategy (MTFS) for 2024/25 to 2027/28 (Section 11).
- V. Approved £38.796m of revenue growth for pressures in 2024/25 (paragraph 11.7) which will be included in departmental control totals used for the service budget setting process.
- VI. Noted that the General Fund balance is scheduled to be £17.732m for 2023/24 and notes the forecast levels of earmarked reserves (paragraph 17.12 and Appendix 10).
- VII. Noted that the council can agree a balanced budget for 2024/25 and that any remaining budget gap following the Council Tax decision by Full Council on 5 March 2024 will be closed using reserves.
- VIII. Noted the delay in the publication of the Final Local Government Finance Settlement and delegated any further changes to the budget proposals as a result of changes in funding to the Strategic Director, Resources in consultation with the Leader and the Cabinet Member for Inclusive Economy.
Fees and Charges
- IX. Approved the schedule of fees and charges for 2024/25 (paragraph 10.4 and Appendix 3).
Business Rates Discount
- X. Approved (in accordance with powers granted under Section 47 of the Local Government Finance Act 1988) the continued offering of a

discount in National Non-Domestic Rates (NNDR) of two times the cost of accreditation to the first 100 businesses in Ealing which are, or which will become accredited with the Living Wage Foundation and who meet the criteria as set out in the February 2016 Cabinet report: Discretionary Discount Scheme for Businesses accredited to Living Wage Foundation and extend the offer to new applicants, for 2024/25 (paragraphs 7.4 – 7.5).

- XI. Authorised the Strategic Director, Resources to make determinations in relation to applications for such NNDR discounts, in accordance with the council's adopted criteria.

Schools Budget

- XII. Noted the outcome of 2024/25 School Funding Formula changes as agreed in consultation with the Schools Forum (Section 13) and authorised the Strategic Director, Resources to consider and, following consultation with the portfolio holder for a Fairer Start, to take on behalf of the council any actions necessary for the council to fulfil requirements for Dedicated Schools Grant (DSG) budgets.
- XIII. Approved the Dedicated Schools Grant (DSG) School Funding Formula for 2024/25 as set out in section 13.
- XIV. Approved the Dedicated Schools Grant (DSG) Early Years Funding Formula Factors for 2024/25 (paragraphs 13.4 & 13.12).

Housing Revenue Account (HRA)

- XV. Noted the HRA revenue budget for 2024/25, as presented to Cabinet in the '*Housing Revenue Account (HRA) Business Plan 2024-25*' report elsewhere on this Agenda (Section 14).
- XVI. Noted the verbal feedback from the Portfolio Holder from the following meetings with regards to the budget proposals:
a) Ealing Business Partnership meeting held on 1 February 2024; and
b) Overview and Scrutiny meeting held on 6 February 2024.

Endorsed and approved the following recommendations to Full Council on 5 March 2024, that it:

Revenue Budget 2024/25 and Medium-Term Financial Strategy 2024/25 to 2027/28:

- XVII. Considered and approved the Revenue Budget for 2024/25 as summarised in Appendix 1.
- XVIII. Considered the advice of the Strategic Director, Resources on the levels of reserves and robustness of estimates in setting the budget as required by Section 25 of the Local Government Act 2003 (Section 17).
- XIX. Noted the financial risks and pressures set out in the report (Section 11 and Section 21).
- XX. Approved the Parking Account 2024/25 (Section 12 and Appendix 5).
- XXI. Approved the draft Schools budget of £335.412m and agreed that any changes to the budget reasonably required as a result of the final 2024/25 DSG settlement are delegated to the Strategic Director, Children's Services following consultation with the Strategic Director, Resources (Section 13).
- XXII. Approved for the Strategic Director, Resources to agree appropriate actions to comply with DSG guidance, including agreeing the appropriate Deficit Recovery plan for DSG (Section 13).

Capital Programme 2024/25 – 2027/28

- XXIII. Approved the new General Fund capital programme additions

totalling £151.601m, £1.962m of budgets to be decommissioned and budget re-profiling (paragraphs 15.7 & 15.8 and Appendix 6).

XXIV. Approved the updated profile of the current Capital Programme, as set out in Section 15 and Appendix 7.

Capital Strategy, Treasury Management and Pension Fund

XXV. Approved the Treasury Management Strategy including the associated Prudential Indicators and Annual Investment Strategy (Section 16 and Appendix 9).

XXVI. Approved the Treasury Management Policy Statement (Appendix 9).

XXVII. Noted the Strategic Director, Resources will implement the Treasury Management Strategy under existing officer delegated powers (Appendix 9).

XXVIII. Approved the Minimum Revenue Provision (MRP) policy (Appendix 9).

XXIX. Noted that the council manages cash on behalf of the Pension Fund and West London Waste Authority in accordance with the Treasury Management Strategy (Appendix 9).

XXX. Approved the Capital Strategy (Appendix 8).

Council Tax and Business Rates

XXXI. Approved the officer recommendation of an increase of 2% for the Social Care Precept and an increase of 2.99% for Council Tax in 2024/25 (paragraph 8.7).

XXXII. Noted the proposed Greater London Authority (GLA) Band D precept of £471.40 for 2024/25 (paragraph 8.3).

XXXIII. Noted that the Strategic Director, Resources calculated under delegated authority on 11 January 2024 the amount of 123,109.5 as the Council Tax Base, being the number of properties in Bands A-H in the borough, expressed as an equivalent number of Band D units for the year 2024/25; in accordance with regulation 3 of the Local Authorities Calculation of Council Tax Base Regulations 1992 as amended made under Section 335 and 344 of the Local Government Finance Act 1992 (paragraph 8.1).

XXXIV. Noted the forecast Collection Fund position for 2023/24 (paragraph 9.5).

XXXV. Noted the council's share of the council tax and business rates income forecast for 2024/25, as approved by the Strategic Director, Resources (paragraph 7.3 and paragraph 8.8).

XXXVI. Approved the continuation of a premium on top of the standard council tax for properties which have been empty for more than 2 years and to commence an additional 100% charge for the properties empty for more than one year from 1 April 2024 (paragraphs 8.9-8.15)

XXXVII. Approved the introduction for charging a premium on top of the standard council tax for properties which are not occupied as a household's sole or main residence (second homes) from 1 April 2025 (paragraph 8.16).

XXXVIII. Approved the continuation of the Local Council Tax Reduction Scheme for the financial year 2024/25 as approved by Cabinet on 7 December 2022 (paragraphs 8.17 to 8.37, Appendix 4).

REASON FOR DECISION AND OPTIONS CONSIDERED:

1. The main purpose of the report on the 2024/25 Budget and Medium-Term Financial Strategy (MTFS) was to enable Cabinet to consider the budget

proposals and make recommendations to Full Council when it finalises the budget and sets the council tax on 5 March 2024.

2. The council had continued to provide budget growth in services that experience significant and continued demand and market pressures, with prioritisation being given to the most vulnerable groups. Due to the complexity of the service provision, against the backdrop of continuing uncertainty of long-term government funding, notwithstanding the increase in cash-terms in funding in the Provisional Local Government Finance Settlement, these services continued to operate in a challenging resource environment where small demand changes could lead to material budget variances.

3. The savings proposals in the report align with the strategic vision, Council Plan and the Medium-Term Financial Strategy on the allocation of resources. Some of the savings proposals would have further implications which would only emerge following detailed planning and consultation. Where this was the case, those implications would be considered before a final decision is taken on implementation, including whether a proposal should be amended. Where detailed proposals result in a lower financial saving, it was the responsibility of the relevant Strategic Director to find alternative replacement savings.

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

9 Acquisition programme to increase supply of housing for temporary accommodation

RESOLVED:

That Cabinet:

- I. Noted the ambition for acquisition of up to 300 units.
- II. Created a new Capital Programme envelope called Accommodation Acquisition (phase 3) at a value of £150m. This envelope – when drawn down – would be funded from both prudential borrowing as well as use of any available Flexible Housing Support Grant and other capital funding that may become available in the future from the government or the GLA. Any associated revenue costs are to be covered within the existing Temporary Accommodation and Housing Benefit Subsidy shortfall revenue budgets.
- III. Authorised the Strategic Director for Housing and Environment, following consultation with the Strategic Director of Resources, to approve individual acquisitions.
- IV. Authorised the cabinet portfolio holder for safe and genuinely affordable homes, following consultation with the Strategic Director for Housing and Environment and the Strategic Director for Resources, to approve entering into large scale acquisition arrangements (leasehold or freehold) and investments.

REASON FOR DECISION AND OPTIONS CONSIDERED:

1. Homelessness was rising in Ealing and across the UK as a result of the shrinking private rental market, rising rents and other financial pressures on individuals as a result of the cost-of-living crisis. At the same time and for some of the same reasons, the council's ability to respond effectively to the rise in demand has been reduced.

2. The council has historically enjoyed success in preventing and relieving homelessness and in maintaining a temporary accommodation portfolio which minimised costs. In the current economic climate, the council was struggling to maintain its successful record and this report set out the challenges it faced.
3. The challenges were related to both increasing demand and reducing supply, and the reasons for proposing a third stage of an acquisition programme was to increase the resource available to the council to provide homes for those in need.

10 Community School Admissions Arrangements 2025-26

RESOLVED:

That Cabinet:

- I. Agreed the admissions arrangements and published admission number (PAN) 2025/26 for Ealing community schools (Appendix 1).
- II. Agreed Ealing's scheme for co-ordination of admissions to Year 7 and Reception 2025/26 as part of Pan London co-ordination (Appendix 2).
- III. Noted the agreed determined community school admissions arrangements and planned admission numbers for 2025/26.

REASON FOR DECISION AND OPTIONS CONSIDERED:

All admission authorities were required by Regulation 17 of the School Admissions Regulations 2012 to determine their admission arrangements by 28 February every year, even if they have not changed from previous years, and consultation has not been required. This is set out in paragraph 1.49 of the School Admissions Code 2021.

11 Gurnell Leisure Centre

RESOLVED:

That Cabinet:

- I. Agreed to procure and award a Pre-Construction Services Agreement for the replacement of the leisure centre.
- II. Delegated authority to the Strategic Director for Economy and Sustainability, in consultation with the Strategic Director for Resources and the Lead Member for Good Growth and New Housing, to procure and carry out all necessary processes up to the award of a development agreement for the residential enabling development.
- III. Delegated authority to the Strategic Director Economy and Sustainability, in consultation with the Director of Legal and Democratic Services, to take all necessary steps in connection with the procurements outlined in the recommendations above and to enter into any ancillary legal documents required to facilitate the project or protect the Council's interests.
- IV. Noted that, a further report would come forward seeking the award of contract for the building contract for the leisure centre.

REASON FOR DECISION AND OPTIONS CONSIDERED:

Context

1. Ealing Council had committed to “deliver new, state of the art leisure facilities at Gurnell” (Council Plan 2022-26). In February 2023, [Ealing Council's Cabinet approved the principle](#) of bringing forward a new leisure centre.
2. Gurnell Leisure Centre had historically been the council’s flagship leisure facility. The existing facility had been closed since the outset of the Covid-19 pandemic, initially due to the pandemic itself and subsequently due to the building’s declining state and associated health and safety concerns. However, the council had a strong track record of investing in high-quality leisure centres across the borough. These centres include the Everyone Active Acton Centre and the Northolt Leisure Centre. The new Gurnell Leisure Centre would be the latest example of this.
3. There were three strands to the new masterplan; the delivery of a new state-of-art leisure centre, an enhanced and rejuvenated parkland and enabling residential development to partly cross-fund the new facilities.
4. The new leisure centre was envisaged as a hub for the community, providing a place for people of all ages to exercise, relax and socialise. The overarching objective for the leisure centre was to make it a place to encourage healthy and fulfilling lifestyles for Ealing borough residents. In pursuit of this objective, the new leisure centre would include a new swimming pool and improved gym. There would also be a range of other facilities for people of all ages and abilities to enjoy including a climbing wall, soft play areas, meeting and party rooms, and a new café.
5. The new leisure centre would be situated within the site’s parkland setting. Enhancements would be made to the surrounding green space and landscaping, as well as the re-provision of the pump track and skate park. There would also be a new outdoor gym and designated play areas. This would create an indoor and outdoor leisure experience to be enjoyed by all of Ealing’s residents.
6. The site would also encompass new homes. The delivery of new homes on the site would help fund the new leisure centre and provide much needed housing for Ealing Borough residents.
7. By combining leisure, the surrounding parkland environment, and appropriate housing into one sustainable masterplan, the council was committed to creating a truly unique destination for the Borough.

Vision and Ambition

8. The vision for Gurnell had been articulated through stakeholder engagement and consultation with the public and internally.
9. This vision was underpinned by the following principles:
 - Community** – creating a healthy and inclusive community for a wide range of users and residents both new and existing.
 - An inclusive park for all ages and abilities
 - Affordable homes and community spaces
 - Part of the park** – improving access to open space and protects and enhances wildlife corridors and green spaces.
 - A recreational forest within the parkland providing biodiversity and ecological value
 - Green pedestrian streets that promote play
 - Nature based above ground drainage strategy to protect against flood risks
 - Sustainability** – holistic approach to sustainability that creates a renewable,

nett zero carbon and low-cost legacy.

- Improved pedestrian access to the site
- The reuse of existing materials from the existing leisure centre
- Fossil free energy sources

Project Progress

10. Since the February 2023 Cabinet Paper was approved, following call-in for consideration by the Overview and Scrutiny Committee, in consultation with the public and stakeholders, the project has been substantially progressed and a planning application would shortly be submitted.

11. The council had appointed a specialist team to help realise the vision for the new leisure centre, enhanced parkland and residential development. The team was initially focused on finalising the brief for the masterplan. Decisions on the final brief were based on a number of factors including lessons learnt from visiting other exemplar leisure centres, such as Britannia Leisure Centre in Hackney and St Sidwell's Point Leisure Centre in Exeter, detailed stakeholder engagement with user groups, such as the Ealing Skatepark Association and the Ealing Swimming Club and a review of leisure demand analysis.

12. The final masterplan brief set out the core ingredients that must be provided within the new Gurnell site.

13. This brief had been used to guide the further development of concept designs for the leisure centre, parkland and residential development. More detailed designs would be shared with the public in advance of the submission of a planning application for the masterplan in Spring this year.

14. All of the work to date had been underpinned by feedback from local stakeholders and community members. The Gurnell Sounding Board had met again to provide feedback on the updated masterplan brief and to brainstorm future engagement plans for the project. In addition, an initial public meeting was held, attended by approximately 50 residents, to share early plans and gather feedback. All of this engagement was designed to ensure that the future leisure centre meets the needs of residents for generations to come.

15. In addition to this public engagement, the project team had consulted with Ealing's Design Review Panel, made up of leading professions in the built environment sector, and the Ealing Community Review Panel, made up of local people with a passion for and knowledge of Ealing. The insights from both these panels had been reflected in updated designs.

16. In addition, the project team had engaged with the Council's pre application services, whereby early-stage proposals were shared with planning officers for review and advice. To date, four pre-application meetings had taken place, incorporating feedback from internal teams including planning, transport and highways, and flooding.

17. There would be significant additional engagement in advance of the submission of a planning application, including:

- Additional review sessions with the Design Review Panel and with the Community Review Panel
- A 'meet the team' public drop-in event.
- Pop-ups at each of Ealing's three main leisure centres: Northolt Leisure Centre, Dormers Wells Leisure Centre and the Everyone Active Acton Centre. The purpose of this engagement was to ensure as many future leisure centre users as possible have the opportunity to provide feedback. This feedback would help the council to design a leisure centre that best meets the needs of Ealing Borough residents.

The Leisure Centre and Park

18. Since the February 2023 Cabinet meeting, the design for the leisure centre had been progressed and the mix of leisure and wellbeing facilities had been finalised. The leisure centre designs were underpinned by three key themes:

- Healthy community - make it a place to encourage healthy and fulfilling lifestyles for Ealing borough residents
- Generational imprint – maintain a strong sense of local identity and belonging
- Part of the park – celebrate the natural setting and integrate with the parkland surroundings.

19. As a result of additional engagement, a review of other exemplar leisure centres and further information on leisure demand in the borough, a decision was made to pursue an 'enhanced' brief for the leisure centre. Under the enhanced brief the new leisure centre would benefit from a larger leisure pool, including additional flumes and play equipment and a larger fitness suite area. This would ensure that the new leisure centre can keep pace with demand and provides the mix and quantum of facilities needed by Ealing borough residents.

20. An estimated £4.5m additional capital would be required to finance these changes. The additional revenue associated with the enhanced leisure brief averages at £297,000 per annum over the contract period and hence self finances (approx. 15-year payback period, excluding interest charges).

21. The plans also included significant enhancements to the parkland surrounding the current leisure centre, to make it an indoor and outdoor destination for all. The enhanced parkland would include a re-provided playground, pump track and skate park, designed in consultation with Ealing Skate Club, as well as a new outdoor gym. There would also be improved wayfinding and routes through the park, to ensure improved accessibility to the new leisure centre. In addition to this, a programme of tree planting would take place, creating a unique woodland setting that enhances biodiversity.

The Enabling Residential Development

22. Since the February 2023 Cabinet meeting, the designs for the enabling residential scheme had been progressed. An optimised scheme in regards to height and density was being targeted in line with the strategy approved by Cabinet.

23. The homes provided would meet certain principles as set out in the report.

12 Housing Revenue Account (HRA) Business Plan 2024-25

RESOLVED:

That Cabinet:

- I. Approved the HRA revenue budget for the 2024/2025 as set out at paragraph 15.7.
- II. Approved the updated 30-year Business Plan Model for both Revenue and Capital Programmes as set out at paragraph Appendix Two and Three.
- III. Approved the HRA 5-year Capital Programme as set out at paragraph 10.4.
- IV. Approved the regeneration programme budget of £246.101m and funding as set out at paragraph 11.4.
- V. Approved an increase to the HRA 5-year total Capital Programme of

£87.657m to be funded as set out at paragraph 11.6.

- VI. Approved the increase of 7.7% to existing tenants' rents and the formula rent for new tenants for 2024/25.

REASON FOR DECISION AND OPTIONS CONSIDERED:

1. The main purpose of the report was to agree the 2024/25 Housing Revenue Account (HRA) Budget and the 30 year HRA Business Plan and the recommendations that support the implementation of this.
2. The council had reviewed the requirements of the HRA Business Plan, the cost pressures within the service and prioritised the areas of expenditure to support the services to tenants and leaseholders.
3. The proposed rent charges, expenditure and focus within the report align with the strategic vision, Council Plan and need to meet the requirements of the Regulator of Social Housing (RSH).
4. Any consultation in relation to proposals would be carried out as required and in with the council's legal duties and responsibilities.

13 Mattock Lane Safer Zone PSPO

RESOLVED:

That Cabinet:

- I. Considered the evidence of the impact and effect of the Order on the behaviours targeted.
- II. Considered the outcome of the statutory consultation undertaken from 23 November 2023 to 15 January 2024.
- III. Assessed all of the evidence presented and decided that it was proportionate and necessary to extend the Order and therefore authorised the Strategic Director for Housing & Environment to extend the period for which the existing Order has effect, for a period of 3 years with effect from 11 April 2024 until 10 April 2027.

REASON FOR DECISION AND OPTIONS CONSIDERED:

1. As outlined in Section 4 of the report, since its introduction in 2018 the Order had been complied with for the most part and it had been successful in tackling the activities found to be having a detrimental effect on women accessing the Clinic, Clinic staff and others in the locality.
2. The Order was never intended to completely stop abortion related protest or prayer from occurring; it was designed to prevent the activities found to be having a detrimental effect from occurring within a very precise and clearly defined area where their impact was most acute. Since being in place it has almost entirely achieved that purpose.
3. As outlined, the Order permits some abortion related protest / vigil activities within the footprint of the Order, within a clearly identified designated area, in which certain requirements and prohibitions still remain. In addition, it was worth highlighting that the PSPO did not impose any restrictions on protests which take place in a location outside of the Safe Zone area.
4. There have been occasions during the period where groups of individuals who had been involved in protest / vigil in the immediate locality of the

Clinic have attended Ealing civic centre (Perceval House) instead, where they have stood outside and displayed signs and images objecting to abortion.

5. The on-going near daily use of the designated area by the Pro-Life groups, the sporadic protests / vigils at Perceval House and the regular presence of groups involved in protest / prayer at the threshold of the area covered by the Order, all indicate a continued interest in the location by the Pro-Life groups who had previously been congregating at the entrance to the Clinic. The breaches committed by self-styled Pro-Life campaigners have also point to the likely recurrence of the behaviours targeted by the Order. It is reasonable to conclude from the continued presence of protestors and campaigners at these sites that, were the order to expire, they would return to the area outside the Clinic and continue the activities previously engaged in at this location.
6. The Pro-Choice group, Sister Supporter, that had been regularly present outside the Clinic prior to the introduction of the Order had chosen not to use the designated area to continue their activities, although it had always been open to them to do so, provided their activities complied with the provisions which apply to that space.
7. The 2018 report detailed the various options that were considered by the Council before taking the decision to make the Order and a detailed Options Assessment was included as part of the extensive appendices; these options would not be repeated here. Officers had reviewed the previous options assessment and considered whether any of the alternatives the Order within that assessment may now be a preferred solution or whether there were any new options that may be considered.
8. One notable change in the national picture since the Council's decision in 2021 to renew the Order has been the introduction of Safe Access Zones in parts of the UK. Safe Access Zones were now in place in Northern Ireland, and the Scottish Government is in the process of considering a Safe Access Zones Bill. In England and Wales, Safe Access Zones were introduced in May 2023 as part of an amendment to the Public Order Act (2023). However, this provision was not currently in force and there had been a disappointing lack of any indication from the government as to when the legislation would come into force. The latest development in relation to the Public Order Act offences is a period of Government consultation on a document published by the Home Office called "Non-Statutory Guidance on Abortion Clinic Safe Access Zones". The consultation ran from 11 December 2023 – 22 January 2023. As currently drafted the consultation appeared to undermine various aspects of the offence created by the 2023 Act. If the guidance is adopted in its current form the Council may still require a local PSPO to regulate the evidenced detrimental effect that has taken place at the Clinic. Further consideration would need to be given to this once the contents of the final guidance is known.
9. Additionally, there have been some developments on a local level in parts of the country following Ealing's introduction of Ealing's Safe Zone. A number of other councils have taken similar action, using their powers to create a PSPO with similarly crafted prohibitions and requirements to tackle similar behaviours occurring in the locality of clinics offering abortion services within their area. Ealing is aware of two of these orders being challenged in the Courts since Ealing's own PSPO was appealed. The abortion clinic related PSPOs made by both Birmingham and

Bournemouth, Poole and Christchurch (BCP) Councils have each been appealed in the courts. In December 2023 the High Court dismissed both the statutory challenge and the judicial review that was issued in respect of the BCP PSPO. The Birmingham litigation was still in progress and had not yet reached a conclusion, it was understood that this was on hold pending the outcome of the BCP litigation.

10. In reviewing the PSPO the Council had reviewed the abortion clinic orders made by the other councils. Most of the other orders have followed a similar format to Ealing's Order (this being the first PSPO of this type of have been implemented) and in made with the prevailing local circumstances in mind. The Council has given careful consideration to whether the Ealing PSPO should be amended in view of these other orders. There was nothing in this review of the PSPO that suggested that Ealing's Order required amendment; it continued to serve the local circumstances well and had been largely successful in reducing the detrimental effect that was being experienced at this location. Furthermore, it had been upheld in the courts in full and there was nothing to suggest that it required amendment.
11. At this stage, it remained the case that no new national powers exist to deal with the issues. Officers remain of the view that the other options previously considered were either not suitable to tackle the activities or were less suitable than the existing Order. It was officers' conclusion from the review of existing evidence and the feedback from the consultation that the effectiveness of the Order indicates that it is an appropriate measure to deal with the activities which had been having a detrimental effect.
12. The period for which a PSPO has effect can be extended for up to three years and it was the recommendation of the report that the Order is extended for the full three-year period.
13. Officers had given consideration to whether a shorter period of extension may be appropriate. With the anticipated implementation of the Public Order Act (2023) in England and Wales, it was possible the requirement for Ealing's Safe Zone may reduce or cease entirely. However, given the lack of clarity from government as to the timetable for this national legislation coming into force and the significant resourcing and statutory consultation required when considering any future extensions, there would be significant risks in the Council choosing to extend the Order for only a short period of time. This was particularly clear when one considers the high probability of the behaviours found to have a detrimental effect returning to the location as soon as the Order comes to an end.
14. It was not recommended that a shorter time period for extension is applied; it was recommended that extension is for the full three-year period. It was reasonable to conclude that, without the Order in place, the activities found to have had a detrimental effect on those in the locality would re-occur.
15. It was worth noting that, as and when appropriate national legislation was in place that is proven to afford the same appropriate level of protection as the current Order does to Ealing residents, Clinic users and staff from the detrimental effect of the behaviours identified, a decision may be taken at any time by Cabinet to end the Order prior to April 2027.
16. It was for these reasons that the recommendation is that Cabinet extend the Order for the full period of three years.

Cllr Mason, on behalf of Cabinet, put on record his thanks to officers for their hard work and efforts, working on the process of the renewal. Cllr Mason stated that, it was entirely appropriate on the weight of evidence, to move forward with the renewal. It was highlighted that, there could be significant additional challenges in the future relating to the new statutory guidance that was currently out for consultation by the government on how PSPO zones should be policed. Cllr Mason confirmed that he and Cllr Anand had made representations to the home office to encourage them to rethink the nature of the guidance that they had issued, fundamentally, on the basis of the fact that, it would undermine an act of parliament. It was important to acknowledge the current situation.

14 Date of the next meeting

The next meeting was scheduled for Wednesday 6 March 2024.

Meeting commenced: 5.00 pm

Meeting finished: 5.59 pm

Signed:

Dated: Wednesday, 6 March 2024

P Mason (Chair)