

Public Document Pack



Notice of Meeting:

Cabinet

Meeting Location:

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

Date and Time:

Wednesday, 7 February 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 be 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 5 - 20)

To approve as a correct record the minutes of the meeting held on Wednesday 17 January 2024.
- 6 **Appointments to Sub Committees and Outside Bodies**
- 7 **2023/24 Quarter 3 Budget Monitoring Report** (Pages 21 - 42)
- 8 **2024/25 Budget Strategy and Medium Term Financial Strategy** (Pages 43 - 280)
- 9 **Acquisition programme to increase supply of housing for temporary accommodation** (Pages 281 - 296)
- 10 **Community School Admissions Arrangements 2025-26** (Pages 297 - 334)
- 11 **Gurnell Leisure Centre** (Pages 335 - 354)
- 12 **Housing Revenue Account (HRA) Business Plan 2024-25** (Pages 355 - 386)
- 13 **Mattock Lane Safer Zone PSPO** (Pages 387 - 778)

14 Date of the next meeting

The date of the next meeting is Wednesday 6 March 2024.

Exclusion of the Public and Press

Published: Tuesday, 30 January 2024

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Minutes of the meeting of the Cabinet

Date: Wednesday, 17 January 2024

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

Attendees (in person): Councillors

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

Also present (in person): Councillors

G Malcolm and J Gallant

Apologies:

G Shaw

Attendees (virtual): Councillors

K K Nagpal

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:

Council Plan Performance Report Quarter 2 2023/24

- Cllr Malcolm
- Cllr Gallant

5 Year Housing Capital program Procurement

- Cllr Gallant

Housing Delivery Update

- Cllr Gallant

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 K K Nagpal 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 6 December 2023 be agreed and signed as a true and correct record.

6 Appointments to Sub Committees and Outside Bodies

There were none.

7 Council Plan Performance Report Quarter 2 2023/24

RESOLVED:

That Cabinet:

- I. Noted the key performance highlights against the 2023/24 Council Plan Delivery Plan.
- II. Noted the progress on the Council Plan numeric targets.
- III. Noted the progress against the Corporate Health Check indicators at Q2 2023/24.

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.

8 5 year housing capital program procurement

RESOLVED:

That Cabinet:

- I. Authorised 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.
- II. Authorised 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.
- III. Delegated 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.

REASON FOR DECISION AND OPTIONS CONSIDERED:

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.
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.
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.
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.
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.

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.
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.
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.
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.
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.
11. A 1+1 term capital program would take 6 months to complete procurement and have contractors ready to deliver any capital works.
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.
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.

9 Housing Delivery Update

RESOLVED:

That Cabinet:

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

Committed projects

- II. Noted 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 would be presented to cabinet in early 2024.
- III. Noted 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 would be presented to Cabinet for approval in early 2024.

Allocated projects

- IV. Noted 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”) were currently unviable and that further feasibility and appraisal work was required to demonstrate if they can meet required financial hurdles prior to approval of further progress.
- V. Noted 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”).
- VI. Approved 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.
- VII. Authorised 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 preconstruction approval gateways and to planning decision).
- VIII. Authorised 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.
- IX. Noted 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”).
- X. Approved 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.
- XI. Authorised 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 preconstruction approval gateways and to planning decision).
- XII. Approved 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).
- XIII. Authorised 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.
- XIV. Noted the potential risk of the GLA withdrawing grant allocations for the Unviable Projects (2.33) and authorised 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).
- XV. Noted 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 authorised 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.
- XVI. Authorised 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.

REASON FOR DECISION AND OPTIONS CONSIDERED:

Housing Development Programme context

A continuing housing crisis

1. Housing was 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. 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.
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.
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.

5. These statistics highlight the severity of the continuing housing crisis and provide a very strong case, which has not diminished despite tough macroeconomic 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

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.

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.

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

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.

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.

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

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.

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)

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.

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.

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.

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

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 were currently conducting due diligence regarding the request; the findings of this process would 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)

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.

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.

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.

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.

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.

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

25. The housing estate regeneration programme has been in operation since 2008, after the results of the Estate Review were published.

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.

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.

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.

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

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)

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.

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

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.

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.

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.

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.

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.

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

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.

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

New Projects

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.

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

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].

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%).

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 at 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.

10 Housing Strategy

RESOLVED:

That Cabinet:

- I. Agreed that there should be public consultation on the draft Housing Strategy 2024-2029 (Appendix A).
- II. Delegated 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.
- III. Delegated authority to the Strategic Director of Economy & Sustainability to approve the Housing Strategy Delivery Plan.

REASON FOR DECISION AND OPTIONS CONSIDERED:

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. 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*

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

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

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.

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.

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.

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.

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.

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.

10. What is a Housing Strategy

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.

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

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

14. Strategic Context Overview

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.

11 Regulation of Investigatory Powers Act 2000 (RIPA) Update

RESOLVED:

That Cabinet:

- I. Noted the current use of RIPA in relation to surveillance and acquisition and disclosure of communications data as set out in this report.
- II. Approved the RIPA policy at Appendix 1.
- III. Approved 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)
- IV. Authorised 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.

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.

12 Date of the next meeting

The next meeting was scheduled for Wednesday 7 February 2024.

Meeting commenced: 5.00 pm

Meeting finished: 5.37 pm

Signed:

Dated: Wednesday, 7 February 2024

P Mason (Chair)



Report for: DECISION

Item Number:

Contains Confidential or Exempt Information	No
Title	Q3 BUDGET MONITORING REPORT 2023/24
Responsible Officers	Emily Hill, Strategic Director, Resources
Authors	Kevin Kilburn, Interim Assistant Director, Strategic Finance Baljinder Sangha, Finance Manager, Financial Planning & Monitoring Katherine Ball, Finance Manager, Capital & Projects
Portfolio	Councillor Steve Donnelly, Cabinet Member for Inclusive Economy
For Consideration By	Cabinet
Date to be considered	7 February 2024
Implementation Date if Not Called In	20 November 2024
Affected Wards	All
Area Committees	All
Keywords/Index	Financial Monitor, DSG, Savings, Capital

Purpose of Report

This report provides the third financial update on the General Fund, Housing Revenue Account, Dedicated Schools Grant, and Capital budget positions for the financial year 2023/24 as at 31 December 2023.

The Council is managing the continued considerable financial pressures from external factors and the wider economic context including high levels of inflation, increases in demand and complexity of demand, social care and, increasingly, private sector leasing market pressures, which are being mitigated by short-term increases in treasury management budgets due to the higher than budgeted interest rates and cash balances.

The General Fund forecast is a net overspend of £0.018m (0.01%). This forecast includes a number of financial risks as set out in the report.

The Council is continuing to identify, develop and monitor management action plans that address the ongoing pressures and financial risks within departments. Progress of these will form part of the overall financial management strategy aiming to deliver a balanced budget position for the year-end.

1. Recommendations

It is recommended that Cabinet:

- 1.1 Notes 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).
- 1.2 Notes the Dedicated Schools Grant (DSG) balance at the year-end is forecast as a deficit balance of £1.952m. The forecast in-year movement of the DSG is £3.297m, which is to be charged to the DSG account (section 6).
- 1.3 Notes the progress on delivering the 2023/24 savings programme (section 5).
- 1.4 Notes the 2023/24 capital programme forecast (paragraph 8.3).
- 1.5 Approves the re-profiling of 2023/24 capital programme net slippage of over £1m of £53.065m (Appendix 2) into future years.
- 1.6 Notes that the capital schemes to be decommissioned (£0.212m of 2023/24 budgets) (paragraph 8.5.) are to be agreed to be decommissioned in the '*Budget Strategy and MTFS 2024/25 to 2027/28*' report elsewhere on this agenda.

2. Reason for Decision and Options Considered

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

3. Key Implications

- 3.1 In setting the budget for 2023/24, the Council supported significant growth in social care services that experienced significant and continued demand and market/ cost pressures, and to prioritise its most vulnerable residents. Whilst these challenges continue in 2023/24, the Council is now experiencing additional pressures in demand for, availability and cost of temporary accommodation in meeting homelessness duties. Council services continue to operate in a challenging resource environment where demand and cost changes can lead to material budget variances with continued high levels of inflation and energy prices. The Council has undertaken and continues to undertake a number of projects and programmes to seek to manage and reduce demand, with some success. A programme of work is underway to respond to the increased costs being experienced in the market for placements, to develop a more commercial approach to negotiations, and identify and implement other market interventions.
- 3.2 The report presents the management accounts of the Council and provides information on the forecast financial position at 31 December 2023 (Quarter 3). The overall net general fund budget pressure forecast at the end of Quarter 3 is £0.018m overspend, a £4.613m improvement on the previous quarter (Quarter 2 £4.631m overspend). This is primarily due to favourable changes to the forecast in Adult Social Care and Corporate budgets and will be explored further in this report. This compares to a forecast overspend of £5.169m in Quarter 3 2022/23 (Quarter 2 2022/23 £5.739m). However, considerable service demand and inflation pressures continue. Inflation has continued to be high and above the Bank of England target rate of 2% for CPI at 8.7% in April and slowly reducing to 3.9% in November and as a result the bank of England Interest rate increased steadily from 4.25% at the beginning of the year to 5.25% in August. Therefore, the inflationary pressures have been largely mitigated in the short term through corporate budgets, especially the council's Treasury Management function due to the higher interest rates on cash balances.
- 3.3 Councils are required to deliver a balanced budget each year ensuring that the projected expenditure and commitments can be matched by the available resources. Management have identified and are delivering mitigating actions to address the forecast overspend and the significant financial risks during the year. In addition, management continues to explore further measures to ensure a balanced budget is achieved. Progress of these will be reported through the year-end outturn report and will form part of the overall financial management strategy to deliver a balanced and sustainable position.

4. General Fund Revenue Forecast Position 2023/24

- 4.1 The General Fund revenue outturn forecast for 2023/24 is £286.699m. This represents a small net forecast overspend of £0.018m (0.01%) against a General Fund net revenue budget of £286.681m. The net position is summarised in Table 1:

Table 1: Quarter 3 Summary of Net Revenue Budget Variance

Revenue Budget	2023/24 Revised Budget £m	2023/24 Full Year Forecast £m	Forecast Net Variance Quarter 3 £m	Forecast Net Variance Quarter 2 £m	Movement Quarters 2 - 3 £m
Adult Services & Public Health	102.409	111.142	8.733	11.718	(2.985)
Children's & Schools	78.192	88.153	9.961	9.925	0.036
Economy & Sustainability	6.359	7.803	1.444	0.685	0.758
Housing & Environment	15.252	20.083	4.831	4.604	0.227
Resources	40.168	38.080	(2.088)	(2.687)	0.599
Strategy & Change	9.287	9.433	0.146	0.531	(0.385)
Net Cost of Services Subtotal	251.668	274.694	23.026	24.776	(1.750)
Corporate budgets	35.013	12.005	(23.009)	(20.145)	(2.864)
Total General Fund	286.681	286.699	0.018	4.631	(4.613)

4.2 Budget Pressure

- 4.2.1 The Strategic Directors continue to review their departmental budgets and spending and are undertaking further work with their directorate management teams to improve their financial position with their portfolio holders for end of year reporting and beyond.
- 4.2.2 During the quarter, corporately held budgets for inflation and utilities have been allocated to services. Explanations for significant pressures, underspends and movements are set out below.

Adult Services & Public Health

- 4.2.3 Adult Services & Public Health are reporting a significant gross pressure of £30.388m (Quarter 2 £30.573m). The gross budget pressure is off-set by significant in-year management actions of £12.383m (Quarter 2 £10.164m) and planned mitigations of £7.121m (Quarter 2 £6.524m), and reserves and provisions of £2.151m (Quarter 2 £2.168m) (for budgeted covid legacy pressures and support to the Homes for Ukraine scheme). These reduce the budget pressure to £8.733m (Quarter 2 £11.718m). Further action to reduce and eliminate this overspending is being developed by the department, this has included the introduction of a Resource Allocation Panel and identification of staff savings.

- 4.2.4 The net budget pressures as per Quarter 3 are driven by:
- a) £8.707m (Quarter 2 £10.989m) relating to the increasing cost of placements.
 - b) £0.026m (Quarter 2 £0.729m) staffing pressures.

Children's & Schools

- 4.2.5 Children's & Schools are reporting a significant gross pressure of £18.815m (Quarter 2 £18.602m) which includes a Dedicated Schools Grant (DSG) pressure of £3.028m (Quarter 2 £3.546m). The gross budget pressure is offset by in-year management actions of £1.796m (Quarter 2 £1.450m) and further reduced by £7.059m (Quarter 2 £7.227m), a combination of transferring the DSG deficit into the DSG Reserve in line with statutory requirements (Section 6), one-off use of reserves for support to the Homes for Ukraine scheme, and Public Health grant. The net budget pressure has slightly increased at Quarter 3 to £9.961m (Quarter 2 £9.925m) as a result of new high-cost placements flowing from increased demand and level of need in the cohort and a paucity in the supply of fostering placements. Further work is planned to identify additional management actions to reduce the level of overspend by year-end, including reviews of the operation of high placement cost panels, supply of fostering placements and the establishment and workforce.
- 4.2.6 The net budget pressures as per Quarter 3 are driven by:
- a) £7.221m (Quarter 2 £6.888m) relating to Looked After Children demand and cost pressures (including Unaccompanied Asylum-Seeking Children).
 - b) £1.085m (Quarter 2 £1.282m) Home to School Transport demand and cost pressures.
 - c) £1.655m (Quarter 2 £1.755m) staffing cost pressures.
- 4.2.7 Key risks to this forecast include the impact of new placements and, resolving the waiting list for Children with Disabilities, which may increase costs in the last quarter.

Economy & Sustainability

- 4.2.8 Economy & Sustainability are reporting a pressure of £1.444m (Quarter 2 £0.685m) after £0.428m (Quarter 2 £0.300m) of mitigation actions to increase income across Planning, Regeneration, Economic Growth, Building Control Surveying and Art, Culture, Leisure, and Libraries and further reduced by £0.443m of reserves and provision forecast.
- 4.2.9 The net forecast budget pressures at Quarter 3 are driven by:
- a) £0.144m pressure (Quarter 2 £0.008m) – although mitigations reduced the community centres forecast income pressure at Quarter 2, reduction in forecast community centre income and increased costs of additional water and council tax on void properties has increased the pressure.
 - b) £0.198m (Quarter 2 £0.362m) mainly relates to local land charges forecast income pressure due to reduced demand. The repairs pressures from a gas

explosion at Western Road Southall has been assumed that this cost can be recoup from the building owner but there is a risk on the timing i.e. when monies will be received.

- c) £1.204m (Quarter 2 (£0.315m)) pressure mainly relates to planning fee income due to the value of the applications are significantly lower than expected.
- d) (£0.102m) remaining favourable forecast variance mainly relates to employment and skills staffing saving.

4.2.10 Key risks to this forecast include the impact of wider economic conditions on future planning application income, and the increased potential for abortive capital costs in light of current market conditions. The previously forecast increase in expected planning income has now been reduced as there has been a delay whilst the government finalises measures to increase fees.

Housing & Environment

4.2.11 Housing & Environment services include Housing Demand, Community Protection, Parking, Environment, Waste Management, Street Care, Parking, Highways and Travellers' Warden. The department is reporting a gross forecast pressure of £5.601m (Quarter 2 £4.440m) with the use of reserves of (£0.770m) the net forecast budget pressure reduces to £4.831m (Quarter 2 £4.604m).

4.2.12 The net forecast budget pressures in Quarter 3 are driven by:

- a) £2.740m (Quarter 2 £2.424m) temporary accommodation pressure mainly relating to housing benefit subsidy loss with increased demand, and cost of accommodation due to limited supply. The service is looking at options to increase value for money accommodation provision to reduce the increasing budget pressures.
- b) £0.643m (Quarter 2 £0.679m) highways pressures mainly relates to increased energy costs.
- c) £0.468m (Quarter 2 £0.755m) street income and contract pressures.
- d) £0.101m (Quarter 2 £0.105m) utility pressures within the travellers' warden service.
- e) £0.768m (Quarter 2 £0.571m) parking income pressure.
- f) £0.111m mainly relates to community protection staffing pressure.

4.2.13 The housing benefit subsidy loss budget was transferred to Housing & Environment as part of the 2023/24 budget process, having previously been reported in Resources. The Quarter 1 monitoring report explains this movement and effect on the respective budgets.

4.2.14 Key risks to this forecast are the continued challenges of the availability and costs of temporary accommodation, particularly as a result of government policy and practice in relation to resettlement and asylum seekers, and the wider economic impact on private sector landlords.

Resources

- 4.2.15 Resources are reporting a gross underspend of (£1.591m) (Quarter 2 (£2.190m)), and with in-year use of reserves the net underspend increases to (£2.088m) (Quarter 2 (£2.687m)). This includes several pressures offset by the housing benefit subsidy underspend and underspends in ICT due to issues recruiting staff. Options to address overspending areas are being explored to reduce service level overspends.
- 4.2.16 The key drivers relating to the forecast are:
- a) Net pressure of £0.288m (Quarter 2 £0.253m) pressure across Customer & Transaction services which is driven by increased staffing and agency costs.
 - b) Finance Service pressure of £0.189m (Quarter 2 £0.190m) due to staffing and agency costs.
 - c) ICT & Property Services includes a net overspend £0.040m (Quarter 2 £1.242m underspend), which includes an overspend of £0.153m (Quarter 2 £0.144m) for utility cost increases for Perceval House, Ealing Town Hall, and other properties; £0.994m (Quarter 2 £0.354m) pressures from planned and reactive maintenance services, and other pressures of £0.528m including facilities management. These pressures are offset by reduced ICT staffing costs (£1.635m) (Quarter 2 (£1.843m)) due to vacancies and contract management.
 - d) Strategic Property is forecasting a £0.465m overspend (Quarter 2 £0.317m), which includes income pressures due to part year rent impacts and property costs relating to lettings. The service is working on options to increase income before year-end.
 - e) £0.192m Emergency Planning pressures.
 - f) Housing Benefit subsidy is forecasting an underspend of (£2.677m) (Quarter 2 (£3.255m)) due to an increase in overpayment recovery.
 - g) £0.586m offset with underspends within Audit, Commercial Hub and Legal.

Strategy & Change

- 4.2.17 Strategy & Change are reporting a gross overspend of £0.381m (Quarter 2 £0.766m). The gross pressure is offset by reserves of £0.235m (Quarter 2 £0.235m), reducing the net budget pressure to £0.146m.
- 4.2.18 The main pressure within Strategy & Change relates to Human Resources staffing and agency pressure of £0.296m (Quarter 2 £0.694m), reduced by an underspend in other areas (£0.150m) (Quarter 2 (£0.163m)). This position is being reviewed to reduce the overspend before year-end.

Corporate Budgets

- 4.2.19 The Corporate Budget is reporting a net underspend of (£23.009m) (Quarter 2 (£20.145m)) driven by:
- a) Increased forecast underspend on treasury management (£17.884m) (Quarter 2 (£15.342m)) which reflects low Public Works Loan Board (PWLB) borrowing costs, and additional interest income from increased cash balances and higher

interest rates.

- b) Use of contingency to off-set service overspending (c.£2m).
- c) Release of one-off funds of (£0.676m) by West London Waste Authority (WLWA) following WLWA board approval.
- d) (£0.450m) underspend forecast on concessionary fares against budget allocations.
- e) (£1.999m) forecast underspend of budgets relating to various other corporate budgets.

5. Achievement of 2023/24 Savings

5.1 Cabinet approved £9.578m of net savings of which £7.184m was approved in 2023/24 and £2.394m approved in previous MTFS periods. Table 2 below provides an overview summary of savings across the various funding sources.

Table 2: 2023/24 Approved Savings Summary by Funding

Savings Summary	General Fund	HRA	DSG	Total
	£m	£m	£m	£m
Gross saving	14.104	(0.003)	0.000	14.101
<i>Investment and funded by:</i>				
Digital programme	(0.192)	0.000	0.000	(0.192)
Cost avoidance	(4.199)	0.000	0.000	(4.199)
Investment	(0.135)	0.003	0.000	(0.132)
Net approved saving	9.578	0.000	0.000	9.578

5.2 At the end of Quarter 3, £2.648m (27.64%) of the savings have been achieved with £3.211m (33.52%) identified at being risk and the remaining in progress, as set out in Table 3 below.

Table 3: Quarter 3 2023/24 Savings Programme Delivery

Savings by Directorate	Total	Red	Amber	Green	% Savings Achieved (Green)
	£m	£m	£m	£m	
Adults Services & Public Health	1.206	2.383	0.477	(1.654)	(137.18%)
Children's & Schools	0.947	0.000	0.947	0.000	0.00%
Economy & Sustainability	2.203	0.096	0.307	1.800	81.71%
Housing & Environment	4.312	0.687	1.037	2.589	60.03%
Resources	0.412	0.167	0.332	(0.087)	(21.08%)
Strategy & Change	0.210	0.000	0.210	0.000	0.00%
Corporate	0.288	(0.122)	0.410	0.000	0.00%
Total	9.578	3.211	3.720	2.648	27.64%
Key:	Red	Savings at risk of not being achieved in-year and/or have not been replaced.			
	Amber	Savings forecast to be achieved; or are in progress to be delivered and/or potentially at risk of being delivered.			
	Green	Savings achieved			

6. Dedicated Schools Grant (DSG) Account

- 6.1 Dedicated schools grant (DSG) is paid in support of local authority schools and is the main source of income for school budgets. The terms and conditions allow the Council to carry forward any deficits and underspends to a ring-fenced reserve. This is separate from the General Fund, which cannot be used to subsidise the account.
- 6.2 At the end of 2022/23, the Council held a net surplus balance of £1.345m on its DSG account which includes a High Needs DSG deficit of £0.570m. At Quarter 3 the forecast is estimating a deficit of £1.952m. There is a favourable variance of £0.249m from quarter 2 mainly due to £0.518m favourable variance on High Needs due to reduction in projected growth/inflation and £0.269m overspend on Schools growth fund for bulge classes and growing school which will be funded from reserve. The total reported overspends on High Needs is £3.028m after mitigating by block transfer from the Schools Block to the High Needs block as agreed by the Schools Forum.

Table 4: Quarter 3 2023/24 DSG Account Summary Forecast

DSG Account	Quarter 3 Forecast £m				Q2 forecast £m
	Schools Block	Early Years Block	High Needs Block	Total	
Opening balance at 1 April 2023	(0.321)	(1.594)	0.570	(1.345)	(1.345)
2023/24 in-year movements	0.269	0.000	3.028	3.297	3.546
DSG Deficit (+) / Surplus (-) balance at 31 March 2024	(0.052)	(1.594)	3.598	1.952	2.201

- 6.3 The Council along with many other authorities continues to experience pressures on the High Needs Block due to increased demand for Education, Health, and Care Plans (EHCPs) and the level of need. The DSG High Needs Deficit Recovery Plan continues to be refined and the Council is working with London Councils to lobby for additional funding. However, in the absence of confirmation of additional funding the cumulative deficit on the High Needs Block is forecast to increase and the Council will be expected to recover the deficit from future allocations.
- 6.4 The Council continues to work with the Schools Forum to implement a DSG High Needs Recovery Plan in line with government directives to bring the High Needs Block into balance and recover the cumulative deficit. The Schools Forum continues to review the position on the other blocks.

7. Housing Revenue Account (HRA)

- 7.1 At Quarter 3, the HRA continues to forecast an overspend of £5.975m and the additional funding required is to be drawn from reserves to balance the HRA. The main drivers for this are arising from increased responsive repairs costs due to

the completion domestic electrical inspection reports (EICRs), cladding issues and fire damage works, utilities costs, the costs of implementing the building safety team and forecast cost of borrowing pressures resulting from the latest forecast capital expenditure and funding.

7.2 These pressures are being reviewed as part of the HRA business plan development to ensure sufficient provision is included in the budget to deliver the priorities considering the latest intelligence in price increases, volume of works to maintain the existing housing stock to required standards and the proposed regeneration capital programme.

Table 5: HRA Quarter 3 2023/24 Summary

HRA Budget	2023/24 Budget	2023/24 Full Year Forecast	Forecast Net Variance Quarter 3	Forecast Net Variance Quarter 2
	£m	£m	£m	£m
Income	(78.008)	(78.677)	(0.669)	(0.698)
Expenditure	79.865	86.509	6.644	6.673
Sub-total	1.857	7.832	5.975	5.975
Contribution from Reserves	(1.857)	(7.832)	(5.975)	(5.975)
Total HRA	0.000	0.000	0.000	0.000

7.3 The table below shows a summary of the forecast position on the HRA reserves.

Table 6: HRA Reserves Summary Forecast

HRA Reserves	HRA Reserve	HRA Balance	Total HRA Reserves
	£m	£m	£m
Opening balance at 1 April 2023	11.941	4.925	16.866
2023/24 in-year movements (Q3 forecast overspend)	(7.832)	0.000	(7.832)
Forecast HRA Reserve Balances at 1 April 2024	4.109	4.925	9.034

8. Capital Programme

8.1 A summary of the capital programme is set out in the table below.

Table 7: Capital Programme Summary 2023/24 – 2027/28+ Movements

Capital Programme Summary	Budget 2023/24	Budget 2024/25	Budget 2025/26	Budget 2026/27	Budget 2027/28+	Total
	£m	£m	£m	£m	£m	£m
Revised Programme at Quarter 3						

Capital Programme Summary	Budget 2023/24	Budget 2024/25	Budget 2025/26	Budget 2026/27	Budget 2027/28+	Total
	£m	£m	£m	£m	£m	£m
General Fund	103.130	366.491	30.980	19.906	93.250	613.757
HRA	122.294	158.298	95.366	59.780	36.783	473.151
Total	226.054	527.790	126.346	79.686	130.034	1,086.909
Revised Programme at Quarter 2						
General Fund	107.072	357.271	30.110	19.906	93.250	607.609
HRA	144.672	131.735	95.366	59.780	36.783	468.336
Total	251.744	489.006	125.476	79.686	130.034	1,075.946
Changes due to slippage, decommissioning, reprofiling and/or in-year additions						
General Fund	(3.943)	9.221	0.870	0.000	0.000	6.148
HRA	(21.748)	26.563	0.000	0.000	0.000	4.815
Total	(25.691)	35.784	0.870	0.000	0.000	10.963

8.2 The revised Q3 capital programme reflects the following main changes since Q2:

- 2023/24 Q2 slippage of £33.963m, of which £30.321m (where the slippage for each scheme is over £1m) was approved by Cabinet in November 2023. Total General Fund slippage was £7.399m.
- Additions to the capital programme of £6.7m mainly relating to the Temporary Accommodation budget, Gunnersbury Sports Hub & Public Sector Decarbonisation Scheme schemes.
- Decommissioned schemes totalling £3.5m, mainly related to the Energy grant (Home Upgrade Grant Phase 1) budget.

8.3 The capital programme for 2023/24 is currently reporting an £0.8m overspend position against the approved programme budget, as summarised in the table below.

Table 8: Capital Summary

2023/24 Capital Budget Summary	2023/24 Budget	Year to Date Actuals	Current Forecast	Slippage/ (Accelerated) Spend	Forecast Variance Under (-) / Over (+) spend	De commissioning	Forecast Variance (Under -) / Overspend after de commissioning
	£m	£m	£m	£m	£m	£m	£m
Adults Services & Public Health	0.231	0.000	0.331	(0.100)	0.000	0.000	0.000
Children's & Schools	16.685	8.910	16.884	(0.200)	0.000	0.000	0.000
Economy & Sustainability	39.407	12.535	39.209	0.981	0.783	0.012	0.795
Housing & Environment	32.022	10.642	21.268	10.554	(0.200)	0.200	0.000
Resources	14.554	4.144	10.379	4.175	0.000	0.000	0.000
Strategy & Change	0.000	0.039	0.000	0.000	0.000	0.000	0.000
Corporate	0.230	0.000	0.230	0.000	0.000	0.000	0.000
Total General Fund	103.130	36.270	88.303	15.410	0.583	0.212	0.795
HRA	122.294	44.715	80.078	42.846	0.000	0.000	0.000
Capital Programme	226.054	80.985	168.381	58.256	0.583	0.212	0.795

8.4 The recommendations seek approval to re-profile capital budgets that are in excess of £1m. The slippage over £1m totals £53.065m of the total slippage of £58.256m; details of these schemes are set out in Appendix 2. Slippage of under £1m of £5.191m has been agreed under delegated authority by the Strategic Director Resources.

Budgets to be decommissioned.

8.5 There are a number of budgets totalling £1.962m that have been identified to be decommissioned, and the 2023/24 budgets for these total £0.212m as shown in the table above. This decommissioning will be agreed by Cabinet in the ‘*Budget Strategy and MTFS 2024/25 to 2027/28*’ report elsewhere on this agenda.

Forecast overspends.

8.6 The forecast overspend relates predominantly to the Genuinely Affordable Homes budget (£0.757m). A further report on the housing development programme will be reported to a future Cabinet which will include a further review of housing development budgets and any remaining required budget approvals, in addition to those individual scheme budget approvals requested at Cabinet in January 2024.

9. Council Tax and Business Rates Collection 2023/24

9.1 The Council’s collection performance for council tax and business rates in 2023/24 to 31 December 2023 is set out below.

9.2 Council Tax

9.2.1 Council tax in-year collection is behind the target collection profile (2.85%) which equates to £6.573m, and collection is down by 1.32% compared to the quarter 3 figure last year. However, collection is not directly comparable to last year due to the award of £7.989m of energy rebates in 2022/23, which increased collection during quarters 2 and 3. The current net debit figure compared with this period last year has increased by £16.100m, and the cash collected in the first nine months of the year has increased by £10.120m.

Table 9: 2023/24 Quarter 3 Council Tax in-year collection

Council Tax In-Year Collection	Quarter 3		Quarter 2	
	£m	%	£m	%
Amount to be collected to achieve 97.2%	224.088	97.20%	224.397	97.20%
Target collection	192.042	83.30%	132.052	31.10%
Amount collected	185.469	80.45%	125.924	29.45%
Variance against target	(6.573)	(2.85%)	(6.128)	(1.65%)

Source: QRC Monthly data

9.3 Business Rates

- 9.3.1 Business Rates collection is 1.30% ahead of target which equates to £2.073m. Collection is also 0.82% ahead of the quarter 3 position this time last year. The net debit has increased by £8.938m compared to this period last year due to changes in the relief given to retail properties post-Covid and the revaluation which was carried out at the start of the year.

Table 10: 2023/24 Quarter 3 Business Rates in-year collection

Business Rates In-Year Collection	Quarter 3		Quarter 2	
	£m	%	£m	%
Amount to be collected to achieve 97.2%	154.537	97.20%	156.042	97.20%
Target collection	122.580	77.10%	84.764	52.80%
Amount collected	124.654	78.40%	89.224	55.38%
Variance against target	2.074	1.30%	4.460	2.78%

Source: QRC Monthly data

10. Legal

- 10.1 The Council is required to monitor and review, from time to time during the year, its income and expenditure against budget. If it appears to the Council that there has been a deterioration in its financial position, it must take such action, if any, as it considers necessary to deal with the situation, and be ready to take action if overspends or shortfalls in income emerge (Section 28 of the Local Government Act 2003).

10.2 In regard to Schools Funding and Dedicated Schools Grant (DSG)

- 10.2.1 The Council currently receives funding for schools through the Dedicated Schools Grant (DSG) and has the statutory responsibility under the Schools and Early Years Finance Regulations for allocating this funding to schools.
- 10.2.2 The Schools and Early Years Finance (England) Regulations published in February 2022 (and to be updated for 2023) sets out the grant condition and accounting regulations that local authorities must follow in respect of DSG deficit and underspend balances. This specifically precludes the use of the General Fund to subsidise the DSG.

11. Value for Money (VFM)

- 11.1 Managing within budget and the achievement of efficiency savings are key responsibilities of budget managers, as identified in their performance objectives.
- 11.2 Detailed variance forecasting by service budget holders, together with a corporate overview by Strategic Finance will be reported regularly (in accordance with the agreed timetable) to the Strategic Leadership Team and Cabinet. Where forecast

adverse variances are identified in this process, they will be addressed via action plans, enabling the General Fund spending to be brought within budget during the year.

12. Sustainability Impact Appraisal

- 12.1 Any sustainability impacts are taken into account before final decisions are taken on whether or not to implement savings proposals as part of the budget setting process. All capital budget proposals are required to set out how the proposal contributes towards carbon emission reduction.

13. Risk Management

- 13.1 It is important that spending is contained within budget so that the Council can maintain its financial standing in the face of further pressure on resources in 2023/24 and beyond as set out in the annual review of the Medium-Term Financial Strategy (MTFS) approved by Cabinet in February 2023 and the updated Medium-Term Financial Strategy (MTFS) being considered at elsewhere on the agenda.

- 13.2 The Council is faced with an uncertain financial context over the short to long-term in relation to government funding, social and economic factors such as the continued high inflation and energy prices, and social care and temporary accommodation demand, which present risks to financial sustainability and there remains potential for further, unrecognised, risks. The most immediate risks to the budget in the current year are:

- social care placement demand and cost pressures.
- increasing homelessness, demand for, and cost of temporary accommodation.
- cost-of-living, high inflation and energy prices.
- unfunded income pressures as a result of the pandemic and current economic climate, particularly in relation to Council Tax and Business Rates income.
- impact of the economy on development and planning fee income.
- non-delivery of approved savings.

- 13.3 Close monitoring by the Strategic Leadership Team of the pressures is undertaken through the year to reflect success and impact of mitigations and other management actions that aid in delivering a balanced budget.

- 13.4 Given the significant uncertainties and volatility of the economic environment and the level of in-year pressure, there are inevitably significant risks involved in delivering balanced budgets in the current year. Key strategic risks will continue to be:

- included in the Corporate Risk Register
- regularly reported to Audit Committee
- reviewed through quarterly budget update reports to Cabinet.
- reviewed through ongoing budget and MTFS planning.

14. Community Safety

14.1 There are no direct community safety implications.

15. Links to Three Key Priorities for the Borough

15.1 The Council's medium-term financial strategy, budgets and capital programme are designed to enable the delivery of the Council's key priorities of fighting inequality, tackling the climate crisis, and creating good jobs. The budget for 2023/24 is supporting delivery of national and local priorities, including further investment in Real Living Wage for remaining contracts and to meet the annual inflationary uplift to the Real Living Wage commitments in homecare.

16. Equalities, Human Rights & Community Cohesion

16.1 There is no requirement for an Equality Impact Assessment as part of this report.

17. Staffing/Workforce and Accommodation Implications

17.1 There are no direct staffing/workforce and accommodation implications arising from this report.

18. Property and Assets

18.1 There are no direct property/asset implications arising from this report.

19. Any Other Implications

19.1 The overall financial position of the Council impacts on the future provision of all Council services.

20. Consultation

20.1 Information and explanations have been sought from departments on specific aspects of this report and their comments have been included.

21. Appendices

Appendix 1 – 2023/24 General Fund Forecast Summary

Appendix 2 – Capital Programme Slippage/Acceleration over £1m

22. Background Information

Cabinet reports:

- 2023/24 Quarter 2 Budget Monitoring Update– 8 November 2023
- 2023/24 Quarter 1 Budget Monitoring Update– 13 September 2023

- Revenue and Capital Outturn 2022/23 – 14 June 2023
- Budget Strategy and MTFS 2023/24 to 2025/26 – 22 February 2023
- Budget Update Report 2022/23 – 22 February 2023
- Housing Revenue Account (HRA) Business Plan 2023-24 report – 25 January 2023
- Budget Update Report 2022/23 – 7 December 2022

Consultation

Name of consultee	Department	Date sent to consultee	Date response received from consultee	Comments appear in report para:
Internal				
Emily Hill	Strategic Director, Resources	Continuous	Continuous	Throughout
Tony Clements	Chief Executive	12/01/2024	17/01/2024	Throughout
Kerry Stevens Robert South Peter George Nicky Fiedler Amanda Askham	Strategic Directors	12/01/2024	17/01/2024	Throughout
Helen Harris	Director of Legal and Democratic Services	12/01/2024	17/01/2024	Legal section
Councillor Steve Donnelly	Cabinet Member for Inclusive Economy	22/01/2024	25/01/2024	Throughout
Russell Dyer	Assistant Director – Accountancy	Continuous	Continuous	Throughout
Nick Rowe	Assistant Director of Local Tax & Accounts Receivable	05/01/2024	05/01/2024	Section 9

Report History

Decision type: For decision	Urgency item? No
Authorised by Cabinet member:	Date: Report deadline: Date report sent:

Report	Report authors and contacts for queries: Kevin Kilburn, Interim Assistant Director Strategic Finance, 020 8825 7549 Baljinder Sangha, Finance Manager Planning & Monitoring, 020 8825 5579 Katherine Ball, Finance Manager Capital & Projects, 020 8825 5757
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Directorate Revenue Summary		2023/24 Original Net Budget	VIREMENTS	2023/24 Revised Net Budget	Actual to Date	QUARTER 3								QUARTER 2		MOVEMENT		
						Gross Forecast	Management Actions (Green)	Management Actions (Amber)	Mitigation Actions (Approved)	New Reserve Requests	New Provision Requests	Provisions Approved	Reserves Approved	BAU Net Forecast	BAU Variance		Quarter 2 BAU Variance	
						£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000		£'000	£'000
Adult and Public Health	Adult Operations (Social Care)/Older People & Disabilities	84,594	2,559	87,153	63,900	106,297	(7,498)	0	(6,552)	0	(430)	0	(1,243)	90,575	3,422	6,414	(2,992)	
	Business Support & Integrated Commissioning	7,484	292	7,777	5,590	10,219	(75)	0	(299)	(25)	0	0	(719)	9,101	1,324	757	567	
	Mental Health	7,306	173	7,479	12,511	16,752	(4,810)	0	(270)	0	0	0	(206)	11,466	3,987	4,547	(560)	
	Public Health	0	0	0	(888)	(472)	0	0	0	472	(888)	0	0	0	0	0	0	0
	Total for Adult and Public Health	99,384	3,024	102,409	81,112	132,797	(12,383)	0	(7,121)	447	(430)	0	(2,168)	111,142	8,733	11,718	(2,985)	
Children's	Learning Standards & School Partnership	182	534	715	(1,838)	866	0	0	0	0	0	0	(100)	765	50	(40)	90	
	Children's Social Care	34,815	1,387	36,202	37,005	45,520	0	0	0	(350)	0	0	0	45,170	8,968	8,379	589	
	Early Help and Prevention Services	6,652	784	7,435	6,438	8,300	0	0	0	0	0	0	(199)	8,102	666	814	(148)	
	Child Protection & EDT	1,154	105	1,259	1,373	1,722	0	0	0	0	0	0	0	1,722	463	536	(73)	
	ESCAN/SEND/Inclusion	13,778	444	14,221	10,277	17,392	0	0	0	518	0	(549)	(3,546)	13,815	(406)	(608)	202	
	Social Care Training	382	34	416	528	635	0	0	0	0	0	0	0	635	219	223	(3)	
	Schools Planning, Development & Resources	16,944	976	17,919	20,276	21,766	0	0	0	0	0	0	(2,833)	18,933	1,014	1,391	(377)	
	Commissioning & Management	24	0	24	0	806	(700)	(1,096)	0	0	0	0	0	(990)	(1,013)	(769)	(244)	
	Total for Children's	73,929	4,263	78,192	74,060	97,008	(700)	(1,096)	0	168	(200)	(549)	(6,678)	88,153	9,961	9,925	36	
Economy and Sustainability	Planning	(1,937)	244	(1,693)	1,535	(44)	0	0	0	(243)	(200)	0	0	(487)	1,205	316	889	
	Employment & Skills	821	110	931	1,314	858	0	0	(128)	0	0	0	0	730	(201)	(0)	(201)	
	Economy & Sustainability Management	343	31	374	236	391	0	0	0	0	0	0	0	391	17	(0)	17	
	Regeneration and Economic Growth	144	34	178	1,390	178	0	0	0	0	0	0	0	178	(0)	(0)	0	
	Major Projects	51	454	504	197	510	0	0	0	0	0	0	0	510	6	0	5	
	Housing Development	560	6	565	932	641	0	0	0	0	0	0	0	641	76	0	75	
	Land Charges/Building Control & Surveying	58	127	185	761	383	0	0	0	0	0	0	0	383	198	361	(163)	
	Arts & Culture Leisure & Libraries	4,856	458	5,314	5,664	5,758	0	0	(300)	0	0	0	0	5,458	143	8	135	
	Total for Economy & Sustainability	4,896	1,464	6,359	12,031	8,674	0	(428)	(243)	(200)	0	(549)	(6,678)	7,803	1,444	685	758	
Housing & Environment	Travellers Warden	(107)	4	(103)	(97)	(2)	0	0	0	0	0	0	(2)	101	105	(4)		
	Housing Demand	8,919	401	9,320	21,160	12,061	0	0	0	0	0	0	12,061	2,741	2,424	317		
	Environment & Living Streets	375	1,727	2,102	2,949	4,751	0	0	0	(935)	0	0	165	3,981	1,879	2,004	(125)	
	Community Protection	3,463	470	3,933	2,860	4,043	0	0	0	0	0	0	0	4,043	110	72	39	
	Total for Housing & Environment	12,651	2,602	15,252	26,871	20,854	0	0	(935)	0	0	0	165	20,083	4,831	4,604	227	
Resources	Audit	2,028	92	2,121	2,932	1,616	0	0	0	0	0	0	0	1,616	(504)	49	(553)	
	Commercial Hub	579	76	654	1,000	632	0	0	0	0	0	0	0	632	(22)	84	(107)	
	Customer Services Revenues & Financial Assessments	8,066	928	8,994	7,989	9,630	0	0	0	0	0	0	(347)	9,283	288	253	35	
	Finance	2,076	341	2,417	3,171	2,756	0	0	0	0	0	0	(150)	2,606	189	190	(1)	
	ICT & Property Services	22,162	2,980	25,142	17,350	25,181	0	0	0	0	0	0	0	25,181	40	(1,242)	1,281	
	Emergency Planning	244	15	259	246	451	0	0	0	0	0	0	0	451	192	0	192	
	Legal & Democratic Services	3,627	267	3,894	3,211	3,835	0	0	0	0	0	0	0	3,835	(59)	(42)	(17)	
	Strategic Property	(3,107)	20	(3,087)	(1,022)	(2,621)	0	0	0	0	0	0	0	(2,621)	465	362	103	
	Housing Benefit Subsidy (excl. Temporary Accommodation)	(227)	0	(227)	88,290	(2,903)	0	0	0	0	0	0	0	(2,903)	(2,677)	(2,342)	(334)	
Total for Resources	35,449	4,719	40,168	123,168	38,577	0	0	0	0	0	0	(497)	38,080	(2,088)	(2,687)	599		
Strategy & Change	Cabinet Office	306	20	326	256	386	0	0	0	0	0	0	0	386	60	80	(20)	
	Chief Executive Office	464	31	495	358	572	0	0	0	0	0	0	0	572	77	83	(6)	
	Communications	716	94	810	764	824	0	0	0	0	0	0	0	824	14	29	(15)	
	Equalities	209	23	232	136	813	0	0	0	0	0	0	(100)	713	481	(72)	553	
	Engagement	1,715	700	2,415	1,253	1,738	0	0	0	0	0	0	0	1,738	(677)	(74)	(603)	
	Human Resources	2,538	325	2,863	2,425	3,159	0	0	0	0	0	0	0	3,159	296	694	(399)	
	Performance, Intelligent & Insight	1,097	81	1,178	927	1,022	0	0	0	0	0	0	0	1,022	(157)	(219)	63	
	Strategy & Change Directorate	931	(596)	335	284	407	0	0	0	0	0	0	0	407	72	(3)	75	
	Transformation	585	48	633	683	747	0	0	0	0	0	0	(135)	612	(21)	13	(34)	
Total for Strategy & Change	8,562	725	9,287	7,088	9,668	0	0	0	0	0	0	(235)	9,433	146	531	(385)		
WLA	West London Alliance (WLA)	0	0	0	2,205	0	0	0	0	0	0	0	0	0	0	0	0	
	Total for West London Alliance	0	0	0	2,205	0	0	0	0	0	0	0	0	0	0	0	0	
Sub Totals	234,871	16,796	251,668	326,535	307,577	(13,083)	(1,096)	(7,549)	(563)	(630)	(549)	(9,412)	274,694	23,026	24,776	(1,750)		
Corporate Budgets	Centrally Held Budgets (incl Treasury Management)	69,445	(16,796)	52,649	9,980	30,720	0	0	0	0	0	0	0	30,720	(21,929)	(19,019)	(2,910)	
	Centrally Held Grants	(46,537)	0	(46,537)	(23,897)	(46,535)	0	0	0	0	0	0	0	(46,535)	2	0	2	
	Levies	25,401	0	25,401	7,724	24,065	0	0	0	255	0	0	0	24,320	(1,082)	(1,126)	44	
	Contribution to/from Reserves	3,500	0	3,500	0	3,500	0	0	0	0	0	0	0	3,500	0	0	0	
	Total for Corporate Budgets	51,810	(16,796)	35,013	(6,193)	11,750	0	0	0	255	0	0	0	12,005	(23,009)	(20,145)	(2,864)	
Totals	286,681	0	286,681	320,342	319,326	(13,083)	(1,096)	(7,549)	(308)	(630)	(549)	(9,412)	286,699	18	4,631	(4,613)		

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APPENDIX 2 - SLIPPAGE OVER £1M

Capital Schemes		2023/24 Slippage	2023/24 Acceleration	2023/24 Net Slippage
		£m	£m	£m
HOUSING & ENVIRONMENT				
352215	TEMPORARY ACCOMMODATION ACQUISITION (PHASE 2)	3.789	0.000	3.789
HOUSING DEMAND TOTAL		3.789	0.000	3.789
425719	SOUTHALL BRIDGE WIDENING	1.282	0.000	1.282
425860	HIGHWAYS SECTION 106 WORKS	1.151	0.000	1.151
425916	LEVELLING UP FUND PROGRAMME	0.000	(2.059)	(2.059)
425440	TFL - SMARTER TRAVEL	2.055	0.000	2.055
ENVIRONMENT & LIVING STREETS TOTAL		4.489	(2.059)	2.429
HOUSING & ENVIRONMENT TOTAL		8.278	(2.059)	6.219
RESOURCES				
380601	BROADWAY LIVING CAPITAL	4.000	0.000	4.000
RESOURCES TOTAL		4.000	0.000	4.000
GENERAL FUND TOTAL		12.278	(2.059)	10.219
HRA				
351527	COUNCIL NEW BUILD ROUND3	9.830	0.000	9.830
351535	HIGH LANE ESTATE REGENERATION	6.022	0.000	6.022
351803	NEW REGENERATION - LEXDEN ROAD (HRA)	9.774	0.000	9.774
351804	NEW REGENERATION - SUSSEX CRESCENT (HRA)	0.000	(1.726)	(1.726)
351805	NEW REGENERATION - NORTHOLT GRANGE COMMUNITY CENTRE (HRA)	18.946	0.000	18.946
HRA TOTAL		44.572	(1.726)	42.847
TOTAL CAPITAL PROGRAMME		56.850	(3.785)	53.065

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Report for: DECISION
Item Number:

Contains Confidential or Exempt Information	No
Title	BUDGET AND MEDIUM-TERM FINANCIAL STRATEGY 2024/25 TO 2027/28
Responsible Officers	Emily Hill, Strategic Director, Resources
Authors	Kevin Kilburn, Assistant Director Strategic Finance Baljinder Sangha, Finance Manager – Planning & Monitoring Katherine Ball, Finance Manager – Capital & Projects
Portfolio	Councillor Steve Donnelly, Cabinet Member for Inclusive Economy
For Consideration By	Cabinet
Date to be considered	7 February 2024
Implementation Date if Not Called In	5 March 2024
Affected Wards	All
Area Committees	All
Keywords/Index	Budget strategy, Medium-Term Financial Strategy (MTFS), Capital Strategy, Treasury Management Strategy, Business Rates, Savings, Council Tax

<p>Purpose of Report</p> <p>The Budget and Medium-Term Financial Strategy forms part of a framework of strategies that set out the activities to support the delivery of the council’s statutory duties, Council Plan, its vision, priorities and long-term goals. The Medium-Term Financial Strategy describes how the council will allocate resources to deliver these activities within the resources the council expects to have over the next four years.</p> <p>The administration, and the council, believe in community resilience and community power. The Council Plan sets out a clear ambition to move to a community centred model, reflecting the desire to help and support families, neighbours and communities to be involved in each other’s lives and to offer the kinds of formal and informal support networks that have for decades held communities together.</p>

Ealing's residents want to live in vibrant, connected places full of pride and identity and the council is committed to using its resources to strengthen and multiply assets in communities and the social connections that make this possible.

This report sets out how the council's 2024/25 Budget and Medium-Term Financial Strategy will help the council achieve its vision in the context of continuing constraints on funding and increasing demand for, and cost of, its services.

Index to Report: Budget Strategy and MTFS 2024/25 to 2027/28

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1. Recommendations

1.1. It is recommended that Cabinet:

Revenue Budget

1.2. Approves 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).

1.3. Authorises 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).

1.4. In relation to savings proposals that are cross-cutting across more than one service, authorises 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.

1.5. Notes the latest Medium-Term Financial Strategy (MTFS) for 2024/25 to 2027/28 (Section 11).

1.6. Approves £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.

1.7. Notes 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).

1.8. Notes 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.

- 1.9. Notes the delay in the publication of the Final Local Government Finance Settlement and delegates 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

- 1.10. Approves the schedule of fees and charges for 2024/25 (paragraph 10.4 and Appendix 3).

Business Rates Discount

- 1.11. Approves (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).
- 1.12. Authorises 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

- 1.13. Notes the outcome of 2024/25 School Funding Formula changes as agreed in consultation with the Schools Forum (Section 13) and authorises 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.
- 1.14. Approves the Dedicated Schools Grant (DSG) School Funding Formula for 2024/25 as set out in section 13.
- 1.15. Approves the Dedicated Schools Grant (DSG) Early Years Funding Formula Factors for 2024/25 (paragraphs 13.4 & 13.12).

Housing Revenue Account (HRA)

- 1.16. Notes 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).
- 1.17. Notes 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.

1.18. Endorses and approves the following recommendations to Full Council on 5 March 2024, that it:

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

- a) Considers and approves the Revenue Budget for 2024/25 as summarised in Appendix 1.
- b) Considers 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).
- c) Notes the financial risks and pressures set out in the report (Section 11 and Section 21).
- d) Approves the Parking Account 2024/25 (Section 12 and Appendix 5).
- e) Approves the draft Schools budget of £335.412m and agrees 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).
- f) Approves 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).

2. Capital Programme 2024/25 – 2027/28

- a) Approves 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).
- b) Approves the updated profile of the current Capital Programme, as set out in Section 15 and Appendix 7.

3. Capital Strategy, Treasury Management and Pension Fund

- a) Approves the Treasury Management Strategy including the associated Prudential Indicators and Annual Investment Strategy (Section 16 and Appendix 9).
- b) Approves the Treasury Management Policy Statement (Appendix 9).
- c) Notes the Strategic Director, Resources will implement the Treasury Management Strategy under existing officer delegated powers (Appendix 9).
- d) Approves the Minimum Revenue Provision (MRP) policy (Appendix 9).
- e) Notes 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).
- f) Approves the Capital Strategy (Appendix 8).

4. Council Tax and Business Rates

- a) Approves 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).
- b) Notes the proposed Greater London Authority (GLA) Band D precept of £471.40 for 2024/25 (paragraph 8.3).
- c) Notes 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).
- d) Notes the forecast Collection Fund position for 2023/24 (paragraph 9.5).
- e) Notes 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).
- f) Approves 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)
- g) Approves 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).
- h) Approves 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).

2. Reason for Decision and Options Considered

- 2.1. The main purpose of this report on the 2024/25 Budget and Medium-Term Financial Strategy (MTFS) is 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.
- 2.2. The council has 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 continue to operate in a challenging resource

environment where small demand changes can lead to material budget variances.

- 2.3. The savings proposals in this report align with the strategic vision, Council Plan and the Medium-Term Financial Strategy on the allocation of resources. Some of the savings proposals will have further implications which will only emerge following detailed planning and consultation. Where this is the case, those implications will 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 is the responsibility of the relevant Strategic Director to find alternative replacement savings.
- 2.4. Any consultation in relation to proposals will be carried out as required and in accordance with the council's legal duties and responsibilities.

3. Approach to Budget and Medium-Term Financial Strategy

- 3.1. The council's Budget and Medium-Term Financial Strategy (MTFS) supports the Council Plan and the key priorities of the council over the MTFS period.
- 3.2. The budget process is priority-led, aligning the allocation of resources with the council administration's priorities and ensuring the council can meet its statutory duties. There are three key priorities for Ealing supported by nine priority outcomes covering the MTFS period:
 - Creating good jobs
 - Tackling the climate crisis
 - Fighting inequality
- 3.3. The aim of the MTFS is to ensure a stable and sustainable financial position that will allow the council to achieve its vision and strategic objectives. It reflects the impact of government funding decisions and the wider national and local economic context. It provides a robust financial framework to support the achievement of the council's overall objectives and delivery of services to its residents.
- 3.4. The MTFS is developed based upon the following principles.
 - Robust budget setting, taking account of known pressures, prepared in consultation with Strategic Directors.
 - Regular monitoring of budgets and robust management and mitigating actions to address unplanned variances that arise in-year, reporting to the Strategic Leadership Team (SLT) and Cabinet.
 - Appropriate levels of income with effective debt management, with prompt collection of sums owed to the council and monitoring of debt levels.
 - Prudent assessment of future resources and cost pressures.
 - Production of detailed implementation plans for all savings proposals and monitoring of delivery.
 - Maximisation of external grant funding to meet priorities.

- Prudent assessment of provisions required to mitigate future liabilities.
- Risk assessed level of reserves and balances to mitigate potential financial liabilities and commitments and enable investment in transformation and change to deliver future savings.
- Prudent and planned use of reserves to fund one-off expenditure.
- Effective forecasting and management of the council's cash flow requirements and effective management of treasury management risks and opportunities.
- Integration of revenue and capital decisions, to ensure the revenue implications of capital projects are reflected in the MTFS.
- Prudent and proportionate use of borrowing powers for capital investment that is not funded by capital receipts or contributions from third parties.

3.5. The 2024/25 budget has been set in the context of continuing economic and funding uncertainty within local government. A number of local authorities have either already issued Section 114 notices or issued warnings of their financial position as a result of significant demand and market pressures; reflecting rapidly increasing costs which are not met by commensurate increases in government funding.

3.6. The approach in setting the budget has been to limit or mitigate growth wherever possible while continuing to provide statutory services, however the nature and the extent of pressures being experienced in demand-led services has meant that significant growth has been included in the budget to meet these pressures. This has been mitigated wherever possible through the following actions:

- Robust identification of pressures, prepared in consultation with Strategic Directors.
- The funding of pay and contract inflation.
- Ensuring related income is maximised, through charges to and income from third parties benefiting from the services.
- Rigorous mitigation and management measures, such as demand and market management.
- Review of corporate budgets, including treasury management.
- Review of fees and charges.
- Directorate and service-led transformation and savings proposals over the MTFS period.

4. The National Context

UK National Finances

4.1. Within the context of continuing geopolitical uncertainty, with armed conflict in eastern Europe and in the Middle East, and increasing tensions in the Pacific, the UK economy has remained sluggish in its recovery from the

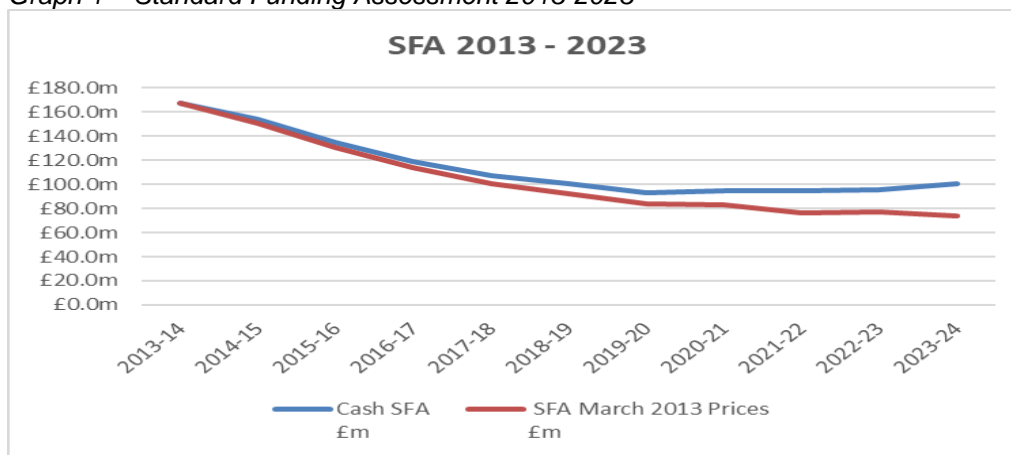
Covid pandemic and lockdown. Gross domestic product (GDP) contracted by 0.1% in Quarter 3, leaving the UK economy only marginally larger compared with the year before, as higher prices and tighter financial conditions led to a slowing in the economy.

- 4.2. There was a further cooling in labour demand, as job vacancies fell for the 17th consecutive period in the September to November 2023, while annual growth in wages softened. However, the UK domestic labour market is still having to contend with very low unemployment (4.2%) and the total number of job vacancies remains below one million.
- 4.3. UK Public sector net borrowing was £14.3 billion in November 2023. This is £0.9 billion lower than November 2022, although it is still the fourth highest on record for a November. This has led to public sector debt being at 97.5% of GDP.
- 4.4. Continuing a four month decline in inflation, the consumer price index (CPI) fell sharply in November 2023 to 3.9%. Although the December 2023 figure has ticked up to 4%, most independent economic forecasts are predicting inflation to fall to below the Bank of England's target of 2% by April 2024.
- 4.5. Despite the fall in inflation, the Bank of England Monetary Committee has remained hawkish in its attitude to interest rates, partly because of the possible impact of tensions in the Red Sea leading to higher oil and goods prices. It is therefore possible that monetary policy will remain tight until there is evidence of a persistent fall in inflationary pressures. However, if CPI does fall below its target of 2% by April 2024, there will be pressure for the Bank to cut rates in the face of sluggish economic growth or even a recession.

Local Government Finances

- 4.6. The 2024/25 budget has been set within the context of over a decade of reducing funding and increasing demand for council services. Graph 1, below, shows that since 2013/14, the council's Standard Funding Assessment (SFA), which is the Baseline Funding and Revenue Support Grant determined by central government, has fallen by 40% in cash terms and 56% in real terms.

Graph 1 – Standard Funding Assessment 2013-2023



- 4.7. For over a decade, central government has promised to reform the funding of local government to make it fairer and more predictable. The Fair Funding Review, announced in 2013/14 has been continually delayed and is now rarely mentioned. The government’s stated policy towards local government funding is to provide councils with greater certainty on key aspects of their funding, which is vital for the budget setting and medium-term planning process. However, since 2018/19 the Local Government Finance Settlement has provided single year settlements, despite the sector lobbying for multi-year settlements to enable better and more strategic budget setting.
- 4.8. As the demand pressures on local authorities has continued to grow, and funding in real terms has decreased over the last decade, there is increasing concern about the financial sustainability of a greater number of local authorities, and the sector as a whole. In part as a response to this, the government have set up the Office for Local Government (Oflog) in July 2023. The published vision for the Office for Local Government (Oflog) is for it to provide authoritative and accessible data and analysis about the performance of local government, and support its improvement, which has commenced through the gathering of data on specific areas of local government. In part, these can be used as early warning indicators of local authorities in financial distress.

5. Local Government Finance Settlement

- 5.1. The 2024/25 Provisional Local Government Finance Settlement was announced by the Secretary of State on 19 December 2023, and at time of writing the Final Settlement is still awaited. As has been the case for the last six years, it is for one year only and is based on the Spending Review 2021 (SR21) funding levels, updated for the 2023 Autumn Statement announcements. Ministers have said the settlement is an above-inflation increase in councils’ Core Spending Power for 2024/25, with an increase of

6.5% in cash terms.

- 5.2. The broad policy approach in the settlement is:
- a) a uniform roll-over of core elements of the settlement, preserving current distributions, and continuation of other features.
 - b) additional funding for priority services, namely Adult Social Care and Children's Social Care (announced in the Autumn Statement 2022)
 - c) striking a balance between raising resources locally for funding pressures and protecting local taxpayers, through council tax referendum principles
 - d) a further one-off funding guarantee, to ensure that all councils see a minimum 3% increase in their Core Spending Power before decisions on council tax.
- 5.3. The declared aim is stability for budgeting purposes, which in turn requires a delay to all significant policy changes. There are no new resources for service provision arising from the Autumn Statement 2023, no new public policy and no attempts to implement finance reform in local government. The main effort in DLUHC this year will be in coping with the complexity in the business rates retention system, which flows from the decoupling of the Small Business Rates Multiplier from the Standard Multiplier.
- 5.4. Since the publication of the Provisional Local Government Settlement and before the Final Local Government Settlement is available, the government announced on 24 January 2024 that £600m additional funding will be distributed to local authorities in the final Local Government Finance Settlement. £500m of this will be added to the social care grant and the further £100m comprises of an increase to the Funding Guarantee from 3% to 4%, £15m for the Rural Services Delivery Grant, £3m for authorities with Internal Drainage Boards, and additional funding for the Isle of Wight and the Isles of Scilly with the remainder distributed through the Services Grant.
- 5.5. The Office of Budget Responsibility figures suggest real terms growth in public expenditure budgets of 0.9% over the period 2024/25 to 2028/29. Once the requirements for protected budgets are factored in, this suggests 1.8% real terms cut in unprotected budgets (such as local government) over the same period. If inflation is around 2%, this would mean a series of flat-cash settlements. So, if current plans are sustained, resources will be very tight.
- 5.6. The timing of the general election and the Spending Review which will likely follow, suggest that there may well be at least one further one-year settlement in 2025/26 unless there is an early election and an immediate decision to implement a multi-year settlement based closely on the current approach (without significant finance reform). The key decision for local government post-election will therefore be whether and how to pursue local government finance reform.

- 5.7. Under the provisional settlement nationally, Core Spending Power (CSP), central government's preferred method of expressing local government funding, increased by 6.5%. In London, it increased by 6.4%. Table 1 below provides a summary of the changes for England. The new funding announced on the 24 January 2024 will result in an increase of 7.5% nationally, although details of the allocations will not be provided until the Final Local Government Finance Settlement.

Table 1 – England Local Government Core Spending Power 2023/24 and 2024/25

Local Government Core Spending Power	2023-24 (£m)	2024-25 (£m)	Change (£m)	Change (%)
Settlement Funding Assessment	15,671	16,563	892	5.7%
Compensation for under-indexing BR multiplier	2,205	2,581	377	17.1%
Council Tax Requirement	33,984	36,062	2,078	6.1%
Improved Better Care Fund	2,140	2,140	0	0.0%
Social Care Grant	3,852	4,544	692	18.0%
ASC Market Sustainability and Improvement Fund	562	1,050	488	86.8%
ASC Discharge Grant	300	500	200	66.7%
New Homes Bonus	291	291	0	0.0%
Rural Services Delivery Grant	95	95	0	0.0%
Services Grant	483	77	-406	-84.1%
Adjustments for rolled in grants	480	0	-480	-100.0%
3% CSP Funding Guarantee	133	197	63	47.4%
Core Spending Power (£m)	60,197	64,100	3,903	6.5%

- 5.8. To some extent, this does not present the whole picture for the change and level of spending power by local authorities. The **Standard Funding Assessment (SFA)**, which is the sum of retained business rates and Revenue Support Grant (RSG) does not include business rates growth above the inflated baseline. The Council Tax Requirement assumes all local councils increase council tax and social care levies by the full amount and assumes council tax base growth is the average of the previous five years. In reality, this will be different.
- 5.9. The **SFA** (business rates and RSG) is increased the by the September CPI (6.7%) from April 2024. In relation to business rates, the small business multiplier will be frozen for a fourth consecutive year and the 75% business rates relief for retail, hospitality and leisure extended for 2024/25, and local authorities will continue to be fully compensated for the loss of income.
- 5.10. For **council tax**, there will continue to be limits to increases that are deemed to be excessive and will trigger the need for a council tax referendum. The referendum limit of up to 2.99% will represent the trigger for all authorities, except Shire Districts (higher of £5 or 2.99%); Parishes (no limit); Police Authorities (£15); all fire and rescue authorities (£5); and non-police elements of council tax for Mayoral Combined Authorities (no limit).

- 5.11. The GLA's relevant basic amount of council tax is deemed excessive if the GLA's adjusted relevant basic amount of council tax for 2024/25 is more than £37.26 greater than its adjusted relevant basic amount of council tax for 2023/24.
- 5.12. In addition, and as in recent years, there will be an adult social care (ASC) precept of up to 2% in 2024/25.
- 5.13. There are also bespoke and higher core council tax referendum limits for a small number of councils experiencing financial difficulties (Thurrock, Slough and Woking).
- 5.14. For social care grants, the **Improved Better Care Fund** has remained the same as 2023/24 (without any inflationary increase), while the **Social Care Grant** increased by £692m. Of this, £532m is distributed using the 2013/14 adult social care relative needs formula, with £160m distributed using the formula but also equalising for the social care precept. The announcement on 24 January 2024 included an increase in the Social Care Grant of a further £500m, although its distribution has not been confirmed.
- 5.15. The **ASC Market Sustainability and Improvement Fund (MSIF)** was expected to increase by £283m in 2024/25. However, the overall increase is now less than that, due to the MSIF Workforce Fund grant being rolled in. The MSIF Workforce Fund, which was announced in July 2023, was worth £365m in 2023/24. The 2024/25 equivalent amount is only £205m, resulting in a £123m increase overall, when the grants rolled in are added to 2023/24.
- 5.16. The MSIF is intended to assist local authorities to make tangible improvements to adult social care, in particular to address discharge delays; social care waiting times; low fee rates; workforce pressures; and to promote technological innovation.
- 5.17. In 2024/25, the **ASC Discharge Grant** is worth £500m, and is intended to form part of Better Care Fund plans, aimed at reducing delayed transfers of care. The NHS is receiving the same amount to also put into Better Care Fund plans, for a total of £1bn across both sectors. The £500m grant is allocated on the basis of improved Better Care Fund shares.
- 5.18. Outside of social care grant funding, the **New Homes Bonus** grant will continue in 2024/25 as an annual grant for a single year only using the same calculations as the previous year.
- 5.19. The **Services Grant** is allocated based on SFA shares after decisions on all other grants. For 2024/25 it has reduced in value from £483m to £77m. This reduction of £406m is used to fund:
- a) an additional £80m social care grant;
 - b) an additional £64m minimum funding guarantee;
 - c) £180m growth in RSG; and
 - d) an undisclosed amount held by DLUHC as a contingency.

5.20. The list above suggests that the entirety of revenue support grant, social care grant and funding guarantee increases could have been funded by reductions to the services grant, with another £80m to get back to the 2023/24 total.

6. Grant Funding for Ealing

6.1. The Final Local Government Finance Settlement will confirm the allocation and detail of the following grants. However, the prior to the additional funding announcement on 24 January 2024, the Provisional Settlement provided a strong indication of what these will be, and these figures are included throughout the report. The MTFS prudently assumes that government grant funding will continue at the 2024/25 level (cash flat), except for the New Homes Bonus which has been described as a final year.

6.2. The distribution of the £600m additional funding announced on 24 January 2024 and Ealing's grant allocations will be confirmed at the Final Local Government Finance Settlement. The recommendations request that Cabinet delegate changes to the budget proposals in relation to any additional funding in the Final Local Government Settlement to the Strategic Director, Resources in consultation with the Leader and the Cabinet Member for Inclusive Economy.

6.3. The **Revenue Support Grant (RSG)** can be used to finance revenue expenditure on any service. It forms a part of the Standard Funding Assessment by which government allocates funding to all local authorities in relation to their size and need. For Ealing, the RSG increased in line with September 2023 CPI to £21.798m.

6.4. The **Social Care Grant** is provided to upper tier authorities for both Adult and Children's Social Care, to meet the expenditure pressures within the social care system. The amount for 2024/25 was originally announced in the 2023/24 Settlement, however the recent Settlement has increased the national pot by £692m and the latest announcement in January 2025 increased that further by £500m. The grant for Ealing in 2024/25 is £26.613m, before the recent announcement with the final grant allocation to be confirmed in the Final Local Government Settlement.

6.5. The **Improved Better Care Fund** has remained at £12.680m, the same level as the previous two years without any inflationary uplift. Councils spend the grant following agreement of local plans with Integrated Care Boards (ICB). Ealing has agreed a local plan which will continue to deliver adult social care placements and services.

6.6. The government has confirmed the **New Homes Bonus (NHB)** will continue in 2024/25 with a new round which will attract no legacy payments. Ealing will receive £5.310m and this is expected to be the final year of the NHB grant.

- 6.7. The **Adult Social Care (ASC) Market Sustainability and Improvement Fund (MSIF)** is to address discharge delays; social care waiting times; low fee rates; workforce pressures and to promote technological innovation, the Settlement has confirmed £6.202m for 2024/25, which although an increase from 2023/24 is less than expected due to the rolling in of the Workforce Fund at a reduced amount. However, the grant contributes to maintaining the increasing current cost of care.
- 6.8. The previous 2023/24 Settlement introduced the **Adult Social Care Discharge Grant**, which is pooled with the Better Care Fund to support improvements to adult social care and in particular, to address discharge delays, social care waiting times, low fee rates and workforce pressures in adult social care. As announced in the 2023/24 Settlement, this funding has been confirmed at £2.963m for 2024/25. This is forecast to provide a full year's funding for current levels.
- 6.9. The **Services Grant** was introduced in 2022/23 as a one-off grant to fund the cost of delivering services due to changes in government policies. This grant has continued into 2024/25, although with a sharp reduction for Ealing from £2.627m to £0.491m.
- 6.10. The Public Health Grant and Homelessness Prevention Grant do not form a part of the Finance Settlement and at the time of writing these grants are still to be notified.
- 6.11. Table 2 summarises the government grants to be paid to Ealing in 2024/25 to fund service expenditure within the General Fund (prior to the 24 January announcement).

Table 2 – Grant Funding 2023/24 and 2024/25

Grant Funding	2023/24 (£m)	2024/25 (£m)	Change (£m)	Change (%)
Improved Better Care Fund	12.680	12.680	0.000	0.00%
Social Care Grant	22.532	26.613	4.081	18.11%
ASC Market Sustainability and Improvement Fund	5.475	6.202	0.727	13.28%
ASC Discharge Grant	1.778	2.963	1.185	66.65%
New Homes Bonus	4.888	5.310	0.422	8.63%
Services Grant	3.118	0.491	-2.627	-84.25%
Total	50.471	54.259	3.789	6.50%

7. Business Rates

- 7.1. The Business Rates Retention System (BRRS) enables Ealing, as a billing authority, to retain 30% of the business rates it collects. The remaining 70% is divided between the Department for Levelling Up, Housing & Communities (DLUHC) receiving 33%, and the Greater London Council (GLA) receiving

37%. The forecast Business Rates to be collected is £169.823m, of which Ealing's General Fund retains £50.947m..

- 7.2. In successive Autumn Statements, the government have sought to protect businesses from increasing business rates valuations through transitional arrangements and freezing inflationary uplifts to multipliers. As a part of the Autumn Statement 2023, there will be an increase to the standard rate multiplier of 6.7% (September 2023 CPI). However, the small business rates multiplier will remain frozen. To compensate local authorities for the impact of central government policies, Section 31 grants are paid to local authorities. The Section 31 grants to be received by Ealing in 2024/25 total £26.823m.
- 7.3. The BRRS provides for adjustments to be made to local authorities where the government assesses a local authority's Business Rates Baseline to be less than its Baseline Funding level through the payment of a Top-up grant. For Ealing the Top-up Grant for 2024/25 is £26.385m.

Table 3: Retained Business Share

Retained Business Rates Share	2023/24		2024/25	
	%	£m	%	£m
Ealing's Share	30%	49.549	30%	50.947
GLA Share	37%	61.110	37%	62.835
Total Retained	67%	110.659	67%	113.782
Central Government Share	33%	54.504	33%	56.041
Total	100%	165.163	100%	169.823

Real Living Wage Business Rates Discretionary Discount

- 7.4. Since 2016, the council has operated a Real Living Wage Business Rates Discretionary Discount scheme which encourages employers to pay their employees a minimum of the Real Living Wage. This scheme gives employers who pay business rates in the borough the opportunity to apply for a rating discount equal to two times the Living Wage Foundation accreditation fee upon accreditation, or renewal. The scheme is limited to the first 100 employers to apply and has been extended each year.
- 7.5. Approval is now sought to extend the scheme for a further year from 1 April 2024 to 31 March 2025. This extended period only covers new applications for the discount and any ratepayers already receiving the discount could not apply again. All other scheme rules remain the same.

8. Council Tax

- 8.1. The council tax base is the number of properties in Bands A-H in the borough expressed as an equivalent number of Band D units. On 11 January 2024, under delegated authority, the Strategic Director, Resources has calculated the amount of 123,109.5 to be the council tax base for the year

2024/25 at a collection rate of 98% and adjusting for the Council Tax Reduction Scheme of 16,606.7 band D equivalent units.

- 8.2. The Mayor of London issued a consultation document on 19 December 2023 proposing an increase in the council tax precept of £37.26 from the 2023/24 level of £434.14 per Band D council taxpayer, rising to £471.40 in 2024/25. This is the equivalent of 8.58%. At the time of writing the Greater London Authority's (GLA) final draft budget is scheduled to be considered by the London Assembly on 22 February 2024. Should the Assembly agree a precept other than the amount set out in this report, then a revised Council Tax Resolution will be tabled at the Full Council meeting on 5 March 2024.
- 8.3. The amount of GLA precept per council tax band is set out in Table 4.

Table 4: GLA Proposed 2024/25 Council Tax by Band D

Valuation Band	A	B	C	D	E	F	G	H
GLA Precept	£314.27	£366.64	£419.02	£471.40	£576.16	£680.91	£785.67	£942.80

- 8.4. Within the Provisional Local Government Finance Settlement, the government has determined the maximum threshold for increases deemed to be excessive in the core council tax to be 2.99%, and the increase in the social care precept to be 2%. The final approval of the annual increase in Council Tax and Social Care Precept will be given by Full Council on 5 March 2024.
- 8.5. The level of council tax is a matter of judgment by members, having due regard to the professional advice of officers, and in particular to the advice of the Strategic Director, Resources on the robustness of the budget and on reserves and balances.
- 8.6. The financial value of additional income to Ealing of each 1% increase in Council Tax is approximately £1.7m. The table below shows the weekly and annual impact of each percentage rise on the Band D value of the Ealing element of the Council Tax.

Table 5: Council Tax Scenarios

Council Tax Increase (including Social Care Precept)	Ealing Band D Council Tax	Weekly Band D Increase Impact	Annual Band D Increase Impact
	(£)	(£)	(£)
0.00%	1,406.75	0.00	0.00
1.00%	1,420.82	0.27	14.07
2.00%	1,434.89	0.54	28.14
3.00%	1,448.95	0.81	42.20
4.00%	1,463.02	1.08	56.27
5.00%	1,477.09	1.35	70.34

- 8.7. The council recognises the impact of the cost of living crisis for its residents

and seeks to balance any decisions on council tax increases with the need to fund increasing social care and temporary housing demand pressures following real terms reductions in funding from central government. To maintain financial sustainability into the medium to long term, the council's Strategic Director, Resources recommends increasing council tax by 2.99% and the social care precept by 2%. Table 6 shows the indicative council tax, analysed by the Ealing and GLA components.

Table 6: Council Tax bands 2024/25

Valuation Band	A	B	C	D	E	F	G	H
Core Council Tax	£855.27	£997.81	£1,140.36	£1,282.90	£1,567.99	£1,853.08	£2,138.17	£2,565.80
Social Care Precept	£129.36	£150.92	£172.48	£194.04	£237.16	£280.28	£323.40	£388.08
Total Ealing Council Tax	£984.63	£1,148.73	£1,312.84	£1,476.94	£1,805.15	£2,133.36	£2,461.57	£2,953.88
GLA Precept	£314.27	£366.64	£419.02	£471.40	£576.16	£680.91	£785.67	£942.80
Total Council Tax	£1,298.90	£1,515.37	£1,731.86	£1,948.34	£2,381.31	£2,814.27	£3,247.24	£3,896.68

- 8.8. Applying the Band D Ealing Council tax rate of £1,476.94 to the Band D Equivalent properties of 123,109.5 produces a yield of **£181,825,345**.

Council Tax Empty Property Premium

- 8.9. From April 2013, the government introduced legislation allowing authorities to charge a premium on top of the normal council tax for dwellings that have been empty and substantially unfurnished for at least two years (excluding those exempted from paying such as those under probate or where occupation is prohibited by law). This allowed Ealing to introduce a premium of 50% to be added to the Council Tax bill. The drive behind this was to reduce the number of properties left empty for long periods of time and to bring these back into use, particularly given the challenges of housing shortages seen in many areas.
- 8.10. In 2018, the government announced the extension of the empty property premium to double the amount of the premium to be levied and allow authorities to charge 100% additional amount from 1 April 2019. This was contained in Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018.
- 8.11. This charge could be levied on all long-term empty properties that had been empty for more than 2 years. Full Council on 26 February 2019 agreed to charge a 100% premium (increased from 50%) on top of standard council tax for properties which have been empty for more than 2 years with effect from 1 April 2019.
- 8.12. Further to this change, the government introduced legislation for this

premium to be extended to allow authorities to charge a 200% premium from April 2020 for properties empty for over 5 years, and then a 300% premium from April 2021 for properties empty for over 10 years.

- 8.13. From April 2020, Full Council decided that in addition to the 100% premium being charged on properties empty for over 2 years, to charge a further 100% (300% in total) for those properties empty for more than 5 years.
- 8.14. From 1 April 2021, Full Council further extended this charge in line with legislation with a 300% premium to be charged (400% in total) for all qualifying properties empty for more than 10 years.
- 8.15. The government have recently amended the legislation and the following changes will be available to local authorities for empty properties such that the 100% premium (where owners are charged double the normal council tax) for properties empty over 2 years will now be chargeable after 1 year only. This would increase pressure on owners of these properties to ensure these homes are brought back into use as soon as possible. This change will be available for local authorities to introduce from 1 April 2024. The recommendations request that Full Council agree to the continuation of the premia previously agreed, and that this is now extended to properties that are empty for 1 year (from the previous 2 years.)
- 8.16. Additionally, under this new legislation councils will be able to charge a 100% premium on second homes (where the property is not occupied as someone's sole or main residence). This change would happen from 1 April 2025 to allow time to notify affected households to make any necessary changes before the commencement date.

Council Tax Reduction Scheme

- 8.17. Council tax reduction (CTR) caseload is divided into two main categories: pensioners and working age claimants. The pensioner category applies to those who have reached state pension retirement age. This category is protected, and council tax reduction is paid according to the regulations which are prescribed by central government. The Ealing CTR scheme for working age residents is a local scheme and the council is responsible for setting out eligibility criteria for the scheme.
- 8.18. The full scheme for Ealing is presented in Appendix 4, and in summary the scheme operates with four key features.
- 8.19. Key Feature 1 is the entitlement to CTR based on income bands and on the net income of the applicant and their partner (if they live with one). The banded scheme provides a maximum 100% reduction for applicants who fall into the protected category, and up to 80% for all other applicants.

- 8.20. Under the income banded scheme, the calculation of entitlement to CTR is much simpler than under a means-tested calculation. All state benefits including tax credits are disregarded from the calculation. Applicants receive a discount based upon the level of their net income. The income bands are uprated in line with September CPI on an annual basis. Income bands for 2024/25 have been uprated by 6.7%.
- 8.21. Following the uprating, the income bands for 2024/25 have been set as shown in the table below:

Table 7: CTR Scheme Income Bands

Band	Protected			Non-protected		
	Income Bands £	Customer's contribution to Council Tax	CTR Award	Income Bands £	Customer's contribution to Council Tax	CTR Award
1	0.00 - 146.06	0%	100%	0.00 -146.06	20%	80%
2	146.07- 170.40	25%	75%	146.07 -170.40	40%	60%
3	170.41 - 194.74	40%	60%	170.41 - 194.74	50%	50%
4	194.75 - 219.10	50%	50%	194.75 – 219.10	60%	40%
5	219.11 - 243.44	60%	40%	219.11 - 243.44	70%	30%
6	243.45 - 267.77	70%	30%	243.45 - 267.77	80%	20%
7	267.78 - 292.13	80%	20%	267.78 - 292.13	90%	10%
8	292.14 - 316.47	90%	10%	292.14+	100%	0%
9	316.48+	100%	0%			

- 8.22. The claimant's CTR entitlement changes only if the earned income of the household changes sufficiently to move them from one band to another.
- 8.23. Key Feature 2 relates to non-dependant deductions. There are only three levels of deductions for non-dependants living with CTR applicants. Non-dependants are other adults living in the property as part of the household who are not liable to pay rent or council tax. The level of deductions set for 2024/25 are as follows:
- £7.91 per week for those not in work
£14.61 per week for those in work earning below £183 per week.
£21.91 for those in work earning above £183 per week.
- 8.24. These deductions have also been uprated in line with the September 2023 CPI of 6.7%. Under the scheme, the non-dependant deductions do not apply if the claimant or partner is in receipt of care element of disability living allowance/ personal independence payment, or if a non-dependant is a full-time student.
- 8.25. Key Feature 3: one universal earning disregard of £36.51 per week (amount of money ignored from the earned income) is applied for couples and

households with children. The disregard is also subject to uprating in line with September 2023 CPI.

- 8.26. Key Feature 4: No CTR is awarded to an applicant if their entitlement is less than £2 per week, to ensure the efficient use of the council time and resources.

CTR caseload

- 8.27. The makeup of the CTR caseload over the last 24 months is included in the table below.

Table 8: CTR caseload

Scheme Group	Apr-22	Nov-22	Apr-23	Nov-23
Pensioner	7,918	7,974	7,919	7,985
Working age (protected)	9,080	9,226	9,357	9,683
Working age (non-protected)	7,404	6,744	6,461	5,979
Total	24,402	23,944	23,737	23,647

- 8.28. Pensioner caseload accounts for a third (34%) and working age for two-thirds (66%) of the caseload. Whilst the pensioner caseload remains relatively static, there has been a steady increase of CTR recipients falling into the protected category and a decrease in numbers of non-protected households.
- 8.29. The caseload rose sharply during the Covid-19 pandemic, however, the service is now observing a slow reduction in CTR cases, especially those of working age who fall into non-protected category. This may reflect higher levels of employment and/or earnings for the households.

CTR expenditure

- 8.30. The cost of the scheme falls into two areas: scheme expenditure and scheme administration. The cost of administration is linked to the costs associated with the processing of housing benefit. These costs are met by grants from DLUHC and DWP.
- 8.31. The council also uprates the income bands annually in line with the September CPI, which for 2023 was 6.7%. This may result in some customers being entitled to more CTR from April 2024, however, it is anticipated that increases in minimum and real living wage will offset the impact of higher income bands.
- 8.32. For 2023/24, the council received a one-off grant of £630,696 from DLUHC to support CTR recipients with the cost-of-living crisis. The condition of the grant was to issue a minimum of £25 to all CTR recipients who do not receive a 100% reduction. The council had flexibility and discretion to decide how to distribute the remaining funding and awarded a one-off payment of up to £40 per household for those not entitled to a 100% reduction under the

CTR scheme. The total cost of making payments of up to £40 as a one-off award so far has been £385,437.90 with £245,258.10 increasing the discretionary council tax discount budget. The government have not indicated that there will be any continuation of additional CTR funding in 2024/25.

- 8.33. The expenditure in the table below includes the total value of the awards made to CTR recipients including the additional council tax support.

Table 9: Estimated CTR expenditure

Scheme Group	Estimated expenditure 2023/24 £m	Estimated expenditure 2024/25 £m
Pensioner Scheme	11.67	11.47
Working Age scheme	19.12	18.93
Additional Council Tax Support	(0.39)	0.00
Total	30.40	30.40

- 8.34. The expenditure does not take into account any potential council tax increases for 2024/25. A 1% increase in council tax will increase CTR expenditure by around £300k.
- 8.35. The actual CTR expenditure depends on the caseload during any financial year and any increase or decrease in CTR caseload will impact the CTR expenditure accordingly.
- 8.36. The actual level of awards made under CTR cannot be accurately determined as the scheme includes elements which are subject to external forces, including, for example, the number of successful claims. A further downturn in the economy and cost of living crisis would lead to an increase in claims and therefore an increase in the level of financial support.
- 8.37. In addition to CTR, the council provides a discretionary council tax discount, which is available to those in most need and unable to meet their council tax liability. The council's budget for the discretionary fund is £235,000.

9. Collection Fund

- 9.1. As a billing authority, Ealing Council collects council tax and non-domestic rates for itself and its preceptors. For council tax the Greater London Authority (GLA) is a preceptor, and for business rates the council collects these from all eligible businesses in the borough and distributes them to itself, the GLA and central government. The central government element of business rates is nationalised and redistributed to local government through the Standard Funding Assessment and other grants within the Local Government Settlement.
- 9.2. Statutory regulations require councils to account for annual council tax and business rates income in a manner different to normal accounting

arrangements as would apply if using International Financial Reporting Standards (IFRS). This means any difference between the budgeted net council tax and business rates income and the actual is held on the council's balance sheet to be distributed in subsequent years.

- 9.3. Councils are required to calculate an estimated position of the Collection Fund in January each year which is used by the precepting authorities in setting its budget for the forthcoming year.
- 9.4. In calculating the estimated year-end balances the following two elements are included. These are:
- a) The 2023/24 budget used an estimate of the Collection Fund surplus or deficit at 31 March 2023. This is then adjusted for the actual surplus or deficit when the financial year is closed.
 - b) An estimate of the 2023/24 in-year surplus or deficit on council tax and business rates collection.
- 9.5. Table 10 below provides the estimated balance on the Collection Fund at 31 March 2024 and the Ealing Council element. The total is a surplus of £8.272m, of which Ealing's share is £3.443m. This surplus is paid to the General Fund and is available to fund the 2024/25 budget, although on a one-off basis only.

Table 10: Net Estimated Collection Fund Position at 31 March 2024

General Fund Impact for Ealing	2023/24 Collection Fund			2023/24 LB Ealing Proportion Only		
	Council Tax (£m)	Business Rates (£m)	2023/24 Total (£m)	Council Tax (£m)	Business Rates (£m)	2023/24 Total (£m)
2022/23 Outturn Adjustment	0.810	(2.909)	(2.099)	0.619	(0.872)	(0.253)
2023/24 Estimated in-year Surplus (-) / Deficit (+)	(2.881)	(3.292)	(6.173)	(2.202)	(0.988)	(3.190)
2023/24 Estimated Surplus (-) / Deficit (+) Balance	(2.071)	(6.201)	(8.272)	(1.583)	(1.860)	(3.443)

10. Fees and Charges

- 10.1. The council charges for a range of services. Approval of fees and charges is dependent on relevant legislation so decisions may be made by Cabinet, Cabinet members, General Purposes Committee or by Officer Decision under delegated authority.
- 10.2. Any significant changes must consider, from an equalities perspective, the impact on paying customers of not only the proposed change in question but also of changes to other council fees and charges for which that individual may be liable. Policy should also balance the impact on those residents who use services where fees and charges are applied with the impact of the council taxpayer more generally, who will otherwise pick up the costs and

increases to the costs of those services.

- 10.3. The council’s approach to setting fees and charges for 2024/25 has been to increase any discretionary charges by inflation, where possible, to meet increased costs of providing those services or otherwise to recover the full costs of providing services. Where fees are set to provide commercial services, these will be reviewed and set in line with the market. Statutory fees and charges are set in line with those fees set by government. As part of the MTFS and budget process, reviews are planned during 2025/26 as part of the council’s continuous assessment of recovery of full costs.
- 10.4. The proposed fees and charges schedule for 2024/25 is attached as Appendix 3, with a summary of income from fees and charges by each directorate shown in table 11 below.

Table 11 – Fees and Charges by directorate

Directorate	2023/24 Budget	Increase	2024/25 Budget
	£m	£m	£m
Adults' Services & Public Health	0.638	0.000	0.638
Children's Services	2.392	0.042	2.434
Economy & Sustainability	16.047	0.107	16.154
Housing & Environment	30.646	0.221	30.867
Resources	2.847	0.037	2.884
Strategy & Change	1.507	0.008	1.515
Total	54.077	0.414	54.491

11. Revenue Budget 2024/25 to 2027/28

- 11.1. The principles of developing the MTFS are set out in paragraph 3.4.

Inflation

- 11.2. Inflation has been based on a range of economic forecasts for the levels of CPI and RPI where contracts include a provision for contractual increases. After a significant period of stubbornly high inflation, inflation has started to come down and is predicted to reduce further heading into 2024/25 and over the medium- term. However, the council’s contracts often specify an index at a certain month in the previous financial year, therefore contractual inflation estimates for 2024/25 remain high.
- 11.3. Where inflation is not specifically indexed within contracts (and therefore a contractual obligation) and given the challenging financial context, affordability will be the core principle underpinning uplifts in 2024/25. Consequently, where inflation is not specified in the contract, no budgetary provision is being made. This may result in a 0% uplift in some sectors. Commissioners are expected to work with providers to deliver contracted services within the available envelope using best-value commissioning, price benchmarking, and market management approaches while also meeting

statutory duties. Notwithstanding this, the council will continue with its commitment to deliver Real Living Wage as a contractual requirement in the domiciliary care sector and other contracts.

- 11.4. Pay inflation has also been estimated based upon forecast inflation. Table 12 below summarises the inflation for each year of the MTFS.
- 11.5. Where expenditure is funded from other funding sources (for example grants, third party contributions), it is expected that any increases in funding are used first to meet increased inflationary costs.

Table 12 – Contract & Pay Inflation by year.

Inflation	2024/25	2025/26	2026/27	2027/28
	£m	£m	£m	£m
Contract Inflation	4.723	2.099	1.449	1.301
Pay Inflation	6.235	4.863	5.009	5.159
Total	10.958	6.963	6.458	6.460

Service pressures

- 11.6. Across the country, local authorities continue to face significant demand and market-driven pressures in delivering their services, especially in the areas of adults' and children's social care. In 2023/24, there has also been a significant increase in the demand for temporary accommodation and homelessness, and significantly increased costs due to the lack of supply of suitable temporary accommodation. Ealing is no different from other authorities in this respect. The cost pressures from the increased cost of demand-led services more than outweigh the inflationary increase in funding.
- 11.7. Appendix 2 provides a full schedule of pressures expected to be faced by the council's services in 2024/25 based on the experience of 2023/24. Forecasting pressures for future years is less accurate as many factors may change. However, based upon experience, pressures have been estimated for the remainder of the MTFS period. These are summarised in Table 13.

Table 13 – Budget pressures

Directorate Growth Pressures	2024/25	2025/26	2026/27	2027/28	Total
	£000	£000	£000	£000	£000
Adults Service & Public Health	11,551	(945)	0	0	10,606
Children's Service	20,619	4,081	3,608	3,667	31,975
Economy & Sustainability	150	0	0	0	150
Housing & Environment	5,091	0	0	0	5,091
Resources	385	0	0	0	385
Strategy & Change	0	0	0	0	0
Corporate	1,000	15,000	15,000	15,000	46,000
Total	38,796	18,136	18,608	18,667	94,207

Levies

- 11.8. Levies paid to other public bodies make up 8.2% of the council's net budget. Table 14 below sets out the details of the levies which, although outside of the council's direct control, need to be considered when setting the budget

and council tax. Final figures are still awaited and any adverse changes will be met by a balancing adjustment on council-wide budgets held centrally.

- 11.9. The main change in levies is due to concessionary fares which increases by £3.2m. A reduction in the number of passenger journeys during the pandemic reduced the cost to the council of providing concessionary fares which were based on average passenger numbers. As passenger numbers return to pre-pandemic levels, the levy for concessionary fares will gradually increase.

Table 14: Provisional Levies Budget

Authority	2023/24 Budget	2024/25 Indicative Budget	Movement	
	£m	£m	£m	%
Concessionary Fares	10.220	13.436	3.216	31.47%
West London Waste Authority	13.734	14.149	0.415	3.00%
London Pension Fund Authority	0.411	0.423	0.012	3.00%
Coroners Service	0.441	0.455	0.013	3.00%
Lee Valley Regional Park Authority	0.306	0.315	0.009	3.00%
National Rivers Authority	0.288	0.297	0.009	3.00%
Total	25.401	29.075	3.674	14.47%

Capital Financing Costs

- 11.10. The council's capital financing costs are determined by borrowing decisions to fund capital expenditure in the past and future, and the investment of cash balances. The latter is determined by the council's Treasury Management Strategy, which is described more fully in Section 16 and set out in Appendix 9.
- 11.11. The council partly funds its capital programme through borrowing, for which it is charged interest. Delays in the capital programme have led to lower interest payments forecast in 2023/24 and 2024/25. As the capital programme progresses, interest on borrowing to fund this will increase in the remaining years of the MTFs. In addition to external interest payable on borrowing (or the opportunity cost of interest receivable where external borrowing is not taken and cash balances are used), local authorities are required by statute to set aside funds each year to repay borrowing. This is known as the minimum revenue provision (MRP).
- 11.12. Councils may use their revenue budget to fund capital expenditure directly and without the need to borrow (although they cannot use capital funds to support the revenue position). This is referred to as Direct Revenue Financing. Other sources of capital financing include government grants and third-party contributions (such as developer contributions) and capital receipts.

- 11.13. The council earns interest on its cash balances. For 2024/25, with interest rates at the highest levels for over a decade and with capital expenditure being lower with higher than expected cash balances, and the council is forecasting a significant increase in income from interest on its balances. However, with interest rates expected to gradually fall over the next five years, and cash balances being utilised to fund the capital programme, this level of interest will sharply decrease and therefore cannot be relied on as a continued source of funding in the medium-term and will be revisited as part of the next annual budget setting process.

Table 15: Capital Financing Costs and Treasury management

	2023/24 Budget	2024/25	2025/26	2026/27	2027/28
	£m	£m	£m	£m	£m
General Fund Net Interest Payable	23.847	23.020	25.287	27.700	30.010
Minimum Revenue Provision	21.526	21.872	22.939	23.283	23.994
Banking Charges & Commission	0.025	0.065	0.070	0.075	0.080
Direct Revenue Financing	5.237	5.000	0.000	0.000	0.000
Interest on Balances	(12.214)	(16.181)	(12.517)	(9.347)	(6.672)
Total	38.421	33.776	35.779	41.710	47.411

Contingency

- 11.14. As part of developing the budget proposals it would be prudent to allow for a contingency within the base revenue budget. This approach is designed to enable the risks associated with the uncertainty, unexpected events and process to be effectively managed.
- 11.15. Officers deem it prudent to continue to sustain an annual central contingency base budget of £2.000m, given the service pressures experienced in the current year and those identified for the coming year as set out in this report above, particularly given economic volatility, volatility of energy prices and significant demand pressures.. In addition, the increased funding from the New Homes Bonus, which will end after this year is also included on a one-off basis and this creates a contingency budget of £2.422m in 2024/25.
- 11.16. The contingency budget is included within Centrally Held Corporate Budgets.

Contributions to Reserves

- 11.17. The financial climate faced by local authorities is increasingly challenging, as seen by the number of councils either issuing Section 114 Notices, or warning that one may have to be issued in the next year. With predicted increases in demand and costs and given the significant uncertainty over the future local government funding regime, local authorities need to consider their financial resilience and ability to respond to external factors and events.
- 11.18. To maintain financial sustainability, it is best practice for councils to hold

sufficient reserves and balances to be able to mitigate any financial shocks – either from an unexpected loss of funding or an increase in expenditure pressures. Therefore, in line with the previously agreed strategy, the base budget continues to include an annual contribution of £3.500m to build financial reserves. This provides protection against the financial uncertainty of local government funding, substantial losses in core income and in-year pressures and to ensure funds are available to invest in future transformation to respond to these pressures.

- 11.19. The council’s level of reserves, although strengthened in recent years, compared to similar London Boroughs remains relatively low and is one of the factors that external auditors and Oflog will consider in assessing financial resilience.

Savings

- 11.20. As described above, the cost and demand pressures the council faces far outweigh the increase in funding from government grants and council tax. To balance the budget, the council must therefore look for reductions in expenditure or increased income. This can be achieved through changing how services are provided to create efficiencies and improved productivity and reduced costs, through strong operational management, including management of demand, changes to the thresholds or levels of service provided and maximising income.
- 11.21. Following over 10 years of real-terms funding reductions, the identification and delivery of significant savings plans is increasingly difficult without impacting on front-line services to residents. Implementing the council’s vision to put power in the hands of residents, enabling community connection and networks and grassroots-led change by developing new operating models will enable medium to long-term transformation and change required to achieve financial sustainability in the context of real-term funding reductions and increase in demand.
- 11.22. All departments have reviewed the provision of services in line with the council’s values and priorities. From this a series of cash savings can be made that balance the budget for 2024/25. In addition, the council is looking to transform how it delivers services that will reflect its commitment to moving to community provision of services where possible, and a number of the budget proposals include the council’s first steps in moving towards a new vision and model of local government which will be developed over the medium-term to put the council on a stable and resilient financial footing in light of further expected real terms funding reductions.
- 11.23. All savings will have an element of risk on whether they will be achievable, either in part or in full. Appendix 2 shows a full breakdown of the proposed savings, along with their risk rating. Table 16 below summarises these

savings by directorate.

Table 16 – Savings by Directorate

Directorate Savings Proposals	2024/25	2025/26	2026/27	2027/28	Total
	£000	£000	£000	£000	£000
Adults Service & Public Health	(6,525)	(1,525)	(45)	0	(8,095)
Children's Service	(8,418)	(8,209)	(4,550)	(1,247)	(22,424)
Economy & Sustainability	751	0	0	0	751
Housing & Environment	(701)	(954)	(261)	0	(1,916)
Resources	(381)	(100)	(38)	0	(519)
Strategy & Change	(250)	0	0	0	(250)
Corporate	(395)	0	0	0	(395)
Total	(15,918)	(10,788)	(4,894)	(1,247)	(32,847)

Summary of Revenue Budget

11.24. Directorate and service budgets have been set for 2024/25 and for the following three years (reviewed annually) considering inflation service pressures and planned savings. Table 17 below summarises the budgets at directorate level and how this is proposed to be funded. Appendix 1 provides budgets at service level.

Table 17 – Net budget by directorate 2024/25 to 2027/28

Directorate Revenue Summary	2024/25	2025/26	2026/27	2027/28
	£'000	£'000	£'000	£'000
Adults and Public Health	108,923	109,990	110,981	112,010
Children's Services	92,771	94,750	96,676	98,618
Economy & Sustainability	8,123	8,575	9,040	9,518
Housing & Environment	22,028	26,053	27,076	28,331
Resources	42,142	43,584	45,015	46,486
Strategy & Change	10,395	10,667	10,947	11,235
Net Service Department Budget	284,382	293,619	299,735	306,198
Total Centrally Held Budgets	23,354	40,615	62,423	85,544
Contribution to (+) / from (-) reserves	3,500	3,500	3,500	3,500
Net Budget Requirement	311,236	337,734	365,658	395,242
Revenue Support Grant	(21,798)	(21,798)	(21,798)	(21,798)
Retained Business Rates	(104,171)	(104,171)	(104,171)	(104,171)
Council Tax Income	(181,826)	(183,644)	(185,481)	(187,335)
Collection Fund	(3,441)	0	0	0
Total Funding	(311,236)	(309,613)	(311,450)	(313,305)
Budget Total	0	28,120	54,208	81,937

11.25. The budget for 2024/25 is balanced. The budget gap for 2025/26 is forecast based upon estimated pressures and does not include changes to funding or the impact of future transformation and savings. This will be revisited during

2024/25 and updated with the latest assumptions for inclusion in the 2025/26 budget and MTFS. Proposals to close this gap will need to be identified during 2024/25 as part of the 2025/26 budget setting process.

12. Parking Account

- 12.1. The budget also includes contributions from the Parking Account. All charges against the Parking Account are bound by the rules set out in section 95 of the Traffic Management Act 2004 which limits the areas on which a surplus can be spent to include:
- Off street car parks
 - Highway maintenance and improvements
 - Controlled parking zones
 - Meeting the cost of public passenger transport services
 - Environmental improvements.
- 12.2. The parking contribution to concessionary fares for 2024/25 is £13.436m. A breakdown of the parking account for 2024/25 is provided at Appendix 5.

13. Schools Budget and Dedicated Schools Grant (DSG)

- 13.1. As an education authority the council receives the DSG and other schools related grants, including:
- Dedicated Schools Grant (DSG)
 - Pupil Premium Grant (PPG)
 - Universal Infant Schools Meals (UIFSMd)
 - Teachers Pay additional Grant (TPAG)

Dedicated Schools Grant (DSG) allocation

- 13.2. The DSG is a specific ring-fenced grant to support the schools' budgets, which is distributed through the National Funding Formula (NFF) based on the individual needs and characteristics of every school in the country. The DSG is currently split into the following four blocks:
- (i) Schools Block (SB)
 - (ii) Early Years Block (EYB)
 - (iii) High Needs Block (HNB)
 - (iv) Central School Services Block (CSSB)
- 13.3. In December 2023, the government published the council's 2024/25 DSG allocation. The table below sets out the 2024/25 DSG indicative budget which has been consulted and agreed by the Schools Forum at the November 2023 meeting.
- 13.4. With the agreement of the Schools Forum, the council has retained elements of central funding and moved 0.5% from the SB to HNB in 2024/25 (a continuation of funding agreements made in previous years).

Table 18: DSG Allocation

DSG Blocks	2023/24 Revised	2024/25	Variance	Status
	£m	£m	£m	
Schools Block	291.294	308.684	17.391	Confirmed
Academy Recoupment	(84.955)	(91.544)	(6.591)	Provisional
ESFA payments of business rates deduction	(4.007)	(4.695)	(0.687)	Confirmed
Subtotal: Schools Block	202.332	212.445	10.113	
High Needs Block	77.371	79.250	1.879	Provisional
Central Schools Service Block	2.498	2.475	(0.023)	Confirmed
Early Years Block	28.681	41.243	12.562	Provisional
Total Allocation	310.882	335.412	24.530	

- 13.5. Below is a summary of the school funding with further detail included in the School Funding 2024/25 report considered at the 18 January 2024 Schools Forum meeting.

Schools Block (SB)

- 13.6. In respect of the Schools Block, the Schools Forum agreed:
- 2024/25 Minimum Funding Guarantee (MFG) has been set at 0.0%
 - Continuation of funding transfer of £1.543m (0.5%) of SB to the HNB
 - Growth fund rules and uplifts to rates to reflect the increased age weighted pupil funding rates that will be used in the 2024/25 funding formula.
- 13.7. The Schools Forum have been consulted upon the proposed Local Formula and the adjustments required to the NFF factor rates for affordability. These are set out in Appendix 2 of the 18 January 2024 Schools Forum report. This requires approval of this Cabinet.

Early Years Block (EYB)

- 13.8. Early years funding to local authorities is distributed through a National Early Years Funding Formula (EYFF) comprising:
- 3 & 4-year-old entitlement 15 hours
 - 3 & 4-year-old entitlement additional 15 hours
 - Maintained nursery school supplement lump sum.
 - Disadvantaged two-year olds.
 - Early Years Pupil Premium
- 13.9. In addition, in March 2023 the Chancellor announced the expansion of the free early education entitlements offer to further support working parents to return to work. A phased roll-out is to take place:
- From April 2024, all working parents of 2-year-olds that meet the eligibility criteria can apply to access 15 hours free childcare per week.

- From September 2024, all working parents of children aged 9 months that meet the eligibility criteria can apply to access 15 hours free childcare per week.
- From September 2025 all working parents of children aged 9 months up to school statutory age, that meet the eligibility criteria, will be able to access 30 hours free childcare per week.

13.10. This extension has significantly increased the funding through the Early Years Block.

13.11. The proposed funding arrangements for 2024/25 have changed following the expansion of provision to children below the age of 3 years. The requirements are set out below:

- Authorities are required to allocate 95% of funding to providers (since 2018/19 and extended to the new entitlements that are due to be introduced in the new financial year)
- Authorities must set up Inclusion Funds, to support children with additional needs.
- The formula requires a single base rate for all providers regardless of sector.
- The formula may have a fixed number of supplements in addition to the required deprivation factor, although there is a cap on supplements of 10% of the total allocated to providers.
- Maintained nursery schools are protected under the national proposals with supplementary funding for maintained nursery schools allocated outside of the main early years formula allocation.
- Authorities to have a disadvantaged 2 year old rate that is at least equal to the rate for 2 year old children of working parents (only one entitlement can be accessed at any given time)
- All-children's part of all early years entitlements have access to Special Educational Needs Inclusion Funds (SENIFs) for children with emerging Special Educational Needs (SEN)
- Authorities to determine use of supplement funding for new entitlements.
- Extending eligibility for Early Years Pupil Premium (EYPP) and Disability Access Funding (DAF) in 2024 to 2025 to eligible children aged 2 years old and increases to the value of both funding streams.

13.12. Table 19, below, outlines the proposed allocation of Ealing's Early Years Block 2024/25. The final grant value will be determined based on pupil numbers at the January 2024 and 2025 censuses. Therefore, budgets and funding formula rates may be adjusted accordingly to comply with the 95% pass through and to manage the affordability of the formula.

Table 19: Provisional Early Years Block in 2024/25

Provisional Early Years Block in 2024/25	£m
Central spend 5% allowance	1.98
Early Years Inclusion Fund	2.46
All Entitlements (3-4yr, 2yr, U2yr)	34.19
Contingency	1.10
Early Years Pupil Premium/Disability Access Funding/Maintained Nursery School Supplement	1.51
Total	41.24

- 13.13. The council recognises the current difficult climate that many of our early years providers have faced. We recognise the importance of continuing to offer stable funding rates and continue with high levels of inclusion support at a time that has been most testing, ensuring a fair and equitable offer, which meets the needs of Ealing children. The following funding rates for 2024/25 are proposed:

Table 20: Proposed funding formula for 2024/25

	3-4 Year old (Universal & Extended) Offer	Working Parent 2 Year old Offer	Disadvantage 2 Year old Offer	Working Parent Under 2 Year old Offer
Proposed Base Rate 24/25	5.27	8.24	8.24	11.92
Current Base Rate 23/24	4.73	New	6.92	New
Supplements Proposal 24/25				
Deprivation	0.29	0	0.91	0
Quality	0.29	0	0	0

High Needs Block (HNB)

- 13.14. The HNB is a single block for local authorities' high needs pupils/ students aged 0-24. This block includes hospital education. This is allocated to local authorities on a national formula which is not driven by pupil numbers.
- 13.15. The council is currently faced with a projected pressure which is being mitigated through one-off management actions including the continued 0.5% transfer from the SB in 2024/25. The DfE has consulted widely on requiring overspends on the HNB to be treated as a deficit on the DSG. Where this amounts to more than 1% of the DSG, councils will need to prepare a deficit recovery plan. Officers are undertaking further work in this area and will report to the next Schools Forum meeting in April 2024.

Central School Services Block

- 13.16. From 2018/19 all centrally retained budgets for primary and high schools were included in a separate block and now include the former Education Services Grant for retained services in respect of all schools and academies in the borough.

Other Funding

13.17. Below is a list of other grants the schools and the council receive in addition to the DSG, which include:

a) Pupil Premium Grant (PPG) provides funding for 2 policies:

- raising the attainment of disadvantaged pupils of all abilities to reach their potential.
- supporting children and young people with parents in the regular armed forces

It is allocated for all pupils who have been eligible or are eligible for free school meals during the last six years, looked after children and service pupils. Pupil Premium rates have increased by 1.6% this year.

b) Universal Infant School Meals (UIFSM)

Schools will also receive funding for UIFSM for eligible children in year reception, year 1 and year 2 on the schools roll on October 2024 and January 2025 census days.

c) Mainstream School Additional Grant

In 2022/23 and 2023/24 mainstream schools also received additional grant allocations following the government's Autumn Statement: the School Supplementary Grant in 2022/23 and the Mainstream Schools Additional Grant in 2023/24. These grants have been rolled into the main school's formula funding for 2024/25 and there was no further funding announced for schools in the 2023 Autumn Statement.

d) Teacher Pay Additional Grant and Teacher Pension Grant

Schools will receive additional grant allocations in 2024/25 to support with funding the 2023/24 teacher pay award and the increase to employer contribution rates to the teacher pension scheme from April 2024.

DSG Account

13.18. From 1 April 2021, local authorities have been required to hold DSG balances (under and overspends) in a ring-fenced DSG account.

13.19. At the end of 2022/23 the council held a net surplus balance of (£1.345m) on its DSG account which includes a HNB deficit of £0.570m. At the end of Quarter 3 of 2023/24, the council is forecasting a net deficit of £1.952m for the year as detailed in the Quarterly Budget monitoring report being presented at the February 2024 Cabinet meeting.

13.20. The council along with many other authorities continues to experience pressures on the HNB flowing from the increase in children with Education, Health and Care Plans (EHCPs) and due to the level of need within that cohort. The DSG High Needs Deficit Recovery Plan continues to be refined,

and the council is continuing to work with London Councils in participating in surveys on the increased demand being experienced in order to lobby for additional funding.

- 13.21. The council continues to manage and recover the High Needs Deficit in a prudent way, despite the ESFA providing local authorities with much higher deficits with additional funds to write off their deficits.

14. Housing Revenue Account (HRA)

- 14.1. The Housing Revenue Account (HRA) 2024/25 Budget and 30 Year Business Plan are to be approved by Cabinet on 7 February 2024.

- 14.2. The table below summarises the 2024/25 Proposed HRA revenue budget.

Table 21: 2024/25 HRA Revenue Budget

HRA Revenue Budget	2023/24 £m	2024/25 £m
Total Income	(78.085)	(87.153)
Total Expenditure	79.942	88.481
HRA Net (Surplus)/Deficit Before Contribution to Balances	1.857	1.328
Contribution to/(from) HRA Balances	(1.857)	(1.328)
HRA Net (Surplus)/Deficit	0.000	0.000

- 14.3. The HRA 5-year Capital Programme is included in section 15 below.

15. Capital Budget

Capital Strategy

- 15.1. The Local Government Act 2003 and supporting regulations require the council to have regard to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code to ensure that the council's capital investment plans are affordable, prudent and sustainable.
- 15.2. The Prudential Code requires that the council produce an annual Capital Strategy which provides a long-term context in which capital decisions are made and the approach for governance for those decisions.
- 15.3. The council's Capital Strategy is the framework for the allocation and management of capital resources within the council, which take account of the council's key priorities in the Council Plan. It forms a key part of the council's integrated revenue, capital, and balance sheet planning with a view towards deliverability, affordability, and risk.
- 15.4. Both the Treasury Management Strategy and Capital Strategy are required to comply with the Prudential Code. Whilst the Capital Strategy sets out the framework in which investments should be taken, the Treasury Management Strategy sets the council's financing requirements.

- 15.5. The council's existing strategy has been reviewed to ensure compliance with the latest Prudential Code. Appendix 8 sets out the 2024/25 Capital Strategy which is recommended for approval by Full Council.

Capital Programme – expenditure.

- 15.6. The current approved capital programme budget for 2023/24 to 2028/29 is £1,330.477m.

Additions to the Capital Programme

- 15.7. As part of the 2024/25 budget process new General Fund capital proposals have been identified, taking into consideration the council's priorities. These additions are valued at £151.601m of which £150.100m will be funded from borrowing. The revenue costs of borrowing have been built into MTFS budget forecasts. The proposals have been assessed against the legislative requirements set out in the Treasury Management and Capital Strategy to ensure that the council can afford to support the ongoing revenue costs.
- 15.8. The additions to the General Fund programme are detailed in Appendix 6, as are the capital schemes to be decommissioned, totalling £1.962m and the requested budget re-profiling.
- 15.9. Appendix 7 reflects the updated capital programme, including the revised HRA capital investments that are being considered by Cabinet in a report elsewhere on this agenda (*'Housing Revenue Account (HRA) Business Plan 2024-25'*).
- 15.10. As part of the 2024/25 budget process there is a recognition that in principle agreement for some of the additions requires the service leads to undertake a detailed business case and option appraisal. To ensure that the capital investment is spent in line with the capital spending legislative framework (as set out in the Capital Strategy), Cabinet and Full Council are asked to approve the incorporation of the additions into the capital programme and provide delegation to the Strategic Director, Resources to release budget (thereby giving authority to spend) upon approval of a detailed business case and option appraisal.

Updated Capital Programme

- 15.11. The Capital Programme is summarised in the table below with details in Appendices 6 and 7. The updated programme reflects:
- HRA 5-year capital programme that is requesting Cabinet approval in a report elsewhere on this agenda (*'Housing Revenue Account (HRA) Business Plan 2024-25'*)
 - Changes in spending profiles between years
 - General Fund additions and schemes to be decommissioned set out in Appendix 6, that are being recommended for approval.
- 15.12. Cabinet and Full Council are asked to approve the Capital Programme

commencing from 1 April 2024 and note that the council's Financial Regulations specify that inclusion of a scheme in the Capital Programme does not indicate automatic approval to proceed, and schemes are still subject to submission of a detailed report to Cabinet seeking formal approval and the release of funding.

Table 22: Capital Programme 2023/24 to 2028/29

Capital Programme Summary	2023/24 £m	Capital Programme 2024/25 - 2028/29 £m					Total £m
		2024/25	2025/26	2026/27	2027/28	2028/29	
Adults Services & Public Health	0.231	0.930	0.020	0.000	0.000	0.000	1.181
Children's & Schools	16.855	80.087	0.000	0.000	0.000	0.000	96.942
Economy & Sustainability	44.232	59.271	8.686	5.994	0.000	0.000	118.183
Housing & Environment	32.052	27.519	7.498	0.170	0.000	0.000	67.239
Resources	14.554	253.453	30.776	28.961	29.667	93.582	450.993
Strategy & Change	0.000	0.550	0.000	0.000	0.000	0.000	0.550
Corporate	0.230	3.257	0.000	0.000	0.000	0.000	3.487
Total General Fund	108.155	425.067	46.980	35.125	29.667	93.582	738.576
HRA	122.924	137.100	139.234	79.891	62.168	50.585	591.901
Approved Capital Programme¹	231.079	562.166	186.214	115.016	91.835	144.167	1,330.477
Additions	0.000	72.255	75.140	0.563	0.643	0.000	151.601
Decommissioning	(0.212)	(1.750)	0.000	0.000	0.000	0.000	(1.962)
Re-profiling	(4.000)	(217.989)	3.568	(4.571)	(14.667)	237.659	0.000
Revised Capital Programme Total	226.867	417.683	264.922	111.008	77.811	381.826	1,480.117
Mainstream Funding	67.470	242.765	239.902	63.651	61.658	366.426	1,041.872
Capital Receipts	21.654	40.342	4.944	26.707	0.299	0.000	93.946
Grants	107.651	89.668	3.533	4.430	0.000	0.000	205.281
S106	5.714	6.699	0.000	0.000	0.000	0.000	12.414
Partnership Contributions	4.308	21.182	0.500	0.500	0.500	0.500	27.490
Revenue Reserves	4.616	1.298	1.040	0.733	0.643	0.000	8.330
Revenue Contribution	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Major Repairs Reserve	15.454	15.728	15.003	14.987	14.711	14.899	90.783
HRA Contribution	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Total Programme Funding	226.867	417.683	264.922	111.008	77.811	381.826	1,480.117

16. Treasury Management

- 16.1. The Local Government Act 2003 and supporting regulations require the council to have regard to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code and Treasury Management Code of Practice. The CIPFA Codes require the council to set prudential and treasury indicators for a minimum of three years to demonstrate that the council's capital investment plans are affordable, prudent and sustainable.

- 16.2. In pursuit of the above the council must produce as a minimum three key treasury reports (the requirement within the CIPFA Prudential Code to produce a Capital Strategy is completed under a separate report at LB Ealing):
- Treasury Strategy, prudential and treasury indicators, a requirement fulfilled by the production of this report (Appendix 9). The report covers:
 - Capital plans including prudential indicators.
 - Minimum revenue provision (MRP) policy
 - The treasury management and investment strategy
 - A mid-year report which updates members on treasury progress, the capital position, the prudential indicators and whether any strategies or policies require revision.
 - An annual treasury outturn report
- 16.3. The council's existing Treasury Management Strategy has been reviewed to ensure compliance with the latest Prudential and Treasury Management Code of Practice. Appendix 9 sets out the Treasury Management Strategy and Prudential Indicators for 2024/25 which are recommended for approval.

Changes to the Treasury Management Code

- 16.4. CIPFA published an updated Treasury Management Code of Practice and Prudential Code in December 2021 requiring implementation from 2023/24. The main changes from the Treasury Management Code were as follows:
- Updates to the council's Treasury Management Practices (TMPs) reflecting the changes from the Treasury Management Code of Practice (e.g., incorporating ESG in to TMP1 and development of a knowledge and skills framework TMP10)
 - Development of Investment Management Practices (IMPs) and other recommendations relating to non-treasury investments, produced on the same basis as the council's Treasury Management Practices (TMPs)
 - Introduction of the Liability Benchmark as a treasury management indicator for local government bodies
 - Incorporation of Environmental, Social and Governance risks
 - The purpose and objective of each category of investments should be described within the Treasury Management Strategy, with CIPFA providing a definition of investment which differentiates between treasury, service and commercial investments to be applied across both Codes.
- 16.5. These changes were already reflected within the council's strategy in 2023/24, which introduced the Liability Benchmark. The Liability Benchmark compares the maturity profile of the current external borrowing portfolio with three different metrics, with the benchmark illustrating the level of external

borrowing required on a net book basis, assuming sufficient liquidity is retained for treasury management purposes. Where actual external borrowing is less than the benchmark, this indicates a future external borrowing requirement to ensure the liquidity allowance is maintained. Where external borrowing exceeds the benchmark, this represents a relative overborrowed position, which will result in excess cash over and above the level of the liquidity allowance incorporated into the council's workings requiring investment.

17. Statutory Declarations on Robustness of Budget Estimates and Adequacy of Reserves

- 17.1. Section 25 of Local Government Act 2003 requires that the Chief Financial Officer (Section 151) in Ealing's case, the Strategic Director, Resources report to the authority on two areas:
- The adequacy of the proposed reserve
 - The robustness of the estimates.
- 17.2. It also states that the authority must have regard to this report when council tax is set.
- 17.3. The Strategic Director Resources therefore advises that, in relation to the financial year 2024/25, the proposed budget is robust and the level of reserves and balances in the draft budget is adequate.
- 17.4. The 2024/25 budget setting process is designed to produce robust medium-term revenue budget estimates which have been subject to considerable examination by the council's members and officers. As a result:
- The budget and service planning cycles are in line, so that resources are aligned with service objectives through the budget setting process.
 - The revenue impact of decisions concerning capital spending is considered and incorporated in the budget proposals.
 - Risks are fully considered and appropriately budgeted for
 - The budget includes a proposed contribution to general reserves to build financial reliance recognising the comparatively low level of reserve balances and considering the current financial outlook and funding uncertainty.
 - The Ealing Business Partnership receives and comments upon the budget report before the council meets to set the budget
 - The Cabinet receives and comments upon the budget report before Full Council meets to set the budget.
 - The council's scrutiny function has had the opportunity to consider and comment upon the budget proposals.

Adequacy of Reserves and Balances

- 17.5. Under the 2003 Local Government Act, the Section 151 Officer, the council's statutory finance officer - the Strategic Director, Resources, must be satisfied that the level of the General Fund balance is adequate. This un-earmarked reserve sum held centrally for unavoidable cost increases above expected inflation levels, other unforeseen items and spending pressures, acts as a financial safety net.
- 17.6. There is no statutory definition of a minimum level of reserves, and it is for this reason that the matter falls to the judgement of the Section 151 Officer. In coming to a judgement on this matter the Section 151 Officer has considered matters:
- Risks inherent in the budget strategy.
 - Risk management policies and strategies
 - Past financial performance against budget
 - Current budget projections
 - The robustness of estimates contained within the budget.
 - The adequacy of financial controls and budget monitoring procedures
 - Spending pressures
 - Increases in Social Care Precept and council tax.
 - Impact of cost of living, energy prices and inflation and other market pressures
 - Impact of the economic downturn on council tax and business rates
- 17.7. The council's General Fund balance is at its target risk-assessed level of between £15.000m to £20.000m and whilst there is a planned contribution in the base budget to increase general reserves there is no further contribution planned for increasing the General Fund balance for 2024/25. £17.732m is 5.77% of the total net budget for 2023/24 of £283.181m (before reserves). The Strategic Director, Resources considers that a balance of £17.732m at 31 March 2024 is adequate as the minimum sum given the risks the council is facing and considering Ealing's spending history and level of other earmarked reserves. The adequacy of reserves will continue to be reviewed annually.
- 17.8. The recommendation of the Strategic Director, Resources on balances is therefore that the MTFS should ensure that the General Fund balance is between £15.000m to £20.000m, which is the estimated balance as at 31 March 2024. No budgeted contribution to top-up the General Fund balance is being proposed as part of the 2024/25 budget process.

- 17.9. The Strategic Director, Resources advises members that the level of reserves had previously significantly reduced year on year and as a result no longer provides the level of flexibility in managing budgets that was previously available. For this reason, the base budget continues to include an annual contribution of £3.500m to build financial reserves to provide protection against financial uncertainty of local government funding, substantial losses in core income and in-year pressures. It is still essential that the council's spending is contained within budget in all areas of the council and officers and members must take robust steps to ensure that this discipline is maintained.
- 17.10. The opportunity cost of holding the recommended General Fund balance of £17.732m in 2024/25 in terms of investing in services or limiting the council tax rise is offset by the flexibility that it allows to deal with risk and adverse expenditure variations.
- 17.11. The opportunity has also been taken to review all significant earmarked reserves monies set aside for a specific purpose. Earmarked reserves reduce over the medium term as the sums built up in these are deployed, as shown in Appendix 10.
- 17.12. The council has forecasted to transfer funds to and from earmarked reserves over the medium-term, this is also reflected in Appendix 10.

Table 23: Forecast of Reserves over the MTFS Period 2023/24 to 2027/28

	31/03/2023	31/03/2024	31/03/2025	31/03/2026	31/03/2027	31/03/2028
	£m	£m	£m	£m	£m	£m
Risk Reserves	16.810	16.856	16.856	16.856	16.856	16.856
Mandatory reserves	13.965	8.336	7.632	7.632	7.632	7.632
Committed reserves	41.680	38.195	35.704	32.300	29.889	27.300
Discretionary reserves	22.400	25.371	28.871	32.371	35.871	35.871
Total Earmarked reserves	94.855	88.758	89.063	89.159	90.248	87.659
General Fund Balance	17.732	17.732	17.732	17.732	17.732	17.732
General Fund Reserves & Balances	112.587	106.490	106.795	106.891	107.980	105.391
Housing Revenue Account	16.866	9.034	9.034	9.034	9.034	9.034
Schools Balances	17.158	17.158	17.158	17.158	17.158	17.158
Total Reserves & Balances	146.611	132.682	132.987	133.083	134.172	131.583

- 17.13. The forecast of the reserve movements summarised in the table above and in more detail in Appendix 10, reflect funds set aside for capital schemes, agreed invest to save proposals, earmarked grants, technical and statutory adjustments relating to the Collection Fund and insurance. The use of reserves is regularly reviewed throughout the year and may result in further drawdowns over and above of what is shown in Table 23.
- 17.14. If an unplanned opportunity or challenge arises during any financial year that requires funding or investment outside of existing budgeted or planned

drawdown of reserves, then reserves such as the Economic Volatility or Invest to Save reserves are accessed. This is not reflected in the forecast above.

Financial Management (FM) Code

- 17.15. The FM Code identifies risks to financial sustainability and introduces a framework of assurance. This framework is built on existing successful practices and sets explicit standards of financial management. It is for an individual council to determine whether it meets the standards and to make any changes that may be required to ensure compliance. Compliance to the code is seen as a collective responsibility of the organisational leadership.
- 17.16. It should be noted that although there is no legal requirement for the council to comply with the code, compliance will be a key requirement which will be assessed by the council's external auditors as part of the Value for Money audit.
- 17.17. An update of progress and compliance against the code is provided regularly to the Audit Committee.

18. Legal

- 18.1. The council has a legal duty to set a balanced budget.
- 18.2. Some savings proposals will have more detailed legal or practical implications. Where this is the case, these detailed implications will need to be considered before a final decision is taken on whether to implement the proposals or to implement them in a revised format.

In regard to the Council's employment law duties

- 18.3. Directors, including the Strategic Directors and the Chief Executive, have the delegated authority to delete vacant posts and create new posts within their service, within budgetary constraints. Strategic Directors have the delegated authority (following, in relation to proposals to delete filled posts, consultation with the relevant cabinet Portfolio Holder and with the Chief Executive) to approve reorganisations and restructuring of their own departments, which may or may not lead to redundancies. Therefore, Cabinet is not required to approve as part of this report any of the staffing change proposals that will be required to deliver the budget proposals. Strategic Directors must, when taking any decisions on staffing change proposals, follow the law and principles set out in this section.
- 18.4. Under s188 of the Trade Union and Labour Relations Act 1992, the council has a legal obligation to consult if there are proposals to dismiss 20 or more employees (within 90 days of each other).
- 18.5. Employees have the right not to be unfairly dismissed. The council's policies and practices reflect this right. Contractual arrangements for matching and redeployment will be applied to minimise the need for compulsory redundancies.

- 18.6. The council has a legal obligation to make redundancy payments to any employees with more than 2 years' service who are dismissed by reason of redundancy. This arises from the Employment Rights Act 1996 and contracts of employment.
- 18.7. Employees whose posts are deleted are contractually entitled to pay protection in certain circumstances.

In relation to Discretionary Relief to payers of the National Non-Domestic Rates (NNDR)

- 18.8. Section 69 of The Localism Act 2011 amended section 47 of the Local Government Finance Act 1988 to allow authorities to grant discretionary relief to business rates. Under this provision authorities can create their own discount schemes for example to promote growth and jobs in its area, or in specified areas. The relief is to be awarded daily. Any such scheme needs to be approved by the Cabinet.
- 18.9. By virtue of section 47(5C) of the Local Government Finance Act 1988 when deciding to fix criteria for relief, the council must have regard to any relevant guidance issued by the Secretary of State.
 - 1. Under Section 47 Local Government Finance Act 1988, a decision to set criteria for discretionary relief is not limited to charitable or non-profit making organisations. However, where, as with this proposal, the criteria would allow relief to be granted to businesses which are other than charitable, or non-profit making, the council may make the decision only if it is satisfied that it would be reasonable for it to do so, having regard to the interests of persons liable to pay council tax set by the council.
 - 2. The Non-Domestic Rating (Discretionary Relief) Regulations 1989 contain provisions in relation to the notices which the council must give when making decision and determinations under Section 47 of the Local Government Finance Act 1988.

In relation to Council Tax Empty Homes Premium

- 18.10. Since April 2013 Local Authorities in England have been given delegated powers under Section 11B of the Local Government Finance Act 1992 to increase Council Tax on a local level. These powers have changed over the years but currently allow the council to increase Council Tax by adding up to 400% to the council tax charge on some long-term empty properties.

In relation to Council Tax Reduction Scheme

- 18.11. Section 13A of the Local Government Finance Act 1992 (c. 14), ("the 1992 Act"), substituted by Section 10 of the Local Government Finance Act 2012 (c.17), ("the 2012 Act"), requires each billing authority in England to make a scheme specifying the reductions which are to apply to amounts of council tax payable by persons, or classes or persons, whom the authority considers are in financial need.

- 18.12. Paragraph 2 of Schedule 1A to the 1992 Act, as amended by Schedule 4 of the 2012 Act 2012, sets out matters that must be included in a scheme and gives the Secretary of State power to prescribe by regulations additional requirements, including classes of persons, which must or must not be included in a scheme.

In regard to Schools Funding and Dedicated Schools Grant (DSG)

- 18.13. The council currently receives funding for schools through the Dedicated Schools Grant (DSG) and has the statutory responsibility under the Schools and Early Years Finance Regulations for allocating this funding to schools.
- 18.14. The Schools Forum Regulations 2012, SI 2012/2261, School and Early Years Finance (England) Regulations 2018, SI 2018/10 and the School and Early Years Finance (England) Regulations 2015, SI 2015/2033 set out the matters on which the council must consult the Schools Forum or seek the approval of the Schools Forum or the approval of the Secretary of State.

19. Value for Money

- 19.1. The budget setting process addresses the council's performance in delivering national and local priorities and focuses on the needs of its communities. The budget process will require services to demonstrate this through their budget proposals submissions.
- 19.2. The budget proposals include examples of delivering value for money such as:
- General efficiencies within services and departments
 - Review of charges, maximising income opportunities, but considering the legal restrictions upon the council's ability to charge for its services.
- 19.3. Where possible, savings proposals have been made that impact minimally on service delivery, despite the challenges presented by the budget pressures outlined above.
- 19.4. The council consistently monitors performance and finance in tandem, to ensure that value for money services are commissioned and provided for, as well as regularly adjusting its activities to improve performance and achieve better value for money. The budget process sets the approach, providing the framework in which the council can look to improve performance and achieve better value for money.

20. Sustainability Impact Appraisal

- 20.1. Any sustainability impacts will be considered before final decisions are taken on whether to implement each proposal. All capital budget proposals are required to set out how the proposal contributes towards carbon emission reduction.

21. Risk Management

- 21.1. It is important that spending is contained within budget so that the council

can maintain its financial standing in the face of further pressure on resources in 2024/25 and beyond as set out in the annual review of the MTFS in this report.

- 21.2. The current Local Government Finance Settlement only provides certainty for 2024/25, beyond this there remains a great deal of uncertainty. The MTFS therefore includes various assumptions on future funding which is based on government announcements made to date.
- 21.3. The MTFS model will continue to be updated as greater clarity is provided by the government on their medium-term funding plans.
- 21.4. Given the uncertainties of the economic environment, impact of rising demand and market pressures and the anticipated scale of the expenditure reductions required, there are inevitably significant risks involved in delivering balanced budgets over the medium-term. Key strategic risks are:
 - included in the Strategic Risk Register
 - regularly reported to Audit Committee
 - reviewed through updated finance reports to Strategic Leadership Team and Cabinet.
- 21.5. Since 2013/14, the balancing of the budget in-year depends upon the council achieving its council tax and business rates projections which are closely monitored by officers on a monthly basis and reported to the Strategic Leadership Team and Cabinet on a quarterly basis.
- 21.6. As explained in the report, the most immediate risks to the budget process are:
 - unfunded income loss pressures as a result of the economic environment and the cost of living crisis particularly in relation to council tax and business rates income – the council will continue to closely monitor the impact of these income streams.
 - non-delivery of the approved savings
 - social care and homelessness placement pressures (demand and market), which continue to be partly mitigated by spend controls, cost reduction programmes and close monitoring by the Strategic Leadership Team and by the Leader, Cabinet Member for Inclusive Economy and relevant portfolio holders.
- 21.7. The council is faced with an uncertain financial climate over the medium to long-term which presents a high risk and there remains potential for further, as yet unrecognised, risks. For this reason, a prudent approach to the level of reserves held by the council remains sensible and necessary. The Strategic Director, Resources, as the council's Section 151 Officer, is required to state whether the reserves are adequate as part of the annual budget setting process.
- 21.8. The council's MTFS is continually under review and builds in projections for the MTFS period and beyond as further details and analysis become

available. These updates are regularly reviewed by the Strategic Leadership Team and the portfolio holder and updates on the financial environment the council is operating in are provided in finance reports to Cabinet. Any sustainability impacts will be considered before final decisions are taken on whether to implement each proposal.

22. Community Safety

22.1. Not applicable.

23. Links to Key Priorities for the Borough

23.1. The council's MTFs, budgets, capital programme and capital strategy are designed to deliver the council's strategic priorities of fighting inequality, fighting the climate crisis and creating good jobs. The budget set for 2024/25 will address the delivery of national and local priorities.

24. Equalities, Human Rights and Community Cohesion

24.1. Budget proposals have been developed and impacts considered in line with the principles set out under S149 Equality Act 2010 and Human Rights Act 1988, including the need to protect elderly, disabled, children and young people who are the most vulnerable residents of the borough.

24.2. Implementation of each of the proposals will follow the council's processes, policies and local terms and conditions to ensure fair selection, assimilation, and recruitment and to ensure on-going monitoring of diversity.

24.3. Where proposals will have equalities implications an Equalities Analysis Assessment (EAA) is required. EAAs are tools that help the council make sure its policies, and the ways it carries out its functions, do what they are intended to do and for everybody. If an EAA is required, it will be prepared and considered prior to the final decision on whether to proceed with the proposal being taken.

24.4. A full Equalities Analysis Assessment has been carried out in relation to the equalities impacts of the council tax increase recommendations in paragraphs 1.9 and 1.21(4). This is attached as Appendix 11.

24.5. When making decisions the council must act reasonably and rationally. It must consider all relevant information and disregard all irrelevant information and consult those affected, considering their views before final decisions are made. It must also comply with its legal duties, including those relating to equalities as referred to above. Many proposals will impact upon third parties and where this is the case there may be a requirement for the council to consult those affected before a final decision is taken on whether to implement the proposal or to amend the proposal prior to implementation.

25. Staffing / Workforce and Accommodation Implications

25.1. Not applicable and will be considered as detailed proposals are developed.

26. Property and Assets

26.1. The capital investment proposals set out in this report for approval in principle reflect the need to make efficient use of the council’s property and assets at an affordable cost to support the delivery of council priorities.

27. Consultation

27.1. Consultation may be required in relation to some savings proposals. Where this is the case, the consultation will be undertaken in accordance with legal requirements and within a timetable appropriate to the individual circumstances of the proposal in question, including with recognised trade unions and affected individuals. The outcomes from each consultation undertaken will be considered before a final decision is taken on whether to proceed with the proposal in question, either as presently proposed or in an amended form.

28. Budget Consultation and Scrutiny Process

28.1. The council’s budget framework sets out the need for the Overview and Scrutiny Committee to be consulted in the budget process. Furthermore, the council is required to undertake statutory budget consultation with Business Rates payers in the borough.

28.2. On 1 February 2024 a meeting with the Ealing Business Partnership will look to consult with the local business rate payers, following which any feedback will be either circulated to Cabinet as an addendum to the report or a verbal update provided at the Cabinet meeting by the Portfolio Holder.

28.3. A meeting with the Overview and Scrutiny Committee (OSC) will be held a day before Cabinet on 6 February 2024. Feedback from this meeting will be submitted either in writing by the OSC Chair and/or Vice-Chair or provided verbally to Cabinet.

29. Timetable for Implementation

29.1. The budget timetable is set out above.

Table24: Timetable of Pending Key Budget Activities

Date	Key Activities
1 February 2024 6 February 2024	<ul style="list-style-type: none"> • Consultation with Ealing Business Partnership • Budget proposals to Cabinet and Overview & Scrutiny Committee • Cabinet considers final budget proposals and makes recommendations to Full Council
5 March 2024	<ul style="list-style-type: none"> • Council approves Budget & Council Tax for 2024/25

30. Appendices

Appendix	Appendix Title
1	Summary Revenue Budget 2024/25
2	New Savings and Pressures - 2024/25 to 2027/28
3	2024/25 Fees and Charges Schedule
4	Council Tax Reduction Scheme
5	2024/25 Parking Account
6	New Capital Schemes, Schemes to be Decommissioned & Re -profiling
7	Summary of Capital Programme 2023/24 to 2028/29
8	2024/25 Capital Strategy
9	Treasury Management Strategy Statement, MRP Statement and Annual Investment Statement
10	Reserves Forecast and Analysis over the MTFS Period
11	Equality Analysis Assessment – Council Tax Increase

31. Background Information

Report Name	Date
Council Reports	
Treasury Management Mid-Year Update 2023/24	19 December 2023
Cabinet Reports	
Housing Revenue Account (HRA) Business Plan 2024/25	7 February 2024
Revised Council Tax Reduction scheme for 2023/24	7 December 2022
Schools Forum Report	18 January 2024
Officer Decision Reports	
Collection Fund Estimated Deficit as at 31 March 2024	17 January 2024
2024/25 Council Tax Base	11 January 2024

Consultation

Name of consultee	Department	Date sent to consultee	Date response received from consultee	Comments appear in report para:
Internal				
Emily Hill	Strategic Director, Resources	Continuous	Continuous	Throughout
Tony Clements	Chief Executive	Continuous	Continuous	Throughout
Amanda Askham Nicky Fiedler Peter George Robert South Kerry Stevens	Strategic Directors	Continuous	Continuous	Throughout
Helen Harris	Director of Legal and Democratic Services			
Councillor Steve Donnelly	Cabinet Member for Inclusive Economy	Continuous	Continuous	Throughout
Councillor Peter Mason	Leader of the Council	Continuous	Continuous	Throughout
Emma Horner	Assistant Director of Technical Finance	Continuous	Continuous	Section 9, Section 16, Appendix 9
Bridget Uku	Finance Manager – Pensions and Treasury	Continuous	Continuous	Section 16, Appendix 9
Russell Dyer	Assistant Director of Accountancy	Continuous	Continuous	Recommendation: 1.8,15, 16,17,18 & 1.21 (1e & 1f); Sections 11-15; Appendices 2,3,5,6 & 7
Nick Rowe	Assistant Director of Local Tax & Accounts Receivable	Continuous	Continuous	Sections 8 - 10
Joanna Pavlides	Assistant Director of Financial Assessments	Continuous	Continuous	Section .8
Tamara Quinn	Assistant Director Schools, Planning & Resource	Continuous	Continuous	Section 13

Report History

Decision Type: For Decision	Urgency Item? No
Authorised by Cabinet Date:	Report Deadline: Date Report Sent:
Member:	

Report no:	Report authors and contact queries: Kevin Kilburn, Interim Assistant Director Strategic Finance Baljinder Sangha, Finance Manager, 020 8825 5579 Katherine Ball, Finance Manager, 020 8825 5757
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Directorate Revenue Summary	2023/24	2024/25	2025/26	2026/27	2027/28
	£'000	£'000	£'000	£'000	£'000
Adult Operations (Social Care)/Older People & Disabilities	87,153	80,766	81,590	82,330	83,099
Business Support & Integrated Commissioning	7,777	24,086	24,252	24,425	24,603
Mental Health	7,479	4,071	4,148	4,226	4,308
Public Health	0	0	0	0	0
Total Adult and Public Health	102,409	108,923	109,990	110,981	112,010
Learning Standards & School Partnership	484	772	1,008	1,252	1,502
Children's Social Care	36,414	44,732	45,345	45,976	46,626
Early Help and Prevention Services	7,274	8,636	8,976	9,327	9,688
Child Protection & EDT	1,259	1,318	1,365	1,412	1,461
ESCAN/SEND/Inclusion	14,330	15,086	15,276	15,471	15,673
Social Care Training	416	435	450	466	482
Schools Planning, Development & Resources	18,015	22,951	23,490	23,931	24,345
Commissioning & Management	0	(1,160)	(1,160)	(1,160)	(1,160)
Total Children's	78,192	92,771	94,750	96,676	98,618
Planning	(1,693)	(1,828)	(1,720)	(1,609)	(1,495)
Regeneration, Economy & Skills	1,894	3,762	3,826	3,891	3,958
Economy & Sustainability Management	374	392	405	419	434
Major Projects	504	323	400	479	560
Housing Development	565	568	571	573	576
Land Charges/Building Control & Surveying	185	223	280	338	397
Arts & Culture Leisure & Libraries	5,315	4,683	4,814	4,949	5,088
Total Economy & Sustainability	7,145	8,123	8,575	9,040	9,518
Travellers Warden	(103)	(101)	(99)	(98)	(96)
Housing Demand	9,320	12,920	16,471	16,653	16,841
Environment & Living Streets	1,892	4,689	4,917	5,513	6,331
Community Protection	3,933	4,294	4,527	4,757	4,992
Housing & Environment Management	210	226	238	250	263
Total Housing & Environment	15,252	22,028	26,053	27,076	28,331
Audit	2,121	2,173	2,214	2,256	2,299
Commercial Hub	654	697	730	765	800
Customer Services Revenues & Financial Assessments	8,994	9,126	9,534	9,954	10,386
Finance	2,427	2,589	2,733	2,882	3,035
ICT & Property Services	25,141	26,106	26,794	27,447	28,076
Emergency Planning	259	267	274	280	287
Legal & Democratic Services	3,894	4,175	4,326	4,482	4,643
Strategic Property	(2,957)	(3,388)	(3,418)	(3,447)	(3,439)
Housing Benefit Subsidy (excl. Temporary Accommodation)	(227)	397	397	397	397
Total Resources	40,308	42,142	43,584	45,015	46,486
Cabinet Office	326	337	346	355	365
Chief Executive Office	495	512	525	539	554
Communications	810	855	897	939	983
Equalities	232	245	255	266	277
Engagement	2,565	2,566	2,566	2,567	2,567
Human Resources	2,863	3,298	3,441	3,589	3,741
Performance, Intelligent & Insight	1,178	1,224	1,260	1,296	1,334
Strategy & Change Directorate	335	348	358	369	380
Transformation	983	1,010	1,018	1,025	1,033
Total Strategy & Change	9,787	10,395	10,667	10,947	11,235
West London Alliance	0	0	0	0	0
Total West London Alliance	0	0	0	0	0
Net Service Department Budget	253,093	284,382	293,619	299,735	306,198
Levies	25,401	29,075	32,098	34,260	34,260
Centrally Held Grants	(46,537)	(54,259)	(48,949)	(48,949)	(48,949)
Centrally Held Budgets (Growth, Inflation, Rates)	3,923	5,650	12,998	26,712	44,133
Treasury Management	34,043	28,956	30,959	36,890	42,591
Corporate Budgets	11,258	11,509	11,509	11,509	11,509
Contingency	2,000	2,422	2,000	2,000	2,000
Total Centrally Held Budgets	30,089	23,354	40,615	62,423	85,544
Contribution to (+) / from (-) reserves	3,500	3,500	3,500	3,500	3,500
Net Budget Requirement	286,681	311,236	337,734	365,658	395,242
Revenue Support Grant	(20,444)	(21,798)	(21,798)	(21,798)	(21,798)
Retained Business Rates	(98,161)	(104,171)	(104,171)	(104,171)	(104,171)
Collection Fund	3,003	(3,441)	0	0	0
Council Tax Income	(171,079)	(181,826)	(183,644)	(185,481)	(187,335)
Total Funding	(286,681)	(311,236)	(309,613)	(311,450)	(313,305)
Cummulative Budget Gap Total	(0)	0	28,120	54,208	81,937

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Pressures						2024/25	2025/26	2026/27	2027/28	
Reference	Directorate	Service	Growth Title	Description	One-Off/ Ongoing	Net Pressure	Net Pressure	Net Pressure	Net Pressure	Total Net Pressure
						£000	£000	£000	£000	£000
G001 2425	Adults Service & Public Health	Business Support and Integrated Commissioning	Placements	Placement costs growth due to 2023/24 overspend (inc full year effect), Covid Legacy pressures and new placement transition from Children's Services, after associated charges.	Ongoing	15,234	0	0	0	15,234
G002 2425	Adults Service & Public Health	Business Support and Integrated Commissioning	24/25 Contract Inflation	Contract inflation on PFI and uplift for Real Living Wage for domiciliary care	Ongoing	2,324	0	0	0	2,324
G003 2425	Adults Service & Public Health	Older People and Disabilities	Corrective revenue budget adjustment for Council contribution to Community Equipment Budget	Realignment of budgets for revenue costs for community equipment contract	Ongoing	320	0	0	0	320
G004 2425	Adults Service & Public Health	Older People and Disabilities	Adjustment to reflect on going unfunded pressures on Contracted Transport	Transport costs associated with individual care plans, demand management actions through reassessments, stepdowns and personal budgets.	Ongoing	280	0	0	0	280
G005 2425	Adults Service & Public Health	Mental Health & Older People and Disabilities	Additional efficiencies in client billing	Full year effect of 2023/24 billing for residential care, and increased efficiency on timeliness of non residential billing.	Ongoing	(2,000)	0	0	0	(2,000)
G007 2425	Adults Service & Public Health	Mental Health	Adjustment to income budget for Section 117 recharges	Routine alignment of recurring S117 recharges	Ongoing	(3,500)	0	0	0	(3,500)
G008 2425	Adults Service & Public Health	Business Support and Integrated Commissioning	ICB Income - annual adjustment to the BCF contributions in line with nationally prescribed uplifts	Realignment of budgeted income for BCF inflationary uplifts	Ongoing	(2,052)	0	0	0	(2,052)
G030 2425	Adults Service & Public Health	Older People and Disabilities	Grant Reduction	Late and unexpected notification of reduction in Social Care Workforce grant requiring temporary support until cost reduction plans are implemented	One-Off	945	(945)	0	0	0
G009 2425	Children's Service	ESCAN	Placements - Children with Disabilities	2023/24 pressures and growth demand - CWD, in line with expected increase in EHCP and inflationary pressures.	Ongoing	1,048	1,111	1,144	1,248	4,552
G010 2425	Children's Service	Planning & Resources	SEN Passenger Transport	2023/24 pressures and Growth in demand - children and young people with Education Health and Care Plans (EHCP) and inflationary pressures.	Ongoing	2,494	1,032	743	774	5,044
G011 2425	Children's Service	Children's Social Care	Placements - Care Leavers	2023/24 pressures and demand/market pressures and availability of secure tenancies for care leavers and expected unit backlog increase.	Ongoing	6,058	728	601	558	7,945
G012 2425	Children's Service	Children's Social Care	Placements - Looked after Children	2023/24 pressures plus growth each year pressure due to volume/unit cost pressures/market factors and inflation and expected unit cost uplift above inflation.	Ongoing	4,513	1,221	1,069	1,036	7,839
G013 2425	Children's Service	Planning & Resources	Staffing - Planning & Resources and PRC	Legacy Premature Retirement LEA costs; posts transferred from corporate teams December 2023	Ongoing	326	0	0	0	326
G014 2425	Children's Service	Children's Service Directorate	Staffing - Social Care	2023/24 Staffing pressures.	Ongoing	2,259	0	0	0	2,259
G015 2425	Children's Service	Children's Service Directorate	Grants and reserves - Children's Services	Loss of one-off income including covid reserves and grant funding.	Ongoing	1,444	0	0	0	1,444
G016 2425	Children's Service	ESCAN	Staffing - SEN Statutory Services	2023/24 Staffing pressures.	Ongoing	1,138	(61)	0	0	1,077
G017 2425	Children's Service	Early Help & Prevention	Staffing - Early Help & Prevention	2023/24 staff costs pressure in SAFE and Youth/YOS staffing and remand costs (demand over grant allocation).	Ongoing	1,339	50	50	50	1,489
G019 2425	Economy & Sustainability	Arts, Culture, Leisure & Libraries	Community Centres - Hanwell and Dominion	Income pressures in hiring venues, not meeting budget.	Ongoing	150	0	0	0	150
G020 2425	Housing & Environment	Homelessness	Homelessness	Increased demand and costs of Temporary Accommodation delivered by the Homelessness and Housing Solutions.	Ongoing	2,422	0	0	0	2,422
G021 2425	Housing & Environment	Landlord Services - Housing Revenue Account (HRA)	HRA Caretaking Service - A previously identified saving on the caretaking service to HRA properties of £750,000 is not achievable.	HRA Caretaking Service - previously identified saving no longer deliverable following review and HRA priorities.	Ongoing	750	0	0	0	750

Pressures						2024/25	2025/26	2026/27	2027/28	
Reference	Directorate	Service	Growth Title	Description	One-Off/ Ongoing	Net Pressure	Net Pressure	Net Pressure	Net Pressure	Total Net Pressure
						£000	£000	£000	£000	£000
G022 2425	Housing & Environment	Street, Waste and Recycling Services	Street trading	Street trading income pressures post covid and legislative change to licence requirements.	Ongoing	440	0	0	0	440
G023 2425	Housing & Environment	Street, Waste and Recycling Services	GEL contract budget consolidation	Savings and budget shortfall on contract cost.	Ongoing	373	0	0	0	373
G024 2425	Housing & Environment	Street, Waste and Recycling Services	Street Services - Southall toilets	Provision of new toilets within Southall Town Hall.	Ongoing	95	0	0	0	95
G025 2425	Housing & Environment	Safer Communities	Mortuary contract demand pressure	Increased costs in shared service between Ealing and Hillingdon.	Ongoing	60	0	0	0	60
G027 2425	Resources	Customer and Transactional Services	Housing Repairs and Environment Contact Centre	Impact of updated review of HRA recharges relating to contact centre costs.	Ongoing	250	0	0	0	250
G028 2425	Resources	Legal	Elections - annual contribution to local elections	Annual contribution increased in line with rising costs and cost of by-elections (not increased for 10 years).	Ongoing	135	0	0	0	135
G018 2425	Corporate	Budgets Held Centrally - Growth	Review of HRA recharges	Impact of updated review of HRA recharges from General Fund Services	Ongoing	1,951	0	0	0	1,951
	Corporate	Budgets Held Centrally - Growth	Unallocated Growth	Forecast additional growth in services	Ongoing	0	15,000	15,000	15,000	45,000
Total						38,796	18,136	18,608	18,667	94,207

Savings						2024/25	2025/26	2026/27	2027/28	Total £000	Service Rating
Reference	Directorate	Service	Saving Title	Description	Net Saving £000	Net Saving £000	Net Saving £000	Net Saving £000			
S001 2425	Adults Service & Public Health	Mental Health & Older People and Disabilities	Operational Demand Management	Further extension of Better Lives , promoting strength based practice and operational effectiveness to support prevention, reablement, choice and control with the focus on direct payments, community based support, reducing residential admissions, efficiencies arising from provision of services through direct payment arrangements.	(5,395)	(400)	0	0	(5,795)	Red	
S002 2425	Adults Service & Public Health	Mental Health & Older People and Disabilities	Reducing Agency Staff/ Unqualified Social Worker Efficiencies	Reconfiguration of staffing models to reduce reliance on agency workers and roll out a new	(750)	0	0	0	(750)	Red	
S003 2425	Adults Service & Public Health	Mental Health & Older People and Disabilities	Rental Income from WLNHST	Review of commercial rental income arrangements on use of buildings	(100)	0	0	0	(100)	Amber	
S004 2425	Adults Service & Public Health	Business Support and Integrated Commissioning	Review of non statutory contract spend	Review of housing related support and non statutory contract spend	0	(1,000)	0	0	(1,000)	Amber	
S005 2425	Adults Service & Public Health	Mental Health & Older People and Disabilities	Review of Self Funder Charging Policy	Review of schedule of rates for products related to charging (self funder admin fee/deferred payment arrangements)	0	(80)	0	0	(80)	Red	
Prior Year Agreed Savings	Adults Service & Public Health	Various	Prior Years Agreed Savings	Prior Years and reversal of time-limited savings and growth	(280)	(45)	(45)	0	(370)	Green	
S007 2425	Children's Service	Children's Social Care	Placements - Looked after Children	Keeping families together where it is safe to do so, with additional support. Where placements are needed, offering family settings, such as inhouse foster carer capacity. Early delivery & stretch target of saving S012.	(1,472)	(525)	0	0	(1,997)	Red	
S008 2425	Children's Service	ESCAN	Travel Assistance - Assessments and offer	Assessment of eligibility, independence and community offer	(927)	(832)	(96)	0	(1,855)	Green	
S009 2425	Children's Service	Children's Social Care	Service and staffing review - Children's Social Care	Increase permanency and reduce agency. Review practice and service model	(705)	(633)	(605)	0	(1,943)	Red	
S010 2425	Children's Service	Children's Service Directorate	Grants and reserves	Use of one-off reserves and grants	(700)	300	400	0	0	Amber	
S011 2425	Children's Service	Planning & Resources	Travel Assistance - Passenger Transport procurement activity and market development	Sufficiency planning, procurement and market management	(549)	(83)	0	0	(632)	Amber	
S012 2425	Children's Service	Children's Social Care	Placements - Looked after Children	Keeping families together where it is safe to do so, with additional support. Where placements are needed, offering family settings, such as inhouse foster carer capacity. Later Delivery.	(463)	(1,485)	(924)	0	(2,871)	Amber	
S013 2425	Children's Service	Children's Social Care	Placements - Care Leavers	Identifying suitable housing solutions for care leavers, and ensuring they are supported to claim all entitlements	(422)	(863)	(888)	(360)	(2,533)	Red	
S014 2425	Children's Service	ESCAN	Placements - Children with Disabilities	Greater use of community resources and direct payments	(100)	(200)	(100)	0	(400)	Amber	
S015 2425	Children's Service	ESCAN	Placements - Children with Disabilities	Support planning and brokerage	(100)	(200)	0	0	(300)	Amber	
S018 2425	Children's Service	Children's Service Directorate	Grants and reserves: Dedicated Schools Grant	Dedicated Schools Grant funding for eligible spend related to demand increases	(200)	(200)	0	0	(400)	Green	
S020 2425	Children's Service	Early Help & Prevention	Service and staffing review - SAFE & YOS	Review service model and enhance community based model	(368)	(312)	0	0	(680)	Amber	
S022 2425	Children's Service	ESCAN	Service Accommodation	Review of accommodation requirements	(100)	(100)	0	0	(200)	Red	
S023 2425	Children's Service	Children's Social Care	Training & Development - Funding of Mosaic training and development posts	Explore alternative funding and delivery models	(150)	0	0	0	(150)	Amber	
S024 2425	Children's Service	Children's Social Care	Training & Development - Investment in Social Care Academy	Alternative funding from corporate investment for 2 Advanced Practitioners to support delivery of increased permanency and reduced agency costs	(125)	0	0	0	(125)	Amber	

Savings						2024/25	2025/26	2026/27	2027/28	Total £000	Service Rating
Reference	Directorate	Service	Saving Title	Description	Net Saving £000	Net Saving £000	Net Saving £000	Net Saving £000			
S027 2425	Children's Service	Children's Service Directorate	Service and staffing review - Business Support	Opportunities for innovation, review and consolidate directorate service model	(110)	(110)	0	0	(220)	Amber	
S028 2425	Children's Service	Planning & Resources	Premature Retirement Costs - attrition	Reduction in premature retirement costs due to changes in scheme membership	(75)	(75)	(75)	(75)	(300)	Green	
S029 2425	Children's Service	Children's Service Directorate	Service and staffing review - Quality Assurance	Opportunities for innovation, review and consolidate directorate service model	(75)	(75)	0	0	(150)	Amber	
S030 2425	Children's Service	Children's Service Directorate	Service and staffing review - Quality Assurance	Opportunities for innovation, review and consolidate directorate service model. Stretch target of saving S029	(75)	(75)	0	0	(150)	Red	
S031 2425	Children's Service	Children's Service Directorate	Service and staffing review - Children's Leadership	Senior management review	0	(233)	(42)	0	(275)	Red	
S032 2425	Children's Service	Children's Social Care	Service Accommodation	Review of accommodation requirements	(100)	0	0	0	(100)	Amber	
S034 2425	Children's Service	Early Help & Prevention	Service and staffing review - Play Service central services	Review service model and enhance community based model	(46)	(138)	0	0	(184)	Amber	
S036 2425	Children's Service	ESCAN	Placements - Children with Disabilities	Alternative delivery models and procurement/market management	0	(400)	(250)	0	(650)	Red	
S040 2425	Children's Service	Children's Social Care	Placements - Care Leavers	Alternative delivery models for semi-independent accommodation through partnership arrangements	0	(200)	(300)	0	(500)	Amber	
S041 2425	Children's Service	ESCAN	Service and staffing review - SEN Statutory Services	Reshape service and cease time-limited capacity added in 2024/25	0	(200)	0	0	(200)	Green	
S043 2425	Children's Service	Early Help & Prevention	Service and staffing review - Healthy Start	Review service model and enhance community based model	0	0	(600)	0	(600)	Red	
S044 2425	Children's Service	Children's Service Directorate	Partnerships	Explore alternative funding models for partnership working	0	0	(470)	0	(470)	Red	
S053 2425	Children's Service	Children's Social Care	Placements - Care Leavers	Sufficiency planning, procurement and market management	(350)	(200)	0	0	(550)	Amber	
S054 2425	Children's Service	Children's Social Care	Placements - Care Leavers	Continue to strengthen practice, support planning and brokerage.	(150)	(100)	0	0	(250)	Amber	
S055 2425	Children's Service	ESCAN	Placements - Children with Disabilities	Securing health funding for eligible children and young people	(200)	0	0	0	(200)	Amber	
S056 2425	Children's Service	Children's Social Care	Legal services	Review of commissioned legal advice	(30)	0	0	0	(30)	Green	
S057 2425	Children's Service	Children's Social Care	Section 17	Continue to strengthen practice, support planning and brokerage.	(30)	0	0	0	(30)	Green	
S058 2425	Children's Service	Children's Social Care	Placements - Looked after Children	Sufficiency planning, procurement and market management	(900)	(800)	(600)	(812)	(3,112)	Amber	
S059 2425	Children's Service	Children's Social Care	Placements - Looked after Children	Continue to strengthen practice, support planning and brokerage.	(400)	(300)	0	0	(700)	Green	
S060 2425	Children's Service	ESCAN	Travel Assistance: Discretionary transport offer	Develop alternative offer for non-statutory school age passengers	(400)	(170)	0	0	(570)	Red	
Prior Year Agreed Savings	Children's Service	Various	Prior Years Agreed Savings	Prior Years and reversal of time-limited savings and growth	903	0	0	0	903	Green	
S046 2425	Economy & Sustainability	Economy & Sustainability Directorate	Management Savings	Savings include efficiency savings, automation, and reduction in agency workers, review of cultural facilities	(746)	0	0	0	(746)	red	
S048 2425	Economy & Sustainability	Planning	Government planning fee increases; additional planning costs recovery announced in autumn statement	Additional planning fees as a result of legislative changes and fees.	(250)	0	0	0	(250)	amber	
S049 2425	Economy & Sustainability	Arts, Culture, Leisure & Libraries	Pitshanger library	Further savings identified from community libraries implementation	(40)	0	0	0	(40)	Green	
Prior Year Agreed Savings	Economy & Sustainability	Regeneration and Economic Growth	Prior Years Agreed Savings	Prior Years and reversal of time-limited savings and growth	1,787	0	0	0	1,787	Green	
S050 2425	Housing & Environment	Environment & Living Streets	Member Priority Fund	Reversal of One off Growth	(40)	0	0	0	(40)	Green	
Prior Year Agreed Savings	Housing & Environment	Environment & Living Streets	Prior Years Agreed Savings	Prior Years and reversal of time-limited savings and growth	(661)	(954)	(261)	0	(1,876)	Green	
S051 2425	Resources	Financial Assessment	Financial assessment RPA (Invest to save)	Robotic Process Automation processing will allow efficiencies	(252)	0	0	0	(252)	Amber	
Prior Year Agreed Savings	Resources	Various	Prior Years Agreed Savings	Prior Years and reversal of time-limited savings and growth	(129)	(100)	(38)	0	(267)	Green	

Savings

Reference	Directorate	Service	Saving Title	Description	2024/25 Net Saving £000	2025/26 Net Saving £000	2026/27 Net Saving £000	2027/28 Net Saving £000	Total £000	Service Rating
S052 2425	Strategy & Change	Human Resources	New Ways of Working	Reversal of One off Growth	(250)	0	0	0	(250)	Green
Prior Year Agreed Savings	Corporate	Various	Prior Years Agreed Savings	Prior Years and reversal of time-limited savings and growth	(395)	0	0	0	(395)	Green
Total					(15,918)	(10,788)	(4,894)	(1,247)	(32,847)	

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2024/25 FEES & CHARGES SCHEDULE

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Children's Services							
Schools Planning, Development and Resources							
Children's Services	Schools Planning, Development and Resources	Schools Bursarial Service	Schools Bursarial Service - Level 1	£3,400.00	£3,502.00	£102.00	3.00%
Children's Services	Schools Planning, Development and Resources	Schools Bursarial Service	Schools Bursarial Service - Level 2	£6,200.00	£6,386.00	£186.00	3.00%
Children's Services	Schools Planning, Development and Resources	Schools Bursarial Service	Schools Bursarial Service - Level 3	£8,050.00	£8,291.50	£241.50	3.00%
Children's Services	Schools Planning, Development and Resources	Schools Bursarial Service	Schools Bursarial Service - Bespoke	Quote on request	Quote on request		
Children's Services	Schools Planning, Development and Resources	Schools Bursarial Service	Schools Bursarial Service - Day rate (Short term for schools that already buy in to service)	£410.00	£422.30	£12.30	3.00%
Children's Services	Schools Planning, Development and Resources	Research & Statistics Team	Fischer Family Trust (FFT) Data Access - Fixed rate for infant school (to be combined with per pupil rate below)	£540.00	£576.20	£36.20	6.70%
Children's Services	Schools Planning, Development and Resources	Research & Statistics Team	Fischer Family Trust (FFT) Data Access - price per pupil (in addition to fixed price above)	£0.23	£0.25	£0.02	8.70%
Learning Standards and Schools Partnership							
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	Meeting Room Hire (incl. Servicing and all multimedia equipment): Capacity 6-80 people	£27 - £49	£28 - £50	£2.33	
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	Training CPD pay as you go per session per person ELP rate	£189.00	£195.00	£6.00	3.17%
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	Training CPD pay as you go per session per person ELP rate	£131.00	£135.00	£4.00	3.05%
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	Training CPD pay as you go per session per person ELP rate	£99.00	£102.00	£3.00	3.03%
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	Training CPD pay as you go per session per person non ELP rate	£208.00	£214.00	£6.00	2.88%
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	Training CPD pay as you go per session per person non ELP rate	£144.00	£148.00	£4.00	2.78%
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	Training CPD pay as you go per session per person non ELP rate	£106.00	£109.00	£3.00	2.83%
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	Training Offered on Pay As You Go rates - ELP rate	£189.00	£195.00	£6.00	3.17%
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	Training Offered on Pay As You Go rates - non ELP rate	£208.00	£214.00	£6.00	2.88%
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	CPD/Training SLA for School - ELP rate	£84.00	£87.00	£3.00	3.57%
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	CPD/Training SLA for School - cap for Primary School - ELP rate	£5,900.00	£6,077.00	£177.00	3.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	CPD/Training SLA for School - cap for Special School - ELP rate	£2,928.00	£3,015.00	£87.00	2.97%
Children's Services	Learning Standards and Schools Partnership	Ealing Education Centre	CPD/Training SLA for School - non ELP rate	£119.00	£123.00	£4.00	3.36%
Children's Services	Learning Standards and Schools Partnership	Governance	External review of governance - ELP rate	£1,650.00	£1,800.00	£150.00	9.09%
Children's Services	Learning Standards and Schools Partnership	Governance	External review of governance - non ELP rate	£1,800.00	£1,950.00	£150.00	8.33%
Children's Services	Learning Standards and Schools Partnership	Governance	Governing Board bespoke training (1 day)- ELP rate	£425.00	£500.00	£75.00	17.65%
Children's Services	Learning Standards and Schools Partnership	Governance	Governing Board bespoke training (half day) - ELP rate	£475.00	£500.00	£25.00	5.26%
Children's Services	Learning Standards and Schools Partnership	Governance	Governing Board bespoke training (1 day) - non ELP rate	£731.30	No Longer Required	No Longer Required	No Longer Required
Children's Services	Learning Standards and Schools Partnership	Governance	Governing Board bespoke training (half day) - non ELP rate	£386.25	No Longer Required	No Longer Required	No Longer Required
Children's Services	Learning Standards and Schools Partnership	Governance	New chairs - mentoring, support and if required one to one training - ELP rate	£334.75	No Longer Required	No Longer Required	No Longer Required
Children's Services	Learning Standards and Schools Partnership	Governance	New chairs - mentoring, support and if required one to one training - non ELP rate	£386.25	No Longer Required	No Longer Required	No Longer Required
Children's Services	Learning Standards and Schools Partnership	School workforce	Workforce network two year commitment 2021 - 2023 - ELP rate	£850.00	£900.00	£50.00	5.88%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Children's Services	Learning Standards and Schools Partnership	School workforce	Workforce network two year commitment 2021 - 2023 - non ELP rate	£995.00	£1,050.00	£55.00	5.53%
Children's Services	Learning Standards and Schools Partnership	School workforce	Coaching headteacher ELP rate	£1,730.00	£1,800.00	£70.00	4.05%
Children's Services	Learning Standards and Schools Partnership	School workforce	Coaching staff ELP rate	£1,200.00	£1,250.00	£50.00	4.17%
Children's Services	Learning Standards and Schools Partnership	School workforce	Team building ELP rate	£930.00	£980.00	£50.00	5.38%
Children's Services	Learning Standards and Schools Partnership	School workforce	Headship finance ELP rate	£785.00	£830.00	£45.00	5.73%
Children's Services	Learning Standards and Schools Partnership	School workforce	Mentoring headteacher ELP rate	£930.00	£980.00	£50.00	5.38%
Children's Services	Learning Standards and Schools Partnership	School workforce	Performance management teacher/support staff ELP rate	£370.00	£390.00	£20.00	5.41%
Children's Services	Learning Standards and Schools Partnership	School workforce	Income generation ELP rate	£930.00	£980.00	£50.00	5.38%
Children's Services	Learning Standards and Schools Partnership	School workforce	Grant funding ELP rate	£930.00	£980.00	£50.00	5.38%
Children's Services	Learning Standards and Schools Partnership	School workforce	Marketing ELP rate	£930.00	£980.00	£50.00	5.38%
Children's Services	Learning Standards and Schools Partnership	School workforce	Coaching headteacher non ELP rate	£1,880.00	£1,980.00	£100.00	5.32%
Children's Services	Learning Standards and Schools Partnership	School workforce	Coaching staff non ELP rate	£1,350.00	£1,430.00	£80.00	5.93%
Children's Services	Learning Standards and Schools Partnership	School workforce	Team building non ELP rate	£1,040.00	£1,100.00	£60.00	5.77%
Children's Services	Learning Standards and Schools Partnership	School workforce	Headship finance non ELP rate	£900.00	£960.00	£60.00	6.67%
Children's Services	Learning Standards and Schools Partnership	School workforce	Mentoring headteacher non ELP rate	£1,024.85	£1,090.00	£65.15	6.36%
Children's Services	Learning Standards and Schools Partnership	School workforce	Performance management teacher/support staff non ELP rate	£500.00	£530.00	£30.00	6.00%
Children's Services	Learning Standards and Schools Partnership	School workforce	Income generation non ELP rate	£1,040.00	£1,100.00	£60.00	5.77%
Children's Services	Learning Standards and Schools Partnership	School workforce	Grant funding non ELP rate	£1,040.00	£1,100.00	£60.00	5.77%
Children's Services	Learning Standards and Schools Partnership	School workforce	Marketing non ELP rate	£1,040.00	£1,100.00	£60.00	5.77%
Children's Services	Learning Standards and Schools Partnership	School workforce	Pay As You Go Half day - ELP rate	£350.00	£365.00	£15.00	4.29%
Children's Services	Learning Standards and Schools Partnership	School workforce	Pay As You Go Full day - ELP rate	£660.00	£690.00	£30.00	4.55%
Children's Services	Learning Standards and Schools Partnership	School workforce	Pay As You Go Half day - non ELP rate	£380.00	£400.00	£20.00	5.26%
Children's Services	Learning Standards and Schools Partnership	School workforce	Pay As You Go Full day - non ELP rate	£720.00	£765.00	£45.00	6.25%
Children's Services	Learning Standards and Schools Partnership	Health improvement	4 day bespoke package - ELP rate	£1,977.60	£2,036.90	£59.30	3.00%
Children's Services	Learning Standards and Schools Partnership	Health improvement	4 day bespoke package - non ELP rate	£2,175.36	£2,240.60	£65.24	3.00%
Children's Services	Learning Standards and Schools Partnership	Health improvement	Healthy schools awards and training package - ELP rate	£1,050.60	£1,082.10	£31.50	3.00%
Children's Services	Learning Standards and Schools Partnership	Health improvement	Healthy schools awards and training package - non ELP rate	£1,155.66	£1,190.30	£34.64	3.00%
Children's Services	Learning Standards and Schools Partnership	Health improvement	Reducing obesity package - ELP rate	£1,678.90	£1,729.30	£50.40	3.00%
Children's Services	Learning Standards and Schools Partnership	Health improvement	Reducing obesity package - non ELP rate	£1,846.79	£1,902.20	£55.41	3.00%
Children's Services	Learning Standards and Schools Partnership	Health improvement	Mental health and emotional wellbeing package - ELP rate	£1,678.90	£1,729.30	£50.40	3.00%
Children's Services	Learning Standards and Schools Partnership	Health improvement	Mental health and emotional wellbeing package - non ELP rate	£1,846.79	£1,902.20	£55.41	3.00%
Children's Services	Learning Standards and Schools Partnership	Health improvement	Relationship and sex education package - ELP rate	£1,678.90	£1,729.30	£50.40	3.00%
Children's Services	Learning Standards and Schools Partnership	Health improvement	Relationship and sex education package - non ELP rate	£1,846.79	£1,902.20	£55.41	3.00%
Children's Services	Learning Standards and Schools Partnership	Health improvement	PHSE package - ELP rate	£1,493.50	£1,538.30	£44.80	3.00%
Children's Services	Learning Standards and Schools Partnership	Health improvement	PHSE package - non ELP rate	£1,642.85	£1,692.10	£49.25	3.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Learning Partnership	Primary lump sum	£4,161.20	£4,286.00	£124.80	3.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Learning Partnership	Primary variable based on number of pupil	£5.77	£5.90	£0.13	2.29%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Children's Services	Learning Standards and Schools Partnership	Ealing Learning Partnership	Secondary lump sum	£6,761.95	£6,964.80	£202.85	3.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Learning Partnership	Secondary variable based on number of pupil	£5.77	£5.90	£0.13	2.29%
Children's Services	Learning Standards and Schools Partnership	Ealing Learning Partnership	Special lump sum	£4,681.35	£4,821.80	£140.45	3.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Whole class Ensemble Tuition (WCET) First Access option 1	£825.00	£825.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Whole class Ensemble Tuition (WCET) First Access option 2	£1,995.00	£1,995.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Whole class Ensemble Tuition (WCET) Continued Access option 3	£1,980.00	£1,980.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Whole class Ensemble Tuition (WCET) Continued Access option 4	£3,150.00	£3,150.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Ensembles leaders	£45.00	£45.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Classroom Curriculum teaching	£48.00	£48.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Instrument Hire Band A	£22.00	£22.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Instrument Hire Band B	£27.00	£27.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Instrument Hire Band C	£35.00	£35.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Instrument Hire Class set	£250.00	£250.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Instrumental/vocal tuition	£40.00	£40.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Half day workshop	£230.00	£230.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Full day workshop	£395.00	£395.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Half day workshop + instrument hire for 1 term	£395.00	£395.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	Full day workshop + instrument hire for 1 term	£565.00	£565.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	In house CPD for schools who purchase regular EMS teaching provision	£600.00	£600.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	In house CPD for schools who purchase regular EMS teaching provision	£330.00	£330.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	In house CPD for schools who purchase regular EMS teaching provision	£235.00	£235.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	In house CPD for other schools	£725.00	£725.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	In house CPD for other schools	£420.00	£420.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	Ealing Music Service	In house CPD for other schools	£295.00	£295.00	£0.00	0.00%
Children's Services	Learning Standards and Schools Partnership	School Partnership and enrichment	4 days consultancy package - ELP rate	£1,933.31	£1,991.30	£57.99	3.00%
Children's Services	Learning Standards and Schools Partnership	School Partnership and enrichment	4 days consultancy package - non ELP rate	£2,126.95	£2,190.80	£63.85	3.00%
Children's Services	Learning Standards and Schools Partnership	School Partnership and enrichment	Curriculum enrichment ELP rate	£107.12	£110.30	£3.18	2.97%
Children's Services	Learning Standards and Schools Partnership	School Partnership and enrichment	Curriculum enrichment non ELP rate	£117.42	£120.90	£3.48	2.96%
Children's Services	Learning Standards and Schools Partnership	School Partnership and enrichment	Bespoke fundraising and grant writing - ELP rate	£1,933.31	£1,991.30	£57.99	3.00%
Children's Services	Learning Standards and Schools Partnership	School Partnership and enrichment	Bespoke fundraising and grant writing - non ELP rate	£2,126.95	£2,190.80	£63.85	3.00%
Children's Services	Learning Standards and Schools Partnership	School Partnership and enrichment	Engaging parents in early reading ELP rate	£1,236.00	£1,273.10	£37.10	3.00%
Children's Services	Learning Standards and Schools Partnership	School Partnership and enrichment	Family school partnership awards ELP rate	£515.00	£530.50	£15.50	3.01%
Children's Services	Learning Standards and Schools Partnership	School Partnership and enrichment	Primary careers package ELP rate	£978.50	£1,007.90	£29.40	3.00%
Children's Services	Learning Standards and Schools Partnership	School Partnership and enrichment	Engaging parents in early reading non ELP rate	£1,359.60	£1,400.40	£40.80	3.00%
Children's Services	Learning Standards and Schools Partnership	School Partnership and enrichment	Family school partnership awards non ELP rate	£566.50	£583.50	£17.00	3.00%
Children's Services	Learning Standards and Schools Partnership	School Partnership and enrichment	Primary careers package non ELP rate	£1,076.35	£1,108.60	£32.25	3.00%
Children's Services	Learning Standards and Schools Partnership	School improvement support	Standard ELP bespoke support and consultancy full day ELP rate	£633.45	£652.50	£19.05	3.01%
Children's Services	Learning Standards and Schools Partnership	School improvement support	Standard ELP bespoke and consultancy half day ELP rate	£334.75	£344.80	£10.05	3.00%
Children's Services	Learning Standards and Schools Partnership	School improvement support	Standard ELP bespoke and consultancy per hour ELP rate	£90.64	£93.40	£2.76	3.05%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Children's Services	Learning Standards and Schools Partnership	School improvement support	Standard ELP bespoke support and consultancy full day non ELP rate	£731.30	£753.20	£21.90	2.99%
Children's Services	Learning Standards and Schools Partnership	School improvement support	Standard ELP bespoke and consultancy half day non ELP rate	£386.25	£397.80	£11.55	2.99%
Children's Services	Learning Standards and Schools Partnership	School improvement support	Standard ELP bespoke and consultancy per hour non ELP rate	£105.06	£108.20	£3.14	2.99%
Children's Services	Learning Standards and Schools Partnership	School improvement support in all schools	Bespoke full day ELP rate	£633.45	£652.50	£19.05	3.01%
Children's Services	Learning Standards and Schools Partnership	School improvement support in all schools	Bespoke half day ELP rate	£334.75	£344.80	£10.05	3.00%
Children's Services	Learning Standards and Schools Partnership	School improvement support in all schools	Bespoke per hour ELP rate	£90.64	£93.40	£2.76	3.05%
Children's Services	Learning Standards and Schools Partnership	School improvement support in all schools	Bespoke full day non ELP rate	£731.30	£753.20	£21.90	2.99%
Children's Services	Learning Standards and Schools Partnership	School improvement support in all schools	Bespoke half day non ELP rate	£386.25	£397.80	£11.55	2.99%
Children's Services	Learning Standards and Schools Partnership	School improvement support in all schools	Bespoke per hour ELP rate	£105.06	£108.20	£3.14	2.99%
ESCAN/DEND/INCLUSION							
Children's Services	ESCAN/DEND/INCLUSION	Education Psychology Service	Education Psychology Schools Levy - Level 1	£1,600.55	£1,707.80	£107.25	6.70%
Children's Services	ESCAN/DEND/INCLUSION	Education Psychology Service	Education Psychology Schools Levy - Level 2	£2,136.92	£2,280.10	£143.18	6.70%
Children's Services	ESCAN/DEND/INCLUSION	Education Psychology Service	Education Psychology Schools Levy - Level 3	£3,167.91	£3,380.20	£212.29	6.70%
Children's Services	ESCAN/DEND/INCLUSION	Education Psychology Service	Education Psychology Schools Levy - Level 4	£4,213.88	£4,496.20	£282.32	6.70%
Children's Services	ESCAN/DEND/INCLUSION	Education Psychology Service	Education Psychology Daily buy back (schools) ad hoc	Various	Various		
Early Help and Prevention Services							
Children's Services	Early Help and Prevention Services	Play Service	After schools club (parental charges) - per day	£9.83	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health							
Community Offer							
Adults' Services & Public Health		Choice Scheme	Outreach Service	£15.73	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Choice Scheme	Supported Living Service	£907.25	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Community Road and Group Homes	Supported Living Service	£641.43	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Ealing Shared Lives Scheme	Low Need Placement	£67.92	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Ealing Shared Lives Scheme	Ealing Shared Lives Scheme - Moderate Need Placement	£75.58	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Ealing Shared Lives Scheme	Ealing Shared Lives Scheme - High Need Placement	£85.81	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Ealing Shared Lives Scheme	Ealing Shared Lives Scheme - Sessional Support	£10.86	No Longer Required	No Longer Required	No Longer Required
Day Centre							
Adults' Services & Public Health		Cowgate Day Centre	1:5 support needs (half day)	£50.08	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Cowgate Day Centre	1:5 support needs (full day)	£100.16	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Cowgate Day Centre	1:3 support needs (half day)	£72.26	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Cowgate Day Centre	1:3 support needs (full day)	£144.51	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Cowgate Day Centre	1:1 support needs (half day)	£78.41	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Cowgate Day Centre	1:1 support needs (full day)	£156.81	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Cowgate Day Centre	Transport (return trip)	£37.80	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Cowgate Day Centre	Hall Hire	Quote on request	Quote on request	Quote on request	Quote on request
Adults' Services & Public Health		Cowgate Day Centre	Service User Fee - Meal	£3.00	£3.00	£0.00	0.00%
Adults' Services & Public Health		Michael Flanders Day Centre	Attendance at Day Centre -Half Day	£35.22	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Michael Flanders Day Centre	Attendance at Day Centre - Full Day	£70.44	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Michael Flanders Day Centre	Transport Charge (return trip)	£29.95	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Michael Flanders Day Centre	Hall Hire	£15.00	£15.00	£0.00	0.00%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Adults' Services & Public Health		Michael Flanders Day Centre	Service User Fee - Meal	£3.00	£4.00	£1.00	33.33%
Respite Care							
Adults' Services & Public Health		Ealing Short Breaks Service Scheme	Ealing Short Breaks Service Scheme - High Support Needs	£227.87	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Ealing Short Breaks Service Scheme	Ealing Short Breaks Service Scheme - Low Support Needs	£154.28	No Longer Required	No Longer Required	No Longer Required
Reablement Service							
Adults' Services & Public Health		Reablement Service	Up to 6 weeks	Free	No Longer Required	No Longer Required	No Longer Required
Adults' Services & Public Health		Reablement Service	Over 6 weeks	Subject to Financial Assessment	No Longer Required	No Longer Required	No Longer Required
Residential / Nursing Care							
Adults' Services & Public Health		Self Funder Admin Fee	Self Funder Arrangement Fee	£235.60	£251.40	£15.80	6.71%
Adults' Services & Public Health		Residential / Nursing Care - Adults	Deferred Payment Agreement Set-Up Fee	£318.10	£339.40	£21.30	6.70%
Adults' Services & Public Health		Residential / Nursing Care - Adults	Deferred Payment Scheme - Interest Rate Chargeable on deferred care costs	£0.01	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability							
Planning Services							
Pre-Planning Applications							
Economy & Sustainability	Planning Services	Pre-Application	Pre-Application Advice - Minor	£4,459.10	£4,757.90	£298.80	6.70%
Economy & Sustainability	Planning Services	Pre-Application	Pre-Application Advice - Major	£11,120.10	£11,865.10	£745.00	6.70%
Economy & Sustainability	Planning Services	Pre-Application	Pre-Application Advice - Strategic	£22,240.20	£23,730.30	£1,490.10	6.70%
Economy & Sustainability	Planning Services	Pre-Application	Pre-Application - Planning Advice	£170.70	£182.10	£11.40	6.68%
Outline Applications							
Economy & Sustainability	Planning Services	Outline Application	All Outline Applications not more than 2.5 hectares	£462.00	£578.00	£116.00	25.11%
Economy & Sustainability	Planning Services	Outline Application	All Outline Applications more than 2.5 hectares (Fixed fee and per hectre)	£11,432.00	£15,433.00	£4,001.00	35.00%
Economy & Sustainability	Planning Services	Outline Application		£138.00	£186.00	£48.00	34.78%
Householder Application							
Economy & Sustainability	Planning Services	Households	Householder Applications - Alterations/extensions to a single dwelling house, including works within boundary	£206.00	£258.00	£52.00	25.24%
Full Applications							
Economy & Sustainability	Planning Services	Full Application	Alterations/extensions to two or more dwelling houses, including works within boundaries	£407.00	£509.00	£102.00	25.06%
Economy & Sustainability	Planning Services	Full Application	New dwelling houses (up to and including 50)	£462.00	£624.00	£162.00	35.06%
Economy & Sustainability	Planning Services	Full Application	New dwelling houses - for more than 50 homes	£22,859.00	£30,860.00	£8,001.00	35.00%
Economy & Sustainability	Planning Services	Full Application		£138.00	£186.00	£48.00	34.78%
Economy & Sustainability	Planning Services	Full Application		£300,000.00	£405,000.00	£105,000.00	35.00%
Erection Of Buildings							
Economy & Sustainability	Planning Services	Erection of Buildings	Gross floor space to be created by the development: No increase in gross floor space or no more than 40 sq. m	£234.00	£293.00	£59.00	25.21%
Economy & Sustainability	Planning Services	Erection of Buildings	Gross floor space to be created by the development: More than 40 sq. m but no more than 75 sq. m	£462.00	£462.00	£0.00	0.00%
Economy & Sustainability	Planning Services	Erection of Buildings	Gross floor space to be created by the development: More than 75 sq. m but no more than 3750 sq. m	£462.00	£624.00	£162.00	35.06%
Economy & Sustainability	Planning Services	Erection of Buildings	Gross floor space to be created by the development: More than 3750 sq. m	£22,859.00	£30,680.00	£7,821.00	34.21%
Economy & Sustainability	Planning Services	Erection of Buildings		£138.00	£186.00	£48.00	34.78%
Economy & Sustainability	Planning Services	Erection of Buildings		£300,000.00	£405,000.00	£105,000.00	35.00%
The Erection Of Buildings (Land For Agricultural Purposes)							
Economy & Sustainability	Planning Services	Erection of Buildings	Gross floor space to be created by the development: No increase in gross floor space or no more than 465 sq. m	£96.00	£120.00	£24.00	25.00%
Economy & Sustainability	Planning Services	Erection of Buildings	Gross floor space to be created by the development: More than 465 sq. m but no more than 540 sq. m	£462.00	£578.00	£116.00	25.11%
Economy & Sustainability	Planning Services	Erection of Buildings	Gross floor space to be created by the development: More than 540 sq. m but no more than 4,215 sq. m	£462.00	£578.00	£116.00	25.11%
Economy & Sustainability	Planning Services	Erection of Buildings		£462.00	£578.00	£116.00	25.11%
Economy & Sustainability	Planning Services	Erection of Buildings	Gross floor space to be created by the development: More than 4,215 sq. m	£22,859.00	£30,860.00	£8,001.00	35.00%
Economy & Sustainability	Planning Services	Erection of Buildings		£138.00	£186.00	£48.00	34.78%
Economy & Sustainability	Planning Services	Erection of Buildings		£300,000.00	£405,000.00	£105,000.00	35.00%
Erection Of Glasshouses							
Economy & Sustainability	Planning Services	Erection of Glasshouses	Gross floor space to be created by the development: Not more than 465 sq. m	£96.00	£120.00	£24.00	25.00%
Economy & Sustainability	Planning Services	Erection of Glasshouses	Gross floor space to be created by the development: More than 465 sq. m	£2,580.00	£3,225.00	£645.00	25.00%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Erection/Alterations/Replacement Of Plant And Machinery							
Economy & Sustainability	Planning Services	Erection/alterations/replacement of plant and machinery	Site Area not more than 5 hectares	£462.00	£578.00	£116.00	25.11%
Economy & Sustainability	Planning Services	Erection/alterations/replacement of plant and machinery	Site Area more than 5 hectares	£22,859.00	£30,860.00	£8,001.00	35.00%
Economy & Sustainability	Planning Services	Erection/alterations/replacement of plant and machinery		£138.00	£186.00	£48.00	34.78%
Economy & Sustainability	Planning Services	Erection/alterations/replacement of plant and machinery		£300,000.00	£405,000.00	£105,000.00	35.00%
Car Parks, Service Roads Or Other Accesses							
Economy & Sustainability	Planning Services	Car parks, service roads or other accesses	For existing uses	£234.00	£293.00	£59.00	25.21%
Use Of Land For Waste							
Economy & Sustainability	Planning Services	Waste Sites	Site Area not more than 15 hectares	£234.00	£316.00	£82.00	35.04%
Economy & Sustainability	Planning Services	Waste Sites	Site Area more than 15 hectares	£34,934.00	£47,161.00	£12,227.00	35.00%
Economy & Sustainability	Planning Services	Waste Sites		£138.00	£186.00	£48.00	34.78%
Economy & Sustainability	Planning Services	Waste Sites		£78,000.00	£105,300.00	£27,300.00	35.00%
Exploratory Drilling For Oil Or Natural Gas Operation							
Economy & Sustainability	Planning Services	Exploratory drilling for oil or natural gas	Site Area not more than 7.5 hectares	£507.00	£686.00	£179.00	35.31%
Economy & Sustainability	Planning Services	Exploratory drilling for oil or natural gas	Site Area more than 7.5 hectares	£38,070.00	£51,395.00	£13,325.00	35.00%
Economy & Sustainability	Planning Services	Exploratory drilling for oil or natural gas		£151.00	£204.00	£53.00	35.10%
Economy & Sustainability	Planning Services	Exploratory drilling for oil or natural gas		£300,000.00	£405,000.00	£105,000.00	35.00%
Operations For Winning And Working Of Oil Or Natural Gas							
Economy & Sustainability	Planning Services	Operations for the winning and working of oil or natural gas	Site Area not more than 15 hectares	£256.00	£347.00	£91.00	35.55%
Economy & Sustainability	Planning Services	Operations for the winning and working of oil or natural gas	Site Area more than 15 hectares	£38,520.00	£52,002.00	£13,482.00	35.00%
Economy & Sustainability	Planning Services	Operations for the winning and working of oil or natural gas		£151.00	£204.00	£53.00	35.10%
Economy & Sustainability	Planning Services	Operations for the winning and working of oil or natural gas		£78,000.00	£105,300.00	£27,300.00	35.00%
Other Operations (Winning And Working Of Minerals)							
Economy & Sustainability	Planning Services	Other operations - winning and working of minerals, excluding oil and natural gas	Site Area not more than 15 hectares	£234.00	£347.00	£113.00	48.29%
Economy & Sustainability	Planning Services	Other operations - winning and working of minerals, excluding oil and natural gas	Site Area more than 15 hectares	£34,934.00	£52,002.00	£17,068.00	48.86%
Economy & Sustainability	Planning Services	Other operations - winning and working of minerals, excluding oil and natural gas		£138.00	£204.00	£66.00	47.83%
Economy & Sustainability	Planning Services	Other operations - winning and working of minerals, excluding oil and natural gas		£78,000.00	£105,300.00	£27,300.00	35.00%
Other Operations							
Economy & Sustainability	Planning Services	Other operations	Any size site area	£234.00	£293.00	£59.00	25.21%
Economy & Sustainability	Planning Services	Other operations		£2,028.00	£2,535.00	£507.00	25.00%
Lawful Development Certificate							
Economy & Sustainability	Planning Services	Lawful Development Certificate	Existing use or operation	Same as full	Same as full		
Economy & Sustainability	Planning Services	Lawful Development Certificate	Existing use or operation - lawful not to comply with any condition or limitation	£234.00	£293.00	£59.00	25.21%
Economy & Sustainability	Planning Services	Lawful Development Certificate	Proposed use or operation	Half the normal planning fee	Half the normal planning fee		
Prior Approval							
Economy & Sustainability	Planning Services	Prior Approval	Agricultural and Forestry buildings & operations or demolition of buildings	£96.00	£120.00	£24.00	25.00%
Economy & Sustainability	Planning Services	Prior Approval	Telecommunications Code Systems Operators	£462.00	£578.00	£116.00	25.11%
Economy & Sustainability	Planning Services	Prior Approval	Proposed Change of Use to State Funded School or Registered Nursery	£96.00	£120.00	£24.00	25.00%
Economy & Sustainability	Planning Services	Prior Approval	Proposed Change of Use of Agricultural Building to a State-Funded School or Registered Nursery	£96.00	£120.00	£24.00	25.00%
Economy & Sustainability	Planning Services	Prior Approval	Proposed Change of Use of Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure	£96.00	£120.00	£24.00	25.00%
Economy & Sustainability	Planning Services	Prior Approval	Proposed Change of Use of a building from Office (Use Class B1) Use to a use falling within Use Class C3 (Dwelling house)	£96.00	£120.00	£24.00	25.00%
Economy & Sustainability	Planning Services	Prior Approval	Proposed Change of Use of Agricultural Building to a Dwelling house (Use Class C3), where there are no Associated Building Operations	£96.00	£120.00	£24.00	25.00%
Economy & Sustainability	Planning Services	Prior Approval	Proposed Change of Use of Agricultural Building to a Dwelling house (Use Class C3), and Associated Building Operations	£206.00	£258.00	£52.00	25.24%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Planning Services	Prior Approval	Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwelling house), where there are no Associated Building Operations	£96.00	£120.00	£24.00	25.00%
Economy & Sustainability	Planning Services	Prior Approval	Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwelling house), and Associated Building Operations	£206.00	£258.00	£52.00	25.24%
Economy & Sustainability	Planning Services	Prior Approval	Notification for Prior Approval for a Change Of Use from Storage or Distribution Buildings (Class B8) and any land within its curtilage to Dwelling houses (Class C3)	£96.00	£120.00	£24.00	25.00%
Economy & Sustainability	Planning Services	Prior Approval	Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwelling houses (Class C3)	£96.00	£120.00	£24.00	25.00%
Economy & Sustainability	Planning Services	Prior Approval	Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwelling houses (Class C3), and Associated Building Operations	£206.00	£258.00	£52.00	25.24%
Economy & Sustainability	Planning Services	Prior Approval	Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3)	£96.00	£120.00	£24.00	25.00%
Economy & Sustainability	Planning Services	Prior Approval	Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3), and Associated Building Operations	£206.00	£258.00	£52.00	25.24%
Economy & Sustainability	Planning Services	Prior Approval	Notification for Prior Approval for a Change of Use from Shops (Class A1) and Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops (Sui Generis Uses) to Assembly and Leisure Uses (Class D2)	£96.00	£120.00	£24.00	25.00%
Reserved Matters							
Economy & Sustainability	Planning Services	Reserved	Application for approval of reserved matters following outline approval	Full fee due	Full fee due		
Economy & Sustainability	Planning Services	Reserved		OR if full fee already paid then £462 due	OR if full fee already paid then £462 due		
Approval/Variation/Discharge Of Condition							
Economy & Sustainability	Planning Services	Approval/Variation/discharge of condition	Application for removal or variation of a condition following grant of planning permission	£234.00	£293.00	£59.00	25.21%
Economy & Sustainability	Planning Services	Approval/Variation/discharge of condition	Householder Request for confirmation that one or more planning conditions have been complied with	£34.00	£43.00	£9.00	26.47%
Economy & Sustainability	Planning Services	Approval/Variation/discharge of condition	Non Householder Request for confirmation that one or more planning conditions have been complied with	£116.00	£145.00	£29.00	25.00%
Change Of Use Of A Building							
Economy & Sustainability	Planning Services	Change of Use of a buildings	Change of Use of a building to use as one or more separate dwelling houses, or other cases - No more than 50 dwelling houses	£462.00	£578.00	£116.00	25.11%
Economy & Sustainability	Planning Services	Change of Use of a buildings	Change of Use of a building to use as one or more separate dwelling houses, or other cases - More than 50 dwelling houses	£22,859.00	£30,860.00	£8,001.00	35.00%
Economy & Sustainability	Planning Services	Change of Use of a buildings		£138.00	£186.00	£48.00	34.78%
Economy & Sustainability	Planning Services	Change of Use of a buildings		£300,000.00	£40,500.00	£259,500.00	-86.50%
Economy & Sustainability	Planning Services	Change of Use of a buildings	Other Changes of Use of a building or land	£462.00	£624.00	£162.00	35.06%
Advertising							
Economy & Sustainability	Planning Services	Advertising	Advertising relating to the business on the premises	£132.00	£165.00	£33.00	25.00%
Economy & Sustainability	Planning Services	Advertising	Advertising relating to advance signs which are not situated on or visible from the site, directing the public to a business	£132.00	£165.00	£33.00	25.00%
Economy & Sustainability	Planning Services	Advertising	Other advertisements	£462.00	£578.00	£116.00	25.11%
Application For A Non-Material Amendment Following Grant Of Planning Permission							
Economy & Sustainability	Planning Services	Non-material Amendment Following a Grant of Planning Permission	Applications in respect of householder developments	£34.00	£42.00	£8.00	23.53%
Economy & Sustainability	Planning Services	Non-material Amendment Following a Grant of Planning Permission	Applications in respect of other developments	£234.00	£293.00	£59.00	25.21%
Permission In Principle							
Economy & Sustainability	Planning Services	Permission in Principle	Permission in Principle	£402.00	£578.00	£176.00	43.78%
Arts, Culture, Leisure & Libraries							
Community Centres							

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Small Meeting Room: (Private, Mon to Fri)	£30.00	£32.00	£2.00	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Medium Meeting Room (Private, Mon to Fri)	£37.00	£40.00	£3.00	8.11%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Small Meeting Room (Weekend)	£37.00	£40.00	£3.00	8.11%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Medium Meeting Room (Weekend)	£45.00	£48.00	£3.00	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Large Meeting Room (Weekend)	£52.00	£55.50	£3.50	6.73%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Sports Hall (Private, Mon to Fri)	£74.00	£80.00	£6.00	8.11%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Sports Hall (Charity, Mon to Fri)	£66.00	£71.00	£5.00	7.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Sports Hall Evening Function (Weekend)	£120.00	£129.00	£9.00	7.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Sports Hall Children's Party (Weekend)	£74.00	£79.00	£5.00	6.76%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Badminton Hall 4 Courts (Private, Mon to Fri)	£13.50	£15.00	£1.50	11.11%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Badminton Hall 4 Courts (Weekend)	£13.50	£15.00	£1.50	11.11%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Badminton Hall Full Room (Private, Mon to Fri)	£66.00	£71.00	£5.00	7.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Badminton Hall Full Room (Weekend)	£66.40	£71.00	£4.60	6.93%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Boxing Studio (Private, Mon to Fri)	£51.00	£55.00	£4.00	7.84%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Judo Studio (Private, Mon to Fri)	£44.00	£46.90	£2.90	6.59%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Judo Studio (Weekend)	£44.00	£46.90	£2.90	6.59%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Art Wing Room (Private, Mon to Fri)	£37.00	£40.00	£3.00	8.11%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Art Wing Room (Weekend)	£37.00	£40.00	£3.00	8.11%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Pottery Room (Private, Mon to Fri)	£52.00	£56.00	£4.00	7.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Pottery Room (Weekend)	£52.00	£56.00	£4.00	7.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Upholstery (Private, Mon to Fri)	£37.00	£40.00	£3.00	8.11%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Upholstery (Weekend)	£37.00	£40.00	£3.00	8.11%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Hanwell CC Boxing Training room 1 & 2	£26.00	£28.00	£2.00	7.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Hanwell Community Centre	Badminton Hall alternative uses	£15.00	£16.00	£1.00	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Community Suite (Small) - Normal Rate Mon - Fri	£36.00	£39.00	£3.00	8.33%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Community Suite (Small) - Charity / Internal Rate Mon - Fri	£27.00	£29.00	£2.00	7.41%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Community Suite (Small) - Weekend Rates Sat - Sun	£36.00	£39.00	£3.00	8.33%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Community Suite (Large) - Normal Rate Mon - Fri	£57.00	£61.00	£4.00	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Community Suite (Large) - Charity / Internal Rate Mon - Fri	£43.00	£46.00	£3.00	6.98%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Community Suite (Large) - Weekend Rates Sat - Sun	£57.00	£61.00	£4.00	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Conference Room 1 - Normal Rate Mon - Fri	£29.00	£30.90	£1.90	6.55%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Conference Room 1 - Charity / Internal Rate Mon - Fri	£21.50	£22.90	£1.40	6.51%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Conference Room 1 - Weekend Rates Sat - Sun	£29.00	£30.90	£1.90	6.55%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Conference Room 2 - Normal Rate Mon - Fri	£29.00	£30.90	£1.90	6.55%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Conference Room 2 - Charity / Internal Rate Mon - Fri	£21.50	£22.90	£1.40	6.51%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Conference Room 2 - Weekend Rates Sat - Sun	£29.00	£30.90	£1.90	6.55%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Conference Rooms 1 & 2 Together - Normal Rate Mon - Fri	£46.00	£50.00	£4.00	8.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Conference Rooms 1 & 2 Together - Charity / Internal Rate Mon - Fri	£34.00	£37.00	£3.00	8.82%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Conference Rooms 1 & 2 Together - Weekend Rates Sat - Sun	£46.00	£50.00	£4.00	8.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Room 2 - Normal Rate Mon - Fri	£36.00	£39.00	£3.00	8.33%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Room 2 - Charity / Internal Rate Mon - Fri	£27.00	£29.00	£2.00	7.41%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Room 2 - Weekend Rates Sat - Sun	£36.00	£39.00	£3.00	8.33%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Main Hall with Kitchen & Servery - Normal Rate Mon - Fri	£149.00	£160.00	£11.00	7.38%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Main Hall with Kitchen & Servery - Charity / Internal Rate Mon - Fri	£111.50	£120.00	£8.50	7.62%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Main Hall with Kitchen & Servery - Weekend Rates Sat - Sun	£149.00	£160.00	£11.00	7.38%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Main Hall - Normal Rate Mon - Fri	£114.00	£122.00	£8.00	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Main Hall - Charity / Internal Rate Mon - Fri	£86.00	£92.00	£6.00	6.98%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Main Hall - Weekend Rates Sat - Sun	£114.00	£122.00	£8.00	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Servery - Normal Rate Mon - Fri	£23.00	£25.00	£2.00	8.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Servery - Charity / Internal Rate Mon - Fri	£17.00	£19.00	£2.00	11.76%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Servery - Weekend Rates Sat - Sun	£23.00	£25.00	£2.00	8.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Kitchen - Normal Rate Mon - Fri	£34.00	£37.00	£3.00	8.82%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Kitchen - Charity / Internal Rate Mon - Fri	£26.00	£28.00	£2.00	7.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Kitchen - Weekend Rates Sat - Sun	£34.00	£37.00	£3.00	8.82%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Foyer Area (+Private Exhibitions) - Normal Rate Mon - Fri	£57.00	£61.00	£4.00	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Foyer Area (+Private Exhibitions) - Charity / Internal Rate Mon - Fri	£43.00	£46.00	£3.00	6.98%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Foyer Area (+Private Exhibitions) - Weekend Rates Sat - Sun	£57.00	£61.00	£4.00	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Car Park - Normal Rate Mon - Fri	£114.00	£122.00	£8.00	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Car Park - Charity / Internal Rate Mon - Fri	£114.00	£122.00	£8.00	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dominion Centre	Car Park - Weekend Rates Sat - Sun	£114.00	£122.00	£8.00	7.02%
		Libraries					
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Reservations Concession	Free	Free		
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Items not in stock in Ealing or Consortium	£4.50	£5.00	£0.50	11.11%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Reservations - British Library	£18.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Periodical articles	£7.80	£9.00	£1.20	15.38%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	DVD hire - week loan	£2.60	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	DVD hire - week loan (children's)	£1.70	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	CD hire - single 2 week loan	£1.40	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	CD hire - double 2 week loan	£2.80	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	CD hire - multiple set 2 week loan	£2.80	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Adult talking books 3+ (on cassette)	£2.20	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Adult talking books on CD (new category)	£2.80	£3.00	£0.20	7.14%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Foreign language 1 or 2 CDs	£1.90	£2.00	£0.10	5.26%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Foreign language 3+ CDs	£3.40	£3.60	£0.20	5.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Overdue charges books/CDs	£0.25	£0.30	£0.05	20.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Overdue charges DVD	£1.10	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	replacement library card - children's	£1.10	£1.20	£0.10	9.09%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	replacement library card - adults	£2.50	£2.70	£0.20	8.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Replacement for lost/damaged items	Current cost of replacement	Current cost of replacement		
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	photocopies A4	£0.20	£0.20	£0.00	0.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Photocopies A3	£0.30	£0.30	£0.00	0.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	printing A4	£0.20	£0.20	£0.00	0.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Printing A3	£0.30	£0.30	£0.00	0.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	photocopies A4 colour	£0.30	£0.30	£0.00	0.00%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Photocopies A3 colour	£0.70	£0.70	£0.00	0.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Room Hire - Northolt Library - various	Various	Various		
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Room Hire - Central Library - various	Various	Various		
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Room Hire - Other rental income	£950.00	£1,020.00	£70.00	7.37%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Libraries	Music Scores	£28.00	£30.00	£2.00	7.14%
		Adult Learning					
Economy & Sustainability	Employment and Skills	Adult Learning	courses aimed at ESFA/GLA priorities e.g. Covid priorities, digitally disadvantaged, low incomes, ESOL, LLDD, first steps into learning, social inclusion, etc.	Nil - £2.45	Nil - £2.57		
Economy & Sustainability	Employment and Skills	Adult Learning	Courses leading to qualifications which attract a higher level of ESFA/GLA funding	£3.70	£3.90	£0.20	5.41%
Economy & Sustainability	Employment and Skills	Adult Learning	Full cost fee for students not resident in EU and not eligible for ESFA/GLA funding	£12.00	£12.80	£0.80	6.67%
		Sports Pitches					
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches A Football - 11-side single (price is inclusive of VAT)	£116.00	£123.80	£7.80	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches A Football - 11-side seasonal (VAT exempt)	£79.00	£84.30	£5.30	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches B Football - 11-side single (price is inclusive of VAT)	£79.00	£84.30	£5.30	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches B Football - 11-side seasonal (VAT exempt)	£53.00	£56.60	£3.60	6.79%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches A Football - 9-side single (price is inclusive of VAT)	£53.00	£56.60	£3.60	6.79%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches A Football - 9-side seasonal (VAT exempt)	£43.50	£46.40	£2.90	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches B Football - 9-side single (price is inclusive of VAT)	£47.00	£50.10	£3.10	6.60%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches B Football - 9-side seasonal (VAT exempt)	£39.50	£42.10	£2.60	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches A Football - 7-side single (price is inclusive of VAT)	£44.00	£46.90	£2.90	6.59%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches A Football - 7-side seasonal (VAT exempt)	£36.00	£38.40	£2.40	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches B Football - 7-side single (price is inclusive of VAT)	£39.50	£42.10	£2.60	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches B Football - 7-side seasonal (VAT exempt)	£33.00	£35.20	£2.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches A Football - 5-side single (price is inclusive of VAT)	£35.00	£37.30	£2.30	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches A Football - 5-side seasonal (VAT exempt)	£29.00	£30.90	£1.90	6.55%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches B Football - 5-side single (price is inclusive of VAT)	£27.50	£29.30	£1.80	6.55%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches B Football - 5-side seasonal (VAT exempt)	£23.00	£24.50	£1.50	6.52%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches A Cricket - single (price is inclusive of VAT)	£151.00	£161.10	£10.10	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches A Cricket - seasonal (VAT exempt)	£118.00	£125.90	£7.90	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches B Cricket - single (price is inclusive of VAT)	£110.00	£117.40	£7.40	6.73%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Sports Pitches	Sports Pitches B Cricket - seasonal (VAT exempt)	£88.50	£94.40	£5.90	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Off-peak Tennis court p/h	Booking of single tennis court per hour off-peak		£4.00	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Peak Tennis court p/h	Booking of single tennis court per hour peak		£6.00	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Floodlit Tennis court p/h	Booking of single tennis court per hour floodlit		£8.00	New	New
		Allotments					
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Allotments	Standard A Allotment	£14.50	£15.50	£1.00	6.90%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Allotments	Standard A Allotment concession	£7.30	£7.80	£0.50	6.85%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Allotments	Standard B Allotment	£18.00	£19.20	£1.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Allotments	Standard B Allotment concession	£9.00	£9.60	£0.60	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Allotments	Standard C Allotment	£21.00	£22.40	£1.40	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Allotments	Standard C Allotment concession	£10.60	£11.30	£0.70	6.60%
		Festival and Events					
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Comedy (Exclusive of booking fees)	£22.00 - £30.83	£23.10 - £32.37		
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Jazz/ Blues per day (Sat & Sun) Early Bird (Exclusive of booking fees)	£11.00	£12.00	£1.00	9.09%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Jazz/ Blues per day (Sat & Sun)(Exclusive of booking fees)	£13.00	£14.00	£1.00	7.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Jazz/ Blues/ Weekends Early Bird(Exclusive of booking fees)	£18.00	£20.00	£2.00	11.11%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Jazz/ Blues/ Weekends (Exclusive of booking fees)	£22.00	£24.00	£2.00	9.09%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Acton Carnival	£2.20	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Family carnival tickets	£5.50	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Small scale Street Event	£440.00	£470.00	£30.00	6.82%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Medium scale Street Event	£1,300.00	£1,390.00	£90.00	6.92%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Large scale and special Street Event	Quote on request	Quote on request		
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Small scale Park Event	£660.00	£710.00	£50.00	7.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Medium scale Park Event	£3,250.00	£3,480.00	£230.00	7.08%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Large scale Park Event (price is per day)	£5,500.00	£5,880.00	£380.00	6.91%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Special Park Event	Quote on request	Quote on request		
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Non-operating days Park Event	£350.00	£380.00	£30.00	8.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Fitness and Training in Parks: 3-10 Less than £6 Annual	£580.00	£618.90	£38.90	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 3-10 Less than £6 Summer	£425.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 3-10 Less than £6 Winter	£300.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 3-10 Less than £11 Annual	£1,150.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 3-10 Less than £11 Summer	£875.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 3-10 Less than £11 Winter	£600.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 3-10 Less than £16 Annual	£1,750.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 3-10 Less than £16 Summer	£1,300.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 3-10 Less than £16 Winter	£875.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 11-20 Less than £6 Annual	£1,150.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 11-20 Less than £6 Annual	£875.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 11-20 Less than £6 Annual	£600.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 11-20 Less than £11 Annual	£2,300.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 11-20 Less than £11 Summer	£1,750.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 11-20 Less than £11 Winter	£1,150.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 11-20 Less than £16 Annual	£3,500.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 11-20 Less than £16 Summer	£2,650.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 11-20 Less than £16 Winter	£1,750.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 21-30 Less than £6 Annual	£1,650.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 21-30 Less than £6 Annual	£1,250.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 21-30 Less than £6 Annual	£875.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 21-30 Less than £11 Annual	£3,500.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 21-30 Less than £11 Summer	£2,650.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 21-30 Less than £11 Winter	£1,750.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 21-30 Less than £16 Annual	£5,200.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 21-30 Less than £16 Summer	£3,900.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 21-30 Less than £16 Winter	£2,650.00	No Longer Required	No Longer Required	No Longer Required
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: 30+ renamed MPAA>1500	Quote on request	Quote on request		
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: More than £16 renamed More than £12	Quote on request	Quote on request		
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Commercial Dog walking licence	£200.00	£213.40	£13.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Application Fee		£50.00	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Late application fee (within 10 weeks of a small or medium event)		£75	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Late application fee (within 26 weeks of a large event)		£150	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Event application fee		£50	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Lost keys		£100	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Additional officer time (Mon-Sat)		£38.57	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Additional officer time (Sunday and Bank Holidays)		£77.14	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: Single session / Attendance up to 50		£60.00	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: Annual attendance up to 300		£432.00	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: Annual attendance up to 450		£648.00	New	New

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: Annual attendance up to 600		£864.00	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: Annual attendance up to 900		£1,296.00	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: Annual attendance up to 1200		£1,728.00	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: Annual attendance up to 1500		£2,160.00	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: Annual attendance over 1500		Quote on request	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: More than £12 per session		Quote on request	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	FIP: Less than £6 per session		Quote on request	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Deposit: Small Event		£500.00	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Deposit: Medium Event		£1,000.00	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Deposit: Large Event		£2,000.00	New	New
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Festival & Events	Deposit: Special		Quote on request	New	New
Leisure Centres							
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Swimming - Adult	£5.35	£5.70	£0.35	6.54%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Swimming - Junior	£2.35	£2.50	£0.15	6.38%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Swimming - Parent & Toddler	£4.00	£4.30	£0.30	7.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Swimming - Group Lessons Junior	£8.50	£9.10	£0.60	7.06%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Swimming - Group Lessons Adult	£8.50	£9.10	£0.60	7.06%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Swimming - Swimming Lessons 1-2-1 30 minutes	£34.00	£36.30	£2.30	6.76%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training - Adult GYM	£9.60	£10.20	£0.60	6.25%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training - Junior Induction	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training - Aerobics	£7.75	£8.30	£0.55	7.10%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training - Pilates	£9.05	£9.70	£0.65	7.18%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training - Zumba	£9.05	£9.70	£0.65	7.18%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training - 50+ Staying Active	£7.50	£8.00	£0.50	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Room Hire - Community Hall Full	£84.10	£89.70	£5.60	6.66%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Room Hire - Community Hall Half	£42.00	£44.80	£2.80	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Room Hire - Dance Studio	£42.00	£44.80	£2.80	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Junior courses - Boot camp drop in	£7.20	£7.70	£0.50	6.94%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Birthday Pool Parties - Up to 30 children	£200.00	£213.40	£13.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Main Pool Hire - Regular use	£206.30	£220.10	£13.80	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Teaching Pool Hire - Regular use	£108.85	£116.10	£7.25	6.66%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Galas/Events for clubs - Main pool	£192.30	£205.20	£12.90	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Galas/Events for clubs - Teaching pool	£120.15	£128.20	£8.05	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Galas/Events for non clubs - Main pool	£240.35	£256.50	£16.15	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Galas/Events for non clubs - Teaching pool	£120.15	£128.20	£8.05	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Swimming: discounted with leisure pass - Adult	£2.50	£2.70	£0.20	8.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Swimming: discounted with leisure pass - Junior	£1.50	£1.60	£0.10	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Swimming: discounted with leisure pass - Parent & Toddler	£2.50	£2.70	£0.20	8.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training: discounted with leisure pass - Adult GYM	£6.30	£6.70	£0.40	6.35%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training: discounted with leisure pass - Junior GYM	£3.00	£3.20	£0.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training: discounted with leisure pass - Junior Induction	£6.80	£7.30	£0.50	7.35%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training: discounted with leisure pass - Aerobics	£4.45	£4.70	£0.25	5.62%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training: discounted with leisure pass - Pilates	£5.90	£6.30	£0.40	6.78%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training: discounted with leisure pass - Zumba	£5.90	£6.30	£0.40	6.78%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training: discounted with leisure pass - 50+ Staying Active	£2.80	£3.00	£0.20	7.14%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Adult Activities - 50+ Bowls / Table Tennis (drop in)	£2.95	£3.10	£0.15	5.08%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Birthday Inflatable Parties - Up to 24 children	£200.00	£213.40	£13.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Birthday Bouncy Castle Parties - Up to 24 children	£200.00	£213.40	£13.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Standard Group Exercise Classes	£7.75	£8.30	£0.55	7.10%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Standard Group Exercise Classes Concession	£4.45	£4.70	£0.25	5.62%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Soft play pay and play	£4.95	£5.30	£0.35	7.07%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Soft play party with food	£228.00	£243.30	£15.30	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Soft play private hire with food	£285.00	£304.10	£19.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Table tennis	£9.00	£9.60	£0.60	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Joining Fee	£40.00	£42.70	£2.70	6.75%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Joining Fee Leisure Pass / Concession	£20.00	£21.30	£1.30	6.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership adult DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership adult DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership junior DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership junior DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership adult multi site monthly DD	£32.99	£35.20	£2.21	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership adult multi site PIF	£329.90	£352.00	£22.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership adult multi site monthly DD Leisure Pass / Concession	£27.49	£29.30	£1.81	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership adult multi site monthly PIF Leisure Pass / Concession	£274.90	£293.30	£18.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership adult single site monthly DD	£32.99	£35.20	£2.21	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership adult single site PIF	£329.90	£352.00	£22.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership adult single site monthly DD Leisure Pass / Concession	£27.49	£29.30	£1.81	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership adult single site monthly PIF Leisure Pass / Concession	£274.90	£293.30	£18.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership junior multi site monthly DD	£22.99	£24.50	£1.51	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership junior multi site monthly PIF	£229.90	£245.30	£15.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership junior multi site monthly DD Leisure Pass / Concession	£22.99	£24.50	£1.51	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness membership junior multi site monthly PIF Leisure Centre / Concession	£222.90	£237.80	£14.90	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	Fitness Training - Junior GYM	£3.95	£4.20	£0.25	6.33%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Northolt Leisure Centre	GYM - Induction (standard 30 mins)	£19.00	£20.30	£1.30	6.84%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training - Track adult (full)	£3.85	£4.10	£0.25	6.49%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training - Junior	£1.90	£2.00	£0.10	5.26%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training - Adult track season ticket - full	£85.00	£90.70	£5.70	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training - Junior track season ticket	£42.70	£45.60	£2.90	6.79%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training - Gym adult (full)	£6.60	£7.00	£0.40	6.06%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training - Gym junior	£3.15	£3.40	£0.25	7.94%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training - Junior gym induction	£7.15	£7.60	£0.45	6.29%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training - Adult Track & Gym Season Ticket (full)	£159.50	£170.20	£10.70	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training - Junior Track & Gym Season Ticket	£82.30	£87.80	£5.50	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Perivale Park - Summer Star:track (5 day - 18hr)	£54.50	£58.20	£3.70	6.79%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Activities - Junior coached activities (1hr)	£3.05	£3.30	£0.25	8.20%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Activities - 40+ session (2hr)	£5.90	£6.30	£0.40	6.78%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Activities - Adult coached activities (1 hr)	£3.05	£3.30	£0.25	8.20%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training: discounted with leisure pass - Track adult (full)	£1.90	£2.00	£0.10	5.26%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training: discounted with leisure pass - Junior	£1.60	£1.70	£0.10	6.25%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training: discounted with leisure pass - Adult track season ticket (full)	£42.30	£45.10	£2.80	6.62%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training: discounted with leisure pass - Junior track season ticket	£32.80	£35.00	£2.20	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training: discounted with leisure pass - Gym adult (full)	£3.20	£3.40	£0.20	6.25%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training: discounted with leisure pass - Gym junior	£2.60	£2.80	£0.20	7.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training: discounted with leisure pass - Junior gym induction	£6.80	£7.30	£0.50	7.35%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training: discounted with leisure pass - Adult Track & Gym Season Ticket (full)	£84.00	£89.60	£5.60	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Fitness Training: discounted with leisure pass - Junior Track & Gym Season Ticket	£63.45	£67.70	£4.25	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Activities: discounted with leisure pass - Summer Star:track (5 day - 18hr)	£45.90	£49.00	£3.10	6.75%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Activities: discounted with leisure pass - Junior coached activities (1hr)	£1.70	£1.80	£0.10	5.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Activities: discounted with leisure pass - 40+ session (2hr)	£2.90	£3.10	£0.20	6.90%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Athletics club track hire	£72.75	£77.60	£4.85	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	community group track hire	£72.75	£77.60	£4.85	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	School Hire + 4 hours	£37.55	£40.10	£2.55	6.79%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	school Hire under 4 hours	£43.55	£46.50	£2.95	6.77%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	12+ weeks club booking	£31.10	£33.20	£2.10	6.75%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	social area Hire hourly	£29.75	£31.70	£1.95	6.55%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	social area weekly	£349.55	£373.00	£23.45	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	Birthday Parties	£149.00	£159.00	£10.00	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Perivale Track	GYM - Induction (standard 30 mins)	£19.00	£20.30	£1.30	6.84%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness Classes - Aerobics	£7.20	£7.70	£0.50	6.94%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness Classes - Yoga 1.5hrs	£10.45	£11.20	£0.75	7.18%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness Classes - Activity Room, Club room, studio	£37.30	£39.80	£2.50	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness Classes - Sports hall (4 cts)	£69.90	£74.60	£4.70	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness Classes - Sports hall (2cts)	£38.00	£40.50	£2.50	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness Classes - Sports hall (1cts)	£14.60	£15.60	£1.00	6.85%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Junior Courses - Drop in	£6.95	£7.40	£0.45	6.47%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Junior Courses - Prebooked course (per session)	£5.80	£6.20	£0.40	6.90%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Junior Courses - Floodlit Area/hr	£33.00	£35.20	£2.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Junior Courses - Floodlit Area-lights on	£36.40	£38.80	£2.40	6.59%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Junior Courses - Netball court	£27.50	£29.30	£1.80	6.55%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Junior Courses - Netball court-lights on	£35.40	£37.80	£2.40	6.78%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Junior Courses - Tennis court	£11.40	£12.20	£0.80	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Junior Courses - Tennis court-lights on	£12.35	£13.20	£0.85	6.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Birthday parties - Up to 30 children	£215.00	£229.40	£14.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Birthday parties - 30 - 40 children	£225.00	£240.10	£15.10	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness Classes: discounted with leisure pass - Aerobics	£3.90	£4.20	£0.30	7.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness Classes: discounted with leisure pass - Yoga 1.5hrs	£5.60	£6.00	£0.40	7.14%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Junior Courses: discounted with leisure pass - Drop in	£4.35	£4.60	£0.25	5.75%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Junior Courses: discounted with leisure pass - Prebooked course (per session)	£3.50	£3.70	£0.20	5.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Joining Fee	£20.00	£21.30	£1.30	6.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Joining Fee Leisure Pass / Concession	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership adult DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership adult DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership junior DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership junior DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership adult multi site monthly DD	£32.99	£35.20	£2.21	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership adult multi site PIF	£329.99	£352.10	£22.11	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership adult multi site monthly DD Leisure Pass / Concession	£27.49	£29.30	£1.81	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership adult multi site monthly PIF Leisure Pass / Concession	£274.90	£293.30	£18.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership adult single site monthly DD	£21.99	£23.50	£1.51	6.87%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership adult single site PIF	£219.90	£234.60	£14.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership adult single site monthly DD Leisure Pass / Concession	£21.99	£23.50	£1.51	6.87%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership adult single site monthly PIF Leisure Pass / Concession	£219.90	£234.60	£14.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership junior multi site monthly DD	£22.99	£24.50	£1.51	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership junior multi site monthly PIF	£229.90	£245.30	£15.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership junior multi site monthly DD Leisure Pass / Concession	£16.99	£18.10	£1.11	6.53%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Twyford Leisure Centre	Fitness membership junior multi site monthly PIF Leisure Centre / Concession	£169.90	£181.30	£11.40	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness - Aerobics	£6.35	£6.80	£0.45	7.09%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness - Yoga 1 hr	£7.30	£7.80	£0.50	6.85%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness - Sports hall (4 cts)	£69.90	£74.60	£4.70	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness - Sports hall (2cts)	£38.00	£40.50	£2.50	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness - Sports hall (1cts)	£14.60	£15.60	£1.00	6.85%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Elthorne - Prebooked course (per session) Trampoline, Football, Basketball	£5.70	£6.10	£0.40	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Junior courses - Prebooked course (per session) Netball	£4.75	£5.10	£0.35	7.37%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Junior courses - MUGA 4G	£62.05	£66.20	£4.15	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Junior courses - MUGA without floodlights	£32.05	£34.20	£2.15	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Junior courses - MUGA with floodlights	£34.35	£36.70	£2.35	6.84%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Junior courses - Tennis court	£11.40	£12.20	£0.80	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Junior courses - Tennis court-lights on	£12.35	£13.20	£0.85	6.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Junior courses - Table Tennis	£10.25	£10.90	£0.65	6.34%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Birthday Parties - Up to 30 children	£215.00	£229.40	£14.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Birthday Parties - 30 - 40 children	£225.00	£240.10	£15.10	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Birthday Parties - Up to 30 children + Tramps	£245.00	£261.40	£16.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness & Gym - Adult Gym Session	£7.30	£7.80	£0.50	6.85%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness & Gym - Junior Gym Session	£3.60	£3.80	£0.20	5.56%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Equipment Hire - Badminton Racquets	£1.10	£1.20	£0.10	9.09%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Equipment Hire - Table Tennis Bats	£1.10	£1.20	£0.10	9.09%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness: discounted with leisure pass - Aerobics	£4.65	£5.00	£0.35	7.53%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness: discounted with leisure pass - Yoga 1 hr	£5.10	£5.40	£0.30	5.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness: discounted with leisure pass - Circuit	£5.10	£5.40	£0.30	5.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness: discounted with leisure pass - Adult Gym Session	£3.45	£3.70	£0.25	7.25%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness: discounted with leisure pass - Junior Gym Session	£2.55	£2.70	£0.15	5.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness: discounted with leisure pass - Junior Gym Induction	£6.80	£7.30	£0.50	7.35%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness & Gym - Junior Gym Induction	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Joining Fee	£20.00	£21.30	£1.30	6.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Joining Fee Leisure Pass / Concession	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership adult DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership adult DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership junior DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership junior DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership adult multi site monthly DD	£32.99	£35.20	£2.21	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership adult multi site PIF	£329.90	£352.00	£22.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership adult multi site monthly DD Leisure Pass / Concession	£27.49	£29.30	£1.81	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership adult multi site monthly PIF Leisure Pass / Concession	£274.90	£293.30	£18.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership adult single site monthly DD	£21.99	£23.50	£1.51	6.87%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership adult single site PIF	£219.90	£234.60	£14.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership adult single site monthly DD Leisure Pass / Concession	£21.99	£23.50	£1.51	6.87%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership adult single site monthly PIF Leisure Pass / Concession	£219.90	£234.60	£14.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership junior multi site monthly DD	£22.99	£24.50	£1.51	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership junior multi site monthly PIF	£229.90	£245.30	£15.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership junior multi site monthly DD Leisure Pass / Concession	£16.99	£18.10	£1.11	6.53%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Elthorne Leisure Centre	Fitness membership junior multi site monthly PIF Leisure Centre / Concession	£169.90	£181.30	£11.40	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Swimming - Adult	£5.35	£5.70	£0.35	6.54%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Swimming - Junior	£2.30	£2.50	£0.20	8.70%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Swimming - Wet & Wild Session	£3.40	£3.60	£0.20	5.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Swimming - Swimming Lessons 1-2-1 30 minutes	£34.00	£36.30	£2.30	6.76%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Swimming - Parent & Toddler	£4.00	£4.30	£0.30	7.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training - Adult GYM	£9.60	£10.20	£0.60	6.25%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training - Junior GYM	£4.00	£4.30	£0.30	7.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training - Junior Induction	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training - Aerobics	£7.75	£8.30	£0.55	7.10%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training - Pilates	£9.05	£9.70	£0.65	7.18%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training - Zumba	£9.05	£9.70	£0.65	7.18%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Room Hire (per hour) - Community Office	£29.95	£32.00	£2.05	6.84%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Room Hire (per hour) - Community Room 1	£33.60	£35.90	£2.30	6.85%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Room Hire (per hour) - Community Room 2	£33.60	£35.90	£2.30	6.85%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Room Hire (per hour) - Community Room 1 & 2	£67.25	£71.80	£4.55	6.77%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Room Hire (per hour) - Community Room 3	£33.60	£35.90	£2.30	6.85%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Room Hire (per hour) - Community Room 4	£35.90	£38.30	£2.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Room Hire (per hour) - Community Room 5	£35.90	£38.30	£2.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Room Hire (per hour) - Community Room 4 & 5	£72.20	£77.00	£4.80	6.65%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Room Hire (per hour) - Community Room 6 (Dance Studio)	£36.05	£38.50	£2.45	6.80%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Room Hire (per hour) - Studio 1	£36.05	£38.50	£2.45	6.80%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Swimming: discounted with leisure pass - Adult	£2.50	£2.70	£0.20	8.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Swimming: discounted with leisure pass - Junior	£1.50	£1.60	£0.10	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Swimming: discounted with leisure pass - Parent & Toddler	£2.50	£2.70	£0.20	8.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training: discounted with leisure pass - Adult GYM	£6.30	£6.70	£0.40	6.35%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training: discounted with leisure pass - Junior GYM	£3.00	£3.20	£0.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training: discounted with leisure pass - Junior Induction	£6.80	£7.30	£0.50	7.35%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training: discounted with leisure pass - Aerobics	£4.45	£4.70	£0.25	5.62%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training: discounted with leisure pass - Pilates	£5.90	£6.30	£0.40	6.78%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training: discounted with leisure pass - Zumba	£5.90	£6.30	£0.40	6.78%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Birthday Parties - Pool Party Teaching Pool	£180.00	£192.10	£12.10	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Birthday Parties - Pool Party Main Pool	£200.00	£213.40	£13.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Birthday Parties - Bouncy Castle Party	£170.00	£181.40	£11.40	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Sports Activities - Table Tennis	£8.80	£9.40	£0.60	6.82%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Sports Activities - Table Tennis Bat Deposit	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Pool Hire Regular use (Per hour) - Main pool whole	£229.20	£244.60	£15.40	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Pool Hire Regular use (Per hour) - Teaching pool	£114.60	£122.30	£7.70	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Birthday Inflatable Parties - Up to 24 children	£200.00	£213.40	£13.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Swimming - Swimming Lessons 2-2-1 30 minutes	£47.20	£50.40	£3.20	6.78%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Standard Group Exercise Classes	£7.75	£8.30	£0.55	7.10%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Standard Group Exercise Classes Concession	£4.45	£4.70	£0.25	5.62%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness Training - Adult GYM - Concession	£6.30	£6.70	£0.40	6.35%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Forever Fit	£2.95	£3.10	£0.15	5.08%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Swimming - Group Lessons Junior	£8.50	£9.10	£0.60	7.06%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Joining Fee	£40.00	£42.70	£2.70	6.75%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Joining Fee Leisure Pass / Concession	£20.00	£21.30	£1.30	6.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership adult DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership adult DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership junior DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership junior DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership adult multi site monthly DD	£32.99	£35.20	£2.21	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership adult multi site PIF	£329.90	£352.00	£22.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership adult multi site monthly DD Leisure Pass / Concession	£27.49	£29.30	£1.81	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership adult multi site monthly PIF Leisure Pass / Concession	£274.90	£293.30	£18.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership adult single site monthly DD	£32.99	£35.20	£2.21	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership adult single site PIF	£329.90	£352.00	£22.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership adult single site monthly DD Leisure Pass / Concession	£27.49	£29.30	£1.81	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership adult single site monthly PIF Leisure Pass / Concession	£274.90	£293.30	£18.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership junior multi site monthly DD	£22.99	£24.50	£1.51	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership junior multi site monthly PIF	£229.90	£245.30	£15.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership junior multi site monthly DD Leisure Pass / Concession	£22.99	£24.50	£1.51	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	Fitness membership junior multi site monthly PIF Leisure Centre / Concession	£229.90	£245.30	£15.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Acton Leisure Centre	GYM - Induction (standard 30 mins)	£19.00	£20.30	£1.30	6.84%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness Training (Leisure Pass) - Adult GYM	£4.25	£4.50	£0.25	5.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness Training (Leisure Pass) - Junior GYM	£2.90	£3.10	£0.20	6.90%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness Training (Leisure Pass) - Junior Induction	£6.50	£6.90	£0.40	6.15%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness Training (Leisure Pass) - Aerobics	£4.35	£4.60	£0.25	5.75%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness Training (Leisure Pass) - Pilates	£4.30	£4.60	£0.30	6.98%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness Training (Leisure Pass) - Zumba	£4.35	£4.60	£0.25	5.75%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness Training - Adult GYM	£7.80	£8.30	£0.50	6.41%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness Training - Junior GYM	£3.65	£3.90	£0.25	6.94%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness Training - Junior Induction	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness Training - Aerobics	£6.85	£7.30	£0.45	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness Training - Pilates	£6.85	£7.30	£0.45	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness Training - Zumba	£6.85	£7.30	£0.45	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior courses (Leisure Pass) - Football drop in	£3.00	£3.20	£0.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior courses (Leisure Pass) - Basketball drop in	£3.00	£3.20	£0.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior courses (Leisure Pass) - Cricket drop in	£3.00	£3.20	£0.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior courses (Leisure Pass) - Badminton drop in	£3.00	£3.20	£0.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior courses (Leisure Pass) - Street Dance drop in	£3.00	£3.20	£0.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior courses - Football drop in	£3.10	£3.30	£0.20	6.45%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior courses - Basketball drop in	£4.05	£4.30	£0.25	6.17%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior courses - Cricket drop in	£4.05	£4.30	£0.25	6.17%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior courses - Badminton drop in	£4.05	£4.30	£0.25	6.17%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior courses - Street Dance drop in	£4.05	£4.30	£0.25	6.17%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Birthday Parties - Up to 24 children General Party	£167.00	£178.20	£11.20	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Birthday Parties - Up to 24 children Bouncy Castle Party	£177.00	£188.90	£11.90	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Sauna - Sauna Leisure Pass	£4.20	£4.50	£0.30	7.14%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Sauna - Sauna	£7.80	£8.30	£0.50	6.41%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Sauna - Sauna Card	£6.40	£6.80	£0.40	6.25%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Room Hire - Sports Hall	£62.50	£66.70	£4.20	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Room Hire - Sports hall (2cts)	£31.95	£34.10	£2.15	6.73%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Room Hire - Ct Hire	£13.10	£14.00	£0.90	6.87%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Room Hire - Spinning Studio	£38.20	£40.80	£2.60	6.81%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Room Hire - Dance Studio	£38.20	£40.80	£2.60	6.81%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Table Tennis hire	£6.40	£6.80	£0.40	6.25%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Equipment hire	£1.00	£1.10	£0.10	10.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Equipment deposit	£5.00	£5.30	£0.30	6.00%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior Holiday Programme - 6-14 full day	£13.00	£13.90	£0.90	6.92%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior Holiday Programme - 6-12 half day	£10.00	£10.70	£0.70	6.97%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Junior Holiday Programme - 6-12 full week	£65.10	£69.50	£4.40	6.76%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Adult Activities - 50+ Bowls / Table Tennis (drop in)	£2.70	£2.90	£0.20	7.41%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Joining Fee	£20.00	£21.30	£1.30	6.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Joining Fee Leisure Pass / Concession	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership adult DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership adult DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership junior DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership junior DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership adult multi site monthly DD	£29.99	£32.00	£2.01	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership adult multi site PIF	£299.99	£320.10	£20.11	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership adult multi site monthly DD Leisure Pass / Concession	£24.99	£26.70	£1.71	6.84%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership adult multi site monthly PIF Leisure Pass / Concession	£249.90	£266.60	£16.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership adult single site monthly DD	£19.99	£21.30	£1.31	6.55%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership adult single site PIF	£199.90	£213.30	£13.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership adult single site monthly DD Leisure Pass / Concession	£19.99	£21.30	£1.31	6.55%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership adult single site monthly PIF Leisure Pass / Concession	£199.90	£213.30	£13.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership junior multi site monthly DD	£19.99	£21.30	£1.31	6.55%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership junior multi site monthly PIF	£199.90	£213.30	£13.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership junior multi site monthly DD Leisure Pass / Concession	£19.99	£21.30	£1.31	6.55%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	Fitness membership junior multi site monthly PIF Leisure Centre / Concession	£199.90	£213.30	£13.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Southall Leisure Centre	GYM - Induction (standard 30 mins)	£17.50	£18.70	£1.20	6.86%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness Training - Adult Gym Session	£6.50	£6.90	£0.40	6.15%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness Training - Junior Gym session	£4.00	£4.30	£0.30	7.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness Training - Junior Induction	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness Classes - Adult Fitness Classes	£7.20	£7.70	£0.50	6.94%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Birthday Parties - Basic	£215.00	£229.40	£14.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Birthday Parties - Football	£215.00	£229.40	£14.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Birthday Parties - Trampoline	£240.00	£256.10	£16.10	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Room Hire - Sports hall (4 cts)	£69.90	£74.60	£4.70	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Room Hire - Sports hall (2cts)	£38.00	£40.50	£2.50	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Room Hire - Court Hire	£14.60	£15.60	£1.00	6.85%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Room Hire - Table tennis	£10.25	£10.90	£0.65	6.34%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Room Hire - Muga	£33.00	£35.20	£2.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Room Hire - Muga floodlights	£36.40	£38.80	£2.40	6.59%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Room Hire - Tennis court	£11.40	£12.20	£0.80	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Room Hire - Tennis court floodlights	£12.35	£13.20	£0.85	6.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Active Kids/ Teens & Schools Out Programmes: - Active Kids	£6.85	£7.30	£0.45	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness Training: discounted with leisure pass - Adult Gym Session	£3.40	£3.60	£0.20	5.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness Training: discounted with leisure pass - Junior Gym session	£2.95	£3.10	£0.15	5.08%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness Training: discounted with leisure pass - Junior Induction	£6.80	£7.30	£0.50	7.35%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness Training: discounted with leisure pass - Active Kids	£5.25	£5.60	£0.35	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Joining Fee	£20.00	£21.30	£1.30	6.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Joining Fee Leisure Pass / Concession	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership adult DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership adult DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership junior DD freeze fee	£5.00	£5.30	£0.30	6.00%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership junior DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership adult multi site monthly DD	£32.99	£35.20	£2.21	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership adult multi site PIF	£329.90	£352.00	£22.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership adult multi site monthly DD Leisure Pass / Concession	£27.49	£29.30	£1.81	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership adult multi site monthly PIF Leisure Pass / Concession	£274.90	£293.30	£18.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership adult single site monthly DD	£21.99	£23.50	£1.51	6.87%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership adult single site PIF	£219.90	£234.60	£14.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership adult single site monthly DD Leisure Pass / Concession	£21.99	£23.50	£1.51	6.87%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership adult single site monthly PIF Leisure Pass / Concession	£219.90	£234.60	£14.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership junior multi site monthly DD	£22.99	£24.50	£1.51	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership junior multi site monthly PIF	£229.90	£245.30	£15.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership junior multi site monthly DD Leisure Pass / Concession	£16.99	£18.10	£1.11	6.53%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	Fitness membership junior multi site monthly PIF Leisure Centre / Concession	£169.90	£181.30	£11.40	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Greenford Leisure Centre	GYM - Induction (standard 30 mins)	£19.00	£20.30	£1.30	6.84%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness Training - GYM	£6.35	£6.80	£0.45	7.09%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness Training - Junior Gym	£4.10	£4.40	£0.30	7.32%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness Training - Junior Induction	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness Training - Aerobics	£7.20	£7.70	£0.50	6.94%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness Training - Pilates	£8.10	£8.60	£0.50	6.17%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Room Hire - Activity Room, Club room, studio	£37.30	£39.80	£2.50	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness - Sports hall (4 cts)	£69.90	£74.60	£4.70	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness - Sports hall (2cts)	£38.00	£40.50	£2.50	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Room Hire - Ct Hire	£14.60	£15.60	£1.00	6.85%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Outdoor Courts - Floodlit Area/hr	£33.00	£35.20	£2.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Outdoor Courts - Floodlit Area-lights on	£36.40	£38.80	£2.40	6.59%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Block Bookings - Netball court	£27.50	£29.30	£1.80	6.55%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Block Bookings - Netball court-lights on	£35.40	£37.80	£2.40	6.78%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Block Bookings - Tennis court	£11.40	£12.20	£0.80	7.02%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Block Bookings - Tennis court-lights on	£12.35	£13.20	£0.85	6.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness Training: discounted with leisure pass - GYM	£3.40	£3.60	£0.20	5.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness Training: discounted with leisure pass - Junior	£3.00	£3.20	£0.20	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness Training: discounted with leisure pass - Junior Induction	£6.80	£7.30	£0.50	7.35%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness Training: discounted with leisure pass - Aerobics	£3.90	£4.20	£0.30	7.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness Training: discounted with leisure pass - Pilates	£4.10	£4.40	£0.30	7.32%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Joining Fee	£20.00	£21.30	£1.30	6.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Joining Fee Leisure Pass / Concession	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership adult DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership adult DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership junior DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership junior DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership adult multi site monthly DD	£32.99	£35.20	£2.21	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership adult multi site PIF	£329.90	£352.00	£22.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership adult multi site monthly DD Leisure Pass / Concession	£27.49	£29.30	£1.81	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership adult multi site monthly PIF Leisure Pass / Concession	£274.90	£293.30	£18.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership adult single site monthly DD	£21.99	£23.50	£1.51	6.87%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership adult single site PIF	£219.90	£234.60	£14.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership adult single site monthly DD Leisure Pass / Concession	£21.99	£23.50	£1.51	6.87%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership adult single site monthly PIF Leisure Pass / Concession	£219.90	£234.60	£14.70	6.68%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership junior multi site monthly DD	£22.99	£24.50	£1.51	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership junior multi site monthly PIF	£229.90	£245.30	£15.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership junior multi site monthly DD Leisure Pass / Concession	£16.99	£18.10	£1.11	6.53%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	Fitness membership junior multi site monthly PIF Leisure Centre / Concession	£169.90	£181.30	£11.40	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Reynolds Leisure Centre	GYM - Induction (standard 30 mins)	£19.00	£20.30	£1.30	6.84%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming - Adult Swim	£5.25	£5.60	£0.35	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming - Junior Swim	£2.30	£2.50	£0.20	8.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming - Adult Group Lessons	£8.20	£8.70	£0.50	6.10%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming - Junior Group Lessons	£8.20	£8.70	£0.50	6.10%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming - Adult 1-1	£32.80	£35.00	£2.20	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming - Adult 1-2	£45.55	£48.60	£3.05	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming - Junior 1-1	£32.80	£35.00	£2.20	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming - Junior 1-2	£45.55	£48.60	£3.05	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Classes - Aerobics	£7.75	£8.30	£0.55	7.10%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Classes - Yoga 90 mins	£9.50	£10.10	£0.60	6.32%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Classes - Other exercise class (60 min)	£7.75	£8.30	£0.55	7.10%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	GYM - Casual session (no swim)	£8.90	£9.50	£0.60	6.74%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	GYM - Induction (standard 30 mins)	£19.00	£20.30	£1.30	6.84%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	GYM - Junior Induction	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	GYM - Junior session	£4.40	£4.70	£0.30	6.82%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Sports hall (3 cts) All sessions	£55.00	£58.70	£3.70	6.73%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Sports Hall (6 cts) All sessions	£110.00	£117.40	£7.40	6.73%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Sports Hall - single Ct hire	£14.05	£15.00	£0.95	6.76%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming: discounted with leisure pass - Adult Swim	£2.50	£2.70	£0.20	8.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming: discounted with leisure pass - Parent & Babe Lessons (now Adult and Child)	£2.40	£2.60	£0.20	8.33%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming: discounted with leisure pass - Aerobics	£3.80	£4.10	£0.30	7.89%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming: discounted with leisure pass - Yoga 90 mins	£5.65	£6.00	£0.35	6.19%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming: discounted with leisure pass - Other exercise class (60 min)	£3.80	£4.10	£0.30	7.89%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming: discounted with leisure pass - Casual session (no swim)	£4.70	£5.00	£0.30	6.38%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Swimming: discounted with leisure pass - Junior session	£2.95	£3.10	£0.15	5.08%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Adult Leisure pass gym session	£4.55	£4.90	£0.35	7.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Junior leisure pass gym session	£2.95	£3.10	£0.15	5.08%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Pool hire whole pool	£103.10	£110.00	£6.90	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Pool party	£160.00	£170.70	£10.70	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Sports Party	£160.00	£170.70	£10.70	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Joining Fee	£20.00	£21.30	£1.30	6.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Joining Fee Leisure Pass / Concession	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership adult DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership adult DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership junior DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership junior DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership adult multi site monthly DD	£32.99	£35.20	£2.21	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership adult multi site PIF	£329.90	£352.00	£22.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership adult multi site monthly DD Leisure Pass / Concession	£27.49	£29.30	£1.81	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership adult multi site monthly PIF Leisure Pass / Concession	£274.90	£293.30	£18.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership adult single site monthly DD	£21.99	£23.50	£1.51	6.87%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership adult single site PIF	£219.90	£234.60	£14.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership adult single site monthly DD Leisure Pass / Concession	£21.99	£23.50	£1.51	6.87%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership adult single site monthly PIF Leisure Pass / Concession	£219.90	£234.60	£14.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership junior multi site monthly DD	£22.99	£24.50	£1.51	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership junior multi site monthly PIF	£229.90	£245.30	£15.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership junior multi site monthly DD Leisure Pass / Concession	£16.99	£18.10	£1.11	6.53%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Dormers Wells Leisure Centre	Fitness membership junior multi site monthly PIF Leisure Centre / Concession	£169.90	£181.30	£11.40	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Swift Road Leisure Centre	Birthday Parties	£110.00	£117.40	£7.40	6.73%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Swift Road Leisure Centre	Entire Studio - Meeting room	£29.40	£31.40	£2.00	6.80%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Swift Road Leisure Centre	Pitch hire regular booking (11 a side) 90 mins	£71.50	£76.30	£4.80	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Swift Road Leisure Centre	Pitch Hire Regular Booking (11 a side) 60 mins	£54.75	£58.40	£3.65	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Swift Road Leisure Centre	Pitch Hire (9 a side) 60 mins	£54.75	£58.40	£3.65	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Swift Road Leisure Centre	Pitch Hire (9 a side) 90 mins	£67.00	£71.50	£4.50	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Swift Road Leisure Centre	1/3 pitch 7v7 (60 mins)	£45.25	£48.30	£3.05	6.74%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Swift Road Leisure Centre	1/3 pitch 7v7 (90 mins)	£67.35	£71.90	£4.55	6.76%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Swift Road Leisure Centre	MUGU - Floodlit Area - 5v5 a side (7 - Swift)	£31.25	£33.30	£2.05	6.56%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Swift Road Leisure Centre	MUGU - Netball court (MUGA - Swift)	£16.50	£17.60	£1.10	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Swift Road Leisure Centre	MUGU - Tennis court	£12.70	£13.60	£0.90	7.09%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Joining Fee	£20.00	£21.30	£1.30	6.50%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Joining Fee Leisure Pass / Concession	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership adult DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership adult DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership junior DD freeze fee	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership junior DD freeze fee Leisure Pass / Concession	£5.00	£5.30	£0.30	6.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership adult multi site monthly DD	£32.99	£35.20	£2.21	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership adult multi site PIF	£329.90	£352.00	£22.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership adult multi site monthly DD Leisure Pass / Concession	£27.49	£29.30	£1.81	6.58%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership adult multi site monthly PIF Leisure Pass / Concession	£274.90	£293.30	£18.40	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership adult single site monthly DD	£21.99	£23.50	£1.51	6.87%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership adult single site PIF	£219.90	£234.60	£14.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership adult single site monthly DD Leisure Pass / Concession	£21.99	£23.50	£1.51	6.87%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership adult single site monthly PIF Leisure Pass / Concession	£219.90	£234.60	£14.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership junior multi site monthly DD	£22.99	£24.50	£1.51	6.57%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership junior multi site monthly PIF	£229.90	£245.30	£15.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership junior multi site monthly DD Leisure Pass / Concession	£16.99	£18.10	£1.11	6.53%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness membership junior multi site monthly PIF Leisure Centre / Concession	£169.90	£181.30	£11.40	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness Training - Adult GYM	£6.45	£6.90	£0.45	6.98%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness Training - Adult Induction	£19.00	£20.30	£1.30	6.84%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness Training - Junior Gym	£3.95	£4.20	£0.25	6.33%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness Training - Junior Induction	£10.00	£10.70	£0.70	7.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness Training: discounted with leisure pass - GYM	£3.40	£3.60	£0.20	5.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness Training: discounted with leisure pass - Junior	£2.95	£3.10	£0.15	5.08%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Brent Valley	Fitness Training: discounted with leisure pass - Junior Induction	£6.35	£6.80	£0.45	7.09%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Leisure pass	Leisure Pass - Adult 1 year	£5.95	£6.30	£0.35	5.88%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Leisure pass	Leisure Pass - Adult 6 months	£4.35	£4.60	£0.25	5.75%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Leisure pass	Leisure Pass - Junior 1 year	£3.05	£3.30	£0.25	8.20%
Hanwell Zoo							
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Admission	Single entrance fee for adult.	£4.50	£4.50	£0.00	0.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Admission	Single entrance fee for child.	£2.50	£3.50	£1.00	40.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Season ticket	Season ticket adult	£20.00	£20.00	£0.00	0.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Season ticket	Season ticket child	£15.00	£15.00	£0.00	0.00%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Season ticket	Season ticket - Concessions	£15.00	£15.00	£0.00	0.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Season ticket	Friend of Hanwell Zoo season ticket - Adult + one adult and child.	£31.00	No longer offered		
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Season ticket	Friend of Hanwell Zoo season ticket - Child + one child.	£26.00	No longer offered		
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Season ticket	Friend of Hanwell Zoo - season ticket - concession + one child	£25.00	No longer offered		
Cemeteries							
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot	GRAVE PURCHASE AND 1ST INTERMENT- this includes exclusive purchase of grave for an initial period of 30 years. - Resident/Non-resident purchaser and resident deceased	£3,885.00	£4,145.30	£260.30	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot	GRAVE PURCHASE AND 2ND INTERMENT- this includes exclusive purchase of grave for an initial period of 30 years. - Resident/Non-resident purchaser and resident deceased	£3,665.00	£3,910.60	£245.60	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot	GRAVE PURCHASE AND 3RD INTERMENT- this includes exclusive purchase of grave for an initial period of 30 years. - Resident/Non-resident purchaser and resident deceased	£4,365.00	£4,657.50	£292.50	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot - Cremated Remains	GRAVE PURCHASE AND 1ST INTERMENT (CREMATED REMAINS PLOT) - this includes exclusive purchase of grave for an initial period of 30 years. - Resident/Non-resident purchaser and resident deceased	£1,650.00	£1,760.60	£110.60	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Columbarium - Cremated Remains	NICHE PURCHASE AND 1ST INTERMENT (CREMATED REMAINS NICHE) - this includes exclusive purchase of niche for an initial period of 10 years - Resident/Non-resident purchaser and resident deceased	£1,155.00	£1,232.40	£77.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Muslim burial chamber	GRAVE PURCHASE AND 1ST INTERMENT (MUSLIM BURIAL) - this includes exclusive purchase of grave for an initial period of 30 years. - Resident/Non-resident purchaser and resident deceased	£4,490.00	£4,790.80	£300.80	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Infant burial	GRAVE PURCHASE AND 1ST INTERMENT (INFANT) - this includes exclusive purchase of grave for an initial period of 30 years. - Resident/Non-resident purchaser and resident deceased	£885.00	£885.00	£0.00	0.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Infant burial	GRAVE PURCHASE AND 1ST INTERMENT (INFANT) - this includes exclusive purchase of grave for an initial period of 30 years. - Resident purchaser and non-resident deceased	£1,170.00	£1,170.00	£0.00	0.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot	GRAVE PURCHASE AND 1ST INTERMENT- this includes exclusive purchase of grave for an initial period of 30 years. - Non-resident purchaser and non-resident deceased	£7,770.00	£8,290.60	£520.60	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot	GRAVE PURCHASE AND 2ND INTERMENT- this includes exclusive purchase of grave for an initial period of 30 years. - Non-resident purchaser and non-resident deceased	£7,300.00	£7,789.10	£489.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot	GRAVE PURCHASE AND 3RD INTERMENT- this includes exclusive purchase of grave for an initial period of 30 years. - Non-resident purchaser and non-resident deceased	£8,725.00	£9,309.60	£584.60	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot - Cremated Remains	GRAVE PURCHASE AND 1ST INTERMENT (CREMATED REMAINS PLOT) - this includes exclusive purchase of grave for an initial period of 30 years. - Non-resident purchaser and non-resident deceased	£1,650.00	£1,760.60	£110.60	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Columbarium - Cremated Remains	NICHE PURCHASE AND 1ST INTERMENT (CREMATED REMAINS NICHE) - this includes exclusive purchase of niche for an initial period of 10 years - Non-resident purchaser and non-resident deceased	£1,155.00	£1,232.40	£77.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Muslim burial chamber	GRAVE PURCHASE AND 1ST INTERMENT (MUSLIM BURIAL) - this includes exclusive purchase of grave for an initial period of 30 years. - Non-resident purchaser and non-resident deceased	£8,990.00	£9,592.30	£602.30	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Infant burial	GRAVE PURCHASE AND 1ST INTERMENT (INFANT) - this includes exclusive purchase of grave for an initial period of 30 years. - Non-resident purchaser and non-resident deceased	£2,100.00	£2,100.00	£0.00	0.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Re-opening a grave for further burials	Re-opening a grave for further burials: Resident deceased - Depth for 1	£1,235.00	£1,317.70	£82.70	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Re-opening a grave for further burials	Re-opening a grave for further burials: Resident deceased - Depth for 2	£1,300.00	£1,387.10	£87.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Re-opening a grave for further burials	Re-opening a grave for further burials: Resident deceased - Depth for 3	£1,435.00	£1,531.10	£96.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Re-opening a grave for further burials	Re-opening a grave for further burials: Resident deceased - Depths for stillborn to 13 years	£70.00	£74.70	£4.70	6.71%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Re-opening a grave for further burials	Re-opening a grave for further burials: Resident deceased - Cremated remains	£750.00	£800.30	£50.30	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Re-opening a grave for further burials	Re-opening a grave for further burials: Resident deceased - Interments into brick graves or vaults	£1,700.00	£1,813.90	£113.90	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Re-opening a grave for further burials	Re-opening a grave for further burials: Non-resident deceased - Depth for 1	£2,595.00	£2,768.90	£173.90	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Re-opening a grave for further burials	Re-opening a grave for further burials: Non-resident deceased - Depth for 2	£2,595.00	£2,768.90	£173.90	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Re-opening a grave for further burials	Re-opening a grave for further burials: Non-resident deceased - Depth for 3	£2,870.00	£3,062.30	£192.30	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Re-opening a grave for further burials	Re-opening a grave for further burials: Non-resident deceased - Depths for stillborn to 13 years	£510.00	£510.00	£0.00	0.00%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Re-opening a grave for further burials	Re-opening a grave for further burials: Non-resident deceased - Cremated remains	£757.00	£807.70	£50.70	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Re-opening a grave for further burials	Re-opening a grave for further burials: Non-resident deceased - Interments into brick graves or vaults	£3,400.00	£3,627.80	£227.80	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Permit for all subsequent memorial work	£133.00	£141.90	£8.90	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Removal and replacement of memorial for further burial	£220.00	£234.70	£14.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Exhumation Charges	Exhumation of a body (price is exclusive of VAT)	£8,500.00	£9,069.50	£569.50	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Exhumation Charges	Exhumation of ashes (price is exclusive of VAT)	£2,425.00	£2,587.50	£162.50	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot	Pre-purchase new grave for 1 (30yr lease) Resident	£5,300.00	£5,655.10	£355.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot	Pre-purchase new grave for 2 (30yr lease) Resident	£4,725.00	£5,041.60	£316.60	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot	Pre-purchase new grave for 3 (30yr lease) Resident	£5,860.00	£6,252.60	£392.60	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot	Pre-purchase new grave for 1 (30yr lease) Non Resident	£10,590.00	£11,299.50	£709.50	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot	Pre-purchase new grave for 2 (30yr lease) Non Resident	£9,455.00	£10,088.50	£633.50	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Grave Plot	Pre-purchase new grave for 3 (30yr lease) Non Resident	£11,720.00	£12,505.20	£785.20	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Partial Pathside burial plot	£730.00	£778.90	£48.90	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Full Pathside burial plot	£1,455.00	£1,552.50	£97.50	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Hire of cemetery chapel	£155.00	£165.40	£10.40	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Extra charge for Saturday burial	£910.00	£971.00	£61.00	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Extra charge for burial of ashes on Saturday	£265.00	£282.80	£17.80	6.72%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Surveying grave to determine remaining depth	£420.00	£448.10	£28.10	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Concrete sealing of grave (entombment)	£605.00	£645.50	£40.50	6.69%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Transfer of grave deed	£300.00	£320.10	£20.10	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Record search	£23.00	£24.50	£1.50	6.52%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Scattering ashes in (Hortus Rose garden/Greenford Park woodland)	£121.40	£129.50	£8.10	6.67%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Oversized coffin -7' x30" or larger	£665.00	£709.60	£44.60	6.71%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Metal Casket	£1,335.00	£1,424.40	£89.40	6.70%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Administration charge for two or more cremated remains	£205.00	£218.70	£13.70	6.68%
Economy & Sustainability	Arts, Culture, Leisure & Libraries	Other	Grave planting (price is exclusive of VAT)	£175.00	£186.70	£11.70	6.69%
Land Charges, Building Control and Surveying							
Building Control							
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Extension - Less than 40m2	£758.60	£809.40	£50.80	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Extension - Less than 60m2	£885.00	£944.30	£59.30	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Extension - More than 60m2 -each additional 40m2 or part	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Loft conversion - Less than 40m2	£758.60	£809.40	£50.80	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Loft conversion - Less than 60m2	£885.00	£944.30	£59.30	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Loft conversion - Subtract If built with an extension	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Other - For dormer window(s) added to existing loft room	£379.30	£404.70	£25.40	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Other - Any development including a basement extension	Quote on request	Quote on request		
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Formation of each new WC / shower room / bathroom / kitchen / utility room	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	OR controllable alterations each existing WC / shower room / bathroom / kitchen / utility room	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Removal of chimney breast(s)	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Formation of each simple structural opening in a wall. e.g. a simple through lounge	£252.90	£269.80	£16.90	6.68%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Formation of structural opening in a wall requiring new foundations, piers, columns etc.	£379.30	£404.70	£25.40	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	OR installation of a beam combination to form an open plan arrangement	£379.30	£404.70	£25.40	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Replacement of roof weathering (not structure) - flat or pitched for each dwelling or block of flats including insulation	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Replacement or installation of insulated ground floor (for each 50m2 or part)	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Window / roof light installation or replacement – for the first five. Any additional window(s) / roof light(s) installation or replacement at discounted rate.	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Re-plastering or re-rendering to external wall of a room including insulation where more than 25% of surface	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Underpinning for every 5m run or part	£379.30	£404.70	£25.40	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted Rate - Formation of each new WC / shower room / bathroom / kitchen / utility room	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted Rate - OR controllable alterations each existing WC / shower room / bathroom / kitchen / utility room	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted Rate - Removal of chimney breast(s)	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted Rate - Formation of each simple structural opening in a wall. e.g. a simple through lounge	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted Rate - Formation of structural opening in a wall requiring new foundations, piers, columns etc.	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted Rate - OR installation of a beam combination to form an open plan arrangement	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted Rate - Replacement of roof weathering (not structure) - flat or pitched for each dwelling or block of flats including insulation	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted Rate - Replacement or installation of insulated ground floor (for each 50m2 or part)	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted Rate - Window / roof light installation or replacement – for the first five. Any additional window(s) / roof light(s) installation or replacement at discounted rate.	£63.20	£67.40	£4.20	6.65%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted Rate - Re-plastering or re-rendering to external wall of a room including insulation where more than 25% of surface	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted Rate - Underpinning for every 5m run or part	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Electrical installation to a dwelling NOT carried out by a 'competent person' (a Part P electrician)	£303.40	£323.70	£20.30	6.69%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Gas installation to a dwelling NOT carried out by a 'competent person' (a Gas Safe installer)	£157.60	£168.20	£10.60	6.73%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Any other building work not shown in any other section – please contact us to obtain a quotation	Quote on request	Quote on request		
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Attached garage into habitable use	£505.70	£539.60	£33.90	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Attached conservatory into habitable use	£632.20	£674.60	£42.40	6.71%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Conversion of building into one dwelling	Quote on request	Quote on request		
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Conversion of one flat or building into two dwellings	£632.20	£674.60	£42.40	6.71%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Each additional dwelling within a building	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	1 new house (without a basement)	£1,011.50	£1,079.30	£67.80	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Additional houses or one with basement	Quote on request	Quote on request		
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Erection of flats up to 2 flats	£1,011.50	£1,079.30	£67.80	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Additional flats	Quote on request	Quote on request		
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Shops & offices - Less than 40m2	£758.60	£809.40	£50.80	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Shops & offices - Between 40m2 & 60m2	£885.00	£944.30	£59.30	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Shops & offices - Between 60m2 & 100m2	£1,011.50	£1,079.30	£67.80	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Shops & offices - Over 100m2 but cost not over £150,000	£1,137.90	£1,214.10	£76.20	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Residential (hotel, hostel, institution...) - Less than 40m2	£1,011.50	£1,079.30	£67.80	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Residential (hotel, hostel, institution...) - Between 40m2 & 60m2	£1,137.90	£1,214.10	£76.20	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Residential (hotel, hostel, institution...) - Between 60m2 & 100m2	£1,264.30	£1,349.00	£84.70	6.70%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Residential (hotel, hostel, institution...) - Over 100m2 but cost not over £150,000	£1,390.80	£1,484.00	£93.20	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Assembly & recreation (school, cinema, hospital...) - Less than 40m2	£1,137.90	£1,214.10	£76.20	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Assembly & recreation (school, cinema, hospital...) - Between 40m2 & 60m2	£1,264.30	£1,349.00	£84.70	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Assembly & recreation (school, cinema, hospital...) - Between 60m2 & 100m2	£1,390.80	£1,484.00	£93.20	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Assembly & recreation (school, cinema, hospital...) - Over 100m2 but cost not over £150,000	£1,517.20	£1,618.90	£101.70	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Industrial & storage (factory, warehouse...) - Less than 40m2	£885.00	£944.30	£59.30	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Industrial & storage (factory, warehouse...) - Between 40m2 & 60m2	£1,011.50	£1,079.30	£67.80	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Industrial & storage (factory, warehouse...) - Between 60m2 & 100m2	£1,137.90	£1,214.10	£76.20	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Industrial & storage (factory, warehouse...) - Over 100m2 but cost not over £150,000	£1,264.30	£1,349.00	£84.70	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	All other use types - Less than 40m2	£1,011.50	£1,079.30	£67.80	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	All other use types - Between 40m2 & 60m2	£1,137.90	£1,214.10	£76.20	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	All other use types - Between 60m2 & 100m2	£1,264.30	£1,349.00	£84.70	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	All other use types - Over 100m2 but cost not over £150,000	£1,390.80	£1,484.00	£93.20	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Any development including a basement extension	Quote on request	Quote on request		
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Non-domestic buildings - General internal fitting out works – including partitioning, emergency lighting, smoke detection, suspended ceilings, fire door replacements etc. For each 50 m2 floor area or part.	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Non-domestic buildings - Drainage installation e.g.) formation of WC's / kitchen	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Non-domestic buildings - Formation of simple structural opening in a wall	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Non-domestic buildings - Formation of structural opening in a wall requiring new foundations, piers, columns etc.	£379.30	£404.70	£25.40	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Non-domestic buildings - OR installation of a beam combination	£379.30	£404.70	£25.40	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Non-domestic buildings - New shop front (up to 10m or part)	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Non-domestic buildings - Replacement roof weathering (not structure) - flat or pitched for each 500 m2 or part	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Non-domestic buildings - Window / roof light installation or replacement – for the first five. Any additional window(s) / roof light(s) installation or replacement at discounted rate.	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Non-domestic buildings - Underpinning for each 5m run in wall length or part	£379.30	£404.70	£25.40	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted - Non-domestic buildings - General internal fitting out works – including partitioning, emergency lighting, smoke detection, suspended ceilings, fire door replacements etc. For each 50 m2 floor area or part.	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted - Non-domestic buildings - Drainage installation e.g.) formation of WC's / kitchen	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted - Non-domestic buildings - Formation of simple structural opening in a wall	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted - Non-domestic buildings - Formation of structural opening in a wall requiring new foundations, piers, columns etc.	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted - Non-domestic buildings - OR installation of a beam combination	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted - Non-domestic buildings - New shop front (up to 10m or part)	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted - Non-domestic buildings - Replacement roof weathering (not structure) - flat or pitched for each 500 m2 or part	£126.50	£135.00	£8.50	6.72%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted - Non-domestic buildings - Window / roof light installation or replacement – for the first five. Any additional window(s) / roof light(s) installation or replacement at discounted rate.	£63.20	£67.40	£4.20	6.65%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Discounted - Non-domestic buildings - Underpinning for each 5m run in wall length or part	£252.90	£269.80	£16.90	6.68%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Non-domestic buildings - New mezzanine floor for each 500 m2 floor area or part	£505.70	£539.60	£33.90	6.70%
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Non-domestic buildings - Any other building work not shown in any other section – please contact us to obtain a quotation	Quote on request	Quote on request		

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Charge to the Building Safety Regulator (Per Hour)		£237.00	New	New
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Processing of Demolition Notices		£300.00	New	New
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Building Regulation Application and Pre-application advice (Per hour)		£237.00	New	New
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Miscellaneous Administrative Activities (Per hour)		£60.00	New	New
Economy & Sustainability	Land Charges, Building Control and Surveying	Building Control	Miscellaneous Professional Activities (Per hour)		Quote on request	New	New
Land Charges							
Economy & Sustainability	Land Charges, Building Control and Surveying	Local Land Search	Land Charge register search	£35.00	£42.00	£7.00	20.00%
Economy & Sustainability	Land Charges, Building Control and Surveying	Local Land Search	Land Charge register search per additional parcel of land	£6.00	£7.00	£1.00	16.67%
Economy & Sustainability	Land Charges, Building Control and Surveying	Local Land Search	Answers to the CON29R form "Enquiries of local authorities" - Standard enquiry (one parcel of land)	£105.00	£120.00	£15.00	14.29%
Economy & Sustainability	Land Charges, Building Control and Surveying	Local Land Search	Answers to the CON29O form "Enquiries of local authorities" - optional enquiry (each)	£15.00	£17.50	£2.50	16.67%
Economy & Sustainability	Land Charges, Building Control and Surveying	Local Land Search	Answers to the CON29 form "Enquiries of local authorities" - additional parcel of land (each)	£12.50	£15.00	£2.50	20.00%
Economy & Sustainability	Land Charges, Building Control and Surveying	Local Land Search	Personal Search of Local Land Charges Register Only	Free	Free		

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Housing & Environment							
Community Protection							
Licensing							
Housing & Environment	Community Protection	Alcohol and entertainment	Alcohol Licensing	£70 - £1,050	£70 - £1,050		
Housing & Environment	Community Protection	Alcohol and entertainment	Gambling Act	£100 - £3,500	£100 - £3,500		
Housing & Environment	Community Protection	Alcohol and entertainment	Alcohol - Temporary Event Notices, variations & transfers	£21 - £190	£21 - £190		
Housing & Environment	Community Protection	Animal Welfare	Animal Welfare Licensing - Animal Boarding Establishment	£616.60	£657.90	£41.30	6.70%
Housing & Environment	Community Protection	Animal Welfare	Animal Welfare Licensing - Dangerous Wild Animals	£343.50	£366.50	£23.00	6.70%
Housing & Environment	Community Protection	Animal Welfare	Animal Welfare Licensing - Dog Breeding Establishment	£616.60	£657.90	£41.30	6.70%
Housing & Environment	Community Protection	Animal Welfare	Animal Welfare Licensing - Dog Sitting	£415 - £492	£443 - £525		
Housing & Environment	Community Protection	Animal Welfare	Animal Welfare Licensing - Pet Shop	£616.60	£657.90	£41.30	6.70%
Housing & Environment	Community Protection	Animal Welfare	Animal Welfare Licensing - Riding Establishment	£1,355.30	£1,446.10	£90.80	6.70%
Housing & Environment	Community Protection	Animal Welfare	Animal Welfare Licensing - Exhibition of animals	£482.20	£514.50	£32.30	6.70%
Housing & Environment	Community Protection	Massage & Other Specialist Treatments	License for Massage & Special Treatments including Cosmetic Piercing, Acupuncture and Tattooing	£442.60	£472.30	£29.70	6.71%
Housing & Environment	Community Protection	Massage & Other Specialist Treatments	License massage & Special Treatments - Additional treatment/variation	£82.60	£88.10	£5.50	6.66%
Housing & Environment	Community Protection	Health & Safety/Public Protection	Sex Establishment Licence (New, Renewal and Transfer)	£3,655.30	£3,900.20	£244.90	6.70%
Housing & Environment	Community Protection	Health & Safety/Public Protection	Auction Houses Registration	£285.20	£304.30	£19.10	6.70%
Housing & Environment	Community Protection	Health & Safety/Public Protection	Certification for shipment & burial	£84.80	£90.50	£5.70	6.72%
Housing & Environment	Community Protection	Health & Safety/Public Protection	Scrap Metal Dealers Site Licence - New licence	£774.00	£825.90	£51.90	6.71%
Housing & Environment	Community Protection	Health & Safety/Public Protection	Scrap Metal Dealers Site Licence - Renewal	£515.30	£549.80	£34.50	6.70%
Housing & Environment	Community Protection	Health & Safety/Public Protection	Scrap Metal Dealers Site Licence - Variation	£174.00	£185.70	£11.70	6.72%
Housing & Environment	Community Protection	Health & Safety/Public Protection	Scrap Metal Dealers Collector's Licence - New	£386.50	£412.40	£25.90	6.70%
Housing & Environment	Community Protection	Health & Safety/Public Protection	Scrap Metal Dealers Collector's Licence - Renewal	£257.60	£274.90	£17.30	6.72%
Housing & Environment	Community Protection	Health & Safety/Public Protection	Scrap Metal Dealers Collector's Licence - Variation	£155.20	£165.60	£10.40	6.70%
Housing & Environment	Community Protection	Health & Safety/Public Protection	Scrap Metal Dealers Duplicate Copy	£16.50	£17.60	£1.10	6.67%
Housing & Environment	Community Protection	Health & Safety/Public Protection	Recovery of court awarded costs for prosecutions by the Food Safety, Health & Safety & Trading Standards Teams		Variable charges	New	New
Housing & Environment	Community Protection	Explosives (Fireworks) licences	Explosives licences: From 250kg to 2000kg - New Storage Licence	£185.00	£193.00	£8.00	4.32%
Housing & Environment	Community Protection	Explosives (Fireworks) licences	Explosives licences: From 250kg to 2000kg - Storage Licence Renewal	£86.00	£90.00	£4.00	4.65%
Housing & Environment	Community Protection	Explosives (Fireworks) licences	Explosives licences: up to 250kg - New Storage Licence	£109.00	£113.00	£4.00	3.67%
Housing & Environment	Community Protection	Explosives (Fireworks) licences	Explosives licences: up to 250kg - Storage Licence Renewal	£54.00	£56.00	£2.00	3.70%
Housing & Environment	Community Protection	Explosives (Fireworks) licences	Explosives licences - Variation to Licence (Change in plans)	£36.00	£38.00	£2.00	5.56%
Housing & Environment	Community Protection	Explosives (Fireworks) licences	Explosives licences - Amending name of Licensee or Change of Site Address	£36.00	£38.00	£2.00	5.56%
Housing & Environment	Community Protection	Explosives (Fireworks) licences	Explosives licences - Transfer of Licence	£36.00	£38.00	£2.00	5.56%
Housing & Environment	Community Protection	Explosives (Fireworks) licences	Explosives licences - Replacement Licence	£36.00	£38.00	£2.00	5.56%
Housing & Environment	Community Protection	Explosives (Fireworks) licences	Explosives licences - Annual Licence to sell all year around	£500.00	£500.00	£0.00	0.00%
Other Regulatory Services							
Housing & Environment	Community Protection	Food Safety	Food Safety - REHAB Course	£734.40	£783.60	£49.20	6.70%
Housing & Environment	Community Protection	Food Safety	Food Safety - Food Destruction notice	£137.60	£146.80	£9.20	6.69%
Housing & Environment	Community Protection	Food Safety	Food Safety - Health Certificate for export	£110.10	£117.50	£7.40	6.72%
Housing & Environment	Community Protection	Food Safety	Food Safety - Admin Fee for certificate to be issued within 48 hours	£170.70	£182.10	£11.40	6.68%
Housing & Environment	Community Protection	Food Safety	Food Safety - Onward transfer station import certificate and voluntary condemnation certificates fee (up to 3 hours)	£137.60	£146.80	£9.20	6.69%
Housing & Environment	Community Protection	Food Safety	Food Safety - Additional time (for each part/hour)	£55.10	£58.80	£3.70	6.72%
Housing & Environment	Community Protection	Food Safety	Food Hygiene - Food premises re-rating	£264.20	£281.90	£17.70	6.70%
Housing & Environment	Community Protection	Food Safety	Recovery of court awarded costs for prosecutions by the Food Safety, Health & Safety & Trading Standards Teams		Variable charges	New	New
Housing & Environment	Community Protection	Trading Standards	Recovery of court awarded costs for prosecutions by the Food Safety, Health & Safety & Trading Standards Teams		Variable charges	New	New
Housing & Environment	Community Protection	Planning	Commercial Planning Enhanced Income and Planning Performance Agreements (PPA) Vatable		Variable charges	New	New

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Housing & Environment	Community Protection	Planning	Commercial Planning Viability Assessments to property owners (Vatable)		Variable charges	New	New
Housing & Environment	Community Protection	Private Housing	Private Housing - Housing Act Notice	£418.40	£446.40	£28.00	6.69%
Environment & Living Streets							
Highways							
Housing & Environment	Environment & Living Streets	Works	Section 50 licence - third party works (private individual to place or maintain apparatus in highway) (non utility)	£578.00	£616.70	£38.70	6.70%
Housing & Environment	Environment & Living Streets	Works	Section 184 licence - temporary crossover (developer construction or alteration to site access)	£523.00	£558.00	£35.00	6.69%
Housing & Environment	Environment & Living Streets	Overstay	Section 74 overstay income	£500.00	£500.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Inspections	Inspections - sample	£50.00	£50.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Inspections	Inspections - defect	£47.50	£47.50	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Inspections	Inspections - third party	£68.00	£68.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Fixed Penalty Notice	Fixed Penalty Notices - incorrect permit details	£100.00	£100.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Fixed Penalty Notice	Fixed Penalty Notices - working with out a permit	£400.00	£400.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Network Permit	Network Permit Income	£137.50	£137.50	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Traffic Orders	Temp Traffic Orders - Special Event Orders (charity, street party)	£462.40	£493.40	£31.00	6.70%
Housing & Environment	Environment & Living Streets	Traffic Orders	Temp Traffic Orders - Special Event Orders (other than national event, charity or street party), Emergency Notice, Urgent Notice, or Filming Notice	£1,387.30	£1,480.20	£92.90	6.70%
Housing & Environment	Environment & Living Streets	Traffic Orders	Temp Traffic Orders - Filming Order	£2,091.90	£2,232.10	£140.20	6.70%
Housing & Environment	Environment & Living Streets	Traffic Orders	Temp Traffic Orders - Long Term Works Order	£4,566.40	£4,872.30	£305.90	6.70%
Housing & Environment	Environment & Living Streets	Traffic Orders	Temp Traffic Orders - Planned Works Order	£3,988.40	£4,255.60	£267.20	6.70%
Waste Service							
Housing & Environment	Environment & Living Streets	Depots	Mixed Trade Waste	£263.10	£280.70	£17.60	6.69%
Housing & Environment	Environment & Living Streets	Depots	Recyclable Trade Waste	£114.40	£122.10	£7.70	6.73%
Housing & Environment	Environment & Living Streets	Depots	Mixed DIY Waste	£263.10	£280.70	£17.60	6.69%
Housing & Environment	Environment & Living Streets	Commercial Charges	Pre-paid Sacks	£50.00	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	Contract Sacks	£45.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	Pre-paid Sacks - roll of 20 (75% of commercial charge for first collection for nursing homes/charities. Subsequent collections at full commercial charge)	£37.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	Pre Paid Stickers for Cardboard	£50.00	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	Contract Stickers for Cardboard	£45.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	Stickers for Cardboard - pack of 20 (75% of commercial charge for first collection for nursing homes/charities. Subsequent collections at full commercial charge)	£37.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	Cardboard Recycling Stickers	£22.20	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	Recycling Service (Pre paid Sacks)	£39.70	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	Recycling Service (Pre paid Sacks) - (25% reduction on commercial charge for first collection for nursing homes/charities. Subsequent collections at full commercial charge)	£30.00	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	Recycling Service (Contract Sacks)	£35.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	1100 Litre Container Bin - One Collection per week	£23.60	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	1100 Litre Container Bin - One Collection per week - new customers from 19th December 2022	£17.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	1100 Litre Container Bin - 2 to 3 collections per week	£22.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	1100 Litre Container Bin - 2 to 3 collections per week - new customers from 19th December 2022	£16.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	1100 Litre Container Bin 4 to 6 collections per week	£21.40	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	1100 Litre Container Bin 4 to 6 collections per week - new customers from 19th December 2022	£15.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	1100 Litre Container Bin - 6 or more collections per week	Quote on request	Quote on request		
Housing & Environment	Environment & Living Streets	Commercial Charges	1100 Litre Container Bin (75% of commercial charge for first collection for nursing homes/charities. Subsequent collections at full commercial charge)	£17.70	POA		

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Housing & Environment	Environment & Living Streets	Commercial Charges	1100 Litre Container Bin (25% reduction on commercial charge for first collection for nursing homes/charities. Subsequent collections at full commercial charge) new customers from 19th December 2022	£13.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	660 Litre Container Bin - One collection per week	£16.20	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	660 Litre Container Bin - One collection per week - new customers from 19th December 2022	£11.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	660 Litre Container Bin (75% of commercial charge for first collection for nursing homes/charities. Subsequent collections at full commercial charge)	£12.10	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	660 Litre Container Bin (25% reduction on commercial charge for first collection for nursing homes/charities. Subsequent collections at full commercial charge) new customers from 19th December 2022	£9.00	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	660 Litre Container Bin - 2 to 3 collections per week	£15.00	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	660 Litre Container Bin - 2 to 3 collections per week - new customers from 19th December 2022	£10.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	660 Litre Container Bin - 4 to 6 collections per week	£13.90	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	660 Litre Container Bin - 4 to 6 collections per week - new customers from 19th December 2022	£9.50	POA		
Housing & Environment	Environment & Living Streets	Commercial Charges	660 Litre Container Bin - 6 or more collections per week	Quote on request	Quote on request		
Housing & Environment	Environment & Living Streets	Commercial Charges	Special Collection 1-3 mtrs	£110.00	£117.40	£7.40	6.73%
Housing & Environment	Environment & Living Streets	Commercial Charges	Bulky waste up to 8 items	£45.00	£48.00	£3.00	6.67%
Housing & Environment	Environment & Living Streets	Commercial Charges	Fridge/Freezers	£30.00	£32.00	£2.00	6.67%
Housing & Environment	Environment & Living Streets	Garden Waste	240 litre green wheeled bin	£90.40	£96.50	£6.10	6.75%
Housing & Environment	Environment & Living Streets	Garden Waste	3 x 90 litre reusable green sacks	£90.40	£96.50	£6.10	6.75%
Housing & Environment	Environment & Living Streets	Garden Waste	Roll of 50 biodegradable sacks	£90.40	£96.50	£6.10	6.75%
Housing & Environment	Environment & Living Streets	Garden Waste	Roll of 25 biodegradable sacks	£45.30	£48.40	£3.10	6.84%
Housing & Environment	Environment & Living Streets	Garden Waste	Concessionary discount on wheeled bin	£69.10	£73.80	£4.70	6.80%
Housing & Environment	Environment & Living Streets	Garden Waste	Concessionary discount on reusable sacks	£69.10	£73.80	£4.70	6.80%
Housing & Environment	Environment & Living Streets	Garden Waste	Concessionary discount on 50 biodegradable sacks	£69.10	£73.80	£4.70	6.80%
Street Trading							
Housing & Environment	Environment & Living Streets	Street Trading	Street Trading Designated Site - 1-2 Days per Week	£61.70	£65.80	£4.10	6.65%
Housing & Environment	Environment & Living Streets	Street Trading	Street Trading Designated Site - 3-4 Days per Week	£80.40	£85.80	£5.40	6.72%
Housing & Environment	Environment & Living Streets	Street Trading	Street Trading Designated Site - 5-7 Days per Week	£120.00	£128.00	£8.00	6.67%
Housing & Environment	Environment & Living Streets	Street Trading	Street Trading Application fee	£70.50	£75.20	£4.70	6.67%
Housing & Environment	Environment & Living Streets	Street Trading	Street Trading - private land	£57.30	£61.10	£3.80	6.63%
Housing & Environment	Environment & Living Streets	Street Trading	Street Trading - Newspaper Vendors - 1-2 Days per Week	£20.90	£22.30	£1.40	6.70%
Housing & Environment	Environment & Living Streets	Street Trading	Street Trading - Newspaper Vendors - 5 or more Days per Week	£40.70	£43.40	£2.70	6.63%
Housing & Environment	Environment & Living Streets	Street Trading	Street Trading Temporary Designated Site - 1-2 Days per Week	£106.80	£114.00	£7.20	6.74%
Housing & Environment	Environment & Living Streets	Street Trading	Street Trading Temporary Designated Site - 3-4 Days per Week	£120.00	£128.00	£8.00	6.67%
Housing & Environment	Environment & Living Streets	Street Trading	Street Trading Temporary Designated Site - 5-7 Days per Week	£133.20	£142.10	£8.90	6.68%
Housing & Environment	Environment & Living Streets	Street Trading	Front of shop displays - Full Display	£36.30	£38.70	£2.40	6.61%
Housing & Environment	Environment & Living Streets	Street Trading	Front of shop displays - Half Display	£18.70	£20.00	£1.30	6.95%
Housing & Environment	Environment & Living Streets	Street Trading	Failure to Furnish Documentation (waste carrier's licence)	£300.00	£300.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Trading	Failure to Produce Authority (waste transfer notes)	£400.00	£400.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Trading	Displaying an Advertising in Contravention of Regulations	£100.00	£100.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Trading	Contravention of Condition of Street Trading Licence or Temporary Licence	£100.00	£100.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Trading	Making False Statement in Connection with Application for a Street Trading Licence or a Temporary Licence	£125.00	£125.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Trading	Resisting or Obstructing Authorised Officer	£150.00	£150.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Trading	Failure to Produce Street Trading Licence on Demand	£150.00	£150.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Trading	Unlicensed Street Trading	£125.00	£150.00	£25.00	20.00%
Housing & Environment	Environment & Living Streets	Street Trading	Dogs Fouling on Land	£80.00	£80.00	£0.00	0.00%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Housing & Environment	Environment & Living Streets	Street Trading	Skip Licence Fee-on-line	£99.10	£125.00	£25.90	26.14%
Housing & Environment	Environment & Living Streets	Street Trading	Skip Licence Fee-additional fee for CPZ zone	£154.10	£164.40	£10.30	6.68%
Housing & Environment	Environment & Living Streets	Street Trading	Pavement licences	£100.00	£100.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Trading	Fee to become approved skip company	£175.00	£186.70	£11.70	6.69%
		Street Cleansing					
Housing & Environment	Environment & Living Streets	Street Cleansing	Depositing Litter	£150.00	£150.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Cleansing	Graffiti & Flyposting	£100.00	£100.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Cleansing	Flytipping	£400.00	£400.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Cleansing	Nuisance Parking	£100.00	£100.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Cleansing	Failure to Comply with a Waste Receptacle Notice	£80.00	£80.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Cleansing	Abandoning a Vehicle	£120.00	£120.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Street Cleansing	EPA Penalties		Variable charges	New	New
		Parking Service					
Housing & Environment	Environment & Living Streets	Enforcement	Civil Enforcement Officer (CEO) - Enforcement Penalty charge notice at for a lower rate offence	£80.00	£80.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Enforcement	Civil Enforcement Officer (CEO) - Enforcement Penalty charge notice at for a higher rate offence	£130.00	£130.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Enforcement	Bus Lane Enforcement Penalty charge notice at for a higher rate offence	£130.00	£130.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Enforcement	Civil Parking Enforcement - CCTV Penalty charge notice at for a higher rate offence	£130.00	£130.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Enforcement	Decriminalised Traffic Enforcement Penalty charge notice at for a higher rate offence	£130.00	£130.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Car park lettings	Car park lettings	Variable charges	Variable charges		
Housing & Environment	Environment & Living Streets	Pay & Display / Cashless Parking Emission Based	Hourly rate 1 (variable discounts available for less polluting vehicles)	£0.30	£0.40	£0.10	33.33%
Housing & Environment	Environment & Living Streets	Tariffs - Off Street Car Park and On-Street Parking	Hourly rate 2 (variable discounts available for less polluting vehicles)	£1.40	£1.80	£0.40	28.57%
Housing & Environment	Environment & Living Streets		Hourly rate 3 (variable discounts available for less polluting vehicles)	£1.60	£1.80	£0.20	12.50%
Housing & Environment	Environment & Living Streets		Hourly rate 4 (variable discounts available for less polluting vehicles)	£2.10	£2.10	£0.00	0.00%
Housing & Environment	Environment & Living Streets		Hourly rate 5 (variable discounts available for less polluting vehicles)	£2.80	£3.00	£0.20	7.14%
Housing & Environment	Environment & Living Streets		Hourly rate 6 (variable discounts available for less polluting vehicles)	£4.20	£4.20	£0.00	0.00%
Housing & Environment	Environment & Living Streets		Daily rate 1 (variable discounts available for less polluting vehicles)	£4.20	£5.00	£0.80	19.05%
Housing & Environment	Environment & Living Streets		Daily rate 2 (variable discounts available for less polluting vehicles)	£6.30	£7.00	£0.70	11.11%
Housing & Environment	Environment & Living Streets		Daily rate 3 (variable discounts available for less polluting vehicles)	£7.00	£7.50	£0.50	7.14%
Housing & Environment	Environment & Living Streets		Daily rate 4 (variable discounts available for less polluting vehicles)	£12.60	£12.60	£0.00	0.00%
Housing & Environment	Environment & Living Streets		Daily rate 5 (variable discounts available for less polluting vehicles)	£16.80	£16.80	£0.00	0.00%
Housing & Environment	Environment & Living Streets		Daily rate 6 (variable discounts available for less polluting vehicles)	£19.60	£19.60	£0.00	0.00%
Housing & Environment	Environment & Living Streets		Daily rate 7 (variable discounts available for less polluting vehicles)	£28.00	£28.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets		Daily rate 8 (variable discounts available for less polluting vehicles)	£1.40	£2.00	£0.60	42.86%
Housing & Environment	Environment & Living Streets	Short stay residential visitor parking	Paper visitor voucher for vulnerable people (all day)	£4.95	£4.95	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Short stay residential visitor parking	Paper visitor voucher for vulnerable people (1 hour)	£0.80	£0.90	£0.10	12.50%
Housing & Environment	Environment & Living Streets	Short stay residential visitor parking	Electronic resident visitor permit (all day zone only) (all day voucher)	£4.95	£4.95	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Short stay residential visitor parking	Electronic resident visitor voucher (1 hour voucher)	£0.80	£0.90	£0.10	12.50%
Housing & Environment	Environment & Living Streets	Short stay business visitor parking	Business visitor voucher / permit (1 hour voucher)	£2.60	£2.60	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Car Park Permit - Featherstone Terrace, George Street, Greenford Broadway car parks	£280.00	£280.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Car Park Permit - Herbert Road, Southall Market car parks	£500.00	£500.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Car Park Permit - Perivale Station Car Park	£500.00	£500.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Car Park Permit - Salisbury Street Car Park	£750.00	£750.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Car Park Permit - Springbridge Road Car Park	£750.00	£750.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Quarterly Car Park Permit - Herbert Road, Southall Market car parks	£200.00	£200.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Quarterly Car Park Permit - Perivale Station Car Park	£200.00	£200.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Quarterly Car Park Permit - Salisbury Street Car Park	£300.00	£300.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Quarterly Car Park Permit - Springbridge Road Car Park	£300.00	£300.00	£0.00	0.00%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) up to 100	£50.00	£53.00	£3.00	6.00%
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) 101-110	£80.00	£85.00	£5.00	6.25%
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) 111-120	£80.00	£85.00	£5.00	6.25%
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) 121-130	£80.00	£85.00	£5.00	6.25%
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) 131-140	£80.00	£85.00	£5.00	6.25%
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) 141-150	£110.00	£117.00	£7.00	6.36%
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) 151-165	£110.00	£117.00	£7.00	6.36%
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) 166-175	£110.00	£117.00	£7.00	6.36%
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) 176-185	£110.00	£117.00	£7.00	6.36%
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) 186-200	£140.00	£150.00	£10.00	7.14%
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) 201-225	£140.00	£150.00	£10.00	7.14%
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) 226-255	£140.00	£150.00	£10.00	7.14%
Housing & Environment	Environment & Living Streets	Parking Permit	CO2 emission (g/km) Over 255	£140.00	£150.00	£10.00	7.14%
Housing & Environment	Environment & Living Streets	Parking Permit	Discount for electric vehicles	£20.00	£20.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Electric Vehicle floating car club discount	£310.00	No Longer Required	No Longer Required	No Longer Required
Housing & Environment	Environment & Living Streets	Parking Permit	Multiplier applied to each additional vehicle in household	£60.00	£60.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Nitrous Oxides emissions charge	£55.00	£55.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Business Permit	£850.00	£850.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Doctors/Vets Permit	£850.00	£850.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Car Club Permit - static	£806.00	£806.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Car Club Permit - floating	£1,310.00	No Longer Required	No Longer Required	No Longer Required
Housing & Environment	Environment & Living Streets	Parking Permit	Annual All Zone Permit	£1,100.00	£1,100.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Allotment Permit	£38.50	£40.00	£1.50	3.90%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Carers Permit - for friends and relatives	£10.00	£10.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Carers Permit - for professional carers	£10.00	£10.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Disabled Bay Permit (for permit spaces)	£35.00	£35.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Essential Users Permit	£400.00	£400.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Religious Permit	£200.00	£200.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Permit	Annual Religious Permit	£3,000.00	£3,000.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Administrative fee	Fee for changing vehicle details on a permit / providing a refund etc	£17.60	£18.00	£0.40	2.27%
Housing & Environment	Environment & Living Streets	Dispensations	Dispensations for Trade - for parking bays	£11.00	£11.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Dispensations	Dispensations for Trade - for yellow lines	£18.00	£18.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Dispensations	Dispensation for Residents	£12.00	£15.00	£3.00	25.00%
Housing & Environment	Environment & Living Streets	Parking Suspension - General Use	Suspensions (per day per bay for general uses submitting an on-time application)	£33.00	£39.00	£6.00	18.18%
Housing & Environment	Environment & Living Streets	Parking Suspension - General Use	Suspensions (per day per bay for filming crews submitting a late application)	£30.00	£30.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Suspension - Filming	Suspensions (per day per bay for filming submitting an on-time application)	£20.00	£20.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Parking Suspension - Filming	Suspensions (per day per bay for general users submitting a late application)	£45.00	£50.00	£5.00	11.11%
Housing & Environment	Environment & Living Streets	Enforcement	Funeral cessation of enforcement	£55.00	£55.00	£0.00	0.00%
Housing & Environment	Environment & Living Streets	Short stay business visitor parking	Service Voucher / Business Visitor Permit	£2.60	£2.60	£0.00	0.00%
Community Protection							
Houses in Multiple Occupation (HMO)							
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Additional Houses of Multiple Occupation Licence. New and Renewal. Fixed fee plus additional charge per habitable room (Max 5 year licence)	£1,300.00	£1,300.00	£0.00	0.00%
Housing & Environment	Community Protection	Private Property Licensing		£50.00	£50.00	£0.00	0.00%
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Selective Licence. New and Renewal. Standard Fee (Max 5 Year Licence)	£750.00	£750.00	£0.00	0.00%
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Selective Licence (Building Containing Self-Contained Flats). New and Renewal. Standard Fee (Max 5 Year Licence)	£675.00	£675.00	£0.00	0.00%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Additional Charges (For All Schemes) - Applicants who are sent two warning letters	Application fee plus £25% additional late application fee	Application fee plus £25% additional late application fee		
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Additional Charges (For All Schemes) - Applications submitted in paper form (excluding Selective Licensing (Building containing self contained flats)	Application fee plus an additional £100	Application fee plus an additional £100		
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Additional Charges (For All Schemes) - Council assistance to complete an application form	Application fee plus an additional £50	Application fee plus an additional £50		
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Additional Charges for Selective Licence (Building Containing Self Contained Flats) - Applicants who are sent a warning letter	£750.00	£750.00	£0.00	0.00%
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Additional Charges for Selective Licence (Building Containing Self Contained Flats) - Applicants who are sent two warning letters	£937.50	£937.50	£0.00	0.00%
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Licence Variation Fees Applicable (For All Schemes) - Increase in the number of occupiers and/or households, through increasing the number of habitable rooms.	£50.00	£50.00	£0.00	0.00%
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Licence Variation Fees Applicable (For All Schemes) - Change of License Holder's Address	£0.00	£0.00	£0.00	
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Licence Variation Fees Applicable (For All Schemes) - Change of Manager's Address	£0.00	£0.00	£0.00	
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Licence Variation Fees Applicable (For All Schemes) - Change/ Appointment of Manager	£0.00	£0.00	£0.00	
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Licence Variation Fees Applicable (For All Schemes) - Change of Name (marriage/ divorce/ deed poll)	£0.00	£0.00	£0.00	
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Licence Variation Fees Applicable (For All Schemes) - Change in Amenities	£0.00	£0.00	£0.00	
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Other Fees and Charges Applicable (For All Schemes) - Revocation of Licence	£0.00	£0.00	£0.00	
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Other Fees and Charges Applicable (For All Schemes) - Application to licence following revocation of licence	See lines above	See lines above		
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Other Fees and Charges Applicable (For All Schemes) - Application refused or rejected by the council	First Instalment	First Instalment		
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Other Fees and Charges Applicable (For All Schemes) - Application withdrawn by the applicant.	First Instalment	First Instalment		
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Other Fees and Charges Applicable (For All Schemes) - Temporary Exemption Notice (TEN) made by the council	£1.00	£1.10	£0.10	10.00%
Housing & Environment	Community Protection	Private Property Licensing	Private Rented Property Licensing Schemes - Other Fees and Charges Applicable (For All Schemes) - Application received following the expiry of a Temporary Exemption Notice (TEN) made by the council	See lines above	See lines above		
Pollution Enforcement and Control							
Housing & Environment	Community Protection	Pollution Enforcement and Control	Contaminated Land Searches - commercial site	£103.50	£110.40	£6.90	6.67%
Housing & Environment	Community Protection	Pollution Enforcement and Control	Contaminated Land Searches - residential site	£72.70	£77.60	£4.90	6.74%
Housing & Environment	Community Protection	Pollution Enforcement and Control	Pollution Permit Control (Environmental Protection Act) Registrations	£78 - £1,747	£78 - £1,747		
Environment & Living Streets							
Transport Planning							
Housing & Environment	Environment & Living Streets	Transport Planning	Collision Data	£114.40	£122.10	£7.70	6.73%

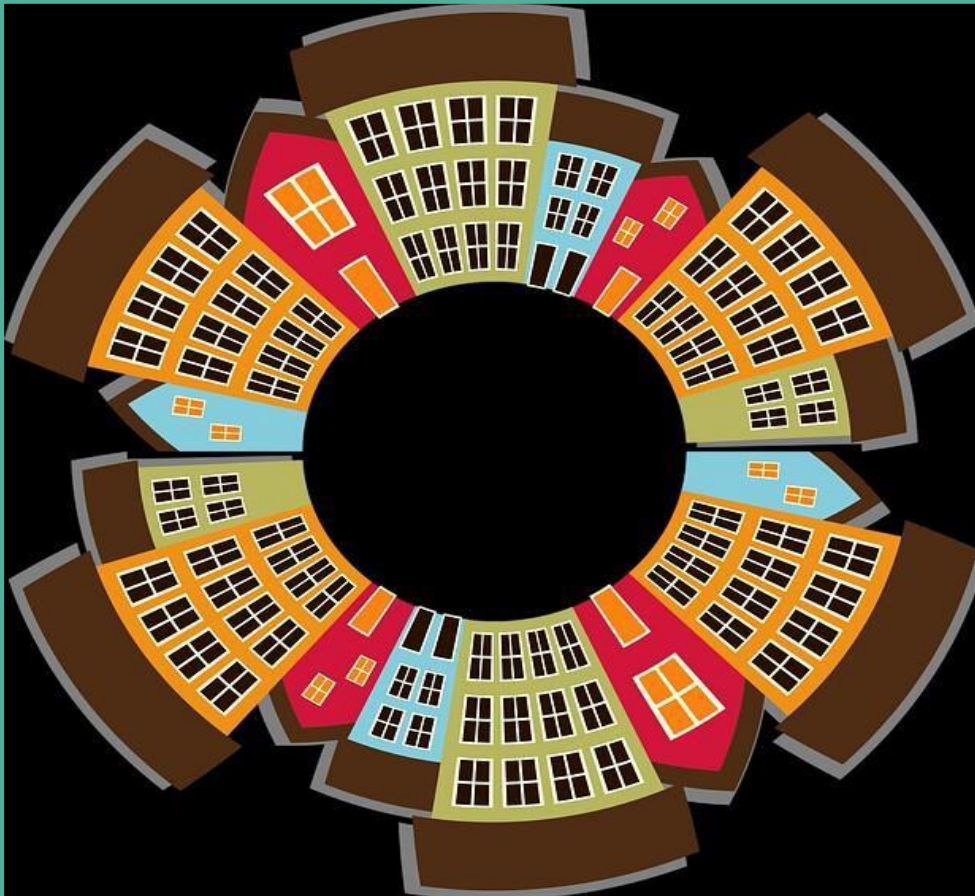
New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Housing & Environment	Environment & Living Streets	Transport Planning	Traffic Count Data - Turning counts	£217.30	£231.90	£14.60	6.72%
Housing & Environment	Environment & Living Streets	Transport Planning	Traffic Count Data - ATCs	£120.10	£128.10	£8.00	6.66%
Housing & Environment	Environment & Living Streets	Transport Planning	Traffic Count Data - Ped counts	£194.50	£207.50	£13.00	6.68%
Housing & Environment	Environment & Living Streets	Transport Planning	Highway and Road Adoption Enquiries	£143.00	£152.60	£9.60	6.71%
Resources							
Customer & Transactional Services							
Registrars							
Resources	Customer & Transactional Services	Registrars	Approval for worship	£29.00	£29.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Approval for worship - advertising	£128.00	£128.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Attendance Registered Building	£150.00	£150.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Birth/Death Certificate Fees (Superintendent Archived)	£11.00	£11.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Birth/Death Certificate Fees (Registrar Archived)	£11.00	£11.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Birth/Death Certificate Fees (Registrar Current)	£11.00	£11.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Citizenship Group	£80.00	£80.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	General Search Fee	£18.00	£18.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Notice of Marriage / CP	£35.00	£35.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Notice of Marriage / CP	£47.00	£47.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Admin Fee for Notices	£6.00	£6.40	£0.40	6.67%
Resources	Customer & Transactional Services	Registrars	Approval for Civil Ceremony	£908.00	£969.70	£61.70	6.80%
Resources	Customer & Transactional Services	Registrars	Approved Wedding Fees (Mon-Thur)	£468.00	£499.80	£31.80	6.79%
Resources	Customer & Transactional Services	Registrars	Approved Wedding Fees (Fri)	£523.00	£558.60	£35.60	6.81%
Resources	Customer & Transactional Services	Registrars	Approved Wedding Fees (Sat)	£551.00	£588.50	£37.50	6.81%
Resources	Customer & Transactional Services	Registrars	Approved Wedding Fees (Sun)	£688.00	£734.80	£46.80	6.80%
Resources	Customer & Transactional Services	Registrars	Naming Ceremonies (Mon-Thur)	£215.00	£229.60	£14.60	6.79%
Resources	Customer & Transactional Services	Registrars	Naming Ceremonies (Fri)	£248.00	£264.90	£16.90	6.81%
Resources	Customer & Transactional Services	Registrars	Naming Ceremonies (Sat)	£341.00	£364.20	£23.20	6.80%
Resources	Customer & Transactional Services	Registrars	Naming Ceremonies (Sun)	£435.00	£464.60	£29.60	6.80%
Resources	Customer & Transactional Services	Registrars	Amendment Fee - Appointment	£17.00	£18.20	£1.20	7.06%
Resources	Customer & Transactional Services	Registrars	Amendment Fee - Appointment	£39.00	£41.70	£2.70	6.92%
Resources	Customer & Transactional Services	Registrars	Priority Cert	£17.00	£18.20	£1.20	7.06%
Resources	Customer & Transactional Services	Registrars	Priority Cert - 1 hour	£28.00	£29.90	£1.90	6.79%
Resources	Customer & Transactional Services	Registrars	Admin Fee for certificate	£6.00	£6.40	£0.40	6.67%
Resources	Customer & Transactional Services	Registrars	Private Citizenship Ceremony	£154.00	£164.50	£10.50	6.82%
Resources	Customer & Transactional Services	Registrars	Private Citizenship Ceremony Saturday	£193.00	£206.10	£13.10	6.79%
Resources	Customer & Transactional Services	Registrars	Renewal of vows (Mon-Thur)	£215.00	£229.60	£14.60	6.79%
Resources	Customer & Transactional Services	Registrars	Renewal of vows (Fri)	£248.00	£264.90	£16.90	6.81%
Resources	Customer & Transactional Services	Registrars	Renewal of vows (Sat)	£341.00	£364.20	£23.20	6.80%
Resources	Customer & Transactional Services	Registrars	Renewal of vows (Sun)	£435.00	£464.60	£29.60	6.80%
Resources	Customer & Transactional Services	Registrars	Wedding /CP Fees (Mon-Thur)	£215.00	£229.60	£14.60	6.79%
Resources	Customer & Transactional Services	Registrars	Wedding /CP Fees (Fri)	£248.00	£264.90	£16.90	6.81%
Resources	Customer & Transactional Services	Registrars	Wedding /CP Fees (Sat)	£341.00	£364.20	£23.20	6.80%
Resources	Customer & Transactional Services	Registrars	Wedding /CP Fees (Sun)	£435.00	£464.60	£29.60	6.80%
Resources	Customer & Transactional Services	Registrars	Wedding /CP Fees (Housebound)	£195.00	£195.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Change of Name Deed	£72.00	£76.90	£4.90	6.81%
Resources	Customer & Transactional Services	Registrars	Correction - Local	£75.00	£75.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Correction - GRO	£32.00	£32.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Foreign Divorce - Local	£50.00	£50.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Foreign Divorce - GRO	£28.00	£28.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Forename- Space 17	£40.00	£40.00	£0.00	0.00%
Resources	Customer & Transactional Services	Registrars	Assisted NCS Applications	Quote on request	Quote on request		

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Resources	Customer & Transactional Services	Registrars	Assisted SCS Applications	Quote on request	Quote on request		
Resources	Customer & Transactional Services	Registrars	Immigration Consultation	£68.00	£72.60	£4.60	6.76%
Resources	Customer & Transactional Services	Registrars	Assisted EPRS Applications	£26.00	£27.80	£1.80	6.92%
Resources	Customer & Transactional Services	Registrars	Visa Applications	Quote on request	Quote on request		
Transactional Services							
Resources	Customer & Transactional Services	Court Costs	Council Tax Court Summons (incl court fee)	£113.50	£113.50	£0.00	0.00%
Resources	Customer & Transactional Services	Court Costs	Council Tax Liability Order	£9.00	£9.00	£0.00	0.00%
Resources	Customer & Transactional Services	Court Costs	Business Rates Court Summons (incl court fee)	£147.50	£147.50	£0.00	0.00%
Resources	Customer & Transactional Services	Court Costs	Business Rates Liability Order	£23.00	£23.00	£0.00	0.00%
Internal Audit							
Resources	Audit & Investigations	Internal Audit	Schools Internal Audit	£516.00	£550.60	£34.60	6.71%
ICT & Property Services							
ICT							
Resources	ICT & Property Services	ICT	Street Naming	£440.80	£471.00	£30.20	6.85%
Resources	ICT & Property Services	ICT	Building Naming	£314.80	£337.00	£22.20	7.05%
Resources	ICT & Property Services	ICT	Property Naming and Numbering	£188.60	£202.00	£13.40	7.10%
Property Services							
Resources	ICT & Property Services	Greenford	Hire of Halls - Greenford Hall (mid-week hourly rate)	£210.00	£224.50	£14.50	6.90%
Resources	ICT & Property Services	Greenford	Hire of Halls - Greenford Hall (community hourly rate)	£105.00	£112.00	£7.00	6.67%
Resources	ICT & Property Services	Greenford	Hire of Halls - Greenford Hall (peak hourly rate)	£400.00	£428.00	£28.00	7.00%
Resources	ICT & Property Services	Greenford	Hire of Halls - Greenford Hall (additional time hourly rate after 12am)	£455.00	£486.00	£31.00	6.81%
Resources	ICT & Property Services	Greenford	Hire of Halls - Greenford Hall (hospitality package rate) - commercial	£3,110.00	£3,322.00	£212.00	6.82%
Resources	ICT & Property Services	Greenford	Hire of Halls - Greenford Hall (hospitality package rate) - community	£1,430.00	£1,527.00	£97.00	6.78%
Resources	ICT & Property Services	Greenford	Hire of Halls - Greenford Hall - Ruislip / Ravenor meeting rooms (community rate 9am - 5pm)	£20.00	£21.50	£1.50	7.50%
Resources	ICT & Property Services	Greenford	Hire of Halls - Greenford Hall - Ruislip / Ravenor meeting rooms (peak hourly rate 9am - 5pm, Sat, Sun & Bank Hols)	£36.00	£38.50	£2.50	6.94%
Resources	ICT & Property Services	Greenford	Hire of Halls - Greenford Hall - Ruislip / Ravenor meeting rooms (mid-week hourly rate 5pm - 12am)	£31.50	£34.00	£2.50	7.94%
Resources	ICT & Property Services	Greenford	Hire of Halls - Greenford Hall - Ruislip / Ravenor meeting rooms (peak hourly rate 5pm - 12am, Sat, Sun & Bank Hols)	£63.00	£67.50	£4.50	7.14%
Resources	ICT & Property Services	CCTV	Search Fee for CCTV recording	£115.60	£125.00	£9.40	8.13%
Legal and Democratic Services							
Democratic Services							
Resources	Legal & Democratic Services	Democratic Services	Sale of Electoral Register	£641.50	£641.50	£0.00	0.00%
Legal Services							
Resources	Legal & Democratic Services	Legal Service to Schools	Charge to school for lawyer time (per hour) - Director/Head of Legal/Principal Lawyer	£128.82	£137.50	£8.68	6.74%
Resources	Legal & Democratic Services	Legal Service to Schools	Charge to school for lawyer time (per hour) - Senior Lawyer	£118.91	£126.90	£7.99	6.72%
Resources	Legal & Democratic Services	Legal Service to Schools	Charge to school for lawyer time (per hour) - Contract Lawyer	£105.70	£112.80	£7.10	6.72%
Resources	Legal & Democratic Services	Legal Service to Schools	Charge to school for lawyer time (per hour) - Lawyer	£96.89	£103.40	£6.51	6.72%
Resources	Legal & Democratic Services	Legal Service to Schools	Charge to school for lawyer time (per hour) - Paralegal	£49.55	£52.90	£3.35	6.76%
Resources	Legal & Democratic Services	Legal Service to Schools	Charge to school for lawyer time (per hour) - Student	£25.32	£27.00	£1.68	6.64%
Finance							
Treasury							
Resources	Finance	Treasury	Treasury Service Charges to West London Waste Authority (Vatable)		£8,700.00	New	New
Strategy & Change							
Human Resources and Organisational Development							
Strategy & Change	Human Resources and Organisational Development	HR	Core HR provide HR consultancy services to schools, at a fixed rate per employee.	£77.00	£82.20	£5.20	6.75%
Strategy & Change	Human Resources and Organisational Development	HR	Core HR provide HR consultancy services to HIGH schools, at a fixed rate per employee.	£71.00	£75.80	£4.80	6.76%
Strategy & Change	Human Resources and Organisational Development	Payroll	Recharges to Schools for Payroll (1 year option) - stand alone	£42.00	£44.80	£2.80	6.67%
Strategy & Change	Human Resources and Organisational Development	Payroll	Recharges to Schools for Payroll (1 year option)	£39.00	£41.60	£2.60	6.67%
Strategy & Change	Human Resources and Organisational Development	Occupational Health	Recharges to Schools for OHU (1 year option)	£39.50	£42.10	£2.60	6.58%
Strategy & Change	Human Resources and Organisational Development	HR	Full Recruitment and HR Admin, pre employment checks inclusive (1 year option)	£48.00	£51.20	£3.20	6.67%
Strategy & Change	Human Resources and Organisational Development	HR	Full Recruitment and HR Admin, without checking and uploading of pre employment checks (1 year option)	£37.00	£39.50	£2.50	6.76%

New Structure Level 1	New Structure Level 2	Service	Description of Fee/Charge	2023/24 Updated Charges	2024/25 Proposed Charge	Inc/(Dec)	% Increase
Strategy & Change	Human Resources and Organisational Development	Payroll	Emergency Payment Facility (per payment)	£27.50	£29.30	£1.80	6.55%
Strategy & Change	Human Resources and Organisational Development	Payroll	HMRC Compliance Advice Service per status check	£28.00	£29.90	£1.90	6.79%
Strategy & Change	Human Resources and Organisational Development	DBS Checks	DBS enhanced check (as part of Core Services)	£55.00	£58.70	£3.70	6.73%
Strategy & Change	Human Resources and Organisational Development	DBS Checks	Section 128 Checks	£8.00	£8.50	£0.50	6.25%
Strategy & Change	Human Resources and Organisational Development	DBS Checks	DBS enhanced check (stand alone)	£77.50	£82.70	£5.20	6.71%
Strategy & Change	Human Resources and Organisational Development	DBS Checks	DBS volunteer check (as part of Core Services)	£12.50	£13.30	£0.80	6.40%
Strategy & Change	Human Resources and Organisational Development	DBS Checks	DBS volunteer check (stand alone)	£22.50	£24.00	£1.50	6.67%
Strategy & Change	Human Resources and Organisational Development	HR	Certificate of Sponsorship (not applicable for Academies) (Stand alone)	£250.00	£266.80	£16.80	6.72%
Strategy & Change	Human Resources and Organisational Development	HR	Advertising on Ealing Council's job website - Schools who buy Option 1 HR Administration	Free	Free		
Strategy & Change	Human Resources and Organisational Development	HR	Schools who buy Option 2 HR Administration	£25.00	£26.70	£1.70	6.80%
Strategy & Change	Human Resources and Organisational Development	HR	Schools who do not buy into HR Administration but buy in to Ealing Learning Partnership	£102.00	£108.80	£6.80	6.67%
Strategy & Change	Human Resources and Organisational Development	HR	Schools that do not buy either HR Administration or ELP	£187.00	£199.50	£12.50	6.68%
Strategy & Change	Human Resources and Organisational Development	HR	Pensions Administration (compulsory charge for all schools)	£12.00	£12.80	£0.80	6.67%
Strategy & Change	Human Resources and Organisational Development	Payroll	Redundancy Estimate (for schools not buying into Ealing Payroll services)	£23.00	£24.50	£1.50	6.52%
Strategy & Change	Human Resources and Organisational Development	Payroll	Redundancy and Pension Benefit Entitlement (for schools not buying into Ealing Payroll Services)	£46.50	£49.60	£3.10	6.67%
Strategy & Change	Human Resources and Organisational Development	Payroll	Teachers Redundancy Estimate (for schools not buying into Ealing Payroll services)	£23.00	£24.50	£1.50	6.52%
Strategy & Change	Human Resources and Organisational Development	Payroll	Teachers Redundancy and Pension Benefit Entitlement (for schools not buying into Ealing Payroll Services)	£46.50	£49.60	£3.10	6.67%
Communications							
Strategy & Change	Communications	Film Unit	Charges vary for filming at different locations in the Borough. Charges also depend on number of crew, hours, location and day/night time	Quote on request	Quote on request		
Strategy & Change	Communications	Advertising	Advertisements in Around Ealing Magazine (full page)	£1,917.90	£2,046.40	£128.50	6.70%
Strategy & Change	Communications	Advertising	Advertisements in Around Ealing Magazine (inside front cover)	£2,092.20	£2,232.40	£140.20	6.70%
Strategy & Change	Communications	Advertising	Advertisements in Around Ealing Magazine (back cover)	£2,208.50	£2,356.50	£148.00	6.70%
Strategy & Change	Communications	Advertising	Advertisements in Around Ealing Magazine (half page)	£1,046.20	£1,116.30	£70.10	6.70%
Strategy & Change	Communications	Advertising	Advertisements in Around Ealing Magazine (quarter page)	£581.20	£620.10	£38.90	6.69%
Strategy & Change	Communications	Advertising	Advertisements in Around Ealing Magazine (inserts page)	£3,208.20	£3,423.10	£214.90	6.70%
Strategy & Change	Communications	Advertising	Charge to advertise on council website single space 20,000 impressions	£186.00	£198.50	£12.50	6.72%
Strategy & Change	Communications	Advertising	Charge to advertise on council website single space 25,000 impressions	£220.90	£235.70	£14.80	6.70%
Strategy & Change	Communications	Advertising	Charge to advertise on council website single space 50,000 impressions	£418.50	£446.50	£28.00	6.69%
Strategy & Change	Communications	Advertising	Charge to advertise on council website single space 75,000 impressions	£592.80	£632.50	£39.70	6.70%
Strategy & Change	Communications	Advertising	Charge to advertise on council website single space 100,000 impressions	£743.90	£793.70	£49.80	6.69%
Strategy & Change	Communications	Advertising	Charge to advertise on council website single space 150,000 impressions	£1,046.20	£1,116.30	£70.10	6.70%
Strategy & Change	Communications	Advertising	Charge to advertise on council website double space 20,000 impressions	£232.40	£248.00	£15.60	6.71%
Strategy & Change	Communications	Advertising	Charge to advertise on council website double space 25,000 impressions	£290.60	£310.10	£19.50	6.71%
Strategy & Change	Communications	Advertising	Charge to advertise on council website double space 50,000 impressions	£534.80	£570.60	£35.80	6.69%
Strategy & Change	Communications	Advertising	Charge to advertise on council website double space 75,000 impressions	£790.40	£843.40	£53.00	6.71%
Strategy & Change	Communications	Advertising	Charge to advertise on council website double space 150,000 impressions	£918.20	£979.70	£61.50	6.70%
Strategy & Change	Communications	Advertising	Charge to advertise on council website double space 100,000 impressions	£1,220.50	£1,302.30	£81.80	6.70%

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Ealing Council's Council Tax Reduction Scheme Effective April 2024



April 2024



Good, genuinely
affordable homes

Opportunities and
living incomes

A healthy,
great place



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1. Introduction to the Council Tax Reduction Scheme

Council tax benefit, a national scheme, was abolished by the Government in April 2013.

From this time, local authorities in England have been required to operate their own scheme, subject to the council tax reduction schemes (prescribed requirements) (England) Regulations 2012 (SI 2885) which prescribes elements that must be included within a local reduction scheme.

Persons of pension age must be protected by local authorities and receive no less benefit than they received under the council tax benefit scheme.

[The Council Tax Reduction Schemes \(Prescribed Requirements\) \(England\) Regulations 2012](#) as amended prescribe a number of matters which must be included in a scheme and this scheme is to be interpreted and applied in accordance with those regulations. The council has based its local council tax reduction scheme for working age persons on [The Council Tax reduction schemes \(Default scheme\) England regulations 2012 SI 2886](#) but has replaced the calculation methodology with one of its own.

The Ealing council tax support scheme and amendments between 2013 and 2019 have been based around the original council tax benefit regulations due to the continued administration of housing benefit within local authorities which duplicates much of the original council tax benefit regulations.

The gradual introduction of universal credit across the United Kingdom, which replaces housing benefit has meant that the Council is administering fewer and fewer housing benefit cases.

This has allowed the Council to move away from the old system based on needs allowances and tapers and move to a simpler and more streamlined system of support.

The new scheme is based on income bands, and it will greatly reduce the number of recalculations required if a change in the applicant's income does not result in them moving to a different income band.

Non-dependant deductions are still applied within the scheme, but the number of bands have been reduced to three.

2. Glossary of Terms

Term	Definition
1992 Act	The Local Government Finance Act 1992
AFIP	Armed Forces Independence Payment
All classes	Classes A to E pension and working age
Affected person	The applicant, official appointed to act for the applicant or person agreed to act for the applicant by the council
Applicant	A person applying for council tax reduction (CTR)
Application	An application for CTR made in the approved manner
Assessment period	The applicant's income is assessed
Authority (local)	Ealing council
Backdating	Requests by a CTR applicant for the commencement of a claim to begin prior to the application date
Banded scheme	The calculation of Council Tax Reduction for working age applicants by the use of income bands
Capital	Money or other assets singly or jointly held by a person
Child	A person under the age of 16
Circumstances in which a person is to be treated as responsible or not for another	As defined by regulation 7 of the prescribed scheme
Council	The London Borough of Ealing
Council Taxpayer	Person liable to pay Council Tax on a dwelling
Couple	As defined by regulation 4 of the prescribed scheme regulations
CTS	Ealing Council's council tax support scheme
CTR	Ealing Council's council tax reduction scheme
Default regulations	The council tax reduction schemes (Default scheme) England regulations 2012 SI 2886/2012 (as amended)
Designated office	Ealing Council may select one or more offices as its designated office for written council tax reduction claims and notification of changes including but not limited to Ealing's benefit office, offices of the DWP, or the office of a hostel or social landlord.

Term	Definition
Dispute	A state where a CTR applicant disagrees with the award of CTR or its refusal
Dwelling	As defined in Part 1 chapter 1 regulation 3 of the 1992 act
Earned income	As defined by schedule 1 of the prescribed scheme regulations for pensioners and chapter 5 paragraphs 51 and 53 of the default regulations
Family	As defined in Part 1 regulation 6 of the The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012
General interpretation of terms in the scheme	As described in The Council Tax Reduction Schemes (Prescribed Requirements)(England)Regulations 2012
Households	As defined in by Part 1 paragraph 8 of The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012
Income (taken into account)	The income used for the calculation of any award
Living expenses	Food, ordinary clothing and footwear, household fuel, rent or other housing costs including council tax
Lone Parent	A person without a partner who is also responsible for and a member of the same household as a child or young person.
Maximum Council Tax reduction	The amount determined by the application of this scheme.
Maximum liability	The band used for calculation entitlement to CTR after any Council Tax discounts or band reductions under the 1992 Act
Non-dependant	Any member of the applicant's household who is not the applicant's partner, dependent child or tenant
Non-dependant deduction	An amount deducted from any CTR award
Overpayment	Any amount of CTR to which there is no entitlement to under then scheme
Passported Benefits	Income support, job seekers allowance (income based), employment

Term	Definition
	and support allowance (income related) and pension credit (guarantee credit)
Pension Age/ Pensioner	As defined by Part 1 regulation 3(a) The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 Generally, someone who has reached the qualifying age for state pension credit
Prescribed requirements	CTR schemes (prescribed requirements) England) Regulations 2012 SI 2885 2012 (and as amended)
Qualifying person	As defined in regulation 2 of the prescribed scheme
Remunerative work	As defined by the The Council Tax Reduction Schemes (Prescribed Requirements)(England)Regulations 2012
Polygamous marriage	As defined in part 1 regulation 5 of The Council Tax Reduction Schemes (Prescribed Requirements)Regulations 2012
Single applicant	A person who does not have a partner nor is a lone parent
SSCBA	The Social Security Contributions and Benefits Act 1992
Universal credit	As defined by section 1 of the welfare reform act
Week	A period of 7 days commencing on a Monday
Work	A person who is either employed or self employed
Working Age / non-pensioner	As defined by Part 1 regulation 3(b) The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 Generally, someone who has not reached the qualifying age for state pension credit.
Young Person	A person who falls within the definition of qualifying young person in section 142 of the SSCBA

3. Applications

The procedure for applications applies to all classes (pension and working age) and will follow the prescribed requirements.

Who may claim

- (a) In the case of a single adult that person
- (b) In the case of a couple or polygamous marriage the person agreed between them or if no agreement has been reached the Council will determine who the applicant shall be.

(c) Where a person is unable to act, and someone has officially been appointed to act on their behalf, that person can apply. Where there is no official appointment, the Council may, upon written request, appoint that person who may then claim. The Council will advise the appointee of their responsibilities.

Where the Council has made an appointment, it can revoke this at any time and will accept resignations by appointees after 4 weeks' notice.

Time and manner of claiming

Applications must be made either in writing to the Council's designated office(s), electronically (in accordance with schedule 7 part 4 of the prescribed regulations and the council's [electronic collection of data](#) process) through the Council's customer portal or by telephone to the telephone number published for the purpose.

Where a claim has been made for housing benefit and the person is also liable for council tax at the same address the housing benefit claim will be treated as a claim for council tax reduction.

Defective claims

Where an application is considered defective by the Council because

- (a) The form is incorrectly completed
- (b) It is not on an approved form
- (c) Information and evidence requested on the form/ at the time of the telephone claim has not been fully provided

The Council will inform the applicant of the defect and allow them one calendar month of being asked to remedy the defect.

Withdrawal of claims

Where the applicant does not correct defects in the claim notified to them within the designated timescales, and the Council has not agreed further time to remedy the defect, the Council will determine that the applicant no longer wishes to claim council tax reduction.

Where a housing benefit claim has been treated as a claim for council tax reduction the applicant may withdraw their claim within 14 days of receipt of their council tax reduction decision.

Date of application

The date on which a claim is made at the Council or designated office will be taken in accordance with schedule 8, part 2 paragraph 5 of the prescribed requirements and the council's [electronic collection of data](#) process.

4. Evidence and Information

The requirements for evidence and information applies to pensioners and working age applicants.

National Insurance numbers

The applicant and partner (if present) are required to provide either

- (A) Their national insurance number(s)
- (B) Information to allow the Council to ascertain it
- (C) Proof that an application for a national insurance number has been made with evidence that would allow it to be allocated.

This requirement shall not apply in the following circumstances:

- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
- (b) to a person who:
 - (i) is a person treated as not being in Great Britain for the purposes of these Regulations;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.

Claims and questions arising

(A) Any person making an application or who is in receipt of a reduction under the CTR must provide any certificates, documents, information and evidence as the Council may require in order to determine initial or ongoing entitlement.

(B) Any requests made under (A) above must be fulfilled within one month of being asked to do so, unless the Council has agreed to an extension before the completion of the initial month.

Changes of circumstances

The applicant must, within one calendar month of a change they can reasonably expect to affect their entitlement, notify the Council in writing, electronically or to the published telephone number.

5. Classes of Persons Within the Scheme

Classes of persons excluded from the scheme

The Government has prescribed those persons to be excluded from local schemes. This includes persons not treated as in Great Britain and persons subject to immigration control. These are defined within the prescribed requirements.

Any person falling within the definition are not eligible for a reduction under the Ealing CTR scheme.

Classes of persons entitled to a reduction under this scheme

Persons of pensionable age

The Government has described those persons considered to be of pensionable age within the prescribed requirements.

Any applicant falling under the definition within the prescribed requirements, classes A, B and C, will have any entitlement administered in accordance with the prescribed requirements.

Payments of war pensions, war disablement pensions, war widows' pensions, war widower's pensions and payments under the armed forces compensation scheme all payments will be disregarded.

Working age persons only

Class D: Working age, Non-protected persons

The applicant and or partner must:

- Be liable to pay council tax, in respect of a property within Ealing, in which the person is solely or mainly resident.
- Be of working age who has not reached the qualifying age for state pension credit
- Have made a claim for council tax reduction
- Not be in receipt of pension credit
- Not fall within a class of person not entitled to a reduction under this scheme or the prescribed regulations
- Not to have capital equal to or in excess of £6, 000
- Be a person in receipt of a passported benefit or have income (taken into account) of less than the weekly limit shown in band 8.
- Not be a lone parent with a child, in their household, under 5 years of age

- Not be in receipt of a disability benefit, carers allowance, employment and support allowance, personal independence payment or disability living allowance.
- Not be in receipt of universal credit which includes one of the following elements: limited capability for work, limited capability for work related activity, disabled child or carer.
- Not be a care leaver under the age of 25
- Not be in receipt of an armed forces independence payment
- Not to be a carer in receipt of carers allowance or have an underlying entitlement to it.
- Not be in receipt of attendance allowance

Class E Working Age, Protected persons

The applicant and or partner must:

- Be liable to pay council tax, in respect of a property within Ealing, in which the person is solely or mainly resident.
- Be of working age who has not reached the qualifying age for state pension credit
- Have made a claim for council tax reduction
- Who does not fall within a class of person not entitled to a reduction under this scheme or the prescribed regulations
- Not be in receipt of pension credit
- Not have capital equal to or in excess £6,000
- Be a person in receipt of a passported benefit or income (taken into account) of less than the weekly limit shown in band 9.
- Be one or more of the following:
 - 1 A lone parent with a child under 5 years of age
 - 2 In receipt of a disability benefit, carers allowance, employment and support allowance, personal independence payment, attendance allowance or disability living allowance
 - 3 In receipt of universal credit which includes one of the following elements: limited capability for work, limited capability for work related activity, disabled child or carer
 - 4 A care leaver under the age of 25
 - 5 In receipt of an armed forces independence payment
 - 6 A carer in receipt of carers allowance or have an underlying entitlement to it

6. Income

For pensioners, income will be calculated in accordance with the prescribed requirements.

For working age customers, earned income will be calculated in accordance with the default regulations.

Where the applicant has unearned income, the following will be taken into account.

- (a) Retirement pension
- (b) Payments made towards the maintenance of the person by their spouse, civil partner, former partner, former civil partner under a court agreement.
- (c) A payment received under an insurance policy to insure against -
 - (1) The risk of losing income due to illness, accident or redundancy or
 - (2) The risk of being unable to make payments on a loan, but only to the extent that payment is in respect of owner occupier payments where an amount has been added for housing costs.
- (d) Income from an annuity (other than retirement pension income) unless disregarded for personal injury
- (e) Income from a trust unless disregarded for personal injury compensation or special schemes compensation
- (f) Capital deemed to be income
- (g) Income from subtenants and/or borders
- (h) Income not included above which is taxable under part 5 of the income tax act 2005.

Other income

Other unearned income not included in (a) to (h) above will be disregarded.

Earnings disregard

The default regulations on earnings disregards will not be applied to working age claims.

The following in relation to earnings disregards will apply instead.

There is no earnings disregard for single applicants.

A single £36.51 per week deduction will be taken from earnings in all other cases.

No earnings disregards will be applied to universal credit cases as the earning disregards would have already been applied by DWP.

Self-employed minimum income floor

For council tax reduction purposes once you have been self-employed for 12 months and your income is below the UK minimum hourly wage, your council tax reduction will be calculated in one of the following ways:

- for single people and members of couples – hourly minimum wage (25 years +) x 35 hours per week

- for lone parents – hourly minimum wage (25 years +) x 16 hours per week

Couples with dependent children where both are self-employed:

- hourly minimum wage (25 years +) x 35 hours per week for one member and hourly minimum wage (25 years +) x 16 hours per week for the other member.

The earnings figures resulting from these calculations will be reduced by the appropriate tax and national insurance amounts.

If your self-employed income is higher than the hourly minimum wage, then we will use your actual income to calculate your council tax reduction.

The self-employed minimum income floor figure will be aligned with the national Living wage on April 1st each year and the tax and National insurance rates used will be those current on the previous day -31st March in the same calendar year.

Start-up period

- (A) A start-up period” is a period of 12 months during which the applicant first commenced gainful self-employment, in the 12 months preceding the beginning of the assessment period.
- (B) No start-up period will be applied in relation to an applicant where a start-up period has previously been applied in the last five years, whether in relation to the current or previous award.
- (C) A start-up period will be terminated if the person is no longer in gainful self-employment.

Universal Credit

Where the person is on universal credit the Council will take into account the income used in the Universal Credit calculation unless the Council has evidence that the person has income different to that used within the universal credit calculation in which case the Council may at its own discretion use that income in calculating any CTR.

Where DWP have calculated universal credit entitlement that includes earned income, no additional earnings disregard will be applied under the local scheme as the DWP would have already applied one.

Capital

Capital is to be calculated for pensioners under the prescribed requirements and for working age under the default regulations and in addition to include any charitable disregarded capital or compensation payments provided for under the prescribed pensioner regulations.

Capital limit

For classes A to C (pensioners) the capital limit is as the prescribed requirements

For classes D and E there will be no entitlement to council tax reduction where the applicant(s) capital exceeds £6,000.

7. Non-Dependants

Non-dependant deductions for pensioners are as the prescribed requirements.

Non-dependant deductions for working age will be made according to the table below.

Non-dependant deductions

Category	Amount
Full time Student	£00.00
Not in employment	£7.91
Working with gross earnings less £222.76 per week	£14.61
Working with gross earnings more £222.76 per week	£21.91

Non-dependant deductions will not be taken where no deduction would, due to the applicant's circumstances, are met within the prescribed scheme. (e.g. claimant/partner receives DLA or PIP then no non-dependant deduction will be made).

8. Students

Pensioner and working age students will be administered in accordance with the default regulations unless the contrary is indicated.

9. Extended reductions

The following applies to both pensioners and working age

Where an application is made to the council for council tax reduction and the applicant or partner of the applicant is in receipt of an extended reduction from another billing authority in England or Wales.

The Council will reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

10. Calculating Council Tax Reduction

The maximum council tax reduction for classes A to C (pension age) are set out in the prescribed scheme.

Working age awards are as follows:

For **Class D** the CTR will be:

The maximum council tax liability

- (1) Less the class D contribution level for band 1 where the person is in receipt of a passported benefit **or**
- (2) Less the class D contribution level applicable to the band in which the persons income falls

Less any non-dependant deductions

Less capping For **Class E**, the reduction will be:

The maximum council tax liability

- (1) Less the class E contribution level for band 1 where the person is in receipt of a passported benefit **or**
- (2) Less the class E contribution level applicable to the band in which the persons income falls.

less any non-dependant deductions

Council Tax Reduction Calculation Table

	Protected			Non-protected		
Band	Income Bands £	Customer's contribution to Council Tax	CTR Award	Income Bands	Customer's contribution to Council Tax	CTR Award
1	0.00 – 146.06	0%	100%	0.00 – 146.06	20%	80%
2	146.07 - 170.40	25%	75%	146.07 - 170.40	40%	60%
3	170.41 - 194.74	40%	60%	170.41 - 194.74	50%	50%
4	194.75 - 219.10	50%	50%	194.75 - 219.10	60%	40%
5	219.11 - 243.44	60%	40%	219.11 - 243.44	70%	30%
6	243.45- 267.77	70%	30%	243.45- 267.77	80%	20%
7	267.78 - 292.13	80%	20%	267.78- 292.13	90%	10%
8	292.14 – 316.47	90%	10%	292.14+	100%	0.00 %
9	316.48+	100%	0.00%			

11. Minimum Council Tax Reduction

No reduction will be awarded to an applicant if their entitlement is less than £2 per week.

12. Temporary absence

For pensioner cases temporary absence will be administered under the prescribed requirements.

For working age, there will be no entitlement to CTR where the applicant is absent from the dwelling for more than 13 weeks.

13. Date on Which Awards Begin

A person who makes a claim for CTR, and who is determined to be entitled, will be entitled from the Monday following the date on which their claim is made or treated as made.

Backdating

Backdating for pensioners is applied under the rules of the prescribed scheme.

There is no backdating of applications for working age persons.

Effective date of change of circumstances

The effective date of change of circumstances for pensioners will follow the prescribed scheme.

The effective date of change of circumstances for working age will follow the default regulations except where the applicant is required to notify a change and:

- (a) The change has been notified more than one month after the change occurred, or as long as the Council considers to be reasonable and
- (b) It was reasonable to notify the change within the period and
- (c) The new CTR determination advantageous to the applicant the effective date of change will be, the Monday following, the date of notification by the applicant

14. Decisions

The following applies to pensioners and working age

Decision

The Council will make a determination on properly completed applications within 14 days of proper completion or as soon as possible thereafter.

Notifications

Persons will be notified of the decision on a claim as soon as possible, in other cases the Council will aim to provide a decision within 14 days or as soon as possible thereafter.

CTR awards

Where the Council determines an award of CTR, the person affected will be advised of:

- (A) Their duty to report appropriate changes of circumstances, the consequences of failing to do so and guidance on changes likely to affect entitlement.
- (B) How the CTR will be paid.
- (C) All decisions will inform of the appeals process.
- (D) The right to request a written statement of reasons, within a month.

15. Overpayments

Pensioner overpayments are administered in accordance with the prescribed requirements

In working age cases where a person has received CTR to which there is no entitlement, it will be recovered in all cases, and treated as an underpayment of Council Tax.

The person will be written to advise the amount, dates and method of recovery and provided with a substitute council tax bill.

16. Appeals

The following applies to pensioners and working age

If a person disagrees with the Council's decision in relation to whether there is an entitlement to CTR or the amount of CTR the affected person must write to the Council stating why they believe the decision is wrong.

The Council will within 2 months consider the appeal and notify the person as to why the appeal is considered unfounded or what steps are been taken to deal with the appeal.

- Where the person remains aggrieved or has not heard within 2 months from the Council the person may appeal to the Valuation Tribunal.

Information relating to how to appeal to the Valuation Tribunal will be posted on the Council's website.

17. Discretionary Reductions

The following applies to pensioners and working age

A person may apply for a discretionary reduction under section 13A (1) (c) of the 1992 Act.

Any request must be made

- (a) In writing
- (b) Electronically in accordance with part 4 of schedule 7 of the prescribed requirements, or
- (c) To the Council's published phone number

The person must state why the request is being made and supply any evidence and information that the Council requires to decide the request.

18. Uprating

The following items will be increased by the September CPI (or equivalent replacement) each year and applied to CTR calculations the following April.

Earnings disregard

Non-Dependant deductions

Banded incomes

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Appendix 5 - 2024 25 Parking Account Budget Estimate

Parking Budget 2024/25	£M	
	2023/24 (Revised Estimate)	2024/25 (Proposed Estimate)
Income	(26.789)	(26.589)
Expenditure:		
Management	6.826	6.884
Enforcement, including CCTV	2.378	2.378
London Tribunal & TEC charges	0.914	0.914
Sub-Total: Expenditure	10.119	10.177
Contributions from the Parking Account:		
Contribution to Concessionary Fares	9.770	13.436
Contribution towards other eligible expenditure such as Highways, Transport etc	1.167	2.044
Capital and revenue investment in parking related initiatives	2.404	1.938
Sub-Total: Contributions from the Parking Account	13.342	17.417
Net Surplus (-) / Deficit (+) for the year	(3.329)	1.005
Transfer to(+) / from (-) Parking Reserve	3.329	(1.005)
Net Surplus (-) / Deficit (+)	0.000	0.000

Income Movement	£M	
	2023/24 (Revised Estimate)	2024/25 (Proposed Estimate)
Original income budget	(24.060)	(26.789)
Savings	(2.729)	0.200
Total Income Budget	(26.789)	(26.589)

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Capital Programme Change Summary	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total
	£M	£M	£M	£M	£M	£M	£M
Table 1: Capital Additions	0.000	75.255	75.140	0.563	0.643	0.000	151.601
Table 2: Decommissioning	(0.212)	(1.750)	0.000	0.000	0.000	0.000	(1.962)
Table 3: Re-profiling	(4.000)	(217.989)	3.568	(4.571)	(14.667)	237.659	0.000
Total	(4.212)	(144.484)	78.708	(4.008)	(14.024)	237.659	149.639

Table 1: Capital Additions

Directorate	Service Area	Scheme Name	Funded by	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total
				£M	£M	£M	£M	£M	£M	£M
Economy & Sustainability	Arts & Culture	Dormers Wells Leisure Centre Roof works	Other Revenue Reserve		0.045					0.045
Economy & Sustainability	Arts & Culture	Extension to Northolt Library	Borrowing		0.050	0.050				0.100
		Extension to Northolt Library	Grant		0.160	0.090				0.250
			Total		0.210	0.140				0.350
Housing & Environment	Housing Demand	Temporary Accommodation Property Purchase Scheme - 3rd phase	Borrowing		75.000	75.000				150.000
Housing & Environment	Parking	Resurfacing of multi-storey car parks (Herbert Rd - Southall & Springbridge Rd)	Parking Reserve				0.563	0.643		1.206
				0.000	75.255	75.140	0.563	0.643	0.000	151.601

Table 2: Decommissioning

Directorate	Service Area	Scheme Name	Funded by	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total
				£M	£M	£M	£M	£M	£M	£M
Resources	ICT & Property Services	Re-fit Allocation for Energy Conservation Measures	Borrowing		(0.071)					(0.071)
Resources	ICT & Property Services	GCSX Server 2012 and Expansion	Borrowing		(0.075)					(0.075)
Resources	ICT & Property Services	Business Objects Upgrade/ Replacement	Borrowing		(0.214)					(0.214)
Economy & Sustainability	Arts & Culture	Ground Maintenance New IT System	Borrowing	(0.012)						(0.012)
Strategy & Change	Cabinet Office	Local Fund	Borrowing		(0.550)					(0.550)
Housing & Environment	Environment & Living Streets	LACTO - Waste & Street Service	Borrowing	(0.200)	(0.160)					(0.360)
Housing & Environment	Environment & Living Streets	LACTO - Waste & Street Service	Borrowing		(0.180)					(0.180)
Housing & Environment	Community Protection	Empty Properties CPO	Borrowing		(0.500)					(0.500)
				(0.212)	(1.750)	0.000	0.000	0.000	0.000	(1.962)

Table 3: Re-profiling

Directorate	Service Area	Scheme Name	Funded by	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total
				£M	£M	£M	£M	£M	£M	£M
Resources	Finance Service	Broadway Living	Borrowing	(4.000)	(217.989)	3.568	(4.571)	(14.667)	237.659	0.000
				(4.000)	(217.989)	3.568	(4.571)	(14.667)	237.659	0.000

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Capital Programme - 2023/24 to 2028/29	£m							£m	
	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total	2029/30	Total
Schools Planning, Development & Resources	16.855	80.087	0.000	0.000	0.000	0.000	96.942	0.000	96.942
Total Children's Services	16.855	80.087	0.000	0.000	0.000	0.000	96.942	0.000	96.942
Business Support & Integrated Commissioning	0.231	0.930	0.020	0.000	0.000	0.000	1.181	0.000	1.181
Public Health	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Total Adults' Services & Public Health	0.231	0.930	0.020	0.000	0.000	0.000	1.181	0.000	1.181
Arts, Culture, Leisure & Libraries	15.826	7.709	1.425	0.575	0.000	0.000	25.636	0.000	25.636
Major Projects	3.548	8.748	1.061	0.000	0.000	0.000	13.357	0.000	13.357
Regeneration Growth Climate Change	10.191	22.272	0.000	0.000	0.000	0.000	32.463	0.000	32.463
Surveying Services	4.375	3.042	0.200	0.200	0.000	0.000	7.817	0.000	7.817
Housing Development	10.292	17.500	6.000	5.219	0.000	0.000	39.011	0.000	39.011
Total Economy & Sustainability	44.232	59.271	8.686	5.994	0.000	0.000	118.183	0.000	118.183
Community Protection	0.330	0.679	0.000	0.000	0.000	0.000	1.009	0.000	1.009
Travellers Warden	0.055	0.000	0.000	0.000	0.000	0.000	0.055	0.000	0.055
Environment & Living Streets	24.848	26.840	7.498	0.170	0.000	0.000	59.356	0.000	59.356
Housing Demand	6.819	0.000	0.000	0.000	0.000	0.000	6.819	0.000	6.819
Total Housing & Environment	32.052	27.519	7.498	0.170	0.000	0.000	67.239	0.000	67.239
Customer & Transactional Services	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Finance Service	10.175	243.294	20.426	18.636	14.667	78.582	385.780	0.000	385.780
ICT & Property Services	4.379	10.159	0.350	0.325	0.000	0.000	15.213	0.000	15.213
Strategic Property	0.000	0.000	10.000	10.000	15.000	15.000	50.000	0.000	50.000
Total Resources	14.554	253.453	30.776	28.961	29.667	93.582	450.993	0.000	450.993
Cabinet Office	0.000	0.550	0.000	0.000	0.000	0.000	0.550	0.000	0.550
Total Strategy & Change	0.000	0.550	0.000	0.000	0.000	0.000	0.550	0.000	0.550
Corporate Budgets	0.230	3.257	0.000	0.000	0.000	0.000	3.487	0.000	3.487
Total Corporate Budgets	0.230	3.257	0.000	0.000	0.000	0.000	3.487	0.000	3.487
Total General Fund	108.155	425.067	46.980	35.125	29.667	93.582	738.576	0.000	738.576
Total HRA	122.924	137.100	139.234	79.891	62.168	50.585	591.901	0.000	591.901
Total Capital Programme	231.079	562.166	186.214	115.016	91.835	144.167	1,330.477	0.000	1,330.477

General Fund Capital Programme Funding - 2023/24 to 2028/29	£m							£m	
	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total	2029/30	Total
Mainstream Funding	42.242	301.589	45.106	32.639	29.667	93.582	544.825	0.000	544.825
Capital Receipts	0.000	19.965	0.000	0.000	0.000	0.000	19.965	0.000	19.965
Capital Receipts Right to Buy	0.626	2.434	0.834	0.726	0.000	0.000	4.620	0.000	4.620
Flexible Use Capital Receipts	0.120	1.761	0.000	0.000	0.000	0.000	1.881	0.000	1.881
Specific Funding	65.167	99.319	1.040	1.760	0.000	0.000	167.286	0.000	167.286
(Split as Follows)									
-Grant	51.529	70.673	0.000	1.590	0.000	0.000	123.792	0.000	123.792
-S106	5.714	6.699	0.000	0.000	0.000	0.000	12.414	0.000	12.414
-Partnership Contributions	3.308	20.682	0.000	0.000	0.000	0.000	23.990	0.000	23.990
-Parking Revenue Account	4.125	1.235	1.040	0.170	0.000	0.000	6.569	0.000	6.569
-Reserve Drawdown	0.492	0.000	0.000	0.000	0.000	0.000	0.492	0.000	0.492
-Invest to Save	0.000	0.018	0.000	0.000	0.000	0.000	0.018	0.000	0.018
-Revenue Contribution	0.000	0.011	0.000	0.000	0.000	0.000	0.011	0.000	0.011
-Major Repairs Reserve Contributions	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
-HRA Contributions	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Total Funding - General Fund	108.155	425.067	46.980	35.125	29.667	93.582	738.576	0.000	738.576

HRA Capital Programme Funding - 2023/24 to 2028/29	£m							£m	
	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total	2029/30	Total
Mainstream Funding	29.440	85.865	116.178	35.583	46.657	35.185	348.910	0.000	348.910
Capital Receipts	18.861	15.850	4.110	25.981	0.299	0.000	65.102	0.000	65.102
Capital Receipts Right to Buy	2.047	0.332	0.000	0.000	0.000	0.000	2.379	0.000	2.379
Flexible Use Capital Receipts	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Specific Funding	72.576	35.052	18.946	18.326	15.211	15.399	175.511	0.000	175.511
(Split as Follows)									
-Grant	56.122	18.835	3.443	2.840	0.000	0.000	81.239	0.000	81.239
-S106	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
-Partnership Contributions	1.000	0.500	0.500	0.500	0.500	0.500	3.500	0.000	3.500
-Parking Revenue Account	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
-Reserve Drawdown	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
-Invest to Save	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
-Revenue Contribution	0.000	15.717	15.003	14.987	14.711	14.899	75.317	0.000	75.317
-Major Repairs Reserve Contributions	15.454	0.000	0.000	0.000	0.000	0.000	15.454	0.000	15.454
-HRA Contributions	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Total Funding - HRA	122.924	137.100	139.234	79.891	62.168	50.585	591.901	0.000	591.901
Total Programme Funding	231.079	562.166	186.214	115.016	91.835	144.167	1,330.478	0.000	1,330.477

Description	Approved Budget 2023/24 £M	Approved Budget 2024/25 £M	Approved Budget 2025/26 £M	Approved Budget 2026/27 £M	Approved Budget 2027/28 £M	Approved Budget 2028/29 £M	Total Approved Budget 2023/24 - 2028/29 £m	Approved Budget 2029/30 £M	Total £m
HAVELOCK ESTATE	1.309	0.500	0.000	0.000	0.000	0.000	1.809	0.000	1.809
GOLFLINKS ESTATE REGENERATION	0.000	24.127	27.906	5.798	0.090	0.935	58.856	0.000	58.856
LEASEHOLDER ASSISTANCE SCHEME	0.305	0.684	0.000	0.000	0.000	0.000	0.989	0.000	0.989
COPLY CLOSE REGENERATION	4.920	9.648	9.361	2.383	0.528	0.800	27.641	0.000	27.641
HIGH LANE ESTATE REGENERATION	10.539	4.068	8.513	19.417	15.000	0.000	57.537	0.000	57.537
Energy & Sustainability	0.280	0.000	0.000	0.000	0.000	0.000	0.280	0.000	0.280
LOCAL AUTHORITY HOUSING GRANT - REGISTERED PROVIDERS	2.306	0.332	0.000	0.000	0.000	0.000	2.638	0.000	2.638
ENERGISPRONG TO WHOLE HOUSE RETROFITS	4.684	0.000	0.000	0.000	0.000	0.000	4.684	0.000	4.684
FIRE REMEDIATION	0.000	4.950	4.500	3.000	1.000	1.000	14.450	0.000	14.450
M&E ACTIVITIES AND RENEWABLES	0.000	16.399	22.000	16.000	15.000	14.000	83.399	0.000	83.399
FABRIC & THERMAL - BLOCKS AND STREETSCENE	0.000	10.120	11.000	19.000	24.200	27.500	91.820	0.000	91.820
INTERNAL UPGRADES	0.000	4.796	3.000	4.500	4.000	4.000	20.296	0.000	20.296
STOCK CONDITION SURVEYS	0.000	0.110	0.115	0.120	0.050	0.000	0.395	0.000	0.395
New Regeneration - Lexden Road (HRA)	19.990	32.743	26.281	3.396	0.000	0.000	82.410	0.000	82.410
New Regeneration - Sussex Crescent (HRA)	1.763	5.474	0.023	0.000	0.000	0.000	7.260	0.000	7.260
New Regeneration - Northolt Grange Community Centre (HRA)	21.777	10.411	18.280	1.023	0.000	0.000	51.491	0.000	51.491
	122.924	137.100	139.234	79.891	62.168	50.585	591.901	0.000	591.901
FUNDED BY:									
MAINSTREAM FUNDING	29.440	85.865	116.178	35.583	46.657	35.185	348.910	0.000	348.910
CAPITAL RECEIPTS (SPLIT AS FOLLOWS)	20.908	16.182	4.110	25.981	0.299	0.000	67.481	0.000	67.481
-CAPITAL RECEIPTS	18.861	15.850	4.110	25.981	0.299	0.000	65.102	0.000	65.102
-CAPITAL RECEIPTS RIGHT TO BUY	2.047	0.332	0.000	0.000	0.000	0.000	2.379	0.000	2.379
-FLEXIBLE USE CAPITAL RECEIPTS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
GRANTS	56.122	18.835	3.443	2.840	0.000	0.000	81.239	0.000	81.239
S106	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
PARTNERSHIP CONTRIBUTIONS	1.000	0.500	0.500	0.500	0.500	0.500	3.500	0.000	3.500
REVENUE RESERVES (SPLIT AS FOLLOWS)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
-PARKING RESERVE	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
-REVENUE RESERVE	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
-INVEST TO SAVE RESERVE	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
REVENUE CONTRIBUTION	0.000	15.717	15.003	14.987	14.711	14.899	75.317	0.000	75.317
MAJOR REPAIRS RESERVE CONTRIBUTIONS	15.454	0.000	0.000	0.000	0.000	0.000	15.454	0.000	15.454
HOUSING REVENUE ACCOUNT CONTRIBUTIONS	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
HOUSING REVENUE ACCOUNT TOTAL FUNDING	122.924	137.100	139.234	79.891	62.168	50.585	591.901	0.000	591.901

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Capital Strategy

2024/25 to 2028/29

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Section 1 – Overview

1. Introduction

- 1.1 Before the start of each financial year, local authorities are legally required to have in place a Capital Strategy which has been approved by the Full Council.
- 1.2 The Capital Strategy is applicable for both General Fund and Housing Revenue Account (HRA) activities.

2. Legislation and Guidance

- 2.1 The Capital Strategy has been prepared in accordance with the following statutory regulations and Code of Practice:
- a) Part 1 of the Local Government Act 2003¹;
 - b) Statutory guidance issued by the Department for Levelling Up, Housing and Communities (formerly MCHLG) on:
 - (i) Local Government Investments²; and
 - (ii) Minimum Revenue Provision (MRP)³; and
 - c) Code of Practices issued by Chartered Institute of Public Finance & Accountancy (CIPFA):
 - (i) The Prudential Code for Capital Finance in Local Authorities; and
 - (ii) Treasury Management in the Public Services.

2.2 Changes to the Prudential and Treasury Management Codes

- 2.2.1 CIPFA published a revised Prudential Code on 20 December 2021. Formal adoption was required for the 2023/24 financial year.
- 2.2.2 The Prudential Code was significantly updated to incorporate changes to restrict councils from using borrowing to invest primarily in order to generate yield. The key changes clarify and update CIPFA's position on local authority commercial investment. The changes to the Prudential Code are set out below:

Borrowing to Invest

- A local authority must not borrow to invest primarily for financial return;
- It is not prudent to make any investment or spending decision that will increase the capital financing requirement (CFR), and so may lead to

¹ Statutory Instrument 2003 No. 3146 The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003

² Statutory Guidance on Local Government Investments issued under section 15(1)(a) of the Local Government Act 2003

³ Statutory Guidance on the Minimum Revenue Provision issued by the Secretary of State in 2018 under Section 21(1A) of the Local Government Act 2003 and Statutory Instrument 2008 No. 414 The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003

new borrowing unless directly and primarily related to the local authority's functions; and

- The Code does not require existing commercial investments to be sold but options to exit investments as an alternative to borrowing should be reviewed in the Treasury Management Strategy.

Risk Management

- Proportionality - investment risks should be proportionate to financial capacity and plausible losses can be absorbed in budgets or reserves without unmanageable detriment to local services;
- Investment counterparty policy should include Environmental, Social & Governance (ESG) considerations; and
- Arrangement should cover detailed requirements on knowledge and skills including policy, schedules, monitoring and review.

Reporting

- Capital strategy requirements were expanded – moving away from being a short summary;
- Prudential indicators should be reported to Members quarterly – but not necessarily to Full Council; and
- New indicators need to be reported: liability benchmark and income from service and commercial investments

2.2.3 The main changes to the updated Treasury Management Code and the accompanying guidance for local authorities were as follows:

- Investment management practices and other recommendations relating to non-treasury investments are included within the Treasury Management Practices (TMPs);
- Introduction of the Liability Benchmark as a treasury management indicator for local government bodies;
- Incorporation of Environmental, Social and Governance risks; and
- The purpose and objective of each category of investments should be described within the Treasury Management Strategy.

3. Purpose

3.1 The purpose of the Capital Strategy is to provide:

- a high-level long-term overview of how capital expenditure, capital financing and treasury management activity contributes to the provision of services;
- an overview of how the associated risk is managed; and
- the implications for future financial sustainability.

- 3.2 The Capital Strategy provides a framework for the Council to ensure that all its capital expenditure and investment plans are affordable, prudent and sustainable regardless of how they are being financed.
- 3.3 The Capital Strategy is an evolving document which aligns with the Council Plan and other key council strategies. The strategy is also an integral part of the Council's strategic planning process and therefore, should be read alongside and/or in conjunction with the following:
- Medium Term Financial Strategy (MTFS);
 - Investment Strategy;
 - Treasury Management Strategy; and
 - Asset Management Strategy.

4. Key Objectives

- 4.1 The overarching objective of Ealing's Capital Strategy is to provide the Council with a strategic planning and a decision-making framework to deliver a capital programme that:
- is affordable, financially prudent and sustainable;
 - ensures the Council's capital assets are used to support the delivery of services according to priorities within the Council Plan and the Council's vision;
 - links with the Council's asset management plan;
 - ensures that the most cost-effective use is made of existing assets and new capital investment delivers value for money; and
 - supports other Ealing service specific plans and strategies.
- 4.2 The resources to deliver the Capital Strategy are allocated through the annual budget process that sets the five-year rolling capital programme. Many Councils are at a point where capital resources are becoming increasingly scarce and as such investment in assets, where funded from borrowing, is likely to have implications for revenue budgets.

5. Principles

- 5.1 Set out below are the key principles which have regard to the objectives of the Capital Strategy in achieving the Council's priorities whilst maintaining focus on capital resources in order to gain the maximum benefit:
1. The capital programme will only include schemes which assist in the delivery of Council priorities. They should identify all possible external contributions from government, partners and other grant providers and eligible developer contributions. The Council has a relatively high level of borrowing, and so where capital schemes must be funded from borrowing, wherever possible the scheme should generate a saving or income stream to fund the revenue costs of that borrowing, so as not to increase the gap between expenditure and resources.

2. The funding of the capital programme must be considered alongside the revenue budget and balance sheet position as part of the Council's MTFS.
 3. The evaluation of capital schemes for inclusion in the programme will follow an agreed process which allows scrutiny whilst not limiting innovation and adaptability. This will be applicable to schemes that involve companies that are either wholly/partly owned by the Council or where the Council holds an interest (i.e. PFIs, partnerships).
 4. Capital scheme sponsors must demonstrate that a rigorous process of options appraisal has been followed, requiring evidence of need, cost, risk and outcomes. Capital investment proposals with a neutral revenue impact are encouraged.
 5. Any optional appraisal must be undertaken in consultation with finance using agreed proformas/templates. Where any options are proposing to fund the scheme from borrowing or capital receipts then these must be agreed and approved at the outset by the Strategic Director Resources (Section 151 Officer).
 6. When applying for external grant funds, bids should reflect the Council's priorities.
 7. Capital schemes with unsecured funding (i.e. government grants, partner contributions, or Section 106 receipts) will only be incorporated within the capital programme when either:
 - i) a written confirmation setting out the value of external funding is secured including the agreed funding conditions; and/or
 - ii) funding has been received by the Council.
 8. All un-ringfenced capital funding and other non-specific Council capital resources that are not required to support existing commitments will be held corporately.
 9. There will be no ring-fencing of capital receipts to specific schemes, unless specific approval has been sought either as part of the annual MTFS and budget process or through a separate report approved by Cabinet.
 10. Any capital schemes that underspend will see a budget reduction being applied to reflect the revised capital expenditure and resourcing requirements.
 11. Capital scheme sponsors are required to ensure that schemes do not overspend, and where overspends are identified then the appropriate Strategic Directors are required to identify savings through either exploring external funding opportunities and/or re-purposing uncommitted capital budgets, or the use of revenue resources to finance any overspend.
 12. Capital projects will be monitored and reported by the Strategic Director Resources (Section 151 Officer) to Cabinet on a quarterly basis.
- 5.2 As well as using traditional funding mechanisms to finance capital schemes, the Strategic Director Resources (Section 151 Officer) will also consider the use of new initiatives and develop these options if it is considered financially advantageous in the context of the Council's Treasury Management Strategy.

- 5.3 The Council will work in a collaborative manner with the Greater London Authority (GLA), London Councils and NHS partners. Bids to the GLA or other organisations which may have a match-funding requirement will be prioritised. Regard will be had during the appraisal process to ensure that the Council's objectives and capital investment priorities are achieved.

Section 2 – Governance

6. Current Governance and Approval Process

6.1 The Council's Capital Programme involves the expenditure and financing of £1,330.477m of capital schemes over the period 2023/24 to 2028/29. It is important therefore given the risks surrounding capital projects that appropriate governance arrangements are in place. For the Council these governance arrangements encompass:

- The Capital Strategy is approved annually at Full Council.
- The Cabinet, which approves all capital schemes in line with the delegations set out in the Council's Constitution.
- The Overview and Scrutiny Committee is responsible for scrutinising the annual Budget Report (including the Capital Programme) and relevant Cabinet Reports.
- The Strategic Leadership Team (SLT), which has overall responsibility for the management and monitoring of the Capital Programme.
- The Financial Strategy Group (FSG) comprises the Strategic Director Resources (Section 151 Officer), Assistant Director of Accountancy, Assistant Director Technical Finance and Assistant Director Strategic Finance, and is responsible for scrutinising, reviewing and managing financial strategies. Budget changes and/or additions to the capital programme are considered by FSG and agreed by the Strategic Director Resources (Section 151 Officer) and, where relevant Cabinet, (in accordance with the Constitution) before formally being incorporated into the budget.
- Directorate Management Teams oversee and agree business cases for capital schemes prior to submission to FSG, SLT and/or Cabinet for approval.
- The Constitution (including Financial Regulations, the Scheme of Delegation and Contract Procedure Rules) sets out the powers of the Executive and senior officers with regard to capital expenditure.
- Cabinet receives and approves budget update reports quarterly which identify any variation to the approved capital programme arising either from the re-phasing of schemes, changes in resource availability and requirements or new capital schemes.
- All capital expenditure is guided by the Council's financial accounting framework which ensures that only expenditure that properly falls as capital expenditure in accordance with accounting convention and / or statutory guidance is capitalised.
- The Capital Programme is subject to both internal and external audit scrutiny.
- The Council have set up a separate governance processes regarding Broadway Living (BL) and Broadway Living Registered Provider (BLRP). Section 17 below has further details.

7. Review of Current Governance and Approval Process

- 7.1 To support the ongoing delivery of both the Capital and Budget Strategy, the current process will be reviewed on an ongoing basis to establish an updated governance and approval process to provide for a greater emphasis on the link to strategic priorities and achievement of benefits and outcomes for example the introduction of a Corporate Landlord model and arrangements to oversee Major Projects.
- 7.2 The outcome of the review and proposed changes will be taken through SLT. The aim of establishing any new governance, approval processes will be to ensure that decisions on capital expenditure and investment plans are aligned to the Council Plan, MTFS, treasury and investment strategies and have effective subsequent monitoring of performance once capital schemes and projects are approved. As part of this process, there will be clearly defined roles and responsibilities for all key stakeholders involved in the capital management process.
- 7.3 It is important that Cabinet considers the medium-term and longer-term capital strategy through the MTFS process each year, the annual budget for the forthcoming year through the budget setting process, and the in-year delivery of the capital programme through the regular financial monitoring reports.

Section 3 – Budget Strategy

8. The Link Between Revenue and Capital Budgets

- 8.1 Capital and revenue expenditure are separate components of local authority budgets and funding for each is considered separately. However, a vital component of successful financial planning is that revenue and capital budgets are intrinsically linked, as the impact of capital expenditure must be reflected in revenue budgets. Therefore, this capital strategy forms a key part of the Council's MTFS and budget process.
- 8.2 It is a statutory requirement under the Local Government Finance Act 1992 for the Council to produce a balanced budget. In particular, the Council is legally required to calculate its budget requirement for each financial year to include the revenue costs that flow from capital financing decisions. This means that any increases in capital expenditure must be limited so that increases in charges to the revenue budget are kept to a level that is affordable and sustainable within the projected income of the Council for the foreseeable future. Such charges to revenue arise from increases in debt charges (both external interest and Minimum Revenue Provision (MRP)), caused by increased borrowing to finance additional capital expenditure, and from any increases in running costs from new capital projects.
- 8.3 The impact and affordability of capital expenditure must be considered in the assessment of capital projects at the business case stage. Effective financial planning must fully reflect the impact of capital plans on the Council's revenue budgets.

9. Budget Approach

9.1 Budget Strategy

- 9.1.1 The budget process is priority-led; aligning the allocation of resources with the priorities of the Council and priority areas included in the Council Plan.
- 9.1.2 Contributing to the achievement of the Council's Plan objectives and outcomes are a number of significant capital programmes of activity that are now in delivery, notably:
- The Housing Delivery Programme is on track for 1,305 starts on site as part of the 4,000 genuinely affordable homes target for 2022-26.
 - Broadway Living and Broadway Living Registered Provider have a significant role in delivering 4,000 additional affordable homes (2022-26 target).
 - The Climate and Ecological Emergency Strategy (CEES) and Action Plan, noting the climate commitments made by the Council to work toward the aim of becoming a carbon neutral borough by 2030.

- Green Homes Grant: the Government has awarded £4.780m of grant to Ealing Council to deliver private-sector home energy retrofits on behalf of a seven-borough consortium included within the HRA programme (Phase 1); £12.014m on behalf of 12 boroughs in to undertake retrofits on both private sector homes and the Council's own housing stock (Phase 2), and £15.036m for capital energy efficiency and heat decarbonisation projects within public sector non-domestic buildings, on behalf of a consortium of 13 boroughs (Phase 3).
 - Greener Ealing Limited (GEL): £14.100m capital investment was approved in 2019/20 by Cabinet, of which c.£10m was in relation to leasing of vehicles for street cleansing and waste service.
 - Highways: the impact of the pandemic on TfL's finances including substantial loss of fare revenue resulted in a reduction in grant income. The service has mitigated this partly, by allocating some funds from elsewhere, such as the Government's Active Travel Fund and the Levelling Up Fund, to deliver the agreed or new projects.
- 9.1.3 All capital investment must be sustainable in the long-term through revenue support by the Council or its partners. All capital investment decisions consider the revenue implication both in terms of servicing the finance and running costs of the new assets. The impact of the revenue implications is a significant factor in determining approval of projects. The use of capital resources has been fully taken into account in the production of the Council's MTFS.

9.2 Capital Programme Planning Assumptions

- 9.2.1 The planning assumption for the capital programme from 2024/25 onwards is that capital schemes will not be undertaken unless they are able to be funded from sources other than borrowing, as the Council has already undertaken a large amount of borrowing to date. However, where it has been necessary to propose capital schemes to be funded by mainstream resources (borrowing) - for example unavoidable health & Safety works - then it has been ascertained that any cost of investment is affordable from a revenue budget perspective through the identification of savings or income streams so as not to increase the MTFS budget gap.

9.3 Invest to Save Proposals

- 9.3.1 The Council's invest-to-save mechanism remains in place and will be during the year. It allows services to drive innovation in service provision, by delivering budget savings. Proposals will need to be developed as part of the budget setting process and timescales.

10. Identification and Prioritisation of Capital Investment Needs

10.1 Investment Proposals

10.1.1 The basis of the capital programme is driven by the budget and service planning process. This process begins in the early stages of the financial year (June/July). The size of the capital programme is determined by:

- The need to incur capital expenditure;
- Capital resources available; and
- The revenue implications flowing from the capital expenditure.

10.1.2 As part of the budget planning process, services submit capital proposals to be considered by Members for investment decisions. In general, a capital investment appraisal process for a significant investment will focus on:

Strategic Case	Policy and strategic fit
Economic Case	Value for money, cost/benefit context
Financial Case	Affordability and resource
Commercial Case	Commercially viable e.g. redevelopment / regeneration opportunity
Management Case	Capabilities and capacity within the Council to be able to manage and deliver such a project
Sustainability Case	Impact on Council's sustainability objectives

10.1.3 Capital investment proposals are either submitted as individual detailed business cases to SLT or, for smaller investments, submitted by services using an agreed template that includes the following sections:

- description of the project;
- project outcomes (including how it supports the Council's key priorities);
- key dates and milestones;
- costs of the scheme;
- revenue implications;
- funding source;
- risks and dependencies (factors/events that need to happen before the project can proceed);
- sustainability considerations.

10.1.4 Capital investment decisions may be made outside of the annual budget planning process e.g. large investment programmes, within specifically agreed timescales and within relevant governance arrangements.

10.2 **Capital Projects Evaluation**

- 10.2.1 Members determine the projects to be included within the capital programme in light of the relative priorities and the overall impact on the revenue budget.
- 10.2.2 All capital investment must be sustainable in the long-term through revenue support by the Council or its partners. All capital investment decisions consider the revenue implications both in terms of servicing the financing, and the running costs of the new assets.
- 10.2.3 The impact of the revenue implications is a significant factor in determining approval of projects. The use of capital resources has been fully taken into account in the production of the Council's MTFS.
- 10.2.4 The Council's policy is to agree the rolling capital programme on an annual basis at the Budget Council meeting as part of the annual budget setting process.

Section 4 – Relevant Policies and Strategies

11. Council Plan

11.1 Strategic Objectives

11.1.1 Ealing's latest Council Plan 2022-26¹ sets out three cross cutting strategic objectives for the borough:

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

11.2 Priorities

11.2.1 The three strategic objectives are supported by nine priority areas which have been agreed with local partners in health, education, policing, employment, housing, local business and voluntary and community sector. The nine ways to make the borough better are:

- 1) Tackling inequality and crime - Relentlessly focusing on reducing poverty and inequality for those that most need support and promoting wellbeing and safety for all.
- 2) Climate action - Greening and keeping Ealing clean, achieving net zero carbon, and ensuring our parks, open spaces and nature are protected and enhanced.
- 3) Healthy lives - Protecting and enhancing the physical and mental health of all, supporting our older residents to enable them to remain independent and resilient and dealing with the ongoing impact of Covid-19.
- 4) A fairer start - Ensuring all our children and young people get the best start in life, from their earliest years through to a great education.
- 5) Decent living incomes - Bringing new and well-paid jobs back to Ealing and ensuring good businesses can thrive.
- 6) Inclusive economy - Building wealth within the community by ensuring everything the council does increases social value and contributes to making Ealing a fairer place to live and work.
- 7) Genuinely affordable homes - Delivering our radical programme of social rent council house building, affordable homes and ensuring our tenants are empowered and have ownership of their communities.
- 8) Good growth - Making sure the growth that takes place in Ealing enhances its character, conserves its future and makes a great place, where people want to live.
- 9) Thriving communities - Bringing people together to build strong neighbourhoods, empowering volunteers, encouraging community activism, engaging civic and faith leaders, and delivering well-loved community facilities and services.

¹ Council Plan 2022-26 https://www.ealing.gov.uk/downloads/download/233/council_plan

12. Asset Management

12.1 Asset management is the process by which the Council effectively and efficiently utilises its assets as a balanced portfolio to ensure their optimal use, benefiting residents through direct delivery of services, generation of revenue to deliver services and support the delivery of the Council Plan objectives such as the creation of genuinely affordable housing. This process may identify several different outcomes for assets including:

- Change in use to meet the change in demands of services;
- Change in use to meet Council priorities or financial requirements;
- Investment is required to improve or maintain the condition of an asset;
- A new asset is required to better meet the Council's priorities;
- Where no use for a building is identified or significant repairs are uneconomic to complete, dispose of the asset to realise its value in monetary terms;
- The requirement to purchase an asset to make revenue savings;
- Redevelopment of surplus properties to meet Council objectives.

12.2 The Council will regularly review its assets to ensure continued optimal use, whilst the capital programme will be used to bridge the gap to ensure that the Council has sufficient assets in the long-term.

12.3 Ealing's approach to Asset Management

12.3.1 Departments will be supported by Strategic Property and Property Services to review the use and condition of assets and establish asset management priorities. There is regular liaison throughout the year between Strategic Directors, Directors, Service Heads, Property Services and the Corporate Landlord (Strategic Property) team through SLT and other boards and teams.

12.4 Ealing's Asset Management Objectives

12.4.1 The Council's general objectives with respect to asset management is outlined below:

- To effectively and efficiently utilise its assets as a balanced portfolio to ensure their optimal use;
- To ensure the safety and wellbeing of occupants;
- To minimise carbon emissions and energy consumption from buildings;
- To reduce underlying expenditure on maintenance and repairs by focussing on planned, as opposed to reactive maintenance;
- To have a complete, comprehensive and up-to-date picture of the condition and compliance of all buildings; and
- To obtain best consideration for any disposals.

12.4.2 Cabinet adopted an updated Land and Property Strategy in March 2023. Detailed asset management plans are being developed as the council implements its Corporate Landlord model.

- 12.4.3 Alongside the Land and Property Strategy, the council has developed a Property Purchase Policy to support the acquisition of land or property to meet council objectives where it does not have a suitable or viable alternative within its portfolio. Properties will need to meet a service need or council priority and/or deliver financial savings for a service.
- 12.4.4 The Property Purchase Policy includes proposals for specific governance and approval arrangements for property and land to allow decisions where the purchase may be time critical. These arrangements will ensure a clear and robust framework for business case and financial requirements, risk assessment, management and mitigation. Purchases will only be made within the strict parameters and financial envelope of the Policy which was approved by Cabinet in 2023.

13. Treasury Management Strategy

13.1 Link between Capital and Treasury Management Strategies

- 13.1.1 There are close links between the Capital Strategy and Treasury Management Strategy. The capital programme determines the borrowing need of the Council, essentially the longer-term cash flow planning, to ensure that the Council can meet its capital spending obligations. This management of longer-term cash may involve arranging long or short-term loans or using cash flow surpluses. On occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.
- 13.1.2 Treasury Management and its capital financing revenue budget has an intrinsic link to the Capital Programme and will change with every capital budget decision that requires borrowing.
- 13.1.3 Ealing's Capital Strategy and Treasury Management Strategy have been reviewed to ensure compliance with the updated requirements. The Capital Strategy should be considered alongside the Treasury Management Strategy which between them provide the following:
- A high-level long-term overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services;
 - An overview of how the associated risk is managed and
 - The implications for future financial sustainability.
- 13.1.4 The following is detailed within Ealing's Treasury Management Strategy:
- A long-term projection of external debt, internal borrowing and the use of cash backed reserves;
 - Sensitivity analysis around capital expenditure, borrowing levels and capital receipts;
 - How debt will be repaid over the life of the underlying debt;
 - The authorised limit and operational boundary;

- Local Prudential Indicators;
- Treasury management governance procedures supporting decision making and risk management; and
- Arrangements for the scrutiny of treasury management.

13.2 Community Bonds (Local Climate Bonds)

- 13.2.1 The Treasury Management Strategy has been updated to enable the Council to borrow by way of Community Bonds, i.e. individuals lending via a peer-to-peer platform where any necessary counterparty checks (for example proof of identity or money laundering requirements) are conducted by the platform, as well as investors in capital market bonds and retail bonds issued by the Council. Projects will be assessed individually to determine appropriateness and ensure alignment to the Council's Climate and Ecological Strategy.
- 13.2.2 Appendix 9 sets out in detail Ealing's Treasury Management Strategy.

14. Sustainability

- 14.1 Ealing Council declared a climate emergency in April 2019, committing to treat the climate and ecological emergency as a crisis requiring immediate and vital action. The aim is to become carbon neutral as a borough and an organisation by 2030.
- 14.2 The Climate and Ecological Emergency Strategy (CEES) was agreed by Cabinet in January 2021, and this set out a number of climate commitments made by the Council to work toward the aim of becoming a carbon neutral borough by 2030. The strategy sets out a plan to reduce the Council's produced emissions and outlines a commitment to use our influence to reduce emissions emitted across the borough.
- 14.3 The carbon neutral 2030 objectives include:
- 14.4 Energy Objectives
- 1) Future proof the energy performance of all existing buildings;
 - 2) All new residential and commercial buildings will be built to zero carbon standards; and
 - 3) Invest in renewable energy generation.
- 14.5 Food Objectives
- 1) Ealing's food community will become more connected by creating a partnership to bring greater visibility to healthy, seasonal, local and sustainable food across the borough;
 - 2) Increase access to healthy, seasonal, local and sustainable food; and
 - 3) Increase access to more information about healthy, seasonal, local and sustainable food systems.
- 14.6 Nature Objectives
- 1) Increase in tree canopy cover across Ealing by 2030;

- 2) Manage green spaces to increase biodiversity, increase natural carbon capture and reduce carbon emissions; and
- 3) Utilise green infrastructure to capture carbon, mitigate surface water flooding and improve biodiversity and water quality.

14.7 Waste Objectives

- 1) Reduce overall borough waste;
- 2) Maximise use of materials: reuse, repair, recycle – and promote the circular economy; and
- 3) Reduce environmental impact of our operations.

14.8 Travel Objectives

- 1) Reduce number of vehicles travelling in and through Ealing;
- 2) Increase active travel (mode shift); and
- 3) Cleaner motor vehicles.

14.9 Funding to meet the Council's climate commitments

14.9.1 A recent analysis on behalf of UK Cities Climate Investment Commission (UKCCIC)¹ states, "The transition of our existing carbon intensive systems to Net Zero will require significant up-front capital and presents unique challenges for the UK's cities. The quantity of capital that must be deployed is beyond the reach of public finances. If this funding gap is met only by citizens and businesses there will be damaging impacts on the poorest sections of society, counter to the levelling up agenda." Delivering the Council's net zero by 2030 ambition therefore requires financial resourcing from the Council and external sources. Addressing the scale of the climate challenge will not be met with a "business as usual" approach, and officers are actively searching for resources to support activities across all strategic themes.

14.9.2 In some cases, the business case for funding is more straightforward because of the clear financial benefit for the council. In the majority of projects, and especially behaviour change programmes, the cost savings and other co-benefits such as improved mental and physical health or the adaptation to future extreme weather are more difficult to identify.

14.9.3 Currently, the Council relies on external sources, often originating from central government, to fund these investments. While officers will continue to maximise these bids, innovation is becoming essential. Officers are working on community investment models, such as climate bonds and community energy models, and collaborating with other councils (via the UKCCIC and West London subregion) to consider collaborative and private sector finance solutions. We expect the Council will need to be agile and open to working in new ways to achieve the monumental and immensely rewarding task ahead.

¹ *The United Kingdom Cities Climate Investment Commission is a collaboration of the Catapult Connected Places, London Councils and Core Cities. Together, this is a coalition of 12 of the UK's largest cities representing 60% of the UK's population and over half its economy. The Commission aims to engage with all parts of local and regional government as well as the financial community in every nation of the UK to find investable solutions for our Net Zero challenges.

- 14.9.4 There are a number of externally funded schemes currently within the capital programme that will contribute towards the Council's sustainability objectives, such as schemes relating to corporate and domestic energy efficiency and retrofit.
- 14.9.5 Recently the Council completed a study to help put costs against the delivery of its forthcoming action plan for the CEES. This information will be used identify the current budgets and funding sources being used to deliver climate change actions and to highlight investment requirements and prioritise the deployment of resources in tackling the climate crisis.
- 14.9.6 It is intended that the capital decision-making process will be reviewed in the coming year and that as part of this updated process, sustainability considerations will be fully embedded into the decision-making process in future with regards to evaluating and assessing new capital schemes.

15. Procurement

- 15.1 The purchase of capital assets should be conducted in accordance with the Contract Procedure Rules, ensuring value for money, legality and sustainability at all times. Contract standing orders and rules governing the disposal or write-off of assets are contained in the Constitution which is continually reviewed.
- 15.2 The Council recognises that effective procurement lies at the heart of delivering value for money and is essential if the Council is to obtain real improvements to quality and service costs. The Council seeks to achieve value for money by applying rigorous procurement standards in the selection of suppliers and contractors, to ensure that efficiency, economy and effectiveness is received throughout the life of a contract. The significant resources applied to capital expenditure require the adopted principles of value for money to be at the heart of its Capital Strategy. Through use of our significant spending power, particularly on capital schemes, we will work with our partners and suppliers to advance social, economic and environmental outcomes for our residents and communities in line with the Council's Social Value policy.

16. Housing Revenue Account (HRA) 30-Year Business Plan

16.1 HRA 30 Year Business Plan

- 16.1.1 A report elsewhere on this agenda (*'Housing Revenue Account (HRA) Business Plan 2024-25'*) requests Cabinet to approve the HRA 30-year business plan, which sets out a 30-year capital programme, creating an investment capacity of £1,211.346m, which will be continually reviewed and updated to ensure that affordability is maintained. The HRA will seek to utilise capital receipts and grants before resorting to borrowing to minimise any future revenue impact

- 16.1.2 There will be a close relationship between Broadway Living, Broadway Living Registered Provider and the Council, to ensure cost effective delivery of the planned 30-year capital programme.

16.2 5-Year HRA Capital Programme

- 16.2.1 A report elsewhere on this agenda (*Housing Revenue Account (HRA) Business Plan 2024-25*) requests Cabinet to approve a 5-year capital programme for the HRA of £468.977m consisting of existing and new schemes which includes expenditure associated with regeneration programme.
- 16.2.2 Together with regeneration, improving existing council properties and ensuring the safety of tenants and leaseholders is a key focus of the Council's HRA capital programme, i.e. ensuring that the existing stock is maintained to a decent standard and health and safety requirements are met; this is demonstrated by the allocation of £222.876m to these home improvement works between 2024/25 and 2028/29.

17. Broadway Living

17.1 Broadway Living Governance Process

17.1.1 Local Authorities may make investment decisions for service purposes, where such investments are undertaken, governance arrangements for the approval, monitoring and ongoing risk management should be established. The following provides an overview of the role of the Council and councillors in the decision-making process for Broadway Living (BL):

a) Full Council

An important part of the Council's oversight and scrutiny specifically in relation to financial implications of major capital investment is the Treasury Management Strategy and Prudential Indicators (PIs). These set out and monitor the Council's capital investment plans and actuals to ensure they remain prudent, affordable and sustainable.

The Treasury Management Strategy is required to be approved by Full Council (and is undertaken as part of Budget Setting at Full Council) with subsequent in-year amendments requiring the same approval. The Treasury Management Strategy and PIs are required to be scrutinised by the Audit Committee during the year alongside Full Council receiving mid-year and outturn updates.

Significant changes including those related to BL and Broadway Living Registered Provider (BLRP) will therefore be reported and scrutinised through these routes and offer Members the opportunity to review the affordability, deliverability and impact of such proposals.

b) Cabinet

- Agrees the Housing & Homelessness Strategy which sets the framework for BL/BLRP delivery;
- Approves the BL and BLRP Business Plans and BL Operational Business Plan;
- Agrees funding for BL/BLRP within the framework of the Treasury Management Strategy;
- Receives quarterly update reports on the delivery of the BLRP Business Plan;
- Appoints and removes directors to and from the board of BL; and
- Has agreed a scheme of delegations with BL and BLRP.

c) Overview and Scrutiny Committee (OSC) and Scrutiny Panels

- At OSC discretion, it may operate a programme of scrutiny of the delivery of the Housing & Homelessness Strategy; and
- Deal with any relevant call-ins of Cabinet or other key decisions.

d) Housing Delivery Cabinet Committee (HDCC)

The HDCC has been formally established within the Constitution. Its responsibilities are to:

- Consider and determine matters relating to individual affordable housing schemes and their funding;
- Consider and determine issues of land disposal, acquisition, and related matters, as appropriate to achieve individual affordable housing schemes; and
- Keep Cabinet informed on the work of the Committee.

Membership of the HDCC comprises the Leader and the two Cabinet members with responsibility for finance and housing.

The intention behind the HDCC is to provide a more focussed and agile decision-making forum for the key strategic objective of the delivery of 4,000 genuinely affordable homes. The HDCC is also responsible to the often complex and fast-moving housing and regeneration matters and where necessary the need for the Council to match the pace of its wholly owned company (Broadway Living).

e) Individual Cabinet Portfolio Holder for Housing

- Meets regularly with key officers to maintain oversight and give direction to officers in accordance with the Housing Strategy.

f) Audit Committee

- Scrutinises the Treasury Management Strategy and PIs in year.

17.2 Broadway Living Investment Programme

- 17.2.1 The BLRP business plan was approved by Cabinet in November 2020 and set out in detail its plan to deliver and manage 1,471 new homes (plus the transfer of 42 existing rented homes from BL) of which the majority are genuinely affordable.
- 17.2.2 The BLRP development programme was estimated to cost £476m and is funded through a combination of a lending facility from the Council, GLA affordable housing grant (the GLA's 2018-2023 programme) and private sale and shared ownership receipts.
- 17.2.3 Cabinet and BLRP approved a finance plan in July 2021 for the first tranche of schemes to come forward under the BLRP business plan. The Loan Facility Agreement between the Council and BLRP, providing funding to support delivery of the business plan, was signed in November 2021.
- 17.2.4 The development programme included in the original Business Plan was reviewed in response to a number of external pressures arising in 2022 that

effected the viability of the original programme, with detail presented in the 2023/24 Capital Strategy.

- 17.2.5 BLRP has progressed delivery of the tranche 1 schemes, with two schemes complete and fully let, and with a third scheme due to complete in 2024. In addition, the transfer of homes from Broadway Living Limited is expected to complete in 2024.
- 17.2.6 Two schemes in tranche 1, Dean Gardens and Southall market car park, were commenced by Ealing with the intention of transferring to Broadway Living at completion, subject to Cabinet and BLRP board approval. Until transferred, all development risk and costs to complete these developments remain with LBE.

17.3 Former Henry Construction Project Ltd schemes

17.3.1 Henry Construction Projects Ltd (HCPL) went into administration on 8 June 2023. The 5 key housing projects affected were contracted separately by BLRP and London Borough of Ealing, as detailed below:

- Shackleton Road (BLRP)
- Wood End Library (BLRP)
- Norwood Road (BLRP)
- Chesterton and Evesham (BLRP)
- Dean Gardens (LBE)

17.3.2 As a direct consequence of HCPL's administration, it will be necessary to re-procure the remaining works and appoint a replacement contractor/s to deliver the remaining construction work.

17.3.3 BLRP has four schemes in delivery impacted by HCPL administration. The BLRP December 2023 business plan allows for the additional cost and delay for the reprocurement and delivery of these schemes.

17.4 Broadway Living Ltd Acquisitions

17.4.1 The existing properties owned and let by Broadway Living are scheduled to be acquired by BLRP as follows:

- Eastcote Road – 10 properties
- Ruislip Road – 32 properties

17.4.2 These will be transferred with existing tenants in place at values to be agreed between BL Ltd and BLRP.

17.5 BLRP Business Plan December 2023

Table 1: BLRP homes completed and to be delivered in tranche 1, included in the December 2023 business plan

	London Affordable Rent	Shared Ownership	Discount Market Rent	Market Rent	Private Sale	Total Homes
Schemes on-site						
Buckingham Avenue	24	17				41
Former Henry Construction						
Wood End Library	11					11
Shackleton Road	10					10
Chesterton & Evesham Close	25					25
Norwood Road	6					6
BL Ltd homes to transfer						
Ruislip Road			10			10
Eastcote Lane				32		32
Schemes to be acquired from LB Ealing						
Southall market car park	101	24				125
Dean Gardens	21	11			22	54
Completed schemes						
Dearden House	26					26
Copley Close			35			35
Totals by tenure	224	52	45	32	22	375

17.5.1 BLRP approved its latest business plan at its December 2023 meeting. The business plan has a maximum loan drawdown of £90 million, and meets all Loan Agreement covenants.

17.5.2 An update on the revised BLRP business plan will be considered by Cabinet during 2024.

18. Greener Ealing Limited (GEL)

- 18.1 Greener Ealing Limited (GEL) is a company wholly owned by the Council set up in July 2020 to provide Refuse Collection, Street Cleaning and other related services within the borough. This follows a £14.100m investment for the long-term improvement of services providing a new fleet of trucks to support a more consistent, responsive and reliable service that will build on the borough's recycling rate (which is the second highest in London). At present GEL leases Greenford Depot from the Council and has a fleet of leased vehicles.
- 18.2 The Company's Board is responsible for making any capital investment decisions, however there is close working with the Council, given that it is the primary customer and key stakeholder, and the Council provides loan facilities for this purpose, for which it charges interest in accordance with the subsidy control requirements. As this is a relatively new arrangement, the capital need has developed and evolved over the course of the past year, in particular the decision to move from purchasing vehicles outright to leasing them.

Section 5 – Capital Expenditure and Funding

19. Capital Expenditure

- 19.1 Capital spend is expenditure incurred in acquiring, constructing or enhancing physical assets such as buildings, land, vehicles, plant and machinery that have an estimated useful asset life in excess of one year.
- 19.2 The Council applies a de-minimis level of £10,000.
- 19.3 Where expenditure qualifies to be supported by a capital grant and in accordance with relevant funding conditions, the Council can in this circumstance suspend the de-minimis rule.

19.4 Capital Expenditure Plans

- 19.4.1 The Council determines the areas where it may need to incur capital expenditure from the following:
- a) Identification of urgent health and safety requirements;
 - b) Review and delivery of Council priorities (Council Plan and other service plans);
 - c) Review of current and future asset management plans; and
 - d) Changes in service areas where a change in need and/or demand may require additional facilities etc.
- 19.4.2 Aligned to corporate and service priorities, individual schemes are included within the approved capital programme or are to be considered for a resource allocation over the period of the Capital Strategy, having regard to the MTFS and Budget Strategy.

19.5 Factors Driving Spending Plans

- 19.5.1 In addition to the Corporate Plan, Budget Strategy & MTFS which underpin the spending plans, they are also driven by various factors, some of which are listed below:
- Council Plan priorities;
 - Asset condition survey;
 - Increased capacity required from capacity assessment;
 - Change in asset requirements, e.g. technological, environmental standards;
 - Retrofit and climate change improvements;
 - External funding requirements; and
 - Government legislation.

20. Capital Resource Strategy

20.1 Context of Capital Resource Strategy

- 20.1.1 The Council's strategy for deploying resources is to ensure that all resources are utilised to achieve Council objectives. Whilst the aims and priorities of the Council will shape decisions around capital expenditure, there is recognition that the financial resources available to meet priorities are constrained as a result of the current economic and political climate.
- 20.1.2 The Council's MTFS shows a balanced budget for 2024/25. However there is a budget gap in future years that will need to be addressed. Any additional capital expenditure which is not funded through other capital resources will increase this gap unless that expenditure delivers revenue savings or income.
- 20.1.3 In light of the above, it is imperative that capital expenditure plans are affordable, prudent and sustainable. Given the Council's MTFS position, the aim is to minimise any impact of capital expenditure on the Council's General Fund by reducing the amount of borrowing that is required to finance capital schemes.

20.2 Utilisation of Capital Resources

- 20.2.1 Wherever possible the Capital Programme will utilise and maximise external funding provided either by central government capital grants, or contributions from third parties (e.g. developers). Whilst grants and other contributions will reflect government and partner-led priorities they will nevertheless be deployed to address priority needs for the Council.
- 20.2.2 The capital programme is also reliant on internal or locally generated funding in the form of capital receipts from asset sales, direct revenue funding and prudential borrowing. In more recent years, and as a result of central government cuts to grant funding, capital investment plans have become increasingly reliant on capital receipts and prudential borrowing.
- 20.2.3 The Council has a substantial land and property estate. Where assets are identified as surplus to operational requirements they may be disposed of, resulting in a capital receipt. Capital receipts are generally not ring-fenced and will be used to maximise the achievement of corporate priorities (including revenue efficiencies arising from capital receipts flexibilities) or to finance capital schemes. Capital receipts may also be used to repay amounts borrowed when there are clear benefits from doing so; this is set out further in the Minimum Revenue Provision Policy.
- 20.2.4 Typically, the most expensive option for financing capital expenditure is prudential borrowing so the Council will do what it can to avoid that unless that borrowing yields income or delivers savings beyond the cost of borrowing.
- 20.2.5 The Council has a number of different funding sources available to use for capital expenditure. The different sources of funding are detailed below.

20.3 Priority of resources to fund the Capital Programme

20.3.1 The Capital Programme will use the resources available as follows:

- Maximising the use of External Funding;
- Utilising Capital Receipts;
- Invest to Save schemes;
- Contribution from Revenue; and
- Borrowing.

20.3.2 The revenue cost of borrowing for capital schemes, where unavoidable, will be built into the revenue budget for the appropriate year and MTF period and approval will be considered as part of the annual budget report.

20.4 Consideration of Capital Proposals with Mixed Funding Sources

20.4.1 Schemes attracting partial external funding, such as grants for private sector housing, will be assessed in the same way as those schemes which require 100% of funding to be met from borrowing and will only be included within the capital programme if they meet the Council's needs, objectives and priorities. Schemes that are 100% funded from external funding would normally be included automatically within the capital programme, subject to confirmation of the external funding and the scheme meeting the Council's priorities. Such schemes are usually supported by capital grants or developer contributions from agreements under Section 106 of the Town and Country Planning Act 1990. A capital bid still needs to be completed for these proposals.

21. Capital Funding Options

21.1 The availability, affordability and financial sustainability of capital funding will limit the number and value of capital schemes funded through borrowing without any compensation savings or income, which can be progressed.

21.2 The main sources of capital funding for the General Fund and HRA are summarised below.

21.3 Capital Grants

21.3.1 The Council mainly receives capital grants from Government but on occasions may receive grants from other government agencies such as the Heritage Lottery Fund, the Greater London Authority (GLA) and Transport for London (TfL).

21.3.2 Capital grants can be split into two categories:

1. Non-ring fenced: grants that can be utilised on any project (albeit that there may be an expectation of use for a specific purpose); and
2. Ring-fenced: resources which are ring-fenced to particular areas and therefore have restricted uses.

21.3.3 Grants can be awarded to the Council either via;

- Government allocation i.e. Disabled Facilities Grant; or
- Specific invitation through an earmarked grant funding pot.

21.3.4 Where there is a requirement to make an application to an external body for funding and, when appropriate, to commit Council resources as match funding to any bid for external resources, a business case and/or External Funding Gateway 1 form will need to be completed and considered by FSG and/or SLT for approval, and depending on the value may also require approval from Cabinet. The business case must justify the bid for external resources and any Council match funding prior to submission of the bid.

21.4 Section 106 developer contributions (S106)

21.4.1 In considering an application for planning permission, the Council may seek to secure benefits to an area or restrict uses or activities related to a proposed development through the negotiation of a 'planning obligation' with the developer which must be:

- i) Necessary to make the development acceptable in planning terms;
- ii) Directly related to the development; and
- iii) Fairly and reasonably related in scale and kind to the development.

21.4.2 The planning obligation is known as the Section 106 ¹(S106) contribution. Unless there are service specific conditions on the use of the S106 contribution, the monies should be used to support eligible existing Council infrastructure priorities and commitments rather than allocated to new schemes.

21.5 Other External Contributions

21.5.1 Other external funding that the Council may receive to fund specific capital schemes may be from partners such as other local authorities and Integrated Care Boards (ICBs)² or partners with whom the Council may be jointly undertaking a capital project.

21.5.2 Where a capital scheme is reliant on external contributions, service departments will be required to have in place signed funding agreements before the capital scheme or associated budget can be approved and incorporated into the programme. Depending on the scheme and value of the overall project, the department may also require Cabinet approval.

¹ Town and Country Planning Act 1990

² Under the Health and Social Care Act (2022) Integrated Care Board (ICB)s have replaced Clinical Commissioning Groups (CCGs)

21.6 Revenue Contributions

- 21.6.1 Revenue budgets can be used to fund the capital programme, either via a one-off contribution to fund a project, or an annual sum to repay Prudential Borrowing debt costs. Ongoing use of revenue should be assessed in relation to the impact on Council Tax through the prudential indicators outlined in the Treasury Management Strategy.
- 21.6.2 Although the opportunities to fund capital expenditure directly from the General Fund revenue budget are limited, there are examples of revenue funding contribution to capital e.g. funds are allocated from the schools' individual revenue budgets to supplement the capital resources allocated to school's improvement and expansion projects and contributions from the parking reserve to fund eligible highways capital works.
- 21.6.3 The HRA revenue budgets contribute towards specific capital schemes to supplement the capital resources allocated to housing improvement and regeneration schemes.

21.7 Earmarked Reserves

- 21.7.1 Reserves are set aside from revenue resources and earmarked for particular purposes. The approved capital programme currently contains expenditure which is funded from a combination of the following reserves including the Invest to Save, Parking and Major Repairs Reserve.

21.8 Capital Receipts

- 21.8.1 The Council's policy on capital receipts is set out in Section 22 below.

21.9 Private Finance Initiatives (PFI)

- 21.9.1 PFI schemes involve partnerships between the public and private sector to fund public sector infrastructure projects with private capital. Under a PFI, a private sector contractor agrees to accept the risks associated with the design, construction and maintenance of the asset over the contract term, which is typically for a 25 year period. The public sector partner pays an annual fixed price (the unitary charge) during the contract term, part of which is subject to inflation. At the end of the term, the asset is wholly owned by the Council.
- 21.9.2 Details of the Council's PFI liabilities are detailed in the annual Statement of Accounts.

21.10 Leasing

- 21.10.1 Services may enter into finance leasing agreements to fund capital expenditure. However, a full options appraisal and comparison of other funding sources must be made and the Strategic Director Resources (Section

151 Officer) must be certain that leasing provides the best value for money method of funding the scheme.

21.10.2 Under the Prudential Code, finance leasing agreements are counted against the overall borrowing levels when considering the prudence and affordability of the Council's borrowing.

21.10.3 Details of the Council's material lease liabilities are detailed in the annual Statement of Accounts.

21.11 Borrowing

21.11.1 The Council's borrowing strategy is detailed in the Treasury Management Strategy (Appendix 9).

22. Capital Receipts Policy

22.1 Overview

22.1.1 A capital receipt is an amount of money exceeding £10,000, which is generated from the sale of an asset. The rationalisation of the asset portfolio is a consideration within the asset management strategy and provides benefits such as a reduction in revenue costs (such as maintenance and security) relating to surplus assets, as well as releasing assets for disposal. Capital receipts can be an important funding source for the Capital Programme.

22.1.2 The Council's policy is to treat all capital receipts as a corporate resource, enabling investment to be directed towards those schemes or projects with the highest corporate priority. This means that individual services are not reliant on their ability to generate capital receipts.

22.1.3 The timing and value of asset sales is the most volatile element of funding. As a result, the Strategic Director Resources (Section 151 Officer) closely monitors progress on asset disposals. Any in-year shortfalls against forecasts will need to be met from increased borrowing, up to the 'Authorised Borrowing Limit' which is agreed annually by Council as part of the Treasury Management Strategy.

Section 6 – Investment Strategy

23. Non-Treasury Investments

- 23.1 CIPFA defines investment properties as properties held solely to earn income and/or for capital appreciation i.e. the returns from property ownership can be both income driven (through the receipt of rent) and through appreciation of the asset value (capital growth).
- 23.2 The Council does not make capital investments primarily for financial return. The Council has made a number of policy loans to third parties (e.g. Broadway Living) which are listed in the Treasury Management Strategy and reported separately in the prudential indicators under Housing loan/Equity to Broadway Living Registered Provider (BLRP).
- 23.3 The strategy proposes that the Council continues to consider investing prudently in non-treasury investments i.e. policy investments, taking advantage of opportunities as they present themselves, ensuring that any decisions are made following robust analysis and strong governance process.
- 23.4 The updated Prudential Code requires all investments and investment income to be attributed to one of the following three purposes:

(i) Treasury Management Investments

Are investments that arise from the organisation's cash flows or treasury risk management activity, and ultimately represent balances which need to be invested until the cash is required for use in the course of business. Treasury investments may also arise from other treasury risk management activity which seeks to prudently manage the risks, costs or income relating to existing or forecast debt or treasury investments.

(ii) Service Investments

Are investments held primarily and directly for the delivery of public services including housing, regeneration and local infrastructure. Returns on this category of investment, which are funded by borrowing, are permitted only in cases where the income is "either related to the financial viability of the project in question or otherwise incidental to the primary purpose".

(iii) Commercial Investments – including commercial property

Are investments held primarily for financial return with no treasury management or direct service provision purpose. Risks on such investments should be proportionate to a council's financial capacity. 'Plausible losses' should be able to be managed and absorbed in budgets

or reserves without unmanageable detriment to local services. An authority must not borrow to invest primarily for financial return.

Section 7 – Capital Programme

24. Approved Capital Programme

- 24.1 The Council's Capital Programme includes various programmes, including the Council housing estate improvement, new-build programme, expansion works at various schools, as well as improvements to transport links.
- 24.2 Details of the Council's 5-year programme are included within Appendix 7, whilst the new schemes being recommended to be adopted in the General Fund by Cabinet and Full Council are set out in Appendix 6.
- 24.3 The tables below provide a summary of the Capital Programme, which reflects the scheme slippage from Quarter 2 of 2023/24.

Table 2a: Approved Capital Programme Spend

Capital Programme - 2023/24 to 2028/29	£m								
	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total	Future Years	Total
Adults Services & Public Health	0.231	0.930	0.020	0.000	0.000	0.000	1.181	0.000	1.181
Children's & Schools	16.855	80.087	0.000	0.000	0.000	0.000	96.942	0.000	96.942
Economy & Sustainability	44.232	59.271	8.686	5.994	0.000	0.000	118.183	0.000	118.183
Housing & Environment	32.052	27.519	7.498	0.170	0.000	0.000	67.239	0.000	67.239
Resources	14.554	253.453	30.776	28.961	29.667	93.582	450.993	0.000	450.993
Strategy & Change	0.000	0.550	0.000	0.000	0.000	0.000	0.550	0.000	0.550
Corporate	0.230	3.257	0.000	0.000	0.000	0.000	3.487	0.000	3.487
Total General Fund	108.155	425.067	46.980	35.125	29.667	93.582	738.576	0.000	738.576
HRA	122.924	137.100	139.234	79.891	62.168	50.585	591.901	0.000	591.901
Capital Programme Total	231.079	562.166	186.214	115.016	91.835	144.167	1,330.477	0.000	1,330.477

Table 2b: Approved Capital Programme Funding for General Fund

General Fund Capital Programme Funding - 2023/24 to 2028/29	£m								
	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total	Future Years	Total
Mainstream Funding	42.242	301.589	45.106	32.639	29.667	93.582	544.825	0.000	544.825
Capital Receipts	0.746	24.160	0.834	0.726	0.000	0.00	26.466	0.000	26.466
Specific Funding (Split as Follows)	65.167	99.319	1.040	1.760	0.000	0.000	167.286	0.000	167.286
-Grant	51.529	70.673	0.000	1.590	0.000	0.000	123.792	0.000	123.792
-Revenue Contribution	0.000	0.011	0.000	0.000	0.000	0.000	0.011	0.000	0.011
-Reserve Drawdown	0.492	0.000	0.000	0.000	0.000	0.000	0.492	0.000	0.492
-Parking Revenue Account	4.125	1.235	1.040	0.170	0.000	0.000	6.569	0.000	6.569
-Invest to Save	0.000	0.018	0.000	0.000	0.000	0.000	0.018	0.000	0.018
-Partnership Contributions	3.308	20.682	0.000	0.000	0.000	0.000	23.990	0.000	23.990
-S106	5.714	6.699	0.000	0.000	0.000	0.000	12.414	0.000	12.414
-HRA Contribution	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Total Funding - General Fund	108.155	425.067	46.980	35.125	29.667	93.582	738.576	0.000	738.576

Table 2c: Approved Capital Programme Funding for HRA

HRA Capital Programme Funding - 2023/24 to 2028/29	£M								
	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total	Future Years	Total
Mainstream Funding	29.440	85.865	116.178	35.583	46.657	35.185	348.910	0.000	348.910
Capital Receipts	20.908	16.182	4.110	25.981	0.299	0.000	67.481	0.000	67.481
Specific Funding (Split as Follows)	72.576	35.052	18.946	18.326	15.211	15.399	175.511	0.000	175.511
-Grant	56.122	18.835	3.443	2.840	0.000	0.000	81.239	0.000	81.239
-Revenue Contribution	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
-Reserve Drawdown	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
- Major Repairs Reserve	15.454	15.717	15.003	14.987	14.711	14.899	90.770	0.000	90.770
-Partnership Contributions	1.000	0.500	0.500	0.500	0.500	0.500	3.500	0.000	3.500
-HRA Contribution	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Total Funding - HRA	122.924	137.100	139.234	79.891	62.168	50.585	591.901	0.000	591.901

25. Additions to the Capital Programme

- 25.1 Appendix 6 of the Budget Strategy report sets out the new capital schemes that are being recommended to be adopted in the programme. A total of £151.601m is being proposed to be added for the General Fund programme, of which £150.100m will be funded from borrowing and the remaining from other resources. This is offset by a reduction in borrowing of £1.962m due to schemes to be decommissioned (section 25). Table 3 below provides a summary of the capital additions. There is also some re-profiling of budgets across the years requested.

Table 3: Capital Programme Additions

Department	Capital Programme 2023/24 - 2028/29 £M						
	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total
Children's Services	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Adults' Service & Public Health	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Economy & Sustainability	0.000	0.255	0.140	0.000	0.000	0.000	0.395
Housing & Environment	0.000	75.000	75.000	0.563	0.643	0.000	151.206
Resources	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Capital Programme Additions	0.000	75.255	75.140	0.563	0.643	0.000	151.601
Mainstream Funding	0.000	(75.050)	(75.050)	0.000	0.000	0.000	(150.100)
Capital Receipts	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Grant	0.000	(0.160)	(0.090)	0.000	0.000	0.000	(0.250)
Parking Reserve	0.000	0.000	0.000	0.563	0.643	0.000	(1.206)
Other Contribution	0.000	(0.045)	0.000	0.000	0.000	0.000	(0.045)
Total Funding	0.000	(75.255)	(75.140)	(0.563)	(0.643)	0.000	(151.601)

26. Decommissioning of Capital Projects

- 26.1 A total of £1.962m is being decommissioned from the existing approved programme. Appendix 6 of the Budget Strategy report sets out the capital

scheme being recommended for decommissioning. Table 4 below provides a summary by service department of the movements.

Table 4: Capital Programme Decommissioning

Department	Capital Programme 2023/24 - 2028/29 £M						
	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total
Economy & Sustainability	0.012	0.000	0.000	0.000	0.000	0.000	0.012
Housing & Environment	0.000	0.500	0.000	0.000	0.000	0.000	0.500
Resources	0.000	0.360	0.000	0.000	0.000	0.000	0.360
Corporate	0.200	0.890	0.000	0.000	0.000	0.000	1.090
Capital Programme Decommissioning	0.212	1.750	0.000	0.000	0.000	0.000	1.962
Mainstream Funding	(0.212)	(1.750)	0.000	0.000	0.000	0.000	1.962
Total Funding	(0.212)	(1.750)	0.000	0.000	0.000	0.000	1.962

27. Budget Re-Profiling

27.1 Appendix 6 of the Budget Strategy report sets out the capital scheme being re-profiled – the net effect is nil. Table 5 below provides a summary by service department of the movements.

Table 5: Capital Programme Re-profiling

Department	Capital Programme 2023/24 - 2028/29 £M						
	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	Total
Resources	(4.000)	(217.989)	3.568	(4.571)	(14.667)	237.659	0.000
Capital Programme Re-profiling	(4.000)	(217.989)	3.568	(4.571)	(14.667)	237.659	0.000
Mainstream Funding	4.000	217.989	(3.568)	4.571	14.667	(237.659)	0.000
Total Funding	4.000	217.989	(3.568)	4.571	14.667	(237.659)	0.000

Section 8 – Other Long-Term Liabilities

28. Service / Policy Investments

- 28.1 The Council can lend money to third parties e.g. subsidiaries, special purpose vehicle, registered providers, suppliers, local business, local charities, housing associations, residents and its employees to support local public services and stimulate local economic growth.
- 28.2 Details of the Council's current service investment related loans are set out in the Treasury Management Strategy (Appendix 9).

Section 9 – Risk Management

29. Risk Management Overview

- 29.1 This section considers the Council's risk appetite in relation to its capital investments and commercial activities, i.e. the amount of risk that the Council is prepared to accept, tolerate, or be exposed to at any point in time.
- 29.2 Risk will always exist and cannot be removed in its entirety; however, the Council should always perform a risk review to identify and understand any risks and how these can be mitigated and managed.
- 29.3 Major capital schemes require careful management to mitigate, transfer or eliminate the potential risks which can arise. Where key risks or opportunities are identified they should be subject to the provisions and processes set out in the Council's Corporate Risk Management Strategy.

30. Managing Risk Effectively

- 30.1 The Council recognises that maintaining a dynamic risk aware culture is vitally important as it goes through a period of significant change, with the increasing need to balance the effects of budget reductions, changes to services provided and possible increased demand. The benefits gained in managing risk effectively are improved strategic, operational and financial management, better decisions and outcome delivery, improved statutory compliance and ultimately improving the services that people receive.
- 30.2 Risks specific to the delivery of the capital programme and Capital Strategy are managed by a range of processes and groups:
- Financial risks (e.g. overspending, slippage and re-profiling) are managed through the Council's financial monitoring process which is reported quarterly to SLT and Cabinet.
 - The progress of major projects is monitored through specific officer-led programme/project boards.
 - Any significant changes to the direction of financial or legal risks of any major scheme are reported to FSG, SLT and Cabinet.
- 30.3 Risk Management Framework**
- 30.3.1 The Council has a strong risk management framework in place which provides a process for the identification, management and reporting of risks. The risk strategy, with the associated risk registers (strategic and departmental risk registers), plays an important part in the corporate governance structure of the Council.
- 30.4 The above principle will also apply to Ealing's wholly owned companies e.g. Broadway Living and Greater Ealing Ltd (GEL).

31. Risk Profile

31.1 Effective risk management means being risk aware, not risk averse. The Council believes that:

- risk needs to be managed rather than avoided, and that its response to risk is proportionate; and
- the amount of risk the Council is prepared to accept or be exposed to (its risk appetite) will vary according to the perceived significance of particular risks, as well as regulatory or legislative constraints. It may be prepared to take comparatively large risks in some areas and none at all in others.

32. Other Assurance Frameworks

32.1 In addition to the Council's risk management framework, there are other assurance frameworks to provide management and Members the assurances required over processes and controls.

32.2 The internal audit function has an audit programme whereby financial systems are reviewed on a rolling cycle. The findings and recommendations from these audits are reviewed and actioned by officers and Members are updated through the Audit Committee.

32.3 External audit provides additional assurance over our capital processes, controls and management through their annual audit of our Statement of Accounts.

Section 10 – Knowledge and Skills

33. Knowledge and Skills

- 33.1 Both the Capital Programme and the Treasury Management Strategy are managed by teams of professionally qualified accountants with considerable experience of local government finance. Officers maintain and develop their skills and knowledge through a programme of Continuous Professional Development and by attending various courses and conferences held by CIPFA and other sector experts on an ongoing basis.
- 33.2 The Strategic Director Resources in their capacity as Section 151 has overall responsibility for ensuring the proper management of the Council's capital programme, asset portfolio and treasury management activity and follows an ongoing CPD programme.

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Treasury Management Strategy Statements, MRP Strategy and Annual Investment Strategy 2024/25

March 2024



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Section 1 – Overview

1. Background

- 1.1 The Council is required to operate a balanced budget. In pursuit of this objective, amongst other things, the Council operates a treasury management function which incorporates the management of the Council's cash flows, lending and borrowing activities and the control management and mitigation of the risks associated with these activities.
- 1.2 Borrowing facilitates the funding of the Council's capital programme. The Council's capital plans provide a guide to the borrowing need of the Council, essentially the longer-term cash flow planning, to ensure that the Council can meet its capital spending obligations. This management of longer-term cash may involve arranging long or short-term loans or using longer-term cash flow surpluses. If the right circumstances prevail, debt previously drawn may be restructured to meet Council risk or cost objectives.
- 1.3 The contribution the treasury management function makes to the Council is critical, as the balance of debt and investment operations ensure liquidity and the ability to meet spending commitments as they fall due, either on day-to-day revenue or for larger capital projects. The treasury operations will maintain the balance between the interest costs of debt and the investment income arising from cash deposits to manage the available budget. Since cash balances generally result from reserves and balances, it is paramount to ensure adequate security of the sums invested, as a loss of principal will in effect result in a loss to the General Fund balance.
- 1.4 Although policy spending initiatives or loans to third parties will impact on the treasury function, these activities are generally classed as non-treasury activities (arising usually from capital expenditure) and are separate from the day to day treasury management activities.
- 1.5 The Chartered Institute of Public Finance and Accountancy (CIPFA) defines treasury management as:
- “The management of the local authority’s borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”*
- 1.6 Revised reporting has been required since 2018/19 due to revisions of the Ministry for Housing Communities and Local Government (MHCLG) (now the Department for Levelling Up, Housing and Communities (DLUHC)) Investment Guidance, the Minimum Revenue Provision (MRP) Guidance, the CIPFA Prudential Code and the CIPFA Treasury Management Code. These require all local authorities to have a capital strategy, to provide a longer-term focus to the capital plans, and greater reporting requirements surrounding any commercial activity undertaken under the Localism Act

2011 especially using the 'General Powers of Competence' provision. The capital strategy is being reported separately, though some key prudential indicators will be retained within this document.

2. Reporting Requirements

- 2.1 CIPFA revised the Prudential and Treasury Management Codes in December 2021, these updates were implemented by the Council in 2023/24. The Prudential Codes requires all local authorities to prepare a capital strategy report, which will provide the following:
- a high-level long-term overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services;
 - an overview of how the associated risk is managed; and
 - the implications for future financial sustainability.
- 2.2 The aim is to ensure that all elected Members fully understand the long-term policy objectives and resulting capital strategy requirements, governance procedures and risk appetite.
- 2.3 The expected income, costs and contributions, debt and associated interest costs and the MRP policy are included in the Treasury Management Strategy. The Capital Strategy and Treasury Management Strategy have been reviewed to ensure compliance with the requirements.
- 2.4 Non-treasury investments are reported through the Capital Strategy. This ensures the separation of the core treasury function under security, liquidity and yield principles, and the service and policy investments usually driven by expenditure on an asset. The capital strategy outlines:
- the corporate governance arrangements for these types of activities;
 - any service objectives relating to the investments;
 - the expected income, costs and resulting contribution;
 - the debt related to the activity and the associated interest costs;
 - the payback period (Minimum Revenue Provision (MRP) policy);
 - for non-loan type investments, the cost against the current market value; and
 - the risks associated with each activity.
- 2.5 Should a physical asset be bought for investment purposes, details of market research, advisers used (and their monitoring), ongoing costs and investment requirements and any credit information will be disclosed, including the ability to sell the asset and realise the investment cash.
- 2.6 If any non-treasury investment sustains a loss this will be reported through the final accounts, outturn and audit process, including the strategy and revenue implications.

- 2.7 To demonstrate the proportionality between the treasury operations and the non-treasury operation, high-level comparators are shown throughout this strategy document.

3. Treasury Management Reporting

- 3.1 The Local Government Act 2003 and supporting regulations requires the Council to 'have regard to' the CIPFA Prudential Code and the CIPFA Treasury Management Code of Practice (Treasury Code) to set prudential and treasury indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable. The Council must also have regard to the DLUHC statutory guidance, Capital finance: guidance on minimum revenue provision.
- 3.2 In pursuit of the above, the Council must produce as a minimum three treasury reports each year:
- a) Treasury Strategy, a requirement fulfilled by the production of this strategy document which includes:
 - capital plans (including prudential indicators);
 - minimum revenue provision (MRP) policy;
 - the treasury management strategy (including treasury indicators); and
 - an investment strategy;
 - b) A mid-year report which updates members on treasury progress, the capital position, the prudential indicators (and any amendments) and whether any strategies or policies require revision; and
 - c) An annual treasury outturn report (a backward looking review).
- 3.3 Full Council approves the Treasury Strategy as part of the annual budget-setting process. This appendix sets out the Treasury Strategy for 2024/25.
- 3.4 The scrutiny of the treasury management function within the Council is undertaken by Audit Committee, which carries out quarterly reviews.
- 3.5 The Council is also required to comply, and its Investment Strategy is compliant with, the DLUHC investment guidance, revised in 2018.
- 3.6 The Treasury Code was adopted by Council on the 9 March 2010. This strategy report complies with the revised Treasury Code.
- 3.7 In addition to the reporting schedule outlined above, the Code requires the:
- Creation and maintenance of a treasury management policy statement which sets out the policies and objectives of the Council's treasury management activities. The Treasury Management Policy Statement is attached for approval as Annex 1.

- Creation and maintenance of Treasury Management Practices (TMPs) which set out the way the Council will seek to achieve those policies and objectives; these are maintained and kept under review by officers.
 - Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions. The scheme of delegation is attached as Annex 2.
- 3.8 The Council complies with the necessary requirements and its governance process is strengthened by its Treasury Risk and Investment Board (TRIB), which meets regularly to support the Strategic Director, Resources in the execution of delegated powers.

Section 2 – Treasury Management Strategy for 2024/25

4. 2024/25 Strategy Overview

- 4.1 The Treasury Management Strategy for 2024/25 addresses capital issues including capital expenditure plans, prudential indicators, MRP and other treasury management issues such as the investment strategy and creditworthiness policy.
- 4.2 The proposed Treasury Management Strategy and Policy for the remainder of 2023/24 and for financial year 2024/25 adheres to the Council’s policy on investments of “safety before returns” and investments are currently being placed with the following:
- United Kingdom (UK) Government (Debt Management Office);
 - The Council’s banker (Lloyds Bank);
 - Nationwide; and
 - Money Market Funds (see point 5 for regulatory changes to MMFs introduced from 21 January 2019).
- 4.3 Although current investments are per above, the investment parameters permissible under the Treasury Management Strategy are much broader as outlined in the Annual Investment Strategy (Annex 5) under specified and non-specified investments. After due consideration the Strategic Director, Resources can invest in any of the instruments/strategies if satisfied that the rewards are within acceptable risk parameters.
- 4.4 The proposed Treasury Management Strategy for 2024/25 is based upon treasury officers’ views on interest rates and market forecasts (supplemented by forecasts provided by the Council’s treasury advisors, Link Asset Services). The proposals in this report will assist the Council in mitigating risk in the treasury management activities and allow the borrowing necessary to finance the capital programme.
- 4.5 The strategy report covers:
- Pension Fund and West London Waste Authority cash;
 - Capital Plans and Prudential Indicators;
 - MRP;
 - Borrowing (para 8);
 - Treasury Limits for 2024/25 to 2026/27;
 - Economic Background;
 - Borrowing Strategy;
 - Debt Rescheduling;
 - Housing Revenue Account (HRA) Self Financing;
 - Annual Investment Strategy;
 - Financial Implications;
 - Balanced Budget Requirement;

- Treasury Management Policy Statement; and
- Scheme of Delegation.

4.6 The strategy incorporates the requirements of the Local Government Act 2003, the CIPFA Prudential Code, DLUHC MRP Guidance, the CIPFA Treasury Code and DLUHC Investment Guidance.

5. Money Market Funds (MMFs)

5.1 Officers have previously reported that some MMFs faced difficulty during the global financial crisis, so the European Commission proposed new rules to safeguard investors. The changes to MMFs came into effect from January 2019.

Summary of Revised Rules

5.2 The revised regulations focus on the structure, composition, liquidity requirements, fees, redemption gates and understanding investor behaviour and information reporting. MMFs are categorised into structural options within the two categories below.

Structural Options	Short-Term Money Market Funds	Standard Money Market Funds
Government Constant Net Asset Value (CNAV)	x	
Low Volatility Net Asset Value (LVNAV)	x	
Variable Net Asset Value (VNAV)	x	x

5.3 Until changes were introduced European MMFs had CNAV and VNAV funds and the Council only used only CNAV funds. CNAV funds have now been restricted to government portfolios while a revised structural option for non-government funds, the Low Volatility Net Asset Value (LVNAV) MMF was introduced.

5.4 LVNAV MMFs retain stable NAV to two decimal places provided the fund is managed to certain maturity and liquidity constraints. If these constraints are breached the funds must be marked to market. The board of the MMF can take protective action in times of market stress or when more than 10% of the fund is redeemed in one day. These include gating or restricting the amount that can be drawn down in one day and levying liquidity fees on investors.

5.5 Currently the Council restricts its use of MMFs to CNAV and LVNAV funds although the strategy permits the use VNAV MMF should this be deemed appropriate at a future date.

6. Training

- 6.1 The Treasury Code requires the responsible officer to ensure that members with responsibility for treasury management receive adequate training on treasury management and related issues. This especially applies to Members responsible for scrutiny, who regularly receive training.
- 6.2 Audit Committee members received training from the Council's treasury management advisers in December 2023. The training needs of treasury management officers are met through attendance at relevant courses, conferences and forums and are periodically reviewed and addressed as part of the Council's appraisal scheme.

7. Treasury Management Consultants

- 7.1 The Council uses Link Asset Services, as its external treasury management advisors. The Council recognises that responsibility for treasury management decisions remains with the organisation at all times and will ensure that undue reliance is not placed upon external service providers. All decisions will be undertaken with regards to all available information, including, but not solely, treasury advisers.
- 7.2 The Council also recognises that there is value in employing external providers of treasury management services to access specialist skills and resources. The Council will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented and subjected to regular review.
- 7.3 The scope of investments within the Council's operations now includes both conventional treasury investments (the placing of residual cash from the Council's functions) and more policy/ service driven investments, such as policy loans for housing. The policy investments require specialist advisers, and the Council uses Link Asset Services and other commercial and legal advisers in relation to this activity.

8. Pension Fund Cash

- 8.1 The Council's arrangement for pension fund cash changed from 1 April 2011 to meet the requirements of (then) MHCLG regulations. In the past all pension fund transactions flowed through the Council's main bank account with monthly transfers to and from the Pension Fund bank account to manage surplus and deficit cash positions. A separate Pension Fund ledger has been operational since December 2018, to enable comprehensive and ring-fenced use of the Pension Fund bank account. All money due to/owed by Pension Fund to the Council is treated as a Debtor/Creditor and cash transfers are made to/from Pension Bank account for settlement.
- 8.2 All surplus Pension Fund cash is transferred monthly to the Custodian's (BNY Mellon) bank account where it is swept for overnight investment into a

money market bank account. Pension Fund cash retained locally to manage cash flow will be invested in either the Pension Fund MMF or fixed term deposits.

- 8.3 The Council is responsible for managing the pension fund cash (that may be retained in house) in accordance with this Treasury Management Strategy. The Pension Fund Panel is updated of progress on a quarterly basis.

9. West London Waste Authority (WLWA) Cash

- 9.1 From 1 April 2014, the Council has provided treasury management services to the WLWA. There are significant benefits in the WLWA engaging with one of the boroughs to provide treasury management services on their behalf.
- 9.2 During 2023/24, WLWA transferred surplus funds to the Council for joint investment purposes. Specifically, £18 million was allocated for direct investments with Nationwide, and an additional sum was designated for investments to be managed jointly with the Council's Investments. The returns on these jointly managed investments will be determined by the average interest rate achieved by the Council, calculated based on WLWA's average balance. The portion invested directly with Nationwide will yield returns in line with the corresponding rate. The WLWA has also subscribed to Link Asset Management Services, and they will mirror the Council's investment strategy.
- 9.3 The performance of the treasury management service is reviewed from time to time. The annual charge for the WLWA using the Council's treasury management services has been agreed for at £8,700 and the current service contract will run to 2025/26.

10. MIFID II

- 10.1 As reported in previous years, on the 3 January 2018, the EU Market in Financial Instruments Directive II (MiFID II) came into effect and requires regulated bodies to classify Local Authorities as retail clients, unless they provide evidence that they should be opted up to 'professional client' status.
- 10.2 The Council has opted up to 'professional client' categorisation with all brokers and counterparties. In order to achieve this, the Council had to provide evidence that it held an investment balance of at least £10m and that the person(s) authorised to make investment decisions on behalf of the authority has at least one year's relevant professional experience. The Council currently meets these criteria and training needs will be regularly monitored to ensure compliance.

11. Prudential Indicators

- 11.1 The Local Government Act 2003 and supporting regulations requires the Council to 'have regard to' the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable.
- 11.2 The Council's Prudential Indicators for the period 2024/25 – 2026/27 are set out in **Annex 3** and Full Council is asked to approve these.
- 11.3 The benefit of the indicators are derived from monitoring them over time rather than the absolute value of each. A reporting schedule is maintained, with a mid-year report to Full Council to highlight any significant deviations from expectations. The indicators can be amended and reported to Full Council for approval at the earliest opportunity. The updated Prudential Indicators schedule will be taken to Full Council in 5 March 2024.
- 11.4 The indicators for later years are broad estimates since a number of factors including the level of government support beyond 2024/25 are not firmed up. These estimates will be revised, as more accurate information becomes available.

12. Minimum Revenue Provision (MRP) Policy Statement

- 12.1 Changes to statutory guidance for MRP were introduced effective from 2019/20. The key changes were that:
- The option to calculate MRP in retrospect thereby creating a credit or a reduction in MRP for future years was closed, though the ability to reset a provision prospectively remains – any changes should use the residual CFR at that point in time;
 - MRP should not be £nil in any year – unless CFR is nil or negative or a voluntary MRP is being clawed back;
 - Maximum asset life is 50 years unless supported by expert opinion; and
 - Where the asset life methodology (option 3) is being used, the guidance is prescriptive on the maximum number of years over which the type of expenditure can be written off – in the absence of a quantifiable asset life, 25 years is considered the reasonable default.
- 12.2 Full Council is asked to approve the MRP policy statement as set out in Annex 4.

13. Core funds and expected investment balances

- 13.1 The application of resources (capital receipts, reserves etc.) to either finance capital expenditure or other budget decisions to support the revenue budget will have an ongoing impact on investments unless resources are supplemented each year from new sources (asset sales etc.). Outlined below are estimates of the year end balances on investments.

Table 1 – Estimate of Year End Balance

Year End Resources	2022/23	2023/24	2024/25	2025/26	2026/27
	Outturn	Estimate	Estimate	Estimate	Estimate
	£m	£m	£m	£m	£m
Expected Investments	568	578	400	350	300

14. Affordability Prudential Indicators

- 14.1 Within this framework prudential indicators are required to assess the affordability of the capital investment plans. These provide an indication of the impact of the capital investment plans on the Council's overall finances. Full Council is asked to approve the indicators as set out in Annex 3.

15. Borrowing

- 15.1 The capital expenditure plans set out in this strategy document outline service activity for the Council. The treasury management function ensures that the Council adheres to the relevant treasury codes of practice as well as organising the Council's cash flow and borrowing needs to meet the requirements of service activity. It is a statutory requirement under the Local Government Finance Act 1992, for the Council to produce a balanced budget. Section 31A and S31B requires a local authority to calculate its budget requirement for each financial year to include the revenue costs that flow from capital financing decisions. This means that increases in capital expenditure must be limited to a level whereby increases in charges to revenue from:

- increases in interest charges caused by increased borrowing to finance additional capital expenditure; and
- any increases in running costs from new capital projects.

are limited to a level which is affordable, prudent and sustainable within the projected income of the Council for the foreseeable future.

- 15.2 The strategy document covers the relevant treasury/ prudential indicators, the current and projected debt positions and the annual investment strategy.
- 15.3 The Council's current treasury management portfolio position is set out in table 2A and 2B below. The overall portfolio as at the 31 March 2023 and the

position at 31 December 2023 are shown below for borrowing and investments.

Table 2A – Treasury Management Portfolio

TREASURY PORTFOLIO				
	Actual	Actual	Current	Current
	31.03.2023	31.03.2023	31.12.2023	31.12.2023
	£000		£000	
Treasury Investments				
Banks	30,000	5.92%	20,600	3.71%
Building Societies - Unrated	0	0.00%	0	0.00%
Building Societies - Rated	18,000	3.55%	18,000	3.24%
Local Authorities	0	0.00%	0	0.00%
DMADF (HM Treasury)	443,500	87.50%	446,100	80.32%
Money Market Funds	0	0.00%	50,000	9.00%
Other	15,336	3.03%	20,708	3.73%
Certificate Of Deposit	0	0.00%	0	0.00%
Total Managed In House	506,836	100.00%	555,408	100.00%
Bond Funds	-	0.00%	0	0.00%
Property Funds	-	0.00%	0	0.00%
Total Managed Externally	-	0.00%	0	0.00%
Total Treasury Investments	506,836	100.00%	555,408	100.00%
Treasury External Borrowing				
Local Authorities				
PWLB	757,232	86.29%	746,676	83.51%
LOBOs	78,000	8.89%	78,000	11.85%
Market Fixed Term Loan	10,000	1.14%	10,000	1.52%
Other	32,300	3.68%	40,450	3.12%
Total External Borrowing	877,532	100.00%	875,126	100.00%
Net Treasury Investments / (Borrowing)	(370,696)	100.00%	(319,718)	100.00%

15.4 The Council's projections for borrowing are summarised below. Table 2B shows the actual external debt against the underlying capital borrowing need, (the Capital Financing Requirement (CFR)), highlighting any over or under borrowing.

Table 2B – Actual External Debt against Capital Borrowing Need

	2022/23 Outturn	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
	£m	£m	£m	£m	£m
External Debt					
Expected change in Debt +/-	(10.248)	(8.406)	(15.557)	33.904	36.571
Actual gross debt at 31 March	877.532	869.126	853.569	887.473	924.044
The Capital Financing Requirement (CFR)	871.277	918.966	1,053.539	1,177.691	1,199.633
Under / (Over) borrowing	(6.255)	49.840	199.970	290.218	275.589
Other long-term liabilities (OLTL)	95.166	94.409	82.168	74.959	67.167
Expected change in OLTL	(0.757)	(12.241)	(7.209)	(7.792)	(8.627)
OLTL Total	94.409	82.168	74.959	67.167	58.540
<i>*Debt : Excludes other borrowings, Mortlake and WLWA.</i>					

Note: The table shows the impact of not externally borrowing (using the Council's cash balances/ investments to internally fund underlying borrowing). This policy is under constant review.

15.5 Within the above figures the level of debt relating to non-treasury activities i.e. policy investment is:

Table 3 – External Debt for Policy Investments (including Housing Loans) / non-treasury investments.

	2022/23 Outturn	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
	£m	£m	£m	£m	£m
Actual debt at 31 March £m	10.02	6.00	24.98	23.99	14.07
Percentage of total external debt %	1%	1%	3%	3%	2%

15.6 Within the range of prudential indicators there are a number of indicators to ensure that the Council operates its activities within well-defined limits. One of these is that the Council needs to ensure that its gross debt does not, except in the short term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for 2024/25 and the following two financial years. This allows some flexibility for limited early borrowing for future years but ensures that borrowing is not undertaken for revenue or speculative purposes, or “in advance of need”.

15.7 The Strategic Director, Resources reports that the Council complied with this prudential indicator in the current year and does not envisage difficulties for the future. This view considers current commitments, existing plans, and the proposals in this budget report.

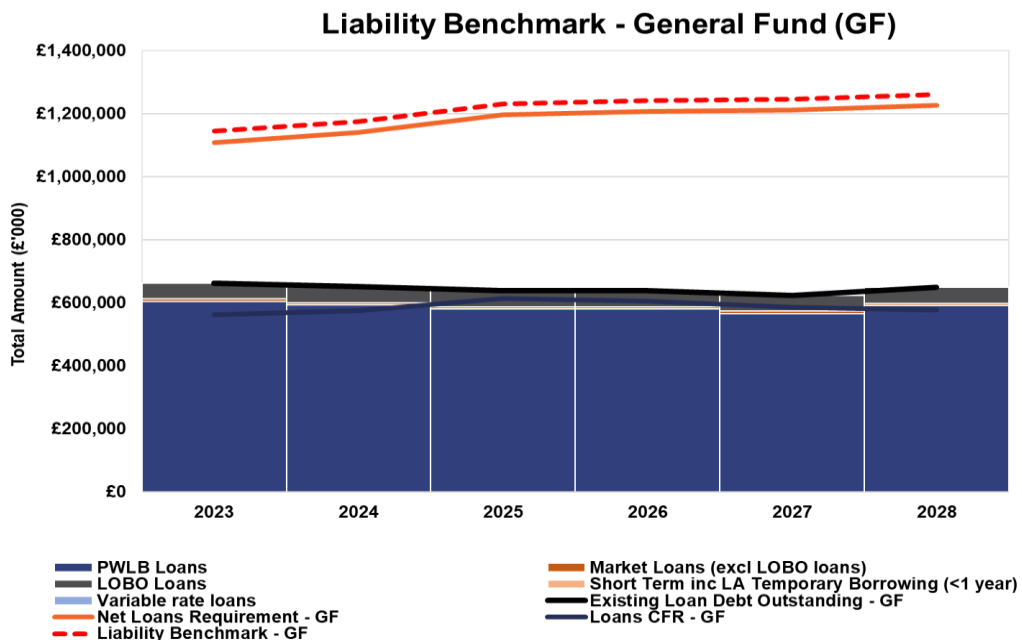
16. Liability Benchmark

16.1 A new prudential indicator for 2024/25 is the Liability Benchmark (LB). The Council is required to estimate and measure the LB for the forthcoming financial year and the following two financial years, as a minimum.

16.2 There are four components to the Liability Benchmark:

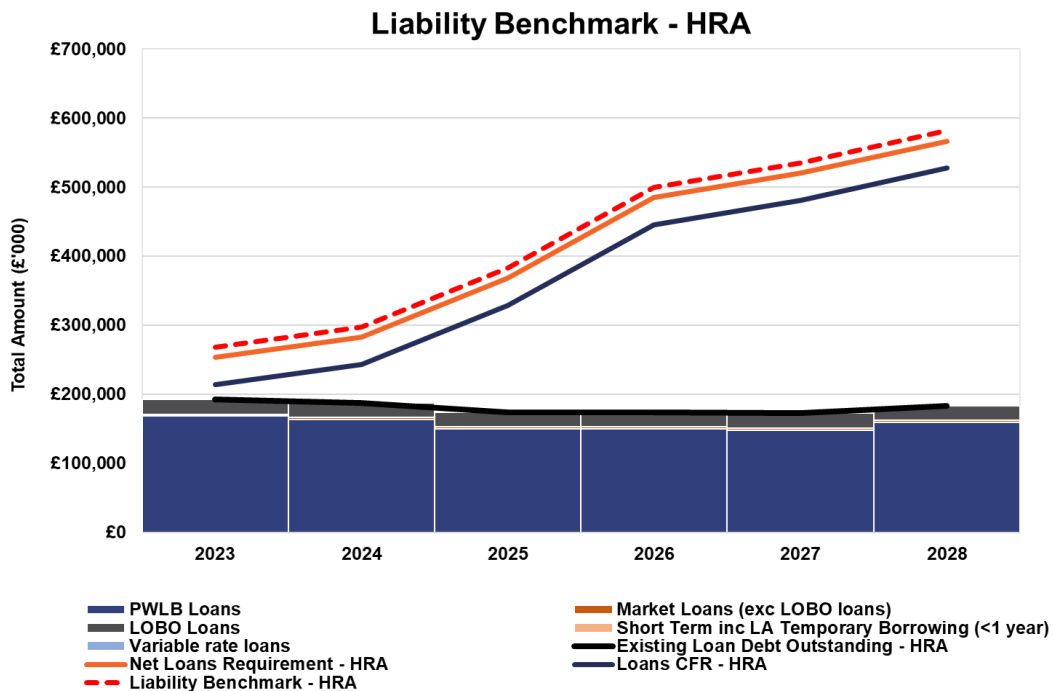
1. **Existing loan debt outstanding:** existing loans that are still outstanding in future years.
2. **Loans CFR:** this is calculated in accordance with the loans CFR definition in the Prudential Code and projected into the future based on approved prudential borrowing and planned MRP.
3. **Net loans requirement:** this will show the gross loan debt less treasury management investments at the last financial year-end, projected into the future and based on its approved prudential borrowing, planned MRP and any other major cash flows forecast.
4. **Liability benchmark (or gross loans requirement):** this equals net loans requirement plus short-term liquidity allowance.

16.3 Liability Benchmark charts for General Fund (GF) and HRA are set out below.



16.3.1 For the GF liability benchmarking, the Council is showing an over-borrowed position relative to its CFR, the reason for the over-borrowing is one of timing in that the Council took advantage of the low interest rates borrowings in 2021/22 to fund its planned capital programme and capital programme

schemes have since then been delayed. However, the over-borrowing position will be reduced in the next couple years.



16.3.2 For the HRA liability benchmarking, the comparison between the current borrowing portfolio and the liability benchmark indicates a borrowing need. Currently the interest rates are not favourable for the new borrowings and interest rates are expected to fall in the coming years and at which point the Council will consider undertaking HRA borrowing.

17. Treasury Indicators

17.1 Treasury Limits for 2024/25 to 2026/27

17.1.1 It is a statutory duty under Section 3 of the Local Government Act 2003 and supporting regulations for the Council to determine and keep under review how much it can afford to borrow. The amount so determined is termed the “Affordable Borrowing Limit”. In England and Wales, the Authorised Limit represents the legislative limit specified in the Act.

17.1.2 The Council must have regard to the Prudential Code when setting the Authorised Limit, which essentially requires it to ensure that total capital investment remains within sustainable limits and that the impact upon its future council tax and council rent levels is ‘acceptable’.

17.1.3 Whilst termed an “Affordable Borrowing Limit”, the capital plans considered for inclusion incorporate financing by both external borrowing and other forms of liability, such as credit arrangements. The Authorised Limit is to be set, on a rolling basis, for the forthcoming financial year and two successive financial years, details of the Authorised Limit are set out in Annex 3.

18. Economic Background and Interest Rate Forecasts

- 18.1 Link Asset Services, as treasury adviser, assists the Council in formulating a view on interest rate forecasts. The following table outlines the Link Asset Services view. It should be noted that the Public Works Loans Board (PWLB) offers a certainty rate discount of 0.20% to local authorities who provide specified information on their plans for capital spending and the associated longer-term borrowing. The Council has applied and qualifies to borrow at the certainty rate. In addition, in June 2023, the PWLB introduced a HRA rate which included discount of 0.60% for use in Housing Revenue Accounts.

Table 4 – Link Interest Rate Forecast

Rate	Dec-23 %	Mar-24 %	Jun-24 %	Sep-24 %	Dec-24 %	Mar-25 %	Mar-26 %	Dec-26 %
Bank of England	5.25	5.25	5.25	4.75	4.25	3.75	3.00	3.00
5yr PWLB	5.00	4.50	4.40	4.30	4.20	4.10	3.60	3.50
10yr PWLB	5.10	4.70	4.50	4.40	4.30	4.20	3.80	3.70
25yr PWLB	5.50	5.20	5.10	4.90	4.80	4.60	4.20	4.10
50yr PWLB	5.30	5.00	4.90	4.70	4.60	4.40	4.00	3.90

- 18.2 The UK Gross Domestic Product (GDP), the revision of GDP data in Q2 to a 0.1% quarter on quarter fall may mean the mildest of mild recessions has begun. Indeed, real GDP in October fell 0.3% month in month which does suggest that the economy may stagnate again in Q3. Overall, real GDP growth is expected to remain subdued throughout 2024 as the drag from higher interest rates is protracted but a fading of the cost-of-living crisis and interest rate cuts in the second half of 2024 will support a recovery in GDP growth in 2025.
- 18.3 The Consumer Prices Index (CPI) inflation fell from 6.7% in September to 4.6% in October, and then again to 3.9% in November. Both these falls were bigger than expected and there are clear signs of easing in domestic inflationary pressures. The fall in core CPI inflation from 5.7% to 5.1% in November was bigger than expected (consensus forecast 5.6%), the lowest rate since January 2022, although CPI ticked back up to 4% in December. Some of the decline in core inflation was due to the global influence of core goods inflation, which slowed from 4.3% to 3.3%. But some of it was due to services inflation falling from 6.6% to 6.3%. The Bank views the latter as a key barometer of the persistence of inflation and it came in further below the Bank of England's (Bank) forecast of 6.9% in its November Monetary Policy Report. This will give the Bank more confidence that services inflation is now on a firmly downward path.
- 18.4 The Bank sprung no surprises with its December Monetary Policy Committee (MPC) meeting, leaving interest rates at 5.25% for the third time in a row and pushing back against the prospect of near-term interest rate cuts. The Bank continued to sound hawkish, with the MPC maintaining its tightening bias saying that "further tightening in monetary policy would be

required if there were evidence of more persistent inflationary pressures”. And it stuck to the familiar script, saying that policy will be “sufficiently restrictive for sufficiently long” and that “monetary policy is likely to need to be restrictive for an extended period of time”. In other words, the message is that the MPC is not yet willing to endorse investors’ expectations that rates will be cut as soon as May 2024.

- 18.5 The labour market remains tight by historical standards, but the sharp fall in wage growth seen in October will reinforce the growing belief in markets that interest rates will be cut mid-2024. Wage growth eased in October much faster than the consensus expected. Total earnings fell by 1.6% month in month, which meant the headline 3 month year in year rate eased from 8.0% in September to 7.2% in October. This news will be welcomed by the Bank of England. Indeed, the timelier three-month annualised rate of average earnings growth fell from +2.4% to -1.2%. Excluding bonuses, it fell from 5.3% to 2.0%. Furthermore, one of the Bank’s key barometers of inflation persistence, regular private sector pay growth, dropped from 7.9% 3 month year in year to 7.3%, which leaves it comfortably on track to fall to 7.2% by December, as predicted by the Bank in November.
- 18.6 The fall in wage growth occurred despite labour demand being stronger in October than expected. The three-month change in employment eased only a touch from +52,000 in September to +50,000 in October. But resilient labour demand was offset by a further 63,000 rise in the supply of workers in the three months to October. That meant labour supply exceeded its pre-pandemic level for the first time, and the unemployment rate remained at 4.2% in October. In the three months to November, the number of job vacancies fell for the 17th month in a row, from around 959,000 in October to around 949,000. That has reduced the vacancy to unemployment ratio as demand for labour eases relative to supply, which may support a further easing in wage growth in the coming months.

19. Borrowing Strategy 2024/25

- 19.1 The Council’s strategy is to achieve a low but stable cost of finance but retaining flexibility to alter its plans as circumstances change. In this regard, the Council was maintaining an under-borrowed position until advantageous borrowing rates led to the Council taking out some borrowing early. This means that the capital borrowing need CFR is now funded in advance. This strategy is prudent as borrowing interest rates were low and the Council has a sizeable borrowing requirement to fund its ambitious capital delivery programme.
- 19.2 The Council has, to date, raised most of its long-term borrowing from the PWLB but will consider long-term loans from other sources including banks, pension funds and local authorities and will explore the possibility of issuing bonds and similar instruments to lower interest costs and reduce over-reliance on one source of funding in line with the CIPFA Code. PWLB loans are no longer available to local authorities planning to buy investment assets

primarily for yield; this Council will continue to avoid this activity and ensure the Council retains its access to PWLB loans.

19.3 Sensitivities of the forecast

19.3.1 If officers' felt there was a significant risk of a sharp fall in long and short term interest rates (due to a marked increase of risks around relapse into recession or of risks of deflation), then long term borrowing will be postponed, and potential rescheduling from fixed rate funding into short term borrowing will be considered. However, if there was a significant risk of a much sharper rise in long and short term rates than that currently forecast, then the portfolio position will be re-appraised with the likely action that fixed rate funding will be raised whilst interest rates are still lower than they will be in the foreseeable years ahead. The Council had, during 2021/22, raised borrowing in line with the latter strategy. All decisions and actions taken have or will be reported to Audit Committee or Full Council at the earliest opportunity.

19.3.2 The Council's borrowing strategy will consider new borrowing in the following priority as required:

- Temporary borrowing from the money markets or other local authorities;
- PWLB variable rate loans for up to 10 years;
- Short dated borrowing from non PWLB and other sources;
- PWLB borrowing for periods across all the durations when rates are at particularly good value;
- Long term fixed rate market loans at rates significantly below PWLB rates for the equivalent maturity period (where available) and to maintaining an appropriate balance between PWLB and market debt in the debt portfolio;
- Capital market bond investors;
- UK Municipal Bonds Agency plc and other special purpose companies created to enable local authority bond issues;
- Individuals lending via peer-to-peer platform where necessary counterparty checks (for example proof of identity or money laundering requirements) are conducted by the platform; and
- Investors in capital market bonds and retail bonds issues by the Council.

19.3.3 **Other sources of debt finance:** In addition, capital finance may be raised by the following methods that are not borrowing, but may be classed as other debt liabilities:

- Leasing – a contract outlining the terms under which one party agrees to lease/ rent a ~~part~~ owned by another party;
- Hire purchase – financing where monthly payments are made but ownership does not occur until the last payment;
- Private Finance Initiative – a procurement method which uses private sector ~~invest~~ to deliver public infrastructure; and

- Sale and leaseback – selling a property and entering a lease arrangement with the purchaser to occupy.

19.3.4 The Council will continue to borrow in respect of the following:

- Maturing debt (net of MRP);
- Approved unsupported (prudential) capital expenditure; and
- To finance cash flow in the short term.

19.3.5 The type, period, rate and timing of new borrowing will be determined by the Strategic Director, Resources under delegated powers, considering the following factors:

- Expected movements in interest rates as outlined above;
- Current maturity profile;
- The impact on the medium term financial strategy; and
- Prudential indicators and limits.

19.4 **New Financial Institutions as a source of borrowing and Types of Borrowing**

19.4.1 Following the decision by the PWLB on 9 October 2019 to increase their margin over gilt yields by 100 bps to 180 bps on loans lent to local authorities, officers began to explore alternative sources of borrowing. However, in March 2020, the Government started a consultation process for reviewing the margins over gilt rates for PWLB borrowing. The chancellor announced the conclusion which amongst other things reversed certainty rate increase. Options for the diversification of loan source will still be explored and the Council will look to:

- Local authorities (primarily shorter dated maturities);
- Financial institutions (primarily insurance companies and pension funds but also some banks, out of spot or forward dates); and
- Municipal Bonds Agency.

19.4.2 Approved sources of borrowing include:

- PWLB;
- Any institution approved for investments;
- Financial Institutions including Assurance and Insurance Companies and Banks;
- Local Authorities and Housing Associations;
- UK public sector and private sector pension funds;
- UK Municipal Bonds Agency plc and other special purpose companies created to enable local authority bond issues;
- Any other public sector body;
- Any other institution which is legally able to lend to local authorities;
- Leasing;
- Hire purchase;

- Private Finance Initiative (PFI) and similar financing arrangements; and
 - Sale and leaseback.
- 19.4.3 A range of organisations fall within the scope of the list and a range of financial instruments may be issued to evidence the borrowing including public or privately issued bonds, negotiable bonds, commercial paper, medium term notes etc. The Strategic Director, Resources will explore all options and determine the optimal source of borrowing for the Council.
- 19.5 Treasury Management Limits on Borrowing Activity**
- 19.5.1 There are three debt related treasury activity limits. The purpose of these is to restrain the activity of the treasury function within a flexibly set remit, to manage risk, yet not impose undue restraints that constrain cost reduction or performance improvement. The indicators are:
- Upper limits on variable interest rate exposure net of investments;
 - Upper limits on fixed interest rate exposure; and
 - Maturity structure of borrowing to manage refinancing risk.
- 19.5.2 The proposed indicators are set out in Annex 3.
- 19.6 Policy on borrowing in advance of need**
- 19.6.1 The Council needs to ensure that its total debt, does not, except in the short term, exceed the total of the CFR in the preceding year i.e. 2023/24 plus the estimates of any additional CFR for the year 2024/25 and the following two financial years. This allows some flexibility for limited early borrowing for future years but ensures that borrowing is not undertaken for revenue generation or speculative investment purposes.
- 19.6.2 Any decision to borrow in advance will be considered carefully to ensure value for money can be demonstrated and that the Council can ensure the security of such funds.
- 19.6.3 Borrowing in advance of need will ideally be limited to no more than 100% of the expected increase in borrowing need (CFR) over the three-year planning period. In determining whether borrowing will be undertaken in advance of need the Council will:
- ensure that there is a clear link between the capital programme and maturity profile of the existing debt portfolio which supports the need to take funding in advance of need;
 - ensure the ongoing revenue liabilities created, and the implications for the future and budgets have been considered;
 - evaluate the economic and market factors that might influence the manner and timing of any decision to borrow;
 - consider the merits and demerits of alternative forms of funding;

- consider the alternative interest rate bases available, the most appropriate periods to fund and repayment profiles to use; and
- consider the pros and cons of the impact of borrowing in advance of need at attractive rates on the available cash balances the Council will hold and the risks associated with increased exposure to credit risk arising from investing this additional cash in advance of need.

19.7 Debt Rescheduling

19.7.1 As short-term borrowing rates can be considerably cheaper than longer term rates, there could have been potential to generate savings by switching from long term debt to short term debt. Any savings will need to be considered in the light of the size of premiums to be incurred, their short-term nature, and the likely cost of refinancing those short-term loans, once they mature, compared to the current rates of longer-term debt in the existing debt portfolio. Any such rescheduling and repayment of debt is likely to cause a flattening of the Council's maturity profile as in recent years there has been a skew towards longer dated PWLB.

19.7.2 The business case for any rescheduling will include:

- the generation of cash savings and / or discounted cash flow savings;
- helping to fulfil the strategy outlined above; and
- enhancing the balance of the portfolio (amend the maturity profile and/or the balance of volatility).

19.7.3 Consideration will also be given to whether there is any potential for making savings by running down investment balances to repay debt prematurely as short-term rates on investments are lower than rates paid on current debt.

19.7.4 All rescheduling will be reported to Full Council at the earliest meeting following its implementation.

19.8 Housing Revenue Account (HRA) Self Financing

19.8.1 The housing subsidy system was dismantled and replaced by a system of self-financing of the HRA from 1 April 2012. Since then, two separate pools are operating for the management of HRA and GF debt. Under the two pool approach legacy loans were notionally apportioned between the HRA and GF using the CFR split and loans since 2012 have been raised separately.

19.8.2 An equitable means of apportioning debt management expenses is in operation.

19.8.3 Until October 2018, HRA borrowing was capped by the government and the HRA needed to borrow within the parameters of its existing debt and the cap known as the headroom. In October 2018, the Government approved plans to remove the HRA borrowing cap, giving local authorities the flexibility to borrow prudently up to levels that can be supported through their revenue streams.

20. Annual Investment Strategy

- 20.1 The annual Investment Strategy is set out in Annex 5 for approval by Full Council which covers:
- Overview including durations bands for counterparties and minimum credit ratings (table 3 Annex 5);
 - Policy lending (non-treasury management investments);
 - Investment balances / liquidity of investments; and
 - Specified / unspecified investments.

21. Financial Implications

- 21.1 Investment income is currently forecast to be £28.5m for 2023/24. For 2024/25 budgeted investment income is estimated at approximately £20.9m to reflect lower expected interest rates.

22. Balanced Budget Requirement

- 22.1 The Council complies with the provisions of the Local Government Finance Act 1992 to set a balanced budget.
- 22.2 Risk management plays a fundamental role in treasury activities due to the value and nature of transactions involved. In order to mitigate risks on investment income the Council holds an Economic Volatility Reserve, which can be used to manage unforeseen volatility of investment income or borrowing costs.
- 22.3 Budgeting for MRP requires the Council to make provision for MRP linked to the life of the assets. This makes budgeting for MRP complex and sensitive to changes in assets being financed and the amount of unsupported borrowing used.
- 22.4 Regulations and statutory guidance on MRP were issued in February 2018.
- 22.5 **Loans to third parties**
- 22.5.1 Expenditure on policy loans to third parties which constitute capital expenditure must have MRP set aside. In the past, some local authorities sought to justify not setting aside MRP for some investments as any borrowing would be repaid by selling the assets sometime in the future; this the statutory guidance now requires MRP will need to be set aside for these investment assets.
- 22.5.2 Repayments included in annual PFI unitary payments or finance leases are applied as MRP. There is no requirement for the HRA to set aside MRP, although there is a requirement for depreciation to be applied.
- 22.5.3 Acquisition of share capital can be written off over a maximum of 20 years.

Annex 1 – Treasury Management Policy Statement

Treasury Management Policy Statement

The Council defines the policies and objectives of its treasury management activities as follows:

- (i) The Council defines its treasury management activities as the management of the Council's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.
- (ii) The Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications.
- (iii) The Council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving best value in treasury management, and to employing suitable performance measurement techniques, within the context of effective risk management.

Annex 2 – Treasury Management Scheme of Delegation

Treasury Management Scheme of Delegation

The Council's Treasury Management Scheme of Delegation is approved by Full Council annually as part of the overall Treasury Management Strategy, it was last approved by Council at its meeting of March 2023 and there are no proposals for any amendments to the current scheme, which is set out below:

1. Full Council

- Receiving and reviewing reports on treasury management policies, practices and activities.
- Approval of/ amendments to the Council's adopted clauses, treasury management policy statement; and
- Approval of annual strategy.

2. Strategic Director, Resources (Section 151 Officer)

- Budget consideration and proposals to Full Council.
- Approval of the division of finance and treasury management responsibilities.
- Receiving and reviewing regular monitoring reports and acting on recommendations; and
- Approving the selection of external service providers and advisers and agreeing terms of appointment.

3. Audit Committee

- Scrutiny of the Treasury Management function and arrangements.
- Receive and review quarterly reports; and
- Reviewing the treasury management policy and procedures and making recommendations to Full Council.

4. The treasury management role of the Strategic Director, Resources (Section 151 Officer) is to:

- Recommend the Treasury Management Strategy and related policies for approval.
- Hold regular reviews and monitor compliance with approved the approved Treasury Management Strategy.
- Formulate, consult on and approve treasury management practices, outlining the detailed manner in which the treasury management function will operate.
- Submit regular Treasury Management Strategy monitoring reports to Audit Committee and Full Council.
- Submit budgets and budget variations to the Strategic Leadership Team (SLT) Full Council and Cabinet.

- Receive and review management information reports.
- Review the performance of the treasury management function.
- Ensure the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function.
- Ensure the adequacy of internal audit, and liaising with external audit.
- Recommend the appointment of external service providers and advisors.
- Preparation of the capital strategy that is prudent, sustainable and affordable and provides value for money.
- Ensuring that due diligence has been carried out on all treasury and non-treasury financial investments.
- Ensuring proportionality of all investments to ensure risk is well managed.
- Provision of a schedule of all non-treasury investments.
- Ensuring that members are adequately informed and understand the risk exposures taken by the Council.

Annex 3 – Prudential Indicators

Prudential Indicators

1. Capital Prudential Indicators

1.1 The Council's capital expenditure plans are a key driver of treasury management activity.

2. Capital Expenditure

2.1 This prudential indicator is a summary of the Council's capital expenditure plans, both those agreed previously, and those forming part of this budget cycle. Members are asked to approve the capital expenditure forecasts:

Table 1: Capital Expenditure Forecast

	2022/23 Outturn	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
	£m	£m	£m	£m	£m
Non-HRA	75.951	98.155	182.098	26.554	16.489
Housing Loan to BLRP	10.583	10.000	242.969	20.426	18.636
Policy investments / non-financial investments	0.000	0.000	0.000	0.000	0.000
HRA	78.326	122.924	137.100	139.234	79.891
Total Capital Programme	164.859	231.079	562.167	186.214	115.016
Add : Capital Additions/ Repurpose/Decommissioning /Re-profiling of Mainstream Funding	0.000	(4.212)	(144.484)	78.708	(4.008)
Total Capital Programme including proposed Growth	164.859	226.867	417.683	264.922	111.008
* Policy investments / non-financial investments relate to areas such as capital expenditure on investment properties, loans to third parties etc. This figure currently comprises policy loans to Housing Loan/Equity to BL/BLRP.					

2.2 Other long-term liabilities – the above financing need excludes other long-term liabilities, such as PFI and leasing arrangements which are classified as borrowing instruments.

2.3 Table 2 outlines how the capital expenditure plans are proposed to be financed by capital or revenue resources. Any shortfall of resources results in a funding need by borrowing.

Table 2: Capital Programme Funding Summary

Capital Expenditure	2022/23	2023/24	2024/25	2025/26	2026/27
	Outturn	Estimate	Estimate	Estimate	Estimate
	£m	£m	£m	£m	£m
Non-HRA	75.951	98.155	182.098	26.554	16.489
Housing Loan to BLRP	10.583	10.000	242.969	20.426	18.636
Policy investments / non-financial investments	0.000	0.000	0.000	0.000	0.000
HRA	78.326	122.924	137.100	139.234	79.891
Total	164.859	231.079	562.167	186.214	115.016
Financed by:					
Capital receipts	5.753	0.746	24.159	0.834	0.726
Capital grants	31.187	51.529	70.673	0.000	1.590
Revenue Contribution	8.827	4.616	1.264	1.040	0.170
Other: Parking Reserve; Invest to Save; Partnership; S106	2.646	9.022	27.382	0.000	0.000
HRA Direct Funding	52.264	93.484	51.234	23.056	44.308
Total Financed	100.677	159.397	174.712	24.930	46.794
Net Financing Need (General Fund & HRA - Borrowing)	64.182	71.682	387.454	161.284	68.222
TOTAL FUNDING	164.859	231.079	562.167	186.214	115.016
Add : Capital Additions/ Repurpose of Mainstream Funding	0.000	(4.212)	(144.484)	78.708	(4.008)
Total Capital Programme including Growth	164.859	226.867	417.683	264.922	111.008

Table 3: New borrowing made up as follows:

	2022/23	2023/24	2024/25	2025/26	2026/27
	Outturn	Estimate	Estimate	Estimate	Estimate
New Year Borrowing GF	27.536	32.030	131.920	99.730	14.003
New Year Borrowing HRA	26.062	29.440	85.865	116.178	35.583
Housing Loan to BLRP	10.583	6.000	24.980	23.994	14.065
Adjustments for Leases	0.000	10.165	0.000	0.000	0.000
Total borrowing	64.181	77.634	242.765	239.902	63.651

Table 4: Loan to BLRP

	2022/23	2023/24	2024/25	2025/26	2026/27
	Outturn	Estimate	Estimate	Estimate	Estimate
Borrowing for non-financial investments	10.583	6.000	24.980	23.994	14.065
Net financing need for the year	64.181	77.634	242.765	239.902	63.651
Percentage of total net financing need %	16.49%	7.73%	10.29%	10.00%	22.10%

3. The Council's Borrowing Need (the Capital Financing Requirement)

- 3.1 This prudential indicator is the Council's Capital Financing Requirement (CFR), which is the total historic unfinanced capital expenditure, a measure of the Council's underlying borrowing need. Any capital expenditure not immediately paid for, will increase the CFR. The requirement to set aside the minimum revenue provision (MRP) reduces the Council's underlying need to borrow and the ensuing CFR.
- 3.2 The CFR does not increase indefinitely, as the MRP is a statutory annual revenue charge which broadly reduces the indebtedness in line with each asset's life, and so charges the economic consumption of capital assets as they are used (similar to a repayment).
- 3.3 The CFR includes any other long-term liabilities (OLTL) such as PFI schemes and finance leases brought onto the balance sheet. Whilst these increase the CFR, and therefore the Council's borrowing requirement, these types of scheme include a borrowing/ financing facility and so the Council is not required to separately borrow for these schemes. The Council currently has £94.409m of such schemes that forms part of the CFR.
- 3.4 The Council is asked to approve the CFR projections below:

Table 5: CFR - Capital Financing Requirement

	2022/23	2023/24	2024/25	2025/26	2026/27
	Outturn	Estimate	Estimate	Estimate	Estimate
	£m	£m	£m	£m	£m
CFR – Non Housing	535.212	548.218	659.186	735.375	725.461
CFR – Housing	213.906	243.346	329.212	445.390	480.973
CFR – Housing Loan/Equity to BL/BLRP	26.993	32.993	57.973	81.967	96.032
OLTL	95.166	94.409	82.168	74.959	67.167
Total CFR	871.277	918.966	1,128.539	1,337.691	1,369.633
Movement in CFR	39.396	47.688	209.573	209.151	31.943

Table 5a: Movement in CFR inc OLTL represented by:

	2022/23	2023/24	2024/25	2025/26	2026/27
	Outturn	Estimate	Estimate	Estimate	Estimate
	£m	£m	£m	£m	£m
Net financing need for the year	64.181	77.634	242.765	239.902	63.651
Less MRP and other financing movements	(24.785)	(29.946)	(33.192)	(30.751)	(31.709)
Less VRP*	0.000	0.000	0.000	0.000	0.000
Movement in CFR	39.396	47.688	209.573	209.151	31.943

4. International Financial Reporting Standard (IFRS) 16 Leasing

- 4.1 IFRS16 requires off balance sheet operating leases onto the balance sheet for closing of the accounts for 2024/25 deferred by CIPFA from 2021/22, although early adoption will be allowed.
- 4.2 The CFR, external debt (OLTL), authorised limit and operational boundary, have been adjusted to allow for those leases which were previously off-balance sheet, being brought onto the balance sheet at 31 March 2025. It is not currently possible to be precise about the adjustment figures until detailed data gathering has been substantially completed in 2024/25 financial year. The authorised limit and operational boundary have been increased to allow for a current initial estimate of the likely effect of this change. Notwithstanding this, the limits will be amended mid-year if the allowance is insufficient. An assessment will also be made of the impact on the HRA share of the CFR.
- 4.3 A key aspect of the regulatory and professional guidance is that elected members are aware of the size and scope of any commercial or policy investment activity in relation to the Council's overall financial position. The capital expenditure figures shown in 2.1 and the details above demonstrate the scope of this activity and, by approving these figures, consider the scale proportionate to the Council's remaining activity.
- 4.4 Under the capital finance regulations, local authorities are permitted to borrow up to three years in advance of need. The Council will only consider borrowing in advance of need if market conditions indicate that it is the best course of action. There may be a short term carry cost to borrowing in advance of need if investment rates are considerably lower than long term borrowing rates. Borrowing in advance of need also increases the level of temporary investments and thus increases the exposure to loss of investment principal. However, the Council has put in place a prudent methodology to minimise this risk.

5. Affordability Prudential Indicators

- 5.1 **Actual and estimates of the ratio of financing costs to net revenue stream**
- 5.1.1 This indicator identifies the trend in the cost of capital (borrowing and other long-term obligation costs net of investment income) against the net revenue stream.

Table 6: Ratio of financing costs to revenue streams

	2022/23 Outturn	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
	%	%	%	%	%
Non-HRA	9.87%	4.30%	6.61%	10.50%	10.71%
HRA (inclusive of settlement)	5.65%	0.65%	2.85%	7.67%	7.16%
Housing Loan to BLRP	0.00%	0.02%	0.12%	0.06%	0.24%

5.1.2 The estimates of financing costs include current commitments and the proposals in this budget report.

Table 7: HRA Ratios

	2022/23 Outturn	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
	£m	£m	£m	£m	£m
HRA debt (£m)	213.906	243.346	329.212	445.390	480.973
HRA revenues (£m)	69.603	78.810	87.153	93.168	97.026
Ratio of debt to revenues	2.92:1	3.04:1	3.94:1	5.27:1	5.49:1

	2022/23 Outturn	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
HRA Debt (£m)	213.906	243.346	329.212	445.390	480.973
Number of HRA Dwellings	11,602	10,671	10,534	10,466	10,361
Debt per dwelling (£m)	0.018	0.023	0.031	0.043	0.046

6. Treasury Indicators: Limits on Borrowing Activity

6.1 The Operational Boundary

6.1.1 This is the limit beyond which external debt is not normally expected to exceed. In most cases, this would be a similar figure to the CFR, but may be lower or higher depending on the levels of actual debt and the ability to fund under-borrowing by other cash resources.

Table 8 – Treasury Indicators: Limits on borrowing activity

Operational Boundary – General Fund & HRA	2022/23 Outturn	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
	£m	£m	£m	£m	£m
Debt	749.118	791.564	988.398	1,180.765	1,206.434
Other long term liabilities	94.409	82.168	74.959	67.167	58.540
Housing Loan to BLRP	26.993	32.993	57.973	81.967	96.032
Total	870.520	906.725	1,121.330	1,329.899	1,361.006

6.2 The Authorised Limit for external debt

- 6.2.1 A further prudential indicator represents a control on the maximum level of borrowing. This represents a limit beyond which external debt is prohibited, and this limit needs to be set or revised by the Full Council. It reflects the level of external debt which, while not necessarily desired, could be afforded in the short term, but is not sustainable in the longer term.
- 6.2.2 This is the statutory limit determined under section 3 (1) of the Local Government Act 2003. The Government retains an option to control either the total of all councils' plans, or those of a specific council, although this power has not yet been exercised.
- 6.2.3 The authorised limit has built in a buffer in respect of operational leases to be brought on to the balance sheet in line with IFRS16.
- 6.2.4 Full Council is asked to approve the following Authorised Limits:

Table 9 – Authorised Limits

Authorised limit - General Fund & HRA	2022/23	2023/24	2024/25	2025/26	2026/27
	Outturn	Estimate	Estimate	Estimate	Estimate
	£m	£m	£m	£m	£m
Debt	789.118	831.564	1,103.398	1,305.765	1,256.434
Other long term liabilities	94.409	82.168	74.959	67.167	58.540
Housing Loan to BLRP	26.993	32.993	57.973	81.967	96.032
Total	910.520	946.725	1,236.330	1,454.899	1,411.006

6.3 Maturity Structure of Borrowing

- 6.3.1 These limits are set to reduce the Council's exposure to large fixed rate sums falling due for refinancing and are required for upper and lower limits. Full Council is asked to approve the following treasury indicators and limits:

Maturity structure of fixed interest rate borrowing 2024/25		
	Lower	Upper
Under 12 months	0%	10%
12 months to 2 years	0%	10%
2 years to 5 years	0%	20%
5 years to 10 years	0%	20%
10 years to 20 years	10%	30%
20 years to 30 years	10%	30%
30 years to 40 years	10%	30%
40 years to 50 years	10%	40%
Maturity structure of variable interest rate borrowing 2023/24		
	Lower	Upper
Under 12 months	0%	10%
12 months to 2 years	0%	10%
2 years to 5 years	0%	10%
5 years to 10 years	0%	10%
10 years to 20 years	0%	10%
20 years to 30 years	0%	10%
30 years to 40 years	0%	10%
40 years to 50 years	0%	10%

Annex 4 – MRP Policy Statement

MRP POLICY STATEMENT

The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 require the Council to determine for the current financial year an amount of minimum revenue provision (MRP) which it considers to be prudent. This involves allowing the debt to be repaid over a period reasonably commensurate with that over which the capital expenditure provides benefit.

MHCLG (now DLUHC) Guidance requires the Council to approve an annual MRP statement and requires the Council to make a prudent provision of MRP. The broad aim of the guidance is to ensure that capital is financed over a period for which it provides benefits.

The first MRP charge will be made in the year following the date that an asset becomes operational.

Minimum Revenue Provision (MRP) Policy Statement

1. It was agreed at the Cabinet meeting of 24 February 2009 and Full Council meeting of 3 March 2009 that, the Council makes MRP charges to revenue in accordance with option 3, the asset life method as opposed to option 4 depreciation, which would have required the additional resource and administrative expense of tracking and revaluing assets at regular intervals. There is no basis for a change in policy and in accordance with approval sought and received in 2009 and the Council will continue to apply option 3.
2. **Asset Life Method**
 - 2.1 MRP will be based on the estimated life of the assets, in accordance with the proposed regulations (this option must be applied for any expenditure capitalised under a capitalisation direction) (option 3); this option provides for a reduction in the borrowing need over approximately the asset's life.
 - 2.2 Under this policy the total charge to the General Fund budget in 2023/24, excluding PFI and finance leases is expected to be approximately £12.125m of which a significant element (£4.407m) is in relation to debt incurred prior to 1 April 2008.
 - 2.3 The Council is required to pay off an element of the accumulated General Fund capital spend each year (the CFR) through a revenue charge (MRP), although it is also allowed to undertake additional voluntary payments if required (voluntary revenue provision (VRP)).
 - 2.4 DLUHC regulations require Full Council to approve an MRP Statement in advance of each financial year. Full Council is recommended to approve the following MRP Statement:

- 2.5 For capital expenditure incurred before 1 April 2008 or Supported Capital Expenditure after that date, the MRP policy will be:

“the MRP policy is equal to an annual reduction of 2% of the outstanding debt at 1 April 2017 for the subsequent 50 years”.

- 2.6 From 1 April 2008, for all unsupported borrowing (excluding PFI and finance leases), the MRP policy will be the **Asset life method**. MRP will be based on the estimated life of the assets, in accordance with the regulations (this option must be applied for any expenditure capitalised under a Capitalisation Direction) (option 3)).

- 2.7 These options provide for a reduction in the borrowing need over approximately the asset’s life. There is no requirement on the HRA to make a minimum revenue provision but there is a requirement for a charge for depreciation to be made.

2.8 MRP Overpayments

- 2.8.1 A change introduced by the revised DLUHC MRP Guidance was the allowance that any charges made over the statutory minimum revenue provision (MRP), voluntary revenue provision or overpayments, can, if needed, be reclaimed in later years if deemed necessary or prudent. In order for these sums to be reclaimed for use in the budget, this policy must disclose the cumulative overpayment made each year.

- 2.8.2 In 2020/21 a Voluntary Revenue Provision (VRP) of £4.034m was made. In line with the Asset life method adopted by the Council, this VRP has led to a recalculation and reduction of future MRP payments. It is estimated that the cumulative overpayments are as follows:

MRP Overpayments	£m
Balance at 31 March 2023	2.554
Prior Year MRP Adjustment 2022/23	0.514
Impact of recalculation in 2023/24	-0.626
Forecast Balance at 31 March 2024	2.442
Impact of recalculation in 2024/25	-0.626
Forecast Balance at 31 March 2025	1.816

2.9 MRP for Loans/Service Investments Deemed to be Capital Expenditure

- 2.9.1 When making service/ policy investments the Council needs to consider the potential MRP implications where the loan is classed as capital spend. The Council currently provides service loans to third parties to facilitate the delivery of housing or services that advance the Council’s policy objectives. The cash advances will be used by the third parties to fund capital expenditure and this will be treated as capital expenditure and a loan to a third party. The CFR will increase by the amount of loans advanced (under the terms of contractual loan agreements). Once funds are returned to the

Council, the returned funds are classed as a capital receipt, and off-set against the CFR, which will reduce accordingly.

- 2.9.2 Expenditure on service loans to third parties which constitute capital expenditure must have MRP set aside. In respect of the following types of capital expenditure, the Council has established an alternative methodology for calculating the annual MRP charges:
- 2.9.3 The housing loans to BLRP constitute capital expenditure and therefore must have MRP set aside, the Council has established an alternative and prudent methodology for setting the annual MRP charge. A loan facility repayment holiday will exist until completion of the development phase. This mirrors the Council policy which charges MRP in the year following the date that an asset becomes operational. MRP will then follow the loan agreement repayment schedule, remaining within the overall 50-year BLRP business plan, thereby reducing the CFR accordingly.
- 2.9.4 The Council will undertake an annual financial assessment of the third party's ability to repay the debt and where any adverse changes are perceived a voluntary MRP provision will be made to cover any future potential financial losses. This arrangement will also be applied where a third party has committed to underwrite the debt costs of a specific project through amounts reserved for capital purposes.
- 2.9.5 The Council takes a holistic view on prudence spanning the lifecycle of the service loan.

2.10 Finance and Operational Leases

- 2.10.1 For assets acquired by finance/ operational leases or Private Finance Initiative schemes, MRP will be equal to the portion of the rent or unitary charge that is applied to write down the balance sheet liability (the capital element), or over the life of the asset.

2.11 Revenue Expenditure Funded from Capital Under Statute (REFCUS)

- 2.11.1 For capital expenditure under statute or incurred via the use of a Capitalisation Direction provision will be made over a period not exceeding 20 years.

2.12 Equity Investments

- 2.12.1 The Council will determine MRP on equity investments based on a 20-year life. However, for equity investments in asset backed companies, longer life may be assumed to match the Council's policy for investment assets.
- 2.12.2 The Strategic Director, Resources will determine alternative MRP approaches, in the interests of making prudent provision, where this is material, taking account of local circumstances, including specific project timetables and revenue-earning projections.

2.12.3 The Council has historic service loans to associated organisations for which MRP treatment is in line with the associated risk and prudence considerations and regulations at the time of issue. These arrangements may continue, however, the Strategic Director, Resources can vary the MRP methodology in line the parameters approved within this policy.

Annex 5 – Investment Strategy

INVESTMENT STRATEGY

1. OVERVIEW

1.1 Investments can be financial or non-financial. This report deals with financial investments (as managed by the treasury management function) although prudential indicators in as much as they pertain to borrowing for non-financial investment are outlined in this report. The purchase of non-financial income yielding assets are covered in the Capital Strategy report.

1.2 Investments are made broadly in three different circumstances:

- When excess cash is generated from the day to day activities (i.e. Treasury Management investments);
- Lending to organisations or investing in the share capital of same to promote a local service or policy objective; and
- To earn investment income, known as commercial investments.

1.3 Treasury Management Investments

1.3.1 The Council mostly receives income in cash (such as taxes and grants) and in turn funds its expenditure to pay salaries and invoices. The Council also holds reserves to manage risk and other timing matters. These activities, together with timing decisions surrounding borrowing can lead to surplus cash which is invested in line with statutory guidance. Treasury investment balance is expected to fluctuate between £300m and £500m during the 2024/25 financial year.

1.4 Service/ Policy Investments

1.4.1 The Council can lend money to third parties such as subsidiaries, special purpose vehicles (SPV), registered providers, its suppliers, local businesses, local charities, housing associations, residents and its employees to support local public services and stimulate local economic growth.

1.4.2 In some circumstances the Council may have entered into a partnership arrangement with organisations or institutions for the provision of a service/ facility that will directly promote the Council's policy objectives which either requires the Council to lend or jointly invest in a venture. The Council has provided loans to BL and BLRP, an arms-length company and a registered provider to increase the inadequate supply of high-quality affordable housing within the borough.

1.4.3 These types of service investments do not form part of the treasury management strategy but are discussed in the Capital Strategy.

1.4.4 The lending activities outlined in Table 1 below have been either scheduled or have been undertaken to support the Council's service objectives.

Table 1 – Loans for Policy Investments

Organisation	£m	Description
West London Waste Authority (WLWA)	14.540	An Invest to Save loan granted to West London Waste Authority (WLWA) towards the project for the development of a new Energy from waste facility. Interest payments for this loan commenced January 2017.
Gunnersbury CIC	0.081	This loan of £0.250m was granted to Gunnersbury Community Interest Company to assist with initial set up costs. As at November 2023 total of £0.169m principal has been repaid.
Greener Ealing	0.856	The current initial loan of £1.1m (£0.930m fixed capital loan and £0.170m working capital loan) is a result of start up costs incurred by the parent company and invoiced back to Greener Ealing. As at November 2023 total of £0.244m principal has been repaid.
Broadway Living Limited	8.035	Two loans have been granted to Broadway Living Limited for £1.206m and £6.829m
Broadway Living Registered Provider (BLRP)	22.464	Loans were granted to BLRP totalling £19.209m for Tranche 1 Loan Utilisation and Westagte £3.255m.

1.5 Security

- 1.5.1 A key risk is the inability of the borrower to repay the principal lent and/or the interest due. The Council mitigates this risk by limiting the quantum of exposure to any single borrower and having recourse to underlying real assets should the lender default.
- 1.5.2 Accounting standards now requires the Council to set aside loss allowance for loans, where it foresees the likelihood of default. Currently the Council does not expect any credit loss to arise from non-payment of the principal sum invested.

1.6 Risk assessment

- 1.6.1 The Council assesses the risk of loss before entering and whilst holding service loans. A business case is developed, and then external advisors are used to scrutinise and challenge the assumptions and projections presented. A risk analysis was carried out as part of the business case for loans to BL and BLRP. The performance of the companies is being kept under ongoing review via regular meetings with BL and BLRP Boards.

1.7 **Service/ Investments Equity**

1.7.1 The Council can and has invested in the shares of its subsidiaries or partner organisations to support local public services and stimulate local economic growth.

1.7.2 **Security**

1.7.3 One of the risks of investing in shares is that they fall in value meaning that the initial outlay may not be recovered. The shares that Council invest in do not have a ready market and are not acquired with the intention of trading the shares.

1.8 **Risk assessment**

1.8.1 As outlined above, a risk analysis is carried out as part of any business plan. The objective is to invest in an affiliated company that will grow successfully. The performance of all investee companies will be kept under close review via regular meetings with the Boards, so that corrective action can be taken if necessary.

1.9 **Liquidity:**

1.9.1 Although this type of investment is fundamentally illiquid, the limit on the level of investment mitigates the risk to the Council.

1.10 **Commercial Investments Property**

1.10.1 The Council may invest in property with the intention of making a profit that will be spent on local public services which will fall under the category of Commercial Investments. To date the Council has not invested in commercial investments.

1.10.2 **Loan Commitments and Financial Guarantees:** The Council may also make loan commitments or provide financial guarantees to third parties to further its service objective.

1.10.3 The Council will have regard to the Guidance on Local Government Investments and the CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes. The Council's Treasury investment priorities remain:

- security of the invested capital;
- liquidity of the invested capital; and
- an optimum yield which is commensurate with security and liquidity.

All investments will be in sterling.

1.10.4 In accordance with the above guidance, and to minimise the risk to investments, the Council applies minimum acceptable credit criteria to

generate a list of highly creditworthy counterparties which also enables diversification and avoidance of concentration risk.

1.11 Other information

- 1.11.1 Ratings will not be the sole determinant of the quality of an institution; it is important to continually assess and monitor the financial sector on both a micro and macro basis and in relation to the economic and political environments in which institutions operate. The assessment will also take account of information that reflects the opinion of the markets. To achieve this, the Council will engage with its advisors to maintain a monitor on market pricing such as “credit default swaps” and overlay that information on top of the credit ratings.
- 1.11.2 Other information sources will also be used including the financial press, share price and other financial sector information metrics that aid the scrutiny process to establish the suitability of Counterparties.
- 1.11.3 The Council has defined the types of investment instruments that the treasury management team are authorised to use. There are two lists in Table 3 and Table 7 under the categories of ‘specified’ and ‘non-specified’ investments.
- 1.11.4 Specified investments are those with a high level of credit quality and subject to a maturity limit of one year.
- 1.11.5 Non-specified investments are those with less high credit quality, may be for periods more than one year, and/ or are more complex instruments which require greater consideration by members and officers before being authorised for use. Once an investment is classed as non-specified, it remains non-specified all the way through to maturity such as an 18-month deposit would still be non-specified even if it has only 11 months left until maturity.
- 1.11.6 Non-specified investments limit. The Council has determined that it will limit the maximum total exposure to non-specified investments as being 30% of the total investment portfolio.
- 1.11.7 The Council will only use non-UK banks from countries with a minimum sovereign rating of -AA. The sovereign rating of -AA must be assigned by one of the three credit rating agencies. Transaction limits are set for each type of investment in 6.2.4.
- 1.11.8 The Council has engaged external advisers, to provide expert advice on how to optimise an appropriate balance of security, liquidity and yield, given the risk appetite of the Council in the context of the expected level of cash balances and need for liquidity throughout the year.

1.12 Pooled Investments

- 1.12.1 As a result of the change in accounting standards for 2019/20 under IFRS 9, this Council will consider the implications of investment instruments which could result in an adverse movement in the value of the amount invested and resultant charges at the end of the year to the General Fund. A temporary statutory override to allow English local authorities time to adjust their portfolio of all pooled investments was announced to delay implementation of IFRS 9 for five years commencing 1 April 2018. The Council also has other options. Following consultation, the government has extended the override for an additional two-year period until 31 March 2025.
- 1.12.2 The Council will explore all options to allow any pooled fund investments to be elected from the onset as fair value through other comprehensive income as they are not held primarily for trading. Hence fair value gains and losses can be taken to the Financial Instrument Revaluation Reserve and there will be no dependence on the statutory override which can be withdrawn.
- 1.12.3 The Council will seek to achieve value for money from its treasury management activity and will monitor yield from investment income against appropriate benchmarks for investment performance. As such investment performance monitoring will be carried out at regular intervals throughout the year.

1.13 Creditworthiness policy

- 1.13.1 The Council applies the creditworthiness service provided by Link Asset Services. This service employs a sophisticated modelling approach utilising credit ratings from the three main credit rating agencies - Fitch, Moodys and Standard and Poors. The credit ratings of counterparties are supplemented with credit watches and credit outlooks from credit rating agencies, Credit Default Swap (CDS) spreads to give early warning of likely changes in credit ratings and sovereign ratings to select counterparties from only the most creditworthy countries.
- 1.13.2 This modelling approach combines credit ratings, credit watches and credit outlooks in a weighted scoring system which is then combined with an overlay of CDS spreads for which the end product is a series of colour coded bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the suggested duration for investments that exist on Link's recommended counterparty list. The Council will therefore use counterparties within the following durational (colour) bands.

Term deposits with nationalised banks and banks and building societies

	Minimum Credit Criteria	Use	Max. maturity period
UK part nationalised banks	Link Colour Bands	In-house	1 year
Banks part nationalised Non-UK	Link Colour Bands	In-house and Fund Managers	1 year

1.13.3 The Link Asset Services creditworthiness service uses a wider array of information other than just primary ratings. Furthermore, by using a risk weighted scoring system, it does not give undue preponderance to just one agency's ratings.

1.13.4 Typically, the minimum credit ratings criteria the Council use based on this service will be a short term rating (Fitch or equivalents) of F1 and a long term rating of A-. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances, consideration will be given to the whole range of ratings available, or other topical market information, to support their use.

1.13.5 The Strategic Director, Resources can also provide working capital loans to unrated affiliated bodies, i.e. they would not need to have an external rating.

Table 3: Durational and Monetary limits applying to Specified and Non-Specified Investments

Counterparty	Maximum Lending per institution	Investment Duration	
UK Banks Term Deposits	£60m	Up to 5 years	CDs £5m per institution
The Council's Banker Lloyds Banking Group	£60m		
Non-UK Banks	£30m	2 years	
Building Society	£30m	1 year	
MMF – CNAV	£20m per Fund	Instant Access	
MMF – LVNAV	£20m per Fund	Instant Access	
MMF – VNAV	£5m per Fund	Instant Access	
Debt Management Office Deposit Facility (DMADF)	Unlimited	6 months (max available)	
Sterling Treasury Bills	Unlimited	6 months (max available)	
Local Authorities	Unlimited (Per authority £20m)	3 years	
Ultra short dated bond funds	£5m in total	Tradable	
Corporate Bonds	£5m in total	Tradable	
Corporate Bond Funds	£5m in total	Tradable	
UK Government Gilts/ Gilt Funds	£5m in total	Tradable	

Counterparty	Maximum Lending per institution	Investment Duration	
Multi Asset Funds	£5m in total	Tradable	
Property Funds	£5m in total	Tradable/ Non-Tradable	
Collateralised Deposit	£5m in total	1 year	
Bond Issuance (guaranteed by UK Government)	£5m in total	1 year	
Unrated Affiliated Bodies working capital *	Subject individual circumstance	Case by Case	
Unrated Affiliated Bodies Capital Expenditure Loan	Subject to individual circumstance	Case by Case	

**unrated affiliated bodies such as: Charities, arm's length companies and registered providers and service providers,*

- 1.13.6 The Strategic Director, Resources, as advised by TRIB, has delegated powers to make changes to local operational limits but remain within the parameters of the Treasury Strategy.
- 1.13.7 The Council is alerted of changes to ratings of all three agencies through its use of its adviser's creditworthiness service. In addition to the use of credit ratings the Council will be advised of information on movements in CDS spreads against the iTraxx benchmark and other market data on a weekly basis. Extreme market movements may result in downgrade of an institution or removal from the Council's lending list.
- 1.13.8 If a downgrade results in the counterparty/ investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately except in the circumstances out lined above where TRIB determines the counterparty can remain on the Council's list.
- 1.13.9 Sole reliance will not be placed on the use of this external service. In addition, the Council will also use market data and market information, information on government support for banks and the credit ratings of that supporting government.
- 1.14 Country limits**
- 1.14.1 As outlined above, the Council has determined that it will only use approved counterparties from countries with a minimum sovereign credit rating from Fitch of AA- (or equivalent from other agencies if Fitch does not provide a rating). However, the most likely position is that any foreign institution the Council invests in should be as highly rated as the UK or better. Investments in the UK will not be subject to sovereign credit worthiness rating restriction.
- 1.14.2 The list of countries which currently meet this criterion are outlined in Table 6. The Strategic Director, Resources will monitor and update the position under delegated powers and report back to Full Council at the earliest opportunity.

- 1.14.3 Where institutions are not on the Council’s advisers list and the Council makes its own assessment, the Council will only lend to counterparties using the minimum criteria specified below.
- 1.14.4 The minimum credit rating required for an institution to be included in the Council’s counterparty list (where adviser’s credit worthiness service is not being used) is as follows:

Table 4 Minimum credit ratings

	Long-Term	Short-Term
Fitch	A	F1
Moody’s	Aa3	P-2
Standard & Poor’s	A-	A-2

Sovereign Rating	AA-
Money Market Funds	AAA

The above does not apply to policy/ service investments.

- 1.14.5 As outlined above officers also take any market intelligence into consideration to further determine whether to suspend institutions from the list even though the institution meets our minimum lending criteria.
- 1.14.6 Setting and monitoring of the counterparty list and the agreed maximum limit per counterparty (and Council’s rating criteria) constitutes part of the execution and administration function and forms part of the authority to “determine the annual treasury strategy and carry out all treasury management activities” as per the Council’s scheme of delegation outlined in the financial regulations. The Strategic Director, Resources therefore has discretion to review and amend these minimum ratings in view of market conditions and report to Full Council at the earliest opportunity.
- 1.14.7 Officers must respond quickly to counterparty rating changes and include or suspend institutions as their ratings fall in/ out of the Council’s minimum rating criteria. This ensures that investment risk continues to be spread across a range of creditworthy institutions. The lending list is under ongoing review by the Strategic Director, Resources under delegated authority.
- 1.14.8 Institutions with which the Council currently can place funds are as follows:
- Debt Management Office (DMO) – interest can be below equivalent money market rates with returns being an acceptable trade-off for security particularly in times of high market volatility although recently DMO rates have surpassed MMFs and officers will continue to monitor the position and invest in accordance with the Council’s risk appetite;
 - British institutions where the UK has a substantial stake, such as RBS;
 - Other UK institutions meeting our minimum credit rating criteria;
 - AAA rated money market funds;

- Other local authorities (LAs) who are relatively risk-free counterparties are deemed to offer high security and liquidity – limits are set at £5m for district councils and £10m for other LAs, subject to a group limit of £180m, though the strategy permits higher limits;
- Foreign institutions from countries with sovereign ratings equivalent to the UK's sovereign rating or higher provided they meet our minimum criteria;
- Institutions that fall within Link Asset Services' approved lending list having met the diverse criteria and who the Council assess as having sound credit worthiness;
- Other UK Government (Gilts and Treasury Bills);
- Property Funds where not classed as capital expenditure;
- Ultra-Short Dates Bond Funds;
- Corporate Bond Funds; and
- Multi Asset Funds.

2. INVESTMENT BALANCES / LIQUIDITY OF INVESTMENTS

- 2.1 Based on cash flow forecasts, the Council anticipates balances in 2024/25 to fluctuate between £300m and £500m if no long-term borrowing is raised. Balances will be higher if external borrowing is undertaken. For treasury investments, it is considered that the maximum percentage of its overall investments that the Council should hold for more than 365 days (investments with a maturity exceeding a year) is £50m. The prudential indicator figure of £50m for 2024/25 is therefore recommended. It should be noted that this indicator does not apply to investments made for policy/ service reasons.
- 2.2 In addition, the Council may enter forward deals, but with an exposure that does not exceed 5 years, from the date the forward deal was effected.
- 2.3 The actual amount available for investment in 2024/25 will fluctuate as a result of the timing of significant items such as:
- expenditure on capital projects;
 - council tax, business rates, council house rents income;
 - receipt of government grants;
 - long-term loans taken out to fund capital expenditure; and
 - capital receipts in respect of major asset sales.
- 2.4 The amounts available for investments consist of both cash flow and core balances made up of reserves not likely to be required for one to two years. It is possible for the Council to invest this core cash for longer term. The strategy is flexible and allows the Strategic Director, Resources to take the decision to extend the duration of lending when market conditions are conducive to such lending.

2.5 Investment Strategy and Interest Rate Outlook

2.5.1 Base rates are expected to remain 5.25% for the financial year 2023/24 and is forecasted to increase slightly in the short term and expected to reduce in future years. The Monetary Policy Committee (MPC) will adjust Bank Rate as necessary to return inflation to the 2% target sustainably in the medium term, in line with its remit.

Bank Rate forecasts for financial year ends (March) are:

- Q1 2023 4.25%
- Q1 2024 4.00%
- Q1 2025 3.00%

2.6 In-house funds

2.6.1 Investments will be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (investments up to 12 months).

3. SPECIFIED/ UNSPECIFIED INVESTMENTS

3.1 Specified Investments

3.1.1 All such investments will be sterling denominated, with **maturities up to maximum of 1 year** meeting the minimum 'high' quality criteria where applicable.

3.2 Non-Specified Investments

3.2.1 These are investments with less high credit quality, may be for periods in excess of one year, and/ or are more complex instruments which require greater consideration by members and officers before being authorised for use. A maximum of £50m can be held in aggregate in non-specified investment.

3.2.2 A variety of investment instruments will be used, subject to the credit quality of the institution, and depending on the type of investment made it will fall into one of the above categories.

3.2.3 The criteria, time limits and monetary limits applying to institutions or investment vehicles are:

Table 5 Term deposits with nationalised banks and banks and building societies.

	Minimum Credit Criteria	Use	Max. maturity period
UK part nationalised banks	Link Colour Bands	In-house	1 year
Banks part nationalised Non-UK	Link Colour Bands	In-house and Fund Managers	1 year

- If forward deposits are to be made, the forward period plus the deal period should not exceed one year in aggregate.
- Buy and hold may also include sale at a financial year end and repurchase the following day.
- As collateralised deposits are backed by collateral of AAA rated local authority LOBOs, this investment instrument is regarded as being a AAA rated investment as it is equivalent to lending to a local authority.
- Certificates of Deposit.
- Although most local authorities do not have credit ratings, investing with local authorities provides good security.

3.3 Accounting treatment of investments

- 3.3.1 The accounting treatment may differ from the underlying cash transactions arising from investment decisions made by this Council. To ensure that the Council is protected from any adverse revenue impact, which may arise from these differences, we will review the accounting implications of new transactions before they are undertaken.

3.4 Blanket guarantees on all deposits

- 3.4.1 Some countries may support their banking system by giving a blanket guarantee on all deposits, however; the Council will generally not rely on the guarantees provided by any government unless there are overriding reasons for doing so.

3.5 Other Countries

- 3.5.1 At present the Council will determine whether to include other countries by reference to credit rating of the sovereign together with financial news data on the sovereign. The minimum credit rating required for an institution to be included within the council's list is AA-, although the Council will more likely invest in sovereigns that have a rating equivalent to or better than the UK government's rating. Currently the countries falling within this are as follows:

Table 6 – Credit Rating of other countries

AAA	AA+	AA	AA-
Australia	Finland	Abu Dhabi (UAE)	Belgium
Denmark	USA		Qatar
Germany	Canada		France
Netherlands			UK
Norway			
Singapore			
Sweden			
Switzerland			

3.6 Non-Specified Investments

Table 7 – Non-Specified Investments

A. Maturities of any period.

Fixed term deposits with variable rate and variable maturities:	Minimum Credit Criteria	Use
Callable deposits	Falling within the Council's criteria	In-house
Range trade	Falling within the Council's minimum criteria	In-house
Other debt issuance by UK banks covered by UK Government guarantee	UK Government explicit guarantee	In-house Fund Managers
Term deposits with unrated counterparties	Decision flowing through TRIB, or a delegated officer	In-house
Commercial Paper	Fitch F1, AA aa1 or equivalent	In-house Fund Managers
Corporate Bonds	Fitch F1, AA aa1 or equivalent	In-house Fund Managers
UK Floating Rate Notes	Fitch F1, AA aa1 or equivalent	In-house Fund Managers
VNAV MMFs (where there is greater than 12-month history of a consistent £1 Net Asset Value)	High Credit Score	In-house Fund Managers
Bond Funds	Long term AAA	In-house Fund Managers
Multi Asset Funds		In house Fund Managers
Gilt Funds	Long Term AAA	In-house Fund Managers
Property Funds		In-house Fund Managers

B. Maturities more than 1 year

Investments as specified above in specified investments, but for periods in excess of 1 year.

3.7 Investment Treasury Indicator and Limit

3.7.1 Total principal funds invested for greater than 364 days limits are set with regard to the Council's liquidity requirements and to reduce the need for the Council becoming a forced seller of an investment and are based on the availability of funds after each year-end.

3.7.2 Full Council is asked to approve the treasury indicator and limit as follows:

**Table 8 – Investment Treasury Indicator and limit to be approved
Maximum principal sums invested > 364 days.**

	2022/23 £m	2023/24 £m	2024/25 £m
Principal sums invested > 364 days	50	50	50

Note: This durational limit excludes policy/ service investments, where the decision is made on a case by case basis.

3.7.3 For its cash flow generated balances, the Council will seek to utilise money market funds, call accounts and short-dated deposits (overnight to three months), treasury bills and the DMO.

3.8 Investment Risk Benchmarking

3.8.1 These benchmarks are simple guides to maximum risk, so they may be breached from time to time, depending on movements in interest rates and counterparty criteria. The purpose of the benchmark is that officers will monitor the current and trend position and amend the operational strategy to manage risk as conditions change. Any breach of the benchmarks will be reported, with supporting reasons in the Mid-Year or Annual Report to Audit Committee and Full Council.

3.9 Security

3.9.1 The Council's maximum-security risk benchmark for the current portfolio, when compared to these historic default tables, is:

- <1% historic risk of default when compared to the whole portfolio.

3.10 Liquidity

3.10.1 In respect of liquidity the council seeks to maintain:

- Bank overdraft - £0.5m
- Liquid short-term deposits of at least £5m available with a week's notice.

3.11 Yield

3.11.1 The yield benchmark for investments are internal returns above the overnight Sterling Overnight index average (SONIA) rate.

3.11.2 In addition, the security benchmark for each individual year is included in table 9:

Table 9 – Security Benchmark for each individual year

	1 year	2 years	3 years	4 years	5 years
Maximum %	2%	2%	2%	2%	2%

Note: This benchmark is an average risk of default measure, and would not constitute an expectation of loss against a particular investment.

3.12 Provisions for Credit-related losses

3.12.1 If any of the Council's investments appeared at risk of loss due to default (i.e., this is a credit-related loss, and not one resulting from a fall in price due to movements in interest rates) then the Council will make revenue provision of an appropriate amount.

3.13 End of Year Investment Report

3.13.1 At the end of the financial year, the Council will prepare a report on its investment activity as part of its annual treasury management report to Full Council.

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Reserves Forecast and Analysis over the MTFS Period

Forecast Reserve	31 March 2023 £m	31 March 2024 £m	31 March 2025 £m	31 March 2026 £m	31 March 2027 £m	31 March 2028 £m
Corporate Insurance Reserve	5.721	6.117	6.117	6.117	6.117	6.117
Collection Fund Equalisation Reserve	8.359	8.359	8.359	8.359	8.359	8.359
Other Risk Reserves	2.730	2.380	2.380	2.380	2.380	2.380
Total Risk Reserves	16.810	16.856	16.856	16.856	16.856	16.856
Parking Account Reserve	6.205	5.542	5.541	5.541	5.541	5.541
COVID-19 Grants Reserve	2.871	0.703	0.000	0.000	0.000	0.000
Public Health Grant Reserve	2.386	2.858	2.858	2.858	2.858	2.858
Dedicated Schools Grant Reserve	1.915	(1.113)	(1.113)	(1.113)	(1.113)	(1.113)
Other Mandatory Reserves	0.588	0.346	0.346	0.346	0.346	0.346
Total Mandatory Reserves	13.965	8.336	7.632	7.632	7.632	7.632
PFI Reserves	21.756	19.049	16.886	14.457	11.821	9.007
Service Grant Reserves	7.083	7.058	7.058	7.058	7.058	7.058
Invest to Save Reserve	2.965	3.020	3.030	3.030	3.030	3.030
Election Reserve	0.976	1.116	1.341	0.366	0.591	0.816
Ealing Civic Improvement Reserve	0.941	0.581	0.581	0.581	0.581	0.581
Other Committed Projects Reserves	7.959	7.371	6.808	6.808	6.808	6.808
Total Committed Reserves	41.680	38.195	35.704	32.300	29.889	27.300
Economic Volatility Reserve	16.639	20.139	23.639	27.139	30.639	30.639
Other Service Reserves	2.195	1.861	1.861	1.861	1.861	1.861
Other Corporate Reserves	3.566	3.371	3.371	3.371	3.371	3.371
Total Discretionary Reserves	22.400	25.371	28.871	32.371	35.871	35.871
Total Earmarked Reserves	94.855	88.758	89.063	89.159	90.248	87.659
General Fund Balance	17.732	17.732	17.732	17.732	17.732	17.732
Total General Fund Reserves & Balances	112.587	106.490	106.795	106.891	107.980	105.391
Housing Revenue Account Reserves	11.941	4.109	4.109	4.109	4.109	4.109
Housing Revenue Account Balance	4.925	4.925	4.925	4.925	4.925	4.925
Total HRA Reserves & Balances	16.866	9.034	9.034	9.034	9.034	9.034
Schools Balances	17.158	17.158	17.158	17.158	17.158	17.158
Total Reserves & Balances	146.611	132.682	132.987	133.083	134.172	131.583

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1. Proposal Summary Information

EAA Title	Setting of 2024/25 revenue budgets and proposal to increase council tax by 4.99%
Please describe your proposal?	Council tax increase of 4.99% for 2024/25, including 2% for the adult social care precept
Is it HR Related?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Corporate Purpose	Full Council Decision

1. What is the proposal looking to achieve? Who will be affected?

The Council is obliged to set a balanced budget and council tax in accordance with the Local Government Finance Act 1992.

For 2024/25, a balanced budget is proposed based on budget growth in services that experience significant and continued demand and market pressures, with prioritisation being given to the most vulnerable groups, savings and strengthening financial resilience. The Council proposes to apply the maximum increase assumed by government in the Local Government Finance Settlement of 4.99%; of which 2.99% is core Council Tax and 2% is the social care precept. Further information is set out in the accompanying report.

Proposal for 2024/25

Ealing is proposing a council tax increase of 4.99% (including 2% precept for Adult Social Care) in line with government assumptions on Core Spending Power. The increase is estimated to generate an additional £8.641m of council tax in 2024/25, with the intention of using the additional resources to help balance the budget and protecting services over the short to medium term. This constitutes to an increase of £2.07 (Ealing element is £1.35) per week for residents in a band D property who do not receive any reductions or exemptions.

The Department for Levelling Up, Housing and Communities (DLUHC) has determined that an authority will be considered to have set an excessive increase in council tax in 2024/25 if the increase in the level of Band D council tax over 2023/24 is 5% or more. Changes in core council tax can only bring about an increase of up to 3% per annum without being deemed as excessive. Changes to the adult social care precept can bring about an additional increase of up to 2%, and as such council tax is being raised by an additional 2% through this precept.

Any proposals to increase tax above the threshold of 5% would be deemed excessive and require a local referendum. The proposed 4.99% increase of the council tax does not give rise to an increase of 5% or more and is therefore not deemed excessive.

Budget Consultation and Engagement

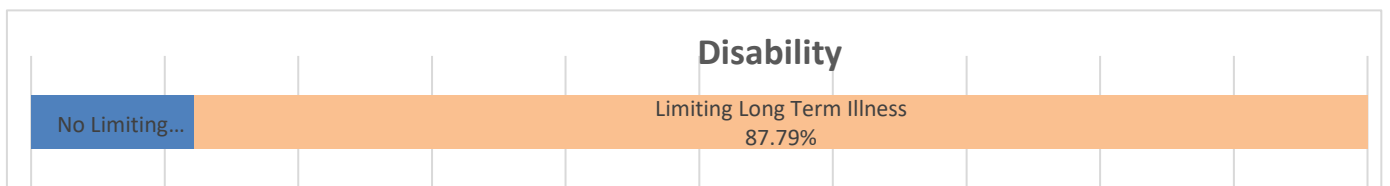
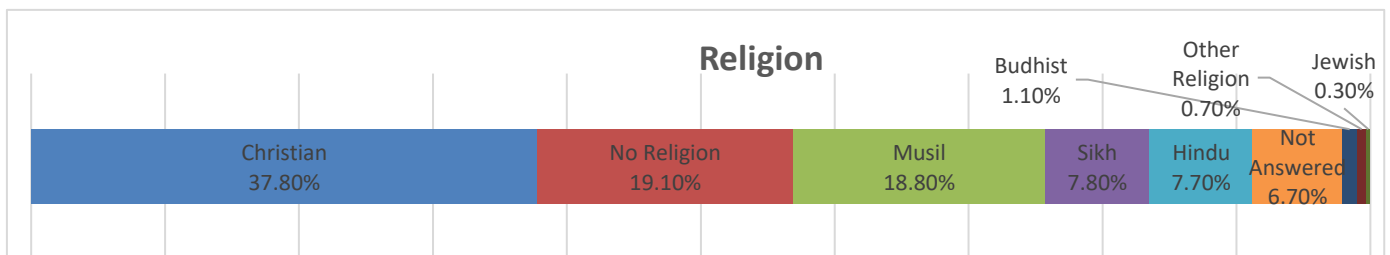
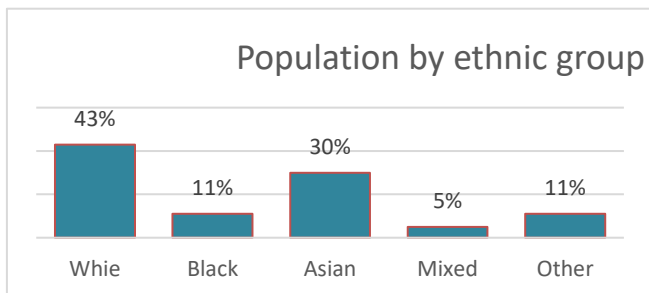
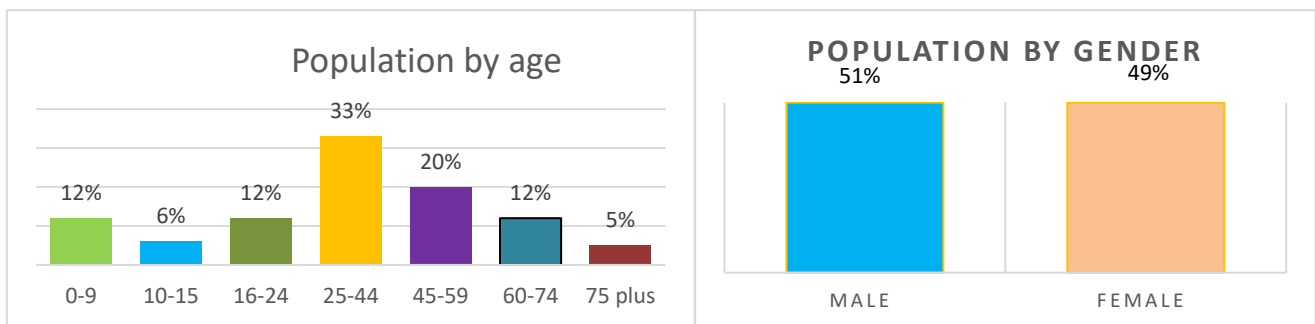
Officers will be consulting with:

- Ealing Business Partnership on 1 February 2024.
- Overview and Scrutiny Committee on 6 February 2024
with any comments will be tabled at the Cabinet meeting on 7 February 2024.

Groups most likely to be affected.

All people eligible to pay either full or reduced council tax will be affected. Any household that is currently charged council tax will see their bill rise proportionally by 4.99%.

Ealing’s Demographic Profile



Source ONS Census 2021

2. What will the impact of your proposal be?

The impact of any council tax changes will be mitigated either entirely or in part should a

resident be eligible for an exemption from council tax or for a reduction in their council tax.

Council Tax Reduction Scheme

Council Tax Benefit was abolished under the Welfare Reform Act 2012 and councils were required to develop their own local Council Tax Support schemes for working age customers to help people on low incomes and benefits to pay their council tax. Pensioners eligible for Council Tax Support are protected from any loss of support under local schemes.

Ealing Council created its own local Council Tax Reduction (CTR) Scheme which is now in its eleventh year. The working age scheme is a local scheme and councils are responsible for the design of the support and need to ratify the scheme every year.

CTR provides support with payments of council tax to low-income households in the borough. The council does not propose any changes to its current local CTR scheme and the proposal is to continue administering the existing scheme in 2024/25.

The council’s CTR scheme for working age residents will continue to provide the 100% reduction for applicants who fall into the protected category. For those who fall into the non-protected category and the lowest income band will receive up to 80% discount.

Key feature: The council administers an income banded scheme which will assess the maximum level of CTR based on the net income of the applicant and their partner (if they live with one).

The CTR scheme offers up to 100% reduction for applicants who fall into the protected category and their award is determined according to the income band they fall into. Applicants who fall in the non-protected category can receive a maximum of 80% reduction towards their council tax and their level of reduction is dependent on the income band they fall into.

Pensioners entitlement continues to be calculated according to council tax reduction regulations set by the Government.

Under the income banded scheme, the calculation of entitlement to CTR is much simpler than a means tested calculation. All state benefits including tax credits are disregarded from the calculation. Applicants receive a discount based upon the level of their net income. The income bands are uprated in line with September CPI on annual basis. Income bands for 2024/25 have been uprated by 6.7%.

Following the uprating, the income bands for 2024/25 have been set in the table below:

Council Tax Reduction Calculation Table						
	Protected			Non-protected		
Band	Income Bands £	Customer’s contribution to Council Tax	CTR Award	Income Bands	Customer’s contribution to Council Tax	CTR Award
1	0.00 -146.06	0%	100%	0.00 -146.06	20%	80%
2	146.07 – 170.40	25%	75%	146.07 – 170.40	40%	60%
3	170.41 – 194.74	40%	60%	170.41 – 194.74	50%	50%

Appendix 12 - Equalities Analysis Assessment

4	194.75 – 219.10	50%	50%	194.75 – 219.10	60%	40%
5	219.11 – 243.44	60%	40%	219.11 – 243.44	70%	30%
6	243.45 – 267.77	70%	30%	243.45 – 267.77	80%	20%
7	267.78 – 292.13	80%	20%	267.78 – 292.13	90%	10%
8	292.14 – 316.47	90%	10%	292.14+	100%	0%
9	316.48+	100%	0%			

Claimant's CTR entitlement changes only if their earned income change is sufficient to move them from one band to another.

Council Tax Discounts and Exemptions

Circumstances under which people are exempt from paying or have their council tax liability reduced on the basis of grounds other than CTR schemes, are mainly laid out by the government. Authorities can decide on local discounts and exemptions. Examples of some particular exemptions follow.

- a) Single Person Discount: Households in which an adult lives on their own or in which no one else counts as an adult receive a 25% reduction on their council tax bill.
- b) Full-Time Students: Households where everyone is a full-time student don't have to pay council tax.
- c) Care Leavers are provided an additional discount which ensures a nil council tax liability.

A discretionary relief will be awarded to Ealing care leavers aged between 18 and 24 years old who are liable for council tax in the borough as part of local offer for care leavers. To be eligible the care leaver must be liable for council tax in Ealing and have previously been in the care of Ealing Council. Relief will be applied after all other discounts are awarded and only if an amount remains to be paid for council tax. Eligible care leavers are identified by the Council and relief is awarded automatically with no application needed.

- d) Discretionary Council Tax Discount: All residents will be able to apply for a discretionary discount if they are able to demonstrate that they are having difficulty paying their council tax.
- e) Empty Homes Exemption: The Council currently charges an extra 100% of council tax if a property has been empty for more than 2 years and 200% extra council tax if the property has been empty for between 2 – 5 years. Officers are recommending continuing with an premium on top of the standard council tax for properties which have been empty for more than 2 years and to agree in principle to commence and additional 100% charge for the properties empty for more than one year from 1 April 2024. However, if someone is selling an empty property on behalf of an owner who has died, they are eligible to receive an exemption from council tax liability.

Some homes will receive an exemption from council tax for as long as they stay empty. They include homes:

- belonging to someone in prison (except for not paying a fine or council tax)
- belonging to someone who has moved into a care home or hospital
- that have been repossessed
- that cannot be lived in by law (if they are derelict)
- that are empty because they have been compulsorily purchased and will be demolished
- left empty by a deceased person (up to and for 6 months after probate).

f) Other exemptions are granted for properties which are occupied solely by:

- Students
- Severely mentally impaired residents.

Any increases in council tax are matched by corresponding percentage increases in discounts or exemptions.

2. Impact on Groups having a Protected Characteristic

AGE: A person of a particular age or being within an age group.

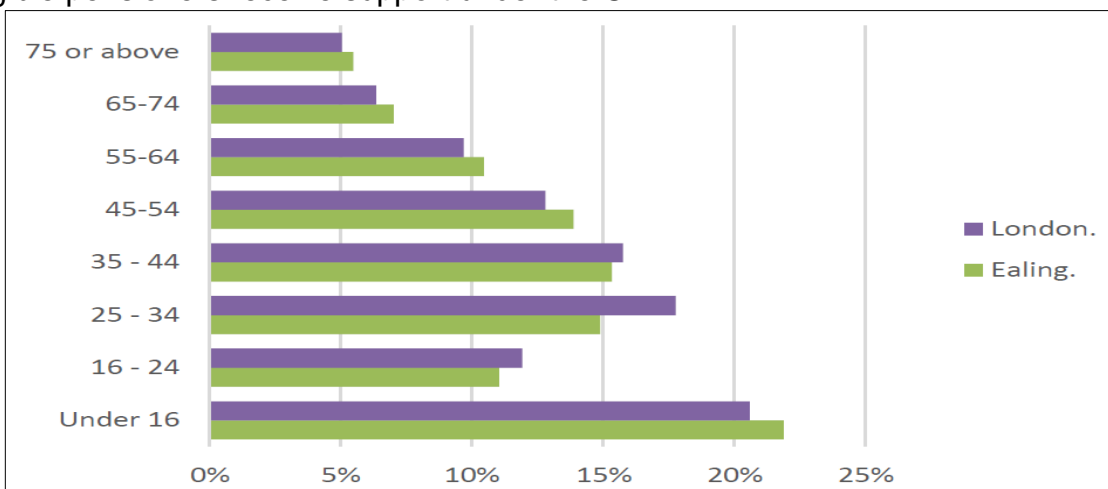
Neutral Impact

Describe the Impact

The age of the liable person is not recorded for council tax purposes, but as the chart below shows Ealing's population in 2019 was broadly similar to London with:

- 64.7% - working age (16-64)
- 21.9% - under-16s
- 13.4% - 65 and over

Eligible pensioners receive support under the CTR.



<p>Pension age claimants (7,985) are protected by law from any amendments under a local scheme and therefore continuation of the scheme will have a neutral impact upon them. For couples, both members of the couple must be pensioners.</p> <p>The minimum age for receiving CTR is linked to the minimum age for being liable for council tax which is 18, so residents younger than this will not be affected.</p>
<p>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</p>
<p>Describe the Mitigating Action</p>
<p>Not applicable.</p>

<p>DISABILITY: A person has a disability if they have a physical, mental or sensory impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities¹.</p>
<p>Neutral Impact</p>
<p>Describe the Impact</p> <p>The current scheme provides a maximum CTR of up to 100% for claimants who are classified as falling into the protected category.</p> <p>The following people are classed as protected under the current scheme:</p> <ul style="list-style-type: none"> • Entitled to a disability premium, severe disability premium, enhanced disability premium or carer premium when their award is calculated • Entitled to a disabled earnings disregard, a disabled person's reduction for Council Tax purposes, war disablement pension or war widow's pension • Classified as a Care Leaver under the age of 25 • Lone parents with a child under five years of age. <p>9,683 applicants currently fall into the protected category and therefore can receive up to 100% reduction in their council tax.</p> <p>Many of the customers who fall into the protected category under the council's CTR scheme will fall into the protected disability characteristic.</p>
<p>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</p>
<p>Describe the Mitigating Action</p>
<p>Not applicable.</p>

¹ Due regard to meeting the needs of people with disabilities involves taking steps to take account of their disabilities and may involve making reasonable adjustments and prioritizing certain groups of disabled people on the basis that they are particularly affected by the proposal.

GENDER REASSIGNMENT: <i>This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual.</i>
Neutral Impact
Describe the Impact
There is no council tax data regarding gender reassignment.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
Not applicable.

RACE: <i>A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race.</i>
Neutral Impact
Describe the Impact
The race of the liable person is not recorded for council tax purposes, but there is no reason to believe that the increase will impact on any particular ethnic group disproportionately.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
Not applicable.

RELIGION & BELIEF: <i>Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect a person's life choices or the way you live for it to be included.</i>
Neutral Impact
Describe the Impact
This is not recorded for council tax purposes, but there is no reason to believe that any particular religious group is likely to be disproportionately affected by the proposed changes.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action

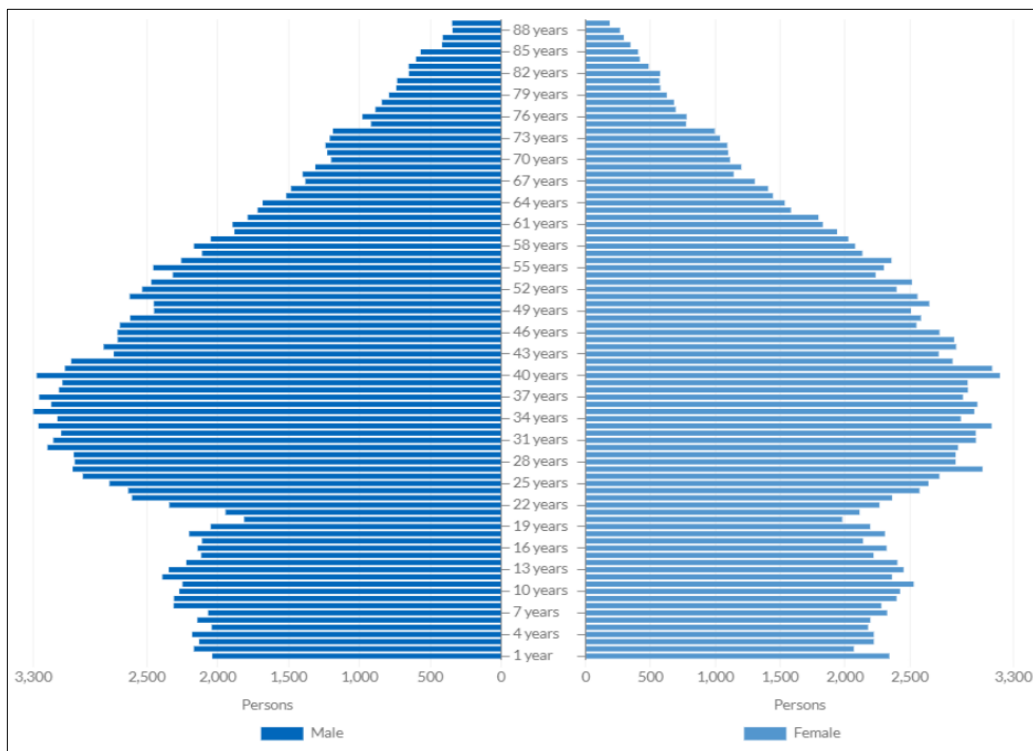
Not applicable.

SEX: Someone being a man or a woman.

Neutral Impact

Describe the Impact

There is no council tax data regarding sex but Ealing's 2021 data profile shows the split to be 50% male and 49% female.



Source: ONS - Census 2021

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

Not applicable.

SEXUAL ORIENTATION: A person's sexual attraction towards their own sex, the opposite sex or to both sexes, covering including all LGBTQ+ groups.

Neutral Impact

Describe the Impact

There is no council tax data regarding sexual orientation.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
Not applicable.

PREGNANCY & MATERNITY: Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.
Neutral Impact
Describe the Impact
There is no council tax data regarding pregnancy or maternity. The proposed scheme may impact a woman who falls within this protected characteristic. There is no data relating to how the proposed change will impact those falling under the protected characteristic. Women during late pregnancy and subsequently whilst on maternity leave may have a reduced income. This could mean that their income may fall to the lowest income band (band 1) and they may be entitled to a maximum 80% reduction or 100% depending on whether they fall into the protected or non-protected category for CTR.
Alternatives and mitigating actions which have been considered in order to reduce negative effect:
Describe the Mitigating Action
Discretionary council tax discount will continue to be available as additional support for those in exceptional hardship. The council will continue to provide support through its local welfare assistance team.

MARRIAGE & CIVIL PARTNERSHIP: Marriage: A union between a man and a woman. or of the same sex, which is legally recognised in the UK as a marriage. Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.
Neutral Impact
Describe the Impact
Council tax records do not show the marital status of the liable person. Where the income of a couple reduces to the lowest income band (band 1) they may be entitled to a maximum 80% reduction or 100% depending on whether they fall into the protected or non-protected category. Couples who claim CTR are treated the same irrespective of whether they are:

- A man and woman who are married to each other and are members of the same household
- A man and woman who are not married to each other but are living together as husband and wife
- Two people of the same sex who are civil partners/married to each other and are members of the same household
- Two people of the same sex who are not civil partners/married to each other but are living together as if they were civil partners/married.

The proposed scheme will not alter the way that couples are treated.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Describe the Mitigating Action

Discretionary council tax discount will continue to be available as additional support for those in exceptional hardship. The council will continue to provide support through its local welfare assistance team.

3. Human Rights²

3a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998?

Yes No

(If yes, please describe the effect and any mitigating action you have considered.)

3b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child?

Yes No

(If yes, please describe the effect and any mitigating action you have considered.)

3c. Does your proposal impact on the rights of persons with disabilities as defined by the UN Convention on the rights of persons with disabilities?

Yes No

(If yes, please describe the effect and any mitigating action you have considered.)

4. Conclusion

Ealing is proposing a council tax increase of 4.99%, of which 2.99% relates to the core council tax and 2% is in relation to social care precept, in line with government direction as the increase forms part of Core Spending Power calculation within the Local Government

² For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities [web page](#).

Finance Settlement. The proposal is a key element to the Council being able to set a balanced budget in accordance with its legal duty and continue to meet statutory duties in delivering services, especially to vulnerable people.

The desired outcome of the proposal is to:

- To ensure, as far as is reasonable and proportionate, that the implementation of the council tax increase does not adversely impact one group more than any other.
- To give consideration to vulnerable groups whilst ensuring that this does not add to the burden of those left to pay.
- To ensure that those who are entitled to discretionary council tax reductions in council tax are not disproportionately impacted by the 4.99% increase, in accordance with Council policy.

From the information that is available the impact of any council tax changes will be mitigated either entirely or in part through council's generous and flexible CTR scheme, should a resident be eligible for an exemption from council tax or for a reduction in their council tax.

By increasing council tax, the Council can prevent reductions in services to local residents and in so doing can continue to mitigate against adverse impacts facing individual households.



4a. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.

- Appendix 4 - EAA for CTR Scheme (Council Meeting February 2024)
- [2011 Census profile – Ealing Council](#)
- Equalities in Ealing - Summary Needs Assessment (August 2020)

5. Action Planning: *(What are the next steps for the proposal please list i.e. when it comes into effect, when mitigating actions linked to the protected characteristics above will take place, how you will measure impact etc.)*

Action	Outcomes	Success Measures	Timescales / Milestones	Lead Officer (Contact Details)
Review CTR scheme to ensure that it still meets its key objective in supporting the most vulnerable people.	CTR protected groups will not be impacted negatively by any increase in council tax.	High levels of council tax receipts / low levels of council tax debt	Annual CTR Scheme Review	Joanna Pavlides Assistant Director, Financial Assessments PavlidesJ@ealing.gov.uk 0208 825 9279

Additional Comments: None

6. Sign Off <i>(All EAA's must be signed off once completed)</i>		
Completing Officer Sign Off:	Service Director Sign Off:	HR related proposal <i>(Signed off by directorate HR officer)</i>
<p>Signed:</p>  <p>Name (Block Capitals): Kevin Kilburn</p> <p>Date: 26/01/2024</p>	<p>Signed:</p>  <p>Name (Block Capitals): EMILY HILL</p> <p>Date: 26/01/2024</p>	<p>Signed:</p> <p>Name (Block Capitals):</p> <p>Date:</p>
<p>For EAAs relating to Cabinet decisions: received by Committee Section for publication by (date): 30/01/2024</p>		

Annex A: Legal obligations under Section 149 of the Equality Act 2010

- As a public authority we must have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP

- Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
 - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.

- Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.

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Report for:
ACTION

Item Number:

Contains Confidential or Exempt Information	No
Title	New Accommodation Acquisitions Framework
Responsible Officer(s)	Nicky Fiedler, Strategic Director for Housing and Environment
Author(s)	Mark Awbery, Assistant Director for Housing Demand
Portfolio(s)	Cllr Mahfouz, Cabinet member for safe and genuinely affordable homes Cllr Manro, Cabinet member for good growth and new housing
For Consideration By	Cabinet
Date to be Considered	7 February 2024
Implementation Date if Not Called In	19 February 2024
Affected Wards	All
Keywords/Index	Purchase of property for use as temporary accommodation or move on accommodation Housing Homelessness

Purpose of Report:

The private rented sector (PRS) in Ealing is reducing and is increasingly unaffordable to recipients of housing related benefits due to inflation and the cost of living crisis. This means that there are not enough properties to rent, and those that are available are unaffordable to most residents.

These factors are all increasing the demand for housing in the borough, as well as reducing the supply as more landlords exit the sector. As a result there is now a housing crisis with an increasing number of households approaching the Council for housing, limited supply for them to move into resulting in them remaining in ‘temporary accommodation’ for years, and an increasing number of households placed into bed and breakfast accommodation, and – more recently – into commercial hotels because of the lack of supply which is an unsustainable and inappropriate housing solution.

The purpose of the report is to obtain authority for an envelope of capital funding totalling up to £150m to acquire properties for the provision of both Temporary Accommodation and properties for move on accommodation to reduce the number of people being placed in commercial hotels and bed and breakfast accommodation, and to provide accommodation for moving households out of temporary accommodation.

1 Recommendations

It is recommended that Cabinet:

- 1.1 Notes the ambition for acquisition of up to 300 units.
- 1.2 Creates a new Capital Programme envelope called Accommodation Acquisition (phase 3) at a value of £150m . This envelope – when drawn down – will 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.
- 1.3 Authorise the Strategic Director for Housing and Environment, following consultation with the Strategic Director of Resources, to approve individual acquisitions.
- 1.4 Authorise 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.

2 Reason for Decision and Options Considered

- 2.1 Homelessness is 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.
- 2.2 The council has historically enjoyed success in preventing and relieving homelessness and in maintaining a temporary accommodation portfolio which 2minimized costs. In the current economic climate, the council is struggling to maintain its successful record and this report sets out the challenges it faces.
- 2.3 The challenges are related to both increasing demand and reducing supply, and the reasons for proposing a third stage of an acquisition programme is to increase the resource available to the council to provide homes for those in need.

3 Background

- 3.1 The Private Rented Sector (PRS) in Ealing is reducing and is increasingly unaffordable to recipients of housing related benefits. The Local Housing Allowance (LHA) rate, which determines the highest amount of rent that can be paid from benefits, has not been uplifted since April 2020.
- 3.2 Following the Autumn Statement, the LHA will be raised to a level covering the cheapest third of rents in the area 1 April 2024 but the temporary nature of the increase means that this will be only a 'pause' in the affordability issue, as private sector rents will continue to increase.

- 3.3 The fact that owner occupation in London is beyond the reach of most people means that there are prospective renters on high salaries, and there is evidence that landlords are choosing not to expose themselves to the risk of renting properties to low-income families who rely on benefits.
- 3.4 This, along with the impacts of the cost of living crisis has meant an increase in homelessness approaches and a reduction in available properties to rent for temporary accommodation.
- 3.5 Cost of living factors, asylum seekers and other displaced groups are all increasing the demand for housing in the borough, and this – combined with the reducing supply has created a housing crisis with families remaining in ‘temporary accommodation’ for years, an increasing number of households placed into bed and breakfast (B&B) accommodation, and – more recently – into commercial hotels which is an unsustainable and inappropriate housing solution.

4 Housing Supply and Demand

- 4.1 There are a range of issues which are impacting on both the supply of, and demand for housing in Ealing which are detailed below:

Economic factors

- 4.2 In the buy to let sector, there has been a 7% increase in repossessions by lenders. We are also seeing more competition for private sector leased properties and competitors include both other London boroughs as well as the Home Office. The latter are not restricted by the financial limits that London councils adhere to and are both pushing up prices and reducing availability of accommodation.
- 4.3 Private landlords are also exiting the market due to interest rate rises, increased regulation of the sector e.g. PRS licensing schemes and the potential impacts from the Private Renters Bill. These also mean that those who remain in the sector face increased costs which in turn mean increased rents.

Reduction of Available Stock

- 4.4 There has been a continual annual reduction in available social housing lets in Ealing, dropping nearly 50% from 1,112 in 2011/12 to 662 lets in 2023/24. There are number of reasons including a lack of new housing supply, right to buy of affordable housing and lower relets as residents prefer to stay longer in social housing as an affordable and stable housing tenure.
- 4.5 Generally, the years where there are increase in lets relate to development programmes with new social housing units, but due to increasing construction costs and reducing grant levels these numbers are low. The graph below shows the numbers of social lets over the last 12 years which shows an overall reducing trend.

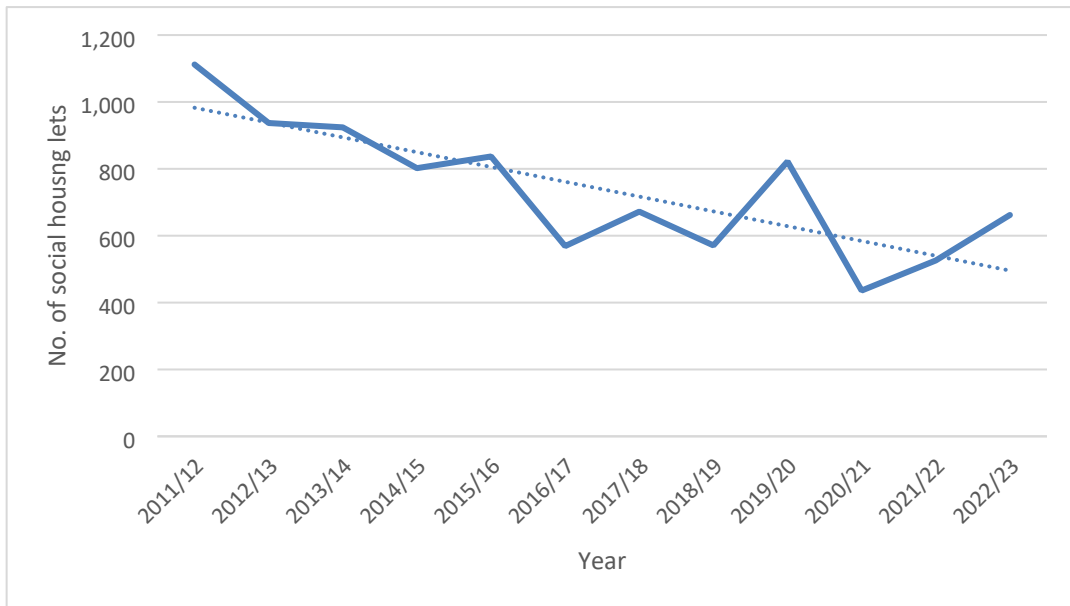


Figure 1 Number of social lets

Homelessness Demand

4.6 The reducing supply of available property, the increasing rent levels and the cost-of-living crisis are driving increasing levels of homelessness. The following graph shows the number of approaches from people at risk of homelessness, those needing further support, and where main duty has been accepted.

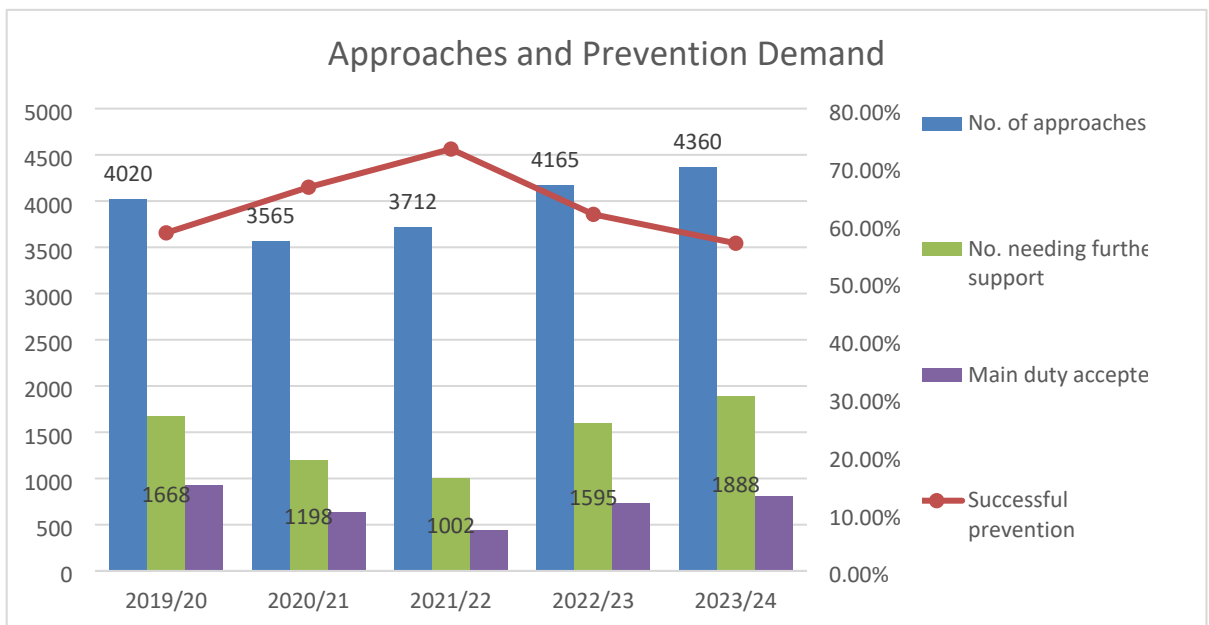


Figure 2 Number of approaches

4.7 The level of approaches reduced during Covid (2020/21) due to the suspension of evictions during the pandemic, and afterwards as the courts dealt with backlog but they are now increasing.

Prevention and Intervention

- 4.8 Ealing has a strong performance on resolving homelessness through prevention efforts shown in the graph above. A successful outcome benefits both the homeless household and the council. If the council accepts an ongoing duty to a household, they will remain in temporary accommodation, with the associated high costs, until an offer can be sourced that ends the duty.
- 4.9 The rising numbers of homeless applications and the diminished PRS supply with which to resolve the problem have led to increased homelessness acceptances in 2022/23 and in 2023/24 to date.

Temporary Accommodation

- 4.10 The council is required to provide temporary accommodation to households in accordance with the homelessness legislation duties. Between 2011 and 2019, the number of households in temporary accommodation (TA) more than doubled, primarily due to changes in the Local Housing Allowance (LHA) system which reduced the purchasing power of low-income households in Ealing's private rented sector.
- 4.11 The number of households in temporary accommodation continued to increase between 2018 and 2022, as even though the council continued strong work in prevention, the overall number of households approaching increased and this increase is shown below. There was a drop in 2021/22 due to the halt on evictions during Covid.

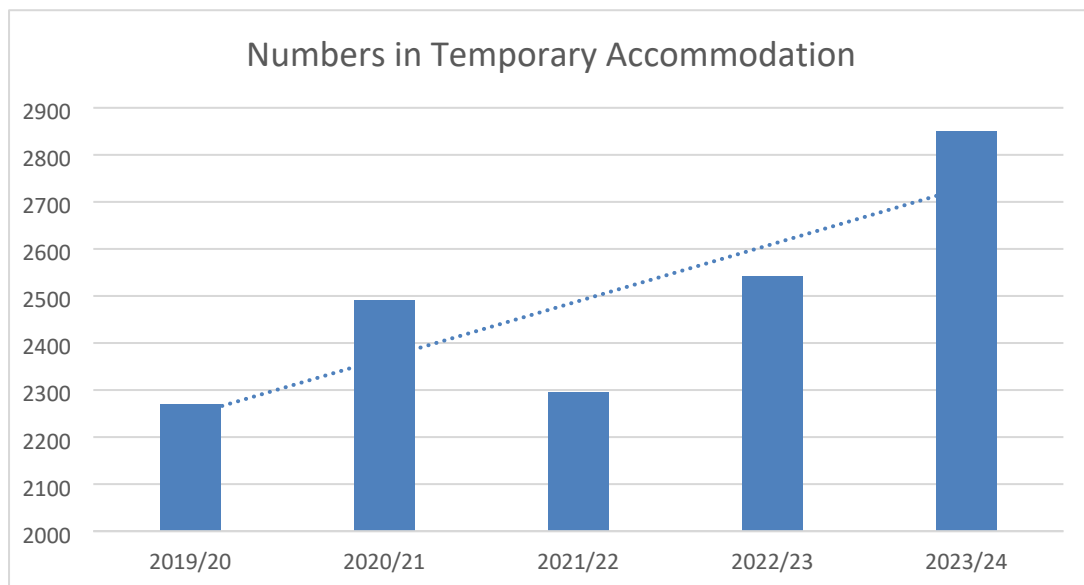


Figure 3 Numbers in TA

- 4.12 In 2023/24 there has been increased use of B&B accommodation, and use of Commercial Hotels due to the lack of supply. With some private sector landlords requesting their properties back, some households are having to move back into B&B or hotel accommodation and the graph below details the numbers forecast for the current year. 2023/24 is the first year in which

commercial hotels have needed to be used and there are now 208 families (January 2024) in hotels and 411 in B&B.

- 4.13 The time people are residing within Temporary Accommodation is increasing. One household has been in this type of accommodation since 2005 and the other oldest range from 2007 to 2012 – over 12 years.
- 4.14 Current average length of stay in B&B is over 22 weeks and Commercial Hotels is 15 weeks, when this is meant to be emergency accommodation. The reason for this is the lack of supply that people can move on to, and a proactive approach to resettlement.
- 4.15 The council already holds / uses stock outside of Ealing and a small number outside of London. Depending on the household, there are opportunities to look at rehousing out of the borough and out of London. Any out of London opportunities will be reviewed in detail and presented as an option including the benefit and opportunities this may give people as part of resettlement conversations.
- 4.16 A new resettlement team is being formed to proactively engage with people both in emergency accommodation (hotels and B&B) as well as those who have been in temporary accommodation for a lengthy period to discuss the range of options available to them. Part of this work will be supported by new stock obtained that can be used to move people on and discharge duty.

5 Budget Pressures

- 5.1 The table below shows the Temporary Accommodation budget forecast at 2023/24 Q2:

Service	Budget	Actual	Forecast before Mitigations	Mitigations (HPG)	Forecast After Mitigations	Budget Variance After Mitigations
Net Bed & Breakfast (B&B) excluding Subsidy Shortfall	(333,030)	(784,554)	(704,966)		(704,966)	(371,936)
Subsidy Shortfall B&B	334,000	748,071	1,818,000		1,818,000	1,484,000
Net Private Sector Leasing (PSL) excl. Subsidy Shortfall	(1,018,500)	2,354,669	(402,767)		(402,767)	615,733
Subsidy Shortfall PSL	5,191,000	2,651,000	6,131,000		6,131,000	940,000
Licensed Annexes	(43,810)	(140,770)	(248,926)		(248,926)	(205,116)
Commercial Hotels		1,196,774	3,500,000		3,500,000	3,500,000
Other Temporary Accommodation Budgets	4,790,420	4,473,339	6,661,430		6,661,430	1,871,010

Service	Budget	Actual	Forecast before Mitigations	Mitigations (HPG)	Forecast After Mitigations	Budget Variance After Mitigations
Use of Homelessness Prevention Grant				(5,409,691)	(5,409,691)	(5,409,691)
Total	8,920,080	10,498,530	16,753,771	(5,409,691)	11,344,080	2,424,000

- 5.2 The cost of providing temporary accommodation is an ongoing financial pressure for the council because housing benefit subsidy rates which relate to temporary accommodation have remained static at 90% of January 2011 LHA rates despite increases in the price that must be paid to secure accommodation. Additionally, the spot purchased B&B and commercial hotels due to the demand increases is also placing pressure on the budget.
- 5.3 The council must maintain a lawful service to households that it is legally required to place, finding accommodation which is becoming more expensive. This means that the rental levels being paid are significantly above the temporary accommodation subsidy rates covered by housing benefits, which means the council is incurring an increasing overspend gap, referred more commonly to as the Temporary Accommodation Subsidy Shortfall.
- 5.4 The increasing demand and reducing supply means that there is an increase in the households being placed into high cost accommodation such as B&B and commercial hotels.
- 5.5 The use of commercial hotels has almost tripled in the current year, and the actual cost of these per household is also increasing rising from £2,298 average cost per month in April 2023 to £4,202 in October 2023. The cost and use of B&B is also increasing but not as much as commercial hotels but the cost is now almost as much as a private sector leased property but more unsuitable for households who remain there due to lack of available supply. The unsuitability includes limited or no access to cooking or laundry; households spread across a number of rooms as well as the location, which may be central but could be outside the area of choice impacting on school and work commutes.
- 5.6 The table shows the number and cost of four main accommodation types in April 2023 and October 2023. These figures have changed through the year but this provides a snapshot to show the changes in each type of accommodation.

Type	April 2023	October 2023	Change in 6 months
Private Sector Leasing			
No. of tenancies	1,523	1,421	<i>Reduction of 102</i>
Average cost per tenancy per month	£1,376	£1,405	<i>Increase of 2.1%</i>
Licensed Annexes			
No. of tenancies	56	74	<i>Increase of 18</i>
Average cost per tenancy per month	£2,008	£1,583	<i>Reduction of 26%</i>

B&B			
No. of tenancies	347	389	<i>Increase of 42</i>
Average cost per tenancy per month	£1,176	£1,343	<i>Increase of 14%</i>
Commercial Hotels			
No. of tenancies	78	169	<i>Increase of 91</i>
Average cost per tenancy per month	£2,298	£4,202	<i>Increase of 83%</i>

- 5.7 The cost of commercial hotels is three times the cost of a PSL property equating to £50,400 per year in comparison to £16,800. The number of households in commercial hotels has increased by a similar amount to the reduction in the number in PSL – between 90 and 100. If this trend continues then the budgetary impacts will be significant.
- 5.8 The increases in both demand and costs are not the only budgetary impact. There is an increasing level of rent arrears which is not only a budgetary impact for the council, but the rent arrears are – in some cases – preventing rehousing options as these cannot be progressed if the household has a high level of rent arrears.
- 5.9 In addition, the decant of Meath Court and Marston Court means the 90 households who reside in these blocks will need to be moved to alternative accommodation. The focus is on using void properties where possible and B&B / Commercial hotels will only be used as a last resort.

6 The Acquisition Programme Approach

- 6.1 This report builds upon previous reports to Cabinet on Temporary Accommodation Acquisition Schemes over the period since 2013, including:
- Phase 1 (Cabinet February 2020)
 - £23.110m for 58 properties to be funded by £10.500m grant and £12.610 borrowing
 - Phase 2 (Cabinet September 2020)
 - additional £19.153m borrowing for 81 additional properties to be acquired
 - 31 Units in East Acton (Cabinet April 2022)
 - up to £5.137m for 31 units, but involves some element of Phase 2 funding, to be funded from £3.365m borrowing and £1.772m homelessness prevention grant
 - 25 Units and GLA Grant Approval (RTB fund) (Cabinet June 2022)
 - Funding of £3.250m grant to substitute previous borrowing
- 6.2 While the overarching strategy is to continue to focus on early intervention and prevention, there is a defined need for increasing the supply of properties for use as either Temporary Accommodation, or to enable the council to discharge duty and to eliminate the need to use B&B for commercial hotels (except for emergency use in the short term).

- 6.3 The solution cannot be a singular approach, but a range of approaches that can be used as levers to either increase / reduce according to the specific demands being faced at specific times.
- 6.4 This report proposes an envelope of up to £150m of capital funding is used to provide a budget for a range of solutions to be progressed. A gateway process for progressing opportunities through a rigorous appraisal process is being developed and each solution will need to have a financial appraisal, as well as property and legal appraisals that will be presented for consideration to an officer group to ensure there is strong oversight of these opportunities.
- 6.5 The financial appraisal template will be based on previous appraisals, with updated assumptions notably on interest rates, stamp duty, legal costs and lifecycle costs and each proposal would need to be accompanied with a detailed report before it can be progressed. Proposals will need to meet key metrics before being progressed with the expectation that the capital financing (MRP and borrowing costs) for any proposal are met from net rents (rental income after management and maintenance costs). This will include both capital and revenue assumptions and impacts, and also a view of return across a period ensuring any income received is also incorporated.
- 6.6 The programme approach will also provide monthly updates to the Cabinet portfolio holder, showing forecasts, actuals, risks and opportunities along with metrics on outputs being delivered.
- 6.7 The range of approaches that are to be considered are detailed below and each of these will be worked up when they become actual opportunities:

Individual Property Acquisitions

- 6.8 Within the £150m envelope, a sum of £10m per year for two years will be used to fund individual property acquisitions to meet specific needs i.e. larger multi-generational homes; adapted properties. This could also cover acquisition of small hotel blocks as well.

Bulk Acquisitions

- 6.9 Group purchases of small portfolios of properties from registered providers varying out strategic disposals, or private sector landlord exiting the market

Developer Acquisitions

- 6.10 Due to the current condition of the housing market, an increasing number of developers are looking to sell the blocks they have developed through freehold disposal.

Long Leasehold Arrangements

- 6.11 A number of developers are looking to enter into a long leasehold arrangement, or to have a dedicated arrangement of private sector leasing which the council could utilise for discharge of duty. For leases greater than 12 months there are new rules regarding accounting treatment which will likely result in the lease costs

being funded from capital rather than revenue budgets. Before entering into any such leases these matters will be considered by the Finance team with close involvement of the Strategic Property team and will be subject to the same financial appraisal processes as set out above.

Investment into a Real Estate Investment Fund

- 6.12 The council can invest in a fund to support acquisition of properties that are refurbished and managed by the fund which the council can use to end homelessness duty for households. The council would have nomination rights until the end of the fund period, and the capital financing / properties would then be returned. Any financial return is made up of annual cash yield which is used to service the borrowing, plus capital appreciated. The council would not own the properties but a proportionate share of the fund. Should this option be progressed a separate decision report will be brought back to Cabinet for approval.

Refurbishment of existing accommodation

- 6.13 These costs could relate to properties no longer held for regeneration projects, properties that have been empty for a long period as they are not suitable accommodation or conversions which could include converting office / commercial to residential. These would be General Fund properties and costs would be funded through the General Fund. Further discussions would be held to determine if HRA properties can be transferred through a lease arrangement to the General Fund.

7 Management

- 7.1 Each opportunity appraisal will also need to consider how properties will be managed and maintained. Some arrangements may involve a full management and maintenance service being delivered by the council, and there would need to be a review of the existing process and structures to ensure there was adequate resource for the properties to be effectively managed and maintained and costs factored into the appraisals. Consideration will be given to whether this could be done through an arrangement with the Housing function, or whether the maintenance element is procured separately.
- 7.2 Some arrangements will have management and maintenance delivered as part of them, and a level of due diligence will be carried out to ensure that this will be effective with regular reviews taking place to ensure this is being delivered well.

8 Legal

- 8.1 Part 7 of the Housing Act 1996 imposes statutory duties on the council to provide temporary accommodation to homeless applicants in a number of situations. These include when it is assessing the homeless application of a person who it has reason to believe may be eligible for assistance, may be homeless and may be in priority need and when it has completed an assessment and concluded that an applicant is owed the full housing duty.

- 8.2 Section 206 Housing Act 1996 states that a local housing authority may discharge their housing functions under Part 7 of the Act only in the following ways—
- (a) by securing that suitable accommodation provided by them is available,
 - (b) by securing that they obtain suitable accommodation from some other person,
 - or
 - (c) by giving them such advice and assistance as will secure that suitable 9 accommodation is available from some other person.
- 8.3 Section 208(1) Housing Act 1996 provides that so far as reasonably practicable a local housing authority shall in discharging their housing functions under Part 7 of the Act secure that accommodation is available for the occupation of the applicant in their district.
- 8.4 Section 210(1) states that in determining whether accommodation is suitable for a person, the local housing authority shall have regard to Parts 9 and 10 of the Housing Act 1985 (slum clearance and overcrowding) and Parts 1 to 4 of the Housing Act 2004 (houses in multiple occupation). The Secretary of State may, by order, specify circumstances in which accommodation is or is not to be regarded as suitable for a person, and matters to be taken into account or disregarded in determining whether accommodation is suitable for a person. The Secretary of State has done so by the following Orders: - Article 2 of Homelessness (Suitability of Accommodation) Order 1996 provides that in determining whether accommodation is suitable for a person there shall be taken into account whether or not the accommodation is affordable for that person. - Articles 3 & 4 of the Homelessness (Suitability of Accommodation) (England) Order 2003 provide that B&B accommodation is not to be regarded as suitable for an applicant with a family except where no accommodation other than B&B accommodation is available for occupation and the applicant occupies B&B accommodation for a period, or a total of periods, which does not exceed 6 weeks
- 8.5 The Homelessness (Suitability of Accommodation) (England) Order 2012 states that in determining whether accommodation is suitable for a person, the local housing authority must take into account the location of the accommodation, including—
- (a) where the accommodation is situated outside the district of the local housing authority, the distance of the accommodation from the district of the authority;
 - (b) the significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household;
 - (c) the proximity and accessibility of the accommodation to medical facilities and other support which—
 - (i) are currently used by or provided to the person or members of the person's household; and
 - (ii) are essential to the well-being of the person or members of the person's household; and
 - (d) the proximity and accessibility of the accommodation to local services, amenities and transport.

- 8.6 The Department for Levelling Up, Housing and Communities has produced [guidance](#) on how local authorities should exercise their homelessness functions, in accordance with the Homelessness Reduction Act 2022. The combined effect of the above homelessness legislation is that accommodation provided or arranged to meet a homeless duty must be affordable for the homeless applicant. Accommodation is not affordable if the applicant would require the local authority to contribute towards the cost of the accommodation. Where affordable accommodation is not available in the borough the local authority must provide affordable accommodation out of borough.
- 8.7 The council has the power to acquire land under section 120 of the Local Government Act 1972.
- 8.8 Section 149 Equality Act provides that the council must, in the exercise of its functions, have due regard to the need to;
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8 Financial Implications

- 8.1 The financial implications within the report are considered within Section 5 (revenue budget pressures) and 6 (previous schemes and assumptions) of the report.
- 8.2 Overall, the £150m Temporary Accommodation capital programme is to be phased £75m in 2024/25 and £75m in 2025/26, and will be reprofiled as necessary.
- 8.3 As noted in the report (6.4 and 6.5), individual schemes within the overall allocation will be considered on a case by case basis in accordance with the agreed delegation as noted within this report and separate decision reports and financial implications will be considered and documented for each acquisition. The capital expenditure arising from the acquisition and associated costs will be financed by a combination of grants (Flexible Homelessness Support Grant/ DLUCH/GLA) and borrowing. The expectation is that for schemes to progress, the financial appraisal will be able to demonstrate that the revenue costs of borrowing (Minimum Revenue Provision (MRP) and interest costs) will be met by the net rental income, after lifecycle and other associated property running costs, from within the Temporary Accommodation revenue budget.
- 8.4 As with previous phases of the Temporary Accommodation purchase programme, there is an expectation that the scheme will help to deliver cost avoidance on the housing benefit subsidy loss budget line within the Housing and Environment Directorate which currently has a pressure of £2.8m as at Q3 of 2023/24 and reduce reliance on Commercial Hotels and other more expensive accommodation.

9 Value For Money

9.1 There will be a number of pre-conditions prior to any formal decision being made to draw down funding and enter into any acquisition arrangements as detailed below:

- Prudent financial modelling showing that the borrowing costs and any other financial hurdles are likely to be met for the purchase so there is no additional revenue impact on the Medium-Term Financial Strategy (MTFS)
- Consultation with relevant members and officers
- Appropriate due diligence and risk assessment (including evidence of good title) proportionate to the amount of capital being invested and purpose of the purchase
- Valuation advice to confirm the council is receiving value for money
- Effective assessment of the properties including safety and condition
- Compliance with the relevant council financial guidelines
- Sufficient funding being available in the capital programme and revenue budget

9.2 The opportunities will have a financial appraisal which not only considers the rate of return including the assumptions referenced at 6.5, but also the costs that have been avoided i.e. high lease costs / nightly rates to ascertain if it is financially viable. This will also include ongoing revenue costs, any future capital receipt through disposal and consideration of housing benefit subsidy loss impacts.

9.3 Assumptions underpinning the framework are being discussed with Finance, and validated externally with other local authority programmes and benchmarked against the acquisition programmes the council has already delivered (e.g. Emergency Accommodation Programmes). These will be checked and updated regularly and at a minimum – annually.

10 Sustainability Impact Appraisal

10.1 All properties will be procured with sustainability in mind. When each property is procured or brought up to standard following procurement – it will have a minimum EPC rating of 'C' and meet our Lettable Standard.

11 Risk Management

11.1 The setting up of the officer group to review and challenge the proposals being submitted for the use of this capital funding will ensure that any risks with each proposals are evaluated, and mitigations defined. This group will have financial, legal and property representatives on it so ensure that it is not 'just' a

financial assessment but one which covers both the initial acquisition, as well as the longer term management and legal implications.

- 11.2 The group will also consider expending of initial potentially abortive costs as part of more detailed opportunities to enable appraisals to be progressed and these costs will be monitored on a monthly basis to ensure they do not increase significantly and that any costs expended are covered from existing budgets if not captured as part of an opportunity that progresses.

12 Community Safety

- 12.1 Providing suitable and sustainable housing provision for homeless households is key to creating and maintaining safe, welcoming and cohesive communities.

13 Links to the 3 Key Priorities for the Borough

- 13.1 The council's three key priorities are:

- a. creating good jobs
- b. tackling the climate crisis, and
- c. fighting inequality

- 13.2 The recommendations of this report will support the priority of fighting inequality.

14 Equalities, Human Rights and Community Cohesion

- 14.1 Providing suitable and sustainable housing provision for homeless households is key to creating and maintaining safe, welcoming and cohesive communities.

15 Staffing/Workforce and Accommodation implications:

- 15.1 It may be necessary to recruit additional staff to support implementation. It is expected that the majority of these costs could be capitalised where appropriate as costs of acquisition. Where additional revenue costs may be required, an invest to save case will be made for funding.

16 Property and Assets

- 16.1 The New Accommodation Acquisitions Framework covers a range of options for increasing supply and discussions have been held with both Strategic Property and Housing to ensure that assumptions being made within the financial appraisals are up to date, and that Strategic Property is engaged in any General Fund acquisition approach.

17 Consultation

- 17.1 None.

18 Timetable for Implementation

18.1 It proposed to begin acquiring properties under this framework from the start of the 2024/25 financial year. The intention is that the programme will run for two years unless sufficient opportunities present themselves earlier.

19 Background Information

- Cabinet Report at Cabinet Meeting: April 2022 – Acquisition of Housing Units - Acton
- Cabinet Report at Cabinet Meeting: September 2020 – Temporary Accommodation Acquisitions Framework Update
- Cabinet Report at Cabinet Meeting: February 2020 – Temporary Accommodation Acquisitions Framework
- Cabinet Report at Cabinet Meeting: September 2013 - Improving the quality of temporary accommodation provision – an alternative to the use of B&B accommodation
- Cabinet Report at Cabinet Meeting: May 2016 – Temporary Accommodation Placement Policy
- Cabinet Report at Cabinet Meeting: October 2018 – Increasing the supply of private tenancies
- [DLUHC Guidance on homelessness for local authorities](#) – 12 January 2017, 30 April 2018, and 27 October 2023.

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Nicky Fiedler	Strategic Director, Housing and Environment			
Alice Rowland	Head of Legal Commercial)	27 Dec 2023		
Russell Dyer	Head of Accountancy			
Jessica Tamayo				

19.1.1 Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Mark Awbery, Assistant Director for Housing Demand (e: awberym@ealing.gov.uk)

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Report for: ACTION

Item Number:

Contains Confidential or Exempt Information	NO
Title	Community School Admission Arrangements 2025/26
Responsible Officer(s)	Tamara Quinn Business Planning and Resources - Strategic Lead Telephone: 0208 825 8444 Email: tquinn@ealing.gov.uk
Author(s)	Joanne Bradley – Head of Admissions & Fair Access Telephone: 0208 825 9662 Email: jbradley@ealing.gov.uk
Portfolio(s)	Fairer Start
For Consideration By	Cabinet
Date to be Considered	7 February 2024
Implementation Date if Not Called In	28 February 2024
Affected Wards	All
Keywords/Index	Admission Arrangements, School Admissions Code

Purpose of Report:

This report outlines the school admission arrangements and the published admission numbers (PAN) for 2025/26 which need to be determined by 28 February 2024.

1. Recommendation for Decision

To agree:

- 1.1 The admissions arrangements and published admission number (PAN) 2025/26 for Ealing community schools (Appendix 1).
- 1.2 Ealing's scheme for co-ordination of admissions to Year 7 and Reception 2025/26 as part of Pan London co-ordination (Appendix 2).

2. Recommendations for Noting

To note the agreed determined community school admissions arrangements and planned admission numbers for 2025/26.

3. Reason for Decision and Options Considered

All admission authorities are 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.

4. Key Implications

Proposed changes to the admissions arrangements for community schools

4.1 The Local Authority is not proposing to make any changes to the community school admissions arrangements or PAN for 2025/26.

Admissions Numbers

4.2 The Local Authority is not proposing to make any changes to the community school published admissions numbers (PAN).

5. Financial

5.1 There are no financial implications the Council's mainstream funding arising from the proposals in this report.

5.2 In December 2023, the DfE notified the Authority of its Dedicated Schools Grant (DSG) blocks for 2024/25. Central school's expenditure is funded from a separate Central School Services Block which totals £2.092 m for 2024/25 (excluding historic commitments). The Admissions service will be funded from this block. The budgeted cost for the Pupil Admissions service is £0.667m for 2024/25 which was agreed by the Schools Forum in November 2023. There is no General Fund budget for this service.

6. Legal

6.1 The Council has a statutory duty to ensure a sufficiency of places in the area under section 14 of the Education Act 1996.

6.2 The Council's admission arrangements must adhere to the requirements of The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012. The School Admissions Code 2021 has been issued under Section 84 of the School Standards and Framework Act 1998. The Local Authority has a statutory duty to act in accordance with the relevant provisions of the Schools Admission Code.

6.3 This Code imposes mandatory requirements and includes guidelines setting out aims, objectives and other matters in relation to the discharge of functions relating to admissions by the Local Authority (and other admission authorities).

6.4 The Council is also subject to the general Equality Duty under the Equality Act 2010 and must in exercise of its functions having due regard to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not;
- c) Foster good relations between people who share a protected characteristic and those who do not.

7. Value For Money

Not applicable

8. Sustainability Impact Appraisal

Not applicable

9. Risk Management

Not applicable

10. Community Safety

Not applicable

11. Links to the 3 Key Priorities of the Borough

Not applicable

12. Equalities, Human Rights and Community Cohesion

An Equalities Analysis Assessment is not required as there have been no changes to the admissions arrangements or PAN.

13. Staffing/Workforce and Accommodation implications

None

14. Property and Assets

None

15. Any other implications

None

16. Consultation

16.1 Where changes are proposed to admission arrangements, all admission authorities must consult by 31 January on their admission arrangements that will apply for admission applications the following academic year. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period. These are set out in paragraph 1.45 - 1.48 of the School Admissions Code.

16.2 Consultation was not required for the community school admissions arrangements or PAN for 2025/26 as there are no proposed changes and the Local Authority last consulted in November 2022 for the 2024/25 community school admissions arrangements.

17. Timetable for implementation

Determination of the Admission Arrangements	By 28 February 2024
Publish on the website the determined admissions arrangements for all schools with information on how to refer objections to the Schools Adjudicator.	By 15 March 2024

18. Appendices

Appendix 1: Proposed Admission Arrangements 2025/26 for Ealing community schools, including published admission numbers (PAN).

Appendix 2: Ealing's Scheme for Co-ordination of Admissions to Year 7 and Reception/Junior in Maintained Schools and Academies in 2024/25.

18. Background Information

Schools Standards and Framework Act 1998 Education and Inspections Act

2006 Education and Skills Act 2008

The Equality Act 2010

The School Admissions (Infant Class Sizes) (England) Regulations 2012 School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012

The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) (Amendment) Regulations 2014 Schools Admissions Code 2021

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Tamara Quinn	Business Planning and Resources - Strategic Lead	04/01/2024		
Kathleen Ennis	Principal Lawyer	04/01/2024	11/05/2024	6. Legal
Kamaljit Kaur	Finance Business Manager	04/01/2024	09/01/2024	5. Financial
Cllr. Kamaljit Nagpal	Cabinet Member	04/01/2024		

Report History

Decision type:	Urgency item?
Non-key decision	No
Report no.: Report author and contact for queries:	
Joanne Bradley Head of Admissions & Fair Access x9662	

EALING COMMUNITY SCHOOL ADMISSIONS ARRANGEMENTS 2025/26

CONTENTS:

- 1. Admissions Arrangements 2025/26 for Ealing community primary schools.**
- 2. Admissions Arrangements 2025/26 for Ealing community high schools.**
- 3. Admissions Arrangements 2025/26 for Ealing community sixth forms.**
- 4. Published admission number (PAN) for Ealing community primary and high schools 2025/26.**

Admissions Arrangements for Ealing Community Primary Schools 2025/26

The Admission criteria for nursery schools are the same as that for community primary schools.

IMPORTANT: Please note that admission to a nursery class does not guarantee admission to the main school on the nursery site.

Places in the normal (main) round are allocated according to the Pan London Co-ordinated Admissions Scheme for admission to reception / junior school. In-Year places are allocated according to the In-year coordinated scheme.

If there are fewer applicants than there are places available at the school everyone who applies will be offered a place.

Children who have an Education, Health and Care Plan which names the school will be allocated a place at the school.

If there are more applicants than there are places available after the admission of students with an Education, Health and Care Plan naming the school, the following criteria will be applied to determine who will be offered a place:

- 1. Children who are looked after or were previously looked after** Looked after children and children who were previously looked after but immediately after being looked after became subject to adoption, a child arrangements order, or special guardianship order. Including children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted (See below for definitions of children who are looked after or were previously looked after).
- 2. Siblings** Children with a brother or sister who will be attending the main school (not the nursery class) at the time of admission (see below for definition of sibling).
- 3. Distance from home to school** Places are allocated to applicants who live closest to the school measured by straight-line. (See below for definition of distance).

Tie-breaker

If more applications are received in any one criterion than there are places available the tie breaker of distance will be used to determine priority. In cases where applicants live equidistant from the preferred school the place(s) will be allocated using random allocation.

Children of multiple births

The local authority does not give priority under its admission criteria for twins, triplets or other children from multiple births, however, the Local Authority will admit twins and children from multiple births when one of the siblings is the thirtieth child admitted.

Children of newly appointed staff

After the published offer date, where there is a demonstrable skills shortage for a vacant post (independent evidence is required), the local authority will place the children of a new appointee for the post in question, at the top of the waiting list for places at the school.

Children of UK Service Personnel (UK Armed Forces) and Crown Servants

Families of service personnel with a confirmed posting to the area, or crown servants returning from overseas to live in the local authority are allocated a place in advance of the family arriving in the area provided that the application is accompanied by an official letter that declares a relocation date to the area and/or a unit postal address or quartering area address.

Deferred entry

Parents are entitled to a full-time school place in the September following their child's fourth birthday, however parents do not have to ensure their child receives full time education until the start of the term following their fifth birthday.

Parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age (the term after the child turns five) and not beyond the beginning of the final term of the school year.

Where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age.

Parents wishing to defer entry need to apply by the closing date and when an offer is made inform the school that they want to defer entry or only attend part-time.

Delayed entry

Parents of a summer born child (born between 01 April and 31 August) may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group to reception rather than year 1.

An application and written request must be made to the Head of Admissions by the closing date 15 January, providing all of the reasons for the request with any supporting documentation that the parent wants taken into consideration.

The local authority must make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They must also take into account the views of the head teacher of the school concerned.

If the parents case for delayed admission into reception is agreed the application for entry to reception in 2024 will be withdrawn. A new application must be made the following year for entry to reception in 2025 and would be considered along with all the other applicants for admission in that year. There would be no guarantee that a place would be offered in the preferred school.

If the parents request for delayed admission into reception is refused, the application for admission to reception to the child's normal age group will proceed. After the offer of a place has been made the parent could then inform the school that they want to defer entry as outlined above.

Admission of children outside their normal age group

Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health.

A written request must be made to the Head of Admissions at the time of application providing all of the reasons for the request with supporting evidence i.e. school reports, medical reports, professional recommendations or any other documents to be taken into consideration.

The local authority must make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They must also take into account the views of the head teacher of the school concerned.

If the local authority agrees to a parent's request for their child to be admitted out of their normal age group the application will be considered alongside all other applications in the requested year group. There would be no guarantee that a place would be offered in the preferred school.

Parents who are refused a place at a school for which they have applied have the right of appeal to an independent admission appeal panel. They do not have a right of appeal if they have been offered a place and it is not in the year group they would like. However, if the parents are dissatisfied with the outcome of the request for delayed entry into reception or admission outside of their child's normal age group they would have the right to complain against the decision through the Council's complaints procedure for decisions made by council officers.

Waiting Lists

Children will automatically be placed on the waiting list for higher preferences than the school offered, lower preferences are automatically withdrawn.

When vacancies arise, places will be allocated according to the oversubscription criteria. Vacancies will be offered to the pupil with the highest priority on the waiting list. The position of a pupil on the waiting list changes frequently and can move down as well as up if other pupils having higher priority have their names added to the waiting list. Length of time on a waiting list does not give any priority.

The community schools in Ealing will hold waiting lists for all year groups for one term, after which the waiting list will cease. If parents wish for their child to continue on the waiting list they will need to advise the admissions team before the start of the following term.

Definitions

Children who are looked after or were previously looked after - A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989). Previously looked after children are children who were looked after, but ceased to be so because they were adopted or became subject to a child arrangements order or special guardianship order immediately following having been looked after. Adopted children are those who were adopted under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children's Act 2002 (see section 46 adoption orders). Child arrangements orders are defined in s.8 of the Children Act 1989, as amended by s.12 of the Children and Families Act 2014. Child arrangements orders replace residence orders and any residence order in force prior to 22 April 2014 is deemed to be a child arrangements order. A special guardianship order is defined by s. 14A of the Children Act 1989 as an order appointing one or more individuals to be a child's special guardian (or special guardians). A child is regarded as having been in state care in a place outside of England if they were accommodated by a public authority, a religious organisation or any other provider of care whose sole purpose is to benefit society.

Sibling - The words brother and sister refer to all blood, half, foster, step and adoptive brothers and sisters (not cousins) who live at the same home and in the same family unit as the child on a permanent basis or for the majority of time in any calendar year. A sibling relationship does not apply when the older child(ren) will leave before the younger one starts.

Distance - The distance from home to school is measured by straight-line, from a point in the property to a point in the school determined by the grid references for the centre of the school's postcode. The measuring system is an integral part of the admission software produced by Synergy. It uses Ordnance Survey maps and the LLPG (Local Land Property Gazetteer) and is accurate to 2 metres

Home address - This must be the permanent home address where both parent and child are living on the closing date of 15 January for admission in the normal round or on the date at which an in-year offer is made. Temporary addresses used solely or mainly to obtain a place at a school (whilst still owning a property elsewhere) are not regarded as the permanent home address and will not be accepted. If a place is obtained by that means, the place will be withdrawn. Ealing council will check internal council databases in order to verify the address. Where it is not possible to verify an address or if there has been a recent change of address proof will be required.

Where the parents have shared responsibility and the child is residing with one parent for the majority of the time or on a permanent basis, the address of this parent will be used for the purposes of the application.

Where parents have shared responsibility and the child lives with each parent for half of the calendar year, the parents must come to an agreement as to whose address will be used for the application. This address will be used to process the child's application and can only be changed after the beginning of the academic year unless the address of the chosen parent changes during the admissions process. Proof of residency may be required.

In all other cases of personal or family arrangements the address of the parent(s) will be taken as the main residence unless there is irrefutable evidence that the child lives elsewhere either full-time or for most of the year with an adult under arrangements which have been endorsed by a court.

Ealing Council takes very seriously any attempt to obtain a school place by deception. If a school place is obtained using a false or misleading address prior to a child starting at the school this place will be withdrawn. Serious consideration is also given to withdrawing the offer, even after the child has started school. In deciding whether to withdraw the place, the length of time that the child has been at the school will be taken into account.

Admissions Arrangements for Ealing Community High Schools 2025/26

Places in the normal (main) round are allocated according to the Pan London Co-ordinated Admissions Scheme for admission to Year 7. In-Year places are allocated according to the In-year coordinated scheme.

If there are fewer applicants than there are places available at the school everyone who applies will be offered a place.

Children who have an Education, Health and Care Plan which names the school will be allocated a place at the school.

If there are more applicants than there are places available after the admission of students with an Education, Health and Care Plan naming the school, the following criteria will be applied to determine who will be offered a place:

- 1. Children who are looked after or were previously looked after** Looked after children and children who were previously looked after but immediately after being looked after became subject to adoption, a child arrangements order, or special guardianship order. Including children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted (See below for definitions of children who are looked after or were previously looked after).
- 2. Siblings** Children with a brother or sister who will be attending the main school at the time of admission. A sibling connection does not apply for children whose older sibling will/may be attending the 6th form in years 12 & 13. (see below for definition of sibling).
- 3. Distance from home to school** Places are allocated to applicants who live closest to the school measured by straight-line. (See below for definition of distance).

Tie-breaker

If more applications are received in any one criterion than there are places available the tiebreaker of distance will be used to determine priority. In cases where applicants live equidistant from the preferred school the place(s) will be allocated using random allocation.

Children of multiple births

The local authority does not give priority under its admission criteria for twins, triplets or other children from multiple births, however, the local authority will admit twins and children from multiple births when one of the siblings is the thirtieth child admitted.

Children of newly appointed staff

After the published offer date, where there is a demonstrable skills shortage for a vacant post (independent evidence is required), the admission authority will place the children of a new appointee for the post in question, at the top of the waiting list for places at the school.

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Admission of children outside their normal age group

Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health.

A written request must be made to the Head of Admissions at the time of application providing all of the reasons for the request with supporting evidence i.e. school reports, medical reports, professional recommendations or any other documents to be taken into consideration.

The local authority must make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They must also take into account the views of the head teacher of the school concerned.

If the local authority agrees to a parent's request for their child to be admitted out of their normal age group the application will be considered alongside all other applications in the requested year group. There would be no guarantee that a place would be offered in the preferred school.

Parents who are refused a place at a school for which they have applied have the right of appeal to an independent admission appeal panel. They do not have a right of appeal if they have been offered a place and it is not in the year group they would like. However, if the parents are dissatisfied with the outcome of the request for delayed entry into reception they would have the right to complain against the decision through the council's complaints procedure for decisions made by council officers.

Waiting Lists

Children will automatically be placed on the waiting list for higher preferences than the school offered, lower preferences are automatically withdrawn.

When vacancies arise, places will be allocated according to the oversubscription criteria. Vacancies will be offered to the pupil with the highest priority on the waiting list. The position of a pupil on the waiting list changes frequently and can move down as well as up if other pupils having higher priority have their names added to the waiting list. Length of time on a waiting list does not give any priority.

The community schools in Ealing will hold waiting lists for all year groups for one term, after which the waiting list will cease. If parents wish for their child to continue on the waiting list they will need to advise the admissions team before the start of the following term.

Definitions

Children who are looked after or were previously looked after - A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989). Previously looked after children are children who were looked after, but ceased to be so because they were adopted or became subject to a child arrangements order or special guardianship order immediately following having been looked after. Adopted children are those who were adopted under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children's Act 2002 (see section 46 adoption orders). Child arrangements orders are defined in s.8 of the Children Act 1989, as amended by s.12 of the Children and Families Act 2014. Child arrangements orders replace residence orders and any residence order in force prior to 22 April 2014 is deemed to be a child arrangements order. A special guardianship order is defined by s. 14A of the Children Act 1989 as an order appointing one or more individuals to be a child's special guardian (or special guardians). A child is regarded as having been in state care in a place outside of England if they were accommodated by a public authority, a religious organisation or any other provider of care whose sole purpose is to benefit society.

Sibling - The words brother and sister refer to all blood, half, foster, step and adoptive brothers and sisters (not cousins) who live at the same home and in the same family unit as the child on a permanent basis or for the majority of time in any calendar year.

Distance - The distance from home to school is measured by straight-line, from a point in the property to a point in the school determined by the grid references for the centre of the school's postcode. The measuring system is an integral part of the admission software produced by Synergy. It uses Ordnance Survey maps and the LLPG (Local Land Property Gazetteer) and is accurate to 2 metres.

Home address - This must be the permanent home address where both parent and child are living on the closing date of 31 October for admission in the normal round or on the date at which an in-year offer is made. Temporary addresses used solely or mainly to obtain a place at a school (whilst still owning a property elsewhere) are not regarded as the permanent home address and will not be accepted. If a place is obtained by that means, the place will be withdrawn. Ealing council will check internal council databases in order to verify the address. Where it is not possible to verify an address or if there has been a recent change of address proof will be required.

Where the parents have shared responsibility and the child is residing with one parent for the majority of the time or on a permanent basis, the address of this parent will be used for the purposes of the application.

Where parents have shared responsibility and the child lives with each parent for half of the calendar year, the parents must come to an agreement as to whose address will be used for the application. This address will be used to process the child's application and can only be changed after the beginning of the academic year unless the address of the chosen parent changes during the admissions process. Proof of residency may be required.

In all other cases of personal or family arrangements the address of the parent(s) will be taken as the main residence unless there is irrefutable evidence that the child lives elsewhere either full-time or for most of the year with an adult under arrangements which have been endorsed by a court.

Ealing Council takes very seriously any attempt to obtain a school place by deception. If a school place is obtained using a false or misleading address prior to a child starting at the school this place will be withdrawn. Serious consideration is also given to withdrawing the offer, even after the child has started school. In deciding whether to withdraw the place, the length of time that the child has been at the school will be taken into account.

Admissions Arrangements for Ealing Community Sixth Forms 2025/26

All students must meet the entry requirements for their chosen course of study as published in the Sixth Form Prospectus. Students must meet the individual subject specific criteria as published in the Sixth Form Prospectus. Places in Year 12 will be awarded to students in the following order of priority:

- Children who are looked after or were previously looked after. Looked after children and children who were previously looked after but immediately after being looked after became subject to adoption, a child arrangements order, or special guardianship order. Including children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted (See below for definitions of children who are looked after or were previously looked after).
- Qualified students who were on roll at the desired High School at the end of the academic year immediately preceding the proposed date of entry into the school's sixth form
- Who have a sibling attending the desired school in the year of the proposed date of entry into the school's sixth form
- Qualified students from any other school
- The distance from the student's permanent home address to the school with those living nearest the school being given the higher priority*

*The distance from home to all community high schools are measured by straight line from a point in the property determined by Ordnance Survey to a point in the school determined by the grid references for the centre of the school's postcode. The measuring system is an integral part of the admissions software produced by Synergy. It uses Ordnance Survey maps and is accurate to 2 metres.

Definition of Children who are looked after or were previously looked after - A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989). Previously looked after children are children who were looked after, but ceased to be so because they were adopted or became subject to a child arrangements order or special guardianship order immediately following having been looked after. Adopted children are those who were adopted under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children's Act 2002 (see section 46 adoption orders). Child arrangements orders are defined in s.8 of the Children Act 1989, as amended by s.12 of the Children and Families Act 2014. Child arrangements orders replace residence orders and any residence order in force prior to 22 April 2014 is deemed to be a child arrangements order. A special guardianship order is defined by s. 14A of the Children Act 1989 as an order appointing one or more individuals to be a child's special guardian (or special guardians). A child is regarded as having been in state care in a place outside of England if they were accommodated by a public authority, a religious organisation or any other provider of care whose sole purpose is to benefit society.

**PUBLISHED ADMISSION NUMBERS (PAN) FOR 2025/26
EALING COMMUNITY SCHOOLS**

Primary Schools	Reception 2025
Acton Gardens Primary School	60
Allenby Primary School	30
Beaconsfield Primary & Nursery School	60
Blair Peach Primary School	60
Clifton Primary School	60
Coston Primary School	60
Dairy Meadow Primary School	60
Derwentwater Primary School	60
Downe Manor Primary School	60
Drayton Green Primary School	60
Durdans Park Primary School	60
East Acton Primary School	30
Featherstone Primary & Nursery School	90
Fielding Primary School	120
Gifford Primary School	120
Grange Primary School	90
Greenwood Primary School	90
Hambrough Primary School	60
Havelock Primary School	60
Hobbayne Primary School	60
Horsenden Primary School	90
John Perryn Primary School	60
Lady Margaret Primary School	60
Little Ealing Primary School	90
Mayfield Primary School	60
Montpelier Primary School	90
North Ealing Primary School	90
North Primary School	60
Oaklands Primary School	60
Oldfield Primary School	45
Perivale Primary School	60
Petts Hill Primary School	30
Ravenor Primary School	90
Selborne Primary School	90
Southfield Primary School	60

Primary Schools	Reception 2025
St John's Primary School	60
St Mark's Primary School	60
Stanhope Primary School	60
Three Bridges Primary School	60
Tudor Primary School	60
Vicar's Green Primary School	60
Viking Primary School	30
West Acton Primary School	90
West Twyford Primary School	60
Willow Tree Primary School	60
Wolf Fields Primary School	30
High Schools	Year 7 2025
Elthorne Park High School	240

PAN-LONDON CO-ORDINATED ADMISSION SYSTEM

Ealing LA Schemes for Co-ordination of Admissions to Year 7/Year 10 and Reception/Junior in Maintained Schools and Academies in 2025/26

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PAN-LONDON CO-ORDINATED ADMISSION SYSTEM
Ealing LA Schemes for Co-ordination of Admissions to
Year 7/Year 10 and Reception/Junior in 2025/26

Definitions used in the template schemes

“the Application Year”	the academic year in which the parent makes an application (i.e. in relation to the academic year of entry, the academic year preceding it).
“the Board”	the Pan-London Admissions Executive Board, which is responsible for the Scheme
“the Business User Guide (BUG)”	the document issued annually to participating LAs setting out the operational procedures of the Scheme
“the Common Application Form”	this is the form that each authority must have under the Regulations for parents to use to express their preferences, set out in rank order
“the Equal Preference System”	the model whereby all preferences listed by parents on the Common Application Form are considered under the over-subscription criteria for each school without reference to parental rankings. Where a pupil is eligible to be offered a place at more than one school within an LA, or across more than one participating LA, the rankings are used to determine the single offer by selecting the school ranked highest of those which can offer a place
“the Highly Recommended Elements”	the elements of the Template Scheme that are not mandatory but to which subscription is strongly recommended in order to maximise co-ordination and thereby simplify the application process as far as possible
“the Home LA”	the LA in which the applicant/parent/carer is resident

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“the LIAAG Address Protocol”	the document containing the address verification policy agreed by LIAAG and the policy of each participating LA
“the Local Admission System (LAS)”	the IT module for administering admissions in each LA and for determining the highest offer both within and between participating LAs
“the London E-Admissions Portal”	the common online application system used by the 33 London LAs and Surrey County Council
“the Maintaining LA”	the LA which maintains a school, or within whose area an academy is situated, for which a preference has been expressed
“the Mandatory Elements”	those elements of the Template Scheme to which authorities must subscribe in order to be considered as ‘Participating Authorities’ and to benefit from use of the Pan-London Register
“the Notification Letter”	the agreed form of letter sent to applicants on the Prescribed Day which communicates any determination granting or refusing admission to a primary or secondary school, which is attached as Schedule 2
“the Prescribed Day”	the day on which outcome letters are posted to parents/carers. 1 March (secondary) and 16 April (primary) in the year following the relevant determination year except that, in any year in which that day is not a working day, the prescribed day shall be the next working day.
“the Pan-London Register (PLR)”	the database which will sort and transmit application and outcome data between the LAS of each participating LA
“the Pan-London Timetable”	the framework for processing of application and outcome data, which is attached as Schedule 3
“the Participating LA”	any LA that has indicated in the Memorandum of Agreement that they are willing to incorporate, at a minimum, the mandatory elements of the Template LA Scheme presented here.

“the Qualifying Scheme”

the scheme which each LA is required to formulate in accordance with The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012, for co-ordinating arrangements for the admission of children to maintained primary and secondary schools and academies.

PAN LONDON CO-ORDINATED ADMISSIONS SYSTEM

**Ealing Scheme for Co-ordination of Admissions to
Year 7/Year 10 in 2025/26**

Applications

1. Ealing LA will advise home LAs of their resident pupils on the roll of Ealing LA's maintained primary schools and academies who are eligible to transfer to secondary school in the forthcoming academic year.
2. Applications from residents of Ealing LA will be made on Ealing LA's Common Application Form, which will be available and able to be submitted on-line. This will include all the fields and information specified in Schedule 1 to this Template LA Scheme. These will be supplemented by any additional fields and information which are deemed necessary by Ealing LA to enable the admission authorities in the LA area to apply their published oversubscription criteria.
3. Ealing LA will take all reasonable steps to ensure that every parent/carer who is resident in Ealing LA and has a child in their last year of primary education within a maintained school or academy, either in Ealing LA or any other maintaining LA, is informed how they can access Ealing LA's composite prospectus and apply online. Parents/carers who do not live in Ealing LA will have access to Ealing LA's composite prospectus, which will advise parents/carers to contact their home LA if they are unable to apply online.
4. The admission authorities within Ealing LA will not use supplementary information forms except where the information available through the Common Application Form is insufficient for consideration of the application against the published oversubscription criteria. Where supplementary information forms are used by the admissions authorities within Ealing LA, the LA will seek to ensure that these are used to collect information required by the published oversubscription criteria only, in accordance with paragraph 2.4 of the School Admissions Code 2021.
5. Where supplementary information forms are used by admission authorities in Ealing LA, they will be available on Ealing LA's website. Such forms will advise parents that they must also complete their home LA's Common Application Form. Ealing LA's composite prospectus and website will indicate which schools in Ealing LA require supplementary forms to be completed and where they can be obtained.

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6. Where an admission authority in Ealing LA receives a supplementary information form, Ealing LA will not consider it to be a valid application unless the parent/carer has also listed the school on their home LA's Common Application Form, in accordance with paragraph 2.3 of the School Admissions Code 2021.
7. Applicants will be able to express a preference for six maintained secondary schools or Academies within and/or outside the Home LA.
8. The order of preference given on the Common Application Form will not be revealed to a school within the area of Ealing LA. This is to comply with paragraph 1.9 of the School Admissions Code 2021 which states that admission authorities must not give extra priority to children whose parents rank preferred schools in a particular order, including 'first preference first' arrangements. However, where a parent resident in Ealing LA expresses a preference for schools in the area of another LA, the order of preference for that LA's schools will be revealed to that LA in order that it can determine the highest ranked preference in cases where an applicant is eligible for a place at more than one school in that LA's area.
9. Ealing LA undertakes to carry out the address verification process as set out in its entry in the LIAAG Address Protocol. This will in all cases include validation of resident applicants against Ealing LA's primary school data and the further investigation of any discrepancy. Where Ealing LA is not satisfied as to the validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA no later than **17 December 2024**.
10. Ealing LA will confirm the status of any resident child for whom it receives a Common Application Form stating s/he is currently or previously a 'Child Looked After' and will provide any additional evidence on receipt of a reasonable request by the maintaining LA in respect of a preference for a school in its area by **14 November 2024**.
11. Ealing LA will advise a maintaining LA of the reason for any application which is made in respect of a child resident in the area of Ealing LA to be admitted outside of their correct age cohort, and will forward any supporting documentation to the maintaining LA by **14 November 2024**.

Processing

12. Applicants resident within Ealing LA must return the Common Application Form, which will be available and able to be submitted on-line, to Ealing LA by **31 October 2024**.

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13. Application data relating to all preferences for schools in the area of a participating LA, which have been expressed within the terms of Ealing LA's scheme, will be up-loaded to the PLR by **14 November 2024**. Supplementary information provided with the Common Application Form will be sent to maintaining LAs by the same date.
14. Ealing LA shall ensure that the admission authorities within Ealing's area process the preference data and apply the published oversubscription criteria by 17 January 2025 to comply with the framework of the Pan-London timetable in Schedule 3A.
15. Ealing LA will accept late applications only if they are late for a good reason, deciding each case on its own merits.
16. Where such applications contain preferences for schools in other LAs, Ealing LA will forward the details to maintaining LAs via the PLR as they are received. Ealing LA will accept late applications which are considered to be on time within the terms of the home LA's scheme.
17. The latest date for the upload to the PLR of late applications which are considered to be on-time within the terms of the home LA's scheme is **14 December 2024**.
18. Where an applicant moves from one participating home LA to another after submitting an on-time application under the terms of the former home LA's scheme, the new home LA will accept the application as on-time up to **12 December 2024**, on the basis that an on-time application already exists within the Pan-London system.
19. Ealing LA will participate in the application data checking exercise scheduled between **17 December 2024 and 2 January 2025** in the Pan-London timetable in Schedule 3A.
20. All preferences for schools within Ealing LA will be considered by the relevant admission authorities without reference to rank order to comply with paragraph 1.9 of the School Admissions Code 2021. When the admission authorities within Ealing LA have provided a list of applicants in criteria order to Ealing LA, Ealing LA shall, for each applicant to its schools for whom more than one potential offer is available, use the highest ranked preference to decide which single potential offer to make. This is the 'Equal Preference System'.
21. Ealing LA will carry out all reasonable checks to ensure that pupil rankings are correctly held in its LAS for all maintained schools and academies in Ealing LA's area before uploading data to the PLR.

APPENDIX 2

22. Ealing LA will upload the highest potential offer available to an applicant for a maintained school or academy in Ealing LA to the PLR by **31 January 2025**. The PLR will transmit the highest potential offer specified by the Maintaining LA to the Home LA.
23. The LAS of Ealing LA will eliminate, as a Home LA, all but the highest ranked offer where an applicant has more than one potential offer across Maintaining LAs submitting information within deadline to the PLR. This will involve exchanges of preference outcomes between the LAS and the PLR (in accordance with the iterative timetable published in the Business User Guide) which will continue until notification that a steady state has been achieved, or until **13 February 2025** if this is sooner.
24. Ealing LA will not make an additional offer between the end of the iterative process and **1 March 2024** which may impact on an offer being made by another participating LA.
25. Notwithstanding paragraph 24, if an error is identified within the allocation of places at a maintained school or academy in Ealing LA, Ealing LA will attempt to manually resolve the allocation to correct the error. Where this impacts on another LA (either as a home or maintaining LA) Ealing LA will liaise with that LA to attempt to resolve the correct offer and any multiple offers which might occur. However, if another LA is unable to resolve a multiple offer, or if the impact is too far reaching, Ealing LA will accept that the applicant(s) affected might receive a multiple offer.
26. Ealing LA will participate in the offer data checking exercise scheduled between **14 and 26 February 2025** in the Pan-London timetable in Schedule 3A.
27. Ealing LA will send a file to the E-Admissions portal with outcomes for all resident applicants who have applied online no later than **27 February 2025**. (33 London LAs & Surrey LA only).

Offers

28. Ealing LA will ensure that, if there are places available, each resident applicant who cannot be offered a preference expressed on the Common Application Form receives the offer of an alternative school place in accordance with paragraph 2.11 of the School Admissions Code 2021. In such cases a place will be allocated at the nearest school with an available place after all applicants have been offered.
29. Ealing LA will inform all resident applicants of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, whether they were for schools in the Home LA or in other participating LAs.

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30. Ealing LA's outcome letter will include the information set out in Schedule 2.
31. On **1 March 2025**, Ealing LA will send notification of the outcome to resident applicants by email or first class post.
32. Ealing LA will provide primary schools within the borough of Ealing with access to view destination data of its residents applicants from the **1 March 2025**.

Post Offer

33. Ealing LA will request that resident applicants accept or decline the offer of a place by **15 March 2025**, or within two weeks of the date of any subsequent offer.
34. Where an applicant resident in Ealing LA accepts or declines a place in a school within the area of another LA by **15 March 2025**, Ealing LA will forward the information to the maintaining LA by **24 March 2025**. Where such information is received from applicants after **15 March 2025**, Ealing LA will pass it to the maintaining LA as it is received.
35. Where a place becomes available in an oversubscribed maintained school or academy in Ealing LA's area, it will be offered from a waiting list ordered in accordance with paragraph 2.15 of the School Admissions Code 2021.
36. When acting as a maintaining LA, Ealing LA will place an applicant resident in the area of another LA on a waiting list of any higher preference school in Ealing LA's area. (Where this process is not automatic, it will be done immediately following a request from the home LA).
37. Where a waiting list is maintained by an admission authority of a maintained school or academy in Ealing LA's area, the admission authority will inform Ealing LA of a potential offer, in order that the offer may be made by the home LA.
38. When acting as a maintaining LA, Ealing LA will inform the home LA, where different, of an offer for a maintained school or Academy in Ealing LA's area which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.
39. When acting as a maintaining LA, Ealing LA and the admission authorities within it, will not inform an applicant resident in another LA that a place can be offered.
40. When acting as a home LA, Ealing LA will offer a place at a maintained school or Academy in the area of another LA to an applicant resident in its area, provided that the school is ranked higher on the Common Application Form than any school already offered.

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41. When acting as a home LA, when Ealing LA is informed by a maintaining LA of an offer which can be made to an applicant resident in Ealing LA's area which is ranked lower on the Common Application Form than any school already offered, it will inform the maintaining LA that the offer will not be made.
42. When acting as a home LA, when Ealing LA has agreed to a change of preferences or preference order, it will inform any maintaining LA affected by the change. In such cases, paragraphs 40 and 41 shall apply to the revised order of preferences.
43. When acting as a maintaining LA, Ealing LA will inform the home LA, where different, of any change to an applicant's offer status as soon as it occurs.
44. When acting as a maintaining LA, Ealing LA will accept a change of preferences or preference order (including reinstated or additional preferences) from home LAs for maintained schools and academies in its area.
45. Ealing LA, when acting as a maintaining LA, will place applicants on the waiting list from home LAs for maintained schools and academies in its area as and when they are received after National Offer Day.
46. Ealing LA, when acting as a maintaining LA will follow the timetable published in the 2025/26 composite prospectus for the offer of places which become available after National Offer Day.
47. Ealing LA, when acting as a home LA, after preferences expressed in accordance with paragraph 7 above have been determined, will allow applicants to express a preference for additional schools above the maximum of six maintained secondary schools or Academies within and/or outside the Home LA before the start of the school term.

PAN- LONDON CO-ORDINATED ADMISSIONS SYSTEM

**Ealing LA Scheme for Co-ordination of Admissions to
Reception/Junior in 2025/26**

Applications

1. Applications from residents of Ealing LA will be made on Ealing LA's Common Application Form, which will be available and able to be submitted on-line. This will include all the fields and information specified in Schedule 1 to this Template LA Scheme. These will be supplemented by any additional fields and information which are deemed necessary by Ealing LA to enable the admission authorities in the LA area to apply their published oversubscription criteria.
2. Ealing LA will take all reasonable steps to ensure that every parent/carer who is resident in Ealing LA and has a child in a nursery class within a maintained school or academy, either in Ealing LA or any other maintaining LA, is informed how they can access Ealing LA's composite prospectus and apply online. Parents/carers who do not live in Ealing LA will have access to Ealing LA's composite prospectus, which will advise parents/carers to contact their home LA if they are unable to apply online.
3. The admission authorities within Ealing LA will not use supplementary information forms except where the information available through the Common Application Form is insufficient for consideration of the application against the published oversubscription criteria. Where supplementary information forms are used by the admissions authorities within Ealing LA, the LA will seek to ensure that these are used to collect information which is required by the published oversubscription criteria only, in accordance with paragraph 2.4 of the School Admissions Code 2021.
4. Where supplementary information forms are used by admission authorities in Ealing LA, they will be available on Ealing LA's website. Such forms will advise parents that they must also complete their home LA's Common Application Form. Ealing LA's composite prospectus and website will indicate which schools in Ealing LA require supplementary forms to be completed and where they can be obtained.
5. Where a school in Ealing LA receives a supplementary information form, Ealing LA will not consider it to be a valid application unless the parent/carer has also listed the school on their home LA's Common Application Form, in accordance with paragraph 2.3 of the School Admissions Code 2021.

APPENDIX 2

6. Applicants will be able to express a preference for up to six maintained primary schools or academies within and/or outside the Home LA.
7. The order of preference given on the Common Application Form will not be revealed to a school within the area of Ealing LA to comply with paragraph 1.9 of the School Admissions Code 2021. However, where a parent resident in Ealing LA expresses a preference for schools in the area of another LA, the order of preference for that LA's schools will be revealed to that LA in order that it can determine the highest ranked preference in cases where an applicant is eligible for a place at more than one school in that LA's area.
8. Ealing LA undertakes to carry out the address verification process set out in its entry in the LIAAG Address Protocol. This will in all cases include validation of resident applicants against Ealing LA's maintained nursery and primary school data and the further investigation of any discrepancy. Where Ealing LA is not satisfied as to the validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA no later than **12 February 2025**.
9. Ealing LA will confirm the status of any resident child for whom it receives a Common Application Form stating s/he is currently or previously a 'Child Looked After' and will provide any additional evidence on receipt of a reasonable request by the maintaining LA in respect of a preference for a school in its area by **5 February 2025**.
10. Ealing LA will advise a maintaining LA of the reason for any application which is made in respect of a child resident in the area of Ealing LA to be admitted outside of their correct age cohort, and will forward any supporting documentation to the maintaining LA by **5 February 2025**.

Processing

11. Applicants resident within Ealing LA must return the Common Application Form, which will be available and able to be submitted online, to Ealing LA by **15 January 2025**.
12. Application data relating to all preferences for schools in the area of a participating LA, which have been expressed within the terms of Ealing LA's scheme, will be up-loaded to the PLR by **5 February 2025**. Supplementary information provided with the Common Application Form will be sent to maintaining LAs by the same date.
13. Ealing LA shall ensure that the admission authorities within Ealing's area process the preference data and apply the published oversubscription criteria by **7 March 2025** to comply with the framework of the Pan-London timetable in Schedule 3A
14. Ealing LA will accept late applications only if they are late for a good reason, deciding each case on its own merits.

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15. Where such applications contain preferences for schools in other LAs, Ealing LA will forward the details to maintaining LAs via the PLR as they are received. Ealing LA will accept late applications which are considered to be on time within the terms of the home LA's scheme.
16. The latest date for the upload to the PLR of late applications which are considered to be on-time within the terms of the home LA's scheme is **13 February 2025**.
17. Where an applicant moves from one participating home LA to another after submitting an on-time application under the terms of the former home LA's scheme, the new home LA will accept the application as on-time up to **12 February 2025**, on the basis that an on-time application already exists within the Pan-London system.
18. Ealing LA will participate in the application data checking exercise scheduled between **14 and 20 February 2025** in the Pan-London timetable in Schedule 3B.
19. All preferences for schools within Ealing LA will be considered by the relevant admission authorities without reference to rank order to comply with paragraph 1.9 of the School Admissions Code 2021. When the admission authorities within Ealing LA have provided a list of applicants in criteria order to Ealing LA, Ealing LA shall, for each applicant to its schools for whom more than one potential offer is available, use the highest ranked preference to decide which single potential offer to make. This is the 'Equal Preference System'.
20. Ealing LA will carry out all reasonable checks to ensure that pupil rankings are correctly held in its LAS for all maintained schools and academies in Ealing LA's area before uploading data to the PLR.
21. Ealing LA will upload the highest potential offer available to an applicant for a maintained school or academy in Ealing LA to the PLR by **18 March 2025**. The PLR will transmit the highest potential offer specified by the Maintaining LA to the Home LA.

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22. The LAS of Ealing LA will eliminate, as a Home LA, all but the highest ranked offer where an applicant has more than one potential offer across Maintaining LAs submitting information within deadline to the PLR. This will involve exchanges of preference outcomes between the LAS and the PLR (in accordance with the iterative timetable published in the Business User Guide) which will continue until notification that a steady state has been achieved, or until **26 March 2025** if this is sooner.
23. Ealing LA will not make an additional offer between the end of the iterative process and the **16 April 2025** which may impact on an offer being made by another participating LA.
24. Notwithstanding paragraph 23, if an error is identified within the allocation of places at a maintained school or academy in Ealing LA, Ealing LA will attempt to manually resolve the allocation to correct the error. Where this impacts on another LA (either as a home or maintaining LA) Ealing LA will liaise with that LA to attempt to resolve the correct offer and any multiple offers which might occur. However, if another LA is unable to resolve a multiple offer, or if the impact is too far reaching, Ealing LA will accept that the applicant(s) affected might receive a multiple offer.
25. Ealing LA will participate in the offer data checking exercise scheduled between **27 March and 11 April 2025** in the Pan-London timetable in Schedule 3B.
26. Ealing LA will send a file to the E-Admissions portal with outcomes for all resident applicants who have applied online no later than **14 April 2025**. (33 London LAs & Surrey LA only).

Offers

27. Ealing LA will ensure that, if there are places available, each resident applicant who cannot be offered a preference expressed on the Common Application Form, receives the offer of an alternative school place in accordance with paragraph 2.12 of the Schools Admissions Code 2021. In such cases a place will be allocated at the nearest school with an available place after all those that apply have been offered.
28. Ealing LA will inform all resident applicants of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, whether they were for schools in the Home LA or in other participating LAs.
29. Ealing LA's outcome letter will include the information set out in Schedule 2.
30. Ealing LA will, on **16 April 2025**, send notification of the outcome to resident applicants by email or first class post.

Post Offer

31. Ealing LA will request that resident applicants accept or decline the offer of a place by **30 April 2025**, or within two weeks of the date of any subsequent offer.
32. Where an applicant resident in Ealing LA accepts or declines a place in a school maintained by another LA by **30 April 2025**, Ealing LA will forward the information to the maintaining LA by **7 May 2025**. Where such information is received from applicants after **1 May 2025**, Ealing LA will pass it to the maintaining LA as it is received.
33. Where a place becomes available in an oversubscribed maintained school or academy in Ealing LA's area, it will be offered from a waiting list ordered in accordance with paragraph 2.15 of the School Admissions Code 2021.
34. When acting as a maintaining LA, Ealing LA will place an applicant resident in the area of another LA on a waiting list of any higher preference school. Where this is not done automatically, it will be done immediately following a request from the home LA.
35. Where a waiting list is maintained by an admission authority of a maintained school or academy in Ealing LA's area, the admission authority will inform Ealing LA of a potential offer, in order that the offer may be made by the home LA.
36. When acting as a maintaining LA, Ealing LA will inform the home LA, where different, of an offer for a maintained school or Academy in Ealing LA's area which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.
37. When acting as a maintaining LA, Ealing LA and the admission authorities within it, will not inform an applicant resident in another LA that a place can be offered.
38. When acting as a home LA, Ealing LA will offer a place at a maintained school or Academy in the area of another LA to an applicant resident in its area, provided that the school is ranked higher on the Common Application Form than any school already offered.
39. When acting as a home LA, when Ealing LA is informed by a maintaining LA of an offer which can be made to an applicant resident in Ealing LA's area which is ranked lower on the Common Application Form than any school already offered, it will inform the maintaining LA that the offer will not be made.
40. When acting as a home LA, when Ealing LA has agreed to a change of preferences or preference order, it will inform any maintaining LA affected by the change. In such cases, paragraphs 39 and 40 shall apply to the revised order of preferences.

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41. When acting as a maintaining LA, Ealing LA will inform the home LA, where different, of any change to an applicant's offer status as soon as it occurs.
42. When acting as a maintaining LA, Ealing LA will accept a change of preferences or preference order (including reinstated or additional preferences) from home LAs for maintained schools and academies in its area.
43. Ealing LA, when acting as a maintaining LA, will place applicants on the waiting list from home LAs for maintained schools and academies in its area as and when they are received after National Offer Day.
44. Ealing LA, when acting as a maintaining LA will follow the timetable published in the 2025/26 composite prospectus for the offer of places which become available after National Offer Day.
45. Ealing LA, when acting as a home LA, after preferences expressed in accordance with paragraph 7 above have been determined, will allow applicants to express a preference for additional schools above the maximum of six maintained secondary schools or Academies within and/or outside the Home LA before the start of the school term.

**PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME
SCHEDULE 1**

**Minimum Content of Common Application Form for
Admissions to Year 7/Year 10 and Reception/Junior in 2025/26**

Child's details:

Surname
Forename(s)
Middle name(s)
Date of Birth
Gender
Home address
Name of current school
Address of current school (if outside home LA)

Parent's details:

Title
Surname
Forename
Address (if different to child's address)
Telephone Number (Home, Daytime, Mobile)
Email address
Relationship to child

Preference details (x 6 recommended):

Name of school
Address of school
Preference ranking
Local authority in which the school is based

Additional information:

Reasons for Preferences (including any medical or social reasons)
Does the child have an Education, Health and Care Plan Y/N
Is the child a 'Child Looked After (CLA)'? Y/N
Is the child formerly CLA but now adopted or subject of a 'Child Arrangements Order' or 'Special Guardianship Order'? Y/N
If yes, name of responsible local authority
Surname of sibling
Forename of sibling
DOB of sibling
Gender of sibling
Name of school sibling attends

Other:

Signature of parent or guardian
Date of signature

**PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME
SCHEDULE 1**

**Minimum Content of Common Application Form for
Admissions to Year 7/Year 10 and Reception/Junior in 2025/26**

Child's details:

Surname
Forename(s)
Middle name(s)
Date of Birth
Gender
Home address
Name of current school
Address of current school (if outside home LA)

Parent's details:

Title
Surname
Forename
Address (if different to child's address)
Telephone Number (Home, Daytime, Mobile)
Email address
Relationship to child

Preference details (x 6 recommended):

Name of school
Address of school
Preference ranking
Local authority in which the school is based

Additional information:

Reasons for Preferences (including any medical or social reasons)
Does the child have an Education, Health and Care Plan Y/N*
Is the child a 'Child Looked After (CLA)'? Y/N
Is the child formerly CLA but now adopted or subject of a 'Child Arrangements Order' or
'Special Guardianship Order'? Y/N

If yes, name of responsible local authority

Surname of sibling
Forename of sibling
DOB of sibling
Gender of sibling
Name of school sibling attends

Other:

Signature of parent or guardian
Date of signature

**Where an LA decides not to request this information on the CAF, it must guarantee
that no details of a child with an Education, Health and Care Plan will be sent via the PLR.*

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PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME

SCHEDULE 2

Template Outcome Letter for Admissions to Year 7/Year 10 and Reception/Junior in 2025/26

From: Home LA

Date: **1 March 2025 (sec)**
16 April 2025 (prim)

Dear Parent/Carer,

Application for a Secondary / Primary School

I am writing to let you know the outcome of your application for a secondary/primary school. Your child has been offered a place at X School. The school will write to you with further details.

I am sorry that it was not possible for your child to be offered a place at any of the schools which you listed as a higher preference on your application form. For each of these schools there were more applications than places, and other applicants has a higher priority than your child under the school's published admission criteria.

Offers which could have been made for any schools which you placed lower in your preference list, were automatically withdrawn under the co-ordinated admission arrangements, as a higher preference has been offered.

If you would like more information about the reason that your child was not offered a place at any higher preference school, you should contact the admission authority that is responsible for admissions to the school within the next few days. Details of the different admission authorities for schools in the borough of X are attached to this letter. If the school is outside the borough of X, the admission authority will either be the borough in which the school is situated, or the school itself.

You have the right of appeal under the School Standards & Framework Act 1998 against the refusal of a place at any of the schools for which you have applied. If you wish to appeal, you must contact the admission authority for the school within the next few days to obtain the procedure and the date by which an appeal must be received by them.

Please would you confirm that you wish to accept the place at X School by completing the reply slip below. If you do not wish to accept the place, you will need to let me know what alternative arrangements you are making for your child's education.

You must contact this office if you wish to apply for any other school, either in this borough or elsewhere.

Your child's name has been placed on the waiting list for any school which was a higher preference on your application form than the school you have been offered. If you need to find out your child's position on the waiting list please contact the admission authority or the borough in which the school is situated}.

*Please return the reply slip to me by **15 March 2025 (sec)** / **30 Apr 2025 (prim)**. If you have any questions about this letter, please contact me on _____.*

Yours sincerely

(First preference offer letters should include the paragraphs in italics only)

**PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME
SCHEDULE 3A**

Timetable for Admissions to Year 7/Year 10 in 2025/26

Date & working days	Process	Paragraph
Thurs 31 Oct 2024 10 days	Statutory deadline for receipt of applications	12
Thurs 14 Nov 2024 20 days	Deadline for the transfer of application information by the Home LA to the PLR (ADT file).	10, 11, 13
Thurs 12 Dec 2024	Deadline for receipt of late applications considered as “on-time” by parents to Home LA.	9,17
Tues 17 Dec 2024	Deadline for the upload of late applications considered as “on-time” to the PLR.	9, 17
Tues 17 Dec 2024 – Thurs 2 Jan 2025	Checking of application data	19
Fri 3 Jan 2025 20 days	Ranking applications	19, 20, 21
Fri 31 Jan 2025 10 days	Deadline for the transfer of potential offer information from Maintaining LAs to the PLR (ALT file)	22
Thurs 13 Feb 2025	Final ALT file to PLR*	23
Fri 14 to Mon 17 Feb 2025	*Additional iterations if needed	23
Mon 17 to Fri 21 Feb 2025	<i>Half Term</i>	
Fri 14 (Tues 18) – Wed 26 Feb 2025 6 days	Checking of offer data	26
Thurs 27 Feb 2025 2 days	Deadline for on-line ALT file to portal	27
Mon 3 Mar 2025 10 days	Offer notifications sent.	24, 31
Mon 17 Mar 2025 5 days	Deadline for acceptances	33, 34
Mon 24 Mar 2025	Deadline for transfer of acceptances to maintaining LAs	34

**PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME
SCHEDULE 3B**

Timetable for Admissions to Reception/Junior in 2025/26

Date & working days	Process	Paragraph
Wed 15 Jan 2025 15 days	Statutory deadline for receipt of applications	11
Wed 5 Feb 2025 5 days	Deadline for the transfer of application information by the Home LA to the PLR (ADT file)	9, 10, 12
Wed 12 Feb 2025	Deadline for receipt of late applications considered as “on-time” by parents to Home LA.	8,16
Thurs 13 Feb 2025	Deadline for the upload of late applications considered as “on-time” to the PLR.	8, 16
Fri 14 –Thurs 20 Feb 2025	Checking of application data	18
Mon 17 to Fri 21 Feb 2025	<i>Half Term</i>	
Fri 21 Feb 2025 17 days	Ranking applications	19, 20,
Tues 18 Mar 2025 6 days	Deadline for the transfer of potential offer information from the Maintaining LAs to the PLR (ALT file).	21
Wed 26 Mar 2025	Final ALT file to PLR	22
Thurs 27 Mar - Fri 11 Apr 2025	Checking of offer data	25
Mon 7 April to Mon 21 April	<i>Easter Holidays</i>	
Mon 14 Apr 2025	Deadline for on-line ALT file to portal	26
Wed 16 April 2025 10 days	Offer notifications sent.	23, 30
Wed 30 April 2025 5 days	Deadline for acceptances	32, 33
Mon 7 May 2025	Deadline for transfer of acceptances to maintaining LAs	33

Easter Weekend 2025 – Friday 18th April to Monday 21st April

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Report for:
ACTION

Item Number:

Contains Confidential or Exempt Information	No
Title	Gurnell Leisure Centre Update
Responsible Officer(s)	Peter George – Strategic Director for Economy & Sustainability
Author(s)	Kitty Eyre
Portfolio(s)	Cllr Polly Knewstub, Portfolio Holder for Thriving Communities, Cllr Shital Manro, Portfolio Holder for Good Growth and New Housing
For Consideration By	Cabinet
Date to be Considered	7 th February 2024
Implementation Date if Not Called In	19th February 2024
Affected Wards	Pitshanger
Keywords/Index	Gurnell Leisure Centre, Swimming, Housing, Re-Development

Purpose of Report:

To provide an update to Cabinet on progress towards replacing Gurnell Leisure Centre to deliver new, state of the art leisure facilities in line with the Council Plan 2022-2026. This report also seeks Cabinet approval to commence the procurement process for the building contract for the construction of a new leisure, via the procurement of a Pre-Construction Services Agreement. Cabinet approval is also sought to delegate authority to the Strategic Director for Economy and Sustainability to procure and award a development partner for the enabling residential development, which is necessary to part fund the delivery of the new leisure centre.

1. Recommendations for DECISION

It is recommended that Cabinet:

1. Agrees to procure and award a Pre-Construction Services Agreement for the replacement of the leisure centre.
2. Delegates 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.

3. Delegates 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.

2. Recommendations for NOTING

It is recommended that Cabinet notes:

1. A further report will come forward seeking the award of contract for the building contract for the leisure centre.

3. Reason for Decision and Options Considered

Context

1. Ealing Council has 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 has historically been the council's flagship leisure facility. The existing facility has 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 has 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 will be the latest example of this.
3. There are three strands to the new masterplan; the delivery of a new state-of-the-art leisure centre, an enhanced and rejuvenated parkland and enabling residential development to partly cross-fund the new facilities.
4. The new leisure centre is 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 is to make it a place to encourage healthy and fulfilling lifestyles for Ealing borough residents. In pursuit of this objective, the new leisure centre will include a new swimming pool and improved gym. There will 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 will be situated within the site's parkland setting. Enhancements will be made to the surrounding green space and landscaping, as

well as the reprovision of the pump track and skate park. There will also be a new outdoor gym and designated play areas. This will create an indoor and outdoor leisure experience to be enjoyed by all of Ealing's residents.

6. The site will also encompass new homes. The delivery of new homes on the site will 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 is committed to creating a truly unique destination for the Borough.

Vision and Ambition

8. The vision for Gurnell has been articulated through stakeholder engagement and consultation with the public and internally.

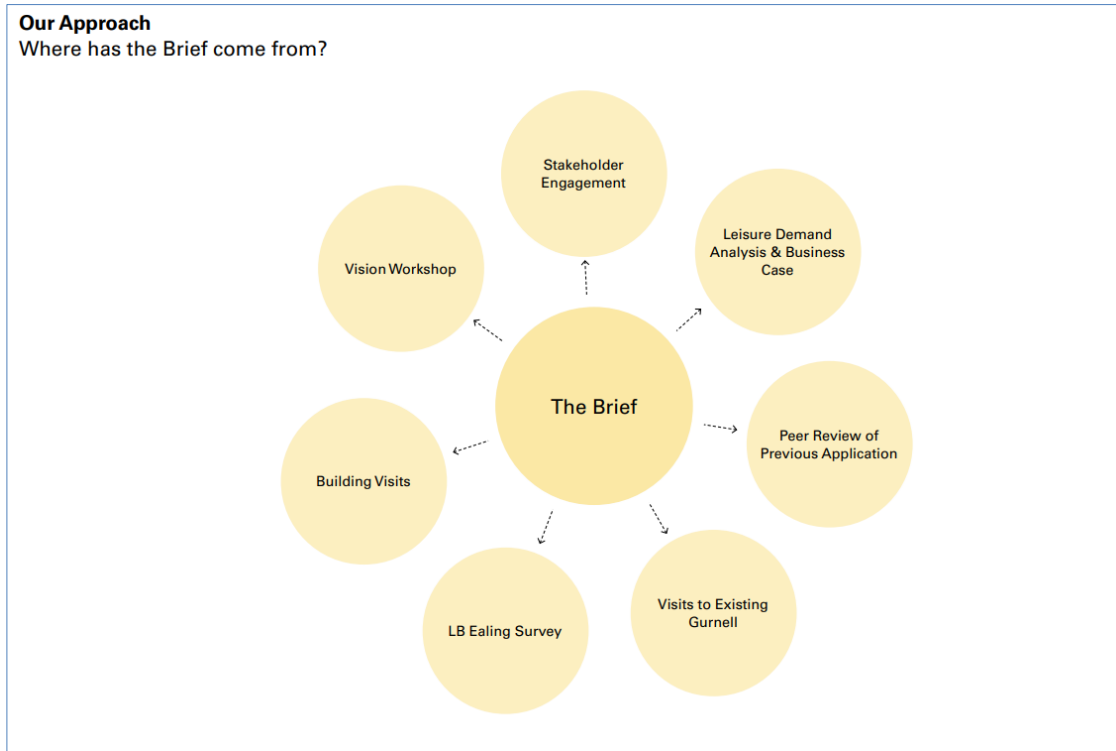
The new Gurnell leisure centre will form the centrepiece of Ealing's leisure quarter. Combining top-class facilities and a delicious new eatery set within beautiful landscaping – you'll come for a workout and stay for the day!

9. This vision is 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

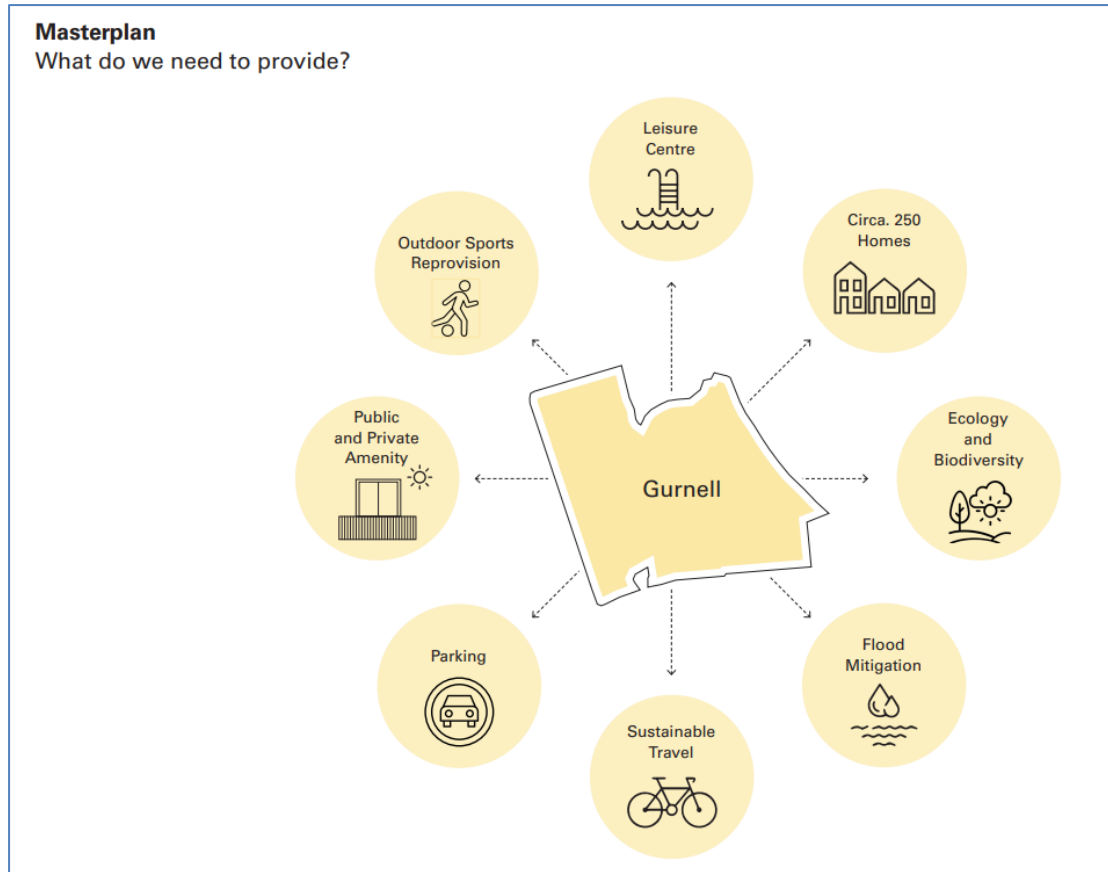
Project Progress

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 will shortly be submitted.
11. The council has 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 sets out the core ingredients that must be provided within the new Gurnell site.



13. This brief has been used to guide the further development of concept designs for the leisure centre, parkland and residential development. More detailed designs will 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 has been underpinned by feedback from local stakeholders and community members. The Gurnell Sounding Board has 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 is 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 has 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 have been reflected in updated designs.
16. In addition, the project team has engaged with the Council's pre-application services, whereby early-stage proposals are shared with planning officers for review and advice. To date, four pre-application meetings have taken place, incorporating feedback from internal teams including planning, transport and highways, and flooding.

17. There will 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 is to ensure as many future leisure centre users as possible have the opportunity to provide feedback. This feedback will help the council to design a leisure centre that best meets the needs of Ealing Borough residents.

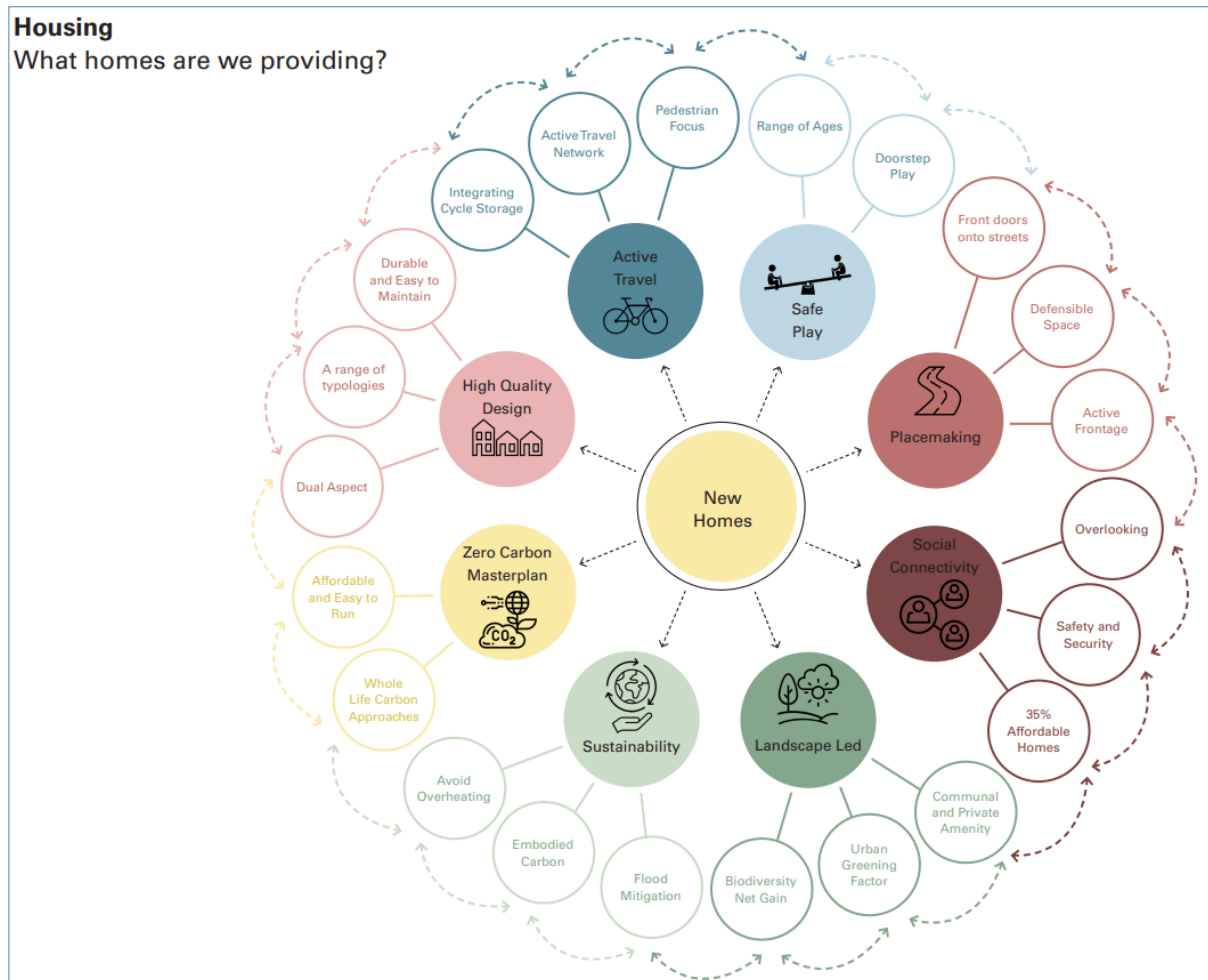
The Leisure Centre and Park

18. Since the February 2023 Cabinet meeting, the design for the leisure centre has been progressed and the mix of leisure and wellbeing facilities has been finalised. The leisure centre designs are 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 will benefit from a larger leisure pool, including additional flumes and play equipment and a larger fitness suite area. This will 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 include significant enhancements to the parkland surrounding the current leisure centre, to make it an indoor and outdoor destination for all. The enhanced parkland will 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 will 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 will 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 have been progressed. An optimised scheme in regards to height and density is being targeted in line with the strategy approved by Cabinet.

23. The homes provided will meet the following principles:



4. Key Implications

Leisure centre construction contract procurement

24. The council will submit a detailed planning application for the leisure centre as part of the overall planning application.

25. The recommended procurement route for the delivery of the leisure centre is Design & Build via a Two-Stage tendering process. The proposed route to market is to use a framework agreement. Alternative procurement routes have been assessed (please see Appendix 1 for additional information) including traditional, Design & Build (single stage), Design Build Operate and Maintain against set criteria of time, risk and quality. A Design & Build Two-Stage tender process

would provide the council with greater control over the scheme, and subsequently quality, whilst being lower risk to the council as compared to the other options and would be a shorter timescale than under a Design Build Operate and Maintain contract. On this basis, a Design & Build Two Stage tender process was deemed most appropriate.

26. Under a Design & Build Two-stage tender process the contractor is appointed at an early stage under a Pre-Construction Services Agreement (PCSA). This allows both the contractor and their chosen designer / suppliers to use their expertise during the design development process, ensuring design quality is the focus of the process.
27. The first stage of the procurement process which results in the award of the PCSA requires contractors to competitively tender for preliminaries costs and overheads and profit allowances. The PCSA is awarded to the successful bidder. Once the design has been developed to an agreed RIBA work stage the contractor is asked to bid a fixed contract price for undertaking the construction work. Subject to the council being satisfied that the bid represents value for money, it will enter into a building contract and the contractor who will then undertake the remainder of the detailed design, construction, installation and commissioning work.
28. This Cabinet paper is requesting authority to commence with the Design and Build Two-Stage tender process and to enter into a PCSA with a selected contractor. Following the second stage of the tender process and receipt of a fixed price offer, a further report will be brought to Cabinet requesting authority to enter into contract with the recommended contractor for the construction of the leisure centre along with the necessary budget and financing approvals.

Development Agreement for the Enabling Residential Development

29. The council will submit an outline planning application for the residential development as part of the overall planning application. The delivery of homes on this site will contribute towards the council's 4,000 genuinely affordable homes target and deliver a capital receipt to part fund the leisure centre.
30. The council has undertaken an options analysis of the preferred means of delivering the enabling residential development. The options analysis (please see Appendix 2 for additional detail) assessed the financial risk, financial return, level of control, resource requirements and delivery timescales associated with different delivery models. A Development Agreement with outline planning permission was determined to be the most appropriate model on the basis that it would have lower resource requirements, delivery timescales and financial risk than some of the other models assessed, whilst still providing an acceptable level of control and financial return.
31. The recommendation is therefore to procure a developer to deliver the enabling residential development via a Development Agreement once an outline planning permission is in place. The procurement process will comply with the relevant

procurement legislation and the development will be built in accordance with the outline consent submitted to planning.

32. On the basis of the above, this Cabinet paper is recommending to delegate 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 the necessary processes up to the award of a development agreement for the residential enabling development.

Award of budget to progress to the next stage of the project

33. In March 2016, Cabinet approved a capital contribution of £11.9m towards the secondary fit-out phase of the project under the previous scheme. This budget is currently in the council’s approved Capital programme.

34. £2.5m of this budget has been allocated towards the early design stages of design development following the completion of a Feasibility Study as approved in the February 2023 Cabinet paper. A further £5.344m of this approved budget will be allocated towards the activities required for the next stage of the project. This budget will cover the following activities:
- Progressing the project to RIBA Stage 4
 - Undertaking the Leisure Centre procurement process
 - Undertaking the Residential Enabling development procurement process
 - The costs of demolition of the existing leisure centre building
 - Additional project costs: surveys, stats, council direct costs (e.g. capitalised salaries)
 - Contingency, which is a risk allowance of 5%.

Item	Design stage / item	January 2024 forecast
1	RIBA stage 2+	£670,276
2	RIBA stage 3 - spatial co-ordination	£571,218
3	RIBA stage 4 - technical design	£1,145,286
4	RIBA stage 4b	£281,363
5	Demolition	£1,000,000
6	Survey costs	£252,000
8	Ealing direct costs	£320,000
9	Development Agreement fees	£300,000
10	PCSA costs	£550,000
11	Contingency 5%	£251,007
	Total	£5,344,651

Progressing the project to RIBA Stage 4

35. The above table provides an estimate of fees for stages 2+, 3 and 4 under items 1-4. The stage 2+ and stage 3 test are known in detail. The fees for stage 4 are an estimate made by the project team.

Costs of demolition

36. The demolition cost includes the contract price for the demolition contract, a contingency allowance and an allowance for the main contractors enabling work. These costs are encompassed under item 5 in the above table and are based upon a pretender estimate for the inclusive project cost to the value of £1,000,000.

37. Tenders have been invited to appoint a demolition contractor with returns due back on 26 January 2024 and award of contract anticipated on or around 01 March 2024 with demolition works commencing thereafter. Based upon pretender estimates the demolition contract is anticipated at up to £1,000,000.

Undertaking the Leisure Centre procurement process

38. The costs of the leisure centre procurement process are reflected in item 10 PCSA costs. This £550,000 sum figure is a projection of the contractor's PCSA costs inclusive of design and supply chain pricing activity.

Undertaking the Residential Enabling Development procurement process

39. The process of procuring a developer to deliver the enabling residential development via a Development Agreement is complex and requires sufficient resources to ensure that the council can agree the best possible commercial terms. Therefore, the council needs support from property consultants and solicitors. It is estimated that the total costs of this process would be within £300,000 – represented by item 9 in the cost plan. There is an option to recoup these costs at the point that the Development Agreement is signed.

5. Financial

1. As outlined above, £5,344,651 of the previously approved budget of £11.9m (financed from council borrowing) will be allocated towards implementing the next stage of the project, inclusive of £1m to demolish the existing leisure centre. The annual revenue cost of financing £5.3m of capital expenditure financed by borrowing is expected to be c£300k per annum. In total, including the proposals in this report, total commitments against this budget are £7.8m. This budget was to be financed from council borrowing which would come at an estimated annual revenue cost of £470k.
2. The financial risks relating to this and the previous Cabinet decision is that the costs committed to date and the proposed costs as a result of this decision are abortive if the scheme does not proceed. If the scheme does not proceed then the capital costs to date associated with the scheme will need to be written off the revenue (likely met from council reserves). Taking into account the previous decision and this decision, the total maximum write off would be

£7.8m, although costs would be reviewed at that stage to understand whether they could continue to be capitalised such as the planning costs and demolition costs which are likely to increase the value of the site. The risk of abortive costs will be mitigated through our internal gateway process; at the end of each RIBA stage there will be a gateway review whereby a decision is taken as to whether to progress the project. This will prevent the project progressing to the next stage without approval, in effect mitigating against the accrual of abortive costs.

3. At this stage the total scheme capital budget and financing has not been identified or approved and therefore there is a risk that the scheme will not be able to proceed if funding can not be identified and the scheme is considered unaffordable. The council will not award the contract for the construction of the leisure centre unless and until the funding has been identified and approved by Cabinet. The council will not complete the disposal of the enabling residential development via a Development Agreement unless and until the council has made the decision to award a contract for the construction of the leisure centre.
4. There are additional capital costs associated with the landscaping, which includes landscaping, including the re-provision of leisure facilities, flood mitigation and park land improvement works for which a further decision will be required.
5. In accordance with the February 2023 Cabinet Paper, the costs of the replacement of the leisure centre and landscaping will be met from a combination of grant funding, Section 106 contributions, leisure income, capital receipts and council borrowing. In regards to grant funding, a working group has been set up consisting of representatives from the consultant team and colleagues across the Leisure and Major Projects. The purpose of this group is to stay abreast of potential grant funding opportunities and, in the circumstances where the Gurnell project meets the funding criteria, submit expressions of interest and bids.
6. A paper setting out the overall funding strategy will be provided once the planning permission has been decided and the procurement exercises for the leisure centre and enabling residential development have been progressed to a stage where the project can commence to the construction phase. The next stages of the procurement process will only proceed once the funding plan has been approved and is demonstrably affordable, including any enabling development capital receipts. A further update to Cabinet will be provided in due course, identifying additional sites for enabling development and setting out next steps.

5. Legal

The Council will need to comply with the Contract Procedure Rules and the procurement regime which is in place when the procurements commence. The Procurement Act 2023 comes into force in October 2024. Public procurement is currently regulated by the Public Contracts Regulations 2015. Under both

regimes, it is permissible to undertake a negotiated procedure as recommended for the residential developer procurement.

6. Value For Money

1. The existing leisure centre is considered to be at end of life and renovating it would offer poor value for money and hence Cabinet agreed in February 2023 that it should be demolished. The existing leisure centre has historically also operated at a deficit and has required a subsidy by the council.
2. The management and operation of the council's leisure centres is currently contracted to Everyone Active under an operator contract which runs until 31st August 2025. This contract generates a surplus which is payable to the council. Based upon revenue projections for the replacement Gurnell Leisure Centre, a new centre at the specification proposed would significantly increase the value of the management fee paid by the operator to the council. The additional surplus will contribute towards its own build costs. The proposed enabling housing development will directly contribute to the capital costs of the scheme and thereby reduces the level of council borrowing necessary to realise a new Leisure Centre.
3. The procurement process to identify a development partner for the enabling residential development and for the construction contract for the leisure centre have been evaluated to identify savings and efficiencies to ensure the procurement process represents value for money.
4. At the end of design stage 3 & 4 there is a cost review process. There is an opportunity to instruct cost savings at each of these stages. This in turn may reduce consultant fee costs in stages 5 & 6.

7. Sustainability Impact Appraisal

1. As a GLA referable application, the masterplan scheme will be required to meet a number of sustainability requirements under the new London Plan. The brief for this project is for an exemplar sustainable Leisure Centre and masterplan.
2. The Leisure Centre will meet London Plan sustainability requirements. This represents a considerable operational carbon savings as compared to the existing leisure centre or 'business as usual'.

8. Risk Management

Some design risk remains in RIBA Stages 3 and 4. The risk register and costed risk register identify items that could have programme and cost implications.

Particular risk items and associated mitigations include:

Theme	Item	Mitigation
Planning	Risk associated with development on MOL	Early engagement with the Local Planning Authority via the pre-application service to ensure proposals best conform with planning policy.
Cost	Increased costs as the design develops over RIBA Stages 3 and 4	Tight brief, with early warnings to identify potential scope creep.
Cost	Risk that the PSCA ITT returns higher than forecast	There is the opportunity to restart the procurement process if it is felt that the PSCA ITT return does not represent value for money.
Infrastructure	Insufficient electricity capacity to service the leisure centre and residential development	Early conversations with SSE to identify risks and opportunities. Design measures implemented to minimise energy demands.
Programme	Fast programme means there is limited scope for unforeseen delays	Experienced project team and sufficient resource dedicated to the project to minimise risk of delays. Early warning system in place to highlight potential delays and give project team the opportunity to avert them.

9. Community Safety

None.

10. Links to the 3 Key Priorities for the Borough

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

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

Fighting inequality

The proposals would contribute to a number of council objectives in relation to health and wellbeing benefits from leisure and recreation and would be a community facility accessible to all. It would provide a secondary benefit in relation to housing provision including contributing towards genuinely affordable homes.

Tackling the climate crisis

A replacement leisure centre would operate to current design standards including meeting the London Plan and would have a substantially reduced operating carbon footprint as compared to the existing centre.

Creating good jobs

The proposals would generate employment opportunities both during the construction / delivery phase as well as during the scheme's operational life.

11. Equalities, Human Rights and Community Cohesion

An updated EEA has been submitted as part of the Cabinet report pack.

12. Staffing/Workforce and Accommodation implications:

None.

13. Property and Assets

This report relates to development on land owned by the council and redevelopment of an existing asset. In disposing of land, the council is required to obtain best consideration under section 123 of the Local Government Act.

14. Consultation

Included in the above report.

15. Timetable for Implementation

Key event	Expected deadline
Submission of planning	Spring 2024
Award of leisure construction contract	Summer 2024
Start on site	Early 2025
Leisure completion	Spring 2027
Enabling residential completion	Spring 2028

16. Appendices

Appendix 1 – Leisure Centre Construction Procurement Strategy

Appendix 2 – Residential Procurement Strategy

17. Background Information

[February 2023 Cabinet Report](#)

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Russell Dyer	Head of Accountancy	21/12/2023	09/01/2024	
Katherine Ball	Finance Manager, Capital and Projects	21/12/2023	08/01/2024	
Alice Rowland	Head of Legal (Commercial)	21/12/2023	08/01/2024	5. Legal
Chris Bunting	Assistant Director for Leisure	18/12/2023	20/12/2023	
Adam Whalley	Assistant Director Capital Investment Programme	18/12/2023	20/12/2023	Throughout
Emily Hill	Strategic Director for Resources	08/01/2024	10/01/2024	Throughout
Peter George	Strategic Director for Economy and Sustainability	03/01/2024	03/01/2024	Throughout

Report History

Decision type:	Urgency item?
Key decision	Yes
Report no.:	Report author and contact for queries:
	Kitty Eyre, Senior Project Manager, eyrek@ealing.gov.uk

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Cabinet Report – Update on Gurnell Leisure Centre

Appendix 1 – Leisure Centre Construction Procurement Options Appraisal

The following options have been considered for the delivery of the leisure centre:

- Traditional
- Design and Build (single-stage)
- Design and Build (two-stage)
- Design, Build, Operate and Maintain (DBOM)

Guiding principles

In the development of this procurement strategy we have applied the following guiding principles to identify the most suitable procurement route for the leisure centre construction.

- Cost Certainty – the Council is protected from changes in costs;
- Quality of Design – design of the public assets is of a standard that is positively received by the public and prolongs the asset life;
- Delivery & Programme Certainty – the option ensures that the project is delivered on time;
- Risk Transfer to achieve best value for the Council; and
- Financial Sustainability – the project does not unnecessarily expose the council to financial variations during the works or operation of the facilities.

The four procurement options have been evaluated based on these guiding principles.

	Traditional	D&B 1 Stage	D&B 2 Stage	DBOM
Cost Certainty	With the design fully developed before priced by the builder, this option provides the most cost certainty compared to the other options.	This one stage process can lack the understanding or clarity required by the bidding parties and sometimes post appointment the interpretation of information has been misunderstood resulting in claims or variations which dilute cost certainty.	The process for identifying the contractor is more refined with a two stage process. Under this approach the design is developed with the building contractor to reflect the Council requirements but to reflect market conditions, buildability etc. Price is likely to be more certain.	Cost certainty on the capital costs are away from the Council and allocated to the Consortia. In theory the DBOM optimizes the cost between design, buildability and operations.
Planning ease	Council will have full control over planning before appointment of the contractor.	Council will have full control over planning before appointment of the contractor.	Council will have full control over planning before appointment of the contractor.	Planning will be submitted by the lead consortia who will take the planning risk, but if it is not successful, the reputational risk is with the Council.
Design Quality	Full control of the design process is with the Council and quality likely to be the highest.	Design may change for buildability by the main contractor or for cost efficiency so quality may be diluted	Design may change for buildability by the main contractor or for cost efficiency but likely to have been agreed at end of Stage 1 of the 2 stage process.	Design is in competition and therefore will be efficient for the purposes of winning the tender but reflecting operational and construction needs.
Programme	Longer programme as design is completed before building contractor is appointed. See opening time	Under this option, the building contractor can be appointed and works started prior to the completion of the design. See opening time	Under this option, the building contractor can be appointed and works started prior to the completion of the design. See opening time	The DBOM contract can take up to 18 months to develop and the preferred consortia appointed, and this is subject to planning approval. See opening time.

	Traditional	D&B 1 Stage	D&B 2 Stage	DBOM
Risk Transfer	All design risks with the Council and construction risks in the main are with the contractor. Any changes to designs post appointment will be at the risk of the Council. Operating risks shared between the Council and operator through a contract.	Contractor holds the design risk, however the client retains a risk over suitability of design requirements for the contractor to develop	Contractor holds the design risk, however the client retains a risk over suitability of design requirements for the contractor to develop	Risk is all managed by the consortia from design, construction and operations, with some risk sharing in the operational phase
Financial Sustainability	Any changes to the client design may transfer financial risk to the Council.	The contractor is responsible for changes to the design, however the client retains responsibility for scope changes at their decision	The contractor is responsible for changes to the design, however the client retains responsibility for scope changes at their decision	The price provided by the Consortia is fixed, subject to indexation.
Operator linkages with the Building Design and Works	Separate service contract required	Separate service contract required	Separate service contract required	Operator led consortia.
Projected Opening of the Facility under this option	Q1 2027	Q1 2027	Q1 2027	Q3 2027

Recommendation

On balance a design & build procurement route is more appropriate than a traditional route from a financial sustainability and risk transfer perspective and is more attractive than a DBOM route in terms of programme, planning ease and design quality.

A key consideration in choosing the design & build route of procurement is cost certainty and appropriate transfer of risk from the employer to the contractor. A significant amount of work has been done to identify and manage risks on the site, thus enabling the contractor to make due consideration within the Contractor's Proposals. This work extends to carrying out many specialist surveys.

Furthermore, at the time that the contract is awarded, the existing leisure centre will have been demolished and the ground conditions known with an element of remediation completed. Alongside this, the contractor will be presented with a comprehensive set of Employer's Requirements, specification and surveys and a relatively developed design, thus enabling a fair and accurate contract sum to be derived which transfers the risk substantively from employer to the contractor.

As a result, the recommended procurement route for this scheme is design & build on a two-stage tender process aligned with an appropriate framework. The reason for two-stage selection is that it allocates design risk to the contractor whilst having early contractor involvement in a first stage to provide increased certainty over cost and programme.

Cabinet Report – Update on Gurnell Leisure Centre

Appendix 2 – Residential Procurement Options Appraisal

The following options have been considered for the delivery of the enabling residential development:

- Disposal of the residential site for a premium
- Development Agreement
- Joint Venture
- Direct Delivery

These four options have been evaluated based on the following criteria:

- Financial risk (low)
- Financial return (high)
- Level of control (high)
- Reputational risk (low)
- Resource requirements (low)
- Delivery timescales (quick)

A RAG rated evaluation* is provided below.

	Financial risk	Financial return	Level of control	Reputational risk	Resource requirements	Delivery timescales	Score
Whole disposal				Poor design / outcomes may be blamed on disposal		No control, so hard to judge	21
Development Agreement		Depends on conditions of the DA	Depends on conditions of the DA			Could condition early start on site	22
Joint Venture	Higher risk, higher return			Failed previously			16
Direct Delivery	Highest risk, highest return	Depends on market conditions		If it fails, it rests solely with the Council			15

Lowest scoring / highest risk
1
2
3
4
5
Highest scoring / lowest risk

As illustrated by the RAG evaluation, a Development Agreement scored highest and hence was identified as the most appropriate procurement route. This route would provide the council with sufficient control and financial return, whilst being less resource intensive and allowing for quicker delivery timescales than alternative options.

*This scoring is based off advice from Carter Jonas, Savills and Gleeds Project Management.

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Report for:
ACTION
Item Number:

Contains Confidential or Exempt Information	No
Title	Housing Revenue Account (HRA) Business Plan 2024/25
Responsible Officer(s)	Nicky Fiedler (Strategic Director of Housing and Environment) Emily Hill (Strategic Director, Resources)
Author(s)	Jon Maxwell, Yalini Gunarajah, Ajit Kaur
Portfolio(s)	Cllr Bassam Mahfouz - Genuinely Affordable Homes Cllr Shital Manro - Good Growth Cllr Steve Donnelly - Inclusive Economy
For Consideration By	Cabinet
Date to be Considered	February 2024
Implementation Date if Not Called In	March 2024
Affected Wards	All
Keywords/Index	Housing Revenue Account (HRA), 30 Years, Business Plan, Financial Plan, Capital Programme, Asset Management, 2024-25, Budget, Tenants, Leaseholders, Service Charges, Rent Increase

Purpose of the Report

The setting of the 2024/2025 budget for the HRA sets out the income and expenditure expected to deliver services in the financial year and reviews the 30-year HRA Business Plan.

The Council has a very clear objective to deliver safe and genuinely affordable homes for our residents and a regular review of the HRA Business Plan is essential to ensuring that the funding is available to achieve this.

The key focus within the Business Plan is safety, great tenant engagement, and improving services and outcomes for residents. The Business Plan sets out the financial impact of the investment in the stock and the services provided, including residents' safety, providing an effective repairs service, and engaging with tenants on service priorities and improvements.

To fund the continued investment in the homes and services, the Council will apply the rent increase allowed by Central Government. This will help the Council continue improving services and reflect the priorities of tenants in these changes.

The Council has had to raise the income required for the Business Plan to prioritise the funding on the things that matter most to residents, which is the condition of their home and the area they live in. The increased expenditure on repairs and maintenance reflects the needs of the stock and to comply with the revised expectations from the Regulator of Social Housing.

The report provides Cabinet with:

1. The proposed Housing Revenue Account (HRA) budget for 2024/25.
2. An update on the approved planned maintenance capital programme.
3. An update on the approved new homes and regeneration programme.
4. An update on the 30-year Business Plan for the HRA.
5. A proposed Capital Programme for the next five years and proposed indicative capital allocations for the following 25 years.

1 Recommendations

It is recommended that Cabinet:

- 1.1 Approves the HRA revenue budget for the 2024/2025 as set out at paragraph 15.7.
- 1.2 Approves the updated 30-year Business Plan Model for both Revenue and Capital Programmes as set out at paragraph Appendix Two and Three.
- 1.3 Approves the HRA 5-year Capital Programme as set out at paragraph 10.4.
- 1.4 Approves the regeneration programme budget of £246.101m and funding as set out at paragraph 11.4.
- 1.5 Approves an increase to the HRA 5-year total Capital Programme of £87.657m to be funded as set out at paragraph 11.6.
- 1.6 Approves the increase of 7.7% to existing tenants' rents and the formula rent for new tenants for 2024/25.

2 Introduction

- 2.1 Good quality housing and the provision of affordable housing is a vital part of the Council's long-term vision for the borough. The Council Plan identifies Affordable Housing as a key priority with a commitment to delivering the "programme of social rent, council house building, affordable homes and ensuring our tenants are empowered and have ownership of their communities".

- 2.2 The HRA Business Plan sets out the financial implications of plans for existing homes and the provision of new homes funded through the HRA by the Council.
- 2.3 The HRA Business Plan sets out the long-term financial position of the HRA Business Plan for a period of 30 years. The key focus is on the medium-term (i.e., the first five years) where there is greater certainty on costs and pressures, and where the prioritisation of housing investment is needed. The HRA Business Plan does not include the activity financed by the Council's General Fund, such as homelessness.
- 2.4 The Business Plan outlines the broad context for financial planning and investment decisions that support delivery of the Council's strategies for HRA housing. The plan takes account of the known financial information and issues, as well as assumptions made about variable elements impacting on the plan (e.g., inflation and interest rates).
- 2.5 The Council has used a financial planning model employed provided by Savills and this helps comparisons to be made based on the assumptions used, as well as the income and costs incurred.

3 Background

- 3.1 The Council's Housing Service provides services to approximately 15,500 (including c4,500 leasehold) properties across the borough. Most of the properties are general needs homes and there are plans to develop new homes through new build and regeneration schemes.
- 3.2 The properties provide a significant resource to meet local housing needs and has a positive impact on the local economy, supporting economic growth and prosperity.
- 3.3 The HRA is a ring-fenced account showing the income and expenditure incurred on the Council's housing stock. The cost of borrowing and an allowance for depreciation are also included.
- 3.4 The Council has continued to deliver a strong new home development programme at social rent across the borough for local people through the HRA. To date the Council has completed 129 new homes and have a further 1,134 current under construction and a further 911 properties in the pipeline.
- 3.5 The HRA Business Plan has been reviewed and updated to include the latest priorities and financial position of the Housing Service. This includes aligning the HRA Business Plan to the following areas:
 - The Council's Corporate Priorities, including how the housing service can contribute to the net carbon zero targets.
 - The Housing Strategy and how the strategy's delivery plan will be supported by the HRA Business Plan.

- The Asset Management strategy for the HRA is in the process of being updated and the HRA Business Plan will ensure investment supports the effective management of the assets.
- 3.6 The annual investment into existing homes and the new build programme helps ensure we can provide good quality affordable homes for those most in need.
- 3.7 This updated Business Plan starts at in 2023/24, with the budget for 2024/2025 as Year 2 and then extending over the next 28 years. The plan incorporates the latest budgetary forecasts and provision has been made for increased investment in the existing homes and services to meet the challenges facing registered providers of social housing.

4 Financial Context of the HRA Business Plan

- 4.1 The HRA Business Plan reflects the Council's plans to maintain a supply of good quality housing and to increase the provision of affordable housing.
- 4.2 Since the introduction of self-financing in 2012, the HRA Business Plan has been developed to enable long term planning. The Business Plan is supported by a financial model that uses budgetary information and projections to outline the expenditure required. The model is supported by Savills and is based on insight gained from other stock holding Local Authorities.
- 4.3 The main sources of income and expenditure include the following:
- **Income** - The main sources of income for the HRA are rents, service charges (tenants and leaseholders) and external grant (e.g., for new development programmes).
 - **Expenditure** - The main areas of financial expenditure are repairs and maintenance, management costs (e.g., staffing and overheads), service charges, depreciation and servicing of HRA debt (i.e., interest payments).
- 4.4 The HRA Business Plan considers the impact of changes on the Council's operational and investment plans and the ability of the Council to respond to external pressures (e.g., inflation and increased cost of living).
- 4.5 The Business Plan is based on a financial model that enables scenarios of investment to be projected and varied based on the decisions that could be taken. For example, this helps the decisions to be made based on an appropriate balance between investment in existing homes and acquiring/building new homes, as well as variations on the operating environment (e.g., interest rates).
- 4.6 The financial model is reviewed on a regular basis to take account of any changes in the assumptions used and any changes in costs that may be experienced. One example is the impact that external legislative changes can have on the availability of revenue, such as the level of rents that can be

charged. Elements such as these can be modelled and help provide an assessment of the impact on the Business Plan.

- 4.7 The current Business Plan is set out in more detail for the first 5 years and there are key areas of activity outlined in this Business Plan that will help to clarify the longer-term position (e.g., an updated stock condition survey). As this information becomes available the Business Plan will be updated on a regular basis to reflect this. The additional information will help provide clarity on when decisions need to be made.
- 4.8 The Business Plan is reviewed in line with the Council's annual budget setting process, along with the changes that are seen across the social housing sector. For example, recently there have been significant cost pressures in maintenance contracts and the price of utilities.
- 4.9 Reviewing the Business Plan on a regular basis will help ensure the Council plans are based on updated information. The reviews will check on the Business Plan's financial assumptions because of the potential impact that variations may have (e.g., interest rates).

5 Governance and Delivery

- 5.1 The HRA Business Plan is a live document, which sets out the medium and long-term strategies for the management, maintenance, improvement of existing stock, and delivery of new homes. The housing and finance teams review the financial position of the service on a regular basis, as well as the HRA Business Plan's financial model. This is to ensure it reflects the changes that occur to the new build programme, the impact of external factors and any changes approved by the Council's Cabinet.
- 5.2 Each year the annual report to residents will publish the top line figures from the HRA Business Plan. This will help to keep our tenants informed about the delivery of the plan and provide information around value for money.
- 5.3 Any significant changes to the HRA Business Plan, either to the expenditure or the activity included, will see stakeholders engaged in these discussions and the appropriate approvals sought.

6 Risk Management

- 6.1 Since 2012 the HRA has operated on a 'self-financing' basis with local authorities funding council housing from the income generated from rents and other charges. Although 'self-financing' has provided the Council with more flexibility, it has also brought additional risk. Risks are collated and monitored via a risk register and are primarily concerned with threats to the income and expenditure that would potentially compromise the viability of the HRA Business Plan. These risks are reviewed and regularly updated.
- 6.2 Along with other Registered Providers of social housing, there are several risks which will impact upon the Council's HRA Business Plan, including:

a) Cost of Living Increases

The potential impact of the increase in the cost of living could be significant on the number of households in arrears and the value of rent arrears could increase leading to the need to increase bad debt provisions and potential increases in write offs. As a result of this, it is likely that additional resources will be required to deal with tenant arrears and support households. Actions are in place to help support tenants such as debt advice and a joined-up approach from the different organisations working locally.

To providing support to the tenants, the Council will be using the data on payments and arrears to help support the early intervention with households. As well as helping to reduce arrears, these mitigations will also help tenants to sustain their tenancies by addressing issues early.

b) The impact of National Housing Policies

The impact of several national policy changes, particularly the new Social Housing Bill, are likely to impact on the service and may require additional resourcing. The changes in the Regulator of Social Housing's (RSH) responsibilities from April 2024 are being responded to.

c) Interest Rate Risk

The HRA's loan portfolio is made up of both fixed rate loans and the requirements for new borrowing will be exposed to interest rate changes. Although this is a risk to the Business Plan, the role of the Council's treasury management team is to help manage the HRA's exposure to interest rate fluctuations and the risk this brings.

d) Inflation Rate Risk

The HRA Business Plan includes assumptions about inflation rates across the life of the plan. In the short-term, the inflation rate reflects the recent changes experienced and mirrors the Bank of England's projections.

e) Repairs and Maintenance

Repairs and Maintenance risks which could impact on the demand for services, include increased voids, disrepair claims, reports of damp and mould, changes in regulations, and changes in maintenance providers. The increased expenditure on the properties reflects the changing expectations and providing homes that meet the required standards. There remains some regulatory risk if the standards (such as the decent homes standard) change and increase the investment required.

f) Responding to Climate Change

In addition to meeting corporate commitments on climate change, changes in building regulations, as well as higher thermal efficiency standards which are not supported by additional external grant funding, would place an additional burden on the HRA Business Plan, as well as the resources available for investment in homes. We will continue to explore the grant options as they are made available.

7 Rents

7.1 Following the Government's Autumn Statement in November 2023, the government has allowed Registered Providers to increase existing rents by 7.7% based on CPI +1%. The proposal is to apply this increase to help fund the increased level of repairs and maintenance expenditure required to maintain and improve properties.

7.2 Due to historical decisions, in general the existing rents in Ealing are approximately 5% less than the formula rent, and tenants have not been charged the property's formula rent. Based on the available data for 2022/23 this means that the rents charged by the Council are lower than neighbouring councils and significantly lower than the rents charged by housing associations in the borough and the amount claimable for housing benefits/universal credit.

Local Authority Name	Local Authority Social Rent		Private Registered Providers Rent (i.e. Housing Associations)	
	Net rent	Number of homes	Net rent	Number of Homes
Ealing	102.53	9,340	136.58	8,350
Brent	121.69	8,729	134.69	17,179
Hammersmith and Fulham	113.21	12,139	138.39	9,461
Hillingdon	117.01	9,033	132.03	5,106
Hounslow	112.05	12,182	132.72	5,884

7.3 Currently c18% of social rent tenants are on full Housing Benefit, c17% are on partial Housing Benefit and an estimated 25% are on full or partial Universal Credit. The remaining c40% pay the full amount of the rent charged.

7.4 For new tenants, they will be charged the formula rent for the property, which is set using a defined formula for social rent properties.

7.5 Rents under social rent arrangement exclude service charges, which are charged separately and are based on actual expenditure and any known increases/decreases. Affordable rent charges are inclusive of service charges.

- 7.6 It is recognised that during the current cost of living challenges that any rent increases can cause a strain on households; however, the Council continues to ensure that its residents are supported through locally based financial inclusion staff.
- 7.7 The other rents charged for garages and commercial properties are considered in relation to the local market.

8 Service Charges

- 8.1 The service charges for 2024/25 have been calculated using estimated costs based on the previous year's actual charges and any known increases or decreases.
- 8.2 In previous years, the Council has committed to not increasing average service charges by more than 15% in any given year, even if a larger increase is needed to fully recover costs. However, due to the external challenges driven by inflation and in particular the current cost of gas and electricity, the full cost of services charges to tenants now needs to be recouped. This will help to fund the cost of these services to the HRA, better reflect the meeting of costs by those who benefit from them and provide capacity for other areas of expenditure.
- 8.3 Support will be provided to households to help them with any challenges that the increased service charges and heating costs pose. The service employs dedicated financial inclusion officers and makes referrals to other organisations that can assist households.

9 Leaseholders

- 9.1 Within the HRA there are approximately 4,500 leaseholders that the Council provides services to. Leaseholders are charged a variable service charge that reflects the actual costs incurred where they live, including a contribution to the major repairs works and cyclical maintenance that are completed.
- 9.2 The service charges levied to leaseholders are there to cover the cost of the service in accordance with the lease for the building. The charges reflect the actual costs incurred following a reconciliation of actual costs against the estimated costs that sent out to leaseholders.

10 Housing Capital Programme

- 10.1 To support the investment in the existing homes provided through the HRA, a capital programme is in place to deliver the ongoing investment in the key components within the buildings. This programme of work is to deliver the replacement of items in communal areas (e.g., lifts) as well as within individual homes (e.g., kitchens and bathrooms).
- 10.2 This capital expenditure responds to the existing decent homes standard. The level of investment needed in the existing stock will be reviewed if the

decent homes standard changes following a planned review by the Regulator of Social Housing (RSH).

10.3 The capital programme will also help support the investment in the stock to meet the Council's net zero carbon targets.

10.4 Budget of the capital programme for Housing Assets and Property works:

Scheme Name	2024-25	2025-26	2026-27	2027-28	2028-29	TOTAL
	£m	£m	£m	£m	£m	£m
CAPITALISED WORKS	2.867	0.700	0.800	1.000	1.000	6.367
ADAPTATIONS FOR THE DISABLED	1.100	1.200	1.200	1.300	1.350	6.150
FIRE REMEDIATION	4.950	4.500	3.000	1.000	1.000	14.450
M&E ACTIVITIES AND RENEWABLES	16.399	22.000	16.000	15.000	14.000	83.399
FABRIC & THERMAL - BLOCKS AND STREETSCENE	10.120	11.000	19.000	24.200	27.500	91.820
INTERNAL UPGRADES	4.796	3.000	4.500	4.000	4.000	20.296
STOCK CONDITION SURVEYS	0.110	0.115	0.120	0.050	0.000	0.395
Total Expenditure	40.347	42.515	44.620	46.550	48.850	222.876
Borrowing	(24.124)	(27.012)	(29.133)	(31.339)	(33.451)	(145.059)
Major Repairs Reserve	(15.717)	(15.003)	(14.987)	(14.711)	(14.899)	(75.317)
Capital Works Recharge - Section 20 Income	(0.500)	(0.500)	(0.500)	(0.500)	(0.500)	(2.500)
Total Financing	(40.341)	(42.515)	(44.620)	(46.550)	(48.850)	(222.876)

11 Development Programme

11.1 Previous reports have outlined the developments funded by the HRA, including the regeneration schemes and the new build sites.

11.2 The funding of the programme is a mixture of grants, capital receipts (income from sale of properties and shared ownership sales) and loans, as well as utilising Right to Buy (RTB) capital receipts and Section 106 funding where possible.

11.3 The removal of the debt cap provided a significant opportunity for Local Authorities to deliver affordable housing although the Council continues to be bound by the Prudential Code which requires any debt to be affordable. Having clarity on the investment needed for the existing stock, the regeneration schemes and new developments will mean that decisions can be taken on the best information available at the time.

11.4 The new homes and regeneration schemes currently approved in the HRA are included in the table below.

Scheme Name	2024-25	2025-26	2026-27	2027-28	2028-29	TOTAL
Council New Build						
GOLFLINKS - Phase 3/ ALNMOUTH & PORTRUSH	24.127	27.906	5.798	0.090	0.935	58.856
LOCAL AUTHORITY HOUSING GRANT - REGISTERED PROVIDERS	0.332	0.000	0.000	0.000	0.000	0.332
Total Expenditure	24.459	27.906	5.798	0.090	0.935	59.188
Borrowing	(24.127)	(27.906)	(1.018)	0.000	(0.935)	(53.986)
Grant	0.000	0.000	(1.665)	0.000	0.000	(1.665)
Capital Receipts - 141 RTB	(0.332)	0.000	0.000	0.000	0.000	(0.332)
Capital Receipts	0.000	0.000	(3.115)	(0.090)	0.000	(3.205)
Total Financing	(24.459)	(27.906)	(5.798)	(0.090)	(0.935)	(59.188)

Scheme Name	2024-25	2025-26	2026-27	2027-28	2028-29	TOTAL
HRA Regeneration Schemes						
DEAN GARDENS	0.000	0.000	0.000	0.000	0.000	0.000
GREENMAN LANE EST REGENERATION	1.000	0.000	0.000	0.000	0.000	1.000
HAVELOCK ESTATE	0.500	0.000	0.000	0.000	0.000	0.500
HIGH LANE ESTATE REGENERATION	4.068	8.513	19.417	15.000	0.000	46.998
LEASEHOLDER ASSISTANCE SCHEME	0.684	0.000	0.000	0.000	0.000	0.684
SOUTH ACTON REGENERATION	7.771	6.354	3.254	0.000	0.000	17.379
Total Expenditure	14.023	14.867	22.671	15.000	0.000	66.561
Borrowing	20.272	(14.867)	(22.671)	0.00	0.000	(32.266)
Capital Receipts	(15.850)	0.000	0.000	0.000	0.000	(15.850)
Grant	(18.445)					(18.445)
Total Financing	(14.023)	(14.867)	(22.671)	(15.000)	0.000	(66.561)

Scheme Name	2024-25	2025-26	2026-27	2027-28	2028-29	TOTAL
Copley Close Regeneration						
- Copley Close	2.181	1.947	1.083	0.328	0.300	5.839
- PHASE 3					0.500	0.500
- PHASE 5	4.500	6.165	1.300	0.200	0.000	12.165
- PHASE 6	0.500	0.250	0.000	0.000	0.000	0.750
- PHASE 7	2.467	1.000	0.000	0.000	0.000	3.467
Total Expenditure	9.648	9.362	2.383	0.528	0.800	22.721
Borrowing	(9.648)	(9.362)	(2.383)	(0.528)	(0.800)	(22.721)
Total Financing	(9.648)	(9.362)	(2.383)	(0.528)	(0.800)	(22.721)

Scheme Name	2024-25	2025-26	2026-27	2027-28	2028-29	TOTAL
New Regeneration Schemes						
LEXDEN ROAD	32.743	26.281	3.396	0.000	0.000	62.420
SUSSEX CRESCENT	5.474	0.023	0.000	0.000	0.000	5.497
NORTHOLT GRANGE COMMUNITY CENTRE	10.410	18.280	1.023	0.000	0.000	29.714
Total Expenditure	48.627	44.584	4.419	0.000	0.000	97.631
Borrowing	(48.237)	(37.031)	19.620	0.000	0.000	(65.647)
Capital Receipts	0.000	(4.110)	(22.866)	0.000	0.000	(26.976)
Grant	(0.390)	(3.443)	(1.175)	0.000	0.000	(5.008)
Total Financing	(48.627)	(44.584)	(4.419)	0.000	0.000	(97.631)

11.5 All homes within the Council's new build programme that have started on site, or have been approved have been included in the Business Plan.

11.6 Net additions and re-profiling changes to the 5-year capital programme as detailed in sections 10.6 and 11.4.

Summary Capital Programme	2024-25	2025-26	2026-27	2027-28	2028-29	TOTAL
HOUSING ASSETS & PROPERTY WORKS	15.979	19.654	22.066	21.342	31.423	110.463
COUNCIL NEW BUILD	5.479	17.233	5.798	0.090	0.935	29.534
HRA REGENERATION SCHEMES	(10.593)	(13.906)	5.872	10.134	0.000	(8.493)
HRA REGENERATION - COPLEY CLOSE REGNERATION	2.328	(3.006)	(8.117)	(11.560)	0.800	(19.554)

NEW HRA REGENERATION SCHEMES	(29.883)	20.505	4.125	(19.039)	0.000	(24.293)
Total Expenditure	(16.690)	40.480	29.743	0.966	33.157	87.657
Borrowing*	38.669	(67.057)	(4.216)	(12.261)	(33.823)	(78.688)
Revenue Contribution*	0.081	1.000	3.000	3.000	0.666	7.747
Capital Receipts*	(13.786)	14.646	(25.981)	4.988	0.000	(20.134)
Capital Receipts - 141 RTB*	4.286	2.889	0.294	3.306	0.000	10.776
Grant*	(12.560)	8.042	(2.840)	0.000	0.000	(7.358)
Total Financing	16.69	(40.480)	(29.743)	(0.9668)	(33.157)	(87.657)

* Funding figures - brackets means an increase in funding.

12 HRA Reserves

- 12.1 There is a requirement to maintain a HRA General Balance to safeguard against unplanned and unavoidable increases in expenditure, such as legislative or Government policy pressures or losses of income. For several years, the actual HRA General Balance has exceeded the recommended good practice guideline of a minimum of 4%. It is recommended that a minimum reserve balance of £4.925m would be appropriate.
- 12.2 As at 1 April 2023, the HRA Reserve stood at £11.941m (excluding the minimum required General reserve balance). 2023/24 Q3 budget monitoring predicts a drawdown on reserves of £7.8m due to increased financial pressures. The forecast HRA Reserve balance as of 31 March 2024 of £4.109m is shown in the table below. The proposed budget includes a further draw down on reserves in 2024/25 of £1.3m.

HRA Reserves	HRA Reserve	HRA General Balance	Total HRA Reserves
	£m	£m	£m
Opening Balance at 1 April 2023	11.941	4.925	16.866
2023/24 in year movements (Q3 forecast overspend)	(7.832)		(7.832)
Forecast HRA Reserves Balances at 1 April 2024	4.109	4.925	9.034

13 Borrowing and Debt

- 13.1 In line with the budget monitoring in 2023/24, it is estimated that on the 1 April 2024 the HRA opening borrowing/ debt will be £269.791m.
- 13.2 With further borrowing for future phases of the new build and housing purchase programmes the closing debt for year 2024/25 is estimated to be £355.656m, an increase of £85.865m.

14 Financial Assumptions

- 14.1 Financial assumptions used in the Business Plan modelling are included in appendix one of this document in a table of financial assumptions, and includes inflation, interest rates and the number of right to buys.

15 Financial Analysis

- 15.1 Financial analysis within the HRA Business Plan is focussed on the areas which are subject to external factors and can have a significant impact on the budget and Business Plan.
- 15.2 When decisions are made which have a financial impact it is prudent to analyse the impact of this on the Business Plan if these change the balances and expenditure in specific years. This will help to demonstrate the impact of decisions and enables a focus on the long-term planning for the service.
- 15.3 Sensitivity analysis is of particular importance where there are changes in costs in the following areas: maintenance costs, inflation and cost of living increases, rent levels, service charge income, number and cost of new developments, interest rates and the cost of borrowing.
- 15.4 Detailed analysis through the HRA Business Plan's financial model will be used to understand the impact of changes to the above elements and be to demonstrate that this has been tested in the delivery of the presented Business Plan.
- 15.5 The forecast HRA income and expenditure allows the HRA to meet: the cost of day-to-day management and repairs for our housing stock; manage interest charges; the depreciation charge that funds capital works through the major repairs reserve.
- 15.6 The below table shows the 2023/24 budget, Q3 forecast for 2023/24 and the proposed budget for 2024/25. The Q3 forecast has been reported to the same February Cabinet agenda in another report with detailed explanations.
- 15.7 The 2024/25 income includes the recommended rent increase which supports the increased repairs and maintenance costs. The proposed budget takes in to account the change in demand, activities, and price. The detailed assumptions are shown in Appendix 1.

	Budget 2023/24	Q3 Forecast 2023/24	Proposed Budget 2024/25
Total Stock	10,749		10,519
Dwelling Rent	(62.343)	(63.257)	(66.603)
Broadway Living Fee Income	(0.080)	(0.160)	(0.106)
Commercial Rent	(0.539)	(0.539)	(0.692)
Garages	(0.679)	(0.679)	(0.857)
Service Charges	(11.069)	(10.994)	(13.538)
Heating & Hot Water	(3.258)	(3.092)	(5.043)
Rechargeable Repairs	-	-	(0.200)
Interest on Balances	(0.115)	(0.115)	(0.115)
Total Income	(78.085)	(78.837)	(87.153)
Housing Management	24.489	26.342	22.383
Estate Regeneration	2.961	1.280	1.544
Property & Estate Services	13.054	13.371	13.037
Repairs & Maintenance	15.160	20.635	23.647
Interest Payments	7.620	9.635	12.668
Provision for Bad Debts	0.750	0.650	0.645
Depreciation	15.454	14.722	14.517
Revenue Contribution to Capital	0.419	0.000	0.000
Debt Management Expenses	0.035	0.034	0.039
Total Expenditure	79.942	86.669	88.481
Net Budget Deficit/(Surplus)	1.857	7.832	1.327
Opening HRA Reserve	(11.941)	(11.941)	(4.109)
Contribution to in year deficit budget	1.857	7.832	1.327
Closing HRA Reserve	(10.084)	(4.109)	(2.781)
HRA General Balance	(4.925)	(4.925)	(4.925)
Total Reserve	(15.009)	(9.034)	(7.706)

16 Benchmarking

- 16.1 As part of the HRA Business Plan review, benchmarking information has been provided by Savills on the information within the Business Plan and the have been taken into consideration in the development of the Business Plan.

17 Legal

- 17.1. The Local Government and Housing Act 1989 introduced the ring fenced HRA with effect from 1 April 1990, placing a duty on local authorities to formulate proposals which will ensure that the HRA for the year does not show a deficit balance.
- 17.2 The HRA is the account for the Council's housing stock and there is no power to subsidise the HRA from the General Fund or to transfer, surpluses out of the HRA account. In this way the account is 'ring fenced'.

- 17.3 Local authorities have a responsibility to review the account from time to time, and if a shortfall is projected, to take reasonable practical steps to balance the account.
- 17.4 The Housing Act 1985 and the Local Government and Housing Act 1989 constrain the budget making process in respect of the Housing Revenue Account in a few ways, including:
- The Council cannot set the HRA budget in such a way which will result in a deficit at the end of the financial year (although if, through circumstances which could not have been foreseen, a deficit was to arise, it can be made good in the following financial year); and
 - Rents must be set at a “reasonable level”, and that level must be reviewed from time to time.

18 Community Safety

- 18.1 The HRA supports the funding of services by the police and private security firms. This helps to reduce the incidents of crime and anti-social behaviour and helps to support the response where this occurs.

19 Links to the 3 Key Priorities for the Borough

- 19.1 The Council’s administration has three key priorities for Ealing:
- **Creating good jobs** – rebuilding our economy, returning good well-paid jobs to our borough, and delivering the next generation of genuinely affordable homes.
 - **Tackling the climate crisis** – greening our borough, cleaning our air, and ensuring the borough we build is sustainable.
 - **Fighting inequality** – relentlessly tackling poverty and inequality that blights too many lives and disproportionately holds back all too many people from achieving their dreams and aspirations.
- 19.2 The HRA is supporting the three key priorities in a number of ways as set out in the report, including through the Genuinely Affordable Homes (GAH) programme which will provide additional good and genuinely affordable homes.
- 19.3 The regeneration and development work has also created numerous job opportunities within the borough making Ealing a better place to live. Enhanced partnership working with other functions across the Council such as Social Services and the Police ensures these services are joined up with other agencies to deliver holistic outcomes.

20 Equalities, Human Rights and Community Cohesion

- 20.1 The Equality Act 2010 introduced a single public sector equality duty. This duty requires the Council to have due regard in its decision-making processes to the need to:

- Eliminate discrimination, harassment, victimisation, or other prohibited conduct.
 - Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it, and
 - Foster good relations between those who share a relevant characteristic and those that do not share it.
- 20.2 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 20.3 The Council is required to act in accordance with the equality duty and have due regard to the duty when carrying out its functions, which includes making new decisions in the current context and in relation to the new strategy.
- 20.4 It should be noted in respect of the Council's public sector equalities duties where the setting of the capital, revenue, and HRA budget results in new policies or policy change, the relevant service department will carry out an Equality Impact Assessment to secure delivery of that duty, including such consultation as may be required.
- 20.5 In addition, each of the estate regeneration schemes is subject to an Equalities Impact Assessment to ensure any arising issues are addressed.
- 20.6 DDA works and disabled adaptations are included as essential works within the capital programme.
- 21 Staffing/Workforce and Accommodation implications**
- 21.1 There may be staffing implications arising from this report as we refine how the actions are delivered.
- 22 Property and Assets**
- 22.1 There are no corporate property implications. The report deals throughout with assets and properties held within the HRA.
- 23 Any other implications**
- 23.1 None.
- 24 Timetable for Implementation**
- 24.1 The HRA Business Plan covered in this report will be implemented from April 2024 onwards.

25 Appendices –

Appendix One – Assumptions within the HRA Business Plan.

Appendix Two - 30-year HRA Revenue Business Plan.

Appendix Three - 30-year proposed Capital Programme.

Appendix Four - Housing Revenue Account Business Plan and Capacity Summary produced by Savills.

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Cllr Bassam Mahfouz	Cabinet Member for Genuinely Affordable Homes			
Cllr Shital Manro	Cabinet Member for Good Growth			
Cllr Steve Donnelly	Cabinet Member for Inclusive Economy			
Nicky Fiedler	Strategic Director of Housing and Environment			Throughout report
	Head of Legal Services			8. Legal
Emily Hill	Strategic Director, Resources			Throughout report
Russell Dyer	Head of Accountancy			Throughout report
Adam Towle	Interim Head of New Business, Housing Development			Throughout report
External				

Report History

Decision type:	Urgency item
Key decision	No
Report no.:	Report author and contact for queries: Jon Maxwell – MaxwellJ@Ealing.gov.uk

APPENDIX ONE – Assumptions within the HRA Business Plan

<p>The following overarching assumptions are built into the Business Plan. This considers all inflationary factors and risks to be able to sustain a balanced HRA budget year on year. The financial content throughout this report is based on these assumptions.</p>		
	Assumptions	Notes
Dwellings Rent setting	7.7% increase in April 2024 (on the basis of the current final year of the social housing rent policy, applying September 2023 CPI +1%), 2 Years thereafter at CPI +1% (assumption that the current policy will be extended for 2 years), CPI only beyond April 2026 in the absence of any future guidance to be prudent. Average rent for Social rent is £117.03 per week.	
Affordable Rents	Average £194.53 week.	This is on new build properties now operational.
Commercial Rents	Commercial rental income is forecast at £0.692m in 2024/25.	Subject to review each year
Heating Service Charges	Heating service charges are set to fully recover the costs.	These will be reviewed annually to base the service charges on actual costs each year.
Service Charges	Service charges increase in line with rents with the exception of 2025/26 where an additional 10% is modelled as provisional increase on the potential outcome of a forthcoming service charge review.	The costs of all communal services are recovered directly from the tenant and leaseholders.
Salaries	Staff pay award 4% increase for 2024/25 and then increase in line with CPI for the remainder of Business Plan.	
Garage rents	Gross rental income will be achieved by external management company.	Garage refurbishment works planned as part of the garage commercialisation project will be covered by income from management company.

Repairs & Maintenance Costs	Revenue budget increased from £15.159m (2023/24) to £23.647m for 2024/25 budget, an increase of 56%. This includes asset management service salary costs.	Increase is due to an evaluation of the repairs budget and the impact of inflation, damp and mould and disrepair claims. Proposed reductions of 30% have been modelled in 2026/27 to bring repairs costs down to similar levels to the original budgets for 2023/24.
Management Costs	Increase in line with CPI although a 5% reduction in overall costs is modelled in 2025/26 in anticipation of a review of the cost of services and potential efficiencies	These are salaries, rents, rates, support charges, utilities, and other direct costs.
Right to Buy (RTB Sales)	Average 35 sales annually – this reduced rental income in the HRA.	This will continue to be reviewed in line with any government policy changes to social housing.
Use of RTB 1-4-1 Capital Receipts	The Council operates a scheme without returning capital receipts from RTB sales to the government. Ealing Council have also signed the agreement with the GLA to use the Right to Buy Ring-Fence Offer which will allow the Council to have more flexibility on when it decides to use the 1-4-1 RTB capital receipts.	The government requires Registered Providers to match fund 60% of building costs where 40% of 141 RTB capital receipts are used to acquire/build social/affordable/shared ownership homes. These cannot be used alongside GLA grants.
Interest Rate on HRA Borrowings	3.31% average rate on existing debt 4.7% average rate on new debt (use of internal borrowing) 4.45% for market loans	These rates are for 2024/25. The average interest rate for these loans is 4.09% throughout the Business Plan.
Depreciation	Depreciation provision increasing at CPI throughout	Land and Building split has been proposed to be changed to 40:60 from 33:67 subject to audit approval.

APPENDIX TWO - 30-year HRA Revenue Business Plan

LB Faling HRA Business Plan 2023/24+															
Base 2023.24 Plan Q2 Updates & 2024.25 Budgets															
HRA Summary															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	2023.24	2024.25	2025.26	2026.27	2027.28	2028.29	2029.30	2030.31	2031.32	2032.33	2033.34	2034.35	2035.36	2036.37	2037.38
HRA 30 YEAR SUMMARY															
Dwelling rents	63,156,517	66,602,670	70,078,962	73,360,703	74,642,866	76,917,683	77,930,342	79,951,402	81,391,321	82,854,356	84,340,804	85,850,966	87,385,330	88,944,210	90,528,116
Non-dwelling rents	1,218,380	1,548,351	1,587,060	1,618,801	1,651,177	1,684,201	1,717,885	1,752,242	1,787,287	1,823,033	1,859,493	1,896,683	1,934,617	1,973,309	2,012,776
Service charge income	14,215,812	18,580,666	20,628,863	21,276,694	21,793,474	22,241,626	22,686,459	23,140,188	23,602,992	24,075,052	24,556,553	25,047,684	25,548,637	26,059,610	26,580,802
Other income and contribution	103,819	306,100	313,753	320,028	326,428	332,957	339,616	346,408	353,336	360,403	367,611	374,963	382,463	390,112	397,914
Total income	78,694,528	87,037,787	92,608,637	96,576,225	98,413,946	101,176,467	102,674,301	105,190,240	107,134,936	109,112,843	111,124,461	113,170,296	115,251,047	117,367,241	119,519,608
Repairs & maintenance	20,836,000	23,647,367	24,539,207	17,525,927	17,834,848	18,092,010	18,410,573	18,770,006	19,155,210	19,492,388	19,835,390	20,184,316	20,539,265	20,900,338	21,267,638
Management (incl FRT)	40,765,000	36,964,817	35,994,491	36,714,380	37,448,668	38,197,641	38,961,594	39,740,826	40,535,643	41,346,355	42,173,283	43,016,748	43,877,083	44,754,625	45,649,717
Bad debts	650,000	644,614	1,243,817	1,278,237	1,300,791	1,323,679	1,346,905	1,370,477	1,394,398	1,418,676	1,443,313	1,468,313	1,493,684	1,519,429	1,545,557
Dwelling Depreciation	14,722,000	14,516,972	14,879,896	15,177,494	15,481,044	15,790,665	16,106,478	16,428,608	16,757,180	17,092,324	17,434,170	17,782,853	18,138,511	18,501,281	18,871,306
Debt management	34,000	38,999	39,974	40,773	41,589	42,421	43,269	44,134	45,017	45,918	46,836	47,773	48,728	49,703	50,697
Total costs	77,007,000	75,812,769	76,697,385	70,736,812	72,106,941	73,446,416	74,868,819	76,354,052	77,887,448	79,395,660	80,932,992	82,500,004	84,097,271	85,725,375	87,384,915
Net income from services	1,687,528	11,225,018	15,911,252	25,839,414	26,307,005	27,730,051	27,805,482	28,836,189	29,247,488	29,717,183	30,191,470	30,670,293	31,153,776	31,641,866	32,134,693
Interest payable	-9,635,000	-12,667,641	-16,502,371	-20,446,348	-21,693,373	-23,087,140	-23,855,883	-23,853,624	-23,809,285	-23,772,255	-23,732,530	-23,709,029	-23,701,904	-23,683,936	-23,671,697
Interest income	115,000	115,360	55,625	44,915	0	0	0	0	0	0	3,656	16,472	38,776	84,796	194,407
Net income/expense	-7,832,472	-1,327,263	-535,494	5,437,980	4,613,632	4,642,911	3,949,599	4,982,564	5,438,203	5,948,584	6,475,411	7,000,040	7,536,668	8,094,807	8,657,403
Set aside for debt repayment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Revenue contributions to cap	0	0	0	-7,683,752	-4,613,632	-4,642,911	-3,949,599	-4,982,564	-5,255,397	-5,307,796	-5,360,190	-4,699,044	-4,932,636	-5,218,298	-5,266,423
Allocation toll from other reser	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other appropriations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net HRA Surplus/Deficit	-7,832,472	-1,327,263	-535,494	-2,245,771	0	0	0	0	182,806	640,788	1,115,221	2,300,996	2,604,033	2,876,510	3,390,981
HRA Balance brought forward	11,941,000	4,108,528	2,781,265	2,245,771	0	0	0	0	182,806	823,594	1,938,816	4,239,812	6,843,845	9,720,354	13,111,335
HRA surplus/(deficit)	-7,832,472	-1,327,263	-535,494	-2,245,771	0	0	0	0	182,806	640,788	1,115,221	2,300,996	2,604,033	2,876,510	3,390,981
HRA Balance carried forward	4,108,528	2,781,265	2,245,771	0	0	0	0	0	182,806	823,594	1,938,816	4,239,812	6,843,845	9,720,354	13,111,335

	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
	2038.39	2039.40	2040.41	2041.42	2042.43	2043.44	2044.45	2045.46	2046.47	2047.48	2048.49	2049.50	2050.51	2051.52	2052.53
HRA 30 YEAR SUMMARY															
Dwelling rents	92,137,576	93,772,733	95,434,126	97,122,315	98,837,449	100,580,102	102,350,643	104,149,446	105,977,118	107,834,288	109,721,364	111,638,517	113,586,400	115,565,689	117,576,825
Non-dwelling rents	2,053,031	2,094,092	2,135,974	2,178,693	2,222,267	2,266,712	2,312,046	2,358,287	2,405,453	2,453,562	2,502,633	2,552,686	2,603,740	2,655,815	2,708,931
Service charge income	27,112,418	27,654,667	28,207,760	28,771,915	29,347,354	29,934,301	30,532,987	31,143,646	31,766,519	32,401,850	33,049,887	33,710,884	34,385,102	35,072,804	35,774,260
Other income and contribution	405,872	413,990	422,270	430,715	439,329	448,116	457,078	466,220	475,544	485,055	494,756	504,651	514,744	525,039	535,540
Total income	121,708,898	123,935,481	126,200,129	128,503,638	130,846,399	133,229,230	135,652,754	138,117,600	140,624,635	143,174,754	145,768,641	148,406,739	151,089,968	153,815,347	156,595,557
Repairs & maintenance	21,641,270	22,021,340	22,407,957	22,801,229	23,201,270	23,608,191	24,022,109	24,443,140	24,871,404	25,307,021	25,750,114	26,200,808	26,659,230	27,125,508	27,599,774
Management (incl FRT)	46,562,712	47,493,966	48,443,845	49,412,722	50,400,977	51,408,996	52,437,176	53,485,920	54,555,638	55,646,751	56,759,686	57,894,879	59,052,777	60,333,833	61,638,509
Bad debts	1,572,074	1,599,882	1,626,287	1,654,000	1,682,119	1,710,653	1,739,607	1,768,985	1,798,796	1,829,049	1,859,749	1,890,897	1,922,502	1,954,574	1,987,116
Dwelling Depreciation	19,248,733	19,633,707	20,026,381	20,426,909	20,835,447	21,252,156	21,677,199	22,110,743	22,552,958	23,004,017	23,464,098	23,933,379	24,412,047	24,900,288	25,398,294
Debt management	51,711	52,745	53,800	54,876	55,973	57,093	58,235	59,399	60,587	61,799	63,035	64,296	65,582	66,893	68,231
Total costs	89,076,499	90,800,740	92,558,270	94,348,736	96,175,785	98,037,089	99,934,325	101,868,187	103,839,383	105,848,637	107,896,682	109,984,260	112,112,138	114,281,096	116,491,926
Net income from services	32,632,399	33,134,741	33,641,859	34,153,902	34,670,613	35,192,142	35,718,429	36,249,413	36,785,252	37,326,118	37,871,959	38,422,479	38,977,849	39,538,251	40,103,631
Interest payable	-23,670,097	-23,698,654	-23,640,819	-23,608,012	-23,590,034	-23,549,574	-23,493,186	-23,518,283	-23,521,989	-23,502,525	-23,461,574	-23,380,101	-23,376,387	-23,365,201	-23,325,894
Interest income	262,227	338,122	422,920	518,482	625,814	744,952	876,682	1,020,257	1,175,776	1,344,009	1,525,781	1,721,899	1,939,451	2,171,628	2,418,984
Net income/expense	9,224,529	9,774,209	10,423,961	11,064,371	11,706,394	12,387,520	13,101,926	13,751,387	14,439,039	15,167,602	15,936,166	16,764,277	17,540,912	18,344,679	19,196,721
Set aside for debt repayment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Revenue contributions to cap	-5,429,743	-5,534,320	-5,645,880	-5,697,777	-5,749,491	-5,800,994	-5,823,201	-5,875,427	-6,027,373	-6,079,006	-6,130,294	-5,886,663	-5,932,050	-5,976,897	-6,021,165
Allocation toll from other reser	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other appropriations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net HRA Surplus/Deficit	3,794,786	4,239,890	4,778,080	5,366,595	5,956,903	6,586,526	7,178,725	7,775,960	8,411,667	9,088,596	9,805,872	10,571,613	11,388,863	12,267,782	13,175,556
HRA Balance brought forward	13,111,335	16,906,121	21,146,010	25,924,090	31,290,685	37,247,588	43,834,113	51,012,838	58,788,798	67,200,465	76,289,061	86,094,933	96,972,546	108,581,409	120,949,191
HRA surplus/(deficit)	3,794,786	4,239,890	4,778,080	5,366,595	5,956,903	6,586,526	7,178,725	7,775,960	8,411,667	9,088,596	9,805,872	10,571,613	11,388,863	12,267,782	13,175,556
HRA Balance carried forward	16,906,121	21,146,010	25,924,090	31,290,685	37,247,588	43,834,113	51,012,838	58,788,798	67,200,465	76,289,061	86,094,933	96,972,546	108,581,409	120,949,191	134,124,747

APPENDIX FOUR - Housing Revenue Account Business Plan and Capacity Summary produced by Savills.

Housing Revenue Account Business Plan and Capacity Summary

Report v1
2 January 2024

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1. Introduction

The London Borough of Ealing (LBE, the Council) have appointed Savills to support officers in the production of the annual Housing Revenue Account (HRA) Business Plan model.

This builds upon the work that officers have undertaken in previous years in establishing a fully refreshed HRA Business Plan. However, to add value, LBE have now adopted the Savills HRA Business Plan platform for ease of operation and scenario testing. LBE, like many authorities, need to adopt a new approach to setting out the financial capacity and capability of the HRA to deliver on its objectives towards refurbishment, investment, regeneration and new supply. Consideration of a new approach is also consistent with the requirement for the publication of Prudential Indicators specific to the HRA following their reintroduction alongside the abolition of the debt cap.

2. Business plan model

2.1. Introduction

Our latest version of the HRA Business Plan model has been provided and populated in liaison with officers in order to progress the 2024.25 budget process and forms the basis of this report. It will continue to have revisits in respect of updates to the asset management strategy and any forthcoming estate regeneration amendments as further details become available from those included within this plan.

2.2. Overview of methodology and assumptions

Overall

The plan is based on the following overarching principles:

- Balanced to the 2023.24 latest projections for the HRA
- 29 year projections from 2024.25 based on the provisional 2024.25 budget
- Core inflation projected at 2.0% thereafter with exceptions as detailed below
 - 2.5% for April 2025
- Rents increasing at CPI per annum with the exception of the following:
 - 7.7% April 2024 (on the basis of the current final year of the social housing rent policy, applying September 2023 CPI +1%), 2 Years thereafter at CPI +1% (assumption that the current policy will be extended for 2 years)
- Service charges increase in line with rents with the exception of 2025.26 where an additional 10% is modelled as provisional increase on the potential outcome of a forthcoming service charge review.
- Depreciation adjusted for 2024.25 based on a revised basis for calculation (subject to audit approval).

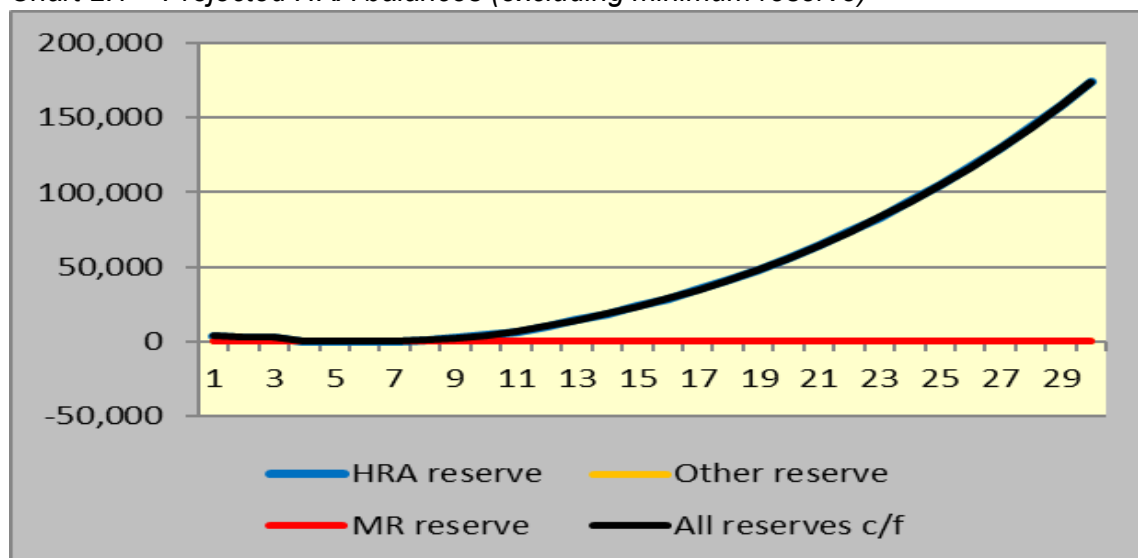
- Due to a revaluation of the repairs budget and the impact of inflation, damp and mould and disrepair claims the forecast expenditure for 2024.25 increases by £2.8 million, some 13.5% from the revised 2023.24 forecast of £20.836million. The original 2023.24 budget was originally agreed at £15.107million, with the reported forecast a growth of £5.729 million or 37.9%. Proposed reductions of 30% have been modelled in 2026.27 to bring repairs costs down to similar levels to the original budgets for 2023.24.
- Management Costs increase in line with CPI although a 5% reduction in overall costs is modelled in 2025.26 in anticipation of a review of the cost of services and potential efficiencies.
- Maintenance of the existing tenanted stock (subject to Right to Buy sales and excluding estate regeneration) is modelled at a total of £722.4million over the 30 years from 2023.24
- Provision of £316.2million for the estate regeneration and new build programmes (with subsidy contributions of c£95.4million) delivery a net loss of 14 properties.
- The inclusion of 64 loans directly attributable to the HRA, that are at fixed interest rates for varying periods.

The overall methodology within the plan is also founded on net rental income servicing the operational expenditure, interest charges, and where required, additional borrowing to finance investment to the stock and loan refinancing when existing loan facilities mature.

2.3. HRA Business Plan projections

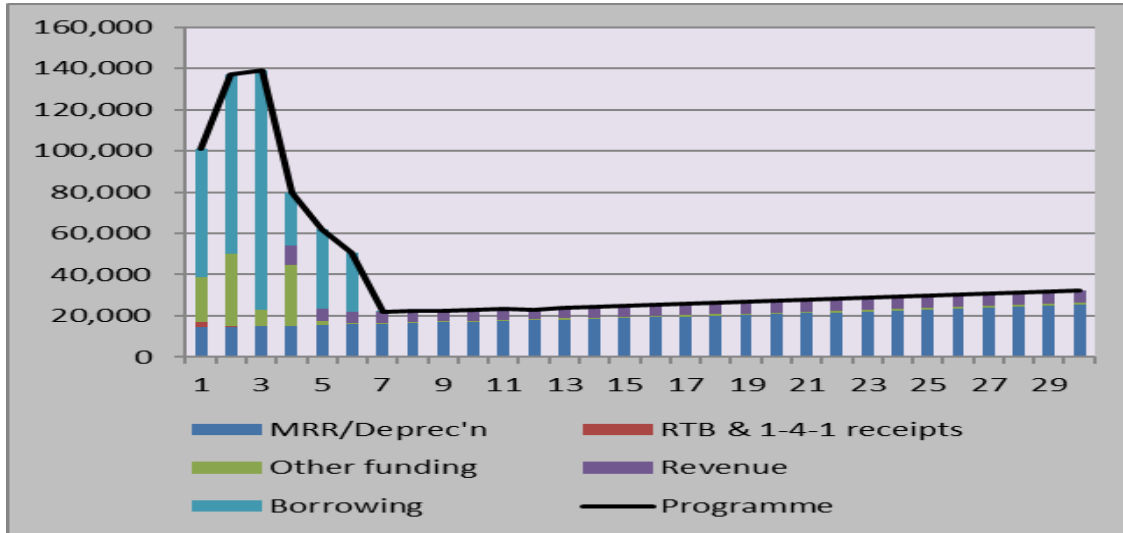
As a starting position for financial forecasting an agreed set of assumptions relating to inflation and interest rates are factored in. LBE currently hold £4.925million in a separate reserve, which in effect is for unforeseen contingencies. Therefore, this reserve is excluded from the projections below.

Chart 2.1 – Projected HRA balances (excluding minimum reserve)



Without including the minimum reserve balance of £4.925million the above graph demonstrates that from year 4 the HRA produces sufficient surpluses to contribute towards capital expenditure. From year 9 balances begin to accrue to c£174million by year 30.

Chart 2.2 – Projected capital expenditure and financing



Capital expenditure is fully funded throughout the 30 years, demonstrated by the horizontal black line. There is a significant increase in projected expenditure in the early years to meet the requirements of building safety works and energy efficiency improvements plus additional provisions in addition to the new build and regeneration programme. In order to part finance this, additional borrowing is required, which in turn results in additional interest charges which has a negative impact on HRA reserve balances. Inflation has been included within the above projections, with the exception of years 3 to 6.

Chart 2.3 – Projected Capital Expenditure (By Category)

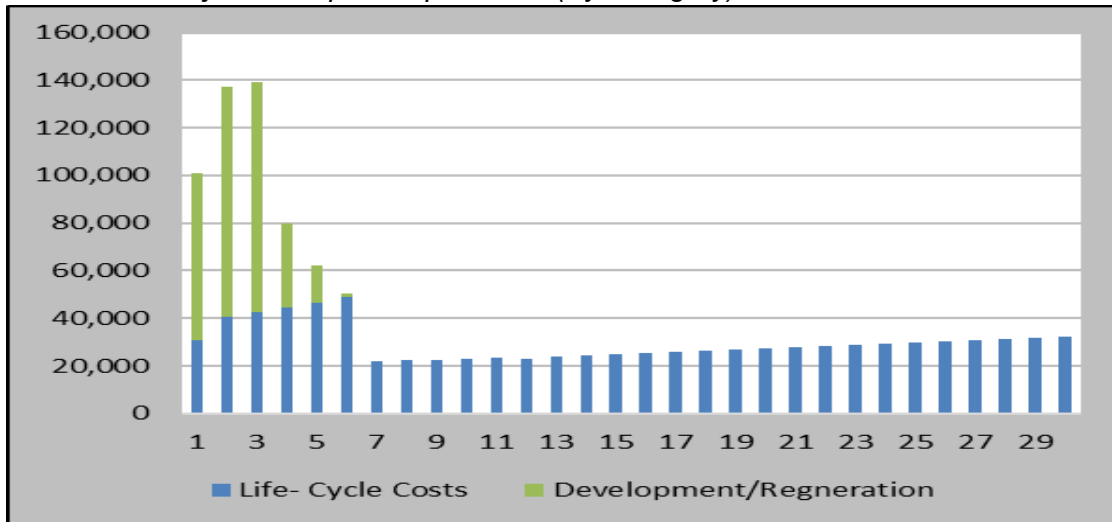
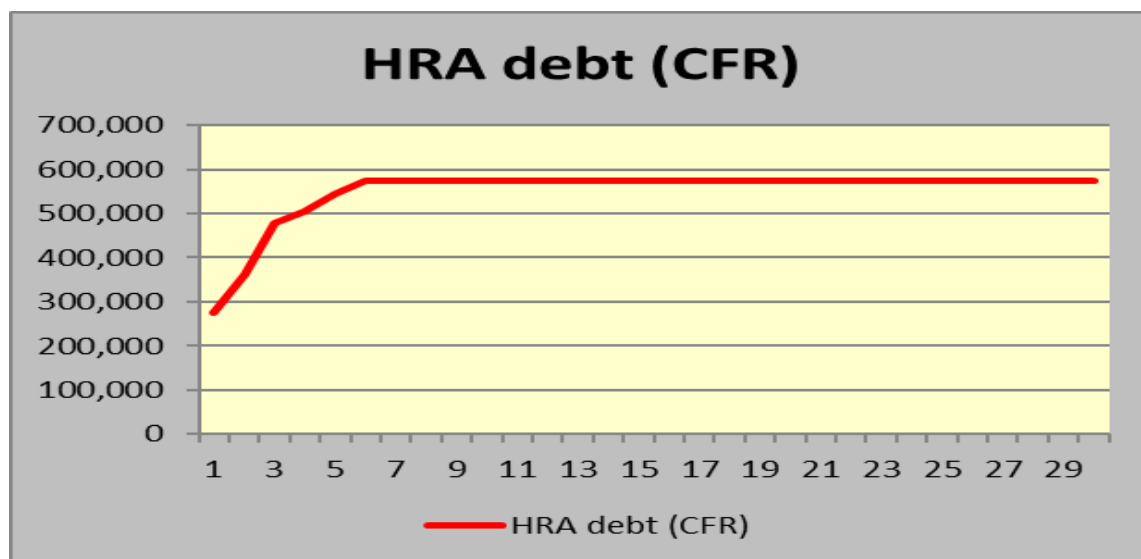


Chart 2.4 – Projected debt profile (HRACFR)



Borrowing is projected to initially peaks in year 6 at £572.9million from an opening position of £213.9million and remains at this level throughout the remainder of the plan. All of the existing loan facilities that mature during the period of the plan are refinanced as demonstrated in the chart below.

2.4. Debt in Comparison to Provisional Prudential Limits

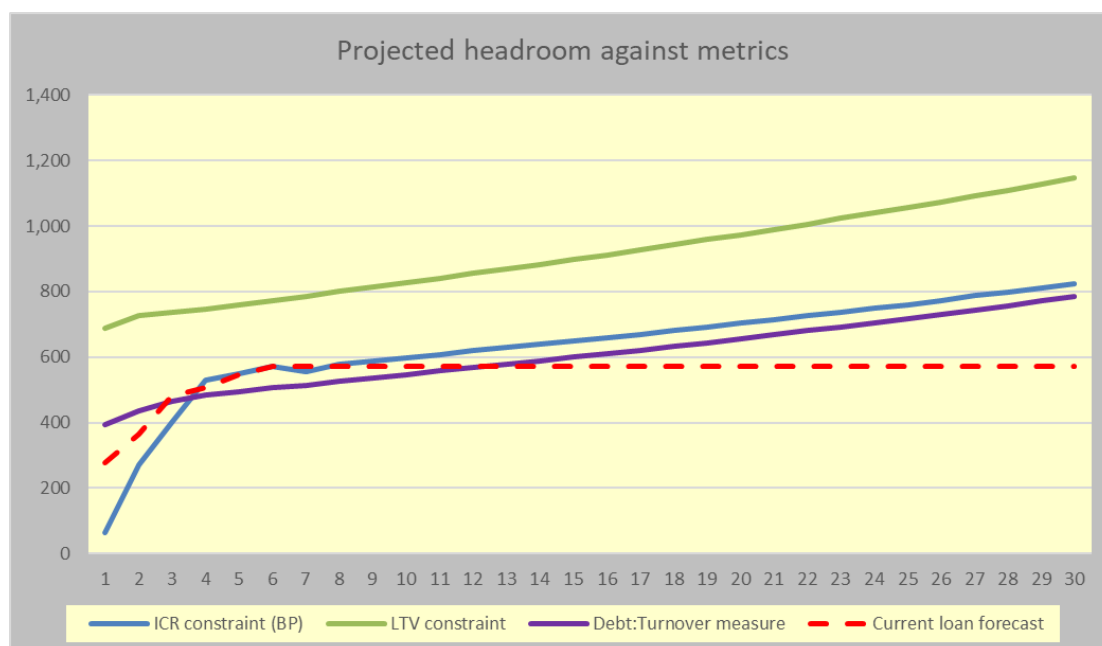
The HRA debt cap represented an artificial constraint on borrowing set outside the HRA and linked to future income and cost assumptions which were made in 2012. The housing and financial policy environment has moved on considerably since then, however the only change in the debt cap implemented was for a small minority of authorities that opted to bid for an increase in 2014.15.

Whilst there is theoretically now no limit to borrowing within the HRA, the existing asset and operating base generates a net income stream that does offer a logical limit on sustainable borrowing levels. In setting out its investment strategy, the Council therefore needs to consider how it will take decisions on whether to invest, how to fund, the extent of new borrowing, and determine a framework within which decisions will be taken for the business plan overall, within the medium term financial strategy and within successive budget rounds.

This report applies some metrics developed in the light of the experience of 40 years’ of successful private finance of housing associations, during which associations have developed hundreds of thousands of new affordable homes, without a single association ever going into default with any of its lenders.

This is not the only approach that can be utilised, for example the Council will have an established approach to the setting of Prudential Indicators in the General Fund which it might wish to consider in the HRA context. However, as will be seen, looking at tried and tested principles from a privately financed sector in the HRA context provides a powerful and persuasive evidence base for a significant increase in funding for new HRA developments.

Chart 2.6 – Projected Debt (HRACFR) Compared to Provisional Borrowing Limit



The red (dashed) line shows the projected loan balances, as per chart 2.4 set against the three “golden-rule” suggested metrics.

Using the Loan to Value metric of a maximum of 65%, the plan suggests that there is scope for borrowing headroom which is measured by the gap between the green and red (dashed) line.

The Debt to Turnover ratio, maximum of 5:0, suggests that borrowing will exceeds the “golden-rule” modelled from year 3 to year 12 of the plan.

By default, the Interest Cover Ratio is considered the benchmark for assessing borrowing capacity and using the “golden-rule” of a minimum of 1.25, the projected borrowing remains broadly above this level until year 7 of the plan.

3. Sensitivity Modelling

We have modelled a range of scenarios that demonstrate the impact to the plan, which can be considered more externally influenced, as per the table below.

Table 3.1 -Sensitivity Table

Sensitivity £'m	HRA Bal Yr 30	Debt Yr 30	Minimum Headroom ICR From Year 4 (Year)	Borrowing Limit at Year 30
BASE	174	573	-16 (7)	823
Inflation +0.5% pa	266	571	-1 (7)	943
Inflation -0.5% pa	90	576	-32 (7)	719
Interest -0.25% pa	203	570	5 (7)	859
Rents CPI +1% all years	692	570	24 (4)	1,604
Rent Freeze (Yr 2 – 2025.26)	55	600	-87 (7)	735
Capital Expenditure +5%	122	588	-28 (7)	824
Capital Expenditure Inf +1% 5 Years	131	579	-21 (7)	824
Repairs Expenditure Infl +1% 5 Years	139	576	-36 (7)	797
If Repairs Savings Halved (15%)	32	611	-104 (7)	712
If No Management Savings Achieved	90	588	-64 (7)	761
Right to Buys (Reduced by 50%)	222	572	-5 (7)	909
Voids +0.5% Bad Debts +1%	134	578	-39 (7)	795

The plan shows a varied impact to both positive and negative sensitivities. Areas of concern will more in respect of reserve balances and residual debt that the HRA has at year 30, although there is no statutory requirement for repayment, and the reduction in borrowing headroom. A further consideration is the adoption of prudential borrowing rules. The table excludes year 1 to 3 for the ICR analysis on account of the period prior to proposed and assumed efficiency savings modelled.

4. Summary

The HRA business plan forecast as set out in our modelling for the London Borough of Ealing shows the current projected financial position and future potential borrowing capacity. By borrowing immediately, the plan demonstrates that debt goes beyond some of the provisional golden rule levels set within the plan, particularly in the early years. The plan does require substantial borrowing in order to finance the identified capital investment, which the arising interest charges can met but only due to the revenue efficiency savings modelled.

This report should provide a basis for the Council to inform its future approach to establishing a decision making framework for its HRA investment and development strategies, and also inform the work to be undertaken to adopt Prudential Indicators for the HRA.

Appendix 1 Key Assumptions

	Assumption	Notes
Dwelling Rent	7.7% Increase 2024.25 then CPI+1% for two years then CPI only thereafter	
Void rates	3.27%	

Service Charges	CPI +1% for 2 years then CPI only 10% increase assumed in 2025.26	Full service charge review to be carried out
Non dwelling (commercial) rents	CPI only increases after adjustments to base budget	
Garage Rents	CPI only increases after adjustments to base budget	
Major Works Leaseholder Contributions	Linked to Capital Programme	
Repairs and Maintenance Costs	CPI only increases 30% reduction modelled in 2026.27	
Management Costs	CPI only increases 5% reduction modelled in 2025.26	
Heating and hot water charges	CPI only increases	
Interest rate on borrowings	Based on Existing actual rates c3.28% then long-term average of 3.5%	
Depreciation	Straight Line Basis over life of Assets	

Appendix 2 Benchmarks

Outer-London Benchmarks for Financial Year 2021.22 (noting that 2022.23 accounts are still in the process of being published by boroughs).

Metric	Ealing 2021.22	Outer London 2021.22 Average	Ealing Forecast 2023.24
Rented Properties	11,773	9,252	9,909
Gross Management per unit	£2,650	£2,682	£4,111

Net Management (less service charges) per unit	£2,030	£1,908	£2,543
Repairs per unit	£963	£1,191	£2,102
Gross Management and Repairs per unit	£3,613	£3,873	£6,213
Depreciation per unit	£1,344	£1,241	£1,486
Average Rent (52 week basis)	£100.12	£110.53	£108.34
Other (non-Service Charge) Income per unit	£213	£179	£133
Operating Surplus per unit	£511	£1,273	£173
Operating Margin	9.3%	19.5%	2.18%
Debt per unit	£15,956	£20,465	£26,013
Interest per unit	£604	£539	£972
Interest Rate	3.79%	4.01%	4.09%
Reserves per unit	£418	£1,619	£915



Report for: <p style="text-align: center;">DECISION</p>
Item Number:

Contains Confidential or Exempt Information	YES
Title	Future of the Mattock Lane Safe Zone
Responsible Officer(s)	Nicky Fiedler (Strategic Director, Housing & Environment)
Author(s)	Paul Murphy (Head of Community Safety)
Portfolio(s)	Tackling Inequalities
For Consideration By	Cabinet
Date to be Considered	7 February 2024
Implementation Date if Not Called In	19 February 2024
Affected Wards	Walpole (wider reach)
Keywords/Index	Protest, Vigil, Sexual, Health, Intimidation, Harassment, Anti-Social, behaviour, ASB, Women, Clinic, Mattock, Space, Protection, Renewal, Order, Review, Consultation, Variation, PSPO, Safe Zone.

Purpose of Report:

The purpose of this report is to invite members first to consider the impact and effectiveness of the Public Spaces Protection Order (Mattock Lane) ('the PSPO') since its introduction for a three-year in April 2018 and renewal for a further three-year period in April 2021; then consider the outcome of the consultation undertaken by the Council between 23 November 2023 and 15 January 2024 and finally to decide upon what action to take ahead of the existing PSPO coming to an end in April 2024.

Key points for action and decision:

- Review the impact and the effectiveness of the PSPO.
- Consider the statutory framework for extending the period for which a PSPO can have effect.
- Review the outcome of the consultation undertaken by the Council regarding the options for whether or not to extend the period of the PSPO.
- Decide whether the Council will extend the PSPO and, if so, for what period.

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- Section 1: Recommendations and executive summary
- Section 2: Legal framework
- Section 3: Background and timeline
- Section 4: Evaluation of existing order
- Section 5: Options considered and reasons for recommendations
- Section 6: Consultation
- Section 7: Financial implications
- Section 8: Legal implications
- Section 9: Risk management
- Section 10: Community safety
- Section 11: Links to the Council's priorities
- Section 12: Equalities, Human Rights and community cohesion
- Section 13: Staffing/Workforce and accommodation implications
- Section 14: Property and Assets
- Section 15: Any other implications
- Section 16: Timetable
- Section 17: Appendices

1. Recommendations

1.1 It is recommended that Cabinet:

- i. Considers the evidence of the impact and effect of the Order on the behaviours targeted;
- ii. Considers the outcome of the statutory consultation undertaken from 23 November 2023 to 15 January 2024;
- iii. Assesses all of the evidence presented and decides whether or not it is proportionate and necessary to extend the Order;
- iv. If minded to extend the Order, authorises 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.

Executive summary

- 1.2 The Public Spaces Protection Order (Mattock Lane), herein referred to as ‘the Order’, exhibited at **Appendix 1a**, was introduced by Ealing Council in April 2018. It was the first order of its kind in the United Kingdom and was designed to protect women accessing the MSI abortion clinic (the Clinic) on Mattock Lane, Clinic staff and others in the locality from the detrimental effect caused by the behaviour of individuals and groups involved in frequent protest and vigil activities in the area immediately outside the Clinic.
- 1.3 The Council’s decision to introduce the Order has been rigorously tested in the High Court and Court of Appeal, where legal challenges to the Order were rejected by the Courts. An application for permission to pursue a further appeal of the Order was rejected by the Supreme Court. Throughout this process the Order has prevailed.
- 1.4 In 2021, prior to the expiry of the three-year Order and following review and a statutory consultation, the Council took the decision to renew the Order for a period of three years, this being the maximum extension permitted by the legislation governing PSPOs. The Order will expire on 10 April 2024 if no action is taken by the Council.
- 1.5 This report considers the outcomes of the Order to date; the outcome of the further statutory consultation exercise conducted by the Council during the period November 2023 – January 2024; and recommendations to Cabinet for the future of the Order.

- 1.6 Members are asked to consider whether it is appropriate to extend again the period for which the existing Order has effect. For reasons detailed in this report, there is no recommendation to vary any of the prohibitions or requirements contained in the Order.
- 1.7 Much of the information that was considered by Cabinet when deciding whether to make the existing Order will be relevant and should be considered alongside the further information contained in this report, as well as the outcome of the additional recent consultation exercise the Council was required to undertake. Some of this information is appended to this report, also included are links to other documents, which Members are asked to take into consideration in reaching their decision.

2. Legal framework

- 2.1 This section of the report sets out to Cabinet the statutory framework for making a Public Spaces Protection Order (PSPO), including the Human Rights and Equality Act (2010) considerations.
- 2.2 Much the of the contents of this section are referred to in the previous reports to Cabinet of April 2018 and April 2021; it is repeated here for ease of reference.
- 2.3 For clarity, **paragraphs 2.16-2.18 set out the considerations the Council must take when deciding whether to extend a PSPO.**
- 2.4 When the decision to introduce the Order was made, the Council needed to be satisfied about a number of things in order to decide whether to make a PSPO. These were:
- a. The nature of the activities taking place.
 - b. Whether those activities could be said to have had a 'detrimental effect on the quality of life of those in the locality'.
 - c. If the detrimental effect existed, whether it was persistent or continuing in nature, *and*
 - d. Whether that detrimental effect made the activities unreasonable, *and*
 - e. Whether the detrimental effect justified the restrictions and requirements imposed in the proposed PSPO.
 - f. Whether the proposed prohibitions were reasonable to impose to prevent or reduce the detrimental effect from continuing, occurring or recurring.
 - g. Whether the proposed PSPO was justified and proportionate.
 - h. Whether the proposed PSPO should be made for the full three-year period or for some lesser time.

- 2.5 The following paragraphs of this report explain the overall legislative framework within which those decisions were made.

Section 17 of the *Crime and Disorder Act (1998)*

- 2.6 The *1998 Act* imposes a duty on the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).

The *Anti-Social Behaviour, Crime and Policing Act (2014)*

Making a PSPO

- 2.7 PSPOs were created by the *Anti-Social Behaviour, Crime and Policing Act (2014)*. They are designed to place controls on the use of a public space and everyone within it. The orders have effect for up to three years and can be extended. Only local authorities can make PSPOs. 'Public place' means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

- 2.8 The Council can make a PSPO if satisfied on reasonable grounds that two conditions are met. These are found in section 59 of the 2014 Act:

The **first condition** is that:

- (a) activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The **second condition** is that the effect, or likely effect, of the activities:

- (a) is or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice.

- 2.9 A PSPO must identify the public place in question and can:

- (a) prohibit specified things being done in that public place
- (b) require specified things to be done by persons carrying on specified activities in that place; or
- (c) do both of those things.

- 2.10 The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to prevent or reduce the risk of the detrimental effect continuing, occurring or recurring.

- 2.11 Prohibitions may apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories.
- 2.12 The PSPO may specify the times at which it applies and the circumstances in which it applies or does not apply.
- 2.13 Unless extended the PSPO may not have effect for more than 3 years.
- 2.14 Breach of a PSPO without reasonable excuse is a criminal offence. The Police or a person authorised by the Council can issue fixed penalty notices, the amount of which may not be more than £100. A person can also be prosecuted for breach of a PSPO and on conviction the Magistrates' Court can impose a fine not exceeding level 3 on the standard scale (currently £1,000).
- 2.15 In deciding to make a PSPO the Council *must* have particular regard to Article 10 (Right of Freedom of Expression) and Article 11 (Right of Freedom of Assembly) of the European Convention on Human Rights ('ECHR'). Members are advised that for this proposed PSPO it is also relevant to consider Article 8 (Right to Private and Family Life), Article 9 (Freedom of Thought, Conscience and Religion) and Article 14 (Right to Freedom from Discrimination).
- 2.16 The Council must also carry out the necessary prior consultation, notification and publicity as prescribed by s.72 of the 2014 Act.
- 2.18 As with the previous reports, in preparing this report Officers have had regard to the statutory guidance issued by the Home Office and the Guidance on PSPOs issued by the Local Government Association.

Extending the period for which a PSPO has effect

- 2.19 A PSPO can be made for a maximum duration of up to three years, after which the period for which the PSPO has effect may be extended if the requirements of *Section 60* of the Act are met. For a council to make the decision to extend a PSPO, they must be satisfied that an extension is *necessary to prevent*:
 - i) *occurrence or recurrence of the activities after order is due to expire, or*
 - ii) *an increase in frequency or seriousness of the activity*
- 2.20 Guidance for councils sets out that, where activity having a detrimental effect has been *eradicated* as a result of a PSPO, it is proportionate and appropriate to consider the *likelihood of recurrence of problems* if the Order is not extended.

The *Equality Act (2010)* and the European Convention on Human Rights ('ECHR') and the Public Sector Equality Duty

- 2.21 The Council is a public authority and the *Human Rights Act (1998)* requires it to act compatibility with the ECHR.
- 2.22 In addition, section 72(1) of the 2014 Act requires the Council to have *particular* regard to the rights protected by Article 10 (Freedom of Expression) and Article

11 (Freedom of Assembly and Association) when deciding whether to extend the period for which an order has effect under *Section 60*.

- 2.23 When the Council explored making the current Order in 2018 some difficult issues arose under the *Equality Act (2010)* and the ECHR. These considerations remain relevant to the proposed extension.
- 2.24 These were and remain difficult issues because the proposed order requires the Council to have regard to the *competing* rights of members of the various represented groups who engage in protest and vigils outside the Clinic and the rights of the service users / Clinic staff. A consideration of these rights requires the Council to reflect on how to achieve the appropriate balance between the respective rights. They are also difficult because an ECHR right can only be interfered with where the interference is in accordance with the law, necessary and in furtherance of a permitted objective.
- 2.25 Both the High Court and Court of Appeal have endorsed the approach adopted by Ealing Council when it made the Order. However, these issues have been considered afresh when looking at the issue of extension as part of the Equalities Impact Analysis, exhibited at **Appendix 5**. The Council will need to decide whether it is necessary to extend the period for which the Order has effect and make an assessment as to whether allowing the Order to expire would mean that the activities identified in the order would reoccur.

3 Background and timeline

- 3.1 As outlined in the executive summary, the Order has been in place since 10 April 2018 and was introduced following a decision made by Ealing Council in response to issues in the locality of the Clinic that were found to be having a detrimental impact on people in the locality, including those accessing the Clinic.
- 3.2 The Council's community safety team undertook an investigation following a resolution at Full Council on 10 October 2017 in which Ealing Council committed to exploring all options to address the behaviours causing distress to women accessing the Clinic. The resolution followed a debate triggered by a petition (signed by 3,593 people and submitted under the council's petition scheme) in July 2017, which calling on Ealing Council to explore ways of introducing a 'buffer zone' outside the Clinic.
- 3.3 The decision to introduce the Order was taken by Ealing Council's Cabinet after it considered reports on the outcome of the community safety team's investigation (which took place during late 2017 and early 2018). Ealing's Cabinet also considered the outcome of (and evidence obtained during) the subsequent consultation on the proposed Order that took place over 8 weeks in January – March 2018.
- 3.4 The Order introduced certain restrictions on behaviours, as well as requirements on people in the defined area. Following its introduction, Ealing Council were

notified on 26 April 2018 of an appeal made to the High Court to challenge the Council's decision. The appeal was filed by individuals employed by and connected to Pro-Life groups, specifically the *Good Counsel Network*. The High Court heard the case in June 2019 and judgment was handed down in July 2019, rejecting the appeal and upholding the Order in its full terms. Members are directed to **Appendix 3a**, which includes a link to the copy of the High Court judgment.

- 3.5 The appellants appealed the decision of the High Court to the Court of Appeal and a hearing took place in July 2019. Judgment was handed down on 21 August 2019, in which the Court of Appeal rejected this further appeal, again upholding Ealing's decision and the Order in its full terms. Members are directed to **Appendix 3b**, which includes copy of the Court of Appeal's Judgment.
- 3.6 Following the judgment of the Court of Appeal, the appellants applied for permission to appeal again, this time to the Supreme Court. On 11 March 2020 the Supreme Court notified all parties of its decision to *refuse* permission to appeal on the basis the appeal did not raise any arguable point of law. A copy of the certificate of decision can be found at **Appendix 3c**.
- 3.7 The Council's decision to introduce the Order has therefore been subject to extensive independent judicial scrutiny and has prevailed.
- 3.8 As the three-year period for which the Order was in force approached, in November 2020 Ealing's Cabinet took the decision to begin a further eight-week consultation on whether or not the period for which the order has effect should be extended beyond April 2021. In February 2021, Ealing's Cabinet considered a further report detailing the responses to this consultation and took the decision to renew the PSPO for a period of three years. Cabinet took this decision having been provided with extensive appendices and having had sight of the original substantial evidence bundle, as well as the Equalities Impact Analysis.
- 3.9 The decision in February 2021 meant the PSPO was extended to April 2024 and will expire at that time if no further action is taken.
- 3.10 Members are directed to the original evidence base for the decision to introduce a PSPO in 2018, including the original report to Cabinet in April 2018 and all appendices (links to which are included at the end of this report). Members are additionally directed to the report to Cabinet in February 2021 and associated appendices (again, links to which are included at the end of this report).
- 3.11 The April 2018 report and its appendices set out in full the evidence on which the Council's decision to introduce the Order was made. This includes extensive witness testimony, photographic and documentary evidence and the extensive responses to the Council's original consultation on the introduction of the Order.
- 3.12 In addition to all of the evidence on which the April 2018 decision was made, the links and Appendices to this report include a copy of the Order, copies of all subsequent court judgments and decisions in respect of the Order, full analysis and disclosure of all responses received to the 8-week consultation undertaken

from 23 November 2023 – 15 January 2024 and the detailed Equalities Impact Analysis undertaken by the Council.

4 Evaluation of existing order

- 4.1 Prior to the introduction of the Order, individuals and groups with Pro-Life and Pro-Choice views were congregating on a near daily basis in the area immediately outside of the Clinic. Individuals representing Pro-Life views included members and employees of Pro-Life organisations, most prominently *The Good Counsel Network* but also *The Helpers of God's Precious Infants* and *The Society of Pius X*. Those with Pro-Choice views congregating in this area most commonly were volunteers with a group called *Sister Supporter*.
- 4.2 As outlined in Section 3 the Council's community safety team began an investigation into the issues reported to be affecting people accessing the Clinic in the second half of 2017. Further evidence of the nature and impact of the behaviours was received during the formal consultation process the Council undertook during January–March 2018.
- 4.3 Based on the evidence obtained through this investigation and the further evidence and outcome of the consultation Ealing Council's Cabinet took the decision in April 2018 to introduce the Order.
- 4.4 The key activities identified through the investigation and consultation as having a detrimental effect were:
- Women and those accompanying them to Clinic appointments (including partners, friends and relatives) being approached by Pro-Life group members when entering the Clinic.
 - Pro-Life group members attempting to engage women and those with them in conversation or to hand them leaflets.
 - Women and those accompanying them being approached by members of Pro-Life groups when *leaving* the Clinic, including them and comments being made to them, including reference to what has happened to their unborn child.
 - Women being closely monitored entering and leaving the Clinic by members of the Pro-Life groups.
 - Members of Pro-Life groups engaging in prayer outside the Clinic, which was said to be on behalf of the women and / or their unborn children.
 - Images of a foetus in various stages of development in the form of colour photos being held by members of Pro-Life groups, handed to women or left on the pavement outside the Clinic.
 - Shouting and other disruptive activities when Pro-Choice counter demonstrations were taking place.
 - Women feeling they were being tracked, watched and judged by members of the Pro-Life groups.

- The presence of placards with references to views on abortion, sometimes with emotive and upsetting language, including 'murder'.
- 4.5 The investigation and the information received through the consultation was able to establish that, while some of the activities in and of themselves may not have been viewed as objectionable in isolation, the very specific time and place the represented groups had been choosing to engage in these activities meant they were targeted women at the precise moment they were accessing health services of a deeply personal nature.
- 4.6 Following the introduction of the Order, the Council has kept the Order under continual review. Council CCTV has been deployed at the location, regular observations of the space by Police and Council officers has taken place, officers have engaged with the Clinic, local residents and elected members and have continued to liaise with statutory partners and other organisations to understand the levels of compliance with the Order and the overall impact it has had.
- 4.7 Since the introduction of the order in April 2018 (and its renewal in April 2021), the Order has largely been complied with, although a small number of breaches have occurred. The first alleged breach took place in April 2018, when an individual attended the area outside the Clinic during the same week the Order had been introduced and made a brief demonstration about Public Spaces Protection Orders and freedom of speech; no action was taken in this instance.
- 4.8 A further breach took place in August 2019, in which a self-described anti-abortion activist was detained by Police after refusing to disperse from the area when asked; the case was ultimately not proceeded with by the Crown Prosecution Service.
- 4.9 A third breach of the Order occurred in March 2020, when an individual deposited leaflets relating to abortion services at two entrance / exit points of the Clinic; this breach was enforced via service of a Fixed Penalty Notice, which was served on the individual and paid in full within the required time period.
- 4.10 Another alleged breach that occurred in 2023 was being dealt with via the courts at the time this report went to publication and an outcome is anticipated in February 2024.
- 4.11 As outlined in the 2021 report to Cabinet, the Clinic no longer maintains a diary in relation to instances of women facing intimidation and interference when accessing services. A diary had been maintained for some years prior to the introduction of the Order and formed part of the significant bundle of evidence Cabinet members had sight of when they took the decision to introduce the Order. The Clinic has advised the positive impact of the Order means the requirement to maintain a diary is no longer there. Clinic management have described to officers the positive impact on women attending appointments and

what they describe as an 'air of normality', existing outside the Clinic. Clients are described by the Clinic as presenting as 'less tense' when they arrive.

- 4.12 An important aspect of the Order has been the provision of a *designated area* within the footprint of the Order, where the prohibitions and requirements of the Order do *not* apply and where activities such as protest about abortion (albeit with some restrictions) are permitted. This area has been used by Pro-Life group members on a near daily basis since 2018. Those using the area congregate in small groups, regularly displaying small signs relating to abortion, distributing leaflets to and attempting to engage in dialogue with passers-by, particularly targeting women and girls. The Pro-Choice group *Sister Supporter* have chosen not to use the designated area and have not attended the area since the introduction of the Order.
- 4.13 While the Council occasionally receives reports from residents and people visiting the area that object to the continued presence of Pro-Life group members in the designated area, none of these reports have identified any breach of the Order taking place and the *designated area* continues to form an important part of the careful consideration the Council has made in balancing the rights of those visiting the Clinic with those of the groups wishing to assemble, protest, impart information and express their religious beliefs and for those individuals who wish to receive the information that is being shared from that location. As far as the Council is aware the people attending the *designated area* have complied with the restrictions which apply within that area.
- 4.14 Prior to the introduction of the Order, it was usual for there to be a significant increase in represented groups attending the location immediately outside the Clinic during the period of Lent (the six weeks leading up to Easter) and on other sporadic occasions. Photographic evidence and witness testimony detailing the size and impact of these groups is included in the evidence presented in the 2018 report. These groups often formed part of the *40 Days for Life* initiative.
- 4.15 Since the introduction of the Order these sporadic and Lent time congregations typically now take place at the East end of Mattock Lane on the threshold of the PSPO area, near Ealing Green. Annually the Council's community safety team receive a small number of complaints from residents about the presence of these groups, however there have been no indications that these groups have ever gathered within the footprint of the Order or that their activities have otherwise breached the Order. The Council has on occasion been asked by residents to expand the footprint of the Order to include the area.
- 4.16 While it is recognised that some residents find the activities of the groups congregating at this location during this time distressing or objectionable, the activity is taking place at a distance from the Clinic, which reduces the detrimental effect it has on those visiting or working at the Clinic and those in the locality.

4.17 The on-going presence of Pro-Life groups in the *designated area* and the regular presence of Pro-Life congregations, protest and vigil in the locality of Ealing Green on the threshold of the area covered by the Order remains an issue of concern for many residents and underscores the careful approach the Council has taken. The on-going presence of Pro-Life groups in these spaces also highlights the near certainty of the behaviours targeted by the Order rapidly returning to the gates of the Clinic if the decision were taken to allow the Order to expire.

5 Options considered and reasons for Recommendations

5.1 As outlined in Section 4 of this report, since its introduction in 2018 the Order has been complied with for the most part and it has 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.

5.2 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.

5.3 As outlined, the Order permits some abortion related protest / vigil activities within the within the footprint of the Order, within a clearly identified *designated area*, in which certain requirements and prohibitions still remain. In addition, it is worth highlighting that the PSPO does not impose any restrictions on protests which take place in a location outside of the Safe Zone area.

5.4 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.

5.5 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 will return to the area outside the Clinic and continue the activities previously engaged in at this location.

5.6 The Pro-Choice group, *Sister Supporter*, that had been regularly present outside the Clinic prior to the introduction of the Order have chosen not to use the *designated area* to continue their activities, although it has always been open to them to do so, provided their activities complied with the provisions which apply to that space.

- 5.7 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 will not be repeated here. Officers have 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 are any *new* options that may be considered.
- 5.8 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* are 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 is not currently in force and there has been a disappointing lack of any indication from the government as to when the legislation will 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 runs from 11 December 2023 – 22 January 2023. As currently drafted the consultation appears 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 will need to be given to this once the contents of the final guidance is known.
- 5.9 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 is still in progress and has not yet reached a conclusion, it is understood that this was on hold pending the outcome of the BCP litigation.
- 5.10 In reviewing the PSPO the Council has 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 is nothing in this review of the PSPO that suggests that Ealing's Order requires amendment; it continues to serve the local circumstances well and has been largely successful in reducing the detrimental effect that was being experienced at this location. Furthermore, it has been

upheld in the courts in full and there is nothing to suggest that it requires amendment.

- 5.11 At this stage, it remains the case that no new national powers exist to deal with the issues. Officers remain of the view that the other options previously considered are either not suitable to tackle the activities or are less suitable than the existing Order. It is 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.
- 5.12 The period for which a PSPO has effect can be extended for up to three years and it is the recommendation of this report that the Order is extended for the full three-year period.
- 5.13 Officers have 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 is 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 is 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.
- 5.14 It is not recommended that a shorter time period for extension is applied; it is recommended that extension is for the full three-year period. It is reasonable to conclude that, without the Order in place, the activities found to have had a detrimental effect on those in the locality will recur.
- 5.15 It is worth noting that, as and when appropriate national legislation is 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.
- 5.16 It is for these reasons the recommendation is that Cabinet extend the Order for the full period of three years.

6 Consultation

- 6.1 Upon the recommendations of a report on 8 November 2023, Ealing Council's Cabinet took the decision to begin a formal consultation on the option of extending the Order for a period of time beyond April 2024. Consultation is a statutory requirement by virtue of s.72 (4) of the 2014 Act.
- 6.2 As set out in Section 2 of this report, it is the Council which has to decide whether the *Section 60* test is met, namely the need to be satisfied on reasonable grounds that extending the period for which the Order has effect is necessary (in order to

prevent an occurrence or recurrence or an increase in frequency or seriousness of the activities). In making this assessment, the Council is entitled to have regard to the consultation responses but the decision is ultimately one for the Council to make.

- 6.3 An 8-week formal consultation commenced on 23 November 2023, concluding on 15 January 2024. The consultation was widely publicised by the Council online, through social media channels, the Council's website, press release and by direct correspondence to statutory partners and interested parties, including groups known to be involved in activities regulated by the Order. A letter-drop publicising the consultation to residents in the area covered by the Order was also completed.
- 6.4 The primary consultation took the form of an online survey, consistent with the methodology used in both 2018 and 2020-21. Consultees were additionally provided with the opportunity of submitting supplementary written responses to the consultation via post or email to the safer communities team. A specific telephone number and email address were also provided for anyone with any queries relating to the consultation.
- 6.5 The survey asked questions in relation to the activities that, during the Council's 2017-18 investigation, were found to have causing a detrimental impact on people in the locality namely:
 - I. People present, individually or with others, inside the proposed PSPO area, for praying or counselling.
 - II. People approaching or attempting to engage in conversation with persons entering or leaving the Marie Stopes Clinic.
 - III. People approaching, following or challenging any person entering or leaving the Marie Stopes Clinic.
 - IV. People taking photographs or other recording of persons using the Marie Stopes Clinic.
 - V. Campaigners displaying text or images relating to the termination of pregnancy.
- 6.6 Statutory and non-statutory consultees who were written to directly included the Metropolitan Police Service's local Chief of Police, the Mayor's Office for Policing and Crime (MOPAC) as Police and Crime Commissioner, NHS, British Pregnancy Advisory Service (BPAS) and MSI Reproductive Choices, as well as Pro-Life and Pro-Choice represented groups documented as having previously having taken part in protest and vigil outside the Clinic (this included *The Good Counsel Network*, *Helpers of God's Precious Infants*, *the Society of Pius X* and *Sister Supporter*).

- 6.7 Formal written consultation responses were received from most of the statutory and non-statutory agencies invited to take part in the consultation and these are included in **Appendix 4b**. All of those agencies wrote in support of the Order.
- 6.8 No separate written response to the consultation was received from any of the Pro-Life represented groups, despite letters being sent to them and the extensive publicity surrounding the consultation. These groups have previously responded to consultation and provided their views on the Order as well as evidence. This information is contained in previous reports linked within this report and members are directed specifically to Paragraphs 4.4.1-4.4.3 and 6.1-6.9.1 of the April 2018 Cabinet report and relevant appendices, as well as to Paragraphs 6.30-6.40 of the February 2021 Cabinet report and relevant appendices.
- 6.9 *Sister Supporter*, a group previously involved in Pro-Choice protest in the locality of the Clinic wrote in support of the renewal of the Order.
- 6.10 BPAS and MSI responded in support of renewing the Order and the Clinic operations manager additionally wrote in support of renewing the Order.
- 6.11 As anticipated the most common method of responding to the consultation was via the online survey; in total 2,165 people responded via this conduit. Of the 1,878 (86.7%) provided a postcode from within Ealing, with the highest concentration of responses (59.4%) coming from residents with W5 or W13 postcodes, these being areas closest to the PSPO footprint. A copy of the consultation feedback report is attached at **Appendix 4a** and a full unabridged and unredacted report detailing every individual response is provided as a confidential appendix for members to review at **Appendix 4c**.
- 6.12 In terms of the relationship of respondents to the PSPO location, 19.1% of respondents to the survey said they lived within or bordering the PSPO area; 5.4% said they worked within or close to the PSPO area. 55.8% said they use services, shops or facilities within the locality of the PSPO area. 9.38% reported to be clients of the Clinic or providing support to people who were.
- 6.13 The survey asked participants on their view, if the Order were to expire, how likely or unlikely they believed the activities outlined would occur or recur; increase in frequency; and increase in seriousness. It also provided a number of free-text fields for respondents to provide additional supporting information or views. The collated responses to all of these are set out in **Appendix 4a**.
- 6.14 There was significant support for the renewal of the Order, with many of those responding stating the Order had improved the space. One resident wrote: *“There has been significant benefit to the general public including myself and my family from the enforcement of the current zone with the forbidding of offensive visual materials, harassment of virtually all passers by and of potential users of*

the Marie Stopes Clinic. A quieter, less stressful and peaceful atmosphere has been enabled.”

- 6.15 The theme of compromise was also raised in the survey responses, with a number of comments that the Order had struck the right balance in dealing with problematic activity, with one respondent writing *“The council's decision to create the Mattock Lane Safe Zone has correctly balanced the rights of women to access health care without impediment or intimidation with the rights of Christian groups to hold prayer meetings and vigils. It benefits our community and our neighbourhood.”* Another wrote: *“A woman may choose to approach these protesters outside of the ‘safe zone’ but is not compelled to do so. This gives her a meaningful choice.”*
- 6.16 Of those who believed the Order should not be extended, some expressed their concern that women visiting the Clinic could no longer receive ‘help’, with one writing *“Please listen to the Mums whom received help from the vigils. How they were delighted to be given the chance to have their children.”*
- 6.17 Some who believed the Order should not be extended suggested the Council was unreasonable to target the identified behaviours, with one writing *“The law allows for harassment, obstruction and public order to be dealt with by the police. No anti abortion campaigners have ever been arrested under these laws. The PSPO is an attempt to restrict otherwise legal campaigning activities because they do not agree with the political stance of the current council. It is an attack on fundamental civil liberties.”*
- 6.18 Others who responded that the Order should not be extended flagged concerns about the methodology of the consultation itself, with one writing it was *“very unbalanced”* and another writing *“the questionnaire seems to have been designed to get a particular answer”*. No specific detail for these comments was cited. It is worth noting the consultation has followed the same open and transparent methodology applied to previous consultations relating to the Order.
- 6.19 Some respondents used the free-text spaces within the consultation to request the Council extend the geographical area of the Order and raised concerns about the daily activity of Pro-Life protesters and vigil members using the *Designated Area*. One respondent wrote: *“I am a 25 year old woman... I am approached by these campaigners most days, every time I walk to Walpole park or head into central Ealing. Despite never actually using the clinic, on many occasions I have been followed down the street and chased across the road by middle-aged men in this group trying to give me leaflets... If the ban is not extended - I genuinely believe it will drive young women like myself out of the area altogether. I can't begin to imagine the detrimental impact this would have on the clinic and it's patients. It is absolutely imperative that the ban is continued at least - with a view to extending the area / banning their protest altogether.”*

- 6.20 Concerns about the impact of on-going Pro-Life protest and vigil activity were also flagged in the response of the Clinic operations manager, who wrote: *“Whilst the PSPO has 99% removed the issue, there still remains a contingent of protestors at least five days a week in the dedicated area for them. And on the edges of the PSPO order, we also regularly see protestors. These protestors will now harass anyone walking by, hoping to find someone who may be visiting the clinic. It is clear that if the PSPO was not there, they would be right outside the clinic relentlessly.”*
- 6.21 The survey ultimately asked participants for their view on whether or not the PSPO should be extended and, if so, for what period of time. Of the people who chose to answer this question 96.99% of respondents said they believed the Order should be extended for the full period of three years; 2.5% said they believed the Order should not be extended. 0.15% of respondents said they believed the Order should be extended but for a period of less than three years and 0.36% of respondents said they didn't know.
- 6.22 The outcome of the consultation is detailed in **Appendix 4** attached to this report, which includes the consultation summary (**4a**); responses from agencies (**4b**); a confidential unabridged report of every response to the survey (**4c**) as well as additional correspondence received (**4d**).
- 6.23 The consultation collected a range of equalities information, including the gender and religion of those taking part in the survey. Of the people who chose to answer these 73.74% identified as female, 21.79% as male and 0.51% as non-binary, with 3.95% preferring to self describe or not to say. The majority of respondents cited having no religion (56.81%), with 26.07% reporting to be Christian, 1.34% Jewish, 1.29% Hindu, 0.87% Muslim, 0.67% Sikh, 0.41% Buddhist and 12.55% citing another religion or preferring not to say.
- 6.24 In addition to the responses received via the survey, a total of three written representations were made by email (one in favour of renewing the Order and two that were unclear but appeared to be critical of the Order). These emails are included (with personal details redacted) within **Appendix 4b**.

7 Financial implications

- 7.1 There are no tangible financial implications of this report, given there are no anticipated unbudgeted cost for implementing the recommendations of this report, namely extending the PSPO for a period of three years to April 2027.
- 7.2 The original investigation and all of the consultation processes to date have all been managed within the existing resources and budget of Ealing's community safety team, albeit with the need to reprofile budgets and manage conflicting priorities and officer working patterns.

- 7.3 Similarly the costs of implementation of the PSPO, primarily relating to deployment of CCTV and the design, manufacture and installation of signage at the location, have been met from the Community Safety approved budget and have to date amounted to approximately £0.02m. There have also been costs relating to the on-going monitoring and engagement at the location by council officers which have been met from existing Community Safety budgets.
- 7.4 The Council's *legal* costs (primarily incurred from resisting the appeals outlined in Section 4 of this report but also resulting from legal enforcement relating to alleged breaches) have to date amounted to approximately £0.170m. It is worth noting this does not include the significant cost of officer time in supporting the various streams of work associated with the extensive legal proceedings.
- 7.5 There is no cost associated with the design, manufacture or installation of signage, as the signs already in place are sufficient for the Order to be understood and enforced.
- 7.6 There is the small revenue cost of continued CCTV deployment to the location, however this CCTV would in any case be required at the location if the PSPO were not to be extended, given the high likelihood of the situation that existed prior to April 2018 returning should the order be left to expire.

8 Legal implications

- 8.1 The applicable statutory framework in respect of the matters in this report is set out in Section 2 of this report and in the Equalities Impact Analysis appended to it.
- 8.2 Any decision to extend the Order for a further period of time may be challenged. It is not clear whether such challenge would be made.

9 Risk management

- 9.1 It is well established that by introducing the Order and defending numerous legal challenges, the Council was exposed to significant financial and reputational risk. To date, with the Council having prevailed through all of legal challenges, these risks have been managed in line with the risk management plan set out in 2018.
- 9.2 There is of course a risk of further legal challenge should the Council take the decision to extend the period of the Order and this may expose the Council to additional legal costs.
- 9.3 The Council of course may decide to take no action and allow the Order to expire. As outlined in the extensive evidence, this would almost certainly result in the return of the behaviours found to have caused detrimental effect and established to have had a disproportionate detrimental effect on a protected characteristic (pregnant women). Such a decision would therefore likely create a renewed issue requiring Council intervention.

10 Community Safety

- 10.1 The Council has a duty under the *Equality Act (2010)* and our commitment to a safer Ealing to protect women, and particularly pregnant women, (both of whom are groups with protected characteristics under the 2010 Act), accessing health services. The Council's duties pursuant to the *Crime and Disorder Act (1998)* are also engaged by the issues evidenced to have been occurring in the locality of the Clinic.

11 Links to the Council's Priorities

- 11.1 Continued action to ensure women accessing clinic services are protected from fear of intimidation, harassment or distress – and that those in the locality are not negatively impacted by the behaviours described - links to the Council priority of *Tackling Inequality*.

12 Equalities, Human Rights and Community Cohesion

- 12.1 A full Equalities Analysis Assessment and assessment of the Council's Public Sector Equality Duty was completed prior to the introduction of the PSPO and prior to renewal in April 2021. A renewed Equalities Analysis has been undertaken as part of the recommendations made in this report in relation to the order beyond April 2024. The renewed Equalities Analysis Assessment can be found at **Appendix 5** of this report.

13 Staffing/Workforce and Accommodation implications

- 13.1 There are no proposed changes to Council staff or workforce within the outlined proposal.

14 Property and assets

- 14.1 There are no implications for Council property or assets beyond the continued deployment of CCTV and signage at the location.

15 Any other implications

- 15.1 There are no additional implications of Cabinet approving the proposals within this report that have not been addressed within the key implications outlined above.

16 Timetable

- 16.1 If Cabinet are minded to follow the recommendations of this report, the Order will be extended for a period of three years with effect from 11 April 2024 until 10 April 2027.

17 Appendices

Appendix 1a: Copy of the Order

Appendix 1b: Copy of April 2018 Cabinet report and link to all appendices and evidence considered by Cabinet in April 2018 when the decision to introduce the Order was taken: [Meeting of Cabinet on Tuesday, 10 April 2018, 7.00 pm \(moderngov.co.uk\)](https://www.moderngov.co.uk/2018/04/10/cabinet-meeting-10-april-2018-7-00-pm)

Appendix 1c: Copy of Cabinet report of February 2021 and link to all appendices and evidence considered when the decision was taken to extend the Order for a period of three years: [Meeting of Cabinet on Tuesday, 9 February 2021, 7.00 pm \(moderngov.co.uk\)](https://www.moderngov.co.uk/2021/02/09/cabinet-meeting-9-february-2021-7-00-pm)

Appendix 2: Copy of Cabinet report of November 2023 (decision to consult on renewal)

Appendix 3a: High Court judgement, dated 2 July 2018

Appendix 3b: Court of Appeal judgement, dated 21 August 2019

Appendix 3c: Supreme Court certificate of decision, dated 10 March 2020

Appendix 4a: Summary of online survey responses

Appendix 4b: Responses from statutory and non-statutory consultees

Appendix 4c: [CONFIDENTIAL]: Full unabridged data collation from online survey.

Appendix 4d: Additional responses to the consultation received via email.

Appendix 5: Equalities Impact Analysis

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Ronnie Hopkins	Lawyer	06/01/2024	08/01/2024	
Justin Morley	Head of Legal Services	06/01/2024	11/01/2024	
Helen Harris	Director of Legal Services	10/01/2024	12/01/2024	
Nicky Fiedler	Strategic Director, Strategic Director, Housing & Environment	06/01/2024	10/01/2024	
Jess Murray	Assistant Director, Community Protection	06/01/2024	08/01/2024	
Multiple	SLT	10/01/2024	11/01/2024	
External				
Kuljit Bhogal	Counsel	06/01/2024	10/01/2024	

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Paul Murphy Head of Community Safety (ext. 8807)

ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

PUBLIC SPACES PROTECTION ORDER

This order is made by the London Borough of Ealing (the 'Council') and shall be known as the Public Spaces Protection Order (Mattock Lane) 2018.

PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality, and that: the effect, or likely effect, of the activities:

is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

THE ACTIVITIES

4. The Activities prohibited by the Order are:
 - i. Protesting, namely engaging in any act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means. This includes but is not limited to graphic, verbal or written means, prayer or counselling,

- ii Interfering, or attempting to interfere, whether verbally or physically, with a service user or member of staff,
- iii Intimidating or harassing, or attempting to intimidate or harass, a service user or a member of staff,
- iv Recording or photographing a service user or member of staff of the Clinic whilst they are in the Safe Zone,
- v Displaying any text or images relating directly or indirectly to the termination of pregnancy, or
- vi Playing or using amplified music, voice or audio recordings.

THE PROHIBITION

- 5. A person shall not engage in any of the Activities anywhere within the Safe Zone as shown shaded on the attached map labelled 'The Safe Zone'.
- 6. This Prohibition is subject to the Exception stated below.

DEFINITIONS

- 7. In this Order the following words or phrases are defined as follows:

'Clinic' means the Marie Stopes Clinic on Mattock Lane, Ealing, W5;

'Designated Area' means the cross-hatched shaded area as identified on the attached map outlined with a green boundary and labelled 'Designated Area';

'Displaying any text or images relating directly or indirectly to the termination of pregnancy' includes but is not limited to, imagery or textual references to abortion, baby, mum, foetus, soul, kill, hell, murder;

'Member of staff' includes any employee, agent or contractor of the Clinic;

'Protesting' means being in the Safe Zone (whether by yourself or with others) and engaging in any act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means. This includes but is not limited to, graphic, verbal or written means, prayer or counselling;

'Safe Zone' means the area outlined in a red boundary on the attached map and marked 'Safe Zone for the PSPO (Mattock Lane) 2018';

'Service user' includes any patient or visitor to the Clinic.

REQUIREMENTS

8. A person who is believed to have engaged in a breach of this order or in anti-social behaviour within the Safe Zone, is required to give their name and address to a police officer, police community support officer or other person designated by Ealing Council.
9. A person who is believed to have engaged in a breach of this order, or in anti-social behaviour within the Safe Zone, is required to leave the area if asked to do so by a police officer, police community support officer or other person designated by Ealing Council.

THE EXCEPTION

10. The Prohibition does not apply to the green-shaded area identified on the attached map outlined with a green boundary and labelled 'Designated Area'.

RESTRICTIONS APPLYING IN THE DESIGNATED AREA

11. No more than four persons may be present in the Designated Area at any one time.
12. No individual poster, text or image, singularly or collectively greater than one sheet of A3 paper may be displayed within the Designated Area.
13. A person within the Designated Area must not shout any message or words relating to the termination of pregnancy.
14. A person within the Designated Area must not play or use amplified music, voice or audio recordings.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

15. This Order was made on 10th April 2018 and will expire at 23.59 on 10th April 2021 unless extended.
16. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale.

FIXED PENALTY

A constable, police community support officer or city council enforcement officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

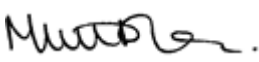
APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the safe zone. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold or quash the order or any of its prohibitions or requirements.

Order made by decision of Ealing Council Cabinet at meeting of 10th April 2018

Signed by: 

Mark Wiltshire, Director of Safer Communities and Housing

Section 67 Anti-Social Behaviour Crime and Policing Act 2014 (referred to above)

(1) It is an offence for a person without reasonable excuse-

(a) To do anything that the person is prohibited from doing by a public spaces protection order, or

(b) To fail to comply with a requirement to which a person is subject under a public spaces protection order

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order



Appendix 1:

Copy of April 2018 Cabinet report and link to all appendices and evidence considered by Cabinet in April 2018:

<https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/4980/Committee/3/Default.aspx>

Report for: <p style="text-align: center;">DECISION</p>
Item Number:

Contains Confidential or Exempt Information	Yes – Appendix 2c and 2d (by virtue of Paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972)
Title	Addressing behaviours outside the Marie Stopes sexual health clinic on Mattock Lane: follow-up report
Responsible Officer(s)	Mark Wiltshire (Director of Safer Communities and Housing)
Author(s)	Paul Murphy (Operations Manager – Safer Communities)
Portfolio(s)	Community Safety and Services
For Consideration By	Cabinet
Date to be Considered	10 th April 2018
Implementation Date if Not Called In	
Affected Wards	Walpole (although wider borough reach in terms of service)
Keywords/Index	Protest, Sexual, Health, Harassment, Anti-Social, behaviour, ASB, Women, Clinic, Mattock, Health, Space, Protection, Order, Consultation

Purpose of Report:

The purpose of this report is to invite members to consider the outcome of the Council's consultation on a proposed Public Spaces Protection Order (PSPO) to address behaviours affecting people in the locality of the Marie Stopes clinic on Mattock Lane.

Key points for action and decision:

- Review the Council's established evidence base
- Note the outcome of the consultation, including all responses to the online survey and written representations from interested parties
- Consider the statutory framework for making a PSPO and decide whether the statutory tests are met
- Decide whether the Council will implement a PSPO (or take other action)
- If minded, decide whether to approve the proposed wording of the terms of a PSPO

- If minded, decide the geographical area the PSPO would cover.

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Section 1: Executive summary

- 1.1 This report considers the statutory consultation exercise conducted by the Council in relation to the proposal to introduce a Public Spaces Protection Order ('PSPO') to address the behaviours outside the Marie Stopes clinic on Mattock Lane (the 'Clinic').
- 1.2 Members are asked to consider whether it is appropriate to make a PSPO, in view of:
 - a. the evidence base
 - b. the consultation responses
 - c. the Equality Analysis Assessment and
 - d. the statutory framework for the making of a PSPO
- 1.3 The legal framework for making a PSPO, including the human rights and equalities considerations, are explained in Section 2 of this report. Members are asked to have this framework firmly in mind when considering the issues set out at paragraph 1.6 below.
 - 1.3.1 Members are asked to consider the evidence base which describes the activities taking place outside the Clinic. That evidence base has been made available to Members in full and is summarised in Section 4 of this report.
- 1.4 The responses to consultation and main substantive issues raised during the consultation process are examined in Section 6.
- 1.5 The proposed PSPO that was consulted upon can be found at Appendix 2b, together with the consultation report. Members' attention is drawn to the proposed order *as amended* which can be found at Appendix 1. Paragraph 4 of the proposed PSPO has been amended with a view to simplifying the language, the substance remains unchanged. Paragraph 11 has been amended to make it clear that the total number of people permitted in the designated area is four. There are also some grammatical changes. There are two versions available to Members, one with tracked changes highlighting what has been changed (appendix 1b) and a clean copy (Appendix 1a).
- 1.6 The following recommendations are made:

RECOMMENDATIONS

- i. To approve the making of a PSPO, for a period of three years, in the amended form attached at Appendix 1a on the basis that (1) Members are satisfied that the activities identified in the evidence are having a detrimental effect on the quality of life of those in the locality (2) that the

effect is persistent or continuing, and is such as to make the activities unreasonable and that effect justifies the restrictions proposed and (3) the prohibitions and requirements are reasonable to impose in order to prevent or reduce the detrimental effect from continuing, occurring or recurring.

Section 2: Legal framework

- 2.1 This Section of the report sets out the statutory framework for the making of a PSPO including the human rights and Equality Act 2010 considerations.
- 2.2 In considering the Recommendations set out in Section 1, Members will need to be satisfied about a number of things in order to decide whether to make a PSPO. These are:
- a. The nature of the activities taking place
 - b. Whether those activities can be said to have had a 'detrimental effect on the quality of life of those in the locality?'
 - c. If the detrimental effect exists, is it persistent or continuing in nature?
 - d. Does that detrimental effect make the activities unreasonable? and
 - e. Does it justify the restrictions imposed in the proposed PSPO?
 - f. Are the proposed prohibitions reasonable to impose to prevent or reduce the detrimental effect from continuing, occurring or recurring?
 - g. Is the proposed PSPO justified and proportionate?
 - h. Should the PSPO be made for the full three years or some lesser period?
- 2.3 The following paragraphs of this report explain the legislative framework within which those decisions should be made.

Section 17 of the Crime and Disorder Act 1998

- 2.4 The 1998 Act imposes a duty on the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).

The Anti-Social Behaviour, Crime and Policing Act 2014

- 2.5 PSPOs were created by the Anti-Social Behaviour, Crime and Policing Act 2014, hereinafter called the '2014 Act'. They are designed to place controls on the use of public space and everyone within it. The orders have effect for up to three years and can be extended. Only local authorities can make PSPOs. 'public place' means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 2.6 The Council can make a PSPO if satisfied on reasonable grounds that two conditions are met. These are found in section 59 of the 2014 Act:

The first condition is that:

- (a) activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality, or

- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities:

- (a) is or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice.

2.7 A PSPO must identify the public place in question and can:

- (a) prohibit specified things being done in that public place
- (b) require specified things to be done by persons carrying on specified activities in that place; or
- (c) do both of those things.

2.8 The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to prevent or reduce the risk of the detrimental effect continuing, occurring or recurring.

2.9 Prohibitions may apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories.

2.10 The PSPO may specify the times at which it applies and the circumstances in which it applies or does not apply.

2.11 Unless extended the PSPO may not have effect for more than 3 years. There is no statutory requirement to review a PSPO once made, however, the Council is suggesting a review of the proposed order after a 6 month period.

2.12 Breach of a PSPO without reasonable excuse is a criminal offence. The Police or a person authorised by the Council can issue fixed penalty notices, the amount of which may not be more than £100. A person can also be prosecuted for breach of a PSPO and on conviction the Magistrates' Court can impose a fine not exceeding level 3 on the standard scale (currently £1000).

2.13 In deciding to make a PSPO the Council *must* have particular regard to Article 10 (Right of Freedom of Expression) and Article 11 (Right of Freedom of Assembly) of the European Convention on Human Rights ('ECHR'). Members are advised that for this proposed PSPO it is also relevant to consider Article 8 (Right to Private and Family Life), Article 9 (Freedom of Thought, Conscience and Religion) and Article 14 (Right to Freedom from Discrimination).

2.14 The Council must also carry out the necessary prior consultation, notification and publicity as prescribed by s.72 of the 2014 Act.

2.15 In preparing this report Officers have had regard to the two sets of statutory guidance issued by the Home Office and the Guidance on PSPOs issued by the Local Government Association.

The Equality Act 2010 and the European Convention on Human Rights ('ECHR')

- 2.2.1 The Council is a public authority and the Human Rights Act 1998 requires it to act compatibility with the ECHR.
- 2.2.2 In addition, section 72(1) of the 2014 Act requires the Council to have *particular* regard to the rights protected by Article 10 (Freedom of Expression) and Article 11 (Freedom of Assembly and Association) when deciding whether to make a PSPO.
- 2.2.3 The proposed order gives rise to some difficult issues arising under the Equality Act 2010 and the ECHR. These are difficult issues because the proposed order requires the Council to have regard to the *competing* rights of members of the various represented groups who engage in protest and vigils outside the Clinic and the rights of the service users/clinic staff. A consideration of these rights requires the Council to consider how to achieve the appropriate balance between the respective rights. They are also difficult because an ECHR right can only be interfered with where the interference is in accordance with the law, necessary and in furtherance of a permitted objective. These issues are considered more fully below.

The ECHR

2.2.4 Council must take account of Articles 8, 9, 10, 11 and 14 of ECHR. These are a combination of 'absolute rights' (meaning they cannot be interfered with by the state under any circumstances) and 'qualified rights' (meaning they may only be interfered with under specific circumstances). In considering interference with qualified rights, the Council are required to consider that any interference is:

1. In accordance with the law

and

2. Necessary in a democratic society in the interests of:
 - National Security
 - Territorial integrity or public safety
 - The prevention of disorder or crime
 - The protection of health or morals *or*
 - The protection of the reputation or rights of others

2.2.5 The protection of the rights of others is engaged here. The following paragraphs outline the key Articles relevant to the decisions Members are asked to make.

Members will then find a summary of how any interference is said to be permissible:

Article 8: Right to Private and Family Life

2.2.6 Article 8 of the ECHR protects a person's right to *respect* for their private and family life, their home and their correspondence. Article 8 is a qualified right, which means it can be interfered with in certain situations, for example, to protect the rights of others

2.2.7 The proposed PSPO does not interfere with any person's right to private and family life. However, it does seek to protect the private and family life of those persons accessing services at the Clinic. Service users and staff are entitled to a degree of privacy when seeking or providing medical treatment, and access to treatment without fear of or actual harassment or distress.

Article 9: Right to Freedom of Thought, Conscience and Religion

2.2.8 Article 9 of the ECHR protects a person's right to hold both religious and non-religious beliefs and protects a person's right to choose or change their religion or beliefs. The PSPO is not seeking to interfere with this right and it does not seek to prohibit any activities that affect a person's right to hold religious or non-religious views.

2.2.9 Article 9 additionally protects a person's right to manifest their beliefs in worship, teaching, practice or observance. For example the right to talk and preach about their religion or beliefs and to take part in practices associated with those beliefs. The right to manifest one's religion or beliefs is a qualified right, which means it can be interfered with in certain situations, for example, to protect the rights of others.

2.2.10 The Council is aware that some of the represented groups believe that their activities are part of their right to manifest their religion or beliefs. The Council should be advised that these are important rights and that it should be reluctant to interfere with those rights. Where the Council does interfere it must ensure that any interference is in accordance with the law (this is addressed later in this report), and is necessary (also addressed more fully later in this report) to ensure the protection of the rights of others. The proposed PSPO would interfere with these Article 9 rights. This is a delicate balancing exercise in which any interference with the right must be in accordance with the law and necessary to protect the rights of others. Both of these considerations are addressed more fully later in this section.

Article 10 Right to Freedom of Expression

2.2.11 Article 10 of the ECHR protects the right of everyone to freedom of expression. This includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority. Article 10 is a qualified right,

which means it can be interfered with in certain situations, for example, to protect the rights of others.

2.2.12 Again, this is an important fundamental right in any democracy. It includes the entitlement to express views that others might disagree with, find distasteful or even abhorrent. Article 10 provides a protection to express those views and is an important part of a free and democratic society.

2.2.13 It is important to consider that individuals from Pro-Life represented groups have stated they attend the Clinic to impart information to women accessing services and that the proposed PSPO will interfere with their Article 10 rights. It should also be noted that the PSPO will interfere with the Article 10 rights of Pro-Choice represented groups. In deciding whether to implement a PSPO, therefore, the Council will have to balance the rights of pregnant women to access health services free from fear of intimidation, harassment or distress and with an appropriate level of dignity and privacy against the Article 10 rights of Pro-Life and Pro-Choice represented groups to impart information and ideas relating to the termination of pregnancy. This is a delicate balancing exercise in which any interference with the right must be in accordance with the law and necessary to protect the rights of others. Both of these considerations are addressed more fully later in this section.

Article 11 Right to Freedom of Assembly and Association

2.2.14 Article 11 of the ECHR protects everyone's right to freedom of peaceful assembly and to freedom of association with others. Article 11 is again a qualified right, meaning it can be interfered with in certain situations, for example, to protect the rights of others.

2.2.15 The right to freedom of assembly includes peaceful protests and demonstrations of the kind seen outside the Clinic. The PSPO will interfere with the Article 11 rights of both Pro-Life and Pro-Choice represented groups in the locality of the Clinic. The Council therefore needs to balance the rights of pregnant women to access health services free from fear of intimidation, harassment or distress against the Article 11 rights of Pro-Life and Pro-Choice groups. This is a delicate balancing exercise in which any interference with the right must be in accordance with the law and necessary to protect the rights of others. Both of these considerations are addressed more fully later in this section.

Article 14 Right to Freedom from Discrimination

2.2.16 Article 14 of the ECHR provides '*The enjoyment of the rights and freedoms set forth in this European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*' It is therefore not a free-standing Article

but rather one which relates to the engagement of other Articles, and to discriminate in the manner in which people are entitled to enjoy those rights.

2.2.17 Article 14 needs to be considered by the Council, given the proposed PSPO targets the activities of groups which identify with a specific religion and belief (namely Christianity).

Is the interference ‘in accordance with the law’?

2.2.18 If Members are satisfied that the statutory tests and conditions for making a PSPO are met, and that the restrictions or prohibitions it imposes are reasonable in order to prevent or reduce the identified detrimental effect from occurring, continuing or recurring, then the PSPO will have been made in accordance with the statutory provisions. As a result any interference with the relevant ECHR right will be in accordance with the law.

Is the interference ‘necessary in a democratic society’?

2.2.19 Members are invited to have regard to the content of the relevant rights as summarised above. They are reminded that all of the rights highlighted, but Articles 10 and 11 in particular, are important rights in a free and democratic society. This has been highlighted by a number of the responses to the consultation.

2.2.20 If the Council wishes to interfere with these rights the interference must be ‘necessary’ in order to achieve a stated aim, here the aim that the Council is seeking to achieve is the protection of the rights and freedoms of others. Those rights and freedoms include the freedom to access health care services without impediment. Members have to consider whether this objective is sufficiently important to justify limiting fundamental rights.

2.2.21 ‘Necessary’ means that the interference must be connected to achieving the stated objective and must not interfere any to any greater extent than is required in order to achieve it. In other words the PSPO must strike a fair balance between the competing rights of the represented groups and those affected by their activities.

2.2.22 The ECHR rights have been firmly in mind during the formulation of proposed order. In addition, these considerations have been kept under review throughout the process of consultation and drafting.

2.2.23 The principle issue identified by the evidence is the presence of the represented groups at the entry point to the Clinic and their desire to engage with the service users and staff. The evidence base suggests that the location of the groups, independently of what they do whilst they are there, is a problem in and of itself because the service users are sometimes impeded from entering the clinic, feel as though they are being watched or ‘judged’, are approached and spoken to about the procedure they are considering having or have already undergone,

are given leaflets and 'boy' and 'girl' colour-coded rosary beads, are called 'Mum', partners, and relatives supporting service users are also approached and spoken to.

2.2.24 Members are reminded of the evidence base (summarised at Section 4 of this report and Appendix 3), which suggests that there is a detrimental effect on the quality of life of other persons who are living in or otherwise visiting the locality. Members are advised that the suggested prohibitions are directed at reducing the identified detrimental effect.

2.2.25 Balanced against this, Members should be aware that the represented groups say that their presence (of itself) should not be problematic, nor should the handing out of leaflets or attempting to speak to the service users/staff. They deny filming, shouting at or following Clinic service users or their partners, relatives and friends; they deny calling Clinic users 'murderers' or telling clinic users that they will be 'haunted'.

2.2.26 Members are also asked to note the Options Assessment, which formed part of the report to Cabinet and which is reproduced at Appendix 6 for ease. Officers have had regard to a broad range of powers to deal with the activities that are having a detrimental effect on the quality of life of those in the locality. Careful consideration has been given to whether there are alternative means of achieving a reduction or elimination of the detrimental effect on the quality of life of those in the locality. Each option has its own advantages and disadvantages, which will not be repeated here.

2.2.27 The proposed PSPO includes the provision of a designated area for use by the represented groups, which is intended to protect and facilitate the rights of those groups. The creation of the area is addressed more fully in Section 5.

2.2.28 The main issue for the Council is whether the making of the proposed order is a proportionate means of achieving a reduction / elimination of the detrimental effect on the quality of life of those in the locality. Enforcement options which attach to an individual are not thought to be appropriate here as the people present outside the Clinic differ from day to day. The best fit is thought to be a solution which attaches to the space as opposed to an individual. If Members are of the view that other measures are more suited, or ought to be tried first, they should not approve the making of the proposed order. However, Officer advice to Members is that the interference with ECHR rights is in accordance with the law and necessary to protect the rights and freedoms of others.

The public sector equality duty ('PSED')

2.3.1 Section 149 of the Equality Act 2010 requires the Council in the exercise of its functions to have due regard to the need to:

a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the 2010 Act;

- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex,
- Sexual orientation

2.3.2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2.3.3 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) tackle prejudice, and
- (b) promote understanding.

2.3.4 Members should be aware that compliance with the duties in this section may involve treating some persons more favourably than others.

2.3.5 The law also requires that the duty to pay 'due regard' is demonstrated in the decision making process and the Council must be able to demonstrate that decisions are made in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that imposing restrictions and prohibitions through a PSPO could have on different protected groups and, where possible, identifying methods for mitigating or avoiding any adverse impact on those groups.

2.3.6 The Council's assessment of the impact of the proposed PSPO on different protected groups and the mitigation steps identified in relation to each group is set out within the Equality Analysis Assessment ('EAA') attached to this report as Appendix 4.

Summary

2.4.1 Members will need to consider whether:

- i. the need to provide service users, staff and visitors with safe, unimpeded access to the Clinic and through the safe zone is sufficiently important to justify limiting important fundamental rights;
- ii. whether the proposed PSPO meets the objective of facilitating that access;
- iii. whether the proposed order is no more than is necessary to accomplish that objective and
- iv. whether the proposed measures strike a fair balance between the rights of the represented groups and those affected by their activities.

2.4.2 In making a decision on whether to introduce an order, the Council needs to balance the various rights of the Clinic service users, staff, family members, residents, visitors and those of the vigil and protest members, ensuring due consideration of these competing interests.

2.4.3 Members are referred to the EAA contained at Appendix 4 and invited to note its contents. It identifies that some protected groups are negatively affected by the PSPO. It also identifies the mitigating measures that will be implemented.

2.4.4 Members are referred to Section 4 of this report which summarises the evidence base and Section 5 of this report which explains the basis for the proposed order, the scope of the safe zone and the scope and position of the designated area. The proposed PSPO has been carefully drafted to address the specific activities which are said to be having a detrimental effect on the quality of life of those in the locality.

2.4.5 Members are invited to make the proposed PSPO for the maximum period of 3 years. The proposal is to review the PSPO within 6 months of it being adopted and to consider, at that point, whether at any variation is necessary.

Section 3: Background

- 3.1 The Clinic is a sexual health centre, offering a range of sexual health and family planning services, including termination of pregnancy, vasectomy, contraception and counselling. Protests and vigils by individuals and groups representing Pro-Life views have been held outside the Clinic for over 20 years. The Pro-Life groups consist of members from a variety of networks and organisations, including *The Good Counsel Network*, *The Helpers of God's Precious Infants*, *40 Days For Life*, *Ealing Pro-Life Group* and *The Society of Pius X*. For ease of reference these groups and individuals will be referred to collectively as the 'Pro-Life' groups. It is acknowledged that some of these groups do not consider that their activities are 'protests' however, for ease of reference this report will use the phrase 'protests and vigils'.
- 3.2 An organised counter-demonstration began taking place outside the Clinic in November 2015, with regular coordinated protests organised by *Sister Supporter*, a local Pro-Choice group founded in 2015. In April 2017 *Sister Supporter* contacted Ealing Council to ask that action be taken to prevent the harassment of women attending appointments at the Clinic, outlining the local authority's responsibilities under the Equality Act to protect pregnant women from discrimination, harassment and victimisation.
- 3.3 In July 2017 a petition was submitted under the Council's petition scheme, signed by 3,593 people, calling for the Council to explore ways of introducing a 'buffer zone' outside the Clinic (this petition and notes of the full Council meeting at which it was debated are included in Appendix 1). The petition read:
- "This petition calls for Ealing Council to end the persistent presence of the anti-abortion vigil outside the Marie Stopes Reproductive Centre on Mattock Lane, Ealing and take all measures within its power, including but not limited to the establishment of a Public Spaces Protection Order, to move anti-abortion campaigners away from the area immediately outside the Mattock Lane clinic (to a distance of at least 100M) and to allow women to access its services free from interference and intimidation.*
- The anti-abortionist vigils that occur daily on Mattock Lane amount to more than the exercise of their right to protest and it is time that action is taken to prevent this harassment. The Council can protect the space around the clinic under s59 of the Anti-Social Behaviour, Crime and Policing Act 2014 and also have duties under s149 Equality Act 2010 to eliminate discrimination, harassment and victimisation of women. The sustained intimidation and presence outside the clinic not only causes great distress to patients, but has a persistent detrimental effect on people living, working in and visiting the Walpole ward."*
- 3.4 The Council's petition scheme required that the petition be debated at a meeting of full Council. On 10th October 2017 the petition was debated at a meeting of Full Council. Following the petition debate, there then followed a

debate and Council motion that was resolved by the majority of those present that:

“Ealing Council notes the 3,593 residents who signed the Sister Supporter petition and the dozens of letters from residents on and around Mattock Lane who report a “detrimental effect on my quality of life” as a result of disruption and distress caused by the protesters.

This motion is explicitly not one for or against abortion, which is available in Great Britain in the circumstances laid out in the Abortion Act 1967. It is a motion that seeks to protect the rights of individuals from harassment and intimidation when accessing legally existing health services and of local residents not to be exposed to related disruption and distress on a daily basis.

Many protesters use deliberately disturbing and graphic images and models, including those purporting to be of dismembered fetuses. They also distribute leaflets containing misleading information about abortion, and often follow, record and question women as they enter or leave the centres. Significant numbers of women report feeling intimidated and distressed by this activity as they try to access a lawful healthcare service in confidence.

The right to protest needs to be balanced with the right of pregnant women to choose and to obtain advice and treatment in confidence and free from intimidation. Those who wish to campaign to restrict women’s reproductive choices have plenty of opportunities and locations in which to do so. The area outside a clinic need not and should not be one of them.

Equally, local residents who live on Mattock Lane and surrounding streets should not have to be exposed to constant nuisance, disruption and anxiety caused by such protests on a daily basis. Further, staff at Marie Stopes and all women’s health clinics should be protected from bullying and intimidation at their place of work.

This Council commits to fully explore every possible option and will take all necessary actions within its powers, utilising all necessary resources, to prevent anti-abortion protestors from intimidating and harassing women outside the Marie Stopes Clinic on Mattock Lane.

The Council will do this to provide the necessary reassurance and security that all women need and deserve as they make their own personal decision about their pregnancy and to defend the quality of life of those residents living nearby who pass the clinic on a regular basis.”

- 3.5 Following the petition debate and Council motion, the Council’s Safer Communities Team undertook detailed investigative work into the issues reportedly affecting Clinic users and Clinic staff and those in the locality of the

Clinic. The methodology and outcome of that investigation are outlined in Section 4: Evidence Base.

- 3.6 Engagement efforts with Pro-Life and Pro-Choice groups proved unsuccessful in forging a pathway to a possible negotiated settlement, with Pro-Life groups maintaining that their location and tactics were key to their strategy of engaging with clinic users and Pro-Choice representatives being clear they would not voluntarily cease their activities without concessions from Pro-Life represented groups.
- 3.7 It was therefore concluded in January 2018 that, in the absence of a clear way forward on a negotiated settlement, formal options for tackling the behaviours identified should be considered. Following completion of a peer review exercise and an Options Assessment (contained in Appendix 6 of this report) a report was provided to Cabinet, who made the decision in January 2018 to undertake a formal consultation on a PSPO.

Section 4: Evidence base

- 4.1 The Council's Safer Communities Team ('SCT') have undertaken detailed investigative work into the issues reported to be affecting Clinic users, staff and those in the locality of the Clinic. The investigation has encompassed a number of strands:
- Consultation and engagement exercises with represented groups from all sides;
 - Obtaining information from Police and other agencies;
 - Engagement with the Clinic and Clinic staff;
 - Taking witness accounts from those using the Clinic and those who have used it historically;
 - Engagement with the local community, specifically by seeking the information and views of local residents and Councillors.
 - Receiving and considering 'evidence packs' produced by Sister Supporter and the Good Counsel Network
- 4.2 Further evidence has been received through the consultation process.
- 4.3 In November-December 2017 officers from the SCT team spent a number of days in the Clinic and spoke with staff members and service users about their experiences. During this period, officers witnessed first-hand some of the behaviours outside the Clinic and were themselves approached by members of Pro-Life groups who attempted to speak with them and provide them with literature relating to abortion.
- 4.4 Council officers interviewed a number of Clinic service users and staff members, some of whom were willing to provide statements (anonymous and named) about their experiences. Officers also spoke with partners, parents and friends of service users on their experiences while at the Clinic providing support.
- 4.5 In total, thirteen witness statements were obtained. These statements were provided to Cabinet in a confidential appendix of January's cabinet report. Some of the material in Appendix 4 was confidential and only available to members when they approved the PSPO consultation. A summary of the respective viewpoints was contained in the report to Cabinet and consultation document. In the interests of transparency, and so that Members have a clear picture of the available evidence base, officers have sought permission from the various witnesses to make their evidence publicly available wherever possible, albeit redacted to some extent. Those statements have been produced in Appendix 3 of this report. The same statements, together with other photographic evidence are contained again for reference in.
- Witness statement of Abbi Shaw (Council safer communities officer)

- Witness statement of Noura Yamout (Council safer communities officer)
- Witness statement of ***** (service user)
- Witness statement of Relative A (relative of service user)
- Witness statement of ***** (service user)
- Witness statement of ***** (staff member)
- Witness statement of Staff member A (staff member)
- Witness statement of Client A (service user)
- Witness statement of Client B (service user)
- Witness statement of Client C (service user)
- Witness statement of Client D (service user)
- Witness statement of Client E (service user)
- Sally O'Brien (clinic operations manager)

4.6 Some photographic evidence was also obtained personally by Council officers, including a number of photos of images displayed on the pavement which were previously provided to Cabinet and are again included in Appendix 3. Additional photographic evidence has been provided by Sister Supporter in response to the consultation and this is included in Appendix 2b.

4.7 Excerpts from the incident log maintained by the Clinic were obtained by the Council and were presented within the confidential Appendix 4 to Cabinet. Additional incident logs and detailed reports of intimidation have been provided by Marie Stopes and BPAS during the consultation. All of those previously provided in January's Cabinet report are included again in Appendix 3, and those obtained during the consultation can be found at Appendix 2d.

4.8 Information obtained from a door knocking exercise undertaken in Autumn 2018 is also contained within Appendix 3.

The activities identified by the evidence base

4.1.1 The following activities have been identified in the evidence base:

- Women and their partners / friends / relatives being approached by a member or members of the Pro-Life groups when entering the Clinic and attempting to engage women and those with them in conversation or to hand them leaflets.
- Women being approached by a member or members of the Pro-Life groups when leaving the clinic and attempting to engage them in conversation, including making reference to what has happened to their unborn child.

- Women being observed entering and leaving the Clinic by a member or members of the Pro-Life groups
- A member or members of Pro-Life groups engaging in prayer outside the Clinic, which is said to be on behalf of the women and/or their unborn children.
- Being presented with images of a foetus in stages of development in the form of colour photos, sometimes indicating the age in weeks of the foetus.
- Encountering shouting and similar activities when Pro-Choice counter demonstrations are taking place.
- Women feeling they are being watched and judged by a member or members of the Pro-Life groups.
- The presence of placards with references to 'murder' and other similar statements.

Engagement and negotiation with represented groups

4.2.1 The Council has always been willing to explore the possibility of a negotiated settlement to the issues. To this end Council officers and Members have taken part in a number of meetings with the represented groups; minutes of these various meetings are included in Appendix 5.

4.2.2 A challenge around engagement with Pro-Life groups was the number of different groups involved and the different levels of affiliation between them. Broadly speaking, Members will be aware of the key Pro-Life groups that congregate at Mattock Lane:

- **The Good Counsel Network.** GCN define their mission as offering practical help and support to pregnant women, and post-abortive women.
- **The Helpers of God's Precious Infants.** This group state their mission as to pray for everyone involved in abortion and for the end of abortion.
- **40 Days For Life.** This is coordination movement rather than a single group and describes itself as 'The largest internationally coordinated pro-life mobilization [sic.] in history'.
- **Ealing Pro-Life Group.** This is a local affiliate of other Pro-Life represented groups.
- **The Society of Pius X.** SPX represent a branch of the Roman Catholic Church and they are known to hold conservative views. It is understood that some of the other Pro-Life groups distance themselves from them to different extents.

- 4.2.3 Ealing has also seen one demonstration in the last year (in Acton and not Mattock Lane) by a group called **Abort 67**, who describe themselves as ‘a public education project that seeks to change how we view abortion’. Their tactics include using large posters of graphic medical photographs. However, there is no evidence of Abort 67 being part of the activities on Mattock Lane.
- 4.2.4 The Council has sought to engage with all of the Pro-Life and Pro-Choice groups who have attended the Clinic. The only key group not to engage with this process has been the Society of Pius X, who did not communicate beyond writing to decline the offer of a meeting and indicating during a subsequent telephone call made to them by Council officers that they would not wish to engage in discussion with Council officers or Councillors in person.
- 4.2.5 As part of the investigation, Council officers also met with a representative of Ealing Abbey, given their reported link with the current vigil / protests. Notes from a meeting with a representative from Ealing Abbey were included as part of January’s cabinet report, prior to consultation. However, Cabinet should be advised that the representative from Ealing Abbey who attended that meeting has since raised concerns about the publication of his comments and has stressed that he and Ealing Abbey do not wish to be involved in any public discussion about the issues on Mattock Lane. Ealing Abbey has been invited to formally give its views on the proposals.
- 4.2.6 The meetings with Pro-Life and Pro-Choice groups were productive to the extent that they established where scope for negotiation could exist and where it would not. Of the Pro-Choice represented groups who did engage with the Council, the following behaviours were agreed as unacceptable and they stated they do not engage in them:
- Shouting at women entering or leaving the Clinic
 - Following women entering or leaving the Clinic
 - Taking photos or filming women entering or leaving the Clinic
- 4.2.7 However, all of the Pro-Life represented groups who engaged with the Council also made it clear that they are **not** willing to consider negotiating any changes in respect of the following behaviours:
- Approaching women entering and / or leaving the Clinic
 - Displaying images of fetuses
 - Standing at the entrance to the Clinic
- 4.2.8 These behaviours were described by them as key tactics that help them to directly engage with women who are using the Clinic. This position was recently reiterated in a Parliamentary Home Affairs Select Committee convened on 12th December 2017, at which representatives from Ealing (Council leader, Cllr Julian Bell, and cabinet portfolio holder for children and young people and Walpole ward Councillor, Cllr Binda Rai) were also invited

to give evidence. During that hearing, Clare McCullough, a representative of the Good Counsel Network gave evidence in which she reiterated the position that approaching women directly outside clinics was a key part of the Good Counsel Network's strategy and not something they would be prepared to end voluntarily.

- 4.2.9 During separate engagement dialogue with Pro-Choice group Sister Supporter, they outlined their own code of conduct and their representatives stated they would not consider changing any of their activities until such time as the represented Pro-Life groups ceased theirs and removed themselves from the area. It thus became apparent that the likelihood of a successful negotiated settlement was negligible.

The evidence on Pro-Life activities

- 4.3.1 The statements detail the impact of protests and vigils outside the Clinic on service users, clinic staff and people supporting Clinic service users as well as on residents and passers-by. There is evidence that both Pro-Life protests and vigils and Pro-Choice counter demonstrations cause issues, albeit of a different kind.
- 4.3.2 There have been incidents between the groups, notably reports to police in which individuals from Pro-Life represented groups report being abused by Pro-Choice represented groups and by passers-by. Additionally, Council officers have noted that the presence of counter demonstrations can create an atmosphere of heightened tension. In her statement, Abbi Shaw, Safe Communities Officer, notes of one such occasion: *'The atmosphere outside the clinic was tense and felt unfriendly and confrontational. It made me as a member of public as well as a professional feel uncomfortable.'*
- 4.3.3 The evidence from service users includes statements from women who have used the Clinic recently and some who have used it historically. What is striking from reviewing these statements is the consistency of the behaviour described over what is a prolonged period (as far back as 2005) and the long-term impact which their experiences continue to have on the women involved. The following is a selection of those comments. The full witness statements provided by those witnesses are available to Members as part of Appendix 3.

Client A, who used the Clinic in 2005 stated of the group standing outside the Clinic: *'They told me that they were "praying for the souls of dead babies" and this made me feel overwhelmingly guilty. I recall asking if they would have adopted my baby but they did not respond or engage with me at all; they did not give me eye contact, just repeated several times that they would be praying for the soul of the dead babies.'* She goes on to detail the impact of the behaviour of the group on her emotional wellbeing, concluding *'It has had a lifelong effect on me'*.

Client B, who accessed the Clinic in 2007 advises *'I remember the yelling and the protest more vividly than the termination. I was dazed and it was embarrassing because it was a residential street. They had placards with images of fetuses in the early stages of development. The fetuses had fingers and toes; it was like they were uber personified.'*

Client C, who used the Clinic's services in 2017 considers of the Pro-Life represented groups outside the clinic: *'I am not sure if they realise what they are doing. I understand that they are trying their best from their point of view but fail to remember that it is upsetting. Their views should not be shoved in your face when you are already feeling distraught. If the protestors were not there, the experience would have been easier; I would not have felt so tense walking into the Clinic. It would not feel that my privacy was being invaded... I would not expect to have protestors standing outside of the hospital trying to change my mind if I was having a kidney transplant so why should they be outside an abortion clinic?'*

Client D, who used the Clinic in 2017 described the people standing outside the clinic: *'They looked cross and the ginger man had a grimacing look for the duration that I was in his presence. He had rosary beads and he said to me, "I am going to pray for you, you don't have to do this." They made me feel like I was wrong. I made a concerted effort not to look at them.'*

- 4.3.4 Staff from the clinic have witnessed clients being followed after leaving the Clinic and despite saying 'No' when approached. They report seeing clients visibly upset following encounters with represented groups outside the clinic. In her statement Sally O'Brien (operations manager at the Clinic) details that the risk of harm is physical as well as emotional, with some clients choosing to delay their procedure because of the behaviours outside the Clinic thus moving further along in their pregnancy as a result. Discussions with staff members have also highlighted the distressing impact of the protests on them personally, with members of staff stating they have been verbally abused and spat at when entering the Clinic and one - Stephanie Goncalves, whose statement is included at Appendix 3 - receiving Pro-Life literature at her home address.
- 4.3.5 The Marie Stopes Clinic Operations Manager has provided details of frequently being called to assist distressed clients who have been affected by protests and vigils. She outlines how women have been physically inhibited from entering the Clinic and 'forced' to take literature, as well as being shown photos of aborted fetuses, which they find extremely distressing. She also states clients are told that they will 'go to hell', will be 'haunted by their dead baby' or will 'die of cancer' following a termination.
- 4.3.6 The Operations Manager gives her view that the comments are not directed to supporting a woman's informed decision, given the comments are sometimes offered as women are leaving the Clinic. The Operations Manager has reported that cancellation rates increase on days with a higher than normal number of Pro-Life protestors outside and that women have told the Clinic they are too

frightened to attend their appointment as they have seen the protestors outside. This places service users at risk both emotionally and physically.

- 4.3.7 The Council has also been advised of measures taken by staff as a result of the intimidation they face from vigil members and protestors, including covering their uniforms when entering the Clinic to minimise the likelihood of being identified and shouted at by vigil members and protestors. The Regional Operations Manager for Marie Stopes also described the situation at the Mattock Lane clinic in his testimony to the Home Affairs Select Committee. He stated that Marie Stopes staff have observed individuals from Pro-Life represented groups physically grabbing or blocking clients and using other means of intimidation. He highlighted his concerns for vulnerable clients, who ask to be escorted when leaving the Ealing clinic due to the intimidation from vigil members and protestors. In another example of the impact of the vigil, he stated that there have been occasions when the fire alarm has sounded at the Ealing clinic and patients have refused to leave the building for fear of having to encounter vigil members and protestors on their way out.
- 4.3.8 The statements from Council officers detail how, when visiting the Clinic to speak with staff and service users, they themselves were approached by *Pro-Life* vigil members in the apparent mistaken belief the officers were clinic users. Noura Yamout, Safer Communities Team Leader, details being approached by a *Pro-Life* group who told her “If you pray my dear, you will not come here again; the baby that died is probably with God.” Ms Yamout outlines that she was ‘stunned’ by the comment and, when she replied to say she had not done anything at the clinic, was handed two leaflets and rosary beads.

The evidence from Pro-Life Groups

- 4.4.1 Representatives from the Pro-Life groups who regularly attend the area have stated they only offer a leaflet and do not attempt to engage further with Clinic users who decline. In their written statement within their ‘evidence pack’ they state their approach as: *‘One counsellor offers each woman a leaflet as she enters the abortion centre. This leaflet lists the help and support that she can get from our pregnancy centre. This includes: housing, financial support, legal advice, help to get a GP or to access medical services if she cannot at present, a safe-place to hide, ongoing moral support, and counselling’.*
- 4.4.2 The evidence makes clear the numbers of people present on each day and the activities in which they engage. The groups highlight the small number of people involved in their vigils, often only 1 person is present. They refer to the fact their members are required to abide by a code of practice. They strenuously refute the suggestion that their members refer to Clinic users as ‘murderers’ and deny telling Clinic users that ‘God will never forgive them’ or that their ‘babies will haunt them. They deny preventing women from accessing the clinic in any way. The evidence pack includes photographs of their presence and the pictures of fetuses which they use.

4.4.3 An important part of the Pro-Life groups' position is that they have helped and supported numerous women as a result of their presence at the Clinic. They have provided accounts from the women they have helped as part of their evidence pack and response to consultation.

Analysis

4.5.1 The Council's investigation has established some fundamental challenges around perception. The emotive nature of the subject of pregnancy termination and the activities surrounding it mean some of the activities become focussed on in isolation rather than context. One such example is 'shouting' or 'chanting', which the Good Counsel Network maintain they and their affiliates do not do. However, 'shouting' and 'chanting' are referred to in the witness evidence of some service users and family members as being a behaviour they encountered. A high number of people taking part in the consultation also claim to have witnessed it. It remains unclear to what extent 'shouting' is a significant or on-going issue, or indeed whether the Pro-Life and/or Pro-Choice groups are responsible for it, as it is not always possible to discern from reports who is responsible, but it is in any case evident that, even in the absence of 'shouting' taking place, women entering and leaving the Clinic have found simply being approached and spoken to distressing and intimidating.

4.5.2 The evidence demonstrates that while many of the activities in and of themselves may not be objectionable, the very specific area in which the represented groups are choosing to engage in these activities means that they target service users at the precise moment they are accessing health services of a deeply personal nature. It is the fact that the activities take place at the point of entry to the Clinic, or close to it, that results in the detrimental impact.

4.5.3 Members are referred to the evidence found in Appendix 3.

Section 5: Options Considered and Draft Order

- 5.1 A comprehensive Options Assessment was undertaken in January 2018 and provided to Cabinet. All options were considered in the context of their benefits, risks and mitigation. That Options Assessment is reproduced in full at Appendix 6.
- 5.2 The officer recommendation to Cabinet in January was that a PSPO was likely to be the most appropriate (albeit imperfect) option open to the Council, having established there is evidence to suggest a detrimental effect on the quality of life of those in the locality as a result of the activities of the represented groups.
- 5.3 Members now have to consider whether the statutory requirements of the 2014 Act have been met. The advice to Members is that:
- i. There is a sufficient evidence base to suggest that the activities (as identified in Section 4) are having a detrimental effect on the quality of life of those in the locality,
 - ii. That the activities are of a persistent or continuing nature such as to make them unreasonable,
 - iii. That the effect, or likely effect of the activities justifies the proposed restrictions
 - iv. That the restrictions are reasonable to impose in order to prevent or reduce the detrimental effect, and
 - v. That the proposed order is necessary and proportionate to reduce / eliminate the detrimental effect.
- 5.4 As explained in Section 2, Members must be satisfied that each of these component parts is met.

The specific proposals

- 5.1.1 Paragraph 4 of the proposed order clearly sets out the activities which are having the detrimental effect of the quality of life of those in the locality. Each of these activities has been formulated by reference to the available evidence base. The existence of a detrimental effect is reinforced by the results of the online survey.
- 5.1.2 It is acknowledged that some may find the reference to 'prayer' in paragraph 4(i) surprising. It should be clear from the order that the only 'prayer' which is prohibited is that which amounts to an act of approval/disapproval of issues relation to abortion services, it is not a general ban on prayer and it applies only within the 'safe zone' defined by the order. As detailed further in Section 6 below, the Church of England parishes of St John's and St Mary's and the Ealing Trinity Circuit of the Methodist Church have all engaged with the consultation and are supportive of the proposed order.

- 5.1.3 Careful consideration has been given to whether this paragraph could be formulated differently, but it is felt that this is the least restrictive measure which would address the activities identified as distressing to service users and detrimental to the quality of life of those affected by the activities.
- 5.1.4 The reference to ‘interfering or attempting to interfere’ in paragraph 4(ii) is intended to deal with members of the represented groups who approach and attempt to speak to service users whilst in the safe zone.
- 5.1.5 References to intimidation and harassment are intended to respond to evidence – particularly provided by Clinic staff members – that members of represented groups have attempted to engage with service users and visitors even after they have said ‘no’ or otherwise indicated that they do not wish to interact with them, and have at times physically impeded service users from entering or accessing the Clinic. The order therefore makes clear that, for the avoidance of doubt, this behaviour will not be tolerated within the safe zone.
- 5.1.6 As for the reference to recording, both the Pro-Life and Pro-Choice groups appear to accept that they use their phones to take photographs or videos. Each say that this is for different purposes. The Pro-Life groups in particular say that this is to record when a criminal offence is being committed against one of their members. The Council’s concern is that a service user is not going to know why a person is recording/photographing or what is being captured or the purpose for which it will be used. For this reason it is thought reasonable and proportionate to seek to prohibit all recording and photography of a service user or member of Clinic staff in the safe zone.
- 5.1.7 Sister Supporter accepts that they have played amplified music during their protests and vigils. This has caused nuisance to staff and clinic users inside and outside the Clinic and would be prohibited.
- 5.1.8 It is also important that Members note that, within the ‘Designated Area’ proposed by the PSPO, members of represented groups will be able to carry out protests and vigils. However, these activities will be subject to a number of restrictions which will not apply in any areas outside that covered by the PSPO.
- 5.1.9 Paragraphs 11 – 14 set out the proposed restrictions on protests and vigils within the Designated Area. In summary the restrictions would:
- a. Limit the number of persons within the area to a maximum of 4;
 - b. Prohibit use of any posters, texts or images which are larger than A3 size;
 - c. Prohibit shouting words and messages related to the termination of pregnancy; and
 - d. Prohibit the use of amplified music, voice or audio recordings.
- 5.1.10 The rationale of these restrictions is to ensure that the scale of activities continuing within the designated area is not such as would undermine or negate the impact of the PSPO within the rest of the ‘safe zone’. In particular

the restrictions are designed to ensure that any service users, staff and visitors who wish to avoid interaction with members of representative groups may do so if they choose. It has also been taken into account that all groups have already agreed that shouting words and messages was not acceptable, and that evidence suggests that Pro-Life groups have been using posters and placards of an A3 size in any event. Finally, it can be seen that the restrictions do not limit prayer of any kind, which will thus be permitted within this area.

The scope of the safe zone

5.2.1 The large majority of respondents to the Council's public consultation agreed with the scope and size of the safe zone, with a large majority (73%) indicating that they believed that the safe zone should cover a larger area. Comments in support of an extended area include:

"I am concerned that this will just result in the protestors continuing with the same behaviour on all of the approach roads. Whilst this will be less intrusive for service users and staff arriving by car. It will still subject staff and service users approaching the clinic on foot. I would make the Zone far larger. People protesting against abortion should raise concerns with politicians...not service users and staff." (General user of the area)

"I think the Safe Zone should be extended to include the approach roads; Dane Road and Culmington Road." (Resident of the area)

"I would extend the safe zone. In its current proposed form, there is still no single access route to the clinic from any direction which could guarantee not being exposed to the protestors." (General user of the area)

5.2.2 However, Members should be aware that objections have been raised to by about 27% of responses to the consultation to scope of the safe zone in the consultation. Some of these are set out in the consultation report. The full responses have been made available to Members in the appendices of this report.

5.2.3 Members are asked to note that 83.2% of the respondent to the online survey agreed overall with the scope of the proposed safe zone. 117 respondents said the safe zone was too small and should be extended, a further 32 stated that the safe zone was too large. Comments included:

"Area is too large and pushes the protesters into residential areas. Make it smaller." (Resident of the area)

"It is very big area. Not really related to the clinic. Will life supporters be silenced everywhere soon?" (General user of the area)

“The proposal is frankly ridiculous. The “safe zone” is far too expansive. The small designated zone is immediately in front of my flat and will not be passed by the majority of service users who are either dropped off by cab / car or walk from Ealing Broadway.”
(Resident of the area)

5.2.4 Officers have spent a considerable amount of time and care in defining the scope of the ‘safe zone’ in which the prohibitions take effect. Careful thought has also been given to the size and scope of the designated area. Site visits have been undertaken of the area on numerous occasions and the area has been closely studied on maps.

5.2.5 The rationale for the scope of the safe zone has been the need to ensure safe access to the Clinic from the major routes of access, namely Ealing Broadway tube and train station and the main bus and pedestrian routes to the clinic from west and south Ealing. Officers have considered whether the scope of the area could be smaller but still achieve protection for the persons affected by the activities and have concluded that it could not. It is for this reason that officers conclude that the current proposed area – when considered in conjunction with the ‘designated area’ as discussed further below – strikes an appropriate balance between ensuing safe access for service users on the one hand versus enabling represented groups to continue their activities on the other. In doing so they have taken account of the consultation responses which specifically asked about the scope of the zone.

The scope of and restrictions within the designated area

5.3.1 Members should be aware that objections have been raised to both the scope and position of the designated area. and the restrictions imposed on activities therein. For example an email received from Mr Peter Freely stated:

“If this PSPO is a response to genuine instances of harassment and intimidation, such behaviour is entirely unacceptable and should not be permitted anywhere in the borough, let alone near the Clinic. ... The restrictions within the ‘Designated Area’ are further censorship within a censorship zone. Again, the premise behind the ‘Designated Area’ is poorly thought through and in fact makes a mockery of the behaviours that the council have cited as inherently ‘distressing’. The council is saying on one hand that prayer or religious images distress women and should be banned within the ‘Safe Zone’, and yet on the other that they are explicitly allowing for such behaviours within that very ‘Safe Zone’. Either behaviours are unacceptable or they are not. ...”

5.3.2 The full responses have been made available to Members in the appendices to this report together with the Consultation Report which summarises this evidence.

- 5.3.3 Members are asked to note that 60.2% agreed overall with the scope for the designated area. A number of respondents disagreed with the provision of a designated area.
- 5.3.4 The designated area has been positioned within sight of those entering the clinic. This has been done deliberately so as to ensure that any service user who wishes to engage with the represented groups or the support they offer can do so if they choose. The position of the designated area would allow the groups to make their presence known, but in a way which reduces the impact of their activities on those service users who do not wish to be approached by them or engage with them.
- 5.3.5 The restrictions which apply in the designated zone have been drafted so as to ensure that the interference with their rights is no more than is necessary. Of the survey respondents, 75.1% agreed with the proposed restrictions in the designated area.
- 5.3.6 It is considered necessary to have some form of restriction on those in the designated zone to control the numbers of people and the activities they engage in. In particular this is relevant with regard to limiting any attempts there may be to attract the attention of service users through graphic images words or sound when service user may wish to avoid interacting with members of the represented groups.
- 5.3.7 On balance it is felt that the provision of the designated area with its restrictions allows both the Pro-Life and Pro-Choice groups to exercise their Article 9, 10 and 11 rights in a way which protects the rights of others in the locality, particularly the Article 8 rights of clinic service users.

Section 6: Consultation Summary and Analysis of the key objections to the proposed PSPO

- 6.1 Section 72 of the Anti-social Behaviour, Crime and Policing Act (2014) provides that the Council must carry out necessary consultation before making a PSPO. This means consulting with:
- a) The chief officer of police, and the local policing body, for the police area that includes the restricted area;
 - b) Whatever community representatives the local authority thinks it appropriate to consult;
 - c) The owner or occupier of land within the restricted area, so far as it is reasonably practicable.
- 6.2 Following investigation into the issues raised in the petition presented to Full Council in October 2018 and Cabinet's decision of 16th January 2018 to begin consultation on a PSPO, the Council began formal consultation on a PSPO on Monday 29th January 2018. The consultation took the form of an online survey, which was widely advertised in publications, online and on social media, as well as being advertised in the Council's magazine *Around Ealing*, which was delivered to every Ealing resident. A letter drop of premises in and on the periphery of the proposed PSPO area was also completed.
- 6.3 In total 2,181 people completed the online survey.
- 6.4 Written, representations were received from an additional 1.476 via email and 78 by letter.
- 6.5 As part of the consultation, the Council wrote formally to the represented groups associated with protests and vigils at the Clinic and to key partner agencies, as well as consulting with the Metropolitan Police Service via Ealing's Borough Commander and with the Mayor's Office for Policing and Crime. This correspondence is contained in Appendix 2b, along with a full list of consultees.
- 6.6 The Metropolitan Police have cited their role as an enforcement partner as the basis for their position that they will neither support or object to the order.
- 6.7 The Council have additionally consulted the NHS, Public Health and CCG (Clinical Commissioning Group) and their responses are included in Appendix 2b.
- 6.8 The CCG have not expressed a view on the order itself but have stated their support of any appropriate actions that would ensure equality of access for all women access to sexual healthcare. NHS and Public Health have stated their support for the order. They have, however, raised concerns in relation to the provision of a designated area for quiet prayer, counsel and limited congregation, citing the proximity of the designated area to Gordon House surgery (which also offers family planning and sexual health services) and the relative proximity to the Clinic. The doctors of Gordon House surgery have also

responded to the consultation in the form of a letter, stating their support for the order and raising the same concerns about the designated area.

- 6.9 Marie Stopes and BPAS have formally responded to the consultation each in the form of a comprehensive letter and additional evidence provided from their respective incident logs relating to the Clinic. The Council has received no formal letter or email responses from the represented groups. However, individual members of both Pro-Life and Pro-Choice represented groups have completed the online survey.

The consultation report

- 6.1.1 The consultation report at Appendix 2a sets out the analysis of the online consultation survey responses, and the letter and email responses, including postcode analysis of those people participating.
- 6.1.2 The details are not repeated here and Members are referred to the full report at Appendix 2a.
- 6.1.3 A number of matters will be considered in the remainder of this section:
- i. the form of responses to the consultation
 - ii. some, but not all, of the key objections to the proposed PSPO.

Format of responses to the consultation

- 6.1.4 The online survey was crafted to ensure that respondents could be directed to the issues on which the Council was inviting an input. The survey required respondents to input their postcode and identify their interest in the consultation.
- 6.1.5 The survey required information on a respondent's postcode and whether they live in, visit or use the safe zone, or were an employee or service user of the Clinic. This was thought to be relevant as the people most affected by any detrimental effect of the activities, and or any PSPO that might be made, are those who use the area concerned.
- 6.1.6 In addition to the responses to the online survey, 1,476 separate email responses have been received. A significant number (1,430) of template responses were received via the www.behereforme.org portal in the last 72 hours of the consultation, which appears to have been part of a coordinated effort, including leafleting of the local area. In an effort to better understand the mission, purpose and local connection of the 'Be Here For Me' organisation, efforts to identify a registered address or contact details have been made. However, no address appears to exist for the organisation and the only telephone number goes straight to a voicemail service connected to Ed Rennie, chair of 'Labour Life'.

6 1.7 These emails have been come from the website's portal which has been used to generate a generic written representation. A full copy of the template letter can be found in Appendix 2 and all emails received are contained in Appendix 2c and 2d. These are confidential, as they contain detailed information in relation to respondents, copies have been made available to all Cabinet members.

6.1.8 Members are advised that they should take all of the responses to the consultation into account, whether through the survey or otherwise. Some of the issues raised in those emails will be considered later in this section but it is important for Members to be aware of the following:

- i. No proper explanation is offered for why the authors could not take part in the online survey. The suggestion that the online *form 'is framed primarily to legitimise censorship of vigil attendees'* is not accepted. The whole purpose of the online survey was to seek input from all perspectives
- ii. The online survey provides some background explanation and directs the respondent to the matters which required thought and should be addressed. It seeks detailed views on specific questions as opposed to being merely an 'I agree' type of response.
- iii. The emails are all identical, with no option to tailor the response other than to add comments at the end. From an examination of the emails, not one of the authors has added any comments of their own.
- ii. It is impossible to know whether the authors have also taken part in the online survey and thus impossible to ascertain the extent of any double counting is impossible to ascertain.
- iii. Some of the emails appear to be have been sent by the same person multiple times, as they contain the same name and postcode in the signature.

6.1.9 The key points made by the email are:

- The consultation has been prompted by lobbying from the British Pregnancy Advisory Service (BPAS).
- Activities taking place on Mattock Lane are vigils and not protests.
- The counselling services offered by vigil members are there to support women and the PSPO is seeking to place restrictions on charitable work.
- The PSPO is seeking to ban prayer, which is a fundamental right.
- The wording of the PSPO is too vague and amounts to authoritarian overreach.

Key objections to the proposed PSPO

6.2.1 The following paragraphs will consider the key the objections raised to the proposed PSPO. It is acknowledged that this summary is not exhaustive, but

Members are referred to the full consultation response and submissions which are provided within the Appendices.

Lack of evidence of detrimental effect

- 6.2.2 The Pro-Life groups have argued that there is no evidence of any intimidation, harassment, abuse, alarm or distress being caused to service users, their supporters or Clinic staff.
- 6.2.3 It is correct to say that there has been little or no Police or other enforcement action in respect of their activities. Members are advised that this of itself is not a reason to rule out the possibility that the activities are having the requisite detrimental effect.
- 6.2.4 Members are referred to the evidence as summarised earlier in this report and as set out in the accounts appended hereto, some of which are first hand reports of the impact of the activities on a person's wellbeing.
- 6.2.5 The Officer recommendation is that there is sufficient evidence to indicate the activities are having the requisite detrimental effect.

Vigil is not a protest

- 6.3.1 A number of written representations to the consultation have been made by individuals who state they personally attend the Clinic to engage in Pro-Life activities. A number of these representations reiterate the view that the Pro-Life represented groups are part of a *vigil* and *not a protest*. The representations from these individuals also frequently rebuke the suggestion that judgement or harassment is taking place. A comment that typifies this response to the consultation is: *'My colleagues and I who attend the vigil are genuinely there to offer help and support and we do not harass or judge anyone... allegations made against us are false and have been misleading the public as the pro-choice group Sister Supporter set up a campaign against us'*.
- 6.3.2 The Council has used the reference to 'protest' or 'vigil' for ease of reference within this report. It understands that those taking part in the prayer vigils do not see their activities as a 'protest' and that their activities may be well intentioned. However it is clear from several witness statements that their view is not shared by officers. The vigil members are present outside the Clinic in order to mark their objection to its activities, it is therefore reconsidered that this could be fairly described as a protest.

The PSPO is seeking to ban prayer

- 6.4.1 While 'prayer' is outlined within the prohibited activities, it is critical to note that only *prayer in relation to protesting in an act of approval or disapproval in*

respect of abortion services is included within this prohibition. This means that the only circumstances under which prayer may be targeted as a prohibited activity under the PSPO is if it is taking place within the context of a protest that is an act or attempted act of approval or disapproval related to abortion services. In addition to breach the PSPO it must take place within the safe zone rather than within the designated area where quiet prayer will be permitted. This is not a blanket ban on prayer, it targets only prayer in a very specifically defined set of circumstances.

- 6.4.2 Article 9 of the European Convention of Human Rights protects a person's right to hold both religious beliefs and no religious beliefs at all. It additionally protects a person's right to choose or change their religion or beliefs. This is an *absolute right*, which means it *cannot* be interfered with by the state. The PSPO is not seeking to interfere with this right and it does not seek to prohibit any activities that affect a person's right to hold religious or non-religious views.
- 6.4.3 Article 9 additionally protects a person's right to manifest their beliefs, for example the right to talk and preach about their beliefs and to take part in practices associated with those beliefs. The right to manifest one's beliefs is a *qualified right*, which means it *can* be interfered with in certain situations, for example, to protect the rights of others. The Council has to consider the rights of pregnant women to access lawful health services free from the fear of intimidation, harassment or distress and with an appropriate level of dignity and privacy.
- 6.4.4 The Church of England parishes of St John's, St Mary's and Christchurch have engaged with the consultation and are supportive of the proposed order. In conversations with representatives of the Church, the question of prayer was raised and it was noted by the Church representatives that prayer is only being targeted in relation to protests connected with abortion services and would not, for example, impact anyone peacefully praying for other purposes or indeed anyone engaging in silent prayer. The representatives additionally noted the provision of a well-managed designated area away from the clinic itself as a sensible mitigating step.
- 6.4.5 The Equalities Analysis Assessment (contained in Appendix 4) and Legal section of this report cover the issues around this particular prohibition in more detail.

Objections to the designated area

- 6.5.1 The proposed provision of the 'designated area' has been made with express recognition of the impact of the PSPO on those who attend the Clinic to engage in activities related to their religious views, and more generally on the right to freedom of speech, association and assembly (whether or not connected to a religious viewpoint). The Designated Area will allow those who wish to do so to attend the area for the purpose of quiet prayer and counsel and for protests or vigils related to abortion services. Certain restrictions will apply to the people

who choose to use the designated area and its operation will be reviewed when the PSPO is reviewed.

- 6.5.2 The response to existence of a designated area has been mixed, with approximately 60.5% of people taking part in the online survey strongly agreeing or tending to agree with it and 30.9% strongly disagreeing or tending to disagree with it. Of those who object to the provision of a designated area, a number express concerns that the problematic behaviours will not be resolved. Others cite its proximity to Clinic and Gordon House surgery as a key concern, to the extent that the presence of representative groups will continue to impact and deter service users from attending the Clinic and surgery.
- 6.5.3 Among bodies responding to the consultation, the view on the provision of a designated area has also been mixed. In the joint written representations from NHS and Public Health the professionals support the proposed PSPO but raise concerns about the provision of a designated area, also citing concerns for both the users of Clinic and Gordon House Surgery. As a clinic that offers family planning and sexual health services, they are concerned that Gordon House Surgery service users could be continue to be negatively affected by the presence of protestors and vigil members in the designated area.
- 6.5.4 The practitioners of Gordon House Surgery itself have also written to support the implementation of the PSPO but they object to the provision of the designated area for the same reasons outlined by NHS and Public Health. Similarly, in their formal response to the consultation, Marie Stopes International and BPAS both support the proposed PSPO but object to the provision of the designated area.
- 6.5.5 In responses from religious organisations, the Church of England support the proposed PSPO. Representatives of St Mary's and St John's churches both support the PSPO. They also support the provision of a designated area for quiet prayer and displaying small signs as being 'proportionate'. The representative from Ealing Trinity Circuit of the Methodist Church offers 'wholehearted support' for the scheme, going as far as to state *'we must offer support and protection to those who are visiting the clinic and are vulnerable. If that means that as churches we need to adapt our activities to enable that protection and to prevent others using 'prayer' improperly and unethically to apply pressure or coercion then we must do so.'*
- 6.5.6 As explained in Section 4 above, the Council invited comments from Ealing Abbey on behalf of the local Catholic Church. However that invitation was declined and comments have not been provided.
- 6.5.7 Officers consider that the provision of a designated area is a measured and proportionate response to the fact that a number of fundamental rights are being affected as a result of the proposed PSPO. The objective of the PSPO is to reduce or eliminate the activities which have been identified as having a detrimental effect on the quality of life of those in the locality. Key to the problems presented by the activities is their proximity to the Clinic entrance and

the ability to interfere with people who can be readily identified as service users or staff.

- 6.5.8 The provision of the designated area allows both the Pro-Life and Pro-Choice groups to exercise their rights to free speech, association and assembly whilst providing a sufficient degree of protection to those in the safe zone. The ability to be in a position within sight of the Clinic entrances allows groups such as the Good Counsel Network to continue their offer of support to pregnant women. It will empower service users to exercise a choice about engaging with either the Pro-Life or Pro-Choice groups, something which service users do not currently have.

The Council has ignored the financial incentive for the Clinic to remove the Pro-Life groups

- 6.6.1 The Clinic provides health care of a type which is lawful in the UK. The Council is required to apply the statutory provisions of the 2014 Act. Members are advised to focus on the legal tests as set out in this report and consider whether they have been met.

Availability of other measures

- 6.7.1 Members are referred to the Options Assessment. Other measures are not thought to be as effective as the PSPO which is proposed for the reasons set out therein.
- 6.7.2 The proposed PSPO has been carefully formulated to provide protection for those affected and facilitate the rights of the represented groups to express their views in the designated area.

Interference with fundamental human rights should not be allowed and is not justified

- 6.8.1 The EAA has considered the impact on human rights and equality issues. The conclusions of the EAA are that whilst there is interference with certain rights, and an impact on certain protected groups, that interference is necessary, justified and proportionate.

The Council has not been even handed in its approach with the Pro-Life and Pro-Choice groups

- 6.9.1 Officers have sought to engage with all of the represented groups. The details are set out in this report. It is regrettable that a negotiated compromise could not be reached.

Section 7: Conclusion

- 7.1 Members are asked to approve the adoption of the proposed PSPO for the reason set out in this report.
- 7.2 If the proposed PSPO is approved in the meeting, the PSPO will be treated as being 'made' and will take effect immediately.

Section 8: Financial

- 8.1 The investigation has largely been managed within the existing resources of the Safer Communities Team, albeit resulting in the need to realign priorities.
- 8.2 These costs of the consultation (below £5k) have been met from the Safer Communities budget.
- 8.3 As with any decision to take formal action, there will be a risk of potential High Court challenge which would give rise to the risk of associated legal costs. These costs could not be met from within the existing resources of the Safer Communities Team and so would need approval for utilisation of corporate contingency budgets. The quantum of these legal costs are not known at present and will be difficult to predict, as they would depend on the scale and complexity of any High Court challenge. In any case the legal costs of responding to a challenge will need to be met from the Council's corporate contingency funds.

Section 9: Risk Management

- 9.1 The risks and mitigation of all options considered are contained within the Options Assessment (reproduced in full in Section 4 of this report).

Section 10: Community Safety

- 10.1 As explained in Section 2, the Council considers that it has a duty under the Equality Act 2010 and our commitment to a safer Ealing to protect women – and particularly pregnant women – who are accessing health services. The Council also believes that its duties pursuant to the Crime and Disorder Act 1998 are engaged by the issues at the Clinic.

Section 11: Links to the 6 Priorities for the Borough

- 11.1 Effective action to ensure those accessing clinic services are protected from fear of intimidation, harassment or distress links to four of the six Ealing priorities:

- Safer

- Healthier
- Fairer
- Accessible

Section 12: Equalities, Human Rights and Community Cohesion

- 12.1 In assessing the options available, a key challenge is balancing the various rights of the clinic service users and the vigil and demonstration members, having due regard to the Equality Act 2010, and ensuring there is a balanced assessment of the rights outlined under Articles 8, 9, 10, 11 and 14 ECHR (those being respectively the right to private and family life; right to freedom of thought, conscience and religion; right to freedom of expression and information; the right to freedom of assembly and the right to freedom from discrimination).
- 12.2 A full Equalities Analysis Assessment and assessment of the Council's Public Sector Equality Duty has been completed and is exhibited at Appendix 4 of this report.

Section 13: Staffing/Workforce and Accommodation implications

- 13.1 There are no proposed changes to Council staff or workforce within the outlined proposal.

Section 14: Property and Assets

- 14.1 There are no property implications.

Section 15: Any other implications

- 15.1 There are no implications of the proposals that have not been addressed within the key implications outlined above.

Section 16: Consultation

- 16.1 As outlined in Sections 3 and 5 of this report, the Council has engaged with and sought engagement from all groups known to be involved in vigils and protest outside the Marie Stopes clinic. It has additionally engaged with Marie Stopes, British Pregnancy Advisory Service (BPAS), clinic service users, the Metropolitan Police, Clinical Commissioning Group, NHS, Public Health and local faith groups.
- 17.2 A formal consultation in the form of an online survey was additionally undertaken for a period of eight weeks (29th January – 26th March 2018) and the summary and analysis of this is contained in Section 4 of this report. All

responses to the consultation (including the online survey and email and letter written representations) are exhibited in full at Appendix 2(a-e) of this report.

Section 17: Timetable

26th March 2018 – End of consultation for Public Spaces Protection Order (PSPO).

3rd April 2018 – Submission of report to Cabinet.

10th April 2018 – Consideration by Cabinet and decision.

Section 18: Appendices

Appendix 1a: Amended draft order and map (clean)

Appendix 1b: Amended draft order and map (tracked changes)

Appendix 2a: Consultation report

Appendix 2b: Detail of consultation with statutory consultees

Appendix 2c: Written representations - objections to the PSPO

Appendix 2d: Written representations – support for PSPO

Appendix 3: Evidence obtained from investigation

Appendix 4: Equalities Analysis Assessment

Appendix 5: Engagement with Pro-Life and Pro-Choice represented groups

Appendix 6: Options Assessment previously provided to Cabinet

Section 19: Background Information

Link to Mayor of London commitment of the 16/11/2017, page 13 - <https://www.london.gov.uk/moderngov/documents/s67400/Appendix%20%20Questions%20to%20the%20Mayor%20-%20Transcript.pdf>

Link to Hansard Select Committee of the 12th of December 2017 - <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/harassment-and-intimidation-near-abortion-clinics/oral/75524.pdf>

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Mark Wiltshire	Director of Safer Communities and Housing	28/03/2018		
Jess Murray	Head of Safer Communities, Tenancy and regulatory Operations	28/03/2018		
Keith Robinson	Senior Lawyer	28/03/2018		
Helen Harris	Director of Legal Services	28/03/2018		
Nish Popat	Interim Head of Accountancy, Adults & Public Health and Regeneration	28/03/2018		
Paul Najsarek	Chief Executive	28/03/2018		
Moira Mercer	Head of Communications	28/03/2018		
Kieran Read	Director of Strategy & Engagement	28/03/2018		
External				
Kuljit Bhogal	Counsel	28/03/2018		

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Paul Murphy Safer Communities Operations Manager (ext. 8807)



Report for: <p style="text-align: center;">DECISION</p>
Item Number:

Contains Confidential or Exempt Information	No
Title	Options for the Mattock Lane PSPO
Responsible Officer(s)	Mark Wiltshire (Director of Community Development)
Author(s)	Paul Murphy (Operations Manager, Safer Communities)
Portfolio(s)	Inclusion and Community Safety
For Consideration By	Cabinet
Date to be Considered	9 th February 2021
Implementation Date if Not Called In	22 nd February 2021
Affected Wards	Walpole
Keywords/Index	Protest, Vigil, Sexual, Health, Harassment, Anti-Social, behaviour, ASB, Women, Clinic, Mattock, Health, Space, Protection, Order, Review, Consultation, Variation, Extension

Purpose of Report:

The purpose of this report is to invite members to consider the impact and effectiveness of the Mattock Lane Public Spaces Protection Order (PSPO) and the outcome of the consultation undertaken by the council between 23rd November 2020 and 18th January 2021. Members are then invited to consider what action to take ahead of the existing PSPO coming to an end in April 2021.

Key points for action and decision:

- Review the impact and effectiveness of the current PSPO.
- Consider the statutory framework for extending the period for which a PSPO can have effect.
- Review the outcome of the consultation undertaken by the Council regarding the options for whether or not to extend the period of the PSPO.
- Decide whether the Council will extend the PSPO for a three-year period.

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- Section 5: Options considered and reasons for Decision
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- Section 8: Legal implications
- Section 9: Risk Management
- Section 10: Community Safety
- Section 11: Links to the 6 Priorities for the Borough
- Section 12: Equalities, Human Rights and Community Cohesion
- Section 13: Staffing/Workforce and Accommodation implications
- Section 14: Property and Assets
- Section 15: Any other implications
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- Section 17: Appendices

1. Executive summary and recommendations

- 1.1 This report considers the statutory consultation exercise conducted by the Council in relation to the current Mattock Lane Public Spaces Protection Order (PSPO) which will come to an end on 10 April 2021.
- 1.2 Members will be asked to consider whether it is appropriate to extend the period for which the existing order has effect. For reasons which are explained later in this report there is no proposal to vary the PSPO that is currently in place but simply to extend it. For this reason, much of the information that was considered by Members when deciding whether to make the existing PSPO will be relevant and should be considered alongside the further information contained in this report, as well as the outcome of the new consultation exercise the Council was required to undertake. Some of this information is appended to this report, also included are links to other documents which Members are asked to take into consideration.
- 1.3 The following recommendations are made:
 - i. To consider the evidence of the impact and effect of the Mattock Lane PSPO on the behaviours targeted as set out in this report;
 - ii. To consider the outcome of the consultation undertaken between 23rd November 2020 and 18th January 2021;
 - iii. To assess the evidence and decide whether or not it is proportionate and necessary to extend the existing PSPO;
 - iv. If so minded to authorise the Director of Community Development to extend the period for which existing PSPO has effect for a period of 3 years with effect from 11th April 2021 until 10th April 2024.

2. Legal framework

- 2.1 This section of the report sets out the statutory framework for making a PSPO including the human rights and Equality Act 2010 considerations.
- 2.2 Much the of the contents of this section has been taken from the April 2018 report to Cabinet and has been repeated here for ease of reference.
- 2.3 Paragraphs 2.16-2.18 below explains the approach when looking to extend a PSPO.
- 2.4 When the PSPO was made, the Council needed to be satisfied about a number of things in order to decide whether to make a PSPO. These were:
 - a. The nature of the activities taking place

- b. Whether those activities could be said to have had a ‘detrimental effect on the quality of life of those in the locality?’
 - c. If the detrimental effect existed, whether it was persistent or continuing in nature?
 - d. Did that detrimental effect make the activities unreasonable? And
 - e. Did it justify the restrictions imposed in the proposed PSPO?
 - f. Were the proposed prohibitions reasonable to impose to prevent or reduce the detrimental effect from continuing, occurring or recurring?
 - g. Was the proposed PSPO justified and proportionate?
 - h. Should the PSPO be made for the full three years or some lesser period?
- 2.3 The following paragraphs of this report explain the overall legislative framework within which those decisions were made.

Section 17 of the Crime and Disorder Act 1998

- 2.4 The 1998 Act imposes a duty on the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).

The Anti-Social Behaviour, Crime and Policing Act 2014

Making a PSPO

- 2.5 PSPOs were created by the Anti-Social Behaviour, Crime and Policing Act 2014, hereinafter called the ‘2014 Act’. They are designed to place controls on the use of public space and everyone within it. The orders have effect for up to three years and can be extended. Only local authorities can make PSPOs. ‘public place’ means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 2.6 The Council can make a PSPO if satisfied on reasonable grounds that two conditions are met. These are found in section 59 of the 2014 Act:

The first condition is that:

- (a) activities carried on in a public place within the Council’s area have had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities:

- (a) is or is likely to be, of a persistent or continuing nature,

- (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.
- 2.7 A PSPO must identify the public place in question and can:
- (a) prohibit specified things being done in that public place
 - (b) require specified things to be done by persons carrying on specified activities in that place; or
 - (c) do both of those things.
- 2.8 The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to prevent or reduce the risk of the detrimental effect continuing, occurring or recurring.
- 2.9 Prohibitions may apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories.
- 2.10 The PSPO may specify the times at which it applies and the circumstances in which it applies or does not apply.
- 2.11 Unless extended the PSPO may not have effect for more than 3 years.
- 2.12 Breach of a PSPO without reasonable excuse is a criminal offence. The Police or a person authorised by the Council can issue fixed penalty notices, the amount of which may not be more than £100. A person can also be prosecuted for breach of a PSPO and on conviction the Magistrates' Court can impose a fine not exceeding level 3 on the standard scale (currently £1000).
- 2.13 In deciding to make a PSPO the Council *must* have particular regard to Article 10 (Right of Freedom of Expression) and Article 11 (Right of Freedom of Assembly) of the European Convention on Human Rights ('ECHR'). Members are advised that for this proposed PSPO it is also relevant to consider Article 8 (Right to Private and Family Life), Article 9 (Freedom of Thought, Conscience and Religion) and Article 14 (Right to Freedom from Discrimination).
- 2.14 The Council must also carry out the necessary prior consultation, notification and publicity as prescribed by s.72 of the 2014 Act.
- 2.15 As with the previous reports, in preparing this report Officers have had regard to the two sets of statutory guidance issued by the Home Office and the Guidance on PSPOs issued by the Local Government Association.

Extending the period for which a PSPO has effect

- 2.16 As set out above a PSPO can be made for a maximum duration of up to three years, after which the period for which the PSPO has effect may be extended if the requirements of Section 60 of the Act are met. For a council to make the decision to extend a PSPO, they must be satisfied that an extension is *necessary to prevent:*
- i) *occurrence or recurrence of the activities after order is due to expire, or*
 - ii) *an increase in frequency or seriousness of the activity*

2.17 Guidance for councils sets out that, where activity having a detrimental effect has been *eradicated* as a result of a PSPO, it is proportionate and appropriate to consider the *likelihood of recurrence of problems* if the Order is not extended.

The Equality Act 2010 and the European Convention on Human Rights ('ECHR') and the Public Sector Equality Duty

2.18 The Council is a public authority and the Human Rights Act 1998 requires it to act compatibility with the ECHR.

2.19 In addition, section 72(1) of the 2014 Act requires the Council to have *particular* regard to the rights protected by Article 10 (Freedom of Expression) and Article 11 (Freedom of Assembly and Association) when deciding whether to extend the period for which an order has effect under section 60.

2.20 When the Council looked at making the current PSPO some difficult issues arose under the Equality Act 2010 and the ECHR. These considerations remain relevant to the proposed extension.

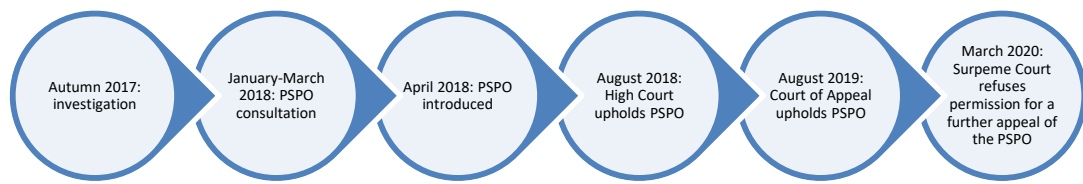
2.21 They were and are difficult issues because the proposed order requires the Council to have regard to the *competing* rights of members of the various represented groups who engage in protest and vigils outside the Clinic and the rights of the service users/clinic staff. A consideration of these rights requires the Council to consider how to achieve the appropriate balance between the respective rights. They are also difficult because an ECHR right can only be interfered with where the interference is in accordance with the law, necessary and in furtherance of a permitted objective.

2.22 Both the High Court and Court of Appeal have endorsed the approach adopted by the Council when it made the existing PSPO. However, these issues have been considered afresh when looking at the issue of extension as part of the Equalities Impact Analysis, which is exhibited at Appendix 5. The Council will need to decide whether it is necessary to extend the period for which the PSPO has effect and make an assessment as to whether allowing the PSPO to expire would mean that the activities identified in the order would reoccur.

3 Background and timeline

3.17 The Public Spaces Protection Order (PSPO) on Mattock Lane has been in place since 10th April 2018, when Ealing Council's Cabinet decided to introduce the PSPO in response to issues in the locality of the Clinic that were believed to be having a detrimental impact on people in the locality, including those accessing the Clinic. The PSPO introduced certain restrictions on behaviours, as well as requirements on people in the defined area. The activities were determined to have been having a detrimental effect on those living in, working in and visiting the area and in particular on those accessing services at the Marie Stopes Clinic

(since 2020 known as MSI Reproductive Choices clinic and hereon referred to as 'the Clinic').



- 3.18 The decision to introduce a PSPO was taken by Cabinet having considered reports on the outcome of the council's safer communities teams' investigation, which took place during late 2017 and early 2018, and having considered subsequent consultation on the proposed PSPO (which took place over January – March 2018).
- 3.19 The safer communities team's investigation was undertaken following a motion agreed at a meeting of Full Council on 10th October 2017, which committed the council to fully exploring every option to address the behaviours causing distress to women accessing the Clinic. The Full Council debate had itself taken place following receipt of a petition submitted under the council's petition scheme in July 2017, signed by 3,593 people, which called for the council to explore ways of introducing a 'buffer zone' outside the Clinic.
- 3.20 Following the introduction of the PSPO, the council were notified on 26th April 2018 of an appeal made to the High Court to challenge the council's decision. The appeal was filed by individuals employed by and connected to Pro-Life groups, specifically the Good Counsel Network.
- 3.21 A directions and full hearing took place in the High Court in May and June 2019 respectively and judgment was handed down in July 2019. The High Court rejected the appeal and upheld Ealing's PSPO in its full terms. Members are directed to **Appendix 3a**, which includes a link to the copy of the High Court judgement.
- 3.22 The appellants subsequently appealed the decision of the High Court to the Court of Appeal. In January 2019 the council was informed that the Court of Appeal had given permission for this further appeal to be heard and an appeal hearing took place over two days on 16th and 17th July 2019.
- 3.23 Judgment was handed down on 21st August 2019. The Court of Appeal rejected the further appeal and again upheld Ealing's PSPO in its full terms. Members are directed to **Appendix 3b**, which includes copy of the Court of Appeal's Judgement.
- 3.24 Following that judgment, the appellants then applied for permission to appeal the decision of the Court of Appeal to the Supreme Court. On 11th March 2020 the council were notified of the decision of the Supreme Court to refuse permission to appeal. A copy of the certificate of decision can be found at **Appendix 3c**.

- 3.25 The appellants have indicated in social media posts and press releases their intent to further appeal the decision to the European Court of Human Rights. However, at the time of publication of this report, no direct communication has been received from either the appellants or the European Court in relation to this.
- 3.26 The Council's decision to introduce a PSPO has been subject to intense challenge and independent judicial scrutiny, and has continued to be upheld in full.
- 3.27 In November 2020 the Cabinet took the decision to begin an eight-week consultation on whether or not the period for which the order has effect should be extended beyond April 2021.
- 3.28 Consultation ran from 23rd November 2020 – 18th January 2021 and the process and the outcome is set out in Section 6 and **Appendix 4**.
- 3.29 Members are asked to consider the responses to the consultation and determine whether it is appropriate to extend the period of time for which the existing PSPO has effect. The legal framework, including the human rights and equalities considerations governing PSPOs, is set out in Section 3 of this report. Members are asked to have this framework firmly in mind in reaching their decision.
- 3.30 Members are again directed to the evidence base for the decision to introduce a PSPO in 2018. This was summarised in the report to Cabinet in April 2018, links to which are included at the end of this report.
- 3.31 The April 2018 report and in particular its appendices set out in full the evidence on which the Council's decision to introduce the PSPO was made, including witness testimony and the responses to the Council's original consultation on the introduction of a PSPO (conducted from 29th January to 26th March 2018).
- 3.32 In addition to the full complement of evidence and consultation feedback on which the April 2018 decision was made, included in the Appendices to this report are a copy of the existing PSPO copies of subsequent court judgments and decisions in respect of this order and feedback from the consultation undertaken from 23rd November 2020 – 18th January 2021.

4 Evaluation of existing order

- 4.1 Prior to the introduction of the current PSPO, protests and vigils by individuals and groups representing Pro-Life and Pro-Choice views had been occurring outside the Clinic for over 20 years. The Pro-Life groups involved consisted of members from a variety of networks and organisations, including *The Good Counsel Network*, *The Helpers of God's Precious Infants*, *40 Days For Life*, *Ealing Pro-Life Group* and *The Society of Pius X*. The principle Pro-Choice group involved was *Sister Supporter*.
- 4.2 During the second half of 2017 the Council's Safer Communities Team undertook detailed investigative work into the issues reported to be affecting Clinic users,

staff and those in the locality of the Clinic. Further evidence was received through the formal consultation process undertaken by the council in January–March 2018, which resulted in the decision in April 2018 to introduce the PSPO.

4.3 The key activities identified through the investigation and consultation as having a detrimental effect were:

- Women and their partners / friends / relatives being approached by a member or members of the Pro-Life groups when entering the Clinic and attempting to engage women and those with them in conversation or to hand them leaflets.
- Women being approached by members of Pro-Life groups when leaving the Clinic, who attempted to engage them in conversation, including making reference to what has happened to their unborn child.
- Women being closely observed entering and leaving the Clinic by members of the Pro-Life groups
- Members of Pro-Life groups engaging in prayer outside the Clinic, which was said to be on behalf of the women and / or their unborn children.
- Images of a foetus in various stages of development in the form of colour photos being held by members of Pro-Life groups, handed to women or left on the pavement.
- Shouting and other disruptive activities when Pro-Choice counter demonstrations were taking place.
- Women feeling they were being monitored, watched and judged by members of the Pro-Life groups.
- The presence of placards with references to ‘murder’ and other similar statements.

4.1 The evidence obtained through the investigation and consultation demonstrated that, while many of the activities in and of themselves may not have been viewed as objectionable in isolation, the very specific time and place in which the represented groups had been choosing to engage in these activities meant they were targeted women at the precise moment those women were accessing health services of a deeply personal nature.

4.2 As outlined in Section 3 of this report, the Council has kept the Mattock Lane PSPO under continuous review as part of its monitoring arrangements. These arrangements include the presence of CCTV at the location, proactive observations of the space by Police and Council officers, engagement with the Clinic and careful examination of any alleged breaches.

4.3 Such continued and careful examination of the impact and effectiveness of the order has not only formed part of the existing local arrangements for monitoring PSPOs, it has been a key part of the Council’s efforts in responding comprehensively to the legal challenges it has faced.

- 4.4 Since the introduction of the order in April 2018, there have only been three alleged breaches of the order the Council is aware of. One alleged breach took place in April 2018, when an individual attended the area outside the Clinic for a brief demonstration about PSPOs and freedom of speech; no action was taken in this instance.
- 4.5 A further breach took place in August 2019, when a male was detained by Police after refusing to disperse from the area when asked. The case was ultimately not proceeded with by Police.
- 4.6 The third alleged breach of the PSPO occurred in March 2020, when an individual deposited leaflets regarding abortion services at two entrance / exit points of the Clinic. This breach was enforced via service of a Fixed Penalty Notice, which was paid in full within the required time period.
- 4.7 There have been no other reported breaches of the PSPO.
- 4.8 As part of the continued review of the PSPO, Council officers have engaged with the Clinic in regard to the diary that it had maintained, documenting instances where patients and family members had reported being distressed by activities outside the Clinic. Clinic management have confirmed that following introduction of the PSPO, these events stopped occurring and it has ultimately become unnecessary for them to maintain this record.
- 4.9 Clinic management have described to officers the positive impact on women attending appointments and what they describe as an 'air of normality', existing outside the Clinic; they say this permeates the Clinic environment in a positive way and describe clients presenting as 'less tense' when they arrive at the Clinic.
- 4.10 An important aspect of the order has been the provision of a *designated area* within the footprint of the PSPO, where the prohibitions and requirements of the PSPO do *not* apply and where activities such as protest about abortion (albeit with some restrictions) are permitted. This area has been used by Pro-Life group members on a near daily basis, almost continuously since the introduction of the order. The individuals using that area congregate in small groups, often displaying small signs relating to abortion, offering leaflets to and attempting to engage with passers-by. The Pro-Choice group identified above have chosen not to use the designated area.
- 4.11 While the Council occasionally receives reports from residents and people visiting the area that object to the continued presence of Pro-Life group members in the designated area, none of these reports have identified any breach of the PSPO taking place and the designated area continues to form an important part of the careful consideration the Council has made in balancing the rights of those visiting the Clinic with those of the groups wishing to assemble, protest, impart information and express their religious beliefs and for those individuals who wish to receive the information that is being shared from that location. As far as the

Council is aware the people attending the designated area have complied with the restrictions which apply within that area.

4.12 As outlined in the evidence to Cabinet in April 2018, during the Lent period leading up to Easter, the area has historically seen high levels of represented groups attending the location immediately outside the Clinic. These groups often form part of the *40 Days for Life* initiative referenced above. During the Lent period of 2020, these congregations took place at the East end of Mattock Lane on the threshold of the PSPO area.

5 Options considered and reasons for Decision

5.1 As explained in section 4 of this report the existing PSPO has been complied with for the most part and has been successful in tackling the activities having a detrimental effect which it was introduced to address.

5.2 The PSPO was never intended to completely stop abortion related protest or prayer from occurring, whether these be Pro-Life or Pro-Choice; it simply sought to prevent the activities from occurring within the narrowly and clearly defined area of the PSPO: it has achieved that purpose. Members are reminded that the order permits some activities within the designated area which is within the PSPO area.

5.3 There have been occasions during the period 2018-20 where groups of individuals who had been involved in protest / vigil in the immediate locality of the Marie Stopes Clinic have instead attended Ealing civic centre (Perceval House), where they have stood outside and displayed signs and images expressing a Pro-Life view and objecting to abortion.

5.4 The (almost) daily continued use of the designated area by the Pro-Life groups, the sporadic protests / vigils at Perceval House and the presence of groups involved in protest / prayer at the threshold of the PSPO area, all indicate a continued interest in the location by all of these groups who had previously been congregating at the entrance to the Clinic. It is reasonable to conclude from their continued presence at these sites that, were the order to expire, they will return to the area outside the Clinic and continue the activities previously engaged in at this location.

5.5 The main Pro-Choice group (Sister Supporter) which had also been protesting outside the Clinic prior to the introduction of the PSPO have chosen not to use the designated area to continue their activities although it has always been open to them to do so (as long as their activities complied with the provisions which apply to that space).

5.6 The April 2018 report details the various options that were considered by the Council before taking the decision to make a PSPO and appended an Options Assessment; these options will not be repeated here. Officers have reviewed the previous options assessment and have born in mind the likely reluctance of victims to provide witness statements/appear in court and the fact that the people

involved in the protests changes from day to day. It is noted that in the last three years no new powers have been created to deal with the issues. Officers remain of the view that the other options are not suitable to tackle the issues which have been identified and that the effectiveness of the PSPO indicates that it is an appropriate measure to deal with the activities which had been having a detrimental impact.

- 5.7 The period for which a PSPO has effect can be extended for up to three years. Officers have given consideration to whether a shorter period of extension might be appropriate but recommend that the extension is for the full three-year period. It is believed that without a PSPO the activities which have a detrimental effect will recur. As to the length of the extension, although there has been some suggestion of national legislation being introduced to create “buffer zones” around all abortion facilities, there is no certainty as to if (or indeed when) this may happen. Officers have also taken into consideration that the other remedies considered by the original Options Assessment are not appropriate and would not enable the extension to be for a shorter period of time. Officers are satisfied that a three-year extension period is necessary.

6 Consultation

- 6.1 On 10th November 2020, Cabinet considered a report on the impact and effectiveness of the PSPO to date and resolved to begin consultation on the option of extending the order for a period of time beyond April 2021.
- 6.2 Consultation commenced on 23rd November 2020 and concluded on 18th January 2021 and was widely publicised by the council online and through social media channels. Consultation was undertaken with all of the agencies and groups with whom the Council consulted prior to the decision in April 2018 to introduce the order. This included all groups known to be involved in the activities regulated by the PSPO, who were notified of the consultation.
- 6.3 Engagement was also sought from consultees including the Metropolitan Police, Mayor’s Office for Policing and Crime (MOPAC), British Pregnancy Advisory Service (BPAS) and MSI Reproductive Choices, Clinical Commissioning Group and local faith groups. A letter-drop publicising the consultation to residents within and on the borders of the PSPO area was also undertaken.
- 6.4 The consultation took the form of an online survey, consistent with the type of public survey undertaken in 2018. In line with the consultation undertaken in 2018, consultees were additionally provided with the opportunity of submitting responses to the consultation in writing via post or email to the safer communities team. A specific telephone number and email address were also provided for anyone with any queries relating to the consultation.
- 6.5 The consultation asked questions specifically in relation to activities found during the 2017-18 investigation to have been causing a detrimental impact on people in the locality, namely:

- I. People present, individually or with others, inside the proposed PSPO area, for praying or counselling.
 - II. People approaching or attempting to engage in conversation with persons entering or leaving the Marie Stopes Clinic.
 - III. People approaching, following or challenging any person entering or leaving the Marie Stopes Clinic.
 - IV. People taking photographs or other recording of persons using the Marie Stopes Clinic.
 - V. Campaigners displaying text or images relating to the termination of pregnancy.
- 6.6 The majority of consultation responses from the public (4,642) were received via the survey route, with a smaller number of 93 responses being received via email and a single response received by letter. Formal written consultation responses were also received from a range of statutory and non-statutory agencies.

Online survey

- 6.7 Questions 3-5 of the survey asked participants for their view on, if the order were to expire, how likely or unlikely these activities would occur or recur in the areas; how likely or unlikely these activities would increase in frequency; and how likely or unlikely these activities would increase in seriousness. As set out above, it is the Council which has to decide whether the section 60 test is met, namely the need to be satisfied on reasonable grounds that extending the period for which the PSPO has effect is necessary (in order to prevent an occurrence or recurrence or an increase in frequency or seriousness of the activities). In making its assessment the Council is entitled to have regard to the consultation responses but the decision is ultimately one for the Council to make.
- 6.8 The survey then asked participants for their view on whether or not the PSPO should be extended and, if so, for what period of time.
- 6.9 A consultation report, including a full breakdown of all of the 4,642 individual responses to the online survey and all of the consultation responses received via email and letter, can be found at **Appendix 4**.
- 6.10 As detailed in the consultation report, a total of 4,642 people took part in the online survey, with a further 91 written responses to consultation being received via other channels, most commonly via email.
- 6.11 The consultation required individuals to provide a postcode to partake in the survey and postcode analysis indicates:

- 79% of respondents reside in the borough of Ealing
- 21% of respondents reside outside of the borough of Ealing.

All but 1 of those who took part in the consultation reside within the United Kingdom.

- 6.12 The consultation collected equalities information about respondents. In doing so it asked respondents to identify their gender. 4,072 respondents (88% of the total) answered this question, of whom a large majority (76%) identified themselves as women.
- 6.13 The consultation asked participants to state what their relationship to the area was. The majority of respondents (47%) stated they use services within the Safe Zone area or an area bordering it. 17% stated they live in the area of the Safe Zone or an area bordering it, another 10% stated they access services at the Clinic.
- 6.14 In respect of the behaviours targeted by the PSPO, the majority of survey respondents were of the view that all five of these behaviours would be likely to occur (or recur), increase in frequency and increase in seriousness in the event the PSPO were *not* to be extended. Respondents of this view who chose to explain their view most commonly made references to the activities they had previously witnessed.
- 6.15 A number of these respondents also cited the continued behaviours within the 'designated area' and on the edges of the PSPO area as proof these activities would recur and increase in seriousness and frequency in the event the PSPO were to lapse. A repeated theme through the responses of people expressing this view was that the existing PSPO should be '*permanent*', with comments such as '*The safe zone should be extended forever*' and '*I do not see why it has to be 3 years and not permanently*' being common among those wishing to see the PSPO extended.
- 6.16 A smaller number of survey respondents stated they did not believe these activities were likely to occur or recur, increase in frequency or increase in seriousness if the PSPO were not to be extended. Respondents answering with this view offered a range of explanations for their answers, including the (extensively debunked) argument commonly made during the original investigation into the issues in 2017-2018 that: '*There have been no prosecutions of people campaigning [sic] outside these clinics. This is evidence that they are not causing any issue or disturbance.*'
- 6.17 A repeated theme throughout the responses of those who felt activities were unlikely to recur was the view that there was no antisocial behaviour occurring and that the PSPO was unreasonable, with one respondent stating simply '*Protesting is not antisocial behaviour.*' However, it is important to recognise that

the purpose of the consultation was not to seek people's views on whether the activities the PSPO has sought to address are 'antisocial' - the Council has already clearly satisfied itself that the relevant statutory test had been met; if it had not, it would not have introduced the PSPO. Both the High Court and the Court of Appeal accepted the Council's assessment on this front.

- 6.18 In terms of the fundamental question of whether or not the PSPO should be extended, of the 4,096 people who answered this question, the significant majority of respondents (97%) said the PSPO *should* be extended for a period of three years. Reasons for this view included:

I have lived in Ealing my entire life, and the safe zone has made such a difference to the whole area. Having to watch women be harassed every day was horrendous, but since the safe zone Mattock Lane feels like a completely different place.

- 6.19 93 respondents (approximately 2% of total respondents) said the PSPO should *not* be extended for any period of time at all. One respondent outlined their objection to the restrictions in the existing order, writing:

'I am pro-choice. If people are approached then it is to offer help to them to keep the unborn child at least to full term. Whilst I find it hard to believe but in my professional life I have come across those who have no idea how an unborn child looks at 28 weeks in the womb so pictures can help with an otherwise uninformed decision if indeed such images are displayed.'

- 6.20 Another respondent who opposed extending the order highlighted their support for the presence of people at the Clinic entrance, providing what they described as the offer of 'practical help':

'Whereas certain other behaviours listed can amount to harassment, counselling and practical help of the kind offered by some of the groups has been demonstrated as providing a much-valued lifeline to women who might not otherwise believe they have any alternative but to seek a termination of pregnancy. To offer help with food, baby clothes, rent, housing and legal advice, among other kinds of caring support, is to provide a service to women in need that is the very opposite of causing harassment, alarm or distress. It should in no way be criminalised.'

- 6.21 An extremely small number (10) of those responding to the survey said the PSPO should be extended but for a shorter period of time. On examining comments offered by these respondents, there was no clear reasoning offered as to why they felt the order should be extended but for a period of *less* than three years. In all cases where comments were offered by this small group of respondents, they were in favour of the existence and extension of the PSPO.

Consultation with Police and other agencies

- 6.22 Consultation responses were additionally received from statutory and non-statutory consultees, including local partners and those organisations with a link to the issues addressed by the PSPO. This included responses from: the Metropolitan Police Service (MPS), Mayor's Office for Policing and Crime (MOPAC), the British Pregnancy Advisory Service (BPAS), MSI Choices, the British Medical Association, Royal College of Midwives, Good Counsel Network, Sister Supporter and other members from represented groups. All of these responses are provided in full at **Appendix 4b**.
- 6.23 The Metropolitan Police Service in their response to the consultation cited the protection of vulnerable people as one of the MPS's core priorities, described the PSPO as *'an appropriate tactic in this situation,'* and concluded, *'A continuation of the PSPO would benefit all communities, reducing potential public order incidents, and reassuring the vulnerable'*.
- 6.24 The Royal College of Midwives responded to the consultation in support of the extension of the PSPO, citing the ruling of the Court of Appeal in relation to the balancing of rights of all involved and highlighting the impact of protest / vigils at the entrance to clinics in the form of delayed procedures and associated adverse health outcomes, observing: *'The RCM is also aware there is some evidence that protesting has made women delay or put off treatment. Delayed access to abortion services can increase the likelihood of adverse experiences, limit women's ability to access safe, legal care, and increase costs to the health service.'*
- 6.25 The British Medical Association responded to the consultation to express their view that the behaviours the order has successfully addressed would recommence in the event of the PSPO lapsing. The BMA stated they support the extension of the PSPO in the absence of a national solution for the wider issues.
- 6.26 In their response to the consultation, MSI Reproductive Choices (formerly Marie Stopes International) outline their strong support for an extension of the PSPO for a further three years, citing the on-going continual presence of Pro-Life groups in the 'designated area' and, on occasion, at the nearby council offices, as evidence of the behaviours likely swiftly returning in the event of the PSPO lapsing.
- 6.27 MSI Reproductive Choices also cite the detailed feedback on the impact of the order from the Clinic operations manager, Sally O'Brien, who states: *'Since the PSPO has been in place, there have been very limited numbers of women who are arriving at the clinic in distress. Whereas before almost every woman had a tale to tell and would regularly question why the protestors were allowed to stand outside and harass them, this has now reduced to just the unfortunate few who happen to walk past the area where the protestors are still allowed to stand. It*

would appear they stop and question everyone who walks past them, as I have had complaints from residents that they continue to approach them, and my own daughter has been stopped as she walked along the street. Thankfully, because they are away from the main entrance of the clinic and only at one end of the street, we are able to warn women of their existence and they can avoid this area if they wish.”

6.28 The British Pregnancy Advisory Service (BPAS), in their response to the consultation, support this view, stating *‘It would be a mistake to believe that a three-year hiatus would dissuade groups – which are largely regional or national, and which have continued to protest across London in lieu of their presence in Ealing – from a presence outside the Mattock Lane clinic. Without a PSPO in place, it is our professional opinion that the same issues identified in 2018 would recur frequently, and with a high degree of impact on the local area and women seeking abortion care – resulting in the subsequent need for reinstatement of restrictions. The only suitable approach is for the PSPO to be renewed in full for 3 years.’*

6.29 In addition, both MSI Reproductive Choices and BPAS provided some significant supporting evidence of the types of behaviours that previously occurred outside the Clinic and similar on-going behaviours at other locations outside of Ealing. They assert that there is a high probability that the same behaviours evidenced to have caused detrimental effect would return in the event the PSPO were to end.

Response from Represented Groups

6.30 The Council additionally wrote to all of the groups known to have previously engaged in abortion related protest / vigil activity in the locality of the Clinic (with all of whom the Council had previously had extensive liaison, through the attempted negotiation and engagement process during 2017-18 – members are referred to **Appendix 1**, which provides a link to Appendix 5 of the April 2018 report, containing the minutes of meetings held with represented groups including *Good Counsel Network and Sister Supporter among others*).

6.31 The Council were contacted in the final week of the consultation by Clare McCullough of the Pro-Life group *Good Counsel Network*, who are the organisers (and in some cases employers) of a number of those involved in historic protest / vigil outside the Clinic and on-going protest / vigil in the ‘designated area’. Ms McCullough reported that she had received ‘many complaints’ about what was described as the ‘prejudiced nature’ of the survey, and cited a single report that stated: *‘I found that the questions are so overwhelmingly biased against the pro-life vigil that it is not really possible for a pro-life person to answer them. There is no option for people to respond that no harassment, intimidation or antisocial behaviour is taking place; at least not on the part of the pro-life vigil attendees.’*

- 6.32 The Council responded to Ms McCullough, reiterating to her that the survey contains a free-text box for those completing the survey to outline any additional representations they need to make and that the Council is satisfied the survey allowed for any interested party to complete it in line with their personal views and beliefs. Ms McCullough was also informed that those wishing to communicate their views could use the email address and she was reminded of those details.
- 6.33 The concern raised by Ms McCullough in any case appears to miss the more fundamental point that the time for debating whether harassment or intimidation was occurring has passed. As outlined, there is no question these activities were occurring; the Council was sufficiently satisfied of the presence of these behaviours to introduce the PSPO in April 2018 and this decision and rationale was supported in the subsequent judgments of the High Court and Court of Appeal. As set out at paragraphs 2.16-2.17 of this report, the issue for the Council is whether it is appropriate to extend the period for which the order has effect. This requires the Council to focus on the risk of occurrence or recurrence, or, of an increase in the frequency or seriousness of the activities. The real issue in the present situation is the risk of recurrence.
- 6.34 The *Good Counsel Network* submitted a formal written response to the consultation, in which they continue to dispute the detrimental effect of the previous activities on Clinic service users and others in the locality. Their response suggests that the Council's reference to these behaviours causes the consultation to be prejudiced. The *Good Counsel Network* reiterate in their response the argument they have previously repeatedly made, and which was considered by the courts: that they provide financial and practical support for women who may be accessing abortion services because they do not feel there is an alternative.
- 6.35 The Pro-Life Group *Helpers of God's Precious Infants* similarly advise in their response to the consultation that they believe their group's activities are supportive and that the PSPO should not be extended. Their response states: *'The imposition of a PSPO prevents women from accessing the choice of whether to proceed with an abortion or not. It has been shown over the years (and demonstrated to your Council) that many women do not wish to go down the route of ending the life of their child but feel they have no alternative. Many women have testified their gratitude for our presence and are glad they did not have an abortion but carried on with their pregnancies, supported by our group.'*
- 6.36 Echoing a theme common to the response of both MIS Reproductive Choices and BPAS, the Pro-Life group *Sister Supporter* expressed in their response to the consultation their concern that allowing the PSPO to lapse would offer a 'green light' to those groups who had previously been involved in the activities outside the Clinic to return. It cites in its response and attached 'Evidence Pack' the on-going presence of Pro-Life represented groups in the 'designated

area' as well as evidence of Pro-Life represented groups at other clinics in London where no restrictions are in place.

6.37 There is nothing in the responses from any of the Pro-Life groups which suggests that they would change their pre-PSPO activities if the PSPO were allowed to lapse. The main theme is that they continue to dispute their activities have a detrimental effect on people in the locality. Officers take the view that despite seeing the evidence to the contrary, and two court judgments, GCN remains unwilling or unable to acknowledge the detrimental impact which some or all of their activities had on service users and the local community.

6.38 In particular, the GCN response asks the Council to look at whether activities taking place within the designated area are anti-social and claims that they are not (and that the PSPO has not been breached). The response does not offer any proposals for an alternative to the PSPO. From the meetings that took place prior to the PSPO being introduced it is clear that GCN see their ability to directly engage with service users, in order to offer counselling and/or support, as a core part of their activities. GCN would not entertain any suggestions that they voluntarily situate their activities away from the entrance to the clinic or otherwise modify their activities. Officers have been offered no evidence to suggest that their position has changed. On balance, GCN's response to the consultation, combined with the group's continued presence and activities within the designated area, suggests that without an order which restricts them to the designated area (or anywhere outside the safe zone) they would return to their pre-PSPO activities directly outside the Clinic. In reaching this conclusion, officers have taken into consideration the consistent position GCN has always adopted whenever they have been asked about these matters.

6.39 There is also no evidence to suggest that if the PSPO were allowed to expire, that the recurrence of some or all of the pre-PSPO activities would not have the detrimental effect which was identified when the order was made.

6.40 The response from *Sister Supporter* describes a key impact of the PSPO has been that instances of harassment and intimidation have virtually disappeared, concluding, '*The Safe Zone does the job it was intended to do.*'

7 Financial implications

7.1 All of the investigation and consultation processes have been managed within the existing resources of the Safer Communities Team, albeit resulting in the need to realign priorities and the deployment of officers.

7.2 Similarly, the costs of the investigation and implementation of the PSPO (including the deployment of signage and CCTV to the location) have been met

from the Safer Communities approved budget and have to date amounted to approximately £0.01m.

- 7.3 The Council's legal costs, primarily incurred from resisting the appeals outlined in Section 4 of this report, have to date amounted to approximately £0.144m. However, this does not include the significant cost of officer time in supporting the various streams of work associated with the extensive legal proceedings.
- 7.4 There is no anticipated unbudgeted cost for implementing the recommendation of this report, i.e. extending the PSPO for a period of three years to April 2024.
- 7.5 There is no cost associated with the design, manufacture or installation of signage, as the signs already in place are sufficient for the order to be understood and enforced.
- 7.6 There is the small revenue cost of continued CCTV deployment to the location, however this CCTV would in any case be required at the location if the PSPO were not to be extended, given the high likelihood of the situation that existed prior to April 2018 returning should the order be left to expire.

8 Legal implications

- 8.1 The applicable statutory framework in respect of the matters in this report is set out in Section 2 of this report and in the Equalities Impact Analysis appended to it.
- 8.2 Any decision to extend the PSPO for a further period of time may be challenged. It is not clear whether such challenge would be made.

9 Risk management

- 9.1 By introducing the order and defending numerous legal challenges, the Council has been exposed to financial risk, albeit all of which has to date fallen within the contingencies made in 2018.
- 9.2 There is a risk of further legal challenge, which may expose the Council to additional legal costs.
- 9.3 The risk of taking no action and allowing the order to expire would likely result in the return of behaviours established to have caused detrimental effect and established to have a disproportionate detrimental effect on a protected characteristic (pregnant women) and would therefore create a renewed issue requiring Council intervention.

10 Community Safety

- 10.1 The Council has a duty under the Equality Act 2010 and our commitment to a safer Ealing to protect women, and particularly pregnant women, (both of which are groups which have protected characteristics under the 2010 Act), accessing

health services. The Council's duties pursuant to the Crime and Disorder Act 1998 are also engaged by the issues evidenced to have been occurring in the locality of the Clinic.

11 Links to Council Priorities

- 11.1 Continued action to ensure those accessing clinic services are protected from fear of intimidation, harassment or distress links to Ealing's priority of *A healthy and great place*, which outlines the Council's commitment to working with residents to build strong, fair communities and to keep the borough a clean, safe and attractive place to live.

12 Equalities, Human Rights and Community Cohesion

- 12.1 A full Equalities Analysis Assessment and assessment of the Council's Public Sector Equality Duty was completed prior to the introduction of the PSPO and a renewed Equalities Analysis has been undertaken as part of the consultation on the recommended extension of the order beyond April 2021. The renewed Equalities Analysis Assessment can be found at **Appendix 5** of this report.

13 Staffing/Workforce and Accommodation implications

- 13.1 There are no proposed changes to Council staff or workforce within the outlined proposal beyond the staff resource already utilised in coordinating the consultation process, analysing and presenting the responses and delivering the results to Cabinet.

14 Property and assets

- 14.1 There are no implications for Council property or assets beyond the continued deployment of CCTV and signage at the locality.

15 Any other implications

- 15.1 There are no implications of the proposals that have not been addressed within the key implications outlined above.

16 Timetable

- 16.1 If Cabinet are minded to follow the recommendations of this report, the PSPO will be extended for a period of three years with effect from 11th April 2021 until 10th April 2024.

17 Appendices

Appendix 1: Copy of April 2018 Cabinet report and link to all appendices and evidence considered by Cabinet in April 2018.

Appendix 2: Copy of Cabinet report of November 2020

Appendix 3a: High Court judgement, dated 2nd July 2018

Appendix 3b: Court of Appeal judgement, dated 21st August 2019

Appendix 3c: Supreme Court certificate of decision, dated 10th March 2020

Appendix 4a(i): Summary of online survey responses

Appendix 4a(ii): Detailed report of online survey

Appendix 4b: Responses from statutory and non-statutory consultees

Appendix 4c (CONFIDENTIAL): Copies of email / letter responses to consultation.

Appendix 4d (CONFIDENTIAL): Full unabridged data collation from online survey.

Appendix 5: Equalities Impact Analysis

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Keith Robinson	Lawyer	07/01/2021	27/01/2021	
Mark Wiltshire	Director of Community Development	07/01/2021	27/01/2021	
Jess Murray	Head of Safer Communities and Resident Services	07/01/2021	27/01/2021	
External				
Kuljit Bhogal	Counsel	07/01/2021	27/01/2021	
Tara O'Leary	Counsel	07/01/2021	27/01/2021	

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Paul Murphy Safer Communities Operations Manager (ext. 8807)

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Report for:	DECISION
Item Number:	11

Contains Confidential or Exempt Information	No
Title	Options for the review of the Mattock Lane PSPO
Responsible Officer(s)	Mark Wiltshire (Director of Community Development)
Author(s)	Paul Murphy (Operations Manager, Safer Communities)
Portfolio(s)	Inclusion and Community Safety
For Consideration By	Cabinet
Date to be Considered	10 th November 2020
Implementation Date if Not Called In	
Affected Wards	Walpole (although wider borough reach)
Keywords/Index	Protest, Vigil, Sexual, Health, Harassment, Anti-Social, behaviour, ASB, Women, Clinic, Mattock, Health, Space, Protection, Order, Review, Consultation, Variation

Purpose of Report:

The purpose of this report is to invite members to consider the impact and effectiveness of the Mattock Lane Public Spaces Protection Order (PSPO) and decide on whether consultation should be commenced on a possible extension/variation of the order.

Key points for action and decision:

- Review the impact and effectiveness of the current PSPO
- Consider the statutory framework for extending / varying a PSPO
- Decide whether the Council will consult to extend or vary the PSPO (or take other action)

1. Recommendations

It is recommended that Cabinet:

1. Considers the impact and effect of the Mattock Lane PSPO on the behaviours targeted as set out in this report;

2. Authorises the Director of Community Development to undertake a consultation on the renewal or variation of the Mattock Lane PSPO

2. Reason for Decision and Options Considered

- 2.1 There have been occasions during the period 2018-20 where groups of individuals who had been involved in protest / vigil in the immediate locality of the Clinic have instead attended Ealing civic centre (Perceval House), where they have stood outside and displayed signs and images expressing a Pro-Life view and objecting to abortion.
- 2.2 The order has complied with for the most part and has been successful in tackling the objectionable activity it was introduced to address. The introduction of the order has not stopped any of the activities of abortion related protest or prayer themselves from occurring, it has simply prevented them from occurring within the narrowly and clearly defined area of the PSPO.
- 2.3 The (almost) daily continued use of the designated area by represented groups, the sporadic protests / vigils at Perceval House and the presence of groups involved in protest / prayer at the threshold of the PSPO area all indicate a continued interest in the location by all of the represented groups who had previously been congregating at the entrance to the Clinic. It is reasonable to conclude from their continued presence at these sites that, were the order to expire, they will return to the area outside the Clinic and continue the activities previously engaged in at this location.

3. Overview

- 3.1 This report considers the impact and effectiveness of the existing Mattock Lane Public Spaces Protection Order (PSPO), which was introduced following a cabinet decision in April 2018 to tackle behaviours having an impact on those in the locality of Mattock Lane, and in particular those visiting the Marie Stopes clinic.
- 3.2 The PSPO will expire in April 2021 if no action is taken. This report additionally sets out the options for consultation on the extension or variation of the PSPO.
- 3.3 Members are asked to consider whether it is appropriate to consult on the extension or variation of the PSPO, in view of the legal framework for consultation, implementation and extension of PSPOs. That legal framework, including the human rights and equalities considerations, is set out in Section 3 of this report. Members are asked to have this framework firmly in mind in reaching their decision.
- 3.4 Members are directed to the evidence base set out in the report to cabinet in April 2018, links to which are included at the end of this report. The April 2018 report

and appendices set out in full the evidence on which the Council's decision to introduce the PSPO was made, including witness testimony and the responses to the Council's original consultation on the introduction of a PSPO (conducted from 29th January to 26th March 2018).

3.5 Included in the Appendices to this report are a copy of the existing PSPO (Appendix 1), copies of subsequent court judgements and decisions in respect of this order (Appendices 2-4) and a copy of the comprehensive Equalities Impact Analysis undertaken prior to the Council's decision to introduce the order (Appendix 5).

3.6 Members are then invited consider the impact and effectiveness of the PSPO in terms of what it set out to achieve and the necessity for the continuation of the order in its current or varied form.

4. Background

4.1 On 10th April 2018 Ealing Council's Cabinet voted unanimously to introduce a Public Spaces Protection Order (PSPO) in response to issues in the locality of the Marie Stopes clinic that were believed to be having a detrimental impact on people in the locality, including those accessing the clinic. The decision was taken by Cabinet after considering a report on the outcome of the safer communities investigation, the outcome of an eight week consultation conducted during the period of January to March 2018, and all evidence obtained as a result.

4.2 On 26th April 2018 Ealing Council were notified of an appeal made to the High Court to challenge the Council's decision by individuals employed by and connected to Pro-Life groups.

4.3 A directions and full hearing took place in the High Court in May and June 2019 respectively. Judgement was handed down in July 2019. The High Court rejected the appeal and upheld Ealing's PSPO in its full terms. Members are directed to **Appendix 2**, a copy of the High Court judgement.

4.4 The appellants appealed the decision of the High Court to the Court of Appeal and, in January 2019, the council was informed that the Court of Appeal had given permission to this further appeal.

4.5 This appeal hearing took place over two days on 16th and 17th July 2019 and judgement was handed down on 21st August 2019. The Court of Appeal rejected the appeal and upheld Ealing's PSPO in its full terms. Members are directed to **Appendix 3**, a copy of the Court of Appeal Judgement.

4.6 Following that judgement, the appellants then applied for permission to appeal the decision of the Court of Appeal to the Supreme Court. On 11th March 2020 the council were notified of the decision of the Supreme Court to refuse permission to appeal. A copy of this judgement can be found at **Appendix 4**.

4.7 The appellants have indicated in social media posts and press releases their intent to further appeal the order to the European Court of Human Rights, however at the time this report was drafted, no direct communication had been received from either the appellants or the Court in relation to this.

4.8 In light of the above, it is important to recognise the Council's decision to introduce a PSPO has been subject to intense challenge and independent scrutiny, and has been upheld in full throughout.

5. Evaluation of existing order

5.1 Prior to the introduction of the current PSPO, protests and vigils by individuals and groups representing Pro-Life and Pro-Choice views had been occurring outside the Clinic for over 20 years. The Pro-Life groups involved consisted of members from a variety of networks and organisations, including *The Good Counsel Network*, *The Helpers of God's Precious Infants*, *40 Days For Life*, *Ealing Pro-Life Group* and *The Society of Pius X*. The principle Pro-Choice group involved was *Sister Supporter*.

5.2 During the second half of 2017 the Council's Safer Communities Team undertook detailed investigative work into the issues reported to be affecting Clinic users, staff and those in the locality of the Clinic. Further evidence was received through the formal consultation process undertaken by the council in January–March 2018, which resulted in the decision in April 2018 to introduce the PSPO as outlined in **Appendix 1**.

5.3 The key activities identified through the investigation and consultation as having a detrimental effect were:

- Women and their partners / friends / relatives being approached by a member or members of the Pro-Life groups when entering the Clinic and attempting to engage women and those with them in conversation or to hand them leaflets.
- Women being approached by members of Pro-Life groups when leaving the clinic, who attempted to engage them in conversation, including making reference to what has happened to their unborn child.
- Women being closely observed entering and leaving the Clinic by a members of the Pro-Life groups
- Members of Pro-Life groups engaging in prayer outside the Clinic, which was said to be on behalf of the women and / or their unborn children.
- Images of a foetus in stages of development in the form of colour photos being held by members of Pro-Life groups, handed to women or left on the pavement.

- Shouting and other disruptive activities when Pro-Choice counter demonstrations were taking place.
- Women feeling they were being monitored, watched and judged by members of the Pro-Life groups.
- The presence of placards with references to 'murder' and other similar statements.

5.4 The evidence obtained through the investigation and consultation demonstrated that, while many of the activities in and of themselves may not have been viewed as objectionable in isolation, the very specific time and place in which the represented groups had been choosing to engage in these activities meant they were targeted women at the precise moment those women were accessing health services of a deeply personal nature.

5.5 As outlined in Section 3 of this report, the Council has kept the Mattock Lane PSPO under continuous review as part of its monitoring arrangements. These arrangements include the presence of CCTV at the location, proactive observations of the space by Police and Council officers, engagement with the Clinic and careful examination of any alleged breaches.

5.6 Such continued and careful examination of the impact and effectiveness of the order has not only formed part of the existing local arrangements for monitoring PSPOs, it has been a key part of the Council's efforts in responding comprehensively to the legal challenges it has faced.

5.7 Since the introduction of the order in April 2018, there have only been three alleged breaches of the order the Council is aware of. One alleged breach took place in April 2018, when an individual attended the area outside the clinic for a brief demonstration about PSPOs and freedom of speech; no action was taken in this instance.

5.8 A further breach took place in August 2019, when a male was detained by Police after refusing to disperse from the area when asked. The case was ultimately not proceeded with by Police.

5.9 The third alleged breach of the PSPO occurred in March 2020, when an individual deposited leaflets regarding abortion services at two entrance / exit points of the Clinic. This breach was enforced via service of a Fixed Penalty Notice, which was paid in full within the required time period.

5.10 There have been no other reported breaches of the PSPO.

5.11 As part of the continued review of the PSPO, Council officers have engaged with the Clinic in regard to the diary that had been maintained, documenting instances where patients and family members had reported being distressed by activities outside the Clinic. Clinic management have confirmed following

introduction of the PSPO, these events stopped occurring and it has ultimately become unnecessary for them to maintain this record.

- 5.12 Clinic management have described to officers the positive impact on women attending appointments and what they an 'air of normality', which they have described as existing outside the clinic; they say this permeates the Clinic environment in a positive way and describe clients presenting as 'less tense' when they arrive at the Clinic.
- 5.13 An important aspect of the order has been the provision of a *designated area* within the footprint of the PSPO, where the prohibitions and requirements of the PSPO do *not* apply and where activities such as protest about (albeit with some restrictions) are permitted. This area has been used by Pro-Life group members on a near daily basis, almost continuously since the introduction of the order. The individuals using that area congregate in small groups, often displaying small signs relating to abortion, offering leaflets to and attempting to engage with passers-by.
- 5.14 While the Council occasionally receives reports from residents and people visiting the area that object to the continued presence of Pro-Life group members in the designated area, none of these reports have identified any breach of the PSPO taking place and the designated area continues to form an important part of the careful consideration the Council has made in balancing the rights of those visiting the Clinic with those of the groups wishing to assemble, protest, impart information and express their religious beliefs. As far as the Council is aware the people attending the designated area have complied with the restrictions which apply within that area.
- 5.15 As outlined in the evidence to Cabinet in April 2018, during the Lent period leading up to Easter, the area has historically seen high levels of represented groups attending the location immediately outside the Clinic. These groups often form part of the *40 Days for Life* initiative referenced above. During the Lent period of 2020, these congregations took place at the East end of Mattock Lane on the threshold of the PSPO area.

6. Options considered and consultation process

6.1 As outlined in Section 3, the council have two key options at this juncture:

1. Take no action. This will mean the PSPO will come to an end on 10th April 2021.
2. Proceed with consultation on renewal or variation of the existing order. This will require a consultation to be undertaken in line with the process undertaken in January – March 2018.

6.2 If option 1 is considered appropriate by Cabinet, no further action needs to be taken by members. The PSPO will expire on 10th April 2021, signage will be removed and none of the prohibitions or requirements of the order will apply to any persons in the locality thereafter, save for by further order or other action.

6.3 If Cabinet are minded to conclude option 2 is most appropriate, a full consultation is required to be undertaken. This will involve specific consultation with all groups known to be involved in the activities regulated by the PSPO, as well as with Marie Stopes, British Pregnancy Advisory Service (BPAS), clinic service users, the Metropolitan Police, Clinical Commissioning Group, NHS, Public Health and local faith groups. It will also involve an online survey in line with the public survey undertaken in 2018.

6.4 Following this consultation a further report to Cabinet (likely February 2021) would be presented, outlining the outcome of the consultation and a full review of the assessed impact and effectiveness of the order to date, along with advice to Cabinet on the requirement for renewal or variation of the PSPO.

7. Financial implications

7.1 The investigation has been managed within the existing resources of the Safer Communities Team, albeit resulting in the need to realign priorities.

7.2 These costs of the investigation and implementation of the PSPO have been met from the Safer Communities approved budget.

7.3 The Council's legal costs, primarily incurred from resisting the appeals, have to date amounted to £0.144m. This does not include the significant cost of officer time in investigating the activities, collating evidence and witness statements, coordinating an extensive consultation and analysing the results and preparing significant reports, legal bundles and representations.

7.4 The cost of the recommended consultation is estimated to be around £0.005m and will be managed within the existing resources of the Safer Communities Team.

8. Legal framework

8.1 The power for local authorities to draft, implement, vary and extend PSPOs is governed by the *Anti-social Behaviour, Crime and Policing Act 2014*. The Act gives councils the authority to implement PSPOs in response to defined issues affecting their communities, provided certain criteria and legal tests are met. PSPOs can be used to prohibit specified activities, and / or to require certain things be done by people engaged in particular activities, within a defined public area.

8.2 Breach of a PSPO without reasonable excuse is a criminal offence. The Police or a person authorised by the Council can issue fixed penalty notices, the amount of which may not be more than £100. A person can also be prosecuted for breach of a PSPO and on conviction the Magistrates' Court can impose a fine not exceeding level 3 on the standard scale (currently £1000).

8.3 A PSPO can be made by a local authority if it is satisfied on reasonable grounds that two conditions are met. These are found in section 59 of the 2014 Act:

8.4 The first condition is that:

- i) activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality, or*
- ii) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.*

The second condition is that the effect, or likely effect, of the activities:

- i) is or is likely to be, of a persistent or continuing nature,*
- ii) is, or is likely to be, such as to make the activities unreasonable, and*
- iii) justifies the restrictions imposed by the notice.*

The PSPO must identify the public place in question and can:

- i) prohibit specified things being done in that public place*
- ii) require specified things to be done by persons carrying on specified activities in that place; or*
- iii) do both of those things.*

8.5 The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to prevent or reduce the risk of the detrimental effect continuing, occurring or recurring.

8.6 Prohibitions may apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories.

8.7 The PSPO may specify the times at which it applies and the circumstances in which it applies or does not apply.

8.8 Unless extended the PSPO may not have effect for more than 3 years. There is no statutory requirement to review a PSPO once made, however Ealing has continually reviewed the impact of the order as part of its on-going monitoring arrangements and in the significant work undertaken to respond to challenges in the High Court and Court of Appeal.

8.9A PSPO can be made for a maximum duration of up to three years, after which it may be extended if certain criteria under Section 60 of the Act are met. For a council to make the decision to extend a PSPO, they must be satisfied that:

- i) *An extension is necessary to prevent activity recurring, or*
- ii) *There has been an increase in frequency or seriousness of the activity*

8.10 Guidance for councils sets out that, where activity having a detrimental effect has been *eradicated* as a result of a PSPO, it is proportionate and appropriate to consider the *likelihood of recurrence of problems* if the Order is not extended.

8.11 If a PSPO is to be extended or varied, the council is required to undertake a further consultation process. If no action is taken the PSPO will end at the end of the period for which it was made (in the case of Mattock Lane, this would mean on 10th April 2020).

9. Risk management

9.1 By introducing the order and defending numerous legal challenges, the Council has been exposed to financial risk, albeit all of which has to date fallen within the contingencies made in 2018.

9.2 In proceeding with a consultation, it should be noted that, as with the introduction of any order, any subsequent decision to vary or renew the order can also be challenged in the High Court.

9.3 Along with these risks to the Council, the risk of taking no action would itself result in the risk of the return of behaviours established to have caused detrimental effect.

10. Community Safety

10.1 The Council has a duty under the Equality Act 2010 and our commitment to a safer Ealing to protect women, and particularly pregnant women, (both of which are groups which have protected characteristics under the 2010 Act), accessing health services. The Council's duties pursuant to the Crime and Disorder Act 1998 are also engaged by the issues evidenced to have been occurring in the locality of the Clinic.

11. Links to Council Priorities

11.1 Continued action to ensure those accessing clinic services are protected from fear of intimidation, harassment or distress links to Ealing's priority of *A healthy and great place*, which outlines the Council's commitment to working with residents to build strong, fair communities and to keep the borough a clean, safe and attractive place to live.

12. Equalities, Human Rights and Community Cohesion

12.1 A full Equalities Analysis Assessment and assessment of the Council's Public Sector Equality Duty was completed prior to the introduction of the PSPO and is exhibited at **Appendix 5** of this report. Should Cabinet be minded to proceed with the recommended consultation, an additional Equalities Analysis Assessment will be completed prior to the recommendation from that consultation being set out to Cabinet in February 2021.

13. Staffing/Workforce and Accommodation implications

13.1 There are no proposed changes to Council staff or workforce within the outlined proposal beyond the staff resource required to coordinate the consultation process, analyse and present the responses and deliver the results to Cabinet.

14. Property and assets

14.1 There are no implications for council property or assets beyond the continued deployment of CCTV and signage at the locality.

15. Any other implications

15.1 There are no implications of the proposals that have not been addressed within the key implications outlined above.

16. Consultation

16.1 Prior to the introduction of the PSPO the Council engaged with and sought engagement from all groups known to be involved in vigils and protest outside the Marie Stopes clinic. It additionally engaged with Marie Stopes, British Pregnancy Advisory Service (BPAS), clinic service users, the Metropolitan Police, Clinical Commissioning Group, NHS, Public Health and local faith groups. It is recommended that any consultation on the renewal or variation of the PSPO includes all of these groups.

16.2 Similarly, if the decision is made to consult on the renewal or variation of the PSPO, it is recommended formal consultation be progressed in line with the approach taken prior to the decision to introduce the order. This would include an online survey for a period of eight weeks, with the full results, along with analysis and consultation report provided to Cabinet in February 2021.

17. Timetable

17.1 Should no action be taken, the PSPO will expire on 10th April 2021.

17.2 Should Cabinet conclude to proceed with consultation on extension or variation of the PSPO, the following timetable is provided as a guide for the subsequent milestones:

- **November 2020** – Consultation begins
- **January 2021** – Consultation closes
- **9th February 2021** – Cabinet consider consultation report and make decision on extension

18. Appendices

Appendix 1: Copy of PSPO and map

Appendix 2: Copy of High Court judgement

Appendix 3: Copy of Court of Appeal judgement

Appendix 4: Copy of Supreme Court decision

Appendix 5: Copy of Equalities Impact Analysis

Section 18: Background Information

Link to Mayor of London commitment of the 16/11/2017, page 13:

<https://www.london.gov.uk/moderngov/documents/s67400/Appendix%20%20-Questions%20to%20the%20Mayor%20-%20Transcript.pdf>

Link to Hansard Select Committee of the 12th of December 2017:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/harassment-and-intimidation-near-abortion-clinics/oral/75524.pdf>

Link to Cabinet report and appendices of 10th April 2018:

<https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/4980/Committee/3/Default.aspx>

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Keith Robinson	Lawyer	21/09/20	13/10/20	
Mark Wiltshire	Director of Community Development	13/10/20		
Jess Murray	Head of Safer Communities and Resident Services	13/10/20		
Justin Morley	Head of Legal Services (Litigation)	13/10/20	16/10/20	
Yalini Gunarajah	Finance Manager	13/10/20	16/10/20	
External				
Kuljit Bhogal	Counsel	21/09/20	13/10/20	

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Paul Murphy Safer Communities Operations Manager (ext. 8807)



Neutral Citation Number: [2018] EWHC 1667 (Admin)

Case No: CO/1695/2018

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 02/07/2018

Before :

MR JUSTICE TURNER

Between :

FLORICA ALINA DULGHERIU

Claimant

- and -

ANDREA ORTHOVA

Second
Claimant

-and-

THE LONDON BOROUGH OF EALING

Defendant

Alasdair Henderson and Benjamin Fullbrook (instructed by **Tuckers Solicitors**) for the
Claimants
Kuljit Bhogal and Tara O'Leary (instructed by **London Borough of Ealing Legal Services**)
for the **Defendant**

Hearing dates: 7th June 2018

Approved Judgment

Mr Justice Turner :

INTRODUCTION

1. The debate over whether, and in what (if any) circumstances, it is right for a woman to choose deliberately to terminate her pregnancy is one which has polarised opinion for centuries. Inevitably, clinics providing abortion services, in this country and abroad, have tended to attract the attention of both pro-life and pro-choice activists. Feelings run high. Those who work at and who use the facilities of such clinics are liable to become the focus of the scrutiny of individuals who have strong feelings on the issue. One such clinic is the Marie Stopes UK West London Centre (“the Centre”) which operates from premises on Mattock Lane in Ealing.
2. For many years, pro-life supporters have congregated immediately outside the Centre to advance their cause. They have attempted, in different ways, to engage with users and, in particular, pregnant women who come to the Centre to have abortions. Latterly, they have been joined by pro-choice activists advancing a radically different agenda.
3. This situation changed completely when, on 10 April 2018, the defendant made a Public Spaces Protection Order (“PSPO”) which, in broad terms, provided for a “safe zone” around the Centre within which the opposing sides were henceforth precluded from communicating their respective views on issues relating to the provision of abortion services. The activists have, subject to certain additional constraints, been permitted to continue to operate but only within a defined “designated area” which is some distance from the entrance to the Centre. If they were to return to continue their activities at their former pitch then, so long as the PSPO remains in force, they would be guilty of a criminal offence. This decision has, predictably, given rise to considerable controversy. The claimants, who are both strong proponents of the pro-life stance, now apply to this court to quash the order of the defendant so as to permit the protesters to return to the immediate vicinity of the Centre to continue their activities as before.
4. Very many contentions and counter contentions have been raised by the parties to this litigation and I pay tribute to their industry. It would, however, involve a disproportionate exercise for this Court to attempt to address and resolve each and every point relied upon. The parties can rest assured that I have considered all of the issues they have raised and that where I have not adjudicated upon any given area of dispute it is because whatever finding I may have made thereon would not have affected the outcome of this challenge.

THE BACKGROUND

5. The presence of pro-life activists outside the Centre dates back to 1995. The individuals involved over the years have been affiliated to various Christian groups one of which is an organisation called the Good Counsel Network (“GCN”) of which the claimants are members. One of their primary objects was, and is, to try to dissuade users of the Centre from going through with their abortions. A variety of strategies have been deployed to this end. Leaflets have been handed out at the entrance to the Centre and posters illustrating what foetuses look like at various stages of gestation have been on display. Attempts have been made to engage the users in dialogue in the

hope that they might change their minds. Offers have been made to provide practical support to those who may have been motivated, at least in part, to seek an abortion because of domestic and financial pressures.

6. In 2015, pro-choice activists began to arrive on the scene with greater frequency and stood close by their pro-life counterparts. They were members of, or affiliated to, a group called Sister Supporter who flagged up their allegiance by sporting high visibility pink tabards. They would generally turn up on Fridays and Saturdays and protest against the aims and methods of the pro-life supporters. Inevitably, the simultaneous attendance of the two rival factions generated an atmosphere of tension outside the Centre. I have seen photographs illustrating the sort of scene which might be expected to present itself on the approach of any visitor to the Centre on days upon which both groups were active.
7. In October 2017, Sister Supporter organised an e-petition with the object of encouraging the defendant to take steps to bring an end to the presence and activities of the pro-life supporters outside the Centre. The defendant attempted to encourage the opposing groups to reach a mutual accommodation. In this it failed. So it went on to consider other options. One of these was the making of a PSPO under the provisions of the Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”). In the consideration of this potential response, the defendant launched an online public consultation which ended on 26 March 2018. Soon after, on 3 April 2018, Paul Murphy, an operations manager with responsibility for community safety and services, presented a report (“the Murphy report”) to cabinet on the issue. This was a detailed document which referred to a very considerable number of appendices which included evidence and information from a broad range of sources together with written representations both in support of and in opposition to the proposed PSPO. In addition, representatives of the defendant took statements from users and staff at the Centre.
8. The pro-life supporters’ stance was identified in the body of the Murphy report. In particular, it was recorded that they denied that they had caused any intimidation, harassment, abuse, alarm or distress to service users or staff. They also pointed out that there had been little or no police action or intervention as a result of their activities over the years. In addition, GCN had prepared and presented a briefing pack to the defendant pointing out that all members had been required to sign a “Statement of Peace” before attending outside the clinic disavowing any intention to threaten, physically contact or verbally abuse users and members of staff. The pack included brief testimony from mothers who had decided, after all, to keep their babies and had expressed gratitude to GCN for its support.
9. There were also contributions from Sister Supporter, the British Pregnancy Advisory Service (“BPAS”) and the Centre, all of which were in support of the imposition of a PSPO. The BPAS documentation included a number of reports of relevant incidents which had been made by users, staff and local residents. Complaints included allegations that pro-life supporters had, on occasion, grabbed the arms of clinic users and shouted at them and their partners. Some had found the images of fetuses which were on display to be disturbing and particularly inappropriate for a public street along which children often walked.

10. The Murphy report revealed that the statutory consultation had generated over 2,000 responses about 80% of which were to the effect that the activities outside the Centre were having a detrimental effect in the locality.
11. In the event, the Murphy report recommended the implementation of a PSPO. The defendant voted to accept this recommendation and a PSPO came into force on 23 April 2018.
12. The terms of the PSPO were such as to prohibit the following activities within the “safe zone”:
 - “(i) Protesting, namely engaging in any act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means. This includes but is not limited to graphic, verbal or written means, prayer or counselling,
 - (ii) Interfering, or attempting to interfere, whether verbally or physically, with a service user or member of staff,
 - (iii) Intimidating or harassing, or attempting to intimidate or harass, a service user or member of staff,
 - (iv) Recording or photographing a service user or member of staff of the Clinic whilst they are in the Safe Zone,
 - (v) Displaying any text or images relating directly or indirectly to the termination of pregnancy, or
 - (vi) Playing or using amplified music, voice or audio recordings.”
13. Protests were, however, permitted to continue within a “designated area” comprising a well-defined grassy space about 100 metres or so from the entrance to the Centre. Such protests were subject to some restrictions as to the numbers of participants, the size of placards on display and the like.
14. The claimant now seeks to challenge the making of the PSPO under the procedure provided for in the relevant statutory framework which I will now proceed to outline.

THE STATUTORY FRAMEWORK

15. The defendant made the PSPO which is the subject of the present challenge pursuant to section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 which provides:

“Power to make orders

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is that—

(a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or

(b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

(3) The second condition is that the effect, or likely effect, of the activities—

(a) is, or is likely to be, of a persistent or continuing nature,

(b) is, or is likely to be, such as to make the activities unreasonable, and

(c) justifies the restrictions imposed by the notice.

(4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and—

(a) prohibits specified things being done in the restricted area,

(b) requires specified things to be done by persons carrying on specified activities in that area, or

(c) does both of those things.

(5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—

(a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or

(b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

(6) A prohibition or requirement may be framed—

(a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;

(b) so as to apply at all times, or only at specified times, or at all times except those specified;

(c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.

(7) A public spaces protection order must—

(a) identify the activities referred to in subsection (2);

(b) explain the effect of section 63 (where it applies) and section 67;

(c) specify the period for which the order has effect.

(8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.”

16. The Explanatory Notes to the Act provide:

“161. The public spaces protection order ... is intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community’s quality of life, by imposing conditions on the use of that area. The order could also be used to deal with likely future problems. It will replace designated public place orders, gating orders and dog control orders. Examples of where a new order could be used include prohibiting the consumption of alcohol in public parks or ensuring dogs are kept on a leash in children’s play areas. It could also prohibit spitting in certain areas (if the problem were persistent and unreasonable). This is currently covered in local byelaws...

172. The public spaces protection order will be different from the powers it will replace in the following ways:

a. It can prohibit a wider range of behaviour, which makes the new order more like the ‘good rule and government byelaws’ made under the Local Government Act 1972, but with a fixed penalty notice available on breach (although some current byelaws do allow for fixed penalty notices to be issued). This is following feedback in the consultation from local authorities that current byelaws are hard to enforce as the only option available to local agencies is to take an individual to court if they fail to comply, which can be costly and time-consuming;

b. There is intended to be less central government oversight than with byelaws, and no central government reporting requirements as with designated public place orders. This would reduce bureaucracy; and

c. There will be lighter touch consultation requirements to save costs (for example, there is no duty to advertise in local newspapers). This is following feedback in the consultation from local authorities that the current processes for consultation outlined in secondary legislation are costly and time-consuming.”

17. In addition, there is Statutory Guidance to the 2014 Act for “frontline professionals” which has been issued by the Home Office in accordance with section 73 of the Act and which was last updated in December 2017.

18. Only a local authority can issue a PSPO and, before doing so, they must, pursuant to section 72 of the 2014 Act, consult with the chief officer of police, the local policing body for the police area that includes the restricted area and any representatives of the local community they consider appropriate.
19. By the operation of section 60 of the 2014 Act, PSPOs may last for up to three years before requiring a review. However there is no limit on the number of times an order can be reviewed and extended. There is a requirement to inform the chief of police and any other community representatives on review and renewal (as with the original order). Under section 61 of the 2014 Act, a PSPO can be varied or discharged at any time by the local authority.
20. Breach of the terms of a PSPO, without reasonable excuse, is, pursuant to sections 67 and 68 of the 2014 Act, a criminal offence the sanctions in respect of which comprise either a fixed penalty notice of up to £100 or prosecution. On summary conviction, an individual is liable to be sentenced to pay a fine not exceeding £1,000.
21. A PSPO may be challenged under the provisions of section 66 of the 2014 Act:

“Challenging the validity of orders

(1) An interested person may apply to the High Court to question the validity of—

- (a) a public spaces protection order, or
- (b) a variation of a public spaces protection order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

(2) The grounds on which an application under this section may be made are—

- (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- (b) that a requirement under this Chapter was not complied with in relation to the order or variation.

(3) An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.

(4) On an application under this section the High Court may by order suspend the operation of the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied), until the final determination of the proceedings.

(5) If on an application under this section the High Court is satisfied that—

(a) the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or

(b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under this Chapter,

the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).

(6) A public spaces protection order, or any of the prohibitions or requirements imposed by the order (or by the order as varied), may be suspended under subsection (4) or quashed under subsection (5)—

(a) generally, or

(b) so far as necessary for the protection of the interests of the applicant.

(7) An interested person may not challenge the validity of a public spaces protection order, or of a variation of a public spaces protection order, in any legal proceedings (either before or after it is made) except—

(a) under this section, or

(b) under subsection (3) of section 67 (where the interested person is charged with an offence under that section).”

22. A challenge brought under section 66 of the 2014 Act is assigned to the Administrative Court by virtue of PD8A. The jurisdiction is akin to judicial review. For example, it is exercisable by a single judge of the Queen’s Bench Division and evidence at the hearing is by witness statement. There are differences. There is no permission stage and the only remedies available are a suspension or a quashing order. Notwithstanding these distinctions, there is no dispute that the level of scrutiny to be applied by the court should reflect that which would be appropriate to judicial review proceedings.

THE INTENSITY OF REVIEW

23. The parties agree that the implementation of the PSPO in this case has led to the engagement of rights enshrined in a number of the Articles of the European Convention on Human Rights (“the Convention”). Under section 6 of the Human Rights Act 1998, it is unlawful for the defendant, as a public authority, to act in a way which is incompatible with a Convention right. Furthermore, under section 72 of the 2014 Act, a local authority must have particular regard to the rights of freedom of

expression and freedom of assembly set out in Articles 10 and 11 of the Convention when, for example, deciding whether to make a PSPO and, if so, what it should include. Finally, under section 3(1) of the 1998 Act, so far as it is possible to do so, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the Convention rights.

24. Over recent years, the courts have moved away from the “one size fits all” approach to the level of intensity of the judicial review process as it may apply to the infinitely wide variety of circumstances in which such challenges arise. Indeed, the law is still in state of flux as is evident from the judgment of Lord Carnwath in R (Youssef) v Secretary of State for Foreign and Commonwealth Affairs [2016] A.C. 1454 who observed:

“55 In R (Keyu) v Secretary of State for Foreign and Commonwealth Affairs [2016] AC 1355 (decided since the hearing in this appeal) this court had occasion to consider arguments, in the light of Kennedy and Pham, that this court should authorise a general move from the traditional judicial review tests to one of proportionality. Lord Neuberger of Abbotsbury PSC (with the agreement of Lord Hughes JSC) thought that the implications could be wide ranging and “profound in constitutional terms”, and for that reason would require consideration by an enlarged court: para 132. There was no dissent from that view in the other judgments. This is a subject which continues to attract intense academic debate: see, for example, the illuminating collection of essays in The Scope and Intensity of Substantive Review: Traversing Taggart's Rainbow, (2015), eds Wilberg and Elliott. It is to be hoped that an opportunity can be found in the near future for an authoritative review in this court of the judicial and academic learning on the issue, including relevant comparative material from other common law jurisdictions. Such a review might aim for rather more structured guidance for the lower courts than such imprecise concepts as “anxious scrutiny” and “sliding scales”.

56 Even in advance of such a comprehensive review of the tests to be applied to administrative decisions generally, there is a measure of support for the use of proportionality as a test in relation to interference with “fundamental” rights: the Keyu case, at paras 280–282, per Lord Kerr of Tonaghmore JSC, and at para 304, per Baroness Hale of Richmond DPSC. Lord Kerr JSC referred to the judgment of Lord Reed JSC in Pham v Secretary of State for the Home Department [2015] 1 WLR 1591, paras 113, 118–119, where he found support in the authorities for the proposition that:

“where Parliament authorises significant interferences with important legal rights, the courts may interpret the legislation as requiring that any such interference should be no greater than is objectively established to be necessary to achieve the

legitimate aim of the interference: in substance, a requirement of proportionality”: para 119.

See also my own judgment in the same case, at para 60, and those of Lord Mance JSC, at paras 95–98 and Lord Sumption JSC, at paras 105–109, discussing the merits of a more flexible approach in judging executive interference with important individual rights, in that case the right to British citizenship.”

25. In A v The Chief Constable of Kent Constabulary [2013] EWCA Civ 1706, Beatson LJ held:

“36 It was common ground between the parties that, where the question before a court concerns whether a decision interferes with a right under the ECHR and, if so, whether it is proportionate and therefore justified, it is necessary for the court to conduct a high-intensity review of the decision. The court must make its own assessment of the factors considered by the decision-maker. The need to do this involves considering the appropriate weight to give them and thus the relative weight accorded to the interests and considerations by the decision-maker. The scope of review thus goes further than the traditional grounds of judicial review: see e.g. R (Daly) v Secretary of State for the Home Department [2001] 2 AC 532 at [27].

37 There are also clear statements that it is the function of the court to determine whether or not a decision of a public authority is incompatible with ECHR rights. In R (SB) v Governors of Denbigh High School [2006] UKHL 15 at [30], Lord Bingham stated that “proportionality must be judged objectively by the court”. See also Lord Hoffmann at [68], Lord Neuberger MR in L's case [2009] UKSC 3 at [74], and Belfast City Council v Miss Behavin' Ltd [2007] UKHL 19. In the last of these decisions Baroness Hale stated (at [31]) that it is the court which must decide whether ECHR rights have been infringed. In Huang v Secretary of State for the Home Department [2007] UKHL 11 Lord Bingham also stated that the court must “make a value judgment, an evaluation”. But he made it quite clear (at [13]) that, despite the fact that cases involving rights under the ECHR involve “a more exacting standard of review”, “there is no shift to a merits review” and it remains the case that the judge is not the primary decision-maker. In Axa General Insurance Ltd v HM Advocate [2011] UKSC 46, Lord Reed (at [131]) stated that, “although the courts must decide whether, in their judgment, the requirement of proportionality is satisfied, there is at the same time nothing in the Convention, or in the domestic legislation giving effect to Convention rights, which requires the courts to substitute their own views for those of other public authorities on all matters of policy, judgment and discretion”.

26. The structured proportionality test as applied in English law was summarised in De Smith's Judicial Review, 8th Edition at paragraph 11 - 081 thus:

“It requires the court to seek first whether the action pursues a legitimate aim (i.e. one of the designated reasons to depart from a Convention right, such as national security). It then asks whether the measure employed is capable of achieving that aim, namely, whether there is a “rational connection” between the measures and the aim. Thirdly it asks whether a less restrictive alternative could have been employed. Even if these three hurdles are achieved, however...there is a fourth step which the decision-maker has to climb, namely, to demonstrate that the measure must be “necessary” which requires the courts to insist that the measure genuinely addresses a “pressing social need”, and is not just desirable or reasonable, by the standards of a democratic society.”

27. I am satisfied that such an approach is consistent with the decisions of the most recent authorities on the point although I note, in passing, that there remains some debate over the role and scope of any “minimum impairment” test (i.e. that a less restrictive alternative could be pursued)¹. However, on the facts of this challenge, I will accept the claimants' invitation to consider alternative ways by which it is alleged that the defendant could and should have secured its objectives short of imposing a PSPO in the terms identified.
28. Having thus identified the level of review upon which this Court proposes to embark, I will proceed to deal with the grounds upon which the claimants seek to challenge the making of the PSPO.

DETRIMENTAL EFFECT

29. The first ground of challenge is that the necessary ingredients of section 59 of the 2014 Act have not been established and, in particular, that of “detrimental effect” has not been made out.
30. The term “detrimental effect” is not defined in the Act but was considered by May J in Summers v Richmond Upon Thames [2018] EWHC 782 (Admin) who observed:

“25 The Act therefore envisages use of PSPOs to curb activities which it is possible that not everyone would view as detrimentally affecting their quality of life. Taken together with the absence of any further definition of the key terms “activities” or “detrimental” this strongly points to local authorities being given a wide discretion to decide what behaviours are troublesome and require to be addressed within their local area. This requires local knowledge, taking into account conditions on the ground, exercising judgment (i) about what activities need to be covered by a PSPO and (ii)

¹ See, for example, the comments of Lord Sumption in Bank Mellat v Her Majesty's Treasury (No.2) [2014] A.C. 700 at paragraph 20.

what prohibitions or restrictions are appropriate for inclusion in the order. There may be strong feelings locally about whether any particular activity does or does not have a detrimental effect, in such cases a local authority will need to weigh up competing interests. Deciding whether, and if so what, controls on certain behaviours or activities may be necessary within the area covered by a local authority is thus the very essence of local politics.

26 It is important to bear in mind, however, as Mr Porter emphasised, that the behaviours which PSPOs are intended to target are those which are seriously anti-social, not ones that are simply annoying. He referred me in this respect to the following passage in the Home Office guidance from 2017:

“Our aim in reforming the anti-social behaviour powers is to give the police, councils and others more effective means of protecting victims, not to penalise particular behaviours. Frontline professionals must use the powers in [the 2014 Act] responsibly and proportionately, and only where necessary to protect the public.”

31. I gratefully adopt the approach of May J in Summers and would further observe that the fact that Parliament did not choose to define what may amount to “detrimental effect” should not, of course, be treated by the courts as an invitation to fill the vacuum a definition of their own. The circumstances in which PSPOs may be considered are many and various and attempts to lay down any general threshold level of conduct having detrimental effect by deploying various permutations of the concepts of “intimidation”, “harassment”, “alarm”, “distress” and suchlike would almost certainly prove to be unhelpful and inappropriate.
32. The claimants, however, argue that the defendant, when considering the need for a detrimental effect to have been established, applied the wrong tests under section 59 in a number of respects which fatally contaminate its decision to make a PSPO. I propose to deal with each in turn.

Objective detriment

33. In their skeleton argument, the claimants contend that:

“...any effect identified must be objectively detrimental – i.e. such that it would be detrimental to the quality of life of a reasonable person. Otherwise it would not be possible to comply with s59(3)(b) which stipulates that the effect of the activities must be (or be likely to be) “*such as to make the activities unreasonable*”. Thus, any reliance on residents saying that they are “upset”, “offended”, “angry” “annoyed” or similar is insufficient, certainly in the context of a PSPO which interferes with fundamental rights.”

34. There is no merit in this argument. The statutory language is clear and the introduction of the concept of “objectivity” takes the claimant’s case no further. Some individuals are more robust than others. The defendant was entitled to assess the impact of the activities of the protestors on all those whose quality of life it was the object of the Act 2014 to protect: the vulnerable and resilient alike. Indeed, cases may well arise in which the activities under scrutiny are performed in a locality particularly frequented by susceptible individuals whether arising from physical vulnerabilities, mental health issues or otherwise. The suggestion that the interests of such people should be relegated because they do not measure up to the standards of robustness of the man (or woman) on the Clapham Omnibus has only to be stated to be rejected. In many cases, the fact that the activities under consideration would not detrimentally affect people of reasonable resilience will be a factor to be taken into account when, for example, deciding whether the requisite overall detrimental effect has been made out and whether the effect of the activities are such as to make them unreasonable but it does not present a free standing additional hurdle for a local authority to surmount. I do not overlook the fact that expectations of privacy under Article 8 of the Convention are to be analysed objectively but that is a matter to be considered when addressing the competing Convention rights and not when interpreting the statute.²
35. Furthermore, the argument lapses into a non sequitur. Feelings of upset, offence, anger and annoyance are perfectly capable of having a detrimental effect on the quality of life of any given individual, even on one of average or greater resilience, a fact to which many commuters by rail or car or, indeed, omnibus could doubtless attest. Such feelings are not simply to be disregarded as in some way not being “objective”. The argument here appears to have shifted from the resilience of any given individual to meld into a consideration of the threshold level of upset which even those of normal robustness should be expected to tolerate without local authority intervention under the 2014 Act.
36. Ultimately, the task of the defendant was to exercise its judgment on the application of the words of the statute. The superimposition of a free-standing test of “objectivity”, however it may be defined, would serve not merely to confuse but to impede this process. Of course, a local authority will take into account the possibility that those whose quality of life is said to have been adversely affected are being oversensitive when deciding whether a detrimental effect has been made out and in whether the activities have been rendered unreasonable. Moreover, such assessments, as I have observed, are bound also to feed into the need to act in accordance with the Convention. In this case, however, there is no compelling evidence to suggest that the defendant wrongly took into account information which it ought either to have disregarded or to have significantly relegated in importance when applying the statutory tests.
37. I would add that, in any event, even if the defendant were in error in failing to deploy a free-standing test of “objectivity” it would not have been affected by overall view of the validity of the claimants’ challenge. In particular, even an objective test, when applied to users of the clinic, would have to take into account that many of them would be

² See, for example, Wood v Commissioner of Police of the Metropolis [2009] EWCA Civ 414 at para 24.

pregnant, exposed to public view and facing the imminent prospect of termination. These are no subjective factors.

Meaning of “those in the locality”

38. The claimants contend that the reference in section 59(2)(a) to the “quality of life of those in the locality” must refer only to those who reside or work in the relevant place or its immediate vicinity or who visit regularly.
39. This argument, if successful, would exclude from consideration the vast majority of those women, together with their family and supporters, who visit the clinic for abortion procedures.
40. The short answer to this point is that if Parliament had thus intended to limit the scope of the section it could easily have done so. The concept of a person in a given locality is not necessarily, as a matter of common English usage, limited to residents of or frequent visitors to such a locality. The Oxford English Dictionary gives the example of “A blind man...feeling all around him with his cane, so as to find out his locality.”
41. A narrow approach would also have the potential to tie the local authority’s hand when attempting to prohibit detrimental activities in public areas mainly populated by visitors (for example, in the vicinity of tourist attractions) on the ground that persons in the locality have to be “locals” for the purposes of the application of the 2014 regime.
42. Undaunted, the claimants pray in aid the wording of section 66(1) of the 2014 Act which provides that only an interested person can challenge a PSPO. “Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area. In my view, the terms of this section operate against rather than in favour of the construction advocated by the claimants. It would have been very straightforward for the draughtsperson to have used the term “interested persons” or some similarly narrowly defined group rather than “those in the locality” in section 59. The fact that different terms were deployed in the different sections of the Act strongly points to the conclusion that different interpretations were also intended. One can easily see the policy considerations behind imposing tighter controls upon the requisite standing of those who would seek to challenge a PSPO than upon the wider class of those whose quality of life can be taken into account by the local authority when making one. The wording of the statute provides protection for the rare migrant visitor without issuing to him or her an itinerant busybody licence.
43. Of course, the more infrequent the visitor to the locality, the less likely it will be that the activities under consideration will adversely impact upon his or her quality of life but this factor, in itself, does not mandate the imposition of a further interpretive limitation on the words of section 59. It is also the case that the use of the term “quality of life” carries with it the implication that the impact on those affected is more than merely transient but, as the evidence in this case revealed, there were users of the Centre who described a long term impact on their mental well-being.

Evidence of detrimental effect

44. The evidence and information available to the defendant included the following:

- (i) Outcomes of a “resident engagement exercise” from 2017;
 - (ii) Evidence collected in the course of an investigation by officers comprising: thirteen formal witness statements; photographs of the activists outside the Centre and excerpts from the Centre’s log of incidents;
 - (iii) Evidence packs from GCN;
 - (iv) Evidence packs and submissions from Marie Stopes, BPAS and Sister Supporter;
 - (v) Minutes of officers’ meetings with pro-life and pro-choice supporters;
 - (vi) A consultation report and the full text of all consultation responses;
 - (vii) An equalities analysis assessment.
45. The defendant carried out a consultation in accordance with its duty under section 72 of the 2014 Act. The police were neutral. The NHS and BPAS were strongly supportive of the imposition of a PSPO. Members of the represented groups made submissions in accordance with their respective allegiances.
46. The results of the consultation are set out in detail in the Murphy report. Direct representations were received in the form of emails and letters. Of the 78 letters, 65 were supportive of the PSPO and 13 were against. Of the 46 emails, 12 supported the PSPO and 34 objected. In addition, a further 1,430 responses were received through the pro-life campaign group “Be Here for Me”. Caution must, however, be exercised with respect to this and, indeed, other aspects of the consultation to varying degrees. Inevitably, the views expressed in many cases were likely to have been determined entirely, or almost entirely, with reference to the moral position of those responding on the issue of abortion rather than the broader aspects of the impact of the activities of the protestors. By way of example only, the “Be Here for Me” responses were drawn from all corners of England, Scotland and Wales some of which were hundreds of miles from the Centre.
47. There was an online survey which generated 2,181 responses. Nearly two thirds of these came from people who identified themselves to be users of services, shops or facilities in the proposed safe zone. 16.4% lived in the vicinity and 7.4% were users of the services of the Centre.
48. The vast majority of those who responded confirmed that they had seen activists outside the Centre displaying material relating to abortion and approaching people using the clinic. Of course, none of this is surprising because the claimants have never sought to deny that this is what they were doing. However, 470 respondents gave narrative examples of what they had witnessed. These included:
- (i) The display of lifelike foetus dolls;
 - (ii) Threats that users of the Centre would go to Hell;
 - (iii) Referring to users of the Centre as “Mum”.

- (iv) The handing out of rosary beads to users and passers-by;
 - (v) Pursuing users of the Centre with leaflets;
 - (vi) Not leaving users with enough room to pass into the Centre;
 - (vii) The playing of loud music and chanting from pro-choice activists;
 - (viii) The taking of photographs of persons using the clinic;
 - (ix) Young children passing by exposed to images of fetuses.
49. On the issue of the detrimental impact on their quality of life, the results of the online survey were striking. Between 85% and 90% of respondents supported the imposition of the proposed prohibitions in the safe zone. A clear majority said that their quality of life had been detrimentally affected either “extremely” or “very much”.
50. Some examples of reports collected by the Centre were appended to its submissions, a flavour of which may be gained from the following:
- (i) **Local resident** – It is extremely stressful living opposite these protests. It is a regular occurrence seeing protestors standing in the way of clinic users grabbing their arms and shouting at them... Do I comfort the crying women on the street, or do they prefer privacy? Local residents should be able to live a peaceful life and should not have the weight of such things on their shoulders on a daily basis.
 - (ii) **Clinic/Unit Staff** – Client very distressed because of protestors. Protestor holding pretend baby and trying to give client leaflets.
 - (iii) **Passer-by** - The pictures displayed by those opposing abortion are truly awful. I walk past my local clinic with my children and they have images of dead fetuses on show. They create an awful environment for local residents.
51. The claimants accurately point out that only a minority of local residents (as opposed to others in the locality) reported that they had problems with the protests. They also complain that most of the evidence from other sources is “second hand” or anecdotal and that the activities complained of are, with one or two exceptions, entirely innocuous.
52. Care must be taken not to equate the process of consultation with that of conducting judicial proceedings. The categories and quality of the information which is gathered in the former exercise is, inevitably, not subject to rules of evidence and the rigid application of burdens and standards of proof. As the explanatory notes record, the process is intended to involve a “lighter touch” than was required in respect to the procedures it was enacted to supplement or replace. Furthermore, the level of scrutiny and analysis which this Court must deploy is not such as to transform its jurisdiction from a “reviewing” to a “merits based” approach. Stepping back from the many individual criticisms which the claimants make of the process adopted, I remain satisfied that the defendant’s decision was untainted by the undue promotion of one category of information over another or any other public law irregularity.

53. As May J held in Summers: “There may be strong feelings locally about whether any particular activity does or does not have a detrimental effect, in such cases a local authority will need to weigh up competing interests. Deciding whether, and if so what, controls on certain behaviours or activities may be necessary within the area covered by a local authority is thus the very essence of local politics.”
54. The claimants’ suggestion that, with few exceptions, the activities of those outside the Centre were “innocuous” is likely to distract from the issues which the defendant was called upon to consider. Activities may fall within the provisions of the PSPO regime without having been proven, particularly when considered in isolation, to be nocuous. In any event, there was a considerable tranche of evidence and information before the defendant of activities which many would reasonably consider to be fully capable of having a detrimental effect on the quality of life who were exposed to them whatever the choice of adjective used to describe them.
55. Taking the evidence as a whole, I find that the defendant had reasonable grounds to be satisfied that the conditions in sub-section 59(2) and 59(3) (a) of the 2014 Act were met. I am satisfied that my findings in respect of the proper interpretation of these subsections are compatible with Convention rights the consideration of which I will embark upon later in this judgment. The decision of the defendant was, in this sense, thus properly prescribed by law. The issues as to whether the effect of the activities was likely to be such as to make them unreasonable and thus justify the restrictions imposed by the notice are inextricably bound up with the application of conflicting Convention rights to which I will now turn.

INTERFERENCE WITH CONVENTION RIGHTS

Article 8

56. One issue to be resolved is whether or not the provisions of Article 8 of the Convention (right to respect for private and family life) are engaged on the facts of this case. Article 8 provides:
- “1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”
57. As the Council of Europe Guide (“the Guide”) to Article 8 provides:
- “The primary purpose of Article 8 is to protect against arbitrary interferences with private and family life, home, and correspondence. This obligation is of the classic negative kind, described by the Court as the essential object of Article 8 (Kroon and Others v. the Netherlands, § 31). However, member

States also have positive obligations to ensure that Article 8 rights are respected even as between private parties. In particular, although the object of Article 8 is essentially that of protecting the individual against arbitrary interference by the public authorities, it does not merely compel the State to abstain from such interference: in addition to this primarily negative undertaking, there may be positive obligations inherent in an effective respect for private life. These obligations may involve the adoption of measures designed to secure respect for private life even in the sphere of the relations of individuals between themselves.”

58. In Peck v United Kingdom (2003) no. 44647/98, the EHCR observed:

“57. Private life is a broad term not susceptible to exhaustive definition. The Court has already held that elements such as gender identification, name, sexual orientation and sexual life are important elements of the personal sphere protected by Article 8. That Article also protects a right to identity and personal development, and the right to establish and develop relationships with other human beings and the outside world and it may include activities of a professional or business nature. There is, therefore, a zone of interaction of a person with others, even in a public context, which may fall within the scope of “private life” (see P.G. and J.H. v. the United Kingdom, no. 44787/98, § 56, ECHR 2001-IX, with further references).

58. In P.G. and J.H. (§ 57) the Court further noted as follows:

“There are a number of elements relevant to a consideration of whether a person's private life is concerned in measures effected outside a person's home or private premises. Since there are occasions when people knowingly or intentionally involve themselves in activities which are or may be recorded or reported in a public manner, a person's reasonable expectations as to privacy may be a significant, although not necessarily conclusive, factor. A person who walks down the street will, inevitably, be visible to any member of the public who is also present. Monitoring by technological means of the same public scene (for example, a security guard viewing through closed-circuit television) is of a similar character. Private life considerations may arise, however, once any systematic or permanent record comes into existence of such material from the public domain.””

59. In Couderc and Hachette Filipacchi Associes v. France (2015) no. 40454/07 the EHCR observed at paragraph 83:

“The Court reiterates that the notion of private life is a broad concept, not susceptible to exhaustive definition. It extends to

aspects relating to personal identity, such as a person's name, photograph, or physical and moral integrity. This concept also includes the right to live privately, away from unwanted attention (see Smirnova v. Russia, nos. 46133/99 and 48183/99, § 95, ECHR 2003-IX (extracts)). The guarantee afforded by Article 8 of the Convention in this regard is primarily intended to ensure the development, without outside interference, of the personality of each individual in his or her relations with other human beings. There is thus a zone of interaction of a person with others, even in a public context, which may fall within the scope of private life.”

60. As Sir Anthony Clarke MR observed in Murray v Express Newspapers [2009] Ch 481:

“36. As we see it, the question whether there is a reasonable expectation of privacy is a broad one, which takes account of all the circumstances of the case. They include the attributes of the claimant, the nature of the activity in which the claimant was engaged, the place at which it was happening, the nature and purpose of the intrusion, the absence of consent and whether it was known or could be inferred, the effect on the claimant and the circumstances in which and the purposes for which the information came into the hands of the publisher.”

61. This defendant in this case had information to the effect that photographs of those using the Centre were being taken on occasion. GCN consistently denied doing this but the defendant was entitled to take into account the activities of all of those who were on watch outside the Centre when considering the issue of the privacy of users. However, even setting aside the taking of photographs of those entering or leaving the Centre, I am satisfied that their rights to a private life were engaged. Their position is very different to the person who walks down a public street knowing that they will inevitably be casually observed by others. In particular, women of reproductive age who are entering the Centre are quite likely to be going there in order to have an abortion. Those leaving may well have undergone an abortion. They thereby become objects of attention not as ordinary members of the public but as women in the early stages of pregnancy who are considering the prospect of an abortion or who have just had an abortion. The fact of being pregnant is often, in itself, one that a mother reasonably wishes to be kept private, to a greater or lesser extent, in the early stages. The fact that one is considering, or has undergone, an abortion is, if anything, likely to be an even more intensely private affair for many women and their partners. To be the focus of open public attention, often at the very moment when sensitivities are at their highest, is an invasion of privacy even when it occurs in a public place. Furthermore, the activities of the participating groups, however well-intentioned, would inevitably serve to attract the gaze of local residents and passers-by to the users of the Centre to a greater extent than would be the case if no such interaction were to take place. Of course, there will be users who are either oblivious to or positively welcome the opportunity to engage with the activists. That is why it was important for the defendant to gather the information and evidence it did concerning the preponderant impact of the activities of the protesters upon those in the locality and, particularly,

users. And this it did. The feelings of intrusion felt by many users are evidenced in the statements and reports made by users of the Centre and considered in the Murphy report.

62. Accordingly, I am satisfied that the Article 8 rights of such users of the Centre were engaged on the facts of this case.
63. I am not, however, satisfied by the application of the authorities referred to that the activities of the protestors, in the particular circumstances of this case, engaged the Article 8 rights of other visitors, local residents, and staff working at the Centre.

Articles 9, 10, 11 and 14

64. The Murphy report provided advice to the defendant on the engagement of these Articles in the following terms:

““Article 9: Right to Freedom of Thought, Conscience and Religion

2.2.8 Article 9 of the ECHR protects a person’s right to hold both religious and non-religious beliefs and protects a person’s right to choose or change their religion or beliefs. The PSPO is not seeking to interfere with this right and it does not seek to prohibit any activities that affect a person’s right to hold religious or non-religious views.

2.2.9 Article 9 additionally protects a person’s right to manifest their beliefs in worship, teaching, practice or observance. For example the right to talk and preach about their religion or beliefs and to take part in practices associated with those beliefs. The right to manifest one’s religion or beliefs is a qualified right, which means it can be interfered with in certain situations, for example, to protect the rights of others.

2.2.10 The Council is aware that some of the represented groups believe that their activities are part of their right to manifest their religion or beliefs. The Council should be advised that these are important rights and that it should be reluctant to interfere with those rights. Where the Council does interfere it must ensure that any interference is in accordance with the law (this is addressed later in this report), and is necessary (also addressed more fully later in this report) to ensure the protection of the rights of others. The proposed PSPO would interfere with these Article 9 rights. This is a delicate balancing exercise in which any interference with the right must be in accordance with the law and necessary to protect the rights of others. Both of these considerations are addressed more fully later in this section.

Article 10 Right to Freedom of Expression

2.2.11 Article 10 of the ECHR protects the right of everyone to freedom of expression. This includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority. Article 10 is a qualified right, which means it can be interfered with in certain situations, for example, to protect the rights of others.

2.2.12 Again, this is an important fundamental right in any democracy. It includes the entitlement to express views that others might disagree with, find distasteful or even abhorrent. Article 10 provides a protection to express those views and is an important part of a free and democratic society.

2.2.13 It is important to consider that individuals from Pro-Life represented groups have stated they attend the Clinic to impart information to women accessing services and that the proposed PSPO will interfere with their Article 10 rights. It should also be noted that the PSPO will interfere with the Article 10 rights of Pro-Choice represented groups. In deciding whether to implement a PSPO, therefore, the Council will have to balance the rights of pregnant women to access health services free from fear of intimidation, harassment or distress and with an appropriate level of dignity and privacy against the Article 10 rights of Pro-Life and Pro-Choice represented groups to impart information and ideas relating to the termination of pregnancy. This is a delicate exercise in which any interference with the right must be in accordance with the law and necessary to protect the rights of others. Both of these considerations are addressed more fully later in this section.

Article 11 Right to Freedom of Assembly and Association

2.2.14 Article 11 of the ECHR protects everyone's right to freedom of peaceful assembly and to freedom of association with others. Article 11 is again a qualified right, meaning it can be interfered with in certain situations, for example, to protect the rights of others.

2.2.15 The right to freedom of assembly includes peaceful protests and demonstrations of the kind seen outside the Clinic. The PSPO will interfere with the Article 11 rights of both Pro-Life and Pro-Choice represented groups in the locality of the Clinic. The Council therefore needs to balance the rights of pregnant women to access health services free from fear of intimidation, harassment or distress against the Article 11 rights of Pro-Life and Pro-Choice groups. This is a delicate balancing exercise in which any interference with the right must be in accordance with the law and necessary to protect the rights of others. Both of these considerations are addressed more fully later in this section.

Article 14 Right to Freedom from Discrimination

2.2.16 Article 14 of the ECHR provides ‘The enjoyment of the rights and freedoms set forth in this European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.’ It is therefore not a free-standing Article but rather one which relates to the engagement of other Articles, and to discriminate in the manner in which people are entitled to enjoy those rights.

2.2.17 Article 14 needs to be considered by the Council, given the proposed PSPO targets the activities of groups which identify with a specific religion and belief (namely Christianity).”

THE ROLE OF RELIGION

65. In van den Dungen v The Netherlands (1995) no 22838/93, in an admissibility ruling, the European Commission of Human Rights considered a case in which the applicant had regularly attended outside an abortion clinic handing out leaflets and displaying enlarged photographs of foetal remains together with images of Christ. He maintained that he had the right to hand out leaflets and that he would leave people alone if they did not accept them. The domestic court granted an injunction prohibiting him from coming within 250 metres of the clinic for a period of six months on the ground that the users would be in a very vulnerable state of mind and that the Clinic had shown that, in consequence, it had had to offer extra assistance to patients.
66. The applicant complained that his rights under Articles 9 and 10 had been infringed. The Commission found that the applicant’s activities were primarily aimed at persuading women not to have an abortion and did not constitute the expression of a belief within the meaning of Article 9.
67. Accordingly, the advice given to the defendant on Article 9 was arguably generous to the stance taken by the claimants in this case. Furthermore, I am not persuaded that the application of Article 14 is of salient significance. The PSPO applies to those of all faiths and none and the reference to prayer is no more than an example of the sort of generically overt behaviour which the order seeks to prohibit rather than a free standing discriminatory provision.
68. I will, however, assume, for the sake of argument, that the advice given in the report in so far as it related to the Christian beliefs of some of the activists was accurate. It does not, however, follow that the resolution of these issues either way would have led me to a different conclusion on the central issues of the case. It would not.

LEGITIMATE AIMS AND COMPETING RIGHTS

69. The rights under Articles 8, 9, 10 and 11 which are engaged in this case are qualified rights which may be subject to restrictions for legitimate aims.

70. In the case of Article 8, 9 and 11, one such legitimate aim is “for the protection of the rights and freedoms of others.”
71. In the case of Article 10, the similarly worded legitimate aim is “the protection of the reputation or rights of others”.
72. With respect to the relationship between competing rights, the position is set out in the Guide as follows:
- “32. In cases which require the right to respect for private life to be balanced against the right to freedom of expression, the Court considers that the outcome of the application should not, in theory, vary according to whether it has been lodged with the Court under Article 8 of the Convention by the person who was the subject of the news report, or under Article 10 by the publisher. Indeed, as a matter of principle these rights deserve equal respect (Couderc and Hachette Filipacchi Associés v. France [GC], § 91).”
73. In van den Dungen the Commission found that the injunction amounted to an interference with the Article 10 rights of the protester but that it had the legitimate aim of protecting the rights of others, namely, the visitors and employees of the Clinic.
74. In this case, I am satisfied that the protection of the rights to privacy of the users of the Centre was a legitimate aim.

RATIONAL CONNECTION

75. The next stage of a structured review requires the court to consider whether the measure employed (i.e. the PSPO) is capable of achieving the legitimate aim which interferes with the rights under Articles 9, 10 and 11, namely, whether there is a “rational connection” between the measures and the aim.
76. The creation of the safe zone meant, as was intended, that users of the Centre would be able to make their entrances and exits without inevitably being exposed to the close scrutiny of those whose interests lie in supporting or opposing their decisions to terminate their pregnancies. There is, therefore, a rational connection between the measure employed and the legitimate aim of protecting the Article 8 rights of users of the Centre.

SECTION 59(5) AND LESS RESTRICTIVE ALTERNATIVES

77. Section 59(5) provides that the only prohibitions or requirements that may be imposed under a PSPO are ones that are reasonable to impose in order either to prevent the detrimental effect from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence. Further, the related question arises as to what the minimum interference necessary to the claimants’ rights would be under a proportionality review.

78. The claimants contend that better, or at least, no worse results could have been achieved by other means. Each of the alternatives relied upon by the claimants were presented for consideration in the Murphy report. The report dealt with the options in the following extract:

“2.2.26 Members are also asked to note the Options Assessment, which formed part of the report to Cabinet and which is reproduced at Appendix 6 for ease. Officers have had regard to a broad range of powers to deal with the activities that are having a detrimental effect on the quality of life of those in the locality. Careful consideration has been given to whether there are alternative means of achieving a reduction or elimination of the detrimental effect on the quality of life of those in the locality. Each option has its own advantages and disadvantages, which will not be repeated here.

2.2.27 The proposed PSPO includes the provision of a designated area for use by the represented groups, which is intended to protect and facilitate the rights of those groups. The creation of the area is addressed more fully in Section 5.

2.2.28 The main issue for the Council is whether the making of the proposed order is a proportionate means of achieving a reduction/elimination of the detrimental effect on the quality of life of those in the locality. Enforcement options which attach to an individual are not thought to be appropriate here as the people present outside the Clinic differ from day to day. The best fit is thought to be a solution which attaches to the space as opposed to an individual. If Members are of the view that other measures are more suited, or ought to be tried first, they should not approve the making of the proposed order. However, Officer advice to Members is that the interference with ECHR rights is in accordance with the law and necessary to protect the rights and freedoms of others.”

79. One option open to the defendant would have been to have done nothing. A risk of taking this course was identified to be that of a successful challenge by way of judicial review. In so far as this reflected a genuine concern that a failure to act would be difficult to sustain in the face of the materials upon which the defendant was required to make its decision then the ground was an appropriate one. There is also a reference to the reputational damage which it was feared would be inflicted on the defendant should it fail to act. I share the doubts expressed by the claimants as to the relevance of this latter factor. However, the obvious disadvantage of doing nothing is that the situation giving rise to the conclusion that the quality of life of those in the locality was being detrimentally affected would remain unremedied.
80. Further complaint is made that the defendant could have deployed its powers under section 222(1) of the Local Government Act 1972 which provides that “where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area they may prosecute or defend or appear in any legal

proceedings and, in the case of civil proceedings, may institute them in their own name.”

81. This course, however, carries with it the substantial disadvantage that any such proceedings would have to be based upon the commission of specific and substantive legal wrongs and would have to be directed against named individuals or legal entities. The fact that the activities to which the PSPO is directed do not, of themselves, necessarily amount to unlawful conduct is part of the attraction of the PSPO option which, so long as it deployed in full compliance with the statutory criteria and with all requisite restraint, provides a flexible tool with which to enhance the quality of life of those in any locality within the jurisdiction of any given local authority.
82. Similar observations apply to the option of obtaining ad hoc injunctions under the Protection from Harassment Act 1997. Of particular relevance is the risk identified in the Murphy report that the “evidence may not meet the harassment threshold as defined in the Act.” Actually, harassment, as such, is not defined in the Act but the case law establishes a relatively high threshold and one which would be particularly difficult to surmount where potential victims are visiting the Centre infrequently and against whom a course of conduct would be difficult to prove. Again, proceedings would have to be directed against named individuals or legal entities.
83. Another option for the defendant identified in the Murphy report, and relied upon by the claimants, would have been that of working with the police. Yet again, however, the effectiveness of such a course would be dependent upon the protesters acting in such a way as to justify police intervention. Of course, the police could intervene in the event of the commission of criminal offences or in response to an actual or threatened breach of the peace. However, in this context, they are singularly ill-equipped to take into account the long term quality of life of those in the locality.
84. Finally, the complainant suggests that the deployment of Community Protection Notices under section 43 of the 2014 Act would have been a preferable option to a PSPO. I disagree. Such an order must be made against an “individual or body” and suffers from the disadvantage that a separate order would have to be sought every time a new participant turned up outside the Centre to engage in the detrimental activities thereby giving rise to the risk of the wholly disproportionate expenditure of time and money.

THE TERMS OF THE PSPO

85. The claimants criticise the breadth of the PSPO. In particular, it is said that the PSPO does not distinguish between groups and that the GCN should be allowed to continue to congregate outside the Centre even if other groups such as Sister Supporter should be excluded. The complaint is made that it is the members of Sister Support who are the cause of the problem and GCN should not suffer as a result.
86. However, the reality is that such a solution would be completely unworkable. It would be impossible to identify with adequate precision which persons belonged to one group or another or who were acting on their own initiative. Even less attractive would be the notion that only those on one side of the debate should be permitted to ventilate their views outside the Centre. Such a course would represent the very

antithesis of democracy. In any event, a very significant proportion of the conduct found by the defendant to have given rise to a detrimental effect was attributable to the conduct of the pro-life groups and was not limited to the pro-choice lobby. The reality is that there would have arisen overwhelmingly powerful objections to any attempt to allow some but not others to continue their activities immediately outside the Centre.

87. A number of objections are taken by the claimants to the actual wording of the terms of the PSPO. These include, but are not limited to, the risks that: someone standing silently outside the Centre might be subject to criminal penalty; someone who inadvertently takes a photograph in the vicinity of the Centre which includes a Centre user or member of staff could be committing a criminal offence; someone could be committing an offence by listening to a voicemail message on their mobile phone's loudspeaker within the safe zone.
88. I regret to say that I find these, and all other such objections, to be unattractively contrived. In any event, an act in breach of a PSPO, is by the operation of section 67 of the 2014 Act, a crime only when carried out without reasonable excuse. I struggle to believe that any of the unfortunate individuals in the imaginative scenarios conjured up by the claimants would not, in the unlikely event of being prosecuted, be able to raise and sustain the defence of reasonable excuse.
89. In van den Dungen the Commission noted that the injunction against the pro-life protestor was, as was the PSPO in this case, granted for a limited duration and in respect of a defined limited area. The injunction was not aimed at depriving the applicant of his rights under Article 10 but merely at restricting them in order to protect the rights of others. Similar considerations apply here. The PSPO is of limited duration and must be reviewed after three years by the operation of section 60 of the 2014 Act. Furthermore, the creation of the "designated area" further mitigates the impact of the PSPO on the Convention rights of the activists to assemble and express their views.

NECESSARY IN A DEMOCRATIC SOCIETY

90. In the case of Annen v Germany (2015) no. 3690/10 the pro-life applicant was in the habit of distributing leaflets outside the practice of two doctors who ran a day clinic providing abortion services. The leaflets condemned the activities of the two doctors in the strongest possible terms comparing lawful abortion to the atrocities of the holocaust. They also referred to a website where the two doctors were further identified in the same context.
91. The named doctors successfully applied for an injunction against the applicant to prohibit his activities complaining that the leaflets gave the false impression that they were performing illegal abortions.
92. There was no dispute that the injunction: amounted to an interference with the applicant's Article 10 rights, was prescribed by domestic law and was in pursuit of a legitimate aim, namely, the reputation and personality rights of the doctors. The central issue was, therefore, whether the interference was necessary in a democratic society. The relevant principles were helpfully summarised thus:

“52. The fundamental principles concerning the question of whether an interference with freedom of expression is “necessary in a democratic society” are well established in the Court’s case-law and have recently been summarised as follows (see Delfi AS v. Estonia [GC], no. 64569/09, § 131, 16 June 2015 with further references):

(i) Freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for each individual’s self-fulfilment. Subject to paragraph 2 of Article 10, it is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Such are the demands of pluralism, tolerance and broadmindedness without which there is no ‘democratic society’. As set forth in Article 10, this freedom is subject to exceptions, which ... must, however, be construed strictly, and the need for any restrictions must be established convincingly ...

(ii) The adjective ‘necessary’, within the meaning of Article 10 § 2, implies the existence of a ‘pressing social need’. The Contracting States have a certain margin of appreciation in assessing whether such a need exists, but it goes hand in hand with European supervision, embracing both the legislation and the decisions applying it, even those given by an independent court. The Court is therefore empowered to give the final ruling on whether a ‘restriction’ is reconcilable with freedom of expression as protected by Article 10.

(iii) The Court’s task, in exercising its supervisory jurisdiction, is not to take the place of the competent national authorities but rather to review under Article 10 the decisions they delivered pursuant to their power of appreciation. This does not mean that the supervision is limited to ascertaining whether the respondent State exercised its discretion reasonably, carefully and in good faith; what the Court has to do is to look at the interference complained of in the light of the case as a whole and determine whether it was ‘proportionate to the legitimate aim pursued’ and whether the reasons adduced by the national authorities to justify it are ‘relevant and sufficient’... In doing so, the Court has to satisfy itself that the national authorities applied standards which were in conformity with the principles embodied in Article 10 and, moreover, that they relied on an acceptable assessment of the relevant facts ...

53. Another principle that has consistently emphasised in the Court’s case-law is that there is little scope under Article 10 of the Convention for restrictions on political expressions or on debate on questions of public interest (see, among other authorities, Wingrove v. the United Kingdom, 25 November

1996, § 58, Reports of Judgments and Decisions 1996-V; Ceylan v. Turkey [GC], no. 23556/94, § 34, ECHR 1999-IV; and Animal Defenders International v. the United Kingdom [GC], no. 48876/08, § 102, ECHR 2013 (extracts)).

54. The Court further reiterates that the right to protection of reputation is protected by Article 8 of the Convention as part of the right to respect for private life (see Chauvy and Others v. France, no. 64915/01, § 70, ECHR 2004-VI; Pfeifer v. Austria, no. 12556/03, § 35, 15 November 2007; and Polanco Torres and Movilla Polanco v. Spain, no. 34147/06, § 40, 21 September 2010). In order for Article 8 to come into play, however, an attack on a person's reputation must attain a certain level of seriousness and be made in a manner causing prejudice to personal enjoyment of the right to respect for private life (see A. v. Norway, no. 28070/06, § 64, 9 April 2009; Axel Springer AG v. Germany [GC], no. 39954/08, § 83, 7 February 2012 and Delfi AS, cited above, § 137).

55. When examining whether there is a need for an interference with freedom of expression in a democratic society in the interests of the "protection of the reputation or rights of others", the Court may be required to ascertain whether the domestic authorities have struck a fair balance when protecting two values guaranteed by the Convention which may come into conflict with each other in certain cases, namely on the one hand freedom of expression protected by Article 10, and on the other the right to respect for private life enshrined in Article 8 (see Hachette Filipacchi Associés v. France, no. 71111/01, § 43, 14 June 2007; MGN Limited v. the United Kingdom, no. 39401/04, § 142, 18 January 2011; Axel Springer AG, cited above, § 84 and Delfi AS, cited above, § 138).

56. In cases such as the present one the Court considers that the outcome of the application should not, in principle, vary according to whether it has been lodged with the Court under Article 10 of the Convention by the person who has made the statement in dispute or under Article 8 of the Convention by the person who was the subject of that statement. Indeed, as a matter of principle these rights deserve equal respect. Accordingly, the margin of appreciation should in principle be the same in both cases (compare Axel Springer AG, cited above, § 88 with further references).

57. Where the balancing exercise between those two rights has been undertaken by the national authorities in conformity with the criteria laid down in the Court's case-law, the Court would require strong reasons to substitute its view for that of the domestic courts (see MGN Limited v. the United Kingdom, no. 39401/04, §§ 150 and 155, 18 January 2011; Axel Springer

AG, cited above, § 88; Mouvement raëlien suisse v. Switzerland [GC], no. 16354/06, § 66, ECHR 2012 (extracts).”

93. The Commission went on to consider the application of the test thus set out to the circumstances of the case before it and concluded that the order prohibiting the applicant from further disseminating leaflets in the vicinity of the clinic was in breach of Article 10:

“62. While the Court furthermore accepts the domestic courts’ position, according to which the applicant’s campaign had been directly aimed at the two doctors, it also notes that the applicant’s choice of presenting his arguments in a personalised manner, by disseminating leaflets indicating the doctors’ names and professional address in the immediate vicinity of the day clinic, enhanced the effectiveness of his campaign. The Court also points out that the applicant’s campaign contributed to a highly controversial debate of public interest. There can be no doubt as to the acute sensitivity of the moral and ethical issues raised by the question of abortion or as to the importance of the public interest at stake (see A, B and C v. Ireland [GC], no. 25579/05, § 233, ECHR 2010)...

64. Having regard to the foregoing considerations and, in particular, the fact that the applicant’s statement, which was at least not in contradiction with the legal situation with regard to abortion in Germany, contributed to a highly controversial debate of public interest, the Court, in view of the special degree of protection afforded to expressions of opinion which were made in the course of a debate on matters of public interest (see Tierbefreier e.V. v. Germany, no. 45192/09, § 51, 16 January 2014 with further references) and despite the margin of appreciation enjoyed by the Contracting States, comes to the conclusion that the domestic courts failed to strike a fair balance between the applicant’s right to freedom of expression and the doctors’ personality rights.

65. There has therefore been a breach of Article 10 of the Convention in respect of the order to desist from further disseminating the leaflets.”

94. In contrast, the Commission in van den Dungen concluded on the facts of that case that the injunction against the pro-life protestor was necessary to satisfy a pressing social need and that, in the circumstances of the case as a whole, the interference was proportionate to the legitimate aims pursued.
95. A crucial distinction between van den Dungen and Annen lies in the nature of the rights under Article 8 which fell to be protected. Annen was concerned with the reputation of the two doctors who were being criticised in the applicant’s leaflets and online. In van den Dungen the rights which fell to be protected were primarily those of the users of the clinic. I would add, however, that the Murphy report correctly noted that the Article 10 rights include the freedom “to receive and impart

information” although it went on thereafter to focus solely on the rights of the pro-life and pro-choice activists to impart information rather than the rights of the users of the Centre to receive it. Nevertheless, I do not regard this to be a sufficiently serious omission as to have a bearing on the outcome of this challenge.

96. The Murphy report expressly dealt with the threshold requirement that a PSPO would have to be judged to be necessary in a democratic society before it could be made:

“Is the interference ‘necessary in a democratic society’?”

2.2.19 Members are invited to have regard to the content of the relevant rights as summarised above. They are reminded that all of the rights highlighted, but Articles 10 and 11 in particular, are important rights in a free and democratic society. This has been highlighted by a number of the responses to the consultation.

2.2.20 If the Council wishes to interfere with these rights the interference must be ‘necessary’ in order to achieve a stated aim, here the aim that the Council is seeking to achieve is the protection of the rights and freedoms of others. Those rights and freedoms include the freedom to access health care services without impediment. Members have to consider whether this objective is sufficiently important to justify limiting fundamental rights.

2.2.21 ‘Necessary’ means that the interference must be connected to achieving the stated objective and must not interfere to any greater extent than is required in order to achieve it. In other words the PSPO must strike a fair balance between the competing rights of the represented groups and those affected by their activities.

2.2.22 The ECHR rights have been firmly in mind during the formulation of proposed order. In addition, these considerations have been kept under review throughout the process of consultation and drafting.

2.2.23 The principle issue identified by the evidence is the presence of the represented groups at the entry point to the Clinic and their desire to engage with the service users and staff. The evidence base suggests that the location of the groups, independently of what they do whilst they are there, is a problem in and of itself because the service users are sometimes impeded from entering the clinic, feel as though they are being watched or ‘judged’, are approached and spoken to about the procedure they are considering having or have already undergone, are given leaflets and ‘boy’ and ‘girl’ colour-coded rosary beads, are called ‘Mum’, partners, and relatives supporting service users are also approached and spoken to.

2.2.24 Members are reminded of the evidence base (summarised at Section 4 of this report and Appendix 3), which suggests that there is a detrimental effect on the quality of life of other persons who are living in or otherwise visiting the locality. Members are advised that the suggested prohibitions are directed at reducing the identified detrimental effect.

2.2.25 Balanced against this, Members should be aware that the represented groups say that their presence (of itself) should not be problematic, nor should the handing out of leaflets or attempting to speak to the service users/staff. They deny filming, shouting at or following Clinic service users or their partners, relatives and friends; they deny calling Clinic users ‘murderers’ or telling clinic users that they will be ‘haunted’.”

97. In the circumstances of this case, I do not doubt that there has been a significant interference with the rights of activists under Article 9, 10 and 11. I do not underestimate the seriousness of taking steps which are bound to conflict with that special degree of protection afforded to expressions of opinion which are made in the course of a debate on matters of public interest. Nevertheless I am satisfied that the defendant was entitled to conclude on the entirety of the evidence and information available to it that the making of this PSPO was a necessary step in a democratic society. There was substantial evidence that a very considerable number of users of the clinic reasonably felt that their privacy was being very seriously invaded at a time and place when they were most vulnerable and sensitive to uninvited attention. It also follows that, in this regard, I am also satisfied that the defendant was entitled to conclude that the effect of the activities of the protestors was likely to make such activities unreasonable and justified the restrictions imposed in satisfaction of the requirements of section 59(3) (b) and (c) of the 2014 Act.

CONCLUSION

98. Having, in the circumstances of this case, undertaken a structured proportionality review, I have concluded that the defendant’s decision to make a PSPO ought not to be quashed in whole or in part on this challenge.
99. Finally, and at the risk of stating the obvious, I would make the following observations:
- (i) This is not a case about the rights and wrongs of abortion;
 - (ii) The genuineness of the motives of the activists on both sides of the debate cannot be doubted;
 - (iii) My conclusions in this case do not give the green light to local authorities to impose PSPOs as a matter of course upon areas in the immediate vicinity of abortion clinics. Each case must be decided on its own facts.



Neutral Citation Number: [2019] EWCA Civ 1490

Case No: C1/2018/1699

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Turner J
[2018] EWHC 1667 (Admin)

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 21/08/2019

Before:

THE MASTER OF THE ROLLS
LADY JUSTICE KING
and
LADY JUSTICE NICOLA DAVIES

Between:

Florica Alina DULGHERIU (1)	<u>Claimants/</u>
Andrea ORTHOVA (2)	<u>Appellants</u>
- and -	
THE LONDON BOROUGH OF EALING	<u>Defendant/</u>
-and-	<u>Respondent</u>
THE NATIONAL COUNCIL FOR CIVIL LIBERTIES	
(t/a LIBERTY)	<u>Intervener</u>

Philip Havers QC, Alasdair Henderson and Ben Fullbrook (instructed by **Tuckers Solicitors**) for the **Appellants**
Ranjit Bhowse QC, Kuljit Bhogal and Tara O'Leary (instructed by **the London Borough of Ealing**) for the **Defendant**
Victoria Wakefield QC and Malcolm Birdling (instructed by **Liberty**) made written submissions for the **Intervener**

Hearing dates: 16 & 17 July 2019

Approved Judgment

Sir Terence Etherton MR, Lady Justice King and Lady Justice Nicola Davies:

Introduction

1. This is an appeal against the order dated 2 July 2018 of Mr Justice Turner, by which he dismissed the appellants' challenge to the validity of the Public Spaces Protection Order made by the London Borough of Ealing ("Ealing") on 10 April 2018 ("the PSPO") prohibiting anti-abortion protests in the immediate vicinity of Marie Stopes UK West London Centre ("the Centre"). The Centre provides family planning services, including abortion services.
2. Two issues lie at the heart of this appeal: (1) whether a local authority has power to make a PSPO where the activity to be regulated impacts only or primarily on the quality of life of occasional visitors to the locality rather than on those who reside or work in the locality or visit it regularly; and (2) whether the restrictions imposed by the PSPO were compatible with articles 9, 10 and 11 of the European Convention on Human Rights ("ECHR").

Legal framework

Anti-Social Behaviour, Crime and Policing Act 2014

3. Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act ("the 2014 Act") empowers local authorities to make PSPOs if the conditions in section 59 are met. That section provides as follows:

"59 Power to make orders

(1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

(2) The first condition is that—

(a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or

(b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

(3) The second condition is that the effect, or likely effect, of the activities—

(a) is, or is likely to be, of a persistent or continuing nature,

(b) is, or is likely to be, such as to make the activities unreasonable, and

(c) justifies the restrictions imposed by the notice.

(4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) (“the restricted area”) and—

- (a) prohibits specified things being done in the restricted area,
- (b) requires specified things to be done by persons carrying on specified activities in that area, or (c) does both of those things.

(5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—

- (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
- (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

(6) A prohibition or requirement may be framed—

- (a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;
- (b) so as to apply at all times, or only at specified times, or at all times except those specified;
- (c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.

(7) A public spaces protection order must—

- (a) identify the activities referred to in subsection (2);
- (b) explain the effect of section 63 (where it applies) and section 67;
- (c) specify the period for which the order has effect.

(8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.”

Orders may last for up to three years, and may be renewed or varied by the local authority (sections 60-61).

4. Section 67 makes it an offence for an individual to fail, without reasonable excuse, to comply with the requirements of a PSPO or to violate any prohibition contained in the order. A person who commits the offence created by section 67 is liable on summary conviction to a fine not exceeding £1000 (level 3 on the standard scale). The individual may discharge his or her liability by paying a fixed penalty of up to £100 (section 68).

5. Section 72 imposes various duties on the local authority in deciding whether to make, extend, vary or discharge a PSPO. The local authority must have “particular regard” to the rights of freedom of assembly and expression (articles 10 and 11 ECHR respectively). It must also consult with the chief officer of police local to the restricted area, any appropriate community representatives, and the owner or occupier of the land in the restricted area. Section 72(4) imposes further duties (not relevant in this case) to publicise the order and to notify other local authorities of the order before making the order.
6. Section 66 sets out the exclusive procedure by which the validity of PSPOs may be challenged. In summary, PSPOs may only be challenged (1) within 6 weeks of the order being made, (2) by an individual who lives in or regularly works in or visits the restricted area, (3) on the grounds that the local authority did not have the power to make the order (or some part of it), or for lack of compliance with a requirement set out in Chapter 2 of the 2014 Act (ss.66(1)-(3)). The High Court may quash the order or any of its particular prohibitions if satisfied that the local authority did not have the power to make the order, or if the applicant’s interests have been substantially prejudiced by a failure to comply with the requirements of Chapter 2 (s. 66(4)-(5)).

European Convention on Human Rights

7. Articles 8, 9, 10 and 11 are set out in Annex A to this judgment.

Factual background

8. The appellants are affiliated to a Christian group called the Good Counsel Network (“GCN”). Prior to the PSPO members of GCN, and other pro-life campaigners, have for a number of years congregated immediately outside the Centre in an effort to dissuade users of the Centre from having abortions. Members of GCN were there every week and usually on a daily basis. Their activities included attempts to engage in dialogue with users entering the Centre in an attempt to dissuade them from having an abortion, handing out leaflets and displaying posters depicting foetuses at various stages of gestation. They have also held group vigils and entered into either vocal or silent prayer.
9. In 2015 pro-choice activists, affiliated to a group called Sister Supporter, began more frequently to protest against the aims and methods of the anti-abortion protestors outside the Centre. This generated an atmosphere of tension.
10. In 2017 Sister Supporter organised a petition calling on Ealing to ban protestors from the vicinity of the Centre. Ealing encouraged the opposing groups to reach a compromise, but those efforts failed. Ealing then considered whether to make a PSPO. It prepared a draft PSPO and undertook the statutory consultation on its terms. The draft PSPO in effect contained a prohibition on all abortion related protest within a substantial safe zone surrounding the Centre (“the Safe Zone”) save as to limited protest within a designated area 100 metres away from the entrance to the Centre (“the Designated Area”). The terms of the restrictions were materially identical to the PSPO eventually made by Ealing, which we summarise below.
11. The consultation attracted 2,181 online responses in addition to a number of written representations. As summarised in the consultation report, 83.2% of all respondents to

the consultation agreed overall with the scope of the Safe Zone, with 67.3% agreeing strongly. 85.4% agreed with the restrictions in the Safe Zone. 60.2% agreed with the scope of the proposed Designated Area. 75.1% agreed with the restrictions in the Designated Area.

12. On 3 April 2018 a 40 page report based on the consultation was presented to Ealing's cabinet recommending that a PSPO be made ("the Murphy report"). It was accompanied by a series of exhibits, running to thousands of pages, including an equalities analysis assessment. The report set out over 19 sections the issues before members.
13. Section 4 was entitled 'Evidence Base', and summarised the protestors' activities and their impact, at Section 4, paragraphs 4.1 - 4.5.3
14. Turner J summarised the evidence before Ealing in the following terms:

"Evidence of detrimental effect

44. The evidence and information available to the defendant included the following:

- (i) Outcomes of a "resident engagement exercise" from 2017;
- (ii) Evidence collected in the course of an investigation by officers comprising: thirteen formal witness statements; photographs of the activists outside the Centre and excerpts from the Centre's log of incidents;
- (iii) Evidence packs from GCN;
- (iv) Evidence packs and submissions from Marie Stopes, BPAS and Sister Supporter;
- (v) Minutes of officers' meetings with pro-life and pro-choice supporters;
- (vi) A consultation report and the full text of all consultation responses;
- (vii) An equalities analysis assessment.

45. The defendant carried out a consultation in accordance with its duty under section 72 of the 2014 Act. The police were neutral. The NHS and BPAS were strongly supportive of the imposition of a PSPO. Members of the represented groups made submissions in accordance with their respective allegiances.

46. The results of the consultation are set out in detail in the Murphy report. Direct representations were received in the form of emails and letters. Of the 78 letters, 65 were supportive of the PSPO and 13 were against. Of the 46 emails, 12 supported the PSPO and 34 objected. In addition, a further 1,430 responses

were received through the pro-life campaign group "Be Here for Me". Caution must, however, be exercised with respect to this and, indeed, other aspects of the consultation to varying degrees. Inevitably, the views expressed in many cases were likely to have been determined entirely, or almost entirely, with reference to the moral position of those responding on the issue of abortion rather than the broader aspects of the impact of the activities of the protestors. By way of example only, the "Be Here for Me" responses were drawn from all corners of England, Scotland and Wales some of which were hundreds of miles from the Centre.

47. There was an online survey which generated 2,181 responses. Nearly two thirds of these came from people who identified themselves to be users of services, shops or facilities in the proposed safe zone. 16.4% lived in the vicinity and 7.4% were users of the services of the Centre.

48. The vast majority of those who responded confirmed that they had seen activists outside the Centre displaying material relating to abortion and approaching people using the clinic. Of course, none of this is surprising because the claimants have never sought to deny that this is what they were doing. However, 470 respondents gave narrative examples of what they had witnessed. These included:

- (i) The display of lifelike foetus dolls;
- (ii) Threats that users of the Centre would go to Hell;
- (iii) Referring to users of the Centre as "Mum".
- (iv) The handing out of rosary beads to users and passers-by;
- (v) Pursuing users of the Centre with leaflets;
- (vi) Not leaving users with enough room to pass into the Centre;
- (vii) The playing of loud music and chanting from pro-choice activists;
- (viii) The taking of photographs of persons using the clinic;
- (ix) Young children passing by exposed to images of foetuses.

49. On the issue of the detrimental impact on their quality of life, the results of the online survey were striking. Between 85% and 90% of respondents supported the imposition of the proposed prohibitions in the safe zone. A clear majority said that their quality of life had been detrimentally affected either "extremely" or "very much".

50. Some examples of reports collected by the Centre were appended to its submissions, a flavour of which may be gained from the following:

(i) **Local resident** – It is extremely stressful living opposite these protests. It is a regular occurrence seeing protestors standing in the way of clinic users grabbing their arms and shouting at them... Do I comfort the crying women on the street, or do they prefer privacy? Local residents should be able to live a peaceful life and should not have the weight of such things on their shoulders on a daily basis.

(ii) **Clinic/Unit Staff** – Client very distressed because of protestors. Protestor holding pretend baby and trying to give client leaflets.

(iii) **Passer-by** - The pictures displayed by those opposing abortion are truly awful. I walk past my local clinic with my children and they have images of dead fetuses on show. They create an awful environment for local residents.”

15. Ealing resolved to make the PSPO, which is dated 10 April 2018 and came into effect on 23 April 2018. It prohibited the following activities within the Safe Zone:

“(i) Protesting, namely engaging in any act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means. This includes but is not limited to graphic, verbal or written means, prayer or counselling,

(ii) Interfering, or attempting to interfere, whether verbally or physically, with a service user or member of staff,

(iii) Intimidating or harassing, or attempting to intimidate or harass, a service user or member of staff,

(iv) Recording or photographing a service user or member of staff of the Clinic whilst they are in the Safe Zone,

(v) Displaying any text or images relating directly or indirectly to the termination of pregnancy, or

(vi) Playing or using amplified music, voice or audio recordings.”

16. Subject to certain restrictions on the number of participants (no more than four); size of placards (no larger than A3) and activity (no shouting or amplified sound or music), protests continued to be allowed in the Designated Area inside the Safe Zone. The PSPO has no effect outside of the Safe Zone.

The proceedings

17. The appellants commenced these proceedings under section 66 of the 2014 Act by issuing a CPR Part 8 claim form in the Queen's Bench Division of the High Court on 27 April 2018, claiming an order that the PSPO be quashed on the grounds that:
 - 1) there was insufficient evidence for Ealing to be reasonably satisfied that the activities in the vicinity of the Centre had a detrimental impact on those in the locality;
 - 2) the terms of the PSPO were far more extensive than was reasonable to impose to prevent the detriment alleged; and
 - 3) the prohibitions in the PSPO constituted an unjustified interference with Articles 9, 10, 11 and 14 ECHR.
18. The hearing of the action took place before Turner J on 7 June 2018.

Turner J's judgment

19. The Judge first considered whether the section 59 requirement of detriment to those in the locality was met. He then considered whether the unreasonableness of the activities justified the terms of the PSPO, which turned on the question of whether the PSPO constituted a disproportionate interference with the protestors' ECHR rights.
20. As to the meaning of "those in the locality", it was argued before the Judge that that phrase was limited to those who reside or work in or regularly visit the locality, and could therefore not include occasional visitors to the Centre. The Judge rejected this argument (at [38]-[43]). He said that the literal meaning of "those in the locality" was not confined to regular visitors; such an approach would deprive Ealing of the power to impose PSPOs in relation to detriments suffered by a mainly transient population (e.g., tourist attractions); and there was no reason to construe "those in the locality" as narrowly as the "interested person" in section 66, which restricts standing to challenge a PSPO to those who live in or regularly work in or visit the restricted area: the use of different terms in each sections militated in favour of those phrases meaning different things.
21. Turner J then reviewed (at [44]-[55]) the evidential basis for Ealing's view that those in the locality were suffering a detriment to their quality of life as a result of the protestors' activities, and concluded that Ealing had reasonable grounds to be satisfied that the conditions in section 59(2) were satisfied.
22. On the question of whether the restriction on the activities was justified by their unreasonableness, the Judge held (at ([56]-[63]) that the answer to that question was inextricably linked with the question of whether there was a disproportionate interference with the protestors' ECHR rights. He held that the article 8 rights of users of the Centre were engaged on the basis that both being pregnant and seeking or having an abortion are aspects of life that the users of the Centre would reasonably wish to keep private. Users of the Centre of reproductive age were very likely to be seeking or to have had an abortion. To be the focus of public attention at that time was an invasion

of privacy even if it occurred in a public place. He also held that the rights of the staff or other visitors of the Centre were not engaged on the facts.

23. The Judge held (at [65]-[76]) that the restrictions on the protesters' rights under articles 9 (freedom of thought and religion), 10 (freedom of expression), 11 (freedom of assembly) and 14 (non-discrimination in the protection of the ECHR rights) were prescribed by law, namely by section 59; that the protection of the service users' privacy was a legitimate aim; and that there was a rational connection between the PSPO and that aim. He also rejected a number of less restrictive alternatives to the making of a PSPO.
24. As to whether the interference with the protestors' rights was necessary in a democratic society, the Judge held (at [90]-[97]) that it was, given the significance of the interference with the article 8 rights of the service users visiting the Centre.
25. For those reasons, the Judge concluded that the activities were unreasonable and the PSPO was justified for the purposes of section 59(3)(b) and (c).

Grounds of appeal

26. The appellants' Grounds of Appeal are as follows:
 - 1) the Judge erred in holding that the phrase "those in the locality" in s.59(2)(a) of the 2014 Act applies to occasional visitors such as women who visit an abortion clinic for abortion procedures;
 - 2) the Judge erred in failing to adopt a merits-based approach to the justification for the PSPO;
 - 3) the Judge erred in holding that the article 8 ECHR rights of those using the Centre were engaged;
 - 4) the Judge erred in giving too little weight to the appellants' article 9 ECHR rights;
 - 5) the Judge failed to give any or any sufficient consideration to whether the terms of the PSPO could have been formulated in a less restrictive way;
 - 6) when considering whether the PSPO constituted an interference that was necessary in a democratic society, the Judge gave insufficient weight to the appellants' article 10 and 11 ECHR rights.

Respondent's Notice

27. Ealing has issued a respondent's notice seeking to uphold the Judge's order on three additional bases:
 - 1) even if the Judge did err in failing to adopt a merits-based approach to reviewing the justification for PSPOs, on the evidence he would have reached the same conclusion;

- 2) even if the article 8 rights of the service users were not engaged, he would still have held that the interference with the appellants' ECHR rights was justified by virtue of the objectives set out in articles 9(2), 10(2) and 11(2);
- 3) the Judge was wrong to hold that the article 8 rights of the staff and persons accompanying service users were not engaged.

The Intervener

28. By order dated 23 May 2019 Liberty was given permission to intervene in the appeal by way of written submissions only. It subsequently filed and served written submissions.

Discussion

Ground 1 – meaning of “those in the locality”

29. The appellants' submission is that visitors to the Centre do not fall within the words “those in the locality” in section 59(2)(a) because those words do not encompass occasional visitors. The appellants' case is that the words extend only to members of the local community and that the purpose of the statutory power for a local authority to make a PSPO is to protect the community from anti-social behaviour of a continuing and persistent nature.
30. Mr Philip Havers QC, for the appellants, advanced several arguments in support of those submissions. He pointed out that the White Paper “Putting Victims First - More Effective Responses to Anti-Social Behaviour” published in May 2012, which anticipated the 2014 Act, said (at Annex C para 44) that “The Community Protection Order (public spaces) is intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's way of life” by imposing conditions on the use of that area which apply to everyone, and (at Annex C para 46) that the test for issuing the order would be that “the local authority reasonably believes that the behaviour is detrimental to the local community's quality of life, and that the impact merits restrictions being put in place in a particular area”.
31. Mr Havers also referred to the Explanatory Notes to the 2014 Act, which used similar language to the White Paper in describing PSPOs, stating (at [173]) that “The public spaces protection order (referred to as the community protection order (public places) in the White Paper) is intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area.”
32. The Explanatory Notes gave as examples prohibiting the consumption of alcohol in public parks, ensuring dogs are kept on a leash in children's play areas and prohibiting spitting in certain areas. The Explanatory Notes stated (at para. 177) that the two-part test for issuing the order would be that the authority is satisfied on reasonable grounds that activities carried on, or likely to be carried on, in a public place are detrimental to the local community's quality of life, and that the impact justifies restrictions being put in place in a particular area. It stated that the behaviour must also be ongoing and unreasonable.

33. Mr Havers pointed out that Chapter 2 of the 2014 Act, which deals with PSPOs, is in Part 4 of the 2014 Act, which has the title “Community Protection”.
34. Mr Havers observed that both section 43(1)(a) of the 2014 Act, which addresses the power to issue a community protection notice, and section 59(2)(a), which addresses the power of the local authority to make a PSPO, describe the relevant conduct as having a detrimental effect on “quality of life”, which was the same expression used in the White Paper and the Explanatory Notes, as mentioned above. He submitted that indicated a continuing intention that the legislation was intended to protect those with a settled life in the community. He linked that submission to the condition in section 53(3)(a) that the effect, or likely effect, of the activities “is, or is likely to be, of a persistent or continuing nature”. He said that such a condition would not practically apply to those who visit the locality only once or twice.
35. Mr Havers also relied on the various references to “the community” in the latest statutory guidance on PSPOs issued by the Home Office (updated in December 2017). The guidance says, for example, that PSPOs are intended to deal with a particular nuisance or problem in a specific area “that is detrimental to the local community’s way of life”; it advises that discussing potential restrictions and requirements prior to issuing a PSPO with those living or working nearby may help to ensure that the final Order “better meets the needs of the local community”; it says, in relation to homeless people and rough sleepers, that PSPOs “should only be used to address any specific behaviour that is causing a detrimental effect on the community’s way of life” and should define precisely the specific activity or behaviour “that is having the detrimental impact on the community”; it says that Parish and Town Councils wishing to deal with dog control issues should discuss with their principal authority whether a PSPO would provide the means “to address the issues being experienced by the local community”, and that a PSPO should target specifically the problem behaviour that is having “a detrimental effect on the community’s way of life” rather than everyday sociability, such as standing in groups.
36. Section 67 of the 2014 Act provides that it is an offence for a person, without reasonable excuse, to break the terms of a PSPO. Mr Havers submitted that, in accordance with the usual rules of statutory interpretation where a criminal offence is created, the provisions of section 59 should be interpreted restrictively rather than expansively.
37. He submitted that another reason for a restrictive interpretation of section 59 is the requirement in section 72(1) that any local authority, when deciding whether to make a PSPO and, if so, what it should include or whether to make the other decisions in relation to a PSPO mentioned in section 72(1), must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 ECHR.
38. Mr Havers said that the appellants accept and endorse the view of May J in *Summers v London Borough of Richmond Upon Thames* [2018] EWHC 782 (Admin), [2018] 1 WLR 4729, at [24], that the expression “those in the locality” in section 59 of the 2014 Act “must be read to include those who regularly visit or work in the locality, in addition to residents”.
39. All those arguments were skilfully and elegantly put by Mr Havers but we nevertheless reject this Ground of Appeal.

40. Mr Havers devoted considerable time to the references to “the community” in the White Paper, the Explanatory Notes and the Statutory Guidance but none of those are a substitute for the words of statute themselves. There is no mention of “the community” in section 59. The White Paper was, at the end of the day, no more than a statement of future intent, affected by all that followed between the publication of the White Paper and the final enactment of the 2014 Act. The 2014 Act even changed the name from “Community Protection Order (Public Spaces)” to “Public Spaces Protection Order”. The Explanatory Notes state, at their very beginning, that they have been prepared by the Home Office and do not form part of the 2014 Act and have not been endorsed by Parliament. They state that they are not, and are not meant to be, a comprehensive description of the 2014 Act.
41. It is clear from the terms of the 2014 Act itself that Parliament deliberately decided not to limit, by way of a statutory definition or statutory guidance, the expression “those in the locality”. The looseness of that expression is to be contrasted with the express limitation of an “interested person” who may apply under section 66 of the 2014 Act to the High Court to challenge the validity of PSPO or its variation. “Interested person” is defined in section 66(1) as “an individual who lives in the restricted area or who regularly works in or visits that area”. Similarly, the obligation on a local authority under section 72 of the 2014 Act to consult before making, extending the duration of, varying or discharging a PSPO, is limited to certain persons representing the police and the community and (under section 72(4)(c)) to “the owner or occupier of land within the restricted area”. Parliament plainly decided not to limit section 59(2)(a) in either of those ways.
42. Accordingly, while we agree with May J in *Summers* that the expression “those in the locality” in section 59 includes those who regularly visit or work in the locality, in addition to residents, it will depend on the precise local circumstances whether or not it extends to others.
43. We do not consider that the Home Office’s statutory guidance throws doubt on that conclusion. While it is true that there are several references to “the community” in the guidance, read as a whole the guidance is compatible with Ealing’s case that it was entitled to regard visitors to the clinic as falling within the expression “those in the locality” in section 59(2)(a) even though such visitors would only visit once or twice. The “Introduction” to the guidance states that the first part of the guidance focuses specifically on putting victims at the heart of the response to anti-social behaviour. The guidance describes the purpose of a PSPO as being “to stop individuals or groups committing anti-social behaviour in a public place”. It correctly summarises the statutory test for behaviour which can be restricted by a PSPO as behaviour which has, or is likely to have, a detrimental effect on the quality of life of those in the locality, is persistent or continuing in nature, and is unreasonable. It states that a local authority can make a PSPO in any public space within its own area, and that the definition of public space is wide and includes any place to which the public or any section of the public has access, on paying or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre. The guidance envisages, therefore, that visitors to a shopping centre might fall within the expression “those in the locality” in section 59(2)(a). Mr Havers agreed that such visitors might fall within the expression but he limited them to regular visitors. Such a rigid and hard edged limitation, which the appellants would also apparently apply to patients in hospitals and hospices and

medical services generally and those visiting such patients, would not only be unworkable in practice in distinguishing regular from irregular visitors but would potentially produce considerable uncertainty as to the legality of a PSPO and is highly unlikely to have been the intention of Parliament.

44. The reference to the protection of victims or potential victims in the statutory guidance is a convenient reference point for the submissions on behalf of both the appellants and Ealing in the present case that, although distinct, the requirement in section 59(2)(a) that the activities must have had a “detrimental effect on the quality of life” of those in the locality and the requirement in section 59(3)(a) that the effect, or the likely effect of the activities “is, or is likely to be, of a persistent or continuing nature”, may throw light on whether on the facts any particular group or categories of people fall within the expression “those in the locality”. The appellants’ argument is that it is very unlikely that the effect of an activity on a person who visits only once or twice will have a persistent or continuing detrimental effect on their quality of life. The evidence in the present case, however, is that it is both possible and has indeed been the case, as the Judge observed at [43], that some of those who have visited the Centre have been left with significant emotional and psychological damage lasting substantial periods of time by the conduct of GCN and others protesting outside the Centre immediately before and immediately after the visit to the Centre. There is also evidence that those activities have led some women to cancel their appointment at the Centre, delaying advice and treatment, with consequential potential physical harm to them.
45. We have set out above the Judge’s summary of the evidence before Ealing. He subsequently said as follows:
- “54. ... there was a considerable tranche of evidence and information before the defendant of activities which many would reasonably consider to be fully capable of having a detrimental effect on the quality of life [of those] who were exposed to them whatever the choice of adjective used to describe them.
55. Taking the evidence as a whole, I find that the defendant had reasonable grounds to be satisfied that the conditions in sub-section 59(2) and 59(3) (a) of the 2014 Act were met. ...”
46. It is clear from the judgment as a whole that the Judge was there referring particularly to the women, their family and supporters, who visit the Centre for abortion procedures, to whom he referred at [39] of his judgment at the beginning of the section addressing the meaning of “those in the locality”. He was satisfied, therefore, that it was reasonable for Ealing to conclude on the evidence that the activities of GCN and other protest groups outside the Centre had a detrimental effect on the quality of life of those visiting the Centre which was, or was likely to be, of a persistent or continuing nature. There is no appeal against that finding.
47. We agree with May J in *Summers* at [25] that the 2014 Act gives local authorities a wide discretion to decide what behaviours are troublesome and require to be addressed within their local area. Equally, in deciding who is “in the locality” for the purpose of protection from such activities by way of a PSPO a local authority will (applying the words of May J to that issue) use its local knowledge, taking into account local conditions on the ground.

48. We do not consider there is any scope for narrowing the proper interpretation of the expression “those in the locality” in section 59(2)(a) on the ground that it is a criminal offence to breach a PSPO or because section 72(1) requires a local authority, in deciding whether to make, extend or vary a PSPO, to have particular regard to rights of freedom of expression and freedom of assembly in articles 10 and 11 ECHR. Any general presumption in relation to statutory provisions which criminalise conduct or activity (which was not explored in any detail before us) must be subject to the particular statutory provisions and framework in question. As regards section 72(1), its provisions are neutral on the issue of the proper interpretation of section 59(2)(a) as they presuppose that it is indeed lawful, where the statutory conditions for a PSPO are satisfied, for the PSPO to interfere with rights under articles 10 and 11 ECHR.
49. We conclude that Ealing was correct to interpret the expression “those in the locality” in section 52(2)(a) as capable of embracing occasional visitors, and were entitled to decide on the facts that the women, their family members and supporters visiting the Centre, in addition to staff and local residents, fell within that section.

Ground 3 – engagement of article 8

50. It is convenient to consider next the issue whether the Judge was correct to conclude (in [63]) that the article 8 ECHR rights of those using the Centre were engaged.
51. Mr Havers submitted that none of the three cases cited by the Judge in this part of his judgment - *Peck v United Kingdom* (2003) no. 44647/98, *Couderc v France* [2016] EMLR 19 and *Murray v Express Newspapers* [2008] EWCA Civ 446, [2009] Ch 481 - are factually comparable to the present case or supports the Judge’s conclusion on the engagement of article 8. In brief, Mr Havers said that, in contrast to the situation in *Peck*, which concerned the disclosure to the media of closed circuit television footage, including images of the applicant attempting to commit suicide, the Judge made no finding in the present case of any photographs being taken of any service user, and there was certainly no evidence that photographic images have been recorded or published or that there was any attempt to identify anyone in them. The issue in *Couderc* was whether a magazine had infringed the article 8 rights of Prince Albert II of Monaco in publishing an article about whether Prince Albert was the father of a child, with an accompanying photograph showing Prince Albert, the child and the child’s mother, and whether the decisions of the French courts circumscribing that publication was a breach of the publisher’s article 10 rights. Mr Havers submitted that the case had no relevance as it was accepted before the European Court of Human Rights (“ECrHR”) that article 8 was engaged; the case concerned the publication to a worldwide audience, and, moreover, the Grand Chamber emphasised the importance of the right to freedom of expression under article 10 and held there had been a violation of article 10. Mr Havers emphasised that, unlike the present case, *Murray* was also a case about whether an unauthorised photograph and its publication in a national newspaper infringed the article 8 rights of the claimant, in that case the infant child of a famous author.
52. Mr Havers advanced the following reasons as to why the article 8 rights of the visitors to the Centre were not engaged. First, the activities which are the subject of the PSPO were in a public place, taking advantage of a public highway. Secondly, no record was made or kept by the protesters of what the service users were doing. Thirdly there was no publication of what the service users were doing. Fourthly, the cases relied upon by the Judge all concerned publication of what the claimant was doing. Fifthly, the visitors

to the Centre could not have more than a limited expectation of privacy as they were visiting the Centre in a public place and by means of a public highway. Sixthly, there could be no expectation on the part of the service users that no one would seek to engage with those who entered the Centre as abortion is a controversial topic of general public importance. On the contrary, the expectation was that there would be some engagement by protesters with those seeking to use the services of the Centre. Had the users of the Centre wished to avoid such engagement, they could have gone to another clinic or hospital which was less publicly exposed.

53. We have no hesitation in rejecting Ground 3 of the appeal. The decision of a woman whether or not to have an abortion is an intensely personal and sensitive matter. There is no doubt that it falls within the notion of private life within the meaning of article 8. As the ECtHR said in *A v Ireland* [2011] (2011) 53 EHRR 13:

“212. The Court notes that the notion of “private life” within the meaning of Article 8 of the Convention is a broad concept which encompasses, inter alia, the right to personal autonomy and personal development (see *Pretty*, cited above, § 61). It concerns subjects such as gender identification, sexual orientation and sexual life (see, for example, *Dudgeon v. the United Kingdom*, 22 October 1981, § 41, Series A no. 45, and *Laskey, Jaggard and Brown v. the United Kingdom*, 19 February 1997, § 36, Reports 1997-I), a person’s physical and psychological integrity (see the judgment in *Tysi c*, cited above, § 107) as well as decisions both to have and not to have a child or to become genetic parents (see *Evans*, cited above, § 71).”

...

“214. While Article 8 cannot, accordingly, be interpreted as conferring a right to abortion, the Court finds that the prohibition in Ireland of abortion where sought for reasons of health and/or well-being about which the first and second applicants complained, and the third applicant’s alleged inability to establish her eligibility for a lawful abortion in Ireland, come within the scope of their right to respect for their private lives and accordingly Article 8.”

54. As Lady Hale said in *Re Northern Ireland’s Human Rights Commission’s application for judicial review* [2018] UKSC 27, [2019] 1 All ER 173 at [6]:

“For many women, becoming pregnant is an expression of their autonomy, the fulfilment of a deep-felt desire. But for those women who become pregnant, or who are obliged to carry a pregnancy to term, against their will there can be few greater invasions of their autonomy and bodily integrity.”

55. In *P v Poland* [2012] ECHR 1853, which concerned difficulties the applicants had encountered in trying to obtain authorisation for an abortion under the laws permitting an abortion in Poland, the ECtHR said (at paragraph 99) that the State is under a positive obligation to create a procedural framework enabling a pregnant woman to

effectively exercise her right of access to lawful abortion. The court concluded that the authorities had failed to comply with their positive obligation to secure to the applicants effective respect for their private life and so there had been a breach of article 8 ECHR. The court said the following:

“111. The Court is of the view that effective access to reliable information on the conditions for the availability of lawful abortion, and the relevant procedures to be followed, is directly relevant for the exercise of personal autonomy. It reiterates that the notion of private life within the meaning of Article 8 applies both to decisions to become and not to become a parent (*Evans v. the United Kingdom* [GC], no. 6339/05, § 71, ECHR 2007 I; *R.R. v. Poland*, cited above, § 180). The nature of the issues involved in a woman’s decision to terminate a pregnancy or not is such that the time factor is of critical importance.”

56. In a subsequent passage (at paragraph 128) the Court said, in relation to the need for protection of medical data in order to maintain, in addition to a patient’s privacy, the person’s confidence in the medical profession and in the health service in general, that without such protection those in need of medical assistance may be deterred from seeking appropriate treatment, thereby endangering their own health.
57. The present case, therefore, must be seen in the context of the exercise by those visiting the Centre of their right under article 8 to access advice on abortion and medical procedures for abortion available under the laws of this country. That is a reflection of the centrality under article 8 of the protection of every individual’s right to personal autonomy. There is no right to protection, however, unless there is a reasonable expectation of privacy or, which the authorities treat as synonymous, a legitimate expectation of protection: see, for example, *Re JR38* [2015] UKSC 42, [2016] AC 1131, at [84]-[88].
58. In assessing whether article 8 is engaged by the activities of protesters outside the Centre, it is necessary to bear in mind, as Mr Ranjit Bhose QC, for Ealing, pointed out, that service users visiting the Centre are women in the early stages of pregnancy. Some are children. Some are victims of rape. Some are carrying foetuses with abnormalities, even fatal abnormalities. Some may not have told friends or family. Their very attendance at the Centre is a statement about highly personal and intimate matters. They may be in physical pain and suffering acute psychological and emotional issues both when attending and leaving the Centre. There is no alternative way of arriving at and leaving the Centre except across a public space, which they would naturally wish to cross as inconspicuously as possible.
59. Mr Bhose put forward the following 12 respects in which the activities of protesters, including but not limited to GCN, intruded on service users visiting the Centre: (1) seeking out and identifying women of reproductive age approaching the Centre, identifying them as pregnant women attending an abortion clinic; (2) standing directly outside the entrance to the Centre so that service users had no alternative to engaging with them, there being no alternative means of access or exit; (3) engaging with the service users directly by word or conduct, whether or not the service users wanted any engagement; (4) engaging with service users about the choice they had made and seeking to persuade them to change their ways, including in some cases telling the

service users that what they were doing was morally wrong; (5) giving service users literature, coloured pink or blue, which advised that it was not too late to save the life of the baby and describing possible physical and psychological complications, and also handing out pink and blue rosary beads; (6) displaying photographs on the ground of fetuses at different periods of gestation; (7) praying, both audibly and not, for the souls of fetuses in the Centre, intending to provoke, and provoking, feelings of guilt on the part of service users; (8) conducting group vigils, drawing attention to service users when coming and going; (9) speaking to service users when leaving the Centre; (10) handing leaflets to women leaving the centre; (11) taking or pretending to take photographs of service users; (12) further drawing attention to women attending the Centre when there were counter protesters.

60. There is evidence to support all of those activities on the part of pro-life protesters. There is some repetition and overlap in the activities mentioned in Mr Bhose's list. We consider it is clear, nevertheless, that they engaged the article 8 rights of those visiting the Centre both from the perspective of the right to autonomy on the part of service users in wishing to carry through their decision to have an abortion and from the reasonable desire and legitimate expectation that their visits to the Centre would not receive any more publicity than was inevitably involved in accessing and leaving the Centre across a public space and highway.
61. That conclusion is further reinforced by the evidence that some of those who have visited the Centre have been left with significant emotional and psychological damage by the conduct of GCN and others protesting outside the Centre immediately before and immediately after visiting the Centre, and evidence that those activities have led some women to cancel their appointment at the clinic, delaying advice and treatment, with consequential potential physical harm to themselves. All of that is borne out by the Judge's unappealed findings of fact (at [54] and [55]), set out above, that the activities of GCN and other protest groups outside the Centre have had a detrimental effect on the quality of life of those visiting the Centre which was, or was likely to be, of a persistent or continuing nature.
62. In the circumstances, it is not necessary for us to address the claim in Ealing's respondent's notice that the Judge was wrong to hold that the article 8 rights of non-service using visitors to the Centre and/or staff and/or local residents were not engaged. Mr Bhose did not develop that claim as he accepted that, in all the circumstances, the article 8 rights of those other persons does not add materially to Ealing's case.

Ground 2 – failure to carry out a “merits-based” approach

63. Having found that the article 8 rights of women visiting the Centre were engaged, the Judge had to balance, on the one hand, those rights and, on the other hand, the rights of protesters, including the appellants and other members of GCN, to exercise their rights to manifest their religion under article 9 and their rights to freedom of expression and freedom of assembly under articles 10 and 11 ECHR respectively. The Judge had to consider whether the PSPO made by Ealing was both a necessary and proportionate restriction of the appellants' article 9, 10 and 11 rights in order to accommodate the article 8 rights of women visiting the Centre.
64. It is common ground that the correct approach of the court, when considering the justification of any limitation or interference under articles 9(2), 10(2) and 11(2), is not

to determine whether the decision maker has followed a defective decision-making process but rather the court must form its own view as to whether the applicant's ECHR rights have been infringed: *R (SB) v Governors of Denbigh High School* [2006] UKHL 15, [2007] 1 AC 100 at [29]; *Belfast City Council v Miss Behavin' Ltd* [2007] UKHL 19, [2007] 1 WLR 1420, at [31], [37].

65. The appellants contend that the Judge failed to form his own view of whether the PSPO was a justified restriction or limitation of the appellants' articles 9, 10 and 11 rights. They say that he wrongly relied upon what he regarded as the propriety of Ealing's own assessment of that issue. They rely on [96] of the Judge's judgment, in which he said that "[t]he Murphy report expressly dealt with the threshold requirement that a PSPO would have to be judged to be necessary in a democratic society before it could be made" and set out the relevant paragraphs of the Murphy report addressing that issue, and [97] of the judgment, which was as follows:

"In the circumstances of this case, I do not doubt that there has been a significant interference with the rights of activists under Article 9, 10 and 11. I do not underestimate the seriousness of taking steps which are bound to conflict with that special degree of protection afforded to expressions of opinion which are made in the course of a debate on matters of public interest. Nevertheless I am satisfied that the defendant was entitled to conclude on the entirety of the evidence and information available to it that the making of this PSPO was a necessary step in a democratic society. There was substantial evidence that a very considerable number of users of the clinic reasonably felt that their privacy was being very seriously invaded at a time and place when they were most vulnerable and sensitive to uninvited attention. It also follows that, in this regard, I am also satisfied that the defendant was entitled to conclude that the effect of the activities of the protestors was likely to make such activities unreasonable and justified the restrictions imposed in satisfaction of the requirements of section 59(3) (b) and (c) of the 2014 Act."

66. Mr Havers submitted that the Judge there expressed himself in the traditional way for a public law challenge on the standard *Wednesbury* approach.
67. In addition to the language used in that paragraph of the judgment, Mr Havers submitted that it is clear that the Judge approached the matter of justification incorrectly because, while the judge referred at [64] and [96] to the way in which articles 9, 10 and 11 and justification had been addressed in the Murphy report, there is nowhere to be found in the judgment any balancing exercise by the Judge himself. He did not examine the content and significance of the appellants' and other protesters' article 9, 10 and 11 rights and state why, in the light of the evidence, he concluded that the interference with those rights by the PSPO was justified.
68. The language of the Judge at [97] was not well chosen but, reading the judgment as a whole, we are satisfied that he did not fall into the error of failing to form his own judgment on justification as opposed to merely considering whether Ealing had reached its decision on the PSPO by a proper process.

69. The Judge was perfectly aware of the correct approach because he quoted at [25] the judgment of Beatson LJ in *R (A) v The Chief Constable of Kent Constabulary* [2013] EWCA Civ 1706 at [36] and [37]. In those paragraphs Beatson LJ stated that the court had to make its own assessment of the factors considered by the decision-maker, and he cited the *Denbigh High School* case, quoting the statement of Lord Bingham in that case at [30] that proportionality must be judged objectively by the court, and the *Miss Behavin'* case, quoting the statement of Baroness Hale at [31] that it is the court which must decide whether ECHR rights have been infringed.
70. Further, at [26] the Judge quoted the following description of the structured proportionality test as applied in English law in *De Smith's Judicial Review*, 8th edition at paragraph 11-081:
- “It requires the court to seek first whether the action pursues a legitimate aim (i.e. one of the designated reasons to depart from a Convention right, such as national security). It then asks whether the measure employed is capable of achieving that aim, namely, whether there is a “rational connection” between the measures and the aim. Thirdly it asks whether a less restrictive alternative could have been employed. Even if these three hurdles are achieved, however...there is a fourth step which the decision-maker has to climb, namely, to demonstrate that the measure must be “necessary” which requires the courts to insist that the measure genuinely addresses a “pressing social need”, and is not just desirable or reasonable, by the standards of a democratic society.”
71. The Judge then said (at [27]) that he was satisfied that such an approach was consistent with the decisions of the most recent authorities on the point.
72. As mentioned above, the Judge reviewed the evidence and information available at [44]-[56], stating at [54] that “there was a considerable tranche of evidence and information before the defendant of activities which many would reasonably consider to be fully capable of having a detrimental effect on the quality of life [of those] who were exposed to them whatever the choice of adjective used to describe them”. He then addressed at [56]-[63] the issue of engagement of the article 8 rights of visitors to the Centre, concluding (at [62] and [63]) that the article 8 rights of service users of the Centre were engaged on the facts of this case but the article 8 rights of other visitors, local residents and staff working at the Centre were not. It is clear from [68] and [69] that he formed the view that rights under articles 9, 10 and 11 were also engaged. It is clear from [72], where he quoted a passage from the Guide of the Council of Europe to article 8, that he was conducting the review on the footing that rights under article 8 and rights under article 10 in principle deserve equal respect. At [74] he said that he was satisfied that the protection of the rights to privacy of the users of the Centre was a legitimate aim. At [75] he said that the next stage of the structured review required the court to consider whether the PSPO was capable of achieving the legitimate aim which interfered with the rights under articles 9, 10 and 11, namely whether there was a rational connection between the measures in the PSPO and the aim. He found at [76] that there was a rational connection between the PSPO and the legitimate aim of protecting the article 8 rights of users of the Centre because the creation of the Safe Zone meant that service users of the Centre would be able to make their entrances and

exits without inevitably being exposed to the closer scrutiny of those whose interests lay in supporting or opposing the users' decisions to terminate their pregnancies. There can, therefore, be no doubt that up to this point in his analysis the Judge was approaching the review on the entirely correct basis of deciding matters for himself and not simply relying on the Murphy report.

73. We consider that it is wholly unrealistic to think that the Judge simply forgot the correct approach to justification at the very end of his judgment in [97] when expressing his conclusions on necessity. Indeed, [97] begins with the Judge expressing his own view that, in the circumstances of the case, the PSPO was a significant interference with the rights of activists under articles 9, 10 and 11. We consider that it is more realistic to read the Judge's language later in [97] as a legitimate acknowledgment that his own view that the PSPO was a justified interference with the appellant's and other protesters' article 9, 10 and 11 rights was supported by the views of Ealing, which had been reached after a full, careful and comprehensive consideration of the issues following extensive consultation.
74. We therefore reject the submission that the Judge failed to determine for himself whether the appellants' ECHR rights had been breached.

Ground 4 - the appellants' article 9 rights

75. The criticism of the appellants in this Ground of Appeal is that the Judge underplayed the significance of the article 9 rights of the appellants and other pro-life protesters to manifest their religion and religious beliefs by seeking to persuade women visiting the Centre not to have an abortion. The members of GCN are motivated by their Christian faith and belief in the rights of unborn children. It is not in dispute that they and other protesters have prayed both silently and vocally outside the Centre and kept vigils for religious reasons.
76. Mr Havers submitted that the case law cited by the Judge in this context, *Van Den Dungen v The Netherlands* [1995] ECHR 59, in which the European Commission on Human Rights held that the applicant's activities aimed at persuading women not to have an abortion did not constitute the expression of a belief within the meaning of article 9(1), was confined to its particular facts and had been, in any event, superseded by more recent authority. Mr Havers cited, in that context, *Eweida v United Kingdom* (2013) 57 EHRR 8 and *Barankevich v Russia* (2008) 47 EHRR 8.
77. The ECtHR held in *Eweida*, that the applicant's insistence on wearing a cross visibly at work, motivated by her desire to bear witness to her Christian faith, was a manifestation of her religious belief and attracted the protection of article 9. It held (at paragraph 82) that it is sufficient that the act in question is intimately linked to the religion or belief, and there is no requirement on the applicant to establish that he or she acted in fulfilment of a duty mandated by the religion in question. In *Barankevich* the ECtHR said (at paragraph 43) that, under article 9, "freedom to manifest one's religion includes the right to try to convince one's neighbour".
78. It is a well established principle of the jurisprudence of the ECtHR that, as enshrined in article 9, freedom of thought, conscience and religion is one of the foundations of the meaning of a "democratic society", within the meaning of the ECHR, and, as

regards religion, is one of the most vital elements that go to make up the identity of believers and their conception of life: *Eweida* at paragraph 79.

79. For its part, Ealing relies on the *Van Den Dungen* case and on the decision of the European Commission on Human Rights in *Van Schijndel v The Netherlands* (1997) no. 30936/36. *Van Schijndel* rejected as manifestly ill founded the applicants' complaint that their conviction for breach of the peace for praying in the corridor of an abortion clinic was contrary to their article 9 rights. The Commission, with reference to the *Van Den Dungen* case, said that article 9 does not always guarantee the right to behave in the public sphere in a way which is dictated by a belief.
80. Ealing accepts that the vigils and other acts of prayer of protesters outside the Centre fall within article 9 but contends that the other activities of the appellants and other members of GCN do not have a sufficient nexus with religious belief to fall within article 9.
81. We do not need to resolve that question in order to reach the conclusion, which we do, that Ground 4 of the appeal fails. The Judge plainly accepted, for the purposes of his justification review, that article 9 rights were engaged: see [68], [69], [70], [75]. He quoted in [64] paragraph 2.2.10 of the Murphy report, which stated that Ealing was aware some of the represented groups believed their activities were part of their right to manifest their religion or beliefs, that those were important rights and that Ealing should be reluctant to interfere with them, and that the proposed PSPO would interfere with them. The Judge stated in [97] that he did not doubt that there had been "significant interference with the rights of activists" under article 9. There is simply no indication that he underplayed the significance of those rights. It is plain, moreover, that the article 9 rights in play could not have carried more weight, in the balancing exercise, than the rights of protesters under articles 10 and 11, to which Ealing was required by section 72 of the 2014 Act to have particular regard when deciding whether to make the PSPO. Engagement of the article 9 rights of protesters could not have tipped the balance against the making of the PSPO if Ealing was otherwise justified in making it. We address below the specific issue of the prohibition of prayer by the PSPO.

Ground 5 - a PSPO with less restrictive terms – and

Ground 6 – relative importance of the appellants' article 10 and 11 rights

82. Justification under article 10(2) and article 11(2) requires, as part of the structured proportionality review, that the limitation of the ECHR rights must be the least restrictive possible. There is an overlapping question of whether the measure is necessary in a democratic society, which is essentially a question of whether a fair balance has been struck between the competing rights and interests: *Bank Mellat v HM Treasury (No. 2)* [2013] UKSC 39, [2014] AC 700, at [20]. That latter question arises in a particularly acute form in a case, such as the present, where there is a tension between different ECHR rights.
83. Provided that the Judge carried out correctly the proportionality and balancing exercise, the Court cannot interfere with his conclusion on those matters as his conclusion will not have been "wrong" within the meaning of CPR 52.21(3): *R (R) v Chief Constable of Greater Manchester Police* [2018] UKSC 47, [2018] WLR 4079.

84. Mr Havers submitted that, in relative terms, the significance of the appellants' article 10 and 11 rights was so great and the nature of the activities of the pro-life protesters so unintrusive that the Judge should have concluded that the PSPO should not have been made at all. This is an attack on the making of the order as such, whatever its particular terms. It therefore amounts to the claim that making the PSPO as such was a disproportionate interference with articles 10 and 11 or, even if not disproportionate, was not necessary in a democratic society.
85. In *Annen v Germany* [2015] ECHR 1043 the ECtHR emphasised the importance of article 10 in ECHR cases where the relevant conduct contributes to a highly controversial debate of public interest. In that case the court held that an injunction against the applicant prohibiting him from (1) disseminating in the immediate vicinity of a clinic leaflets containing the names of two medical practitioners operating there, and asserting that unlawful abortions were performed in the clinic, and (2) mentioning the doctors' names and address in the list of "abortion doctors" on a specified website, was a breach of article 10 even though the doctors' article 8 rights were engaged by reason of their right to the protection of their reputation, which was part of the right to respect for private life. Even in the Opinion of the two dissenting judges it was acknowledged that participation in a debate involving moral and ethical issues normally calls for a high degree of protection in terms of free-speech requirements. The majority judgment (at paragraph 62) said :
- "... the applicant's campaign contributed to a highly controversial debate of public interest. There can be no doubt as to the acute sensitivity of the moral and ethical issues raised by the question of abortion or as to the importance of the public interest at stake."
86. In *Couderc* the ECtHR said the following about the right of freedom of expression in article 10:
- "88. Freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for each individual's self-fulfilment. Subject to paragraph 2 of Article 10, it is applicable not only to information or ideas that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Such are the demands of pluralism, tolerance and broadmindedness without which there is no "democratic society". As enshrined in Article 10, freedom of expression is subject to exceptions, which must, however, be construed strictly, and the need for any restrictions must be established convincingly"
87. As regards article 11 ECHR, Mr Havers referred to *Lashmankin v Russia* (2019) 68 EHRR 1, in which the ECtHR said (at paragraph 405) that the right to freedom of assembly includes the right to choose the time, place and manner of conduct of the assembly, within the limits established in article 11(2). Having reiterated (at paragraph 412) the general principle that the right to freedom of assembly is one of the foundations of a democratic society, the ECtHR went on to say (at paragraph 145):

“Freedom of assembly as enshrined in Article 11 of the Convention protects a demonstration that may annoy or cause offence to persons opposed to the ideas or claims that it is seeking to promote ... Any measures interfering with freedom of assembly and expression other than in cases of incitement to violence or rejection of democratic principles - however shocking and unacceptable certain views or words used may appear to the authorities - do a disservice to democracy and often even in danger it ...”.

88. Mr Havers submitted that, in the light of those statements of principle, there could be no reasonable justification for prohibiting the activities of pro-life protesters identified in the Murphy report, which comprised no more than offering leaflets, offering to engage in conversations, and holding placards.
89. We reject that submission because this was not simply a case of a protest causing irritation, annoyance, offence, shock or disturbance, which can still fall within the protection of articles 10 and 11: *Plattform 'Ärzte für das Leben' v Austria* (1991) 13 EHRR 204 at [32], *Sánchez v Spain* (2012) 54 EHRR 24 at [53], *Animal Defenders v United Kingdom* (2013) 57 EHRR 21 at [100]. As we have said, the Judge’s finding of fact was that Ealing was reasonably entitled to conclude that the activities of GCN and the other protest groups outside the Centre had a detrimental effect on the quality of life of those visiting the Centre which was, or was likely to be, of a persistent or continuing nature. There is evidence of lasting psychological and emotional harm of service users, mentioned in [43] of the Judge’s judgment, and of those who wished to use the services of the Centre cancelling appointment, with potential adverse consequences to their health. The service users were entitled to protection in respect of those matters. A PSPO was necessary to strike a fair balance between, on the one hand, protecting those important interests of the service users and, on the other hand, the rights of the protesters. For Ealing to have made no order would not have struck a fair balance between those competing interests. For the same reasons, we reject the suggestion that any PSPO, whatever its terms, would have been a disproportionate interference with the protesters’ rights.
90. The effect of the PSPO is to prohibit in the Safe Zone all of the activities which the appellants and other protesters have carried on outside the Centre and, subject to some restrictions, to confine them to the Designated Area, some 100 metres away. The next questions, therefore, are whether the Judge was entitled to conclude that the restriction of the appellants’ article 10 and article 11 rights by the PSPO, in effect imposing a blanket ban in the Safe Zone other than in the Designated Area, was proportionate to the aim of protecting the appellants’ article 8 rights, and whether its terms, individually and taken together, strike a fair balance between the competing rights.
91. It is common ground that the rights under articles 8, 9, 10 and 11 are all of equal importance in the sense that none has precedence over the other and, where there is a tension between their values, what is necessary is an intense focus on the comparative importance of the rights being claimed in the individual case: *Annen* at paragraph 56, *Murray* at [24], *PJS* at [20]. We do not consider that, in a context such as this, the requirement in section 72(1) of the 2014 Act for a local authority to have particular regard to the rights under articles 10 and 11 adds anything of substance to the analysis.

92. Mr Bhoose submitted that the activities of the protesters did not contribute to a public debate. We reject that submission. The protestors' expressions of opinion in public, on a topic of public interest, was a contribution to public debate within the scope of article 10, notwithstanding the fact that individual service users of the Centre were the immediate target of those expressions of opinion.
93. The Judge reached his conclusion (at [97]) that the restriction on the appellants' rights under articles 9, 10 and 11 by the PSPO was necessary and proportionate on the basis of the entirety of the evidence and information available, including the substantial evidence that a very considerable number of service users of the Centre reasonably felt that their privacy was being very seriously invaded at a time and place when they were most vulnerable and sensitive to uninvited attention, namely just before and just after they had undergone a highly personal medical procedure. It is plain that the Judge was there taking into account the evidence as to the long-term impact on the mental well-being of some service users and that a reasonable conclusion from the evidence was that the activities of GCN and other protest groups outside the Centre had a detrimental effect on the quality of life of service users visiting the Centre which was, and was likely to be, of a persistent or continuing nature. It is clear also that the Judge took into account, as he was entitled to do, the wide statutory consultation on the proposed PSPO conducted by Ealing before making the PSPO, the recognition in the comprehensive Murphy report and in the Equality Impact Assessment of the competing rights, including ECHR rights, and interests of the protesters and the service users, and its assessment of the weight of those rights and interests on the evidence available, including evidence of Marie Stopes UK of internally reported incidents relating to the Centre.
94. As Ms Kuljit Bhogal, junior counsel for Ealing, emphasised, the Murphy report stated (at 2.4.4) that the proposed PSPO had been carefully drafted to address the specific activities which were said to be having a detrimental effect on the quality of life of those in the locality. Specific consideration was given (at 5.1.1-5.1.3) to the issue of prayer in the Safe Zone. Careful consideration was also given to the scope of the Safe Zone (at 5.2.5), and whether it could be made smaller but still achieve protection for the persons affected by the protesters' activities, and (at 5.3.4) as to the location of the Designated Area. Some relevant extracts from the Murphy report are set out in Annex B to this judgment. In the circumstances, the Judge was entitled to give due weight to the conclusion of Ealing: *Miss Behavin'* at [26], [37]. [47], [91].
95. In our view, the Judge was entitled to come to the conclusion that, on the particular facts of the present case, the article 8 rights of the service users visiting the Centre outweighed the rights of the appellants and other pro-life protesters under articles 9, 10 and 11, and the terms of the PSPO were proportionate.
96. That is not, however, the end of the matter because, as part of their attack on the way the Judge carried out the proportionality and balancing exercise, the appellants contend that the Judge failed entirely to address their argument that the terms of the individual provisions of the PSPO are too vague and uncertain in many respects and are too extensive in that they prohibit perfectly innocuous conduct which has nothing to do with activities offensive to those visiting the Centre. Mr Havers adopted the detailed written submissions of Liberty, the Intervener, on this aspect.

97. In short order, the complaints about the individual provisions of the PSPO are as follows:
- 1) Paragraph 4(i) covers the full range of opinionated activity, including the most unobtrusive, factual and mild-mannered expression of a viewpoint, and is so broad that it loses any rational connection with the aim of protecting the rights to privacy of the service users of the Centre, is not confined to less intrusive measures available and does not strike a fair balance between the competing rights;
 - 2) Paragraph 4(ii) is too vague and would potentially encompass a very broad scope of conduct, including an act of silently offering a staff member a leaflet in a manner which did not obstruct or intimidate them, is not confined to less intrusive measures and fails properly to strike the right balance between the competing rights of those affected;
 - 3) Paragraph 4(iii) is insufficiently precise, and does not make clear, as it could have done, what amounts to intimidation or harassment or attempted intimidation or harassment;
 - 4) Paragraph 4(v) is overbroad, and should have been tailored to text or images which are likely to cause a certain level of distress to service users, or which are abusive, insulting or threatening in nature;
 - 5) Paragraph 4(vi) is overly broad, lacks a rational connection to the aim of protecting the article 8 interests of service users and fails to achieve a correct balance between the competing rights.
98. Liberty also criticises the location of the Designated Area as being an infringement of the rights of the appellants and others under article 11 as it removes the right of protestors to choose the time, place and manner of the assembly and to ensure that it is, in the wording of *Lashmankin v Russia* (2019) 68 EHRR 1 (at paragraph 405), “within sight and sound of its target object and at a time when the message may have the strongest impact”.
99. We consider those objections to the individual terms of the PSPO to be overstated. The Judge described those that were made before him (at [88]) as contrived. The starting point on this part of the appellants’ case is that, as we have found, the Judge was entitled to find, having carried out the structured proportionality exercise, that the PSPO was a justified restriction on all those activities formerly carried out by the appellants and other protesters outside the Centre that would otherwise fall within the protection of articles 9, 10 and 11. That included prayer, whether silent or not. Those are the activities prohibited generally under paragraph 4(i) of the PSPO.
100. So far as concerns paragraphs 4(ii)-4(vi) of the PSPO, some of the wording criticised by the appellants and Liberty is standard wording used in other contexts. For example, prohibitions on intimidation and harassment, without further elaboration, are to be found in the standard Family Court non-molestation order. Harassment, as a component of the expression “anti-social behaviour” (in section 2(1) of the 2014 Act), is not further defined in the 2014 Act. Moreover, the short answer to all the points made by the appellants and Liberty on the wording in paragraphs 4(ii) to (vi) of the PSPO is that

those provisions are plainly to be read as sub-sets of, and examples of, the general prohibition of “protesting” in paragraph 4(i). Viewed in that way, they are not impermissibly vague or excessive.

101. There are two further points to be made on this aspect of the appeal. Firstly, it is not apparent that Liberty, in advancing its criticisms of the individual provisions of the PSPO, including the size of the Safe Zone and the location of the Designated Area, was aware of all the relevant evidence including, in particular, the detailed appraisal in the Murphy report. Secondly, there is no suggestion that the appellants are interested in the alleged vagueness or extensiveness of the terms of the PSPO because they are also residents or for some reason, other than protest, would want to be in the Safe Zone. They are regular visitors and so able to bring proceedings to challenge the PSPO pursuant to section 66 of the 2014 Act only because they wish to carry out the protest activities which the Judge held, and was entitled to hold, should not be carried out within with Safe Zone.

102. For those reasons we reject both Grounds 5 and 6 of the appeal.

Conclusion

103. For the reasons we have given we dismiss this appeal.

104. There is no need in the circumstances for us to address the issues in the respondent’s notice.

ANNEX A

European Convention on Human Rights

ARTICLE 8

Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 9

Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 10

Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for

the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 11

Freedom of assembly and association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

ANNEX B

Relevant extracts from the “Murphy report”

The ECHR

2.2.4 Council must take account of Articles 8, 9, 10, 11 and 14 of ECHR. ...

Article 8: Right to Private and Family Life

...

2.2.7 The proposed PSPO does not interfere with any person’s right to private and family life. However, it does seek to protect the private and family life of those persons accessing services at the Clinic. Service users and staff are entitled to a degree of privacy when seeking or providing medical treatment, and access to treatment without fear of or actual harassment or distress.

Article 9: Right to Freedom of Thought, Conscience and Religion

...

2.2.10 The Council is aware that some of the represented groups believe that their activities are part of their right to manifest their religion or beliefs. The Council should be advised that these are important rights and that it should be reluctant to interfere with those rights. Where the Council does interfere it must ensure that any interference is in accordance with the law (this is addressed later in this report), and is necessary (also addressed more fully later in this report) to ensure the protection of the rights of others. The proposed PSPO would interfere with these Article 9 rights. This is a delicate balancing exercise in which any interference with the right must be in accordance with the law and necessary to protect the rights of others. Both of these considerations are addressed more fully later in this section.

Article 10: Right to Freedom of Expression

...

2.2.13 It is important to consider that individuals from Pro-Life represented groups have stated they attend the Clinic to impart information to women accessing services and that the proposed PSPO will interfere with their Article 10 rights. It should also be noted that the PSPO will interfere with the Article 10 rights of Pro-Choice represented groups. In deciding whether to implement a PSPO, therefore, the Council will have to balance the rights of pregnant women to access health services free from

fear of intimidation, harassment or distress and with an appropriate level of dignity and privacy against the Article 10 rights of Pro-Life and Pro-Choice represented groups to impart information and ideas relating to the termination of pregnancy. This is a delicate balancing exercise in which any interference with the right must be in accordance with the law and necessary to protect the rights of others. Both of these considerations are addressed more fully later in this section.

Article 11: Right to Freedom of Assembly and Association

...

2.2.15 The right to freedom of assembly includes peaceful protests and demonstrations of the kind seen outside the Clinic. The PSPO will interfere with the Article 11 rights of both Pro-Life and Pro-Choice represented groups in the locality of the Clinic. The Council therefore needs to balance the rights of pregnant women to access health services free from fear of intimidation, harassment or distress against the Article 11 rights of Pro-Life and Pro-Choice groups. This is a delicate balancing exercise in which any interference with the right must be in accordance with the law and necessary to protect the rights of others. Both of these considerations are addressed more fully later in this section.

...

The specific proposals

5.1.1 Paragraph 4 of the proposed order clearly sets out the activities which are having the detrimental effect of the quality of life of those in the locality. Each of these activities has been formulated by reference to the available evidence base. The existence of a detrimental effect is reinforced by the results of the online survey.

5.1.2 It is acknowledged that some may find the reference to 'prayer' in paragraph 4(i) surprising. It should be clear from the order that the only 'prayer' which is prohibited is that which amounts to an act of approval/disapproval of issues relation to abortion services, it is not a general ban on prayer and it applies only within the 'safe zone' defined by the order. As detailed further in Section 6 below, the Church of England parishes of St John's and St Mary's and the Ealing Trinity Circuit of the Methodist Church have all engaged with the consultation and are supportive of the proposed order.

5.1.3 Careful consideration has been given to whether this paragraph could be formulated differently, but it is felt that this is the least restrictive measure which would address the activities

identified as distressing to service users and detrimental to the quality of life of those affected by the activities.

5.1.4 The reference to ‘interfering or attempting to interfere’ in paragraph 4(ii) is intended to deal with members of the represented groups who approach and attempt to speak to service users whilst in the safe zone.

5.1.5 References to intimidation and harassment are intended to respond to evidence – particularly provided by Clinic staff members – that members of represented groups have attempted to engage with service users and visitors even after they have said ‘no’ or otherwise indicated that they do not wish to interact with them, and have at times physically impeded service users from entering or accessing the Clinic. The order therefore makes clear that, for the avoidance of doubt, this behaviour will not be tolerated within the safe zone.

5.1.6 As for the reference to recording, both the Pro-Life and Pro-Choice groups appear to accept that they use their phones to take photographs or videos. ... The Council’s concern is that a service user is not going to know why a person is recording/photographing or what is being captured or the purpose for which it will be used. For this reason it is thought reasonable and proportionate to seek to prohibit all recording and photography of a service user or member of Clinic staff in the safe zone.

...

5.1.9 Paragraphs 11 – 14 set out the proposed restrictions on protests and vigils within the Designated Area. ...

5.1.10 The rationale of these restrictions is to ensure that the scale of activities continuing within the designated area is not such as would undermine or negate the impact of the PSPO within the rest of the ‘safe zone’. In particular the restrictions are designed to ensure that any service users, staff and visitors who wish to avoid interaction with members of representative groups may do so if they choose. It has also been taken into account that all groups have already agreed that shouting words and messages was not acceptable, and that evidence suggests that Pro-Life groups have been using posters and placards of an A3 size in any event. Finally, it can be seen that the restrictions do not limit prayer of any kind, which will thus be permitted within this area.

...

5.2.4 Officers have spent a considerable amount of time and care in defining the scope of the ‘safe zone’ in which the prohibitions take effect. Careful thought has also been given to the size and

scope of the designated area. Site visits have been undertaken of the area on numerous occasions and the area has been closely studied on maps.

5.2.5 The rationale for the scope of the safe zone has been the need to ensure safe access to the Clinic from the major routes of access, namely Ealing Broadway tube and train station and the main bus and pedestrian routes to the clinic from west and south Ealing. Officers have considered whether the scope of the area could be smaller but still achieve protection for the persons affected by the activities and have concluded that it could not. It is for this reason that officers conclude that the current proposed area – when considered in conjunction with the ‘designated area’ as discussed further below – strikes an appropriate balance between ensuing safe access for service users on the one hand versus enabling represented groups to continue their activities on the other. In doing so they have taken account of the consultation responses which specifically asked about the scope of the zone.

The scope of and restrictions within the designated area

5.3.1 Members should be aware that objections have been raised to both the scope and position of the designated area ...

5.3.3 Members are asked to note that 60.2% agreed overall with the scope [of] the designated area. A number of respondents disagreed with the provision of a designated area.

5.3.4 The designated area has been positioned within sight of those entering the clinic. This has been done deliberately so as to ensure that any service user who wishes to engage with the represented groups or the support they offer can do so if they choose. The position of the designated area would allow the groups to make their presence known, but in a way which reduces the impact of their activities of [sic] on those service users who do not wish to be approached by them or engage with them.

5.3.5 The restrictions which apply in the designated zone have been drafted so as to ensure that the interference with their rights is no more than is necessary. Of the survey respondents, 75.1% agreed with the proposed restrictions in the designated area.

5.3.6 It is considered necessary to have some form of restriction on those in the designated zone to control the numbers of people and the activities they engage in. In particular this is relevant with regard to limiting any attempts there may be to attract the attention of service users through graphic images words or sound when service user may wish to avoid interacting with members of the represented groups.

5.3.7 On balance it is felt that the provision of the designated area with its restrictions allows both the Pro-Life and Pro-Choice groups to exercise their Article 9, 10 and 11 rights in a way which protects the rights of others in the locality, particularly the Article 8 rights of clinic service users.

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IN THE SUPREME COURT OF THE UNITED KINGDOM

10 MARCH 2020

Before:

Lord Reed
Lord Carnwath
Lady Black

**Dulgheriu and another (Appellants) v
London Borough of Ealing (Respondent)**

AFTER CONSIDERATION of the application filed on behalf of the Appellants seeking permission to appeal the order made by the Court of Appeal on 21 August 2019 and of the notice of objection filed by the Respondent

THE COURT ORDERED that

- (1) permission to appeal be REFUSED because the application does not raise an arguable point of law
- (2) the Appellants pay the Respondent's costs of the application and, where the Respondent applies for costs, the costs to be awarded be assessed.

Louise di Mambro.

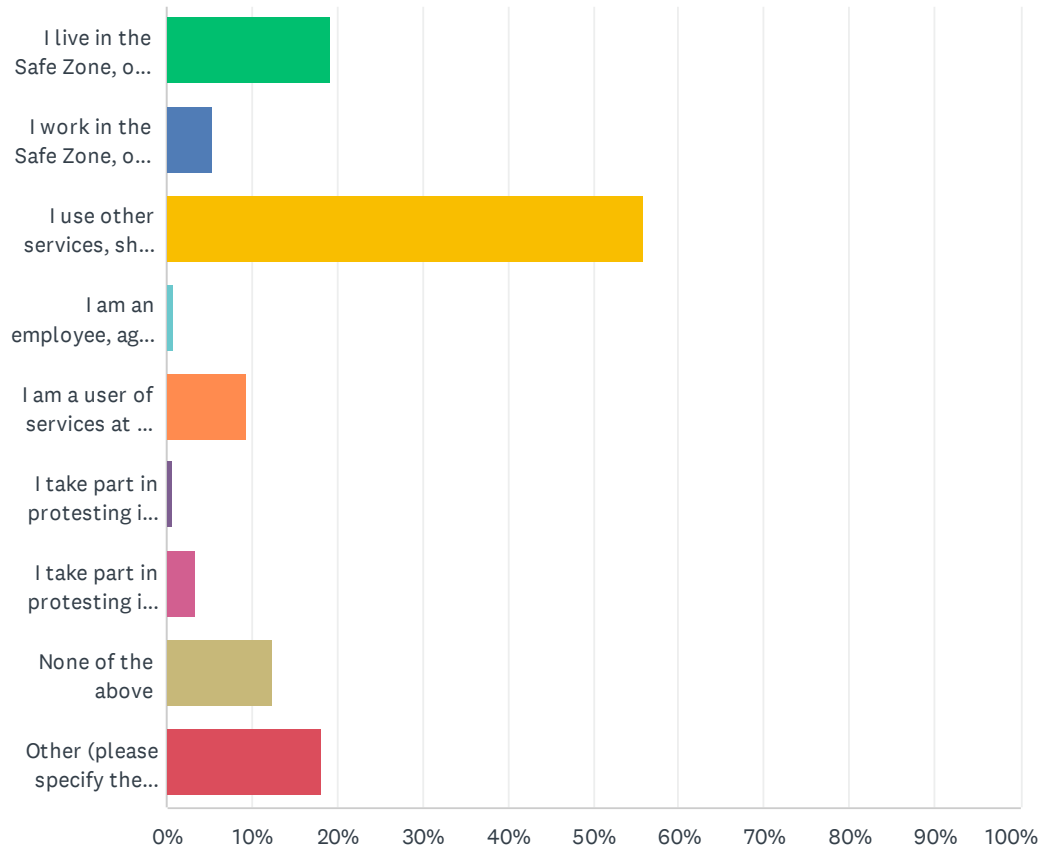
Registrar
10 March 2020



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Q1 With regards to the Safe Zone, please select the statement(s) that apply to you:

Answered: 2,165 Skipped: 0



ANSWER CHOICES	RESPONSES
I live in the Safe Zone, or in an area directly bordering it	19.17% 415
I work in the Safe Zone, or in an area directly bordering it	5.40% 117
I use other services, shops or facilities in the Safe Zone, or in an area directly bordering it	55.80% 1,208
I am an employee, agent or contractor of the Marie Stopes Clinic	0.83% 18
I am a user of services at the Marie Stopes Clinic (either as a patient or as someone accompanying a friend, family member or relative)	9.38% 203
I take part in protesting in the designated area, from a 'Pro-Life' position	0.65% 14
I take part in protesting in the designated area, from a 'Pro-Choice' position	3.46% 75
None of the above	12.47% 270
Other (please specify the reason for your interest in this consultation)	18.15% 393
Total Respondents: 2,165	

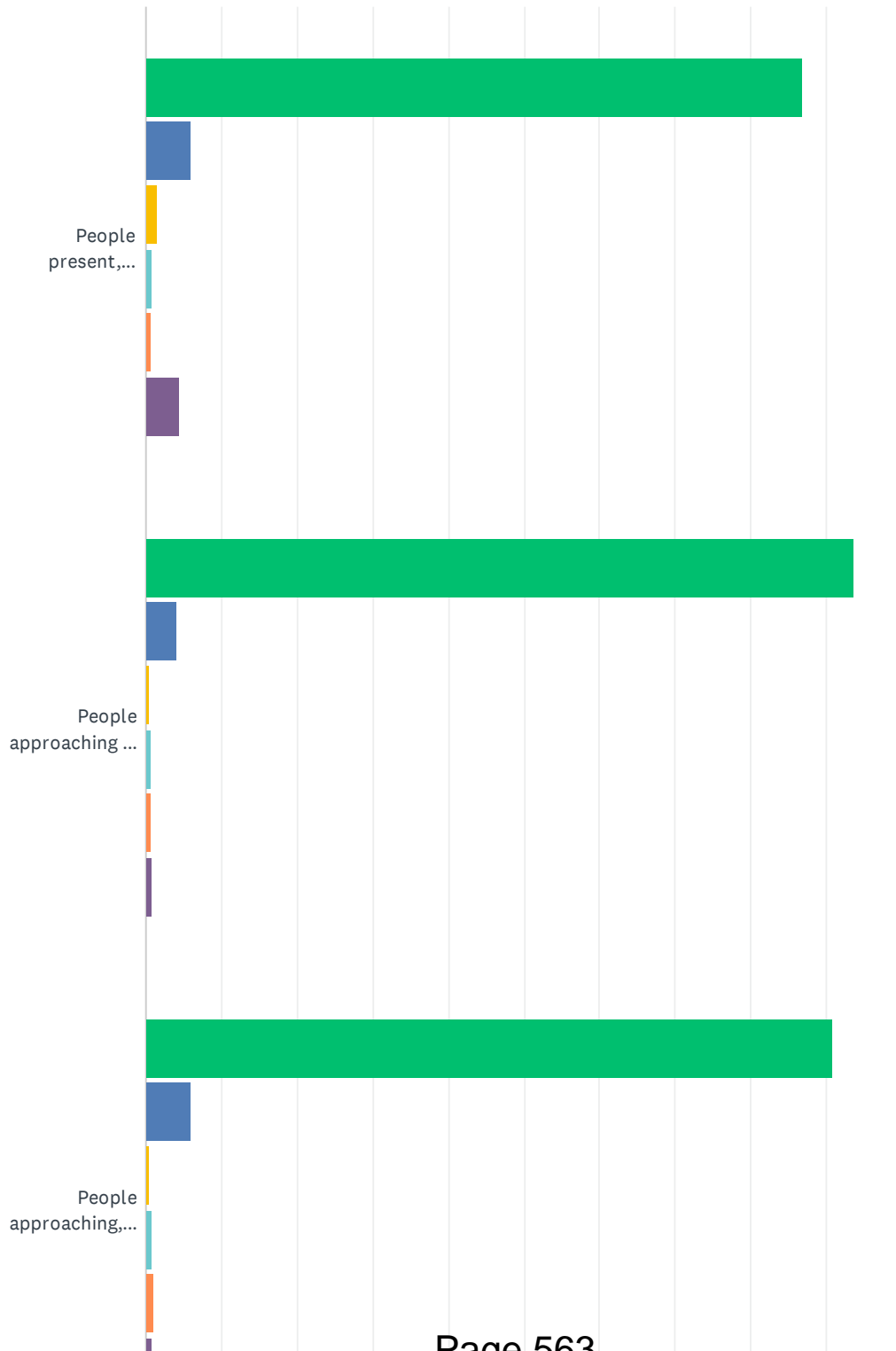
Q2 Please tell us your home post code. (We need this in order to establish how you are related to/ affected by the issues under this consultation)

Answered: 2,165 Skipped: 0

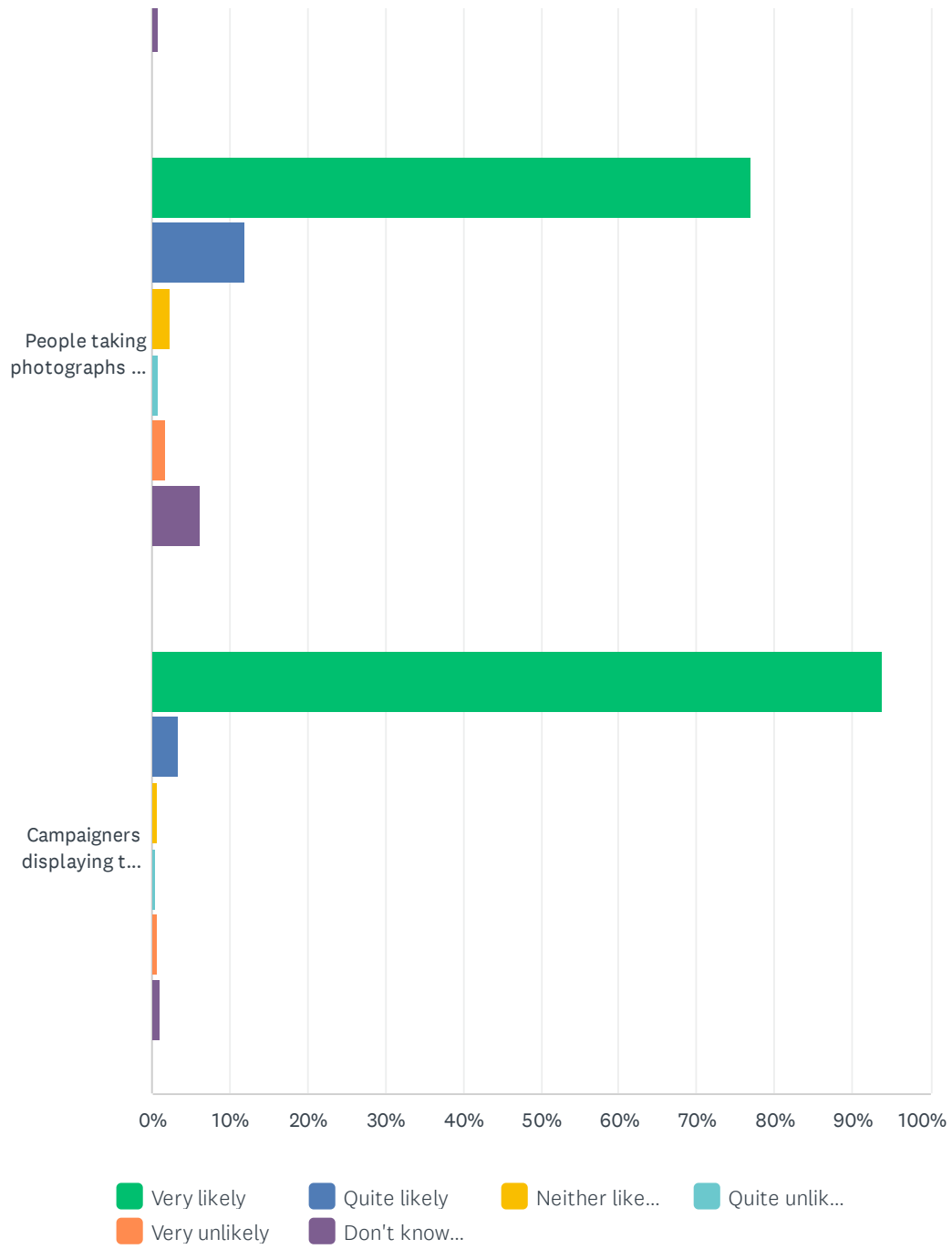
ANSWER CHOICES	RESPONSES	
Name	0.00%	0
Organisation / Company	0.00%	0
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
Post Code	100.00%	2,165
Country	0.00%	0
Email Address	0.00%	0
Phone Number	0.00%	0

Q3 If the PSPO were allowed to lapse so that there are no restrictions in place when it expires, in your view how likely or unlikely is it that the following activities will occur or recur in the area covered by the current safe zone?

Answered: 1,978 Skipped: 187



Consultation on the Mattock Lane Safe Zone (PSPO) 2024

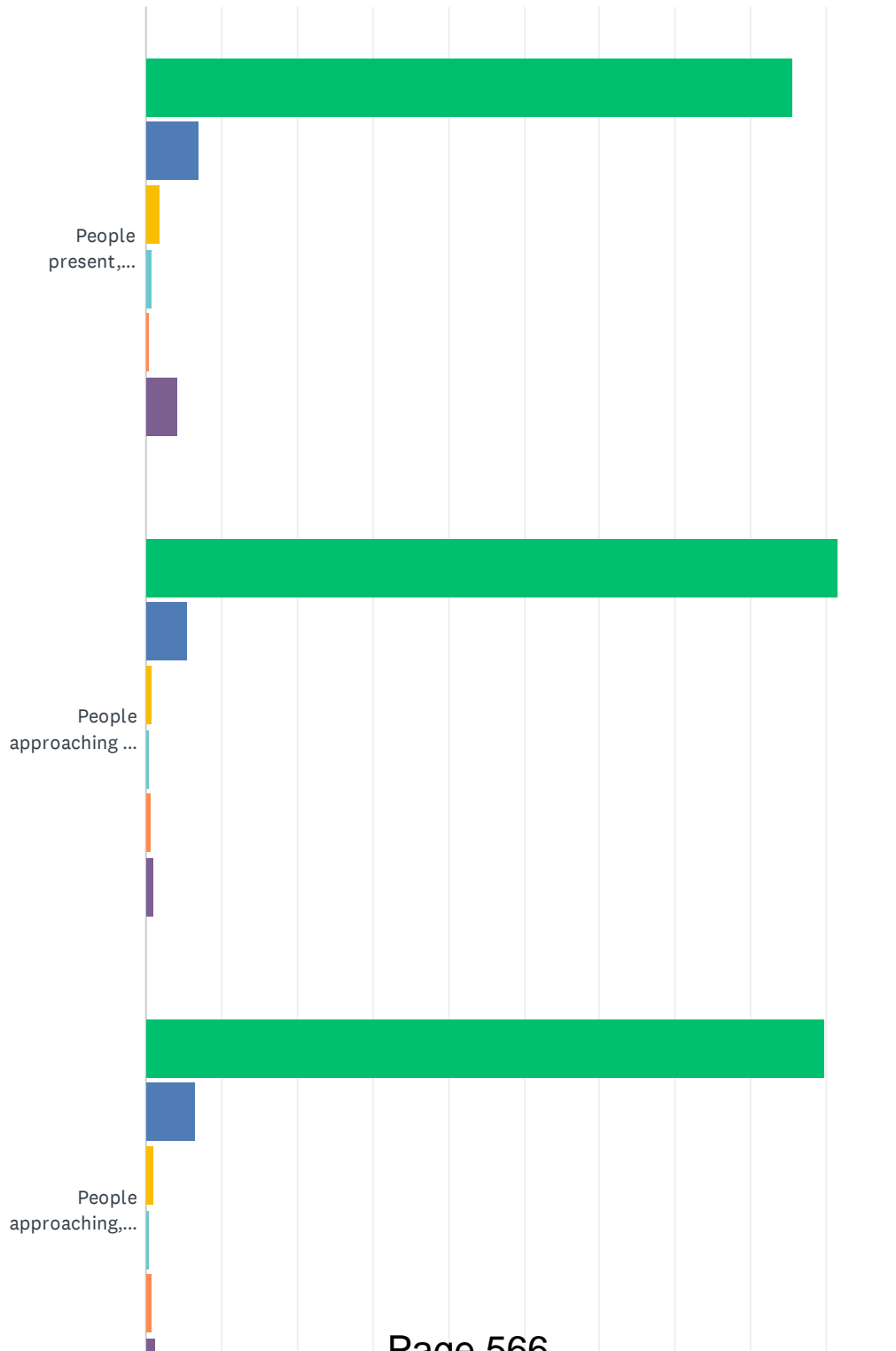


Consultation on the Mattock Lane Safe Zone (PSPO) 2024

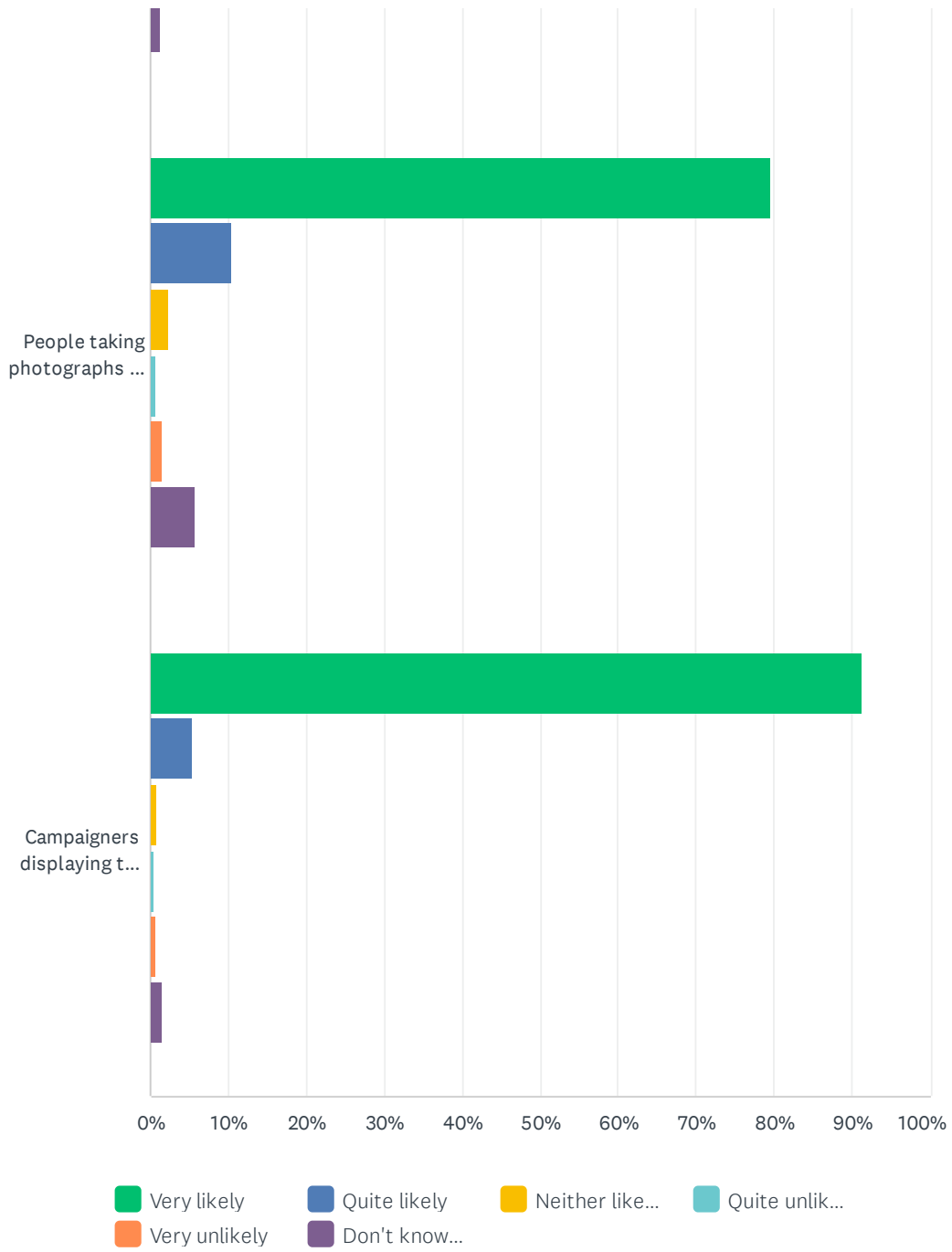
	VERY LIKELY	QUITE LIKELY	NEITHER LIKELY NOR UNLIKELY	QUITE UNLIKELY	VERY UNLIKELY	DON'T KNOW / CAN'T SAY	TOTAL	WEIGHTED AVERAGE
People present, individually or with others, in the proposed PSPO area, for praying or counselling	86.72% 1,704	5.95% 117	1.53% 30	0.87% 17	0.56% 11	4.38% 86	1,965	4.86
People approaching or attempting to engage in conversation with persons entering or leaving the Marie Stopes Clinic	93.58% 1,850	4.10% 81	0.40% 8	0.61% 12	0.56% 11	0.76% 15	1,977	4.91
People approaching, following or challenging any person entering or leaving the Marie Stopes Clinic	90.89% 1,795	5.97% 118	0.41% 8	0.86% 17	1.01% 20	0.86% 17	1,975	4.86
People taking photographs or other recording of persons using the Marie Stopes Clinic	77.04% 1,520	11.91% 235	2.33% 46	0.86% 17	1.72% 34	6.13% 121	1,973	4.72
Campaigners displaying text or images relating to the termination of pregnancy	93.81% 1,850	3.45% 68	0.71% 14	0.46% 9	0.56% 11	1.01% 20	1,972	4.91

Q4 If the PSPO were allowed to lapse so that there are no restrictions in place when it expires, in your view how likely or unlikely is it that the following activities will increase in frequency in the area covered by the current safe zone?

Answered: 1,972 Skipped: 193



Consultation on the Mattock Lane Safe Zone (PSPO) 2024

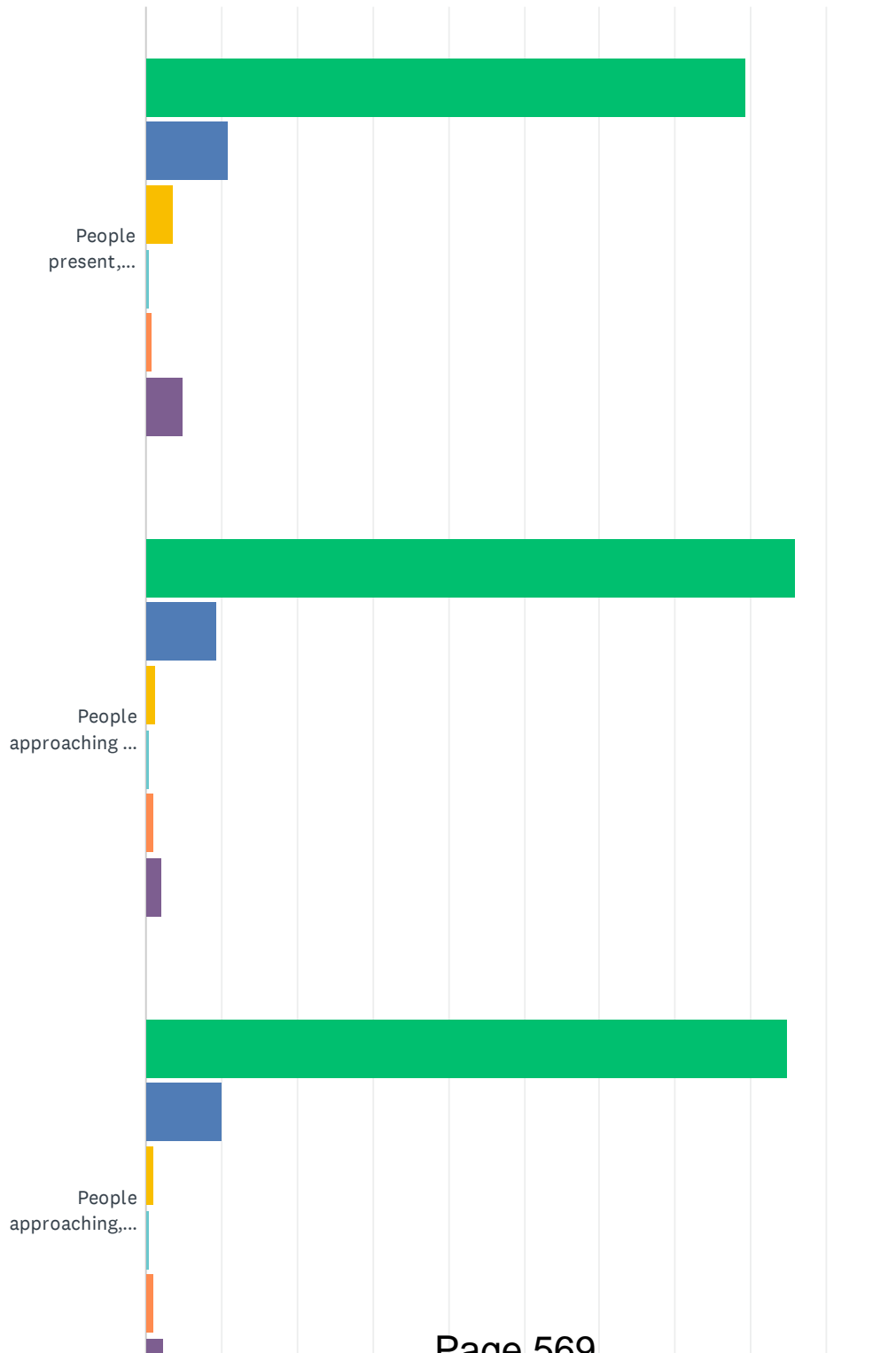


Consultation on the Mattock Lane Safe Zone (PSPO) 2024

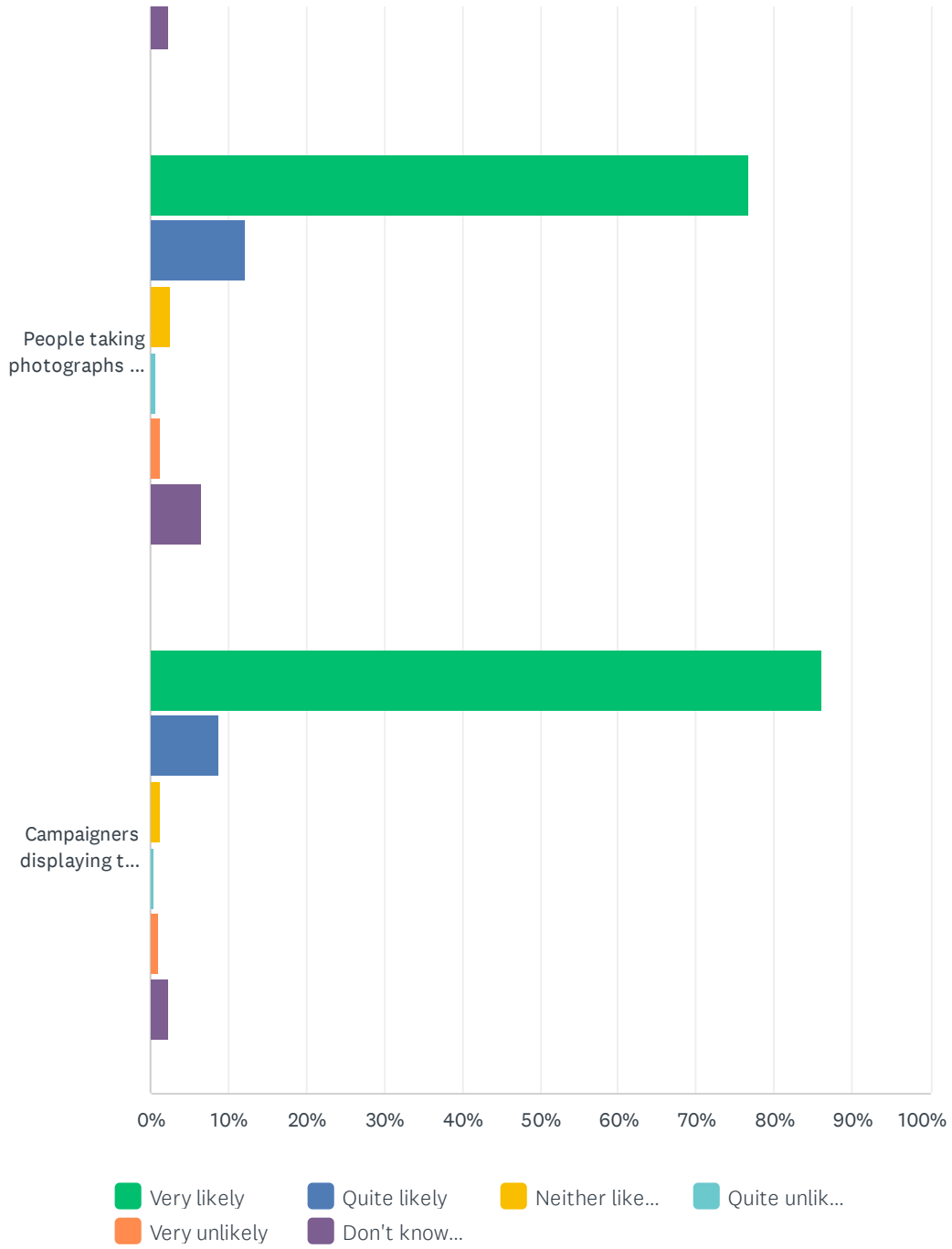
	VERY LIKELY	QUITE LIKELY	NEITHER LIKELY NOR UNLIKELY	QUITE UNLIKELY	VERY UNLIKELY	DON'T KNOW / CAN'T SAY	TOTAL	WEIGHTED AVERAGE
People present, individually or with others, in the proposed PSPO area, for praying or counselling	85.54% 1,680	7.13% 140	1.83% 36	0.76% 15	0.51% 10	4.23% 83	1,964	4.84
People approaching or attempting to engage in conversation with persons entering or leaving the Marie Stopes Clinic	91.47% 1,801	5.49% 108	0.86% 17	0.46% 9	0.56% 11	1.17% 23	1,969	4.89
People approaching, following or challenging any person entering or leaving the Marie Stopes Clinic	89.82% 1,765	6.51% 128	1.02% 20	0.46% 9	0.87% 17	1.32% 26	1,965	4.86
People taking photographs or other recording of persons using the Marie Stopes Clinic	79.61% 1,562	10.40% 204	2.24% 44	0.61% 12	1.43% 28	5.71% 112	1,962	4.76
Campaigners displaying text or images relating to the termination of pregnancy	91.28% 1,791	5.40% 106	0.82% 16	0.46% 9	0.56% 11	1.48% 29	1,962	4.89

Q5 If the PSPO were allowed to lapse so that there are no restrictions in place when it expires, in your view how likely or unlikely is it that the following activities will increase in seriousness in the area covered by the current safe zone?

Answered: 1,964 Skipped: 201



Consultation on the Mattock Lane Safe Zone (PSPO) 2024

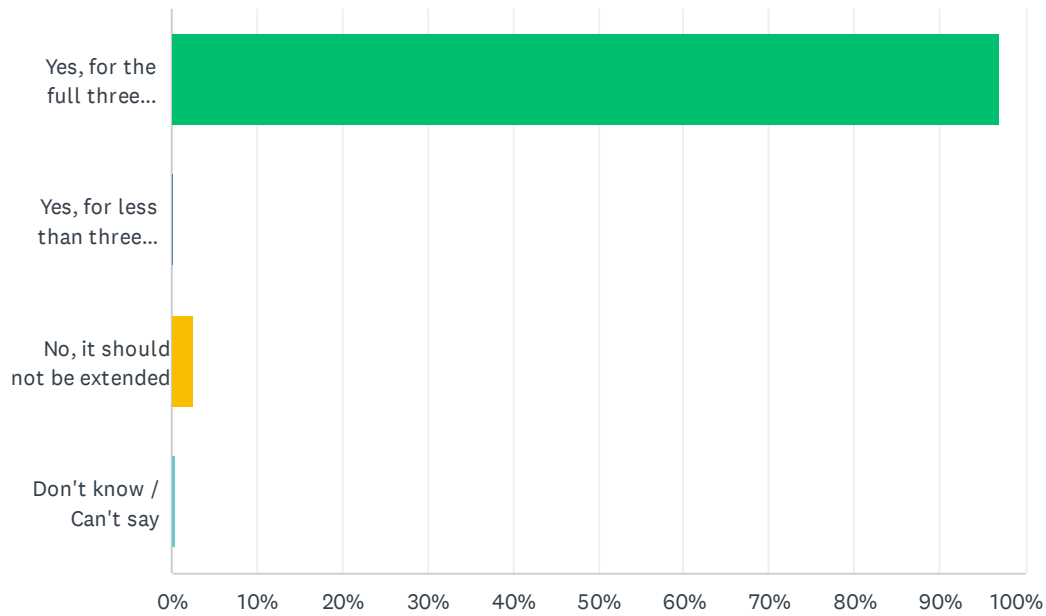


Consultation on the Mattock Lane Safe Zone (PSPO) 2024

	VERY LIKELY	QUITE LIKELY	NEITHER LIKELY NOR UNLIKELY	QUITE UNLIKELY	VERY UNLIKELY	DON'T KNOW / CAN'T SAY	TOTAL	WEIGHTED AVERAGE
People present, individually or with others, in the proposed PSPO area, for praying or counselling	79.28% 1,546	10.87% 212	3.59% 70	0.51% 10	0.92% 18	4.82% 94	1,950	4.76
People approaching or attempting to engage in conversation with persons entering or leaving the Marie Stopes Clinic	85.90% 1,681	9.30% 182	1.18% 23	0.46% 9	0.97% 19	2.20% 43	1,957	4.83
People approaching, following or challenging any person entering or leaving the Marie Stopes Clinic	84.90% 1,659	10.08% 197	1.13% 22	0.51% 10	1.13% 22	2.25% 44	1,954	4.81
People taking photographs or other recording of persons using the Marie Stopes Clinic	76.76% 1,503	12.16% 238	2.50% 49	0.72% 14	1.33% 26	6.54% 128	1,958	4.74
Campaigners displaying text or images relating to the termination of pregnancy	86.12% 1,688	8.78% 172	1.22% 24	0.46% 9	1.02% 20	2.40% 47	1,960	4.83

Q6 Should the current PSPO be extended and if so for how long?

Answered: 1,960 Skipped: 205



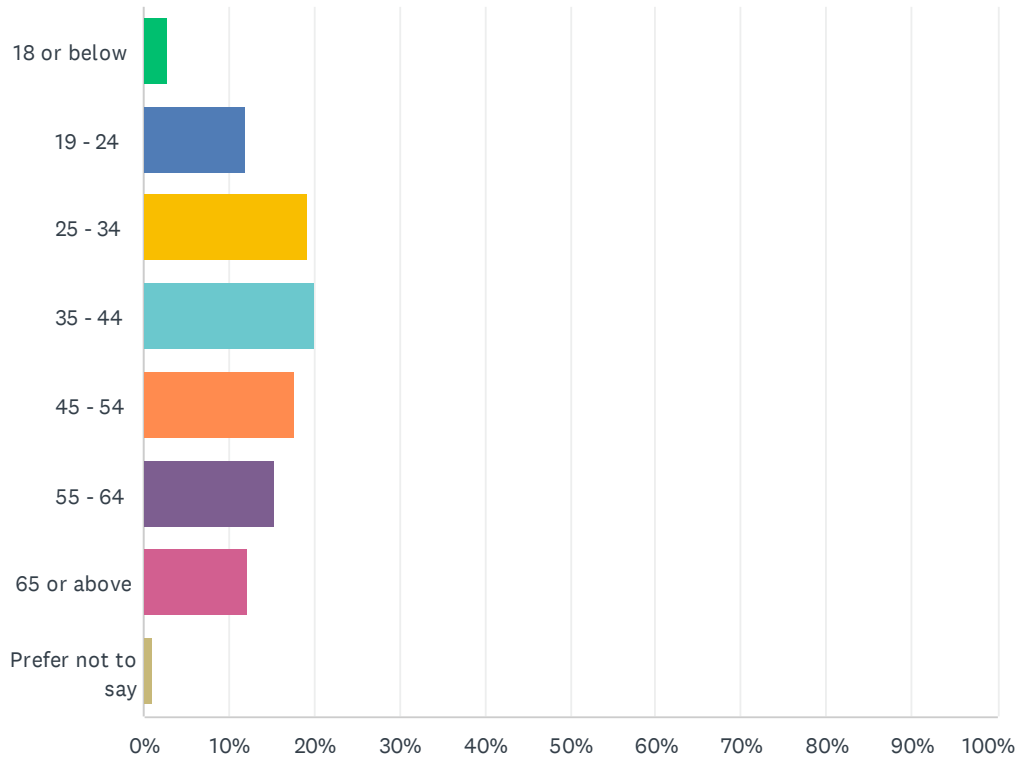
ANSWER CHOICES	RESPONSES	
Yes, for the full three years	96.99%	1,901
Yes, for less than three years	0.15%	3
No, it should not be extended	2.50%	49
Don't know / Can't say	0.36%	7
TOTAL		1,960

Q7 Is there anything else you wish to tell us?

Answered: 811 Skipped: 1,354

Q8 Which category below includes your age?

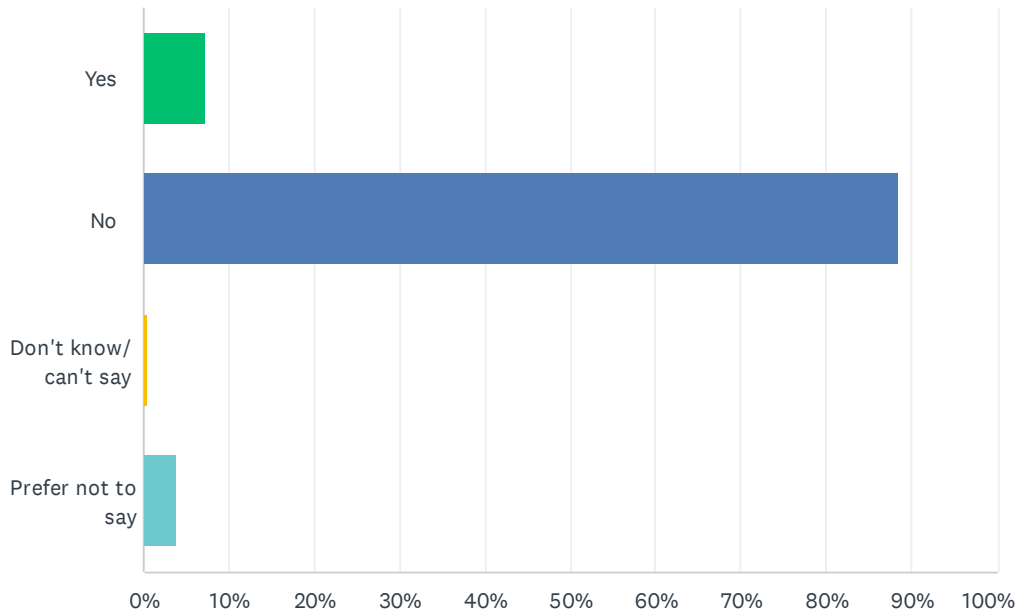
Answered: 1,950 Skipped: 215



ANSWER CHOICES	RESPONSES	
18 or below	2.67%	52
19 - 24	11.85%	231
25 - 34	19.18%	374
35 - 44	20.10%	392
45 - 54	17.64%	344
55 - 64	15.33%	299
65 or above	12.15%	237
Prefer not to say	1.08%	21
TOTAL		1,950

Q9 Do you consider yourself to have a disability?The Equality Act 2010 defines a person as having a disability if s/he 'has a long term physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities'.

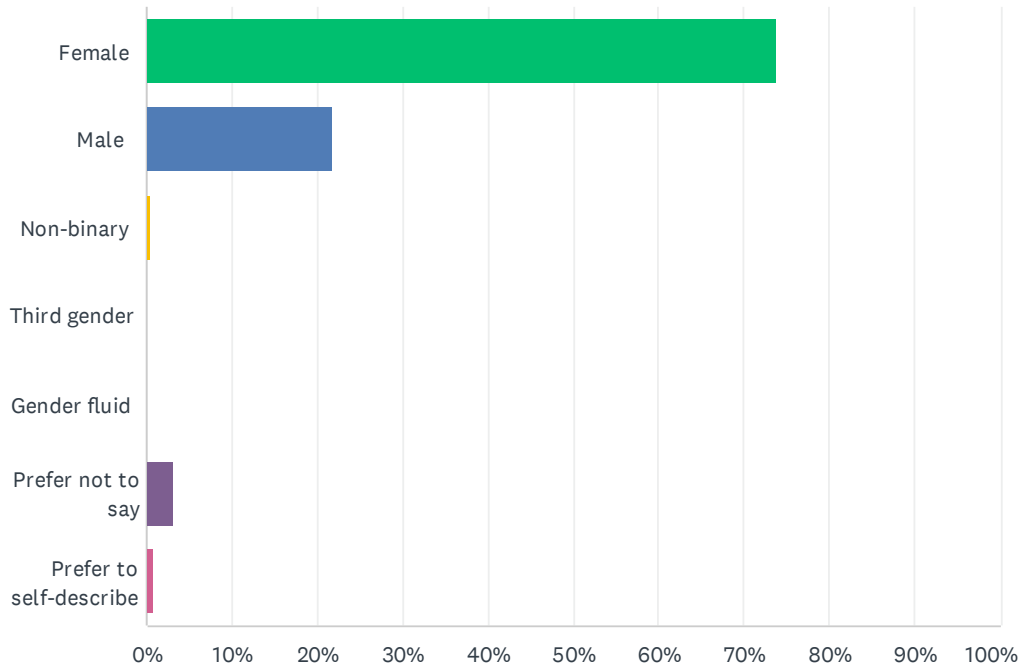
Answered: 1,948 Skipped: 217



ANSWER CHOICES	RESPONSES	
Yes	7.24%	141
No	88.40%	1,722
Don't know/ can't say	0.51%	10
Prefer not to say	3.85%	75
TOTAL		1,948

Q10 What is your gender?

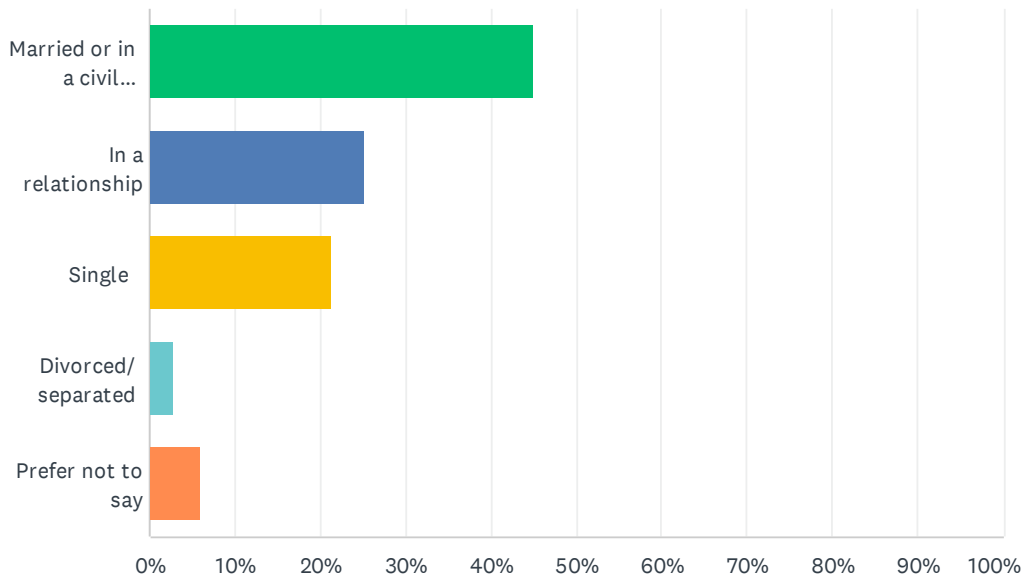
Answered: 1,950 Skipped: 215



ANSWER CHOICES	RESPONSES	
Female	73.74%	1,438
Male	21.79%	425
Non-binary	0.51%	10
Third gender	0.00%	0
Gender fluid	0.00%	0
Prefer not to say	3.13%	61
Prefer to self-describe	0.82%	16
TOTAL		1,950

Q11 Are you...?

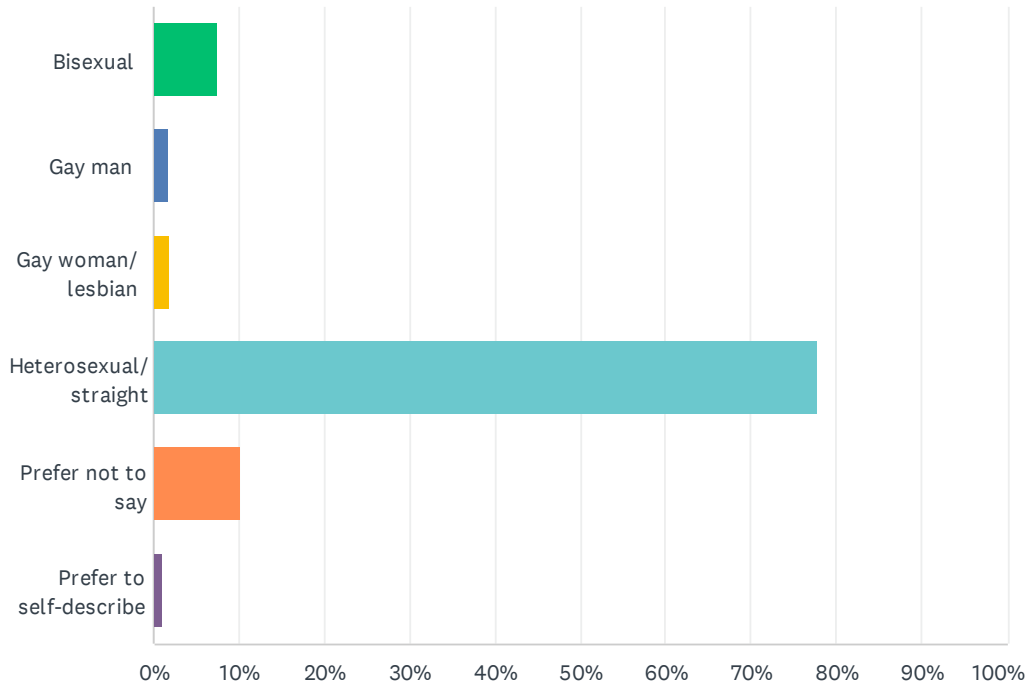
Answered: 1,951 Skipped: 214



ANSWER CHOICES	RESPONSES	
Married or in a civil partnership	45.00%	878
In a relationship	25.06%	489
Single	21.27%	415
Divorced/ separated	2.67%	52
Prefer not to say	6.00%	117
TOTAL		1,951

Q12 What is your sexual orientation?

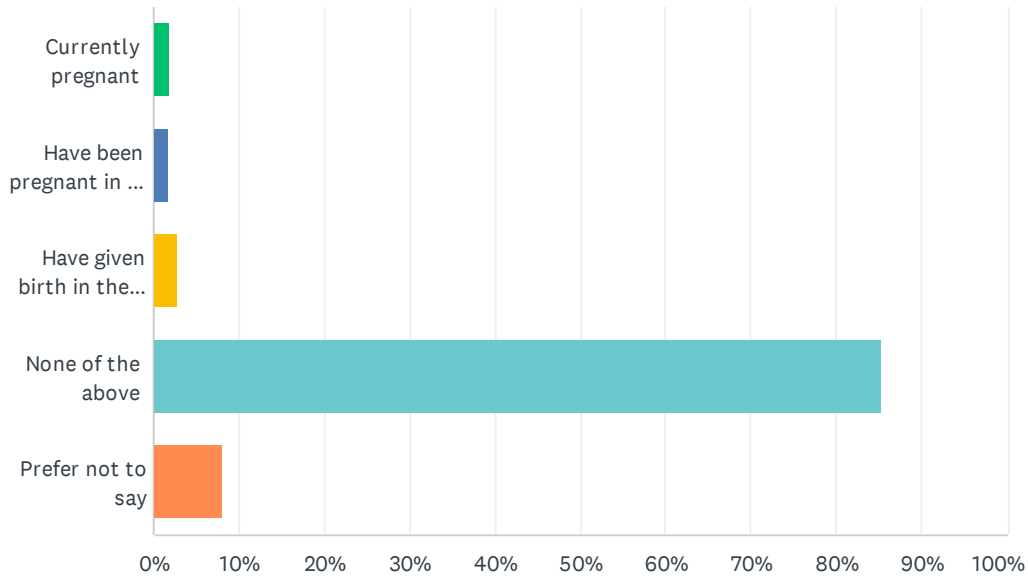
Answered: 1,945 Skipped: 220



ANSWER CHOICES	RESPONSES	
Bisexual	7.46%	145
Gay man	1.65%	32
Gay woman/ lesbian	1.85%	36
Heterosexual/ straight	77.74%	1,512
Prefer not to say	10.33%	201
Prefer to self-describe	0.98%	19
TOTAL		1,945

Q13 (For women only) Are you...?

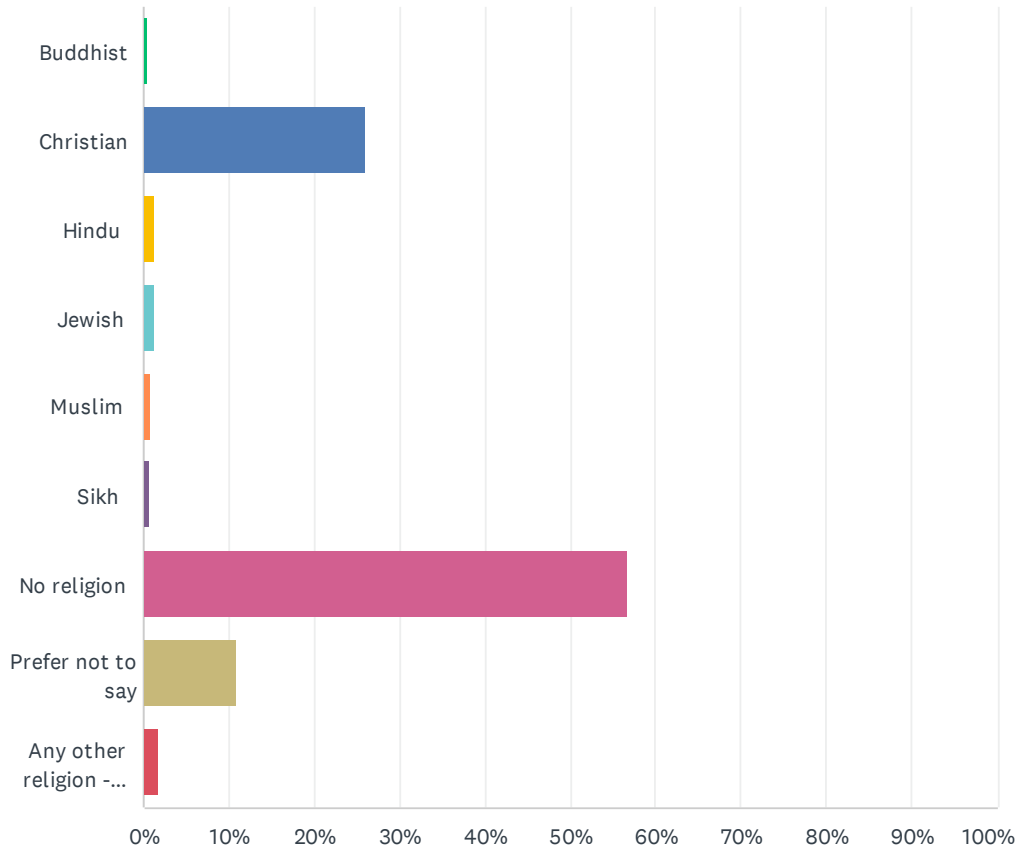
Answered: 1,540 Skipped: 625



ANSWER CHOICES	RESPONSES	
Currently pregnant	2.01%	31
Have been pregnant in the last 12 months	1.75%	27
Have given birth in the last 12 months	2.79%	43
None of the above	85.26%	1,313
Prefer not to say	8.18%	126
TOTAL		1,540

Q14 What is your religion/ belief?

Answered: 1,945 Skipped: 220

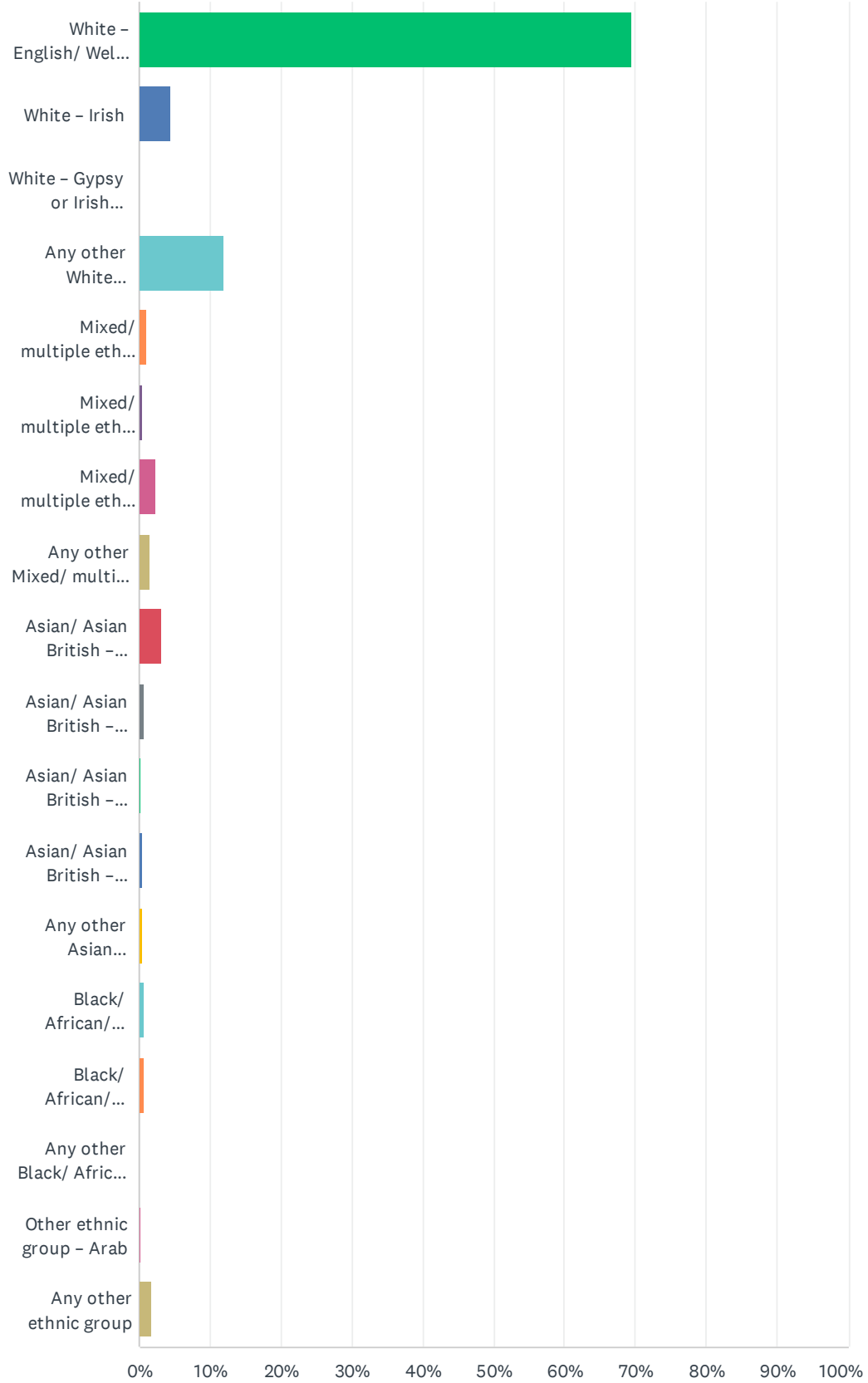


ANSWER CHOICES	RESPONSES	
Buddhist	0.41%	8
Christian	26.07%	507
Hindu	1.29%	25
Jewish	1.34%	26
Muslim	0.87%	17
Sikh	0.67%	13
No religion	56.81%	1,105
Prefer not to say	10.90%	212
Any other religion - Please specify	1.65%	32
TOTAL		1,945

Q15 Which ethnic group do you consider you belong to?

Answered: 1,927 Skipped: 238

Consultation on the Mattock Lane Safe Zone (PSPO) 2024



Consultation on the Mattock Lane Safe Zone (PSPO) 2024

ANSWER CHOICES	RESPONSES	
White – English/ Welsh/ Scottish/ Northern Irish/ British	69.54%	1,340
White – Irish	4.57%	88
White – Gypsy or Irish Traveller	0.05%	1
Any other White background	12.04%	232
Mixed/ multiple ethnic groups – White and Black Caribbean	1.09%	21
Mixed/ multiple ethnic groups – White and Black African	0.42%	8
Mixed/ multiple ethnic groups – White and Asian	2.39%	46
Any other Mixed/ multiple ethnic background	1.56%	30
Asian/ Asian British – Indian	3.17%	61
Asian/ Asian British – Pakistani	0.57%	11
Asian/ Asian British – Bangladeshi	0.21%	4
Asian/ Asian British – Chinese	0.52%	10
Any other Asian background	0.47%	9
Black/ African/ Caribbean/ Black British – African	0.67%	13
Black/ African/ Caribbean/ Black British – Caribbean	0.67%	13
Any other Black/ African/ Caribbean background	0.10%	2
Other ethnic group – Arab	0.21%	4
Any other ethnic group	1.76%	34
TOTAL		1,927

Q16 In the previous question you said that you belonged to "[Q16]". Can you please specify your ethnic group below:

Answered: 273 Skipped: 1,892

Paul Murphy

Head of Community Safety
Ealing Council
Perceval House
14-16 Uxbridge Road London W5 2HL
MurphyP@ealing.gov.uk

Our ref: MOPAC090124-D4824

17 January 2024

Dear Paul

Thank you for letter dated 4 December 2023, inviting me to contribute to your consultation regarding the public spaces protection order (PSPO) on Mattock Lane, Ealing.

The Mayor and I will continue to advocate for equality and freedom for women and girls in public and online spaces. While the Mayor's Office is not able to comment on the local experience and the exact boundaries of your proposed PSPO area, as per our commitment in the Mayor's refreshed VAWG strategy, we fully support the right of women to choose to have an abortion free of intimidation and as such we support the extension beyond April 2024 of the PSPO to continue to prevent threatening behaviour.

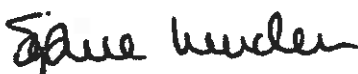
The Mayor and I remain opposed to harassment around clinics and will back buffer zones to support women to make informed choices free of intimidation. It must be stressed that the requirement for PSPO zones further emphasises that more must be done to move responsibility for preventing and reducing VAWG to everyone, not just women and girls who too often rely on strategies to reduce or resist sexual violence and harassment in public. This is a violation of women and girls' freedom and fundamental human rights. It is at odds with our desire to create a safe London for everyone.

At City Hall, MOPAC, the Violence Reduction Unit and the GLA continue to support the Mayor's vision of a safer London by putting health at the heart of policy. Abortion is a healthcare issue and in our collective drive to embed a public health approach, MOPAC have convened NHS London, the new Integrated Care Boards and Directors of Public Health, together with local authority community safety and safeguarding leads to co-produce a number of pledges as a framework to help prevent VAWG across the capital for the long term.

We need to continue to ensure that VAWG is tackled holistically and from its root causes. I look forward to working with Ealing on our wider strategies to tackle VAWG and embed a safer London for everyone.

Thank you for writing.

Yours sincerely,



Sophie Linden
Deputy Mayor for Policing And Crime

Paul Murphy

From: Sally O'Brien <sally.obrien@MSIChoices.org.uk>
Sent: 05 January 2024 15:29
To: Paul Murphy
Subject: PSPO

WARNING : This Message has originated from outside your organization, If you do not trust this email please either delete or follow the guidance on OneSpace.

Hi Paul

Thanks for our call today.

I write to confirm that we are in a very good place at the clinic with the arrival of the PSPO since 2017. Our clients are accessing our services safely and without harassment directly outside the clinic and a lot of the emotional turmoil we used to see on our clients has been almost eradicated.

Before the arrival of the PSPO we would regularly see our clients arriving in distress at having been approached by the protestors outside, not only the client but their chaperones would be in despair and disbelief that they had been approached and spoken to about their reason for being at the clinic and they were harassed and harangued into changing their minds.

We would also see events where counter protestors would stand outside the clinic and there would be a lot of singing, chanting, praying and beeping of horns outside which caused distress to clients and residents alike. With the introduction of the PSPO, this has been eradicated entirely.

To take the PSPO away would be giving a green light to the protestors to once again cast judgement on people attending the clinic and to cause them distress and harassment at a time where they should be focusing on healthcare. I ask that this is not taken away from our clients. To be able to access healthcare safely and without harassment is a right that should be given to all.

Whilst the PSPO has 99% removed the issue, there still remains a contingent of protestors at least five days a week in the dedicated area for them. And on the edges of the PSPO order, we also regularly see protestors. These protestors will now harass anyone walking by, hoping to find someone who may be visiting the clinic. It is clear that if the PSPO was not there, they would be right outside the clinic relentlessly.

I thank Ealing Council for all their help.

Kind Regards

Sally O'Brien
She/hers
Regional General Manager
EBG



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MSI Reproductive Choices
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W5 5BG
United Kingdom



North West London

Mattock Lane PSPO Consultation,
Ealing Council - Safer Communities,
Perceval House (PH4/NW),
14-16 Uxbridge Road,
Ealing
W5 2HL

2nd January 2024

Dear colleagues

I am writing to respond to the above consultation on behalf of NHS North West London Integrated Care Board.

From a healthcare perspective, we believe the public spaces protection order has made a positive difference to the provision of care and protection of both staff and service users.

The services provided are impartial and balanced, providing counselling to vulnerable service users. They have a commitment to privacy and it is essential that service users are able to safely access and attend the clinic, without fear or prejudice.

Since the implementation of the order, we have not observed or been made aware of any negative consequences and the detrimental effect of previous activities has significantly reduced.

We believe there would be a serious risk to safe provision of care, safe spaces for staff and service users should this order be lifted.

It is important to note that service users may not always be from the local borough, but due to reasons of needing anonymity, may travel to Ealing. In order to keep them safe and ensure they are not subject to negative actions that service users have experienced in the past, such as verbal abuse and being photographed, we believe this order is essential and fully support its continuation.

Yours sincerely,

Dr Charlotte Benjamin
Chief Medical Officer

Paul Murphy

From: Sean.Lynch@met.police.uk
Sent: 16 January 2024 17:28
To: Paul Murphy
Cc: Jess Murray; Ballard Leigh J - WA-CU; sam.Pearce@met.police.uk; James.Herring@met.police.uk
Subject: FW: Responses from organisations last time
Attachments: Appendix 4b - responses from organisations.pdf

WARNING : This Message has originated from outside your organization, if you do not trust this email please either delete or follow the guidance on OneSpace.

Hi Paul,
Really sorry missed the deadline and multiple emails

Having discussed at length with Insp Leigh Ballard, I can't see any change in the stance from local police, and I'm happy to endorse along the same lines and written by Jill when the PSPO was previously reviewed.

All the best and thanks for your continued PSPO work over Xmas,
Sean

Sean Lynch, Superintendent – Ealing Borough, Neighbourhoods and Partnership – West Area Command Unit
London Boroughs of Ealing, Hillingdon & Hounslow

Mobile: 07825522323

Web: www.met.police.uk

Email: Sean.Lynch@met.police.uk

Ealing Police Station, 67-69 Uxbridge Road, W5 5SJ

Met Police Lead Responsible Officer (LRO) for Anti-Social Behaviour (ASB)

[Former National Prince's Trust Portfolio Lead]

[Former Business Change Manager, MetInsights Project Lead & MPS Champion – data driven policing]

(He/Him) Why is this here?

[**Consul-Sentinel** – confident in their abilities and adept at managing daily challenges in their lives. While uncertainty makes them uncomfortable, the sentinels confidence, perseverance, and ability to maintain their composure when they are overwhelmed are major advantages].

Planned absence:

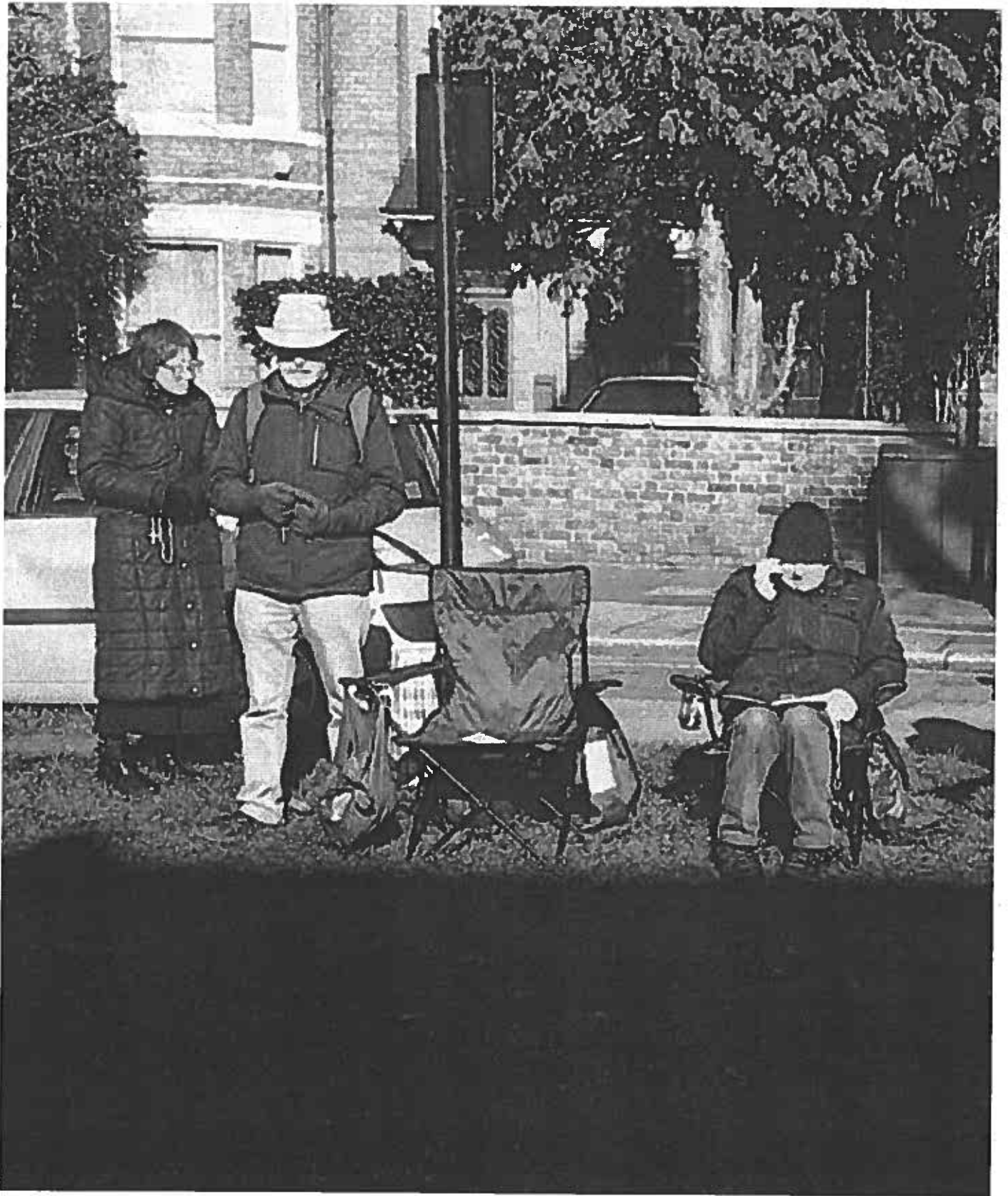
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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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From: Ealing Council <updates@ealingcouncil.net>

Sent: 23 November 2023 18:40

To: [REDACTED]

Subject: Care leavers take over, a new leisure centre, have your say and more

Yours sincerely

[REDACTED]
Ealing resident

From: [REDACTED]

Sent: 25 November 2023 00:09

To: anandj@ealing.gov.uk <anandj@ealing.gov.uk>; safercommunities@ealing.gov.uk
<safercommunities@ealing.gov.uk>

Subject: Fw: Care leavers take over, a new leisure centre, have your say and more

Dear Councillor

Could you please take a look at these pictures and tell me which (if any) in your view represents a protest or activity that is unreasonable to the extent that it should be banned.



Paul Murphy

From: [REDACTED]
Sent: 13 January 2024 10:09
To: safercommunities
Subject: Mattock Lane PSPO

WARNING : This Message has originated from outside your organization, If you do not trust this email please either delete or follow the guidance on OneSpace.

I am writing to confirm my support of the continuation of the Mattock Lane Safe Zone Space Protection Order (PSPO).

I believe it is very important to retain this as a safe environment for vulnerable women seeing professional advice and guidance.

Regards

Proposal Summary Information	
EAA Title	2024 Mattock Lane PSPO decision
Please describe your proposal	Study to assess the impact on equalities in the event of a council decision to extend for a further period of time the existing Public Spaces Protection Order (PSPO) on Mattock Lane.
Is it HR Related?	No
Corporate Purpose	The existing PSPO targets behaviours having a detrimental impact on the quality of life of residents of and visitors to Mattock Lane, and to service users for the Marie Stopes clinic, as well as clinic staff. Extending the period for which the PSPO has effect would continue to target such behaviours.
1. What is the action looking to achieve? Who will be affected?	
<p>1.1. Ealing is considering the future of the Public Spaces Protection Order (Mattock Lane) (PSPO) beyond April 2024, when it is due to expire. The PSPO was introduced in April 2018 to enable service users and staff of the MSI Reproductive Choices Clinic ('the Clinic') to enter and leave the Clinic without facing activities which were assessed as having a detrimental effect on their quality of life in the area.</p> <p>1.2. The PSPO was also designed to protect those residing in, visiting and passing through the locality of the Clinic from the detrimental effect of the activities of individuals and groups involved in Pro-Life and Pro-Choice protests and vigils outside the clinic.</p> <p>1.3. The PSPO introduced restrictions on specific behaviours in the immediate locality of the Clinic. The Order was renewed in April 2021 for a period of three years (this being the maximum time permitted) by decision of Cabinet. The Order is therefore due to expire in April 2024 if no action is taken. The Council are considering whether or not to extend the period for which the Order has effect for a period of time beyond April 2024, with the maximum possible time extension being three years (i.e. until April 2027).</p> <p>1.4. The restrictions created by the PSPO relate to a number of behaviours, namely:</p> <ul style="list-style-type: none"> • Protesting, namely engaging in any act of approval/disapproval or attempted act of approval/disapproval, with respect to issues related to abortion services, by any means, including, without limitation, graphic, verbal or written means, and including, for the avoidance of doubt, prayer or counselling. • Interfering, or attempting to interfere, whether verbally or physically, with a service user or member of staff. • Intimidating or harassing, or attempting to intimidate or harass, a service user or a member of staff. • Recording or photographing a service user or member of staff of the clinic whilst they are in the safe zone, or • Displaying any text or images relating directly or indirectly to the termination of pregnancy. 	

- Playing or using amplified music, voice or audio recordings.
- 1.5. The Council additionally provided within the PSPO a 'designated area' that falls within the geographical footprint of the 'Safe Zone', in which both Pro-Life and Pro-Choice groups may gather. The limitations on activities within the 'designated area' are:
- Restricting congregation to a maximum of four persons at any one time.
 - No person shall display an individual poster, text or image, which singularly or collectively, is greater than one sheet of A3 paper.
 - A person must not shout any message or words relating to the termination of pregnancy.
 - A person must not play or use amplified music, voice or audio recordings.
- 1.6. Those affected by the order include anyone who lives in, works in, passes through or visits the area, the majority of whom will be aware of the presence of represented groups outside the Clinic and the associated behaviours of those groups.
- 1.7. Service users of the Clinic and potentially their friends, partners, family or other supporters who attend the Clinic with them are affected by the Order. While service users are predominantly women (and, in particular, women under the age of 45) their support networks may include people of any gender and any age, including children. Some of the service users are also children.
- 1.8. Clinic staff and those working at the Clinic are affected by the order. The overwhelming majority of those working at the clinic are women.
- 1.9. Represented groups are affected by the order. Those groups include those representing Pro-Life and Pro-Choice views. Most represented groups include adult men and women.

2. What will the impact of your proposal be?

- 2.1. This Equalities Analysis Assessment examines the impacts an extension to the longevity of the PSPO could have on any people with protected characteristics who reside, work in or visit the area or any people with protected characteristics who may visit the area in the future.
- 2.2. The PSPO restricts behaviours within the area covered by the PSPO and places certain requirements on people in the area. The PSPO also creates additional requirements and prohibitions within a 'designated area' within the footprint of the PSPO. The PSPO allows for Police and authorised officers to require people in breach of the PSPO to disperse from the area as well as to issue a Fixed Penalty Notice to anyone breaching the Order. The Order also allows for the Council to prosecute anyone in breach of the Order.
- 2.3. From reviewing submissions received during the consultations undertaken in 2020-21 and 2023-24 and wider correspondence and feedback, it is believed the Order has had a positive impact on visitors to the Clinic, staff working at the Clinic and those supporting and accompanying people visiting the Clinic. The Clinic have cited the fact they no longer need to maintain a register of complaints about the presence of those congregating at the gates as evidence

of a significant positive impact of the order on clinic users. The Clinic's position is essentially that the PSPO safeguards and facilitates access to sexual health and reproductive health services by women and other service users.

- 2.4. Responses to the consultations and wider feedback from the community indicates the order has had a positive impact on those visiting and living in the area by preventing those individuals from being personally affected by the activities of the represented groups or from seeing others being distressed by this activity.
- 2.5. Feedback from Pro-Life represented groups since the introduction of the Order (both via consultation responses and direct communications) indicates the order has had a partly negative impact on those groups who visit or plan to visit the area for the purpose of engaging in Pro-Life protest or vigil that is directly addressed at service users and staff at the point of entry to the clinic.
- 2.6. Pro-Life groups have argued that the PSPO has prevented them from expressing their views and that it prevents them from congregating peacefully, prevents them from praying and prevents them from engaging with service users in a manner they describe as supportive.
- 2.7. Correspondence from those who previously attended Pro-Life protest and vigils in the immediate locality of the Clinic (and who, in some cases, still continue to attend Pro-Life protest and vigils within the designated area and at other clinics) indicates that the order has reduced the number of Clinic service users with whom they have been able to engage. They have argued this has prevented potentially vulnerable women accessing their 'support' and 'advice'.
- 2.8. The PSPO is determined to have had a neutral impact on Pro-Choice individuals and groups and those groups who oppose / protest the behaviours of *Pro-Life* groups outside the Clinic. The order places restrictions on some of the behaviours of Pro-Choice groups in a defined area but addresses the motivator for those behaviours (i.e. the proximity of certain activities of Pro-Life groups within a defined area of the Clinic).
- 2.9. Since the introduction of the Order and its renewal, Pro-Choice represented groups appear not have not used the 'designated area' that is provided for within the Order.
- 2.10. Pro-Life represented groups have continued to attend the locality and have engaged in vigil and protest within the 'designated area' and, on occasion, at the boundary of the PSPO by Ealing Green. They have also on occasion attended Ealing Council offices nearby to engage in abortion related protest.

Impact on Groups having a Protected Characteristic
3. AGE: A person of a particular age or being within an age group.
State whether the impact is positive, negative, a combination of both, or neutral: POSITIVE and NEGATIVE
Describe the Impact
<p>3.1. Given that the primary service users at Clinic are pregnant women, younger women are disproportionately represented among the people entering and leaving the Clinic.</p> <p>3.2. Very young women and girls (those aged 19 and under) are disproportionately represented among those accessing termination of pregnancy services. From available monitoring data, the British Pregnancy Advisory Service (BPAS) for London indicates approximately 2.3% of those accessing abortion services were under the age of 18. It is recognised that this data is not specific to Ealing but the Council takes the view it provides a useful indication of the general characteristics of service users who are likely to access services at the Clinic. This data confirms that service users of the clinic will include children.</p> <p>3.3. If the period for which the PSPO has effect is extended this will have a positive impact on younger people, given it will enable this group (who are disproportionately represented among clinic users) to access sexual health and reproductive health services without encountering interference from people unknown to them at the point of access.</p> <p>3.4. The overwhelming majority of clinic service users (99.5%) are aged 45 and under. The PSPO has had a positive impact on this age group, given it has enabled women aged 45 and under to access sexual health and reproductive health services without encountering interference from people unknown to them at the point of access.</p> <p>3.5. Observations by council officers during 2017-2018 and observations of activities within the 'designated area' since the introduction of the Order indicate the majority of vigils and protests by Pro-Life groups involve people who are over the age of approximately 35. The PSPO is therefore likely to have had a partly negative impact on people within an older age group, given the restrictions it places on the behaviours of the represented groups within the 'designated area'.</p> <p>3.6. No specific data exists in relation to age of the represented groups who attend Pro-Choice vigils and protests outside the Clinic and, from observations, it is difficult to identify any particular age range disproportionately represented within those groups. The impact of the PSPOs on individuals and groups who formerly attended the area to engage in Pro-Choice protests is likely to be neutral on grounds of their age.</p> <p>3.7. The view of those who support the presence of Pro-Life protest / vigil members, or 'street counsellors' as they are sometimes termed, is the suggestion they provide a vital support service to women who may feel pressurised into a termination (for example by an abusive partner or family member). The PSPO includes the provision of the 'designated area' in which a small number of persons be permitted to congregate and carry out protests or</p>

<p>vigils. This area has been used throughout the period of the PSPO by Pro-Life groups, who have therefore remained accessible to any women who may wish to engage with them or seek their help.</p> <p>3.8. The PSPO has no impact on the activities of any represented groups outside the footprint of the Order and does not affect the provision of any 'support' or 'counselling' services away from this area.</p> <p>3.9. Professional, regulated services for young people in situations of crisis exist. While there is clear evidence to indicate the restrictions of the PSPO will have a positive impact on young women accessing the Clinic, it is not clear that any young women are likely to be negatively affected by the absence of protest / vigil members in the immediate locality. It has been and remains the position of the Pro-Life represented groups that they have helped numerous women in challenging situations, however there remains no available data of the actual number of people who have engaged with and benefited from the services these groups purport to offer. In any event, other services remain available to those women, and the 'service' offered by Pro-Life represented groups can be accessed by them in the designated area or any other location.</p>
<p>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</p>
<p>The PSPO does not place restrictions on any behaviours beyond a relatively small geographical area. The PSPO provides for a 'designated area' in which represented groups are permitted to engage in certain forms of protest or vigil activities. That area is situated a short distance from the Clinic and is visible to those accessing it and has been continually used by Pro-Life groups since the introduction of the order. The 'designated area' is positioned so that it is located away from the immediate entrance of the Clinic but still in a position which would allow service users to be aware of the existence of the represented groups.</p>

<p>4. DISABILITY: A person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities.</p>
<p>State whether the impact is positive, negative, a combination of both, or neutral: NEUTRAL</p>
<p>Describe the Impact</p>
<p>4.1. There is no available data relating to disabilities affecting persons engaged in protests / vigils outside the Clinic and the data available in relation to disabilities affecting Clinic service users or staff is limited.</p> <p>4.2. It is established from consultation with Public Health and NHS that inequalities in sexual health mean certain groups have poorer sexual health outcomes. For example, one identified group with poorer sexual health outcomes is people with learning disabilities. It is possible, therefore, that people with learning disabilities may be disproportionately represented among those accessing the Clinic for services and, if so, may have been positively affected by an order</p>

<p>that facilitates their access to sexual health and reproductive health services without interference from people not known to them.</p> <p>4.3. Overall, it is not anticipated that an extension of the period for which the PSPO has effect will have any disproportionate impact on people with disabilities.</p>
<p>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</p>
<p>NOT APPLICABLE</p>

<p>5. GENDER REASSIGNMENT: This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual.</p>
<p>State whether the impact is positive, negative, a combination of both, or neutral: NEUTRAL</p>
<p>Describe the Impact</p>
<p>5.1. There is no available gender reassignment data in relation to Clinic service users and staff, persons engaged in protests / vigils outside the Clinic or residents/other visitors to the area.</p> <p>5.2. It is not anticipated that an extension of the period for which the PSPO has effect will have a disproportionate impact on this group on grounds of their belonging to this group.</p>
<p>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</p>
<p>NOT APPLICABLE</p>

<p>6. RACE: A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race.</p>
<p>State whether the impact is positive, negative, a combination of both, or neutral: POSITIVE</p>
<p>Describe the Impact</p>
<p>6.1. The Council does not hold monitoring data which is specific to local residents and visitors to the Clinic. The council has considered both UK-wide monitoring data over a five-year period provided by BPAS in relation to race, and the London and South-East specific data (which is important, given London has a higher proportion of BAME residents within its established population).</p> <p>6.2. BPAS data shows that in London 48.2% of service users are from BAME groups. This is in comparison to people from BAME backgrounds making up approximately 40% of the London population, based on widely available open source and census data, suggesting that people from BAME groups are overrepresented among service users accessing services offered by clinics like MSI Reproductive Choices.</p>

<p>6.3. While the council recognises the limitations of this data (it is not specific to Ealing and is provided by an organisation that provides termination of pregnancy services across the UK), it provides a useful indication of the general characteristics of service users accessing services offered by clinics such as MSI Reproductive Choices.</p> <p>6.4. It is established from dialogue with NHS and Public Health that inequalities in sexual health mean certain groups have poorer sexual health outcomes; one identified group with poorer sexual health outcomes is people from BAME backgrounds. This also suggests that people from BAME backgrounds may be disproportionately represented among those accessing the Clinic for services and, if so, positively benefit from the existing PSPO (and any extension of the period for which it has effect), which facilitates their access to the Clinic without interference at the point of access.</p> <p>6.5. There is no specific ethnic monitoring data available for either Pro-Life or Pro-Choice groups attending protests / vigils outside the clinic. In the case of individuals attending to represent Pro-Choice views, the impact of the PSPO is considered to have been neutral, as their motivation for attending will be reduced. The impact on those from Pro-Life groups is considered negative overall, given the restrictions it will place on their activities but there is no indication they will face a negative impact overall as a result of their race and the impact of the PSPO is therefore considered to have been neutral on this basis.</p> <p>6.6. The impact of the PSPO on people accessing the clinic (among whom service users from BAME groups are established to be over-represented) is positive, given it safeguards and facilitates those individuals in accessing the health services being offered. This will remain the case if the period for which the PSPO has effect is extended.</p>
<p>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</p>
<p>NOT APPLICABLE</p>

<p>7. RELIGION & BELIEF: Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism).</p>
<p>State whether the impact is positive, negative, a combination of both, or neutral: NEGATIVE</p>
<p>Describe the Impact</p>
<p>7.1. According to data from the 2021 census, Ealing residents identify as follows regarding their religion or belief:</p> <ul style="list-style-type: none"> • 37.8% Christian • 18.8% Muslim • 19.1% No religion • 7.7% Hindu • 7.8% Sikh

- 6.7% Prefer not to answer

7.2. There is no specific data relating to the religion and belief of residents and visitors to the PSPO area (excluding the represented groups who are discussed separately below). However, census data provides some indication of the religion and faith identified with by Ealing's established population. For residents and visitors to the PSPO area, the effect of the PSPO is considered to have been positive as it has facilitated their access to the Clinic without the distress caused by interference from people unknown to them at the point of access.

7.3. In relation to Clinic service users, monitoring data provided by BPAS in relation to religion and belief shows that in the five-year period 2013-2017, of the clients accessing its services UK wide the key groups were:

- 59% who identify with no religion
- 21% Christian
- 10% prefer not to say
- 4.5% Muslim
- 2% Hindu
- 1% Sikh

It is important to recognise this data does not relate specifically to MSI Reproductive Choices on Mattock Lane, however it provides a sense of the UK-wide picture of women accessing the same services offered at the Clinic.

7.4. The data indicates that the rate of clinic service users who identify as 'no religion' is roughly four times that of Ealing's established population, while those clinic service users identifying as Christian is approximately half the number of Ealing's established population who identify as such. The Council accepts that it is possible that these figures are not strictly accurate but may reflect reluctance on the part of service users to disclose personal information when attending clinics. Nonetheless, the information is relevant when considering the nature of the activities outside the Clinic, some of which use Christian imagery and language in their efforts to influence people at the point of access and departure. As a minimum it is clear that many, if not most, of the service users accessing the Clinic do not share the same faith or type or strength of religious views held by the representative groups.

7.5. In regard to those people who visit the area to take part in protest / vigils as part of groups expressing Pro-Choice views, there is no specific data relating to their religion and belief. Sister Supporter, the key Pro-Choice group represented outside the Clinic state on their website: "*We are not anti-religion, nor are we pro-abortion. We are... opposed to anyone, with any agenda, placing themselves outside of health services*". For these reasons, the effect of the PSPO is considered neutral on this group as regards their religion or belief. In any case it is believed that the impact of the PSPO will be more neutral from Pro-Choice groups overall given that their motivation for attending will decrease.

7.6. There is similarly no quantitative data on individuals and groups who used to attend the area outside the Clinic to engage in protests / vigils representing a Pro-Life view (and who now use the 'designated area' within the PSPO to

engage in protest and vigil). It is understood, however, from research and engagement with these groups that the majority of the individuals identify as Christian and, specifically, Roman Catholic. The *Good Counsel Network* state on their website they are “*Pro-Life, Faithful to Catholic Teaching. Striving to protect women and children from abortion.*” *The Helpers of God’s Precious Infants* state on their website ‘*We pray for the mothers and their babies, for the doctors, nurses and everyone involved in the abortion practice.*” The *Society of Pius X*, a Roman Catholic group that are known to hold conservative views and *40 Days For Life* are a Christian Pro-Life organisation of affiliated groups.

- 7.7. In discussions with faith groups, including local churches and the borough’s faith forum, the common understanding is that the Pro-Life represented groups who used to congregate outside the clinic were predominantly made up of groups identifying as Roman Catholic or what has been described as more ‘fringe’ Christian groups.
- 7.8. It is fair to conclude then that the overwhelming majority of groups who visit the area to engage in Pro-Life protests and vigils identify as Christian. The PSPO has placed restrictions on behaviours in the immediate locality of the Clinic that negatively affect this group, so the effect of the PSPO has been considered negative for this protected characteristic.
- 7.9. Any temporal extension of the PSPO beyond April 2024 will therefore likely disadvantage and indirectly disadvantage those Christian individuals who wish to visit the area to engage in Pro-Life protest or vigil free from any restriction. The PSPO (and any extension by default) will restrict their freedom of expression by prohibiting them from participating in protests or vigils relating to abortion within that part of the safe zone which is not part of the designated area.
- 7.10. The PSPO explicitly states that protest includes graphic, verbal or written means. Crucially, the PSPO explicitly states that protest in this context also can include ‘prayer’ and ‘counselling’. As a result, the PSPO indirectly disadvantages those who wish to attend the area to pray and to express views which are connected to the practice and expression of their Christian (or other) religion and beliefs. A decision to extend the period for which the PSPO has effect beyond April 2024 will mean a continuation of this disadvantage.
- 7.11. However this disadvantage has been carefully balanced in terms of the rights of those individuals who visit the area to express their views (even through directed prayer and what may be considered by them to be ‘counselling’) against the rights of the people who visit the area to access the health services offered by the Clinic, who are overwhelmingly pregnant women, some of whom are themselves children.
- 7.12. The council has to consider the rights to privacy and family life of the service users, specifically their right to access health services free from intimidation, harassment, distress and with dignity and privacy.
- 7.13. The council is further required to consider the rights of the *staff* who work at the Clinic (also overwhelmingly women) who have the right to access their place of work without facing intimidation, harassment or distress.

- 7.14. From the evidence obtained during the 2017-2018 investigation, it was clear that clients and staff of the clinic had been significantly negatively affected by the presence of individuals in the locality of the clinic engaging in Pro-Life protests and vigils. People accessing health services at the Clinic (in nearly all cases women and in the majority of cases pregnant women) reported feeling intimidated, judged, harassed and obstructed when attempting to enter and leave the clinic.
- 7.15. The council also heard from those who attend the Clinic to support partners, family members and friends. The information and evidence obtained from those individuals indicates the negative impact of protests and vigils on these individuals too.
- 7.16. Staff from the Clinic confirmed witnessing and intervening in upsetting incidents where women have been approached and challenged when attempting to enter the Clinic and upon exiting the Clinic following treatment. Staff have also reported being personally intimidated and even receiving malicious communications from individuals representing Pro-Life views.
- 7.17. Since its introduction in April 2018 the PSPO is has had a positive impact on those people accessing the clinic (the majority being pregnant women accessing health services connected with their pregnancy). It has restricted behaviours that were evidenced to have caused a detrimental impact on the quality of life of these people and an extension of the order beyond April 2024 would likely have a continued positive impact on this group.
- 7.18. In considering the impact of the PSPO to date on those with religious views that motivate and underpin their desire to participate in protests / vigils, the council has to undertake a delicate balancing exercise of the competing rights of all of the represented groups, but also of the clinic users and staff. Clinic users are entitled to access lawful health services without interference or fear of intimidation, harassment or the feeling of being judged. Clinic staff are also entitled to access their place of work without direct or indirect distress, intimidation or harassment.
- 7.17 Indirect disadvantage is justified by reason of the need to balance these competing rights. The PSPO was carefully limited to provide restrictions and requirements only which were necessary to address the detrimental impact of activities of the represented groups. The provision of the 'designated area' created a space where the on-going activities were facilitated, albeit with some restrictions. For all these reasons the Council considers that the PSPO, and any extension, is a proportionate means of achieving these legitimate aims.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

The Council's previous engagement work with Pro-Life groups sought to explore the possibility for a negotiated approach to agreeing steps these groups could take to address the detrimental effect of their activities on the quality of life of those in the locality, namely clinic users, staff and others. This was unsuccessful and the explicit statements made by these groups since the introduction of the order – in the press, in social media and in legal submissions – make it clear they remain unwilling to consider any voluntary steps to address the behaviours.

The Council has again considered the negative impact on those who attend the area to express views associated with their Christian faith and has sought to carefully balance these against those other protected characteristics for whom the council also has a duty.

In considering the negative impact on the protected characteristic of religion and belief, a 'designated area' provision was made within the PSPO which allows represented groups to congregate in small numbers a short distance away from the clinic to engage in peaceful prayer and to engage with any persons who wish to approach them for counselling or support.

The 'safe zone' has been kept as small as is considered absolutely necessary to provide safe passage to the clinic for staff, service users and those that accompany them.

The proposal to extend the period for which the PSPO has effect does not change the balancing exercise which had been undertaken; it is recognised that there is a negative impact on this group and that it is considered to be justified.

8. SEX: Someone being a man or a woman.
State whether the impact is positive, negative, a combination of both, or neutral: POSITIVE
Describe the Impact
<p>8.1. While the Clinic offers some medical services for men, the overwhelming majority of service users are women. During their investigation in 2017-18 the Council also established evidence that Pro-Life groups chose not to congregate outside the clinic during hours when a 'male only' service was being run.</p> <p>8.2. Similarly, while the witness testimony of service users and staff includes some evidence provided by men who raised concerns about the behaviours of those congregating outside, the overwhelming majority of concerns raised were made by or on behalf of women accessing the Clinic in relation to their pregnancy.</p> <p>8.3. Almost all staff and contractors practising at the Clinic are women. Witness testimony from members of staff, reports to police and staff incident reports almost exclusively feature a female victim. The purpose of the PSPO has been to tackle the behaviours driving incidents and therefore provide some protection to staff members and contractors as well as to the service users.</p> <p>8.4. The effect of the PSPO to date has been positive for women, given women as a group were disproportionately adversely affected by the behaviours the PSPO has sought to address.</p> <p>8.5. The NHS and Public Health England advise that females are more likely than adult males to access sexual health services. Whilst sexual health issues affect anyone who is sexually active, inequalities in sexual health mean some groups have poorer sexual health outcomes; this includes women.</p> <p>8.6. Consideration has been given to consultation responses highlighting the potentially negative impact of the 'designated area' within the PSPO on</p>

persons accessing services at the Gordon House Surgery and others passing through along Mattock Lane near the 'designated area', given that behaviours established to have had a detrimental impact have been permitted to continue here, albeit on a smaller scale. It is recognised that the 'designated area' may disproportionately negatively affect anyone accessing sexual health and family planning services at Gordon House Surgery, the majority of whom are women and sporadic reports to the Council and via the consultation indicate this remains a concern.

- 8.7. In terms of those who have previously attended the location to engage in protest from a Pro-Choice perspective, the majority have been women. Pro-Choice protest has discontinued in the locality since the introduction of the PSPO and 'designated area'. The impact of a PSPO on this specific group is considered to be neutral on grounds of sex.
- 8.8. There is no specific data relating to the representation of men and women among groups attending the locality to engage in Pro-Life related protest / vigils and the make-up of these groups by gender has been observed by Council officers as changing day-to-day, with men sometimes making up the majority of a group on some days and women on others.
- 8.9. The impact of the PSPO on individuals and groups attending the locality to engage in Pro-Life related protest / vigil is negative, given it places restrictions on their behaviours. However, there is no evidence to indicate this has disproportionately affected any person within this group by virtue of their sex.
- 8.10. The council has received reports from those living in and visiting the locality of the 'designated area' which the Pro-Life groups have used since the PSPO was implemented. The complainants are concerned about the repeated efforts by those using the designated area targeting them because they are women who may be in the area in order to visit the clinic.
- 8.11. Engagement or attempted engagement which takes place from the designated area is permitted by the PSPO. Such activity is very different from the direct targeting of service users at the entry point of the Clinic immediately before or after treatment. It is that activity which had a detrimental impact on the quality of life in the locality.
- 8.12. The council has had to balance this (new) negative impact on women near the designated area against the negative impact on those who wish to congregate to impart information, express their view and express a manifestation of their religious beliefs (from the designated area). The balance lies in favour of continuing the period for which the PSPO has effect.

Alternatives and mitigating actions which have been considered in order to reduce negative effect:

Prior to the PSPO being introduced the council undertook engagement work with Pro-Life groups in order to better understand their activities and in an attempt to negotiate an agreed set of behaviours that could address the detrimental effect of their activities on the quality of life of those in the locality, namely Clinic users,

staff and others. This was unsuccessful. The extension of the period for which the PSPO has effect does not affect this analysis.

<p>9. SEXUAL ORIENTATION: A person’s sexual attraction towards his or her own sex, the opposite sex or to both sexes.</p>
<p>State whether the impact is positive, negative, a combination of both, or neutral: NEUTRAL</p>
<p>Describe the Impact</p>
<p>9.1. There is no evidence to indicate that lesbian, gay or bi-sexual people are disproportionately represented among any group which have been affected by the PSPO, whether by controlling their behaviour or seeking to protect them. There is no available data on the sexual orientation of the persons affected by the PSPO.</p> <p>9.2. While sexual health affects anyone who is sexually active, inequalities in sexual health mean some groups have poorer sexual health outcomes; this includes men who have sex with men (MSM). The PSPO area includes another clinic, Gordon House Surgery, which offers sexual health services. Consideration has been given to the potentially negative impact the behaviours addressed by the PSPO (and any extension of the period for which it has effect) could have on this group and the potentially negative impact the ‘designated area’ may have for MSM clients accessing sexual health services. There is no evidence of an impact on this group (MSM).</p>
<p>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</p>
<p>None applicable other than in relation to the ‘designated area’. The council continues to keep under review the location, the size and the scope of conduct permitted within the “designated area” to ensure that safe passage is being provided to the clinic and to the Gordon House Surgery nearby for service users and staff. However, the outcomes of the appeals processes to date and feedback within the consultation, combined with the on-going evidence of impact of the PSPO, provide strong indicators that the council has overall achieved the right balance in defining the location and restrictions for the ‘designated area’. This analysis applies if the period for which the PSPO has effect is extended.</p>

<p>10. PREGNANCY & MATERNITY:</p>
<p>Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.</p>
<p>State whether the impact is positive, negative, a combination of both, or neutral: POSITIVE</p>
<p>Describe the Impact</p>

- 10.1. There is no data to indicate that pregnant women make up a disproportionate number of those attending the locality to engage in protest or vigils from either a Pro-Life or Pro-Choice perspective or of staff of the Clinic, residents and visitors in the area.
- 10.2. The overwhelming majority of Clinic service users are pregnant women. The impact of the PSPO on this group is considered to have been positive, as it has facilitated pregnant women to access health services specific to their needs.
- 10.3. In introducing the PSPO, the council considered the rights of pregnant women to access health services free from intimidation, harassment, distress and with dignity and privacy. It was clear that activities outside the Clinic among the represented groups were having a detrimental impact on quality of life for this group. In considering an extension of the period for which the PSPO has effect to beyond April 2024, this has been revisited and the impact on this group by the proposed extension is considered to be positive.
- 10.4. The engagement and research work undertaken by the council established a key explanation offered by those engaged in Pro-Life protest and vigils was that women may want to know the alternatives to termination of their pregnancy. Consideration was therefore given to the possibility that some pregnant women attending the Clinic, despite the advice and counselling offered to them as part of the Clinic's processes and the array of information available online, may remain unaware of alternatives to termination and may wish to engage with support from voluntary groups on the day they attend the Clinic for a consultation or procedure. With this in mind, the 'designated area' was created to allow a person wishing to do so to engage with groups offering 'Pro-Life' advice. By way of balance, the location of the designated area and the restrictions which apply there mean that any service users who wish to avoid interaction with Pro-Life groups whilst accessing the Clinic may do so.
- 10.5. All abortion clinics are registered with the Department of Health and abortion is a regulated activity under the Health and Social Care Act 2012 which means that it is governed by the statutory standards of care and procedures for regulation and governance. The Department of Health also issues standard operating procedures for the operation of independent abortion clinics with specific requirements including the provision of 24-hour aftercare (to enable women to contact the Clinic if they are worried about symptoms or side-effects), non-directive and non-judgemental pre- and post-abortion counselling from trained pregnancy counsellors, contraception counselling and provision, and sexually transmitted infection screening. The counselling offered by the Clinic is delivered by trained and appropriately qualified professionals and by virtue of the standard operating procedures this counselling is required to be non-directive.
- 10.6. In addition to this there are a range of regulated professional and voluntary services that exist for pregnant women who may be experiencing crisis (such as exploitation, domestic abuse or financial hardship). The council will always seek to protect support for pregnant women who are affected by these issues. However, the evidence obtained by the council indicates that women do not wish to be approached on the street regarding decisions they have reached about their pregnancy at the moment they are accessing termination services.

<p>Prior to the implementation of the PSPO, the council had evidence of women being approached by members of Pro-Life groups upon <i>exiting</i> the clinic as well as attempting to enter it (i.e. after they have already received treatment), which these women would understandably have found particularly distressing).</p>
<p>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</p>
<p>The ‘designated area’ is situated within sight of the entry point to the Clinic. Those wishing to seek information or support from the represented groups will be aware of their presence (due to the location of the area) and will be able to exercise a choice to seek assistance or engage with those groups. The council’s position is that this will substantially mitigate any negative impact for pregnant women which results from the restriction of the representative groups’ activities. This analysis remains valid if the period for which the PSPO has effect is extended.</p>

<p>11. MARRIAGE & CIVIL PARTNERSHIP:</p> <p>Description: Marriage: A union between a man and a woman, or of the same sex, which is legally recognised in the UK as a marriage Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.</p>
<p>State whether the impact is positive, negative, a combination of both, or neutral: NEUTRAL</p>
<p>Describe the Impact</p>
<p>11.1. There is no data in relation to the proportion of clinic service users, staff, residents or groups involved in Pro-Life or Pro-Choice protest and vigils, who are single, married or in civil partnerships.</p> <p>11.2. The impact on this group remains neutral, given there is no evidence that the PSPO has or would negatively or positively impact any person on the basis of their relationship status.</p>
<p>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</p>
<p>NOT APPLICABLE</p>

<p>12. Human Rights</p>
<p>12a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>12b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child?</p>

<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>12c. Does your proposal impact on the rights of persons with disabilities as defined by the UN Convention on the rights of persons with disabilities?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>The Equality Act 2010 and the European Convention on Human Rights ('ECHR')</p> <p>12.1. In preparing this EIA, and as required by s.72(1) of the 2014 Act, the Council has had <i>particular</i> regard to the rights contained in Articles 10 and 11 of the European Convention on Human Rights ('ECHR'). As a public authority, the Council has also had regard to Articles 8, 9 and 14 of the ECHR.</p> <p>12.2. Consideration has been given to the Equality Act (2010) and the European Convention on Human Rights, as well as the Council's Public Sector Equality Duty found in s.149 of the 2010 Act.</p> <p>12.3. The decision whether to extend the PSPO gives rise to some difficult issues arising under the Equality Act 2010 and the ECHR. These are difficult issues because the proposed extension of the order requires the Council to have regard to the <i>competing</i> rights of members of the various represented groups who engage in protest and vigils outside the Clinic and the rights of the service users/clinic staff.</p> <p>12.4. A consideration of these rights requires the Council to consider how to achieve the appropriate balance between the respective rights. They are also difficult because an ECHR right can only be interfered with where the interference is in accordance with the law, necessary and in furtherance of a permitted objective. These issues are considered more fully below.</p> <p>12.5. The Council must take account of Articles 8, 9, 10, 11 and 14 of ECHR. These are a combination of 'absolute rights' (meaning they cannot be interfered with by the state under any circumstances) and 'qualified rights' (meaning they may only be interfered with under specific circumstances). In considering interference with qualified rights, the Council is required to consider that any interference is:</p> <p><i>In accordance with the law and necessary in a democratic society in the interests of: National Security, Territorial integrity or public safety, the prevention of disorder or crime, the protection of health or morals or the protection of the reputation or rights of others</i></p> <p>12.6. The protection of the rights of others is engaged here. The following paragraphs outline the key Articles relevant to the decisions Members are asked to make. Members will then find a summary of how any interference is said to be permissible.</p>

Article 8: Right to Private and Family Life

12.7. Article 8 of the ECHR protects a person's right to *respect* for their private and family life, their home and their correspondence. Article 8 is a qualified right, which means it can be interfered with in certain situations, for example, to protect the rights of others

12.8. The PSPO does not interfere with any person's right to private and family life. However, it does seek to *protect* the private and family life of those persons accessing services at the Clinic. Service users and staff are entitled to a degree of privacy when seeking or providing medical treatment, and access to treatment without fear of or actual harassment or distress. The High Court and Court of Appeal agreed with the Council's submissions that Article 8 Rights of those accessing the Clinic are engaged.

Article 9: Right to Freedom of Thought, Conscience and Religion

12.9. Article 9(1) of the ECHR protects a person's right to hold both religious and non-religious beliefs and protects a person's right to choose or change their religion or beliefs. The PSPO is not seeking to interfere with this right and it does not seek to prohibit any activities that affect a person's right to hold religious or non-religious views.

12.10. Article 9(2) additionally protects a person's right to manifest their beliefs in worship, teaching, practice or observance. For example the right to talk and preach about their religion or beliefs and to take part in practices associated with those beliefs. The right to manifest one's religion or beliefs is a qualified right, which means it can be interfered with in certain situations, for example, to protect the rights of others.

12.11. The Council is aware that some of the represented groups believe that their activities are part of their right to manifest their religion or beliefs. Members are advised that these are important rights and that the Council should be reluctant to interfere with those rights. Where the Council does interfere it must ensure that any interference is in accordance with the law (this is addressed later in this report), and is necessary (also addressed more fully later in this report) to ensure the protection of the rights of others. The proposed PSPO extension would interfere with these Article 9 rights. This is a delicate balancing exercise in which any interference with the right must be in accordance with the law and necessary to protect the rights of others.

Article 10 Right to Freedom of Expression

12.12. Article 10 of the ECHR protects the right of everyone to freedom of expression. This includes freedom to hold opinions and to receive and impart

information and ideas without interference by public authority. Article 10 is a qualified right, which means it can be interfered with in certain situations, for example, to protect the rights of others.

12.13. Again, this is an important fundamental right in any democracy. It includes the entitlement to express views that others might disagree with, find distasteful or even abhorrent. Article 10 provides a protection to express those views and is an important part of a free and democratic society.

12.14. It is important to consider that individuals from Pro-Life represented groups stated that they attended the Clinic to impart information to women accessing services and that the proposed PSPO would interfere with their Article 10 rights. It should also be noted that the PSPO has interfered with the Article 10 rights of Pro-Choice represented groups. In addition, the PSPO interferes with the rights of people to receive the information being imparted. Consequently an extension of the PSPO would continue to interfere with those rights

12.15. In deciding whether to extend the period for which the PSPO has effect, the Council has to balance the rights of pregnant women to access health services free from fear of intimidation, harassment or distress and with an appropriate level of dignity and privacy against the Article 10 rights of Pro-Life and Pro-Choice represented groups to impart information and ideas relating to the termination of pregnancy and the rights of people to receive information. This is a delicate balancing exercise in which any interference with the right must be in accordance with the law and necessary to protect the rights of others. Both of these considerations are addressed more fully later in this section.

Article 11 Right to Freedom of Assembly and Association

12.16. Article 11 of the ECHR protects everyone's right to freedom of peaceful assembly and to freedom of association with others. Article 11 is again a qualified right, meaning it can be interfered with in certain situations, for example, to protect the rights of others.

12.17. The right to freedom of assembly includes peaceful protests and demonstrations of the kind seen outside the Clinic. The PSPO will interfere with the Article 11 rights of both Pro-Life and Pro-Choice represented groups in the locality of the Clinic. The Council therefore needs to balance the rights of pregnant women to access health services free from fear of intimidation, harassment or distress against the Article 11 rights of Pro-Life and Pro-Choice groups. This is a delicate balancing exercise in which any interference with the right must be in accordance with the law and necessary to protect the rights of others.

Article 14 Right to Freedom from Discrimination

12.18. Article 14 of the ECHR provides '*The enjoyment of the rights and freedoms set forth in this European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*' It is therefore not a free-standing Article but rather one which relates to the engagement of other Articles, and to discriminate in the manner in which people are entitled to enjoy those rights.

12.19. Article 14 needs to be considered by the Council, given the proposed PSPO targets the activities of groups which identify with a specific religion and belief (namely Christianity).

Is the interference 'in accordance with the law'?

12.20. If Members are satisfied that the statutory tests and conditions for extending the period for which the PSPO has effect are met, and that any disadvantage caused to protected groups by the PSPO is a proportionate means of achieving a legitimate aim, any interference with the relevant ECHR right will be in accordance with the law.

Is the interference 'necessary in a democratic society'?

12.21. The Council has had regard to the content of the relevant rights as summarised above. The Council recognises that all of the rights highlighted, but Articles 10 and 11 in particular, are important rights in a free and democratic society.

12.22. If the Council wishes to interfere with these rights, the interference must be 'necessary' in order to achieve a stated aim; in this case the aim the Council has sought to achieve is the protection of the rights and freedoms of others. Those rights and freedoms include the freedom to access healthcare services without impediment or interference. The Council has to consider whether this objective is sufficiently important to justify limiting fundamental rights.

12.23. 'Necessary' means that the interference must be connected to achieving the stated objective and must not interfere to any greater extent than is required in order to achieve it. In other words the PSPO must strike a fair balance between the competing rights of the represented groups and those affected by their activities.

12.24. The ECHR rights were firmly in mind during the formulation of PSPO. These considerations have been kept under review throughout the process of considering whether the period for which the PSPO has effect should be extended.

12.25. The principle issue identified by the evidence is the presence of the represented groups at the entry point to the Clinic and their desire to engage with the service users and staff. The evidence obtained by the Council

investigation in 2017-18 demonstrated that the location of the groups, independently of what they do whilst they are there, is a problem in and of itself because service users were sometimes impeded from entering the clinic, feel as though they are being watched or 'judged', are approached and spoken to about the procedure they are considering having or have already undergone, are given leaflets and 'boy' and 'girl' colour-coded rosary beads, and are called 'Mum'. Partners and relatives supporting service users have also been approached and spoken to and have reported being distressed by the activities. Several service users provided evidence to the Council that these activities had a long-term impact on their mental health and wellbeing. These activities have continued on a near-daily basis within the 'designated area' throughout the time the PSPO has been in place; these activities also take place regularly in areas on the immediate boundary of the PSPO area. It is extremely likely that the activities will therefore return to the area outside the Clinic should the PSPO be allowed to expire.

- 12.26. The evidence base demonstrates that there was a detrimental effect on the quality of life of other persons who are living in or otherwise visiting the locality. There is no evidence to suggest that the activities would not cause further detrimental effect if they recurred or recommenced outside the Clinic. The PSPO restrictions are directed at reducing the identified detrimental effect.
- 12.27. Balanced against this, represented groups say that their presence (of itself) should not be problematic, nor should the handing out of leaflets or attempting to speak to the service users/staff. They deny filming, shouting at or following Clinic service users or their partners, relatives and friends; they deny calling Clinic users 'murderers' or telling clinic users that they will be 'haunted'.
- 12.28. The Council's position is that whilst it may be correct that not *all* of the Pro-Life represented groups or their members engaged in all of these behaviours, there was a reasonable body of evidence that *some* Pro-Life activists did and that there would be no alteration in their behaviour absent an order which imposed restrictions on their activities.
- 12.29. The Council has considered its previous Options Assessment, which formed part of the report to Cabinet in January 2018. Officers had regard to a broad range of powers to deal with the activities that are having a detrimental effect on the quality of life of those in the locality. Careful consideration was given to whether there are alternative means of achieving a reduction or elimination of the detrimental effect on the quality of life of those in the locality. Each option had its own advantages and disadvantages.
- 12.30. The main issue for the Council is whether the PSPO remains a proportionate means of achieving a reduction / elimination of the detrimental effect on the quality of life of those in the locality. Enforcement options which attach to an individual are not thought to be appropriate here as the people present outside the Clinic differ from day to day. In addition, any such options would likely require evidence to be provided or action to be taken (such as making reports to the police or the Council) by individual Clinic service users or staff who had

interacted with the individual concerned. This is not thought to be realistic or appropriate given the circumstances in which service users attend the Clinic. The best fit is thought to be a solution which attaches to the space as opposed to an individual. The Council concludes that the continued interference with ECHR rights is in accordance with the law and necessary to protect the rights and freedoms of others.

12.31. The Council has also had regard to the fact that (as outlined in the Report to Cabinet) there have been a low number of breaches of the PSPO since it was introduced in April 2018 and renewed in April 2021. Only two of these incidents resulted in a Fixed Penalty Notice (FPN) being issued; one FPN was paid in full and on time, another has been challenged and was going through the courts at the time of this report being compiled. The low number of breaches indicates the PSPO is working well, that it is understood clearly and that it is delivering its intended effect. The low number of breaches also indicates that the PSPO terms and the enforcement of those terms do not impose unreasonable or disproportionate burdens on Police or Council officers.

The public sector equality duty ('PSED')

12.32. Section 149 of the Equality Act 2010 requires the Council in the exercise of its functions to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the 2010 Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex,
- Sexual orientation

12.33. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

12.34. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) tackle prejudice, and

(b) promote understanding.

12.35. Compliance with the duties in this section may involve treating some persons more favourably than others.

12.36. The law also requires that the duty to have 'due regard' is demonstrated in the decision-making process and the Council must be able to demonstrate that decisions are made in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that imposing restrictions and prohibitions through a PSPO could have on different protected groups and, where possible, identifying methods for mitigating or avoiding any adverse impact on those groups.

12.37. The Council's assessment of the impact of the PSPO on different protected groups and the mitigation steps identified in relation to each group has been set out in previous sections of this EIA. In deciding whether the period for which the PSPO has effect should be extended, the Council has had full and proper regard to its duties under the PSED.

Summary

12.38. The Council has considered whether:

- I. the need to provide service users, staff and visitors with safe, unimpeded access to the Clinic and through the safe zone is sufficiently important to justify continuing to limit important fundamental rights;
- II. whether the proposed extension of the period for which the PSPO has effect meets the objective of facilitating that access;

- III. whether the proposal is no more than is necessary to accomplish that objective and
- IV. whether the proposal strikes a fair balance between the rights of the represented groups and those affected by their activities.

12.39. In making a decision on whether to introduce an order, the Council must balance the various rights of the Clinic service users, staff, family members, residents, visitors and those of the vigil and protest members, ensuring due consideration of these competing interests.

12.40. This EIA identifies that some protected groups are negatively affected by the PSPO, as well as the mitigating measures that have been implemented.

12.41. On balance the Council considers that it is appropriate to extend the period for which this carefully drafted PSPO has effect.

CONCLUSION

13. Conclusion

- 13.1. The PSPO has been successful in addressing the detrimental impact of abortion related protests and vigils taking place outside the Clinic. The positive impact of the council's action has been felt by Clinic staff, service users, those that attend to support service users, residents of and visitors to the area.
- 13.2. The evidence obtained by the council through its investigation, substantial consultation and continual review of the order, provides a reasonably sufficient evidence base to reach this conclusion.
- 13.3. Feedback from the consultation undertaken in November 2023 – January 2024 demonstrate that the impact of the order has largely been welcomed by those who use the area and those who have visited the Clinic. The impact on women – and, in particular, pregnant women - has been positive.
- 13.4. Submissions from *Sister Supporter* and responses from others involved from a Pro-Choice perspective since the introduction of the Order state there has been no negative impact on them and that the overall impact of the order has been positive for people living in the area and, in particular women and pregnant women.
- 13.5. A smaller number of people have raised concerns that the PSPO has prevented individuals from manifesting their religious views and imparting advice to women accessing the Clinic. Some of these comments have come from individuals who have participated in protest from a Pro-Life perspective and others from people who sympathise with their views or simply have concerns about the interference by the Council in the matter of prayer and protest. It is acknowledged that, in implementing a PSPO, the Council negatively impacted some individuals in relation to their religious beliefs.

Significant steps were taken in the implementation of the PSPO to mitigate this negative impact, including through careful formulation of the restrictions and by inclusion of the designated area. As part of the recommended extension of the order beyond April 2024, the negative impact on these groups has again been carefully considered and balanced against the wider positive impact on others.

- 13.6. Alternatives to extending the PSPO have been considered, such as taking no action and allowing the order to expire. A full Options Assessment was prepared prior to the decision in April 2018 to make the PSPO and was revisited in 2021 when consideration was previously given to the renewal of the Order. The same Options Assessment is considered anew as part of the decision on the future of the PSPO beyond April 2024, with all alternative options to extending the order being considered again. Efforts by the Council to previously engage with Pro-Life represented groups and agree on acceptable activities outside the Clinic by way of a negotiated settlement were not successful and it has been clear from the information presented by those groups in court, through the recent consultation and in the press and social media, that they remain very firmly committed to the argument that a number of the behaviours targeted by the PSPO (including approaching Clinic service users directly and using graphic images) are critical to their mission and their work. It is evident from their current actions and words that, should the PSPO be allowed to expire, they will return to the same behaviours that have been established to cause distress, harassment and intimidation to those the PSPO is designed to protect.
- 13.7. Pro-Life groups maintain that their location and tactics are key to their strategy to engage with service users and to offer them counselling and support. Pro-Choice representatives were similarly clear, prior to the introduction of the PSPO, that they would be unwilling to voluntarily cease their own protest activities and vacate the area without corresponding concessions from Pro-Life groups.
- 13.8. Evidence collected in November – December 2017 showed that activities causing concern were continuing outside the Clinic, despite the Council's prior engagement with the representative groups involved and explaining to them the harm their activities were having. The Pro-Life groups did not accept that there is evidence to suggest their activities are having any detrimental impact on those in the locality, including on service users and Clinic staff. Since that time, represented Pro-Life groups have suggested within the court proceedings and through the tenor of their consultation submissions that any detrimental effects on service users are outweighed by their overall goal of reducing the number of abortion procedures.
- 13.9. The Pro-Life groups have had ample time to suggest alternative proposals both before the original PSPO was made and in response to consultation when consideration has been given to extending the period for which it has effect. No alternative proposals have ever been offered by Pro-Life groups in the responses to the consultation on whether the period of the PSPO should be extended. In addition, as explained above, the Pro-Life groups have continued to use the designated area (as they are permitted to do). There is presently no evidence to suggest that they would remain in that location when

the PSPO expires or would otherwise restrict or amend their activities. Further it is noted that GCN has continued its protest/vigil activity at other clinic locations and appears committed to long term presence at Mattock Lane (going so far as to claim on social media that they have chosen Mattock Lane as a venue to have 'two vigils' during the Lent period).

- 13.10. The council concluded in 2018 that lesser measures would not be effective to address the behaviours impacting residents and visitors, and that some form of order was necessary and proportionate in order to achieve its aim of ensuring that service users can enjoy safe access to health care services without fear of harassment, alarm or distress and with an assurance of dignity and privacy which they were previously denied. Since being in place, the PSPO has reduced the detrimental effect of the activities on the quality of life of staff, residents and visitors.
- 13.11. The council remains of the view that lesser measures will not be effective to address the behaviours complained of, and that an extension of the PSPO is necessary and proportionate in order to maintain the improvement in quality of life.
- 13.12. In completing this EIA the council has had due regard to its Public Sector Equality Duty pursuant to s. 149 of the Equality Act 2010. In particular the council considers that its aims in adopting the PSPO dovetail with its duties to have due regard to the need to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act; and to advance equality of opportunity, eliminate discrimination and remove or minimise disadvantages suffered by persons who share a relevant protected characteristic when compared to persons who do not have that characteristic.
- 13.13. Balanced against this, the council acknowledges and recognises that continuing the PSPO will adversely affect persons of the Christian faith, to the extent that it will prohibit their protest / vigil activities within a limited geographical area and restrict their ability to express their political and religious views, particularly by imposing restrictions on their right to engage in abortion-related prayer within the safe zone. The council acknowledges that this represents a continued infringement of their rights to freedom of expression, thought, conscience and religion which will cause them particular disadvantage compared to persons who do not share their faith or any faith, and which thus causes them disadvantage.
- 13.14. However, moving forward (and with the benefit of clear judgements from the High Court, Court of Appeal and Supreme Court), the council's position is that this infringement of rights remains justified as a proportionate means of achieving a legitimate aim and thus does not amount to indirect discrimination. Balanced against the adverse impact on persons of the Christian faith, there are clear positive benefits for women, particularly pregnant women and young women under the age of 19, who are over-represented within the Clinic's service users. It is important to recognise that this group includes children accessing health services, who may be considered vulnerable and in particular need of protection from harassment and distress. The analysis also identifies likely positive benefits for persons from BAME backgrounds who appear to be over-represented amongst both

service users and residents of the area, and who are particularly likely to benefit from any overall improvement in access to the Clinic and in quality of life as a result of the continuing PSPO.

- 13.15. The council has sought to ensure that adverse impacts on Pro-Life representative groups and their members as a result of the PSPO are minimised as much as possible. The Safe Zone created by the PSPO has been kept as small as possible and is limited to the area immediately adjacent to the Clinic. The restriction of activities within the safe zone is further mitigated by the creation of the ‘designated area’, where a small number of persons (4) are permitted to congregate and engage in protest activities / vigils, displaying posters, text or images and engaging in prayer and counselling. Pro-life groups have made use of this facility more or less on a full-time basis since the PSPO was first introduced. GCN’s consultation response confirms that the group have in fact been able to contact and/or interact with Clinic service users from the designated area, albeit in lower numbers than when they previously sought to do so at the entrance to the Clinic. Pro-life groups have also carried out prayer vigils at the boundary of the PSPO safe zone, and local protests outside the council’s offices a short walk away from the PSPO area.
- 13.16. Although concerns have been raised since the introduction of the PSPO and through the consultation that the ‘designated area’ and activities permitted therein may cause a negative impact for groups including women, pregnant women, young women and members of the LGBT community accessing the clinic, the council has concluded that the provision of the ‘designated area’ strikes a more proportionate balance between the competing rights of those affected by the order.
- 13.17. The Council has continually kept the impact of the PSPO, and in particular its impact on all groups affected, under continuous review. In particular the size, location and activities permitted within the ‘designated area’ have been kept under review to ensure that the PSPO achieves its intended aims of eliminating or reducing harassment and distressing behaviour on the one hand, without causing a disproportionate interference with the rights of representative groups and their members on the other.
- 13.18. The order has additionally been subject to significant additional scrutiny, with an appeal of the PSPO having been considered by the High Court and subsequent appeals which upheld the order, being considered by the Court of Appeal and Supreme Court. The outcome of that process to date has been that the order has been upheld in its entirety and a conclusion that the council has struck the right balance in relation to the competing rights and impact on equalities matters for all involved.

14. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.


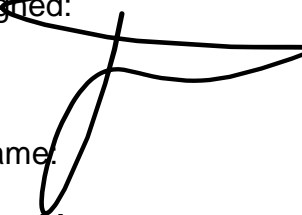
Office for National Statistics (ONS):

- 2011 and 2021 Census data (UK)

- 2011 and 2021 Census data (Ealing)
- Ealing’s Annual Population Survey (APS)
- Monitoring data from British Pregnancy Advisory Service (BPAS)
- Copy of April 2018 Cabinet report and link to all appendices and evidence considered by Cabinet in April 2018.
- Copy of Cabinet reports of November 2020; February 2021 and November 2023.
- High Court judgement, dated 2nd July 2018.
- Court of Appeal judgement, dated 21st August 2019.
- Supreme Court certificate of decision, dated 10th March 2020.
- Summary of online survey responses.
- Detailed report of online survey.
- Responses from statutory and non-statutory consultees.
- Copies of email / letter responses to consultation.
- Full unabridged data collation from online survey.
- Previous Equalities Impact Analysis undertaken.

Action Planning: (What are the next steps for the proposal please list i.e. what it comes into effect, when migrating actions¹ will take place, how you will measure impact etc.)				
Action (in event of decision to implement a PSPO)	Outcomes	Success Measures	Timescales/ Milestones	Lead Officer (Contact Details)
Notification to all statutory consultees to notify them of the outcome of the Cabinet decision	All statutory consultees are personally informed of the order	Awareness across statutory partners of the order’s prohibitions and enforcement strategy	April 2024	Jess Murray
Engagement and education of local residents, represented groups and clinic staff and members.	Use of local engagement exercises, enhanced patrols, signage and publicity to educate interested parties	Local awareness of the PSPOs conditions and enforcement plan	April 2024	Jess Murray
Additional Comments:				

Sign off: (All EAA's must be signed off once completed)

Completing Officer Sign Off:	Service Director Sign Off:	HR related proposal (Signed off by directorate HR officer)
<p>Signed: </p> <p>Name: Paul Murphy, Head of Community Safety</p> <p>Date: 4th January 2024</p>	<p>Signed: </p> <p>Name: Jess Murray, Assistant Director Community Protection</p> <p>Date: 25th January 2024</p>	<p>Signed: N/A</p> <p>Name (Block Capitals): N/A</p> <p>Date: N/A</p>
<p>For EA's relating to Cabinet decisions: received by Committee Section for publication by (date):</p>		

Appendix 1: Legal obligations under Section 149 of the Equality Act 2010:

As a public authority we must have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
 - The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP
 - Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
 - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.

Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.

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