

Minutes of the meeting of the Cabinet

Date: Wednesday, 6 March 2024

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

Attendees (in person): Councillors

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

Also present (in person): Councillors

J Gallant, G Malcolm

1 Apologies for Absence

Apologies were received from Cllr J Anand.

Apologies were also received from Tony Clements, Chief Executive. Kerry Stevens, Strategic Director of Adults and Public Health attended the meeting in his place.

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

Agenda item 8 – Ealing Serious Violence Strategy

- Cllr Gallant

Agenda item 9 – Greener Ealing Business Plan

- Cllr Malcolm

Agenda item 10 – Update on the future of Warren Farm Sports Ground

- Cllr Malcolm
- 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.

2 Urgent Matters

There were none.

3 Matters to be Considered in Private

Items 7 and 10 both contained a confidential appendix but were not taken in private as it was not necessary to discuss the confidential information provided.

4 Declarations of Interest

Agenda item 10 – Update on the future of Warren Farm Sports Ground

- Cllr Blacker declared a non-pecuniary interest.

5 Minutes

RESOLVED:

That the minutes of the Cabinet meeting held on Wednesday 7 February 2024 be agreed and signed as a true and correct record.

6 Appointments to Sub Committees and Outside Bodies

There were none.

7 Adults and Children’s domiciliary care and adult day opportunities DPS procurement

RESOLVED:

That Cabinet:

- I. Authorised the procurement of a new Dynamic Purchasing System (DPS) comprising of separate service lots for adults and children’s domiciliary care services, extra care, adult day opportunities and floating support services. It was intended that the new DPS would commence from 1 April 2025 for a period of four years, with an option to extend for a further four years (2 + 2) years, expiring in March 2033.
- II. Delegated authority to the Strategic Director Adults and Public Health and the Strategic Director for Children’s Services to award entry of identified providers on to the new DPS who had applied and successfully met the DPS entry requirements.
- III. Authorised the direct award of a contract for domiciliary care services at Turnberry Court extra care housing unit to Hartwig Care Limited for a period of one year commencing from 3 March 2025 to 1 March 2026 at a cost of £695,620.
- IV. Authorised the direct award of a contract for domiciliary care services at Moorlands Court extra care housing unit to Hartwig Care Limited for a period of one year commencing from 23 February 2025 to 1 March 2026 at a cost of £504,370.
- V. Noted that the direct award of the contracts for domiciliary care services at Turnberry Court and Moorlands Court respectively would expire on the same date to enable the re-procurement of these contracts via a mini competition under the proposed new DPS referred to above.
- VI. Delegated authority to the Strategic Director Adults and Public Health

and Strategic Director for Children's Services to make spot purchases where no suitable placements or packages could be sourced via the DPS.

REASON FOR DECISION AND OPTIONS CONSIDERED:

1. Ealing Council has a statutory duty to meet the care and support needs of vulnerable children and young people, adults, and carers in the borough based on an assessment of their need and where the eligibility criteria are met.
2. The procurement of a DPS provides a contractual vehicle for adults and children's social care to purchase domiciliary care, adult extra-care, adult day opportunities, and floating support services. The DPS would include the following categories under separate lots of services:
 - a) Adults domiciliary care: standard care, complex care
 - b) Adults extra-care
 - c) Children's domiciliary care: standard care, complex care
 - d) Adult day opportunities: building based and community-based day activities
 - e) Floating support services
3. The current DPS for domiciliary care services (known as the Ealing Homecare DPS) had commenced 1 April 2017 for a period of four years with an option to extend for a further four years (2 years plus 2 years). The DPS had been varied in 2021 to include the provision of children's domiciliary care services. There were no further options to extend the current DPS which was due to expire on 31 March 2025.
4. The proposed new DPS would assist in achieving:
 - a) A bank of quality assured providers (by service category)
 - b) A clear choice of approved providers enabling control for the individual customer over their day-to-day life
 - c) Best market value in terms of cost and quality of service
 - d) A competitive electronic process for running mini competitions
 - e) Improved business processes for both the council and providers
5. Domiciliary Care:

Since establishing the Ealing Homecare DPS in 2017, over 150 care agencies successfully joined the DPS. The development of the DPS has directly stimulated the setting-up of new local domiciliary care businesses, in addition to attracting more established regional and national providers. The DPS had ensured that 99% of council funded care packages were procured via a formal contractual arrangement. The level of sufficiency achieved was significant enough to allow the council (since 2020) to move to a quality-based approach whereby all new care packages were only placed with care agencies rated either Good or Outstanding by the Care Quality Commission (CQC). Care agencies that fell below this quality threshold were suspended from bidding for new care packages until their CQC rating had improved to Good or above. The consolidating of the children's domiciliary care categories within the Ealing Homecare DPS had significantly improved the sufficiency of support available to children's services, with over 40 care agencies now registered with CQC to support children aged 0-18 years old. By including categories for adult day

opportunities and floating support services under the new DPS we expect a similarly positive impact on quality and sufficiency in this sector.

6. Extra-Care:

Extra care housing was a cost-effective alternative to residential care and offered individuals housing with care and support, which meant they could retain their independence while being assisted with tasks such as washing, dressing, going to the toilet or taking medication. The care and support contracts for the two extra care schemes in Ealing (Turnberry Court and Moorlands Court) were currently commissioned separately outside of the existing DPS. However, both contracts expire in February and March 2025 respectively. The direct award of both contracts for Turnberry Court and Moorlands Court to Hartwig Care Limited, (the current provider) for a period of 12 months expiring on 31 March 2026 would enable both contracts to be reprocured using the new DPS once it is in place. This would ensure that the procurement of these services contracts are fully aligned to the domiciliary care contracts.

7. Adult Day Opportunities:

For 2023-24 it was estimated that over 230 adults would access day centre or outreach activities. These activities offer vulnerable adults the opportunity to engage in social and leisure activities in a safe and secure environment. This can take place within a day centre or be delivered in the community as outreach provision. All these external placements were commissioned on a spot purchase basis; the value of which was projected to be in the region of £5.5m. There were currently in the region of 20 external providers operating in the adult day opportunities sector, most of which were not-for-profit or charitable organisations. In addition to the external services there were council-run services operating at the Cowgate Centre which catered for adults with learning disabilities who had complex / higher needs, and the Michael Flanders Centre supporting vulnerable adults with dementia care and support needs.

Both day centre activities and outreach services were non-regulated provision which meant they were not covered by the CQC regulatory framework(s). This had presented a significant gap in ensuring quality (and safety) within these service settings. Consequently, it was imperative to bring these services under clear and robust contractual arrangements (particularly in the absence of formal regulation) to ensure that effective and accountable quality standards are in place, particularly regarding the safe delivery of care and support to the vulnerable adults who use these services. The COVID-19 pandemic had the impact of widening the day opportunities offer from typical building-based activities to include more activities based in the community, via remote support and activity packs. This had been a positive shift for many people with learning disabilities in terms of there being a wider range of options to choose from; and as such it was proposed that this be reflected in the new proposed DPS as an explicit category of care.

8. Floating Support Services:

Floating support services were provided to a diverse range of vulnerable individuals including older adults, people with a learning disability or mental health or physical disability, and young people. This type of support was often offered to people who may need help with various

aspects of their lives but prefer to remain in their own homes rather than move to institutional settings. There were seven existing floating support schemes in operation across the borough that are directly commissioned by the council. The schemes were projected to support a combined total of 429 vulnerable adults and / or young people over the course of 2023-24. Floating support services were non-statutory services and typically provided by non-regulated providers to vulnerable adults who reside in their own accommodation. The focus was on providing housing related support and other support services that are tailored to the specific needs of each individual, which can include assistance with daily living activities, managing personal finances, accessing community resources, and more to support vulnerable individuals similar to the other service areas, the current contract arrangements for the seven schemes expire on 31 March 2025.

9. Following a review of the below contract models, the preferred option was to procure services via a new DPS for a period of up to eight years up to 2033. The main reason being that the current DPS to date has assisted the council in establishing a competitive homecare market that:
 - a) Offers effective and robust prices
 - b) Provides sufficient capacity to meet demand
 - c) Does not lock the council into a fixed cost or guaranteed minimum volume arrangements
 - d) Includes the facility to call-off of the DPS on the basis of the providers CQC quality rating, (Good or Outstanding only).

The following alternative procurement models had been considered:

Model	Description	Pros	Cons
Block	Contract for services is paid for entirely by way of a single payment, agreed at the point of commissioning. This sum may vary each year either as set out in the contract, or by negotiation.	<ul style="list-style-type: none"> • If demand is known, then this can be a good way to seek best value. • Cost per unit will be more competitive than spot purchase. • Allows provider to invest in services with a guaranteed contract. 	<ul style="list-style-type: none"> • Could challenge quality as lack of financial incentives. • No new providers can be added during lifetime of contract. • Unresponsive to changes in demand in terms of up or down potentially leaving local authority or

			<p>provider in the lurch.</p> <ul style="list-style-type: none"> • Risks born by Commissioner.
Block and Volume	<p>Contract for service is split between a fixed block payment, and a variable payment paid in direct relation to levels of activity. The block element can vary as a proportion of the total contract value.</p>	<ul style="list-style-type: none"> • Block portion of contract allows for investment in staff, systems, and training for service provider. • Variation by volume allows for flexible, reactive approach. 	<ul style="list-style-type: none"> • Depending on the ratio of total contract worth between block and volume, it may be more or less responsive to variations. • Inherent incentives for providers to drive volume upwards to maximise contract value. • No new providers can access contract during lifetime of contract.
Spot Purchase	<p>Services purchased by Commissioners on a per-case basis. Can be with one or multiple providers.</p>	<ul style="list-style-type: none"> • May fill in gaps for a provider and work around other existing contracts. • Works where there are high fluctuations in demand and a robust existing marketplace that has enough excess supply to meet changes in demand. 	<ul style="list-style-type: none"> • Without committed investment services unlikely to be well developed • Can be less responsive to changes in demand. • Poor model on which to base new service where significant up-front costs/investment required. • Quality of service may suffer as providers do not have contract security on

			<p>which to base longer term relationships or development.</p> <ul style="list-style-type: none"> • Doesn't always offer economies of scale. • Risk born by provider(s).
Framework	<p>Multiple providers commissioned on a per case basis, paid through a 'Spot Purchase' model, without any undertaking on either side to commission, or provide a set amount of service.</p>	<ul style="list-style-type: none"> • Framework Agreements offer Commissioners and individuals choice. • Works well there is a strong marketplace with multiple, financially robust providers. 	<ul style="list-style-type: none"> • Can add complexity to Commissioning relationship with multiple, and not always aligned strategic priorities. • Can add complexity to contract management arrangements where parties want different data, outputs, and outcomes, or approach the contract from different perspectives. • Providers cannot be added to Framework for duration of

			arrangement.
Dynamic Purchasing System (DPS)	Completely electronic model. Multiple providers are commissioned on a per case basis, via an e-auction model, without any undertaking on either side to commission, or provide a set amount of service.	<ul style="list-style-type: none"> • DPS offers Commissioners and individuals choice. • Builds market capacity as no limit on providers accessing the scheme. • Prices achieved based on market prices. • Fits well with Care Act duties 	<ul style="list-style-type: none"> • No limit on the number of providers who can access the scheme. • Difficult to forecast spend as prices based on bidding process. • Scrutiny of providers can be seen as light touch.

8 Ealing Serious Violence Strategy

RESOLVED:

That Cabinet:

- I. Noted the contents of the Serious Violence Strategy 2024.
- II. Noted the outcome of needs assessment undertaken as part of the development of strategy.
- III. Noted the Safer Ealing Partnerships' compliance with the Serious Violence Duty.

REASON FOR DECISION AND OPTIONS CONSIDERED:

1. To continue the cabinet's engagement with the Safer Ealing Partnership on its key duties as the Borough's Community Safety Partnership, in this case, the serious violence strategy.

9 Greener Ealing Business Plan

RESOLVED:

That Cabinet:

- I. Agreed the appended Greener Ealing Business Plan for 2024/25.
- II. Noted the related Council budget for the existing total Greener Ealing scheduled works contract sum of £23.930m for 2024/25 and £0.160m for new services.

REASON FOR DECISION AND OPTIONS CONSIDERED:

1. The attached Business Plan for 2024/25 supports the short to medium term Greener Ealing objectives agreed with the Council in line with performance requirements and affordability.
2. The significant investment by the Council and by Greener Ealing in people and infrastructure, has resulted in a dramatic improvement in performance across all key contract services in comparison to the previous contractor. This is demonstrated in the tables later in this report.
3. Greener Ealing was established following a detailed options appraisal which recommended the creation of a Local Authority Trading Company (LATCO) as the optimal value for money means of delivering the Council's environmental services. As stated in previous related reports to the Cabinet, Greener Ealing has been created with the necessary supporting infrastructure, legal and governance arrangements, together with a significant financial commitment from the Council (including an entirely new fleet of waste collection, street cleansing and grounds maintenance vehicles) to ensure that the business is positioned to fully deliver on the Council's objectives.
4. Greener Ealing has a public service ethos, and this is reflected in the nature of support given to its staff. All staff have benefited from an uplift in salary and are now paid at least the Real Living Wage. All staff have access to an improved pension scheme and a number of former Ealing employees have admitted body access to the Local Government Pension Scheme.
5. The use of temporary staff is commonplace across the sector; however, Greener Ealing has reduced the reliance on agency workers in line with the Council's good jobs objective, prioritising the provision of permanent local employment opportunities. Greener Ealing provides training and development opportunities for staff, identifying opportunities for advancement for front line staff to Drivers and beyond to Supervisory and Managerial levels and improve in areas where skills development has been neglected or left behind e.g. horticultural skills, vehicle fitters or HGV training – Greener Ealing will grow its own. Greener Ealing is also developing a new apprenticeship programme.
6. Greener Ealing and its senior management team is transparent and held accountable to the Council with performance measured against robust key performance indicators. These are governed by monthly Board meetings in addition to management meetings and fit for purpose contract monitoring arrangements.

10 Update on the Future of Warren Farm Sports Ground

RESOLVED:

That Cabinet:

- I. Agreed that the entirety of the existing green space at Warren Farm Sports Ground is retained and enhanced for the purposes of nature,

- rewilding and biodiversity.
- II. Delegated authority to the Strategic Director of Economy and Sustainability to apply to Natural England with updated plans to designate the entirety of the Warren Farm Sports Ground (in red) as a Local Nature Reserve in accordance with sections 19 and 21 of the National Parks and Access to Countryside Act 1949 (as amended) in collaboration with local user groups to safeguard the land for future generations.
 - III. Delegated authority to the Strategic Director of Economy and Sustainability, following consultation with the Director of Legal and Democratic Services, to agree terms of either a) a land swap which would involve the sale of the Council's land and the purchase of land which is owned by Imperial College London and Imperial College Healthcare NHS (Imperial's Land) or b) to acquire Imperial's Land (without a sale of Council land) and to enter into any legal documents necessary to facilitate the agreed option and in the event that either option requires a capital budget, delegates authority to the Strategic Director, Resources following consultation with the Cabinet member for Inclusive Economy, to approve the capital budget and financing.
 - IV. Delegated authority to the Strategic Director of Economy and Sustainability to determine the final boundaries of the parcels of land to be swapped, acquired, or leased, and to agree any balancing payment if required.
 - V. Delegated authority to the Strategic Director of Economy and Sustainability to determine the exact location of the sports facilities following consultation with local interest groups.
 - VI. Noted that there has been no change to the strategic need for community sports facilities arising from the Indoor and Outdoor Sports Facility Strategy 2022-2031.

REASON FOR DECISION AND OPTIONS CONSIDERED:

1. Climate Action was one of the three cross cutting strategic objectives set out in the Council Plan. The Council was taking significant steps to fulfil its Climate Action strategic objectives for the borough by planting 50,000 new trees and pursuing 25% Borough wide tree canopy cover, delivering 10 new parks, enhancing biodiversity, making progress towards rewilding 800,000sqm of land, and retrofitting homes, all towards achieving its strategic target of achieving a net zero Borough by 2030.
2. The Council had already taken decisive action by announcing plans in 2023 to create the Ealing Regional Park which would be central to the Council's climate resilience strategy going forward.
3. Warren Farm had a strategically important role to play as part of the Council's Climate Action strategy through the restoration of natural habitats, increasing biodiversity and providing space for nature to re-establish itself.
4. The last report on Warren Farm Sports Ground that went to Cabinet in January 2023 anticipated that our nature and biodiversity aspirations could be met within the green striped land in the plan (as shown in the

report) which included council and Imperial land, whilst sports facilities could be accommodated on the balance of the council-owned land.

5. Since that report went to Cabinet the Council had spent considerable time reviewing the plans for Warren Farm Sports Ground within the context of our wider plans to move towards net zero and improving the climate resilience of the Borough.
6. From a climate action and climate resilience perspective our ambition had always been to safeguard as much of the existing green space at the former Warren Farm Sports Ground as possible in order to enhance it for nature, rewilding and biodiversity. The negotiations we have undertaken with Imperial mean that there is an opportunity to retain almost the entirety of the existing Warren Farm Sports Ground for nature and rewilding, equating to over 90% of the site, a significant increase from the previous proposal. Furthermore, the Council was convinced that this approach would best achieve our ambitions to create the largest rewilding scheme in London at Warren Farm Sports Ground.
7. Warren Farm Sports Ground had the potential to become the best rewilding scheme nationwide. We want this land to become a Nature Reserve that will not only be a fabulous resource for communities today but one that can be enjoyed in perpetuity by future generations too. The report therefore recommended that we formally notify Natural England of the revised map of our intention to create a Nature Reserve at the Warren Farm Sports Ground and at the same time formally end the previous proposal in the last Cabinet report to seek Nature Reserve status for an alternative land configuration.
8. As set out in 4.10 of the January 2023 Cabinet report, the Council was in the process of undertaking a phase 1 ecological survey on the Warren Farm Sports Ground. The initial results had identified that the optimum approach to protecting land for the local wildlife and enhancing biodiversity was for the Warren Farm Sports Ground to be enhanced for wildlife and biodiversity. This work, subject to final recommendations, therefore supported the Council's decision to enhance and protect all of the Warren Farm Sports Ground for nature and biodiversity.
9. Over the last twelve months the Council had proactively and positively engaged with the local community and interested groups to understand how they would like the land at Warren Farm to be used. The views expressed by the community supported the conclusions of the Council that the Warren Farm Sports Ground should be enhanced for wildlife and biodiversity.
10. The Council had been engaged in a long and constructive negotiation with Imperial over the Council's preference to retain and enhance the entirety of the Warren Farm Sports Ground for nature and biodiversity. The Council was pleased that the organisations support the Council's vision for Warren Farm Sports Ground and that they are supportive of the Council's proposals to retain and enhance that land for nature.
11. The Council had now reached agreement with Imperial, subject to completion of surveys and contractual terms, that, in order to compensate for the loss of sports facilities originally envisaged to be

delivered on part of the Warren Farm Sports Ground, that Imperial will work with the Council to facilitate sports facilities within the land currently held by Imperial whilst also improving biodiversity on the site which was currently used for equestrian use. The Council was clear that this outcome best balanced the imperative needs of nature with local needs for new sports facilities.

12. The Council now hoped that all key stakeholders were on board and supportive of our vision to protect and enhance Warren Farm Sports Ground for nature whilst utilising the adjacent land for sports facilities.
13. The provision of sports facilities within the land adjacent to Warren Farm Sports Ground remained a strategic priority to meet the needs of the local community of Southall. The previous report provided the Council with the authority to carry out a marketing exercise to identify a preferred partner to develop and operate sports facilities. This report was therefore updating Cabinet that following the recommendation in this report to allocate the land in blue for sports facilities that the Council would shortly commence the marketing exercise prior to bringing a report back to Cabinet recommending the appointment of a development partner / operator.
14. The Plan showing how the new sports facilities could be configured within the blue land was included within the report. This indicative masterplan assumed a mix of uses but the exact provision of sporting facilities would be resolved during the appointment of a partner process. The Council will want to continue our positive engagement with community interest groups to ensure that the new sports facilities both meets the needs of the local community whilst also avoiding any harm to what will become the Warren Farm nature reserve.

11 Date of the next meeting

The date of the next meeting was scheduled for Wednesday 17 April 2024.

Meeting commenced: 5.00 pm

Meeting finished: 5.32 pm

Signed:

Dated: Wednesday, 17 April 2024

P Mason (Chair)