

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

**Date:** Wednesday, 17 April 2024

**Venue:** The Atrium - Perceval House

### **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**

J Gallant

### **Also present (virtually): Councillors**

G Malcolm

## **1 Apologies for Absence**

Apologies were received from Cllr K Nagpal.

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

Agenda item 7 – Council Plan Performance Report Quarter 3 2023/24

- Cllr Malcolm
- Cllr Gallant

Agenda item 8 – Reclaim and Repurpose - Ealing Transport and Highways Programme 2024-25

- Cllr Malcolm
- Cllr Gallant

Agenda item 9 – Male Violence Against Women and Girls Action Plan

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

## **4 Declarations of Interest**

There were none.

## **5 Minutes**

That the minutes of the Cabinet meeting held on Wednesday 6 March 2024 be agreed and signed as a true and correct record.

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

### **RESOLVED:**

That Peter George, Strategic Director for Economy & Sustainability, be appointed as the Shareholder Representative for Broadway Living Ltd.

## **7 Council Plan Performance Report Quarter 3 2023/24**

### **RESOLVED:**

That Cabinet:

- I. Noted key performance highlights against the 2023/24 council plan delivery plan.
- II. Noted progress on the council plan numeric targets.
- III. Noted progress against the corporate health check indicators at Q3 2023/24.

### **REASON FOR DECISION AND OPTIONS CONSIDERED:**

Performance management was an essential part of a high performing organisation and therefore not providing a performance report was discounted as an option. The report presented progress on the delivery of the council plan 2022-26, with specific reference to Q3 performance against the 2023/24 delivery plan.

## 8 Reclaim and Repurpose - Ealing Transport and Highways Programme 2024-25

### RESOLVED:

That Cabinet:

- I. Noted the new approach to prioritising investment in transport and highways measures and the funding summary amounting to £28.339m in Table 5.
- II. Approved the allocation of a total of £4.925m TfL and HS2 funding (TfL £2.879m capital and £0.728m revenue; HS2 £1.318m capital) for the Transport and Highways Programme in 2024-25 as outlined in 5.1, Table 1 and Appendix A.
- III. Approved the allocation of £0.582m DfT Funded Pothole Scheme Programme in 2023-25 as outlined in 5.1, Table 1 and Appendix B.
- IV. Noted proposed S106 funding of £4.220m subject to the wider approval of S106 allocations for 2024-25 as outlined in 5.1, Table 4 and Appendix D.
- V. Noted the allocation of £6.250m for the Highways Improvement Programme in 2024- 25 previously included in the approved capital programme as outlined in 5.1, Table 2 and the proposed schemes in Appendix B.
- VI. Noted the allocation of £1.235m for the Free-range Urban Neighbourhood (FUN) pilot schemes as outlined in 5.1, Table 3 and Appendix C.
- VII. Delegated authority to the Strategic Director of Housing and Environment, following consultation with the Portfolio Holder for Climate Action, to implement Controlled Parking Zones (CPZ) in identified areas, subject to consideration of the outcome of public and statutory consultation.
- VIII. Delegated authority to the Strategic Director of Housing and Environment to revise the Transport and Highways Programme for 2024-25 should the level of confirmed TfL grant for the council be higher or lower than expected, following consultation with the Strategic Director, Resources and the Portfolio Holders for Climate Action and Healthy Lives.
- IX. Delegated authority to the Strategic Director of Housing and Environment to take the necessary steps to implement the schemes identified in the Transport and Highways Programme (which includes those schemes funded through S106 monies) and the Highways Improvement Capital Programme as set out in Appendices A, B, C and D following consultation with the Portfolio Holders for Climate Action and Healthy Lives, subject to detailed design within the approved budgets, and the outcome of any public or statutory consultation as outlined in the Travel in Ealing Charter.

## **REASON FOR DECISION AND OPTIONS CONSIDERED:**

1. The Council was currently developing a bold and ambitious Transport Strategy to replace the strategy that covered the period from 2019 to 2022. A great deal had happened since that previous strategy was published. In particular, it was now clear that there was not just a pressing need to enable people and goods to travel in ways that minimise a range of harms (including greenhouse gas emissions, air pollution, road danger, traffic congestion, public health and social isolation), but also a need to enable our residents, businesses and other stakeholders to participate more effectively in shaping the strategies and actions that will deliver the necessary change.
2. The Travel in Ealing (TIE) Charter, developed through extensive engagement and launched in August 2022, set out an approach to developing the full range of transport initiatives through engagement processes that are open, transparent and inclusive. The Transport Strategy would itself be developed in accordance with Charter commitments, not least those to be open about the challenges facing us all (such as in relation to the climate crisis, road safety, air quality and other public health issues), to explain how transport proposals fit into the bigger picture, and to show the evidence base that underpins the transport initiatives we bring forward.
3. In terms of that bigger picture, transport's chief role is to enable higher order priorities to be achieved. The Transport Strategy is not as much about delivering 'transport projects', as it is about helping to achieve the Strategic Objectives set out in the Council Plan:
  - Tackling the climate crisis
  - Fighting inequality
  - Creating good jobs and growth
4. The proposed Transport and Highways Programme 2024-25 had therefore been devised to focus the Council's ambition to invest in active and sustainable travel and support its implementation across the borough. Active travel supports all of the Council's core objectives: enabling access to good jobs by better connecting our town centres; fighting inequality by improving access to services and amenities and enabling safer journeys for all residents; tackling the climate crisis by decarbonising journeys and shifting to low-emission modes.
5. Specifically, the proposed programme 2024-25 would play an important role in delivering the Climate and Ecological Emergency Strategy and helping the council reach the carbon neutral target by 2030 (Local Plan SP2.2) by focusing on enabling more people to travel by sustainable modes, reducing the number of motor vehicle trips in the borough, and encouraging the use of cleaner motor vehicles.

## 9 Male Violence Against Women and Girls Action Plan

### RESOLVED:

That Cabinet:

- I. Approved the implementation of the council's Male Violence Against Women and Girls (MVAWG) Action Plan 2024-2027.
- II. Noted the priority areas highlighted within the council's MVAWG Action Plan (2024-2027) agreed in February 2023 in the context of the council's VAWG Strategy and the data analysis of national and local crime data and qualitative feedback received through the council's Safer Ealing For Women listening exercises on which this was developed.

### REASON FOR DECISION AND OPTIONS CONSIDERED:

1. Ealing Council and the Safer Ealing Partnership are committed to making the borough a safer place to live, work and visit for everybody. A key pillar of this commitment is recognising and responding effectively to violence against women and girls.
2. The UN defines Violence Against Women and Girls as 'Any act of gender-based violence that is directed at a woman because she is a woman; or Acts of violence that are suffered disproportionately by women. This includes physical, sexual, and psychological/emotional violence, economic abuse, and sexual exploitation.' Violence against women and girls can take place at home, at work, or in public places.
3. Male violence against women and girls is a health and human rights issue, cutting across all areas of work in the council's MVAWG Strategy and has links with a number local strategies, including our approach to health and wellbeing, education, Prevent and community safety. The council's MVAWG Strategy is informed by the government's Tackling Violence Against Women and Girls Strategy and by the Mayor of London's Violence against Women and Girls (VAWG) strategy, the work of the Mayor's Office for Policing and Crime (MOPAC) and the Domestic Abuse Act (2021).
4. The action plan sets out a strong commitment to tackling MVAWG issues, setting out an ambitious approach to making the borough a safer place for women and girls. The action plan commits to 'tough action to prevent violence against women and girls, end female genital mutilation (FGM), and extend support through the Women's Wellness Zone network established in the borough.' The action plan also sets out that Ealing is 'committed to enforcing our public space protection order at Mattock Lane, ensuring women have access to family planning free from intimidation, and highlights our commitment to invest more than £1m in making public spaces safer and well lit'.
5. The council's Male Violence Against Women and Girls Strategy was refreshed in 2023. The refreshed strategy reflected the developed knowledge by professionals working with victims and survivors as well as with perpetrators. It also incorporated developments in the insight

and understanding of the issues among the broader public and our residents and was underpinned by the feedback from over 2,800 women and girls who took part in the council's listening exercise, A Safer Ealing For Women (SEfW) in 2022.

6. The strategy incorporated misogyny and behaviours and offences that were not explicitly identified in the council's previous strategy, such as stalking and the challenge posed by perpetrators and repeat perpetrators. There was also a much sharper focus on women and girls' safety in public spaces in light of concerns prompted by the high-profile tragic murders of women in public places, including Sarah Everard, Sabina Nessa, Bibaa Henry and Nicole Smallman and others that received deserved national attention and generated widespread public reflection and debate.
7. The refreshed strategy sets our four key priorities in response to these challenges:
  - Prevention
  - Support for victims/survivors
  - Developing a community co-ordinated response
  - Holding perpetrators to account
8. The council formerly recognise within the label applied to the Strategy that it is targeting those gender-based offences where the perpetrators are overwhelmingly male. Like a number of other local authorities, community safety partnerships and constabularies, the council has adopted the term MVAWG. Using this term does not mean the partnership do not recognise those instances of violence perpetrated on women by other women. Indeed, the partnership, the Council Plan and the strategy itself recognises there are complex behaviours within the context of interfamilial and honour-based violence, as well as FGM and abuse within same-sex relationships, where women perpetrate violence on other women or the lower number of cases where women perpetrate domestic abuse towards male partners. However, we know from the evidence reviewed, from careful data analysis and from feedback from a wide range of professional and voluntary sector partners that the majority of violence against women and girls are perpetrated by men and that the complexities of interfamilial violence stem from patriarchal hierarchies that re-enforce systems of abuse or control by men towards women and girls.
9. In London the messaging from City Hall and from MOPAC refers to 'male violence' when discussing issues of violence against women and girls. The recent well-received media communications and awareness campaigns by MOPAC, including the 'Have a word with yourself, then with your mates' awareness campaign targeting men, remind us that violence 'starts with words' and that words matter.
10. The action plan has been developed by the council's VAWG strategic group under the oversight of the Safer Ealing Partnership, and key contributors include:
  - Metropolitan Police Service (West Area BCU)
  - Children and Families Services
  - Adult Social Care
  - Public Health

- Community Safety
  - Licensing and Regulatory Services
11. A range of voluntary and third sector groups have also contributed to the plan, which is focused around tangible delivery of the four priority areas of the council's MVAWG Strategy.
  12. Within the four sections of the action plan, actions and the anticipated outcomes are listed, alongside the lead agencies and boards who have governance oversight for those actions.
  13. A lot of the actions outlined have been developed from examples of existing good practice and based on feedback from partners and from women and girls across the borough as part of the Safer Ealing for Women listening exercise and the follow-on public consultation on the developed action plan. In many cases the actions described are already being delivered and the action plan primarily provides a framework for scrutiny and oversight. There are additionally actions focussing on new or developing practice, such as the use of licencing conditions in the prevention of MVAWG and the development of perpetrator programmes targeting perpetrators under the age of 18.
  14. Tracking of the plan will be undertaken by the council's VAWG Strategic Group, with a quarterly progress report fed into the Safer Ealing Partnership and an annual report on delivery of the action plan being submitted to the council's Overview and Scrutiny Committee as part of the scrutiny on the work of the Safer Ealing Partnership.

## **10 Tri-Borough Leisure Contract**

### **RESOLVED:**

That Cabinet:

- I. Authorised the Strategic Director of Economy & Sustainability, following consultation with the Strategic Director of Resources, the Director of Legal & Democratic Services and the Portfolio Holder for Thriving Communities, to commence a collaborative procurement of the Council's Tri-Borough leisure contract with the London Boroughs of Brent and Harrow with an approximate annual value of £1m across the three authorities which is payable to the councils from the operator in the form of a management fee.
- II. Authorised the Strategic Director of Economy & Sustainability, following consultation with the Strategic Director of Resources, the Director of Legal & Democratic Services and the Portfolio Holder for Thriving Communities, to finalise the services, the contract terms and facilities within the scope of the procurement of the council's Tri-Borough leisure contract.
- III. Authorised the Strategic Director of Economy & Sustainability, following consultation with the Strategic Director of Resources, the Director of Legal & Democratic Services and the Portfolio Holder for Thriving Communities to agree formal collaborative governance arrangements between the three boroughs to manage the procurement

- and the contractual arrangements for the leisure services and enter into an inter authority agreement.
- IV. Noted that the Contract Procedure Rules adopted by Harrow as the Lead Authority for procurement will apply to the collective procurement.
  - V. Noted that Harrow had commissioned FMG on behalf of the three councils to assist the councils with the procurement of a new tri-borough leisure management contract.
  - VI. Noted that a report would be brought back to Cabinet for a decision to award the contract in due course.

#### **REASON FOR DECISION AND OPTIONS CONSIDERED:**

1. The Brent, Ealing and Harrow Strategic Cultural Partnership was established in 2012 for the purposes of procuring a joint leisure management contract. The 10- year contract was signed with Everyone Active (SLM Ltd) (EA) to operate leisure facilities for the three respective councils commencing on the 1st September 2013 and running until the 31st August 2023.
2. The contract with EA resulted in projected savings of c.£30m for the three boroughs compared with previous arrangements.
3. The current contract was extended for up to 2 years from the 1st September 2023 to 31st August 2025 to facilitate a sector recovery from the pandemic.
4. Each council was now considering its strategic approach and options for future delivery of its leisure services. A new management contract (or alternative management arrangement) will need to be in place by 1st September 2025.
5. The Sport, Leisure and Culture Consultancy (SLC), a specialist public leisure sector consultancy was commissioned by the Brent, Ealing and Harrow Strategic Cultural Partnership to independently support and provide a review of the future service delivery options and support in shaping and refining an emerging optimal approach. SLC has completed a focused scoping exercise to identify the current state of readiness, gaps in key data, insight and key future workstreams required to support the Tri-Borough partnership in developing an approach and associated work programme including:
  - Strategic Clarity / Future Direction of Leisure Services
  - Facility Condition and Future Investment
  - Future Service Scope
  - Affordability
  - Service Delivery Options (assumed Procurement)
6. Under the terms of the original contract, a net annual income has been paid to the council. However, due to the impact of the Covid-19 pandemic, the council provided a financial subsidy to EA for financial years 2020-21 to 2021-22.
7. The leisure contract with EA had performed well up to and post the Covid-19 pandemic. In 2022/23 there were a total of 1,908,672 visits (including Gunnersbury Sports Hub) to the leisure centres with approximately 10,000 gym memberships.



8. Gurnell Leisure Centre was currently closed, pending redevelopment and the current programme indicated a 2027 opening of the new facility. It was recommended that the new Gurnell Leisure Centre is included in the procurement package.
9. Dormers Wells Leisure Centre was included in scope. The council was currently undertaking a feasibility study for a refurbishment/redevelopment of this site within the scope of the proposed new contract term.
10. Five of the facilities were based on school sites and community use was managed through a dual use agreements. Agreement would need to be secured with the schools to agree revised arrangements and dual use arrangements post 31st August 2025 if they are to continue to be part of the contracted portfolio of sports facilities.
11. It was proposed that the operation of Brent Valley Golf Course is included within the scope of facilities. The decision to close Perivale Park golf course before the new contract commences removes that facility from the existing managed facilities.
12. Therefore, it was proposed that the following leisure facilities would be in the scope of the procurement:
  - Everyone Active Acton Centre
  - New Gurnell Leisure Centre
  - Dormers Wells Leisure Centre
  - Northolt Leisure Centre
  - Brent Valley Golf Course & Fitness Centre
  - Perivale Park Athletic Track
  - Elthorne Sports Centre
  - Greenford Sports Centre
  - Northolt High School Sports Centre
  - Reynolds Sports Centre
  - Swift Road Outdoor Sports Centre
  - Twyford Sports Centre
  - A new turnkey sports hall and gym in the Green Quarter, Southall

Plus 3 sites in Harrow and 1 in Brent.

13. Options considered

**Option A: Tender the council's current Tri-Borough leisure contract (with the London Boroughs of Brent and Harrow.**

This option was recommended under Contract Procedure Rules adopted by Harrow as the Lead Authority for procurement applied to the collective procurement.

**Option B: Tender the council's leisure contract as a standalone authority.**

The approach to developing the Tri-Borough partnership was founded upon a desire to create additional scale and to drive efficiencies. Ealing has by far the largest portfolio of the three Boroughs and would have therefore benefitted from considerable economies of scale under a separate single-borough arrangement. However, the inclusion of the Brent and Harrow facilities will have extended these economies of scale and potentially attracted stronger financial offers from the

operator market on the basis of the size and scale of the portfolio and the 'kudos' of operating such a large and unique contract on behalf of three London Boroughs.

There had been benefits from a non-financial perspective to the Tri-Borough approach through shared contract management and learning / knowledge sharing across the three authorities, although there is scope to take this further if the arrangement continues. Whilst this option is not recommended above the Tri-Borough option; should the Tri-Borough partnership not proceed for any reason; this would be the next best option.

**Option C: Bring the management of the leisure facilities back in-house at the end of the current leisure contract with Everyone Active (SLM Ltd).**

Under this management option the council would carry all the operational, commercial, and financial risks.

In preparation for procurement, Harrow commissioned SLC to undertake a "Shadow Bid" exercise to help inform the procurement approach of a new leisure operator. This identified that in Harrow's case there would be approximately £900k additional costs per annum if the service was managed in-house. There would be a significant increase in staff on-costs with staff moving onto full local government terms and conditions under a TUPE transfer. Compared to the existing leisure contract with EA, the council would also incur increased net business rate costs. EA are currently able to claim 80% relief. The financial assessment also included additional management and administrative staffing costs required to manage the leisure centres. In addition to the ongoing costs that have been identified, there would also be one-off transitional costs including project management resource, HR and legal support, and IT infrastructure purchase costs and data migration costs.

Officers understood that direct delivery by the council would be much more costly and that it would require significant resources to manage such a transformation programme. There were also concerns regarding the lack of internal capacity to manage a commercial service which needs to be agile and responsive in meeting the evolving needs of customers.

This option was not recommended.

**Option D: Transfer the management of the leisure facilities into the council's LATCo, Greener Ealing at the end of the current leisure contract with Everyone Active (SLM Ltd).**

A LATCo delivery model was seen as being more achievable and affordable, although there would still be significant challenges linked to securing suitable expertise and support in areas such as marketing and potentially significant resource implications associated with the

transfer of the service. It was likely it would be less cost effective than an outsourced model.

This option was not recommended.

**11 FOR INFORMATION: Urgent key decision exempted from call-in**

Cabinet **NOTED** the Urgent Individual Cabinet Member Decision that was taken by Cllr Mahfouz, Cabinet Member for Safe and Genuinely Affordable Homes, on Wednesday 27 March 2024: Approval of one year lease for temporary accommodation.

**12 Date of the next meeting**

It was confirmed that the next Cabinet meeting was scheduled for Thursday 16 May 2024.

Meeting commenced: 5.03 pm

Meeting finished: 5.56 pm

Signed:

Dated: Wednesday, 19 June 2024

P Mason (Chair)