

Minutes of the meeting of the Cabinet

Date: Wednesday 8 November 2023

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

Also present (virtual): Councillors

G Shaw

1 Apologies for Absence

Apologies had been received from Cllr K 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:

2023/24 Quarter 2 Budget Monitoring Report

- Cllr Malcolm
- Cllr Gallant

Commercial Strategy 2023-2027

- Cllr Gallant

Mattock Lane Safe Zone PSPO

- Cllr Malcolm
- Cllr Gallant

Update on School Places and Children's Services Capital Approvals

- 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

There were none.

4 Declarations of Interest

There were none.

5 Minutes

RESOLVED:

That the minutes of the Cabinet meeting held on Thursday 12 October 2023 were agreed and signed as a true and correct record.

6 Appointments to Sub Committees and Outside Bodies

There were none.

7 2023/24 Quarter 2 Budget Monitoring Report

RESOLVED:

That Cabinet:

- I. Noted the estimated General Fund revenue budget outturn position of net £4.631m (1.62%) overspend for 2023/24, and an overspend of £5.975m position on the Housing Revenue Account for 2023/24.
- II. Noted the in-year Dedicated Schools Grant (DSG) deficit forecast of £3.546m to be charged to the DSG account.
- III. Noted the progress on delivering the 2023/24 savings programme.
- IV. Noted the 2023/24 capital programme forecast.
- V. Approved the re-profiling of 2023/24 capital programme net slippage of over £1m of £30.321m into future years.
- VI. Approved the decommissioning of £3.2m of capital schemes.

REASONS FOR DECISION AND OPTIONS CONSIDERED:

To forecast the financial position for 2023/24 based on available information at the end of 30 September 2023. The report outlines the Council's forecast position on revenue, capital, income, and expenditure to the end of Quarter 2.

8 Commercial Strategy 2023-2027

RESOLVED:

That Cabinet:

- I. Approved the Commercial Strategy 2023-2027 and the objectives it sought to achieve.
- II. Authorised the Strategic Director of Resource to fully implement the objectives detailed within the strategy.

REASONS FOR DECISION AND OPTIONS CONSIDERED:

1. The council spends over £390 million each year on third party services contracts through competitive tendering as well as from multitude of approved Government and national purchasing consortiums.
2. The Commercial Strategy sets out our vision and ambition for achieving greater commercial, social and economic value from our commissioning, procurement and contracting activities. Based on a framework of four core imperatives, our commercial strategy sets out our ambition to explore innovative commercial contracting models, develop collaborative partnerships and work with the community and voluntary sector to drive positive change for our residents, businesses, and wider stakeholders.
3. In preparation of the forthcoming Procurement Act (the Act) expected later in the year and to be fully implemented by October 2024, the proposed commercial strategy reflects the changes that will be necessary to ensure the council meets the new requirements of the Act. The National Procurement Policy Statement is already making additional demands on all public bodies in respect of social value, climate change and effective contract management.
4. The Commercial Strategy 2023-2027 takes all these factors into account through its advocacy of innovation, a meaningful approach to social value, conscientious sourcing and improving the Council's procurement and contract management capacity and capability.
5. Some aspects of the strategy are already coming into effect:
 - A new e-tendering system is being implemented that will in due course support the development of Ealing's contract management capabilities and develop its associated supplier relationship management.
 - The new e-portal will also provide improved access for smaller and local businesses and voluntary and community sector organisations to contracting opportunities with the council.
 - The Social Value process is being continually developed and now provides many more ways in which bidders can commit to and deliver activities that will support communities and contribute to Ealing's Net Zero Carbon Targets.
6. Make or buy is now a key part of any new procurement's options

appraisal process in response to the council's commitment to its Public Service Guarantee. The strategy will build on these achievements and continue to secure tangible benefits into the future for the borough's residents and businesses alike.

9 Mattock Lane Safe Zone PSPO

RESOLVED:

That Cabinet:

- I. Considered the impact and effect of the Mattock Lane PSPO on the behaviours targeted, as set out in the report.
- II. Authorised the Strategic Director of Housing and Environment to undertake a consultation on the renewal or variation of the Mattock Lane PSPO.

REASONS FOR DECISION AND OPTIONS CONSIDERED:

1. The Mattock Lane Safe Zone Public Spaces Protection Order (PSPO) was introduced in April 2018 in response to activities in the locality of the MSI Reproductive Choices (formerly Marie Stopes) clinic ('the Clinic) on Mattock Lane that were found to be having a detrimental impact on those visiting and using the Clinic, Clinic staff and others living in and passing through the area. Cabinet introduced the order having considered extensive documentary, testimonial and direct evidence of the harm caused predominantly by Pro-Life represented groups in the locality of the Clinic and following consultation with Ealing residents and statutory and non-statutory partners.
2. The order was introduced for a period of three years (this being the maximum period a PSPO can be made for in accordance with the Anti-Social Behaviour, Crime and Policing Act (2014)). In November 2020, Cabinet took the decision to begin consultation on the future of the order (which would have lapsed in April 2021 if no action was taken). In February 2021 the decision was taken by Cabinet to renew the order in its full terms for a further three years. This means the order will expire in April 2024 if no action is taken.
3. Since the introduction of the PSPO in April 2018, the order has been successful in reducing to almost nil the number incidents of Clinic service users, Clinic staff and others in the locality being interfered with, intimidated or harassed by individuals or groups expressing views on abortion services. Until the implementation of the order, instances of this behaviour had been occurring on a near daily basis.
4. The order has for the most part been complied with 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.

5. The order created a designated area within the footprint of the Safe Zone that makes provision for some limited activities associated with protest of abortion related services but in a way that is designed to minimise the detrimental impact on Clinic service users and others, as well as reducing the identification, targeting and intimidation of Clinic service users and staff. This designated area continues to be used by the same Pro-Life represented groups on a near daily basis.
6. Every year during the period of Lent (the six-week lead up to Easter in the Christian calendar), an increased presence of Pro-Life groups has been noted on the threshold of the footprint of the order. Primarily, Pro-Life groups base themselves in the locality of Ealing Green.
7. Since April 2018, some of the individuals or groups who had until that time stationed themselves at the gates of the Clinic, have on occasion instead based themselves outside Ealing civic centre (Perceval House), where they have displayed signs and images expressing a Pro-Life view and objecting to abortion.
8. The continued regular use of the designated area by Pro-Life groups, the sporadic Pro-Life protests at Perceval House and the presence of Pro-Life groups involved in protest / prayer at the threshold of the PSPO area all indicate a continued focus on the location by the same represented groups who had previously been congregating at the entrance to the Clinic. It was reasonable to conclude, therefore, that, were the order to expire, these groups would return to the area outside the Clinic and continue in the activities previously engaged in at this location.
9. Members were asked to consider whether it was appropriate to consult on the extension or variation of the PSPO, in view of the legal framework for consultation, implementation and extension of PSPOs. Members are asked to have this framework firmly in mind in reaching their decision.
10. Members are directed to the evidence base set out in the report to Cabinet in April 2018. 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 the responses to the Council's original consultation on the introduction of a PSPO (conducted from 29th January to 26th March 2018).
11. Members were invited to 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.
12. Moving into 2024, the Council have two options in relation to the Mattock Lane Safe Zone:
 1. Take no action. This will mean the PSPO will come to an end in April 2024.
 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 previously undertaken during November 2020 - January 2021.
13. Should option 1 be considered appropriate by Cabinet, no further action would need to be taken by members. The PSPO would expire on 10th April 2021, signage would be removed and none of the

prohibitions or requirements of the Order would apply to any persons in the locality thereafter, save for by introduction of national powers, further order by the Council or other party or some other action.

14. If Cabinet were to conclude option 2 is most appropriate, a full consultation would 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 MSI Reproductive Choices, British Pregnancy Advisory Service (BPAS), clinic service users, the Metropolitan Police Service, Integrated Care System (ICS), NHS, Public Health and local faith groups. It will also involve an online survey in line with the public surveys undertaken in 2018 and in 2020-21.
15. Following consultation, a further report will be provided to Cabinet (most likely in February 2024), detailing the outcome of the consultation alongside an assessment of the impact and effectiveness of the Order to date and providing advice to Cabinet on the requirement for renewal or variation of the PSPO.

10 Plans to develop an Ealing Building Blocks of Health Research Collaboration (BBHRC) - Pending funding from National Institute of Health Research

RESOLVED:

That Cabinet:

- I. Authorised the council to enter into a funding contract with the Department of Health and Social Care (DHSC) for NIHR Health Determinants Research Collaboration (“the Funding Contract”) to receive funding of £5m to establish the Ealing’s Building Blocks of Health Research Collaboration (BBHRC), if the outcome of the bidding process was successful.
- II. Delegated authority to the Strategic Director of Strategy and Change and the Director of Public Health to commence work on establishing Ealing’s Health Determinants Research Collaboration, called ‘Ealing Building Blocks of Health Research collaboration (BBHRC)’ from 1 January 2024, in line with its aims, objectives and deliverables.
- III. Authorised the Strategic Director of Strategy and Change and the Director of Public Health following consultation with the Director of Legal and Democratic Services and the Director of Strategic Resources to enter into such partner agreements, research project agreements and model research agreements with research partners including without limitation Institute of Development Studies (IDS) at the University of Sussex, Imperial College London (ICL), and London School of Hygiene and Tropical Medicine (LSHTM) and other organisations as part of the BBHRC pursuant to the Funding Contract, as required.

REASONS FOR DECISION AND OPTIONS CONSIDERED:

1. Ealing council has applied for, through a highly competitive process, Health Determinants Research Collaboration (HDRC) funding of £5 million from the National Institute of Health Research (NIHR), to build sustainable research capacity and infrastructure in the council over the next 5 years. This was in collaboration with academic and community co-applicants and followed a competitive application process. It will be named the Ealing Building Blocks of Health Research Collaboration (BBHRC). This is an exciting opportunity for a step change in our learning culture.
2. In stage 1 of the application process, the NIHR commended Ealing for the “well-written and timely proposal with a strong team of co-applicants”. They noted our “strong focus on the wider determinants [of health] and fighting inequalities and [our] conveyed sense of positivity and commitment to working with, and for, the borough’s ethnically mixed population”. They also commended the “strong participatory angle to research proposed and the legacy that the HDRC will have” in Ealing.
3. Ealing BBHRC’s vision will be to develop a collaborative, impactful research partnership focused on promoting the building blocks of health and equity.

The aims of the BBHRC will be to:

- Transform Ealing’s research system and infrastructure.
- Strengthen and grow Ealing’s research collaborations.
- Drive organisational capacity building and culture change.
- Embed diverse and inclusive community involvement in our transformation.

The objectives, aligned with these aims, are to:

- Establish the foundational structures, roles, governance and partnership arrangements, to operate a centre of excellence in applied research on the building blocks of health.
- Improve the capacity and culture for community involvement and co-creation of research with residents and community groups ensuring research addresses issues important to local people, particularly from underserved communities.
- Improve accessibility and quality of our data, including data linkage and integration, to inform staff, partners and our communities.
- Develop capacity to use a plurality of innovative research methodologies for different research questions, including social science and complex systems-informed research and evaluation methods.
- Work with academic partners to embed high quality research training and development, with a focus on building capacity at all stages of the career pathway for council staff, and community groups.
- Strengthen our research collaborations so there is alignment of vision, priorities, and work for academics, council staff, local partners and our communities.

- Disseminate and share learning of our approach, activities and academic outputs, through our networks, building our reputation as a centre of excellence for applied health equity focused research.
 - Leverage the learning culture enabled by BBHRC to focus the role of the council as enabler of systems change approaches to improving the building blocks of health.
4. In addition to creating the necessary infrastructure and processes to build the research collaboration, the main transformative deliverables include:
 1. Developing a sustainable systemic Participatory Action Research infrastructure. This includes training a network of community researchers. They will participate in action research alongside council staff, to co-create new knowledge and action together.
 2. Integrate health and council data and co-produce a community data dashboard.
 3. Conduct an in-depth baseline assessment of the council's current system of evidence use and creation.
 4. Develop a bespoke and curated training and development offer for staff at all levels and community partners.
 5. If successful, the BBHRC bid will directly support the Council Plan 2022-2026 and the Health and Wellbeing Strategy 2023-2028 as it focusses on building capacity for research that will inform the council's approach to tackling inequalities through the building blocks of health.
 6. Three academic partners, offer unique and complementary expertise to build Ealing's research capacity (Institute of Development Studies - participatory action research; Imperial College London - epidemiology and data linkage; London School of Hygiene and Tropical Medicine - systems thinking and evaluation). Collaborating with communities is central to BBHRC's vision and embedded throughout, including inclusive and best practice community and public involvement, ensuring that research is relevant to, and works with, Ealing's underserved communities.
 7. The leadership of the collaboration will sit within the council's Strategy and Change Directorate with significant input from Public Health in the Adults and Public Health Directorate in the council.
 8. The intention is for Ealing BBHRC to impact Ealing residents and staff, with improvements to policy and services as a result of the research partnership. There will be a greater culture of evidence use and creation, on the building blocks of health, shifting systems towards greater health equity.
 9. Dissemination of the work of Ealing BBHRC will also include sharing learning and approaches for the benefit of people and organisations in Ealing, regionally, nationally and internationally by publishing and sharing through regional and national networks.
 10. NIHR are proposing to announce the outcome of the funding application process by the end of November 2023.
 11. If Ealing is successful in securing NIHR funding, Option 1 will be to enter into a contract with the Department of Health to establish a National Institute of Health Research (NIHR) Health Determinants

Research Collaboration in Ealing (the Ealing BBHRC).
12. Option 2 would be to decline the contract.

11 Update on School Places and Children's Services Capital Approvals

RESOLVED:

That Cabinet:

- I. Noted sections 3.1 and 3.2 which set out the updated projections in relation to demand for primary and secondary school provision across the borough and the proposed strategy to meet demand.
- II. Noted the updated projections and progress made with regards to securing additional provision for pupils with Special Educational Needs.
- III. Approved the inception of £0.171m confirmed funding from the carbon offset fund into the 2023/24 Schools capital programme, for undertaking Schools Energy surveys to inform decisions by schools and the Council in relation to energy, sustainability and climate action.
- IV. Approved the invitation and evaluation of tenders for undertaking Schools Energy surveys to inform decisions by schools and the Council in relation to energy, sustainability and climate action.
- V. Noted the identification of Reinforced Autoclaved Aerated Concrete (RAAC) at The Ellen Wilkinson School for Girls and authorised the Assistant Director: Planning, Resources and Service Development to make all necessary arrangements in relation to Department for Education (DfE) guidance, including the invitation and evaluation of tenders for any associated works, and specialist consultancy advice, funded from the existing approved High Priority Condition Programme, noting that the DfE had advised that they would provide reimbursement for all mitigation works that are capital funded.
- VI. Authorised the Assistant Director: Planning, Resources and Service Development, to work with the John Chilton School to undertake consultation on increasing the planned capacity of the school from 130 to a higher capacity and, following review of the consultation responses, and in consultation with the Portfolio Holder and the school's Governing Body, authorised the Assistant Director: Planning, Resources and Service Development to publish the necessary Statutory Proposals to increase the planned capacity, if the parties agree to do so.

REASONS FOR DECISION AND OPTIONS CONSIDERED:

1. The Council had a statutory duty to secure sufficient school places and to promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. The Council must also promote choice and diversity.
2. The legal framework within which Cabinet must consider the proposals

was set out in section 5 of the report.

3. The relevant background report on projected future demand, update on School Places and Children's Services Capital Approvals, was presented to Cabinet on the 12 October 2022.

12 Date of the next meeting

The next meeting was scheduled for Wednesday 6 December 2023.

Meeting commenced: 5.00 pm

Meeting finished: 5.29 pm

Signed:

P Mason (Chair)

Dated: Wednesday, 6 December
2023