

## **CABINET**

**Tuesday 15 September 2015 at 7pm**

### **Minutes**

#### **PRESENT:**

Councillors Bell (Chair), Anand, R Dheer, Gordon, Hynes, Johnson, Mahfouz, Rai and Tailor

#### **ALSO PRESENT:**

In accordance with paragraph 2.6(a) of the Constitution, Councillors Malcolm and Millican addressed the Cabinet with regard to the following items:

- Item 8 - Final Report of Scrutiny Review Panel 3 – 2014/2015: Ealing's Customers (Councillor Malcolm)
- Item 16 - Council Quarter 1 Performance Report 2015/16 (Councillor Malcolm)
- Item 18 - Property Strategy – Authority to Market and Dispose of the Former Carlton Road Day Centre (Councillor Malcolm)
- Item 23 - Update on the School Expansion Programme and Site Acquisitions (Councillor Millican)

Councillors Byrne, D Crawford, Mason and R Mann also addressed the Cabinet with regard to Items 7, 8, 9 and 10 - in their capacity as chairs of these scrutiny panels.

Mr Howard, representing Warren Farm Radio Flyers, addressed the Cabinet in relation to Item 20 Rectory Park – Sports Facility Development

#### **Also In Attendance:**

Councillor Mahmood.

#### **1. Apologies for Absence and Welcome**

There were none

#### **2. Urgent Matters**

There were none.

#### **3. Matters to be Considered in Private**

Item 14 contained confidential appendices but was not taken in private as it was not necessary to discuss the confidential information provided.

Item 18 contained confidential appendices and was taken in private.

#### **4. Declarations of Interest**

There were none.

#### **5. Minutes**

##### **Resolved:**

That the minutes of the Cabinet meeting held on 21 July 2015 be agreed and signed as a true and correct record.

*The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of this Committee.*

**6. Appointments to Sub-Committees and Outside Bodies  
Resolved**

There were none.

**7. Final Report of Scrutiny Review Panel 1 – 2014/2015: Ealing's Contracts, Demands and Partnerships  
Resolved**

That Cabinet:

- i) agrees the recommendations set out in in Section 11 of the report, except for recommendation 4 which was rejected, and notes the response of Service Officers to each of the recommendations set out in Section 12 of the report.
- ii) agrees the additional recommendation as follows ' Managing demand for services through partnership with residents and others should be formally adopted as a core corporate value within the corporate plan'
- iii) directs service officers to produce/or finalise an action plan on those recommendations agreed by Cabinet
- iv) reports its decisions to the Overview and Scrutiny Committee on 8 October 2015.
- v) thanks Councillor Mason for his work as chair of this panel.
- vi) thanks panel members and officers for their work on this panel.

**Reasons for Decisions and Options Considered**

Scrutiny has a role in improving decision-making and service delivery through effective scrutiny. Recommendations from Scrutiny need to be taken forward in a timely manner and in accordance with the Council's Constitution if the Scrutiny function is to be effective. The Scrutiny and Executive Protocol identifies the timescale for Cabinet to respond to Scrutiny recommendations. This decision will mean that the response is made in a timely manner and that services can implement the recommendations accepted.

**8. Final Report of Scrutiny Review Panel 3 – 2014/2015: Ealing's Customers  
Resolved**

That Cabinet:

- i) notes the final report of the Panel, as endorsed by the Chair and Vice Chair of Overview and Scrutiny Committee (OSC).
- ii) accepts the Panel's recommendations in Section 6.0 of the final report except recommendations numbered 24 and 26 which were rejected.
- iii) directs service officers to produce/or finalise an action plan on those recommendations that are agreed by Cabinet.
- iv) reports its decisions to OSC on 8 October 2015.
- v) thanks Councillor D Crawford for his diplomacy and skill in managing this panel.
- vi) thanks Councillor Malcolm for his contribution as vice chair of this panel.
- vii) thanks panel members and officers for their work on this panel.

**Reasons for Decisions and Options Considered**

Scrutiny has a role in improving decision-making and service delivery through effective scrutiny. Recommendations from Scrutiny need to be taken forward in a timely manner and in accordance with the Council's Constitution if the Scrutiny function is to be effective. The Scrutiny and Executive Protocol identifies the timescale for Cabinet to respond to Scrutiny recommendations. This decision will mean that the response is made in a timely manner and that services can implement the accepted recommendations.

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**9. Final Report of Scrutiny Review Panel 4 – 2014/2015: Ealing 2024**

**Resolved:**

That Cabinet:

- i) notes the final report of the Panel, as endorsed by the Chair and Vice Chair of Overview and Scrutiny Committee (OSC).
- ii) accepts the Panel's recommendations in Section 6.0 of the final report.
- iii) directs service officers to produce/or finalise an action plan on those recommendations that are agreed by Cabinet.
- iv) reports its decisions to OSC on 8 October 2015.
- v) thanks Councillor Mann for his hard work as chair of this panel.
- vi) thanks panel members and officers for their work on this panel.

**Reasons for Decisions and Options Considered**

Scrutiny has a role in improving decision-making and service delivery through effective scrutiny. Recommendations from Scrutiny need to be taken forward in a timely manner and in accordance with the Council's Constitution if the Scrutiny function is to be effective. The Scrutiny and Executive Protocol identifies the timescale for Cabinet to respond to Scrutiny recommendations. This decision will mean that the response is made in a timely manner and that services can implement the accepted recommendations.

**10. Final Report of Health and Adult Social Services Standing Scrutiny Panel's Review of Dementia Services in Ealing**

**Resolved**

That Cabinet:

- i) agrees the report and recommendations set out in Appendix A of the report and notes the response of Service Officers to each of the recommendations set out in Appendix B of the report.
- ii) directs the Executive Director of Children and Adults to produce an action plan on those recommendations which are agreed by Cabinet.
- iii) reports its decisions to the Overview and Scrutiny Committee on 8 October 2015.
- iv) thanks Cllr Byrne for her work as chair of this panel.
- v) thanks panel members and officers for their excellent work and excellent recommendations.

**Reason for Decision and Options Considered**

Scrutiny has a role in improving decision-making and service delivery through effective scrutiny. Recommendations from Scrutiny need to be taken forward in a timely manner and in accordance with the Council's Constitution if the Scrutiny function is to be effective. The Scrutiny and Executive Protocol identifies the timescale for Cabinet to respond to Scrutiny recommendations. This decision will mean that the response is made in a timely manner and that services can implement the recommendations accepted.

**11. Cabinet Approval for Expenditure on the Adults Care Act Capital Budget and Capital Allocation for NHS Integration**

**Resolved**

That Cabinet:

- i) agrees the proposed broad areas of capital spend as set out in paragraph 2.5 of the report for a) Care Act Capital (15/16) and paragraph 2.10 for b) Capital Allocation for NHS Integration (15/16 to 17/18).

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- ii) a) Care Act Capital – delegates authority to the Director of Adults Services following consultation with the portfolio holder, to commence spend in line with the proposed schedule of projects.
- b) NHS Integration Capital - delegates authority to the Director of Adults Services, following consultation with the portfolio holder, to commence spend in line with the proposed schedule of projects.
- iii) delegates to the Director of Adults Services authority to vire budgets between these agreed projects, as required, in order to manage them and ensure full spend in accordance with terms and conditions of the NHS Integration Capital funding.

### **Reason for Decision and Options Considered**

In October 2014 Cabinet received a report providing an overview of the Care Act, Regulations and Statutory Guidance in advance the implementation of the new Care Act from April 2015.

The Care Act 2014 introduced fundamental new duties and powers as well as incorporating established case law in the areas of social care and responsibilities that are not new to local policy and practice. The aim of the Act is to change the focus of social care so that the individual seeking care and support or support is the focus of the process, and to consolidate and modernise some existing laws. Part 1 of the Act came into force in April 2015.

Section 2 of the report details the reasons for the decision and options considered.

## **12. Contract for Care Services at Extra Care Sheltered Housing Schemes – Adult Services Resolved**

That Cabinet:

- i) authorises running mini competitions for domiciliary care (home support) at Moorland Court and Turnberry Court using the WLA Home Support Framework.
- ii) delegates authority to the Executive Director Children and Adults to award a contract to the most economically advantageous tenderer for each premises via a mini competition from the WLA Home Support Framework following consultation with the Portfolio Holder for Health and Adults Services.

### **Reason for Decision and Options Considered**

Ealing Council has a statutory duty to provide social care services to eligible service users based on an assessment of their needs. The provision of Home Care services to residents in Extra Care sheltered housing is in response to assessed need.

Adults' Services currently has contractual arrangements with two Home Care providers which are due to expire on 2nd September 2015 at Moorland Court Extra Care Sheltered Housing scheme and 30 March 2016 at Turnberry Court Extra Care Sheltered Housing scheme. These providers are Care UK (taken over by Mears in June 2015) at Moorland Court and Notting Hill Housing Association at Turnberry Court. The Director of Adults' Services has authorised the extension of the contract at Moorlands Court to February 2016 to allow for the procurement of the replacement contract using the WLA Framework agreement.

The WLA Home Support Framework Agreement started on 1st October 2014. This Framework Agreement was established by Brent as lead authority who procured the Framework Agreement following a competitive tendering process on behalf of itself and

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the other WLA boroughs. Each of the West London local authorities can procure a provider for a particular extra care sheltered housing scheme by holding a mini-competition from the Framework Agreements.

The needs of residents in the Extra Care Sheltered Housing Schemes require the availability of home care provision 24 hours a day seven days a week and cannot be adequately procured by using a direct award through the call off arrangement as this does not provide 24 hours a day service provision. Cabinet are now asked to authorise the use of the WLA Home Support Framework for a mini competition to procure home care services and to delegate authority to the Executive Director of Children and Adults Services to award a contract for each premises following consultation with Portfolio Holder for Health and Adults Services.

### **13. Future Commissioning of Care Homes and Community Services**

#### **Resolved**

That Cabinet

- i) approves the proposal that direct awards to suppliers of care home placements, homecare, supported living services, community and transport services may be made on a spot contract basis where suitable arrangements cannot be made via existing block or framework contracts for the reasons set out in Section 2 of this report.
- ii) delegates authority to award such spot contracts to the Director Adults Services either through a competitive process (where possible) or, where this is not possible, through a direct award to the supplier deemed best placed to provide necessary care services until such time that new procurement model / arrangements as described in Paras 2.4 and 2.6 of this report are in place
- iii) notes spot suppliers will be CQC regulated care providers who have not tendered to be part of an existing Ealing Council or West London Alliance (WLA) block contract or framework agreement.

#### **Reason for Decision and Options Considered**

Ealing Council has a statutory duty to meet the care and support needs of vulnerable adults and their carers following an assessment of need and where certain conditions are met.

As a result Adults' Services may need to source care services outside current contractual arrangements where no suitable provision is available to meet a persons assessed care needs under existing arrangements

The current Accreditation, Procurement and Contract Management (APC) Scheme (West London Alliance) is an approved list of care suppliers (primarily for older people) covering the London Boroughs of Brent, Ealing, Harrow, Hillingdon, Hounslow, Hammersmith & Fulham, and Barnet which is due to expire in February 2016. As consequence new procurement arrangements are required across the WLA boroughs for 2016

The new model proposed to replace the scheme is a Dynamic Purchasing System (DPS). The DPS has been nominated as the most suitable vehicle for the future contracting of social care services.

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However, it is envisaged that fully operational DPS's will not be in place until the 1st September 2016, hence interim arrangements being required to be in place. All suppliers who qualify under the exclusion and selection must be admitted to the DPS

#### **14. Housing Related Support Contract Extension**

##### **Resolved**

That Cabinet:

- i) authorises the extension of the contracts for seven preventative accommodation-based Housing Related Support Services.
- ii) authorises the extension of six services for a period of three years from the 1<sup>st</sup> April 2016 with the option to extend for a further 12 months to the following organisations:
  - a) St Mary's Road Hostel and St Christopher's Hanwell Hostel run by West London YMCA under the one contract.
  - b) Centrepont Ealing Hostel run by Centrepont
  - c) Collette House run by London Cyrenians
  - d) The 2<sup>nd</sup> Stage Mental Health service run by Hestia Housing and Support
  - e) Direct Access Rough Sleepers Hostel run by St Mungo's Broadway
- iii) authorises the extension one service at Dame Gertrude Young House run by Hestia Housing and Support for a period of one year from the 1<sup>st</sup> April 2016 with the option to extend for a further 12 months.

##### **Reason for Decision and Options Considered**

The overall contract values for the extension period for the seven services under each of the five contracts are in excess of £0.5m which constitute Key Decisions and thereby require approval by Cabinet. Annual contract values for each of the services are itemised in paragraph 4.2 of the report.

Housing Related Support (HRS) services are preventative services which play a key role in promoting health and wellbeing and maintaining independent living for vulnerable adults in the borough of Ealing.

#### **15. Budget Update Report 2015/16 – Quarter 1**

##### **Resolved**

That Cabinet:

- i) notes the General Fund revenue budget forecast outturn position of £4.358m net overspend (or 1.8%) for 2015/16 and that Executive Directors will be taking management actions to bring the forecast overspends into balance for year end.
- ii) notes the progress on delivering the 2015/16 general fund savings of £43.454m of which £34.190m has been achieved (see Appendix 2 of the report).
- iii) notes the HRA forecast outturn position of a £0.029m net underspend for 2015/16 (section 4.5 of the report).
- iv) notes the forecast underspend on the Capital Programme of (£0.622m).
- v) notes the replacement of the £0.650m saving from 2014/15 on a one off basis in the current financial year.

##### **Reason for Decision and Options Considered**

This report provides Cabinet with an update of the 2015/16 revenue budgets approved by Council in February 2015 setting out the Council's financial performance as at 30 June 2015 and actions being taken to manage risks and ensure that performance remains within the approved budgets.

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**16. Council Quarter 1 Performance Report 2015/16**

**Resolved**

That Cabinet:

- i) notes the contents of the report.
- ii) notes the progress made against the Corporate Plan performance indicators.

**Reason for Decision and Options Considered**

The purpose of this report is to provide the Cabinet with a summary of the Quarter 1 2015/16 performance against key indicators set out within the Corporate Plan. The report describes performance against key targets for operational delivery and service improvement, as well as the direction of travel of comparable performance indicators since Quarter 1 2014/15.

**17. Regulation of Investigatory Powers Act 2000 (RIPA) Update**

That Cabinet:

- i) notes the current use of RIPA in relation to surveillance and acquisition and disclosure of communications data as set out in this report.
- ii) approves revised Corporate Policies and Procedures on the Regulation of Investigatory Powers Act (RIPA) 2000 (Directed Surveillance and Covert Human Intelligence Sources (CHIS)) attached as Appendix 1 of the report.
- iii) approves:
  - a. the continued appointment of the post of Director of Legal and Democratic Services as Senior Responsible Officer for Directed Surveillance, Use of Covert Human Intelligence Sources and Obtaining Communications Data.
  - b. the continued appointments of the posts of Head of Regulatory Services, Head of Audit and Investigations and Head of Legal Property and Regulatory as Authorising Officers for Directed Surveillance and Use of Covert Human Intelligence Sources
  - c. the continued appointment of the post of Head of Audit and Investigations as a Designated Person for Obtaining Communications Data and the additional appointment of .the Head of Regulatory Services and Head of Legal Property and Regulatory as Designated Persons
- iv) authorises the Director of Legal and Democratic Services to:-
  - a. make any further necessary amendments to the two RIPA Policies which are necessary to maintain consistency with legislation, Codes of Practice, good practice and
  - b. make any necessary changes in authorising officers, and
  - c. review the authority's procedures, policies and training on a quarterly basis.

**Reason for Decision and Options Considered**

This report is intended to update members on the Council's use of RIPA powers to enable members to review those powers in accordance with the recommendations in the RIPA Codes of Practice published in April 2010 (as amended).

**18. Property Strategy – Authority to Market and Dispose of the Former Carlton Road Day Centre**

**Resolved**

That Cabinet:

- i) authorises the Director of Regeneration Planning and Policy to market and dispose of the former Carlton Road Day Centre, as shown outlined in bold on the plan as Appendix 3 of the report, having previously been identified for potential disposal as set out in the 2010 Property Strategy.

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### **Reason for Decision and Options Considered**

In January 2015 Cabinet approved the closure of the Carlton Road Day Centre. The Carlton Road Day Centre closed on July 31<sup>st</sup>. Closure of the Centre was delayed until all customers were in receipt of an alternative support service. All customers will be offered a review of their new service to ensure that it is adequately meeting their needs, and dates for these reviews are being set up. In addition work is underway to complete quality of life audits for all customers.

The former Carlton Road Day Centre is, a 1970's single storey building, previously used as a day centre for adults with learning disabilities, and, is no longer fit for purpose. The asset is surrounded on all sides by two and three storey semi-detached Victorian houses ranging from three to five bedrooms. A narrow access serves the asset from the east.

The Council's 2010 Property Strategy identified this asset as part of the Council's corporate long-term property release programme. The programme aims to both reduce annual operating and maintenance costs to the Council overall; and importantly to realise capital receipts in order to reinvest in new service accommodation and other major building projects in the borough.

Following a review of service provision, this asset has been identified as an asset which is now surplus to requirements. It is proposed that the Council's managing agents market this surplus asset for disposal of the freehold as a redevelopment opportunity on an unconditional and 'subject to planning' basis, as set out in the recommendations report Confidential Appendix 2 of the report.

### **19. Authorisation to Invite Tenders for Term Arboriculture Contract Resolved**

That Cabinet:

- i) authorises the Director of Customer Services to invite and evaluate tenders to replace the existing borough wide term arboriculture contract for a period of 3 years, commencing on 1<sup>st</sup> April 2016, with the possibility of two three year extensions.
- ii) notes that following the evaluation of all tenders returned, a report will be submitted to Cabinet with a recommendation regarding the award of this contract.

### **Reason for Decision and Options Considered**

The current term arboriculture contract expires on 31 March 2016, which was awarded in the summer of 2008 and became effective on 1 April 2009. The existing arboriculture contract is split into three elements. One covers the entire tree pruning & felling works and also includes the emergency call out. The second is specifically for the basal growth removal works and the third is for tree planting and planting maintenance. By splitting the contract in this way it was intended to generate financial savings, deliver better quality services to our customers and communities.

The proposed new contract structure will divide the three existing elements into eleven smaller lots; arboricultural services five lots, basal growth three lots and planting three lots. The arboricultural lots one, two, three and four relate to Planned Programmed works for Highways, Housing and Parks. Lot five relates to Reactive Ad-hoc works. The respective three lots for Basal Growth and Tree Planting elements are divided into geographically areas; West, Central and East.

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This structure has been developed in response to extensive soft market research which highlighted the competitive limitations of large contracts which were beyond the financial thresholds of many smaller arboricultural contractors. It is envisaged that these smaller lots will allow small and medium size contractors to compete, through an open tender process, whilst the invitation of multiple lot savings will allow competition from larger companies that can offer economies of scale. It is expected that this will increase competition and provide both financial savings and quality improvements to the service.

Given the importance on the quality of the services provided for Arboricultural Work and Tree Planting, these will be assessed on a 60% price and 40% quality ratio. As Basal Growth involves less risk and is less involved than the other elements, it will be assessed on a 80% price and 20% quality ratio.

## **20. Rectory Park – Sports Facility Development**

### **Resolved**

That Cabinet

- i) notes the selection process undertaken to select preferred bidder and agree to the appointment of Middlesex Football Association as the preferred Partner.
- ii) authorises the Executive Director of Environment and Customer Services to negotiate and enter into agreement for lease providing for the grant of a 125 year lease of the area edged in red shown in Appendix 1 of the report, to Middlesex Football Association subject to consideration of any representations received following advertisement of the proposed disposal of open space pursuant to paragraph 123(2A) of the Local Government Act 1972.
- iii) notes the estimated funding sources of £2.8m being contributed by MFA for works at Rectory Park as detailed in Table 1.1 in the report and that approval will be sought to add grants to the capital programme as and when they are secured.
- iv) authorises the Executive Director of Environment and Customer Services, in partnership with MFA, to submit funding applications, as required, and enter into any necessary funding agreements.
- v) authorises the Executive Director of Environment and Customer Services, to invite and evaluate tenders for the capital works at Rectory Park and notes that a further report will be brought to cabinet for authority to award.

### **Reason for Decision and Options Considered**

Rectory Park is a strategic site in terms of sports provision in the Borough and is designated as green belt and public open space. The site has suffered from lack of investment over a prolonged period and is no longer fulfilling its role as a suitable location for community based sports. This opportunity will provide a sustainable high quality community accessible sport, recreational and community facilities at zero cost to the Council, creating a community hub for football and other recreational activities linking the facilities to the park, health lifestyles and walking, integrating all within the local community.

The Ealing Sports Facility Strategy, adopted by the Council in February 2013, identifies that cricket and football facilities particularly in the Northolt area are generally not of the required standard to meet the demands and needs of cricket and football clubs, therefore restricting local cricket and football clubs entering in to leagues. The Strategy concludes that the future demand for quality cricket and football facilities can be met in a number of ways including bringing dormant Council pitches back in to full use, through lease arrangements with local sports clubs providing all year round playing, cricket in summer and football in winter.

In order to bring the playing fields back to full capacity it is proposed that a new building, replaces the Pavilion (destroyed as a result of an arson attack); which will be constructed with changing facilities, community social space, toilets and a kitchen/server, which will meet

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the required league standards to enable clubs the opportunity to participate in leagues and to enhance the outdoor, all year round usage of the site. This will allow for a wider community development programme to be delivered; using the facilities that will also include a full size floodlit 3G ATP.

Accessing the high quality sports and leisure facilities is a key factor in improving the quality of life for residents and the local communities. The creation of the proposed facility mix in line with the ability to further enhance the site will ensure that Rectory Park is a well maintained, safe and community accessible site that can be used for a variety of different activities for the foreseeable future. It will allow for a wider community development programme to be delivered; using the facilities that will also include a full size floodlit 3G ATP.

In March 2015 officers completed a selection process, as part of the Council's asset transfer model which has identified Middlesex Football Association (MFA) as the preferred partner/tenant for Rectory Park in Northolt. This process will secure up to £2.8m of investment from external sources to provide these facilities at no on-going subsidy.

The MFA is a governing body for football in Middlesex. Their objective is to govern the game of football on behalf of the Football Association, which they have successfully achieved for 130 years. MFA governs and supports the activities of 500 clubs (2,000 teams equating to 300 adult clubs/400 adult teams, 200 youth clubs/1,600 youth teams) providing football development support in line with the Football Associations National Game Strategy. Middlesex FA delivers an extensive coach education programme, predominantly for volunteers, to support club activity, which is delivered at various facilities around the County and London region.

Since officers identified MFA as preferred bidders the Council have been working in partnership with the body, reviewing the proposed designs and developing the funding strategy and wider project delivery.

## **21. Housing Regeneration – Peterhead Court (Golf Links Estate) Resolved**

That Cabinet:

- i) authorises the Executive Director of Regeneration and Housing to invite and evaluate tenders either through a full EU tender exercise or via an EU compliant framework available to the Council or a combination of both for the redevelopment of land at Peterhead Court (shown in appendix 1 of the report) for a phased development of 68 homes and new community centre
- ii) notes that the Executive Director of Regeneration and Housing is proposing to commission detail plans for the redevelopment of Portrush and Alnmouth Courts as the next phase of the regeneration of the Golf Links Estate.

### **Reason for Decision and Options Considered**

On 22<sup>nd</sup> July 2014 Cabinet approved plans to redevelop 20 units at Peterhead Court on the Golf Links Estate to provide approximately 67 new homes and community facilities. The approval included the drawing up of a detailed planning application; awarding decant status to residents of Peterhead Court in the new Council's scheme in Dormers Rise; commencement of the procurement process; and consideration of further phases of development to be reported back to Cabinet

Golf Links was identified as one of the 8 high intervention estates previously identified in the Council's housing regeneration strategy where the Decent Homes works alone would

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not provide the transformational effect that the areas demanded and therefore required a higher level of intervention

Following the decisions of Cabinet the scheme has progressed and consultant architects and others appointed to take the scheme to full planning on 26<sup>th</sup> August 2015, to provide 68 new homes 58 (85%) affordable and new community centre. This scheme was the subject of public consultation and exhibition

**22. Special Education Needs: Re-designation of John Chilton Special School Resolved**

That Cabinet:

- i) notes the proposal to change the designation of John Chilton School pupils aged 2 to 17 years with physical difficulties to cater for pupils aged 2 to 17 years who have moderate to severe learning difficulties as a primary need or as a dual diagnosis to a physical and/or medical need; and the outcome of preliminary consultation.
- ii) authorises the Director of Children's Services to publish a statutory proposal to change the type of special educational needs for which John Chilton School is organised to make provision

**Reason for Decision and Options Considered**

The change in designation of John Chilton School is to reflect the pupils that attend the school now, and are likely to in the future.

The legal framework within which Cabinet must consider moving forward with the proposals is set out in section 5 of the report.

**23. Update on the School Expansion Programme and Site Acquisitions Resolved**

That Cabinet:

- i) notes sections 3.1 and 3.2 of the report, which sets out the updated protections in relation to demand for primary and secondary school provision across the borough and the inherent uncertainties that are attached to such projections.
- ii) notes the progress made with regards to securing additional provision for pupils with Special Educational Needs.
- iii) a). agrees in principle that, if the sites identified for schools as described in the report cannot be acquired by the Education Funding Agency by agreement, that the sites be acquired by means of a compulsory purchase order pursuant to section 530 (1) of the Education Act 1996 if necessary.  
b). authorises the Executive Director of Regeneration and Housing following consultation with the Leader of the Council and the Executive Director of Corporate Resources, to take any necessary steps to compulsorily purchase the sites identified for schools if these sites cannot otherwise be acquired by agreement.
- iv) authorises the Assistant Director for Schools Planning and Resources to negotiate and enter into agreements with the governing body of schools and other institutions where appropriate, regarding the provision of temporary accommodation for the 2016/17 and 2017/18 academic years.
- v) authorises the Executive Director for Children and Adults to incur fees to further develop proposals for temporary school expansions, to submit any necessary planning applications and undertake any other statutory notices or requirements that may be required.
- vi) authorises the Executive Director for Children and Adults to incur fees to further develop the proposals for the expansion of Greenford High School, to submit any necessary

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- planning applications and undertake any other statutory notices or requirements that may be required.
- vii) authorises the Executive Director for Children and Adults to seek all necessary planning permission and any statutory consents and approvals for the projects described in paragraphs 3.4 and 3.6 within this report.
  - viii) authorises the Executive Director for Children and Adults to invite and evaluate tenders for the temporary high school expansion projects for 2016/17 and 2017/18 academic years outlined in paragraph 3.4 of this report, should they be deemed necessary to progress.
  - ix) authorises the allocation of £0.500m for the expansion of Dormers Wells Infant School and £1.800m for Dormers Wells Junior School to be funded from the existing schools capital programme.
  - x) authorises the Executive Director for Children and Adults to invite and evaluate tenders for the required expansion projects at Dormers Wells Infant and Junior School outlined in section 3.6 of this report and delegate authority to the Executive Director for Children and Adults to award contracts for the works, if suitable tenders are received.
  - xi) notes the £0.764m Devolved Formula Capital allocation for 2015/16 received from the DfE for maintained schools in Ealing, and approves its addition to the existing approved Schools Service Capital Programme.
  - xii) approves the addition of £0.475m to the Secondary Schools Expansion budget (item 30) of the Budget Book.
  - xiii) approves the addition of £0.671m to the High Priority Condition budget, (item 40 of the Budget Book).

### **Reason for Decision and Options Considered**

The decisions are required to enable the Council to meet its statutory duty to secure sufficient school places through the expansion of existing primary and high schools and through Free Schools. The Council has a statutory responsibility to promote high educational standards, ensure fair access to educational opportunity and promote the fulfillment of every child's educational potential. The Council must also promote choice and diversity. Cabinet approval is required to invite and evaluate tenders, and submit any required planning applications.

The Legal Framework within which Cabinet must consider the proposals is set out in section 5 of the report.

The relevant background report on projected future demand which was last presented to Cabinet on the 29<sup>th</sup> of April 2014 and can be accessed via the link below:  
Update on School expansion programme and projected future demands April 2014  
<http://ealing.cmis.uk.com/ealing/Committees.aspx>

### **24. Date of Next meeting Resolved**

The next meeting of Cabinet will be held on 20 October 2015 at 7pm.

### **Councillor Julian Bell, Chair**

### **Date**

The meeting concluded at 8:55pm having completed its business.

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