

CABINET

**Tuesday 19 January 2021 at 7pm
Minutes**

PRESENT:

Councillors: Bell, J Anand, Camadoo-Rothwell, Dhindsa, Gordon, Mahfouz, Rai and Sabiers

ALSO PRESENT:

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

- Item 07 - Ealing Council's Climate and Ecological Emergency Strategy (Councillors Malcolm and Stafford)
- Item 10 - Housing Revenue Account (HRA) 2021/22 Budget, 5-year MTFs and 30-year Business Plan (Councillor Stafford)
- Item 12 - Members Code of Conduct and Transparency in Planning: consideration of a report by 'Transparency International UK', July 2020 (Councillors Malcolm and Stafford)
- Item 14 - Determination of Statutory Proposals for Fielding Primary School ARP and Children's Services Capital Approvals (Councillor Millican)
- Item 15 - Update on Wood End Infant and Junior Academy and Authority to Publish Statutory Proposals for Wood End Infant School (Councillor Millican)
- Item 16 - Dynamic Purchasing Vehicles - Residential & Fostering Extension of Contracts (Councillor Millican)

Also in Attendance

Councillor Mahmood

- 1. Apologies for Absence**
Councillor Johnson
- 2. Urgent Matters**
There were none.
- 3. Declarations of Interest**
Councillor Millican declared a non-pecuniary interest in Item 14 - Determination of Statutory Proposals for Fielding Primary School ARP and Children's Services Capital Approvals, by virtue of being a governor at this school.
- 4. Matters to be Considered in Private**
Items 9, 13 and 16 contained confidential appendices but were not taken in private as it was not necessary to discuss the confidential information provided.
- 5. Minutes Resolved:**
That the minutes of the Cabinet meeting held on 8 December 2020 be agreed and signed as a true and correct record.
- 6. Appointments to Sub Committees and Outside Bodies Resolved**
There were none.

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.

7. Ealing Council's Climate and Ecological Emergency Strategy

Resolved

That Cabinet:

- i) adopts the Council's Climate and Ecological Emergency Strategy (CEES), noting the climate commitments made by the council to work toward the aim of becoming a carbon neutral borough by 2030.
- ii) approves the inclusion of the strategic "food systems" theme in the draft strategy and delegates authority to the Executive Director of Place to finalise the strategic objectives and targets following consultation with the portfolio holder.
- iii) authorises the Director of Growth and Sustainability to claim the Green Homes Grant and, if successful, enter into a Memorandum of Understanding (MOU) for the Green Homes Grant: Local Authority Delivery Phase 1b in the sum of £14.5m.
- iv) approves, subject to the receipt of grant, the creation of the budget of £14.5m to spend the entire grant income that has been bid for by the partner Boroughs under the Green Homes Grant: Local Authority Delivery scheme Phase 1b, with Ealing as accountable body for the partnership. This will include £1.2325m for the estimated element of the Ealing share of the grant and the 15% top-slice of the grant of £2.175m for enabling costs, with the balance of the grant of £11.0925m for the partners' element.
- v) authorises the Chief Executive and the Head of Audit and Investigations each to sign a Declaration of Compliance, as required by the Green Homes Grant conditions.
- vi) authorises the Chief Finance Officer to sign the Section 151 Officer declaration, to accept the grant funding; confirm the accuracy of the grant claim; confirm the delivery will be in accordance with the proposal; and confirm that the council will comply with the provisions of the MOU for the Green Homes Grant.
- vii) authorises the Director of Growth and Sustainability to enter into interborough agreements to deliver the Green Homes Grant: Local Authority Delivery Phase 1b, with nine consortium boroughs: London Boroughs of Barnet, Brent, Hammersmith & Fulham, Harrow, Hillingdon, Hounslow, Lambeth, Newham and the Royal Borough of Kensington and Chelsea containing key agreements of delivery, such as project management, borough responsibilities and dispute resolution.
- viii) authorises the Director of Growth and Sustainability to extend the Green Homes Grant: Local Authority Delivery Scheme Phase 1a contract to deliver energy efficient upgrades to low income, low energy performing homes across the partnership Boroughs, subject to successful performance of the contractor following consultation with the Director of Legal and Democratic Services and the Head of Procurement.
- ix) authorises the Director of Growth and Sustainability to apply for up to £4m of grant as part of the Public Sector Decarbonisation Scheme and, if successful, enter into an agreement with Salix Finance (the fund administrator) to receive the grant funding.
- x) approves, subject to the receipt of grant, the creation of the budget of up to £4m to spend the entire grant income for the Public Sector Decarbonisation Scheme in accordance with the terms of the grant.
- xi) agrees that Director ICT, IDM, & Property Services (CIO) ICT (CIO) and Property Services, following consultation with the Chief Finance Officer, invite and evaluate proposals for a service provider to deliver the Public Sector Decarbonisation Scheme to complete energy efficiency upgrades to Ealing Council corporate buildings, under the National Framework Agreement for Energy Performance Contracting dated 24 April 2020 (the "Framework Agreement"), OJEU reference number OJ/S S194 08/10/2019 471647-2019-EN.
- xii) authorises the Director ICT, IDM, & Property Services (CIO) ICT (CIO) and Property Services, following consultation with the Chief Finance Officer, to award the contract

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- for an approximate value of up to £4m to provide installation of energy efficiency measures in council buildings, following the evaluation of tenders received from suppliers under the Framework Agreement as referred to in clause xi) above.
- xiii) delegates authority to the Director ICT, IDM & Property Services (CIO) to finalise the list of building works and take any other necessary steps to implement the works.
 - xiv) notes that, in support of the Climate and Ecological Emergency Strategy, the Local Planning Authority is applying the GLA's recommended Carbon offset price of £95/tonne (based on the nationally recognised non-traded price of carbon), when assessing new planning applications against the net zero-carbon target in the London Plan.
 - xv) notes the following Clarification to the report. Recommendations 1.9-1.13 (resolutions ix) to xiii above) will apply to future rounds of funding, as the first-round application was not successful.
 - xvi) notes the following amendment to paragraph 4.4 of the report – which stated the Council would not spend the grant on Ealing's own domestic properties, but this was still under consideration. The grant conditions allowed the Council to do so, but the Council was prioritising the private sector domestic properties. This did not affect the recommendations to the report.
 - xvii) notes the amendment to paragraph 2.14 of the report which should read March 2021 (not March 2020).
 - xviii) thanks Jo Mortensen and her team for this impressive piece of work.

Reason for Decision and Options Considered

The council had committed to treat climate change as a current crisis, where a swift, intensive and substantial response was compulsory. Climate change presented an opportunity for communities to unite behind a common cause and proactively change their behaviours, prepare for the future and mitigate ongoing harm to our natural environment.

Climate action was an opportunity for the council to make a positive contribution to social justice. It was well documented that it was the most disadvantaged that were disproportionately impacted by climate change, as was the case with Covid-19. The Climate and Ecological Emergency Strategy, Appendix 1 to this report, formed a central pillar to the borough's economic recovery and renewal, as outlined in the council's Greenprint for Recovery.

In recognition that the effects of climate change were predicted to cause profound impacts on humanity and the ecological systems it relied on, Ealing's full Council declared a climate emergency in April 2019 and pledged to make Ealing carbon neutral by 2030. The scope of the declaration aimed to address all carbon emissions, both produced and consumed, by everyone in the borough.

Every resident, visitor and business in the borough had an important role to play in ensuring that they met this target and therefore prevented the impacts that would occur if global temperatures continued to rise at current rates.

Local authorities had a unique role to play in the climate change agenda using the variety of powers and tools at their disposal including drafting and implementing policy, influencing new development and infrastructure, leading communities and partners by setting the very best example in behaviour, managing public land and assets and commissioning a range of services for the public. Leading the agenda in the borough was the council's greatest strength.

The council's approach to the strategy attached to this report for adoption had focused on four themes, where the organisation had the most control and direct influence, based

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on policies, procurement, projects and relationships. Cabinet approved this strategic approach in the May 2020 briefing report.

- Energy
- Nature
- Travel
- Waste

A fifth theme initially included in the work plan, food systems, remained outstanding due to officer capacity. Officers would work closely with the community to deliver this theme of the strategy in the first half of 2021.

Each of the four themes within the strategy identified unique objectives, targets and actions that would either reduce or capture carbon emissions in Ealing and beyond. The council understood that all carbon emission sources would need to be cut to zero eventually, this strategy was its first step toward reducing emissions significantly by 2030.

Our carbon neutral 2030 objectives in summary, by theme:

The strategy brought forward several transformative opportunities for the council:

- Green economy - the growth of the green economy was going to help Ealing resident's back on their feet after the pandemic. The green economy meant wins for carbon reduction, biodiversity, community cohesion, skills and employment and social justice.
- Climate Justice - The impacts of climate change would not be borne equally or fairly, between rich and poor, women and men, and older and younger generations. The council had begun to integrate this concept across the strategy, and there were close links with the new Race Equality Commission.
- Green finance – the strategy invited finance innovation and partnership to deliver its carbon neutral target.
- Local Plan - This was one of the sharpest tools of influence, alongside procurement activities. The London Plan set a good pace, but Ealing's Local Plan must include policies that were both progressive and proactive to climate change.
- Zero carbon buildings - While 80% of the buildings that would exist in 2050 already stood today, the council must commit to making the very best of the opportunity for new builds to ensure that we avoid lock-in of poor performance. The council also acknowledged that retrofitting was essential, and financial and policy innovation in this space was required to create this reality.

Green Homes Grant Local Authority Delivery Phase 1b - grant funding approvals

Ealing Council led a successful seven-borough partnership bid for grant funding for Phase 1a (as it was known), focusing on delivering private-sector energy efficiency retrofits, through a centralised delivery agent. The full grant award was £4.78m from the Department for Business, Energy and Industrial Strategy (BEIS), with the intent to be shared equally amongst the partnership boroughs. This award was agreed by Cabinet in October 2020.

The total value of the OJEU competitive tender, open now, was expected to be approximately £4.1m. The grant award covered all costs of delivery and required no additional budget from the council. The partners anticipated delivering up to 700 retrofits across the boroughs, by 31 March 2020, as was required by the grant conditions. If the partnership was unable to deliver the full value of the grant, and an extension had not been agreed, the unspent balance was returned to the funder.

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The tender documents included information to bidders in anticipation of programme expansion, should further funding be awarded to the partnership. The ITT described the project as having a potential total value of £19.283m.

The funder was unsuccessful in allocating all the £200m earmarked for Phase 1 so had announced the creation of Phase 1b. The deadlines for delivering Phase 1a remain unchanged, however, officers were asked by the funder to apply for a Phase 1b bid in order to gain access to more delivery time. Phase 1b must be delivered by September 2021.

The Phase 1b bid for £14.5m would be an expansion of the agreed delivery model, with the addition of 3 boroughs, now including: London Boroughs of Barnet, Brent, Hammersmith & Fulham, Harrow, Hillingdon, Hounslow, Lambeth, Newham and The Royal Borough of Kensington & Chelsea.

The aim of Phase 1b was to deliver at least 1200 additional retrofits to fuel poor households in member borough boundaries (Phase 1a will deliver at least 400). The partnership would strive for an equal allocation of funding across partner boroughs; however, this would fluctuate widely due to resources available within each partner borough and finding sufficient volumes of housing typologies that lent themselves to retrofitting, i.e. flats and conservation properties were more challenging to retrofit. The target number of retrofits in Ealing through Phase 1a and Phase 1b is 220 and the council had the resources in place to meet or exceed this target.

The delivery model maintained Ealing as the leading authority, responsible for project management, contract management and invoice payments. Ealing officer time, over a 39-week period was fully covered by the grant. All supporting services, such as Ealing's procurement, finance and legal fees attributable to the project would be recharged to the grant. Further, the West London Alliance had agreed to support programme delivery, up to two days a week, these costs would also be covered by the grant.

Back to back interborough agreements with each partner had been created to clarify responsibilities and tasks of a "member borough", including but not limited to data handling, communications and marketing and risk mitigation.

A specialist construction project manager and supervisor would be hired by Ealing to manage the construction and quality assurance elements of the programme. The roles were being recruited now (for Phase 1a and would look to be extended for continuity), and the grant covered the full salary of these fixed-term project delivery positions.

Public Sector Decarbonisation Scheme - grant funding approvals

The Department for Business, Energy and Industrial Strategy (BEIS) launched the Public Sector Decarbonisation Scheme (PSDS), delivered by Salix Finance. The scheme would allocate £1bn of grant funding which strongly aligned with BEIS' mission and priorities: fighting coronavirus, backing business, unleashing innovation and tackling climate change. The scheme would encourage green investment aligning with the Government's Net Zero and clean growth goals.

PSDS grants were available for capital energy efficiency and heat decarbonisation projects within public sector non-domestic buildings including central government departments and arm's length bodies in England. The scheme allowed Public Sector Bodies including eligible central government departments and their arm's length bodies to apply for a grant to finance up to 100% of the costs of capital energy saving projects that meet the scheme criteria.

The council had conducted energy efficiency audits on 59 corporate buildings that were confirmed with the Strategy Property and Investment team as assets that would not be

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disposed of in the near term. The audit produced a costed plan for energy efficiency upgrades and two PSDS bids were based on these plans.

The GLA and Local Partnerships co-owned and co-managed the fourth iteration of the RE:FIT framework (National Framework Agreement for Energy Performance Contracting). Since 2009, RE:FIT had retrofitted 1,000 public sector buildings, saving 52,000 tonnes of CO2 each year.

Ealing Council used the RE:FIT framework in 2011 to deliver energy performance retrofits on three large council buildings, achieving a 25% energy saving and repaying the investment within a five-year period.

Carbon Offset Price

Acknowledging its responsibility to lead globally on mitigating climate change, the Greater London Authority, through the various iterations of the London Plan, had set carbon saving targets for new major developments, which had progressively stepped up over the years.

The emerging New London Plan, which was initially published for consultation in December 2017, had extended the zero-carbon target already in place for major residential developments to major non-residential developments. Although the New London Plan was awaiting adoption, significant weight could now be attached to these targets as they had been examined and have not been contested by PINS or the Secretary of State.

A revised carbon offset price of £95/tonne was published in the Mayor's Energy Assessment Guidance and was also referenced through the New London Plan (from 2017). This charge was applied when a development did not meet the zero-carbon target, and it was calculated based on tonnes of CO2 emitted over 30 years. Both the London Plan and guidance recommended that boroughs use the GLA's carbon offset price of £95 per tonne of carbon dioxide or set their own through a Supplementary Planning Document based on local viability evidence. The current price of £95/tonne was based on the nationally recognised non-traded price of carbon from the Treasury Green Book, and this was the price which the LPA was currently applying when assessing new planning applications.

Experience of applying the policy showed that developers historically chose to pay to offset rather than providing climate resilient homes and buildings in Ealing. This approach to development locked in a standard of construction that would likely require buildings to be retrofit within the decade to adapt to climate change and negatively impacted the council's influence in meeting its 2030 carbon neutral commitment. Moreover, calculating the offsetting payment utilising the GLA's revised price of £95 also fell significantly short of covering the costs of implementing equivalent compensatory measures offsite as it was intended to do, i.e. it cost significantly more than £95 to save a tonne of carbon.

Whilst a rate of £95/tonne still fell short of what was needed to provide genuine compensation, as an interim price awaiting the introduction of our local price, it represented an improvement on the initial £60 rate and was an important steppingstone towards a local price. For this reason, the LPA would continue to apply the £95/tonne price, until it had published a local price in 2021.

8. Extension to the Compact with the voluntary and community sector Resolved

That Cabinet:

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- i) agrees to an extension of one year to the current Local Compact between Ealing Council (LBE), Ealing Community Network (ECN) and Ealing Clinical Commissioning Group (Ealing CCG) to allow sufficient time to engage fully on a refreshed version.

Reason for Decision and Options Considered

The Compact was a voluntary agreement between Ealing Council (LBE), Ealing Community Network (ECN) and Ealing Clinical Commissioning Group (Ealing CCG) which would be implemented through joint action by ECN, LBE and Ealing CCG. ECN provided a collective voice for voluntary and community groups in Ealing. It provided a framework for relationships between the Council, and Ealing CCG and local voluntary and community groups. It was not a contract or legally binding document.

The Compact set out a number of principles by which LBE and Ealing CCG departments and local voluntary and community organisations could work together in partnership to help create:

- A strong, diverse and independent voluntary sector
- An equal and fair society
- Effective and transparent design and development of policies
- Responsive and high-quality programmes and services
- Clear arrangements for managing changes to programmes and services

The current Compact between the Council and the voluntary and community sector (VCS) was agreed by Cabinet on 12 December 2017 and signed by the partners in January 2018. It was due to expire in January 2021.

The compact agreement outlined undertakings by all parties relating to key areas of mutual interest - funding, commissioning and resources; consultation and partnerships; equality and diversity; and volunteering and civic responsibility.

Council officers had met with representatives of ECN to discuss the need to extend the current Compact because there had not been sufficient time or the necessary resources to conduct a full review and to engage with the sector to co-produce a renewed Compact due to the Covid-19 pandemic.

The recommendation was to agree for a year's extension on the current Compact to January 2022.

The alternative would be allowing the Compact to lapse however, this was not felt to be appropriate or reflective of the strong partnership approach that has been established in Ealing over a number of years.

This strong partnership approach had been particularly evident in the sector's response to the current Covid pandemic and demonstrates the value of the sector in providing key services and support to the local community.

9. Housing Delivery Update Resolved

That Cabinet:

- i) notes the proposals with regard to the land at Northolt Grange Community Centre and St Raphael's Catholic Primary School as set out in paragraphs 3.2.1 to 3.2.5 in the report.

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- ii) agrees to the land swap proposed necessary to facilitate the proposals as shown on the plan at Appendix 1 of the report.
- iii) delegates authority to the Executive Director of Place to finalise the negotiations and enter into the necessary legal agreements with the owner of the School and take any necessary steps to give effect to the land swap subject to the disposal of land by the Council to the School being certified by a valuer as being for 'best consideration' and the overall costs being consistent with the approved BLRP Business Plan assumptions.
- iv) authorises the Director of Housing Development to invite tenders for both enabling works and main works proposals and award contracts for enabling works including supply and installation of temporary classrooms and Pre-Construction Services Agreement (PCSA) subject to exchange of land swap agreements with the owner of the School. This was to ensure that mobilisation had sufficiently progressed to start the works on site before July 2021 as described in paragraph 3.3 in the report.
- v) notes that a further report will be submitted to the Housing Delivery Cabinet Committee for approval of the disposal of land at Northolt Grange to BLRP and provision of associated funding for the delivery of affordable housing by BLRP in 2021.

Reason for Decision and Options Considered

In October 2018 the Council made a successful bid to the GLA for £99m of grant to support its ambitious target of delivering 2500 GAH by end of March 2022. The bid stated that the Council would deliver 1,138 GAH. Registered Providers were anticipated to deliver 1,362 GAH therefore making up the Council's overall target of 2,500 genuinely affordable homes.

In July 2020 the Council's Cabinet noted and supported a revised list of projects listed in Table 2 in the July report appendix which (subject to GLA approval and officer decision as required) would deliver as a minimum the Council's required 1,138 GAH. The proposed redevelopment of land at Northolt Grange was listed in the approved appendix as a scheme to be delivered by BLRP.

In November 2020 the Council's Cabinet noted and approved the BLRP Business Plan which also included the proposed redevelopment of land at Northolt Grange, Northolt.

In order to enable the scheme to go ahead, a land swap with adjacent land currently forming part of St Raphael's Catholic Primary School (the School) was required. If the land swap took place and the redevelopment proposals were approved this would help ensure the Council continued to move towards meeting its target of delivering 2,500 GAH by end of March 2022 and also to secure grant in accordance with the timetable agreed with the GLA.

10. Housing Revenue Account (HRA) 2021/22 Budget, 5-year MTFs and 30-year Business Plan

Resolved

That Cabinet:

- i) notes the HRA revenue 2020/21 budget forecast position at Q2 (Period 6) (Appendix 1 of the report).
- ii) approves the HRA revenue budget for 2021-22 (Table 3 of the report).
- iii) notes the HRA 5-year revenue budgets for 2021-22 to 2025-26 (Table 3 of the report).

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- iv) notes the HRA 30-year revenue budgets for 2021-22 to 2050-51 (Appendix 3 of the report).
- v) approves the HRA 5-year Capital Programme from 2021-22 to 2025-26 for a total of £362.747m and net reduction to the value of £15.109m including the revised programme for 2020-21 as indicated within Table 5 along with the increase in HRA borrowing of £6.283m to finance the capital programme.
- vi) notes the 30-year Capital Programme for 2021-22 to 2050-51 (Appendix 5 of the report)
- vii) approves a rent increase of 1.7% from April 2021 which equates to an average weekly rent increase of £1.64 in 2021-22. This is in line with government's policy on rents for social housing from 1 April 2021 onwards.
- viii) approves Service charge and Heating increase of 1.7% from April 2021 in line with Rent increase. (note 7.3 of the report).
- ix) notes the HRA reserves and balances for the 5-year MTFS (Table 4 of the report).

Reason for Decision and Options Considered

The Local Government and Housing Act 1989 Section 76 required Local Authorities with a Housing Revenue Account (HRA) to set a budget for the account, which was based on best assumptions, that avoided a deficit and to keep the HRA under review.

The budget had developed from a review of the baseline budget, current expenditure on Housing services and capital investment to maintain, improve and expand the Housing Stock.

The report provided an update on how the HRA was facilitating the Borough commitment to provide 2500 genuinely affordable homes as part of the "Building Council Homes for Londoners" programme through HRA borrowing and GLA funding, as well as ensuring we maintained safe homes and neighbourhoods by investing over £100m in our existing homes.

Substantial progress had been made this year in consolidating the establishment of the Council's Housing Company, Broadway Living (BL), and the registration of its development arm BLRP which had meant it could now bid for and accept GLA grant. It was proposed that from 1st April 2021, BL would provide development management services, via BLRP, to the Council, to deliver the GLA grant programme and the Council's HRA Regeneration schemes. This was confirmed in a report to Cabinet in July 2020.

In February 2021, BL would bring forward a business plan, including operational budgets, for approval by the Council. This would be on the basis that its main activity would be the provision of development management services to the Council and BLRP to facilitate the delivery of their respective programmes along with the appropriate fee income. The proposed fee was 3.5% of project costs for direct delivery of projects, and 1.5% of project costs or non-direct delivery ie by partners under Principal Development Agreements. The payment of these fees by the HRA to BL would be on a scheme by scheme and scheme progress basis and provision has been made for this expenditure based on current expenditure profile in the HRA business plan as set out in Appendix 6 of the report.

In addition, the Council would provide BLRP with services to manage and maintain the housing stock that it built, and this income had also been accounted for in this business plan. This was in line with the Cabinet approval in July 2020, that, subject to registration of BLRP as an RP (already secured) and approval of a revised BL Business Plan being agreed by Cabinet in February 2021, the Council could enter into a service level agreement for the

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Council to provide back office functions to BL and BLRP and for BL/BLRP to provide development related functions to Council.

11. Granting delegated authority for decisions about PLACE

Resolved

That Cabinet delegates to Executive Director of Place the authority to make reserved shareholder decisions in relation to Ealing's membership of PLACE, as set out in the governance agreement (Appendix A of the report).

Reason for Decision and Options Considered

Ealing agreed to join PLACE in October 2018 (Appendix C to this report was the Cabinet report approving the decision to join PLACE includes and its legal implications). As a member borough Ealing had a non-capital share in the company, proportionately equal to all other members, meaning that each member borough's vote was the same. There was currently no identified officer or executive member of Ealing Council that could take decisions on reserved matters, as set out in the PLACE Articles of Association Article 3.1 (see Appendix A of the report) and the PLACE Governance Agreement Section 29 (see Appendix B of the report). It was therefore recommended that this be delegated to the Executive Director of Place in accordance with the council's Scheme of Delegation so timely decisions could be made as and when required.

All members' 'Reserved Matters' could be referred for approval to the members' officers with delegated functions. Matters include: appointment of new member boroughs to PLACE, appointment of a new Chair.

12. Members Code of Conduct and Transparency in Planning: consideration of a report by 'Transparency International UK', July 2020

Resolved

That Cabinet:

- i) notes the proposed revisions to the Code of Conduct for Members in relation to Planning Matters (as highlighted in Appendix 2 of the report) and agrees that this be recommended to full Council for approval.
- ii) notes and supports the proposal to change the pre-application process to enhance transparency by publishing pre-application material at the time that a formal planning application is submitted for the proposed development.

Reason for Decision and Options Considered

A Transparency International Report (June 2020) had raised the profile of the need for Local Authorities to ensure there was probity and transparency in the decision-making process for Pre-application advice and planning applications.

Ealing Council had recognised the importance of officer and member involvement in the planning and regeneration process as a means of attracting development and investment in the competitive London, through the successful 'Ealing In London' brand.

In addition, the early engagement of officer and members in development proposals through the pre-application planning process was considered beneficial in supporting the Council's priorities for high quality sustainable development that delivered housing (including genuinely affordable housing), employment and training opportunities, attractive public realm, high quality design and the infrastructure to support the development and surrounding area.

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The interconnected issues of member engagement and the planning/pre- planning application process were considered by full Council in 2019. Changes to the then July 2012 Code of Conduct for Members in relation to Planning Matters and were approved by full Council on 2 April 2019 to take account of the stronger emphasis on the pre-application consultation and engagement that developers undertake with local communities including councillors. The publication of the June 2020 Report had provided a good opportunity to review the Code and further revise it as appropriate.

13. Children's Services Capital Approvals

Resolved

That Cabinet:

- i) notes the list of proposed High Priority Condition Works as set out in Confidential Appendix A, and that further work will take place to finalise detailed schemes.
- ii) delegates to the Assistant Director: Planning, Resources and Service Development authority to finalise the schemes, following consultation with the Portfolio Holder, set out in Confidential Appendix A.
- iii) on the finalisation of the schemes in accordance resolution ii) above, authorises the Assistant Director, Planning, Resources and Service Development to invite and evaluate tenders for the works contracts for the schemes set out in Confidential Appendix A.
- iv) approves the inclusion of £1,801,842 Grant funding for High Priority Condition Works into the capital programme in 2021/22 from new Schools Condition Allocation Grant.
- v) delegates to the Assistant Director: Planning, Resources and Service Development to seek all necessary Planning and Statutory Approvals for the schemes described in this report.

Reason for decision and Options Considered

The decisions were required to enable the Council to progress with capital works to schools.

Under the Council's Constitution, Cabinet approval was required to proceed with schemes over £1m in value, Portfolio Holder approval was required in order to proceed with schemes between £0.500m and £1m, and the schemes up to £0.500m per annum fall within Director delegated powers. However, as all of the schemes were to be undertaken during the same time period, authority was being sought from Cabinet for all of the projects in this report rather than submitting separate reports for smaller numbers of projects to Cabinet, the Portfolio holder and Director.

14. Determination of Statutory Proposals for Fielding Primary School ARP and Children's Services Capital Approvals

Resolved

That Cabinet:

- i) approves the proposals for opening a 24 place Additionally Resourced Provision (ARP) at Fielding Primary School. The increase would be phased starting with extra places in 2022. This is conditional on the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by 31 of December 2021.
- ii) authorises the allocation of £1.500m for the works associated with providing an ARP at Fielding Primary School, from the existing approved Schools SEN Expansion Programme.
- iii) authorises the Executive Director for Children, Adults and Public Health to invite and evaluate tenders for the main works contracts, and any enabling works contracts, required for the provision of the ARP at Fielding Primary School.

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- iv) authorises the Executive Director for Children, Adults and Public Health to seek all necessary Planning and Statutory Approvals for the schemes described in this report.

Reason for decision and Options Considered

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

The relevant background report seeking approval to publish the statutory notice went to Cabinet on 13 October 2020, could be accessed via the link below:

Update on School Places and Authority to publish Statutory Proposals for Fielding Primary School ARP: <http://ealing.cmis.uk.com/ealing/Committees.aspx>

15. Update on Wood End Infant and Junior Academy and Authority to Publish Statutory Proposals for Wood End Infant School

Resolved

That Cabinet:

- i) notes the response to the consultation about the amalgamation of Wood End Infant School and Wood End Academy (a junior school) to become an all through primary school from the school community, and that both Governing Bodies have confirmed their desire to proceed with the amalgamation after reviewing the consultation feedback.
- ii) authorises the Executive Director Children, Adults and Public Health, following consultation with the Portfolio Holder, to publish the necessary Statutory Proposal and any further consultative documents required for the closure of Wood End Infant (WEI) in support of the amalgamation.
- iii) notes that, it is for the governing body of Wood End Academy Junior School, as a single school Academy Trust, to apply to the Secretary of State for approval to extend their age range to include the WEI age range.
- iv) notes that there will be a further report to Cabinet for determining the proposal for the closure of WEI.

Reason for decision and Options Considered

The decision was required to enable the local authority (LA) and WEAJ to progress with the statutory processes for the creation of an all through infant and junior education provision. This involved the closure of WEI and extension of the age range at WEAJ.

The Governing Bodies of both schools wished to meet the challenges for education in the future and to enable children to continue experiencing excellent teaching and learning. The schools had been collaborating increasingly closely in recent years. Since September 2019, both schools had shared an Executive Head Teacher, which both Governing Bodies believed had benefited pupils and staff.

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

The relevant background report on starting the consultation was last presented to Cabinet on the 13 of October 2020, could be accessed via the link below:

All through education provision at Wood End Infant School and Wood End Academy Junior School <http://ealing.cmis.uk.com/ealing/Committees.aspx>

16. Dynamic Purchasing Vehicles - Residential & Fostering Extension of Contracts Resolved

That Cabinet:

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.

- i) authorises the Director of Children and Families to vary and extend Ealing's Children's Residential Homes DPV agreements, which were due to expire on 31 March 2021, until 31 March 2024 with the providers listed in Appendix 1, who had been notified of the extension, and no objections have been received. In addition, to change the insurance requirements from [£10m for public liability, £10m for employer's liability and £5m for professional liability] to [£5m for public liability, £5m for employer's liability and £2m for professional liability].
- ii) authorises the Director of Children and Families to continue to call off and award contracts for residential care placements for children from the extended Children's Residential Homes DPV within the Children and Families departmental budget in compliance with the departmental procedures for awarding contracts for children's residential care services.
- iii) authorises the Director of Children and Families to enter into access agreements for the newly extended Commissioning Alliance DPV for Independent Fostering Agencies (IFAs) with LB of Barnet as the lead borough and the newly created Commissioning Alliance DPV for Semi-Independent and Care Leavers; and to call off and from these agreements that have been led by the above mentioned designated lead authorities in accordance with their respective call off rules and within the Children and Families departmental budget in compliance with the departmental procedures for awarding contracts for fostering and Semi-Independent and Care Leavers placements.
- iv) authorises the Director of Children and Families to continue to make spot placements and award spot contracts with care and education providers on the occasion that services are not available through the DPV through a competitive process and in accordance with the Council's procurement processes, for the placement of children for residential care, special educational needs for independent and non-maintained special schools or fostering to meet a child's needs where suitable arrangements could not be made via the DPVs; or where crisis or emergency circumstances dictate this was not possible to do so via the DPVs in order to meet the Council's statutory duties towards children and young people.

Reason for decision and Options Considered

Ealing Council had a statutory duty to take steps to ensure it had sufficient accommodation within its area to meet the needs of children that it was looking after and children who were in need and at risk of care or custody. This was referred to as 'the sufficiency duty'. The proposals would support the Local Authority to continue to access sufficient provision for young people.

The proposals ensured that Ealing Council was procuring services in accordance with Public Contracts Regulations 2015.

The DPVs were delivered in conjunction with the Commissioning Alliance. This was a Local Government partnership (hosted by Ealing) that worked across London to support Local Authorities to improve outcomes for young people and deliver value for money. Extending the current procurements ensures that Ealing continue to maximise the benefits of this partnership, which has already delivered significant value and is highly regarded nationally. Moreover, the Commissioning Alliance and Ealing Council have worked collaboratively to introduce a new accreditation scheme for Semi-independent and Care Leaver providers with the aim of improving the quality of provision and support price consistency.

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.

17. Date of Next meeting

Resolved

That Cabinet notes that the next meeting of Cabinet would be held on 9 February 2021 at 7pm.

Councillor Julian Bell, Chair

Date

The duration of this meeting was 7pm to 8:04pm

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.