

## **CABINET**

**Tuesday 25 November 2014 at 7pm**

### **Minutes**

#### **PRESENT:**

Councillors Bell (Chair), Anand, Gordon, Johnson, Mahfouz, Rai, Taylor and Walker

#### **ALSO PRESENT:**

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

Item 07 - Budget Strategy Including Proposals Affecting Employees Across Several Service Areas (Councillors Malcolm and Stafford)

Item 08 - Broadway Living - Funding Agreement for Copley Close and Eastcote Lane (Councillor Stafford)

Item 09 – Copley Close Regeneration Phase 2 Contract (Councillor Stafford)

Item 17 - Report on the Implications of the Care Act Statutory Guidance and Regulations and Progress on Preparations for Implementation (Councillor Reen)

Item 21 - Independent North-West London Healthcare Commission (Councillors Reen and Stafford)

#### **Also in Attendance:**

Councillors Ahmed Shaikh, Blacker, Cogan Padda, Rodgers and Shaw.

#### **1. Apologies for Absence**

An apology for absence was received from Councillor Dheer.

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

There were none.

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

Items 8, 9, 10, 14, 16 and 20 contained confidential appendices but were not taken in private as it was not necessary to discuss the confidential information provided.

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

There were none.

#### **5. Minutes**

##### **Resolved:**

That the minutes of the Cabinet meeting held on 21 October 2014 be agreed and signed as a true and correct record.

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

##### **Resolved.**

There were none.

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## **7. Budget Strategy Including Proposals Affecting Employees Across Several Service Areas**

### **Resolved**

That Cabinet:

#### **Budget Review: Revenue savings and growth proposals**

- i) notes progress against the £96m savings target agreed by Cabinet in July 2014 as part of the budget review process for 2015/16 – 2018/19.
- ii) approves £25.528m savings for 2015/16, submitted as part of the 2015/16 budget review process (para 5.6, appendix 1A of the report.).
- iii) approves a further £30.542m savings for 2016/17 – 18/19 as part of the 2015/16 budget review process (para 5.6, appendix 1A of the report.)
- iv) approves £5.945m growth bids for 2015/16 – 18/19, including £4.204m relating to 2015/16, submitted as part of the 2015/16 budget review process (para 5.7, appendix 1B of the report.).
- v) notes that approving the growth proposals as per 1.1.4 of the report, adds to the original savings target, i.e. it creates the need for the services requesting growth to fund the equivalent amount in new savings.
- vi) notes that where information comes to light which indicates that particular savings proposals have significant and important implications not set out in this report, for example relevant to the council's equalities duties or other legal responsibilities, or where consultation is required because of the significant likely impact of proposals upon service users or providers, then those implications will be fully explored and, if necessary, a further report will be considered by cabinet or the relevant officer or portfolio holder before a final decision is taken on whether or not to proceed to implementation. Where a decision is taken not to proceed with any savings proposal then alternative proposals will be brought forward for consideration.
- vii) notes that the next Budget Strategy Report will be brought to December 2014 Cabinet to report on further progress towards the savings target and put forward for approval further savings currently in development.
- viii) authorises the director or executive director with responsibility for each proposal to carry out any steps required in relation to those proposals, including carrying out any appropriate consultation, considering consultation outcomes and any other detailed implications before taking the final decision on whether or not to proceed to implement such a proposal, and amending any proposal prior to implementation as appropriate following consideration as above.
- ix) notes in relation to the authorisation given in viii. above that where it is appropriate to do so any key decisions will be brought back to Cabinet.

#### **Budget Review: Capital**

- x) approves the new General Fund and HRA capital proposals 2015/16 - 2018/19 as detailed in Appendix 3 of the report, prior to final decisions being made on the entire capital programme and its financing at Cabinet and Council in February 2015 (para 5.13 of the report).
- xi) approves the amendment of the existing Ward Forum capital budget (2014/15 Budget Book page 89, items 14-17) from £0.690m to £0.575m in each of the years 2015/16 – 2017/18 with the balance of £0.115m in each year to be taken out of the capital budget and funded from the Ealing Civic Improvement Fund.

#### **Staff savings**

- xii) notes the information on numbers and types of staff posts affected across service areas by budget proposals for 2015/16. Summaries of Proposals can be found in

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addenda 1 – 6 attached to the report. HR related Equality Analysis Assessments (EAAs) can be found in addenda 1a – 6a inclusive, which are attached to the report.

- xiii) notes the proposals for staffing, and the rationale, as set out in addenda 1 to 6 and, in relation to each proposal, authorises the Responsible Officer specified within those addenda, to implement a reorganisation and/or to delete posts and to make any amendments to the proposed staffing structures and/or the timetable for implementation as necessary arising from the consultation process.
- xiv) notes that in respect of recommendation xiii), the relevant officers will consult on any significant alternative or amended proposals put forward as a result of consultation, with the Leader, the Portfolio Holder for Finance and Performance and the appropriate Portfolio Holder for the relevant service area.

### **Voluntary Sector Grants**

- xv) authorises the Executive Director of Regeneration and Housing and the Executive Director of Children and Adults (as the case may be) to extend grants to voluntary sector organisations which are due to expire on 31 March 2015 until 30 June 2015 for the reasons set out in para **Error! Reference source not found.** of the report, which includes a link to the current schedule of grants.

### **Other Factors affecting Medium Term Finance Strategy**

- xvi) notes the continuing uncertainty, from 2015/16 onwards, around the level of funding and grants to be allocated to Ealing for the Settlement Funding Assessment (para **Error! Reference source not found.** of the report).

### **Amendment to Appendix 1 (A) of the Report**

- xvii) notes the following amendments to Appendix 1 (A) of the report:

- Page 1 lists two savings items both with the reference AS20. The second item should read AS21.
- Page 2 there is an item with the reference PR9 which has no savings noted against it. This was an item in development which was subsequently not taken forward, but which was not removed from the schedule in error.

### **Reasons for Decisions and Options Considered**

This is the latest update for Members on the 2015/16 Budget and Medium Term Financial Strategy. It details savings and efficiencies that have been identified to date and enables Cabinet to develop and initiate budget proposals before Council, finalise the budget and set the Council Tax levels in February 2015.

This report enables Cabinet to consider budget proposals relating to 2015/16, which contribute to balancing the budget for 2015/16.

The requirement to reduce budgets has driven service reviews that are still ongoing. The proposals in this report will contribute to the savings agreed in the budget strategy. Many of the savings proposals will have more detailed implications that are not understood at this stage or which will only emerge following consultation. Where this is the case those detailed implications will be considered before a final decision is taken on whether or not to implement the proposal, including whether or not a proposal should be amended prior to implementation.

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Consultation with employees and the recognised trades unions, UNISON and GMB, commenced on 11 November 2014. Statutory consultation will continue for at least the minimum statutory consultation period of 45 days.

The intended implementation date for the reorganisations is around early April 2015. However, the actual implementation date might be slightly sooner, or slightly later, depending on the duration of the consultation, and on the period of notice to which the relevant individual employees are entitled. It is anticipated that the consultation process may be complete (in relation to all or some of the proposals) by early January. The duration of the notice period for each employee depends on their contract and length of service, but is usually between one month and three months. Any appeals against dismissal cannot take place until after notice of dismissal has been issued. Employees who have been issued with notice may still be redeployed to alternative posts following the issue of notice.

Any other appropriate consultation in relation to proposals will be carried out as required and in accordance with the council's legal duties and responsibilities.

To achieve the challenging savings, the Council:

- Is looking at every service in the search for savings.
- Is considering all budgets and all sources of spending and income.
- Will realise "cross-cutting" corporate savings.
- Will invest where it will generate greater efficiency.
- Is conducting a review of management structures.

## **8. Broadway Living - Funding Agreement for Copley Close and Eastcote Lane Resolved**

That Cabinet:

- i) authorises the Executive Director of Corporate Resources following consultation with the Portfolio Holders for Finance, Performance & Welfare and Housing, Skills and Employment to proceed with a due diligence exercise and to negotiate heads of terms and finalise the terms of a funding agreement to support the granting of loan funding of up to £19m over an initial period of 5 years to Broadway Living for the purchase of homes at Eastcote Lane for market rent, Copley Close for market rent and intermediate rent and set up costs on the basis of the proposed draft terms in Confidential Appendix 1 of the report.
- ii) notes that the final terms of the funding agreement will be brought back to Cabinet for approval.
- iii) authorises the Executive Director of Corporate Resources following consultation with the Portfolio Holders for Finance, Performance and Welfare and Housing, Skills and Employment to enter into a development agreement with Broadway Living for the transfer of land and development of 76 homes at Copley Close and agree the boundary of land to be transferred.
- iv) notes that amendments will be made to the Treasury Management MRP policy as appropriate to ensure prudence and affordability is achieved for the General Fund.
- v) approves an addition to the capital programme and approval to spend up to £19m, to provide long term funding to Broadway Living for the purpose of providing additional market rent and intermediate rent housing in Ealing.
- vi) notes on page 3 of the report that Mr Hayes (Executive Director Regeneration and Housing) and Mr Townsend (Executive Director Environment and Customer Services) had been appointed as Company Directors of the CoCo.

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## **Reasons for Decisions and Options Considered**

Since the previous Cabinet approvals Broadway Living was incorporated in March 2014 (previously referred to as the CoCo), and officers have been working on the Eastcote and Copley schemes to enable the transfer of 10 completed flats at Eastcote and the transfer of land and construction of 76 homes at Copley Close to Broadway Living, subject to Cabinet approval of loan funding. Work has also continued on setting up Broadway Living and authorisation for a loan facility for up to £2m for these set up costs form part of this report. Detailed schedules of proposed spend will be required before drawdown of any tranches of this loan.

The relevant previous approvals are:

*At the October 2013 meeting, Cabinet authorised officers to:*

- Review the options available to the Council for the delivery of new homes at Copley Close Estate and agree to proceed with a mixed solution for the delivery of new homes for sale and for rent
- Delegate authority to the Executive Director of Regeneration and Housing to enter into necessary agreements including a Development Agreement.

*On 5<sup>th</sup> March a Key Officer decision was made by the Executive Director of Housing and Regeneration to:*

- Form a Company Limited by Shares (the CoCo).
- Approve the draft Articles of Association for the CoCo to be agreed by the CoCo Board.
- Approve the draft Business Plan for the CoCo to be agreed by the CoCo Board.
- Appoint the Chief Executive of Ealing Council to act as the Representative for the purpose of conducting Shareholder business (including any necessary action that the Shareholder must take to form the Company, eg. the appointment of the initial Directors of the Company).
- Note that the Company Directors for the CoCo will be appointed by the Shareholder and that as officers of the Council their role as Directors will be confirmed at Full Council.

*At the July 2014 Cabinet meeting, Cabinet agreed to:*

Authorise the Director of Safer Communities, following consultation with the Director of Legal and Democratic Services and the Director of Finance, to negotiate and enter into a contract with Broadway Living for the transfer of ten newly constructed homes from the Housing Revenue Account into Broadway Living.

## **9. Copley Close Regeneration Phase 2 Contract**

### **Resolved:**

That Cabinet:

- i) authorises the Executive Director Regeneration and Housing, subject to completion of statutory consultation with leaseholders in accordance with Schedule 2 of the Service Charges (Consultation Requirements) (England) Regulations 2003, to award a construction contract to Mulalley & Co. Ltd for the sum of £86.5m for the construction of 200 new homes, refurbishment of 451 council owned flats and houses, construction of a new district heating network,

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- construction of new public realm areas including parks and car parking.
- ii) authorises the Executive Director Regeneration and Housing in conjunction with the Director of Law to award any early works or other subsidiary contracts with Mulalley and its sub-contractors that may be required to facilitate the project.
  - iii) notes that the budget for Phase 2 has been approved as part of the Copley Close regeneration budget agreed at Cabinet in October 2013. The total works budget for the project in October 2013 was £75.1m and the total net cost to the HRA was £56.6m. The projects expect to balance the difference between the tender sum for works of £86.5m and the budget allocation of by adjusting income in the current business plan and value engineering exercises.
  - iv) approves an addition of £50.5m to the Copley Close Regeneration Scheme budget over the years 2014/15 to 2019/20 making the total revised budget for the project £104.2m and the net budget £65.3m. This will be profiled and funded as indicated in section 4 of the report.

### **Reasons for Decisions and Options Considered**

In May 2012, Cabinet authorised the Executive Director for Regeneration and Housing to invite and evaluate tenders for regeneration of Copley Close. Since this time, the Greater London Authority has granted the council planning permission in October 2013 and an on-site management team is in place to deliver the project.

To deliver the proposals as set out in the master plan, the project has been split into two phases with two separate procurement procedures. Appointing a contractor for Phase 1 was approved Cabinet report in December 2013. Phase 1 is on site and is due to complete in July 2015. The value of Phase 1 works is £4.3m. Phase 2 is the remaining construction works for the regeneration of Copley Close and is the subject of this report.

Phase 2 construction works include;

- Construction of 200 new flats and houses
- Construction of new shops, management office and community space
- Internal and external refurbishment of over 450 homes
- Extensive public realm, play and landscaping enhancements
- New and improved parking facilities
- Secure entrances to flats and better access through the estate
- New district heating system

### **10. Council New Build Update (Delegation of Works Tender Approvals – Building Pipeline Sites)**

#### **Resolved**

That Cabinet:

- i) delegates authority to award construction works contracts for the Building of the Pipeline projects listed below to the Executive Director of Regeneration and Housing following consultation with the Cabinet Member in order to utilise one for one right to buy receipts available for the capital programme of approximately £3.93 million.

Specifically delegates authority for the award of the following works contracts

- a) Gordon Road sites for a scheme of up 25 homes
- b) Compton Crescent, and Windmill Lane sites for up to 25 homes

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c) Lovell Road garage sites for up to 20 homes

**Reason for Decision and Options Considered**

On 23<sup>rd</sup> July 2013 Cabinet authorised the Executive Director for Regeneration & Housing to work up various projects across the Borough to form the Building of the Pipeline bid for GLA funding for 74 homes. This included the seeking of detailed planning approval and issuing of works tenders

The relevant Cabinet minute is appended (Appendix 2 of the report)

The projects listed in this report form the majority of this programme with 70 of the 74 homes, and require a completion date of 31<sup>st</sup> March 2016 in order to meet GLA deadlines. As these schemes developed to detailed planning through pre-application planning advice the number of units in each project inevitably vary from those reported to Cabinet. However, overall, the same output of homes has been maintained. The scheme details in the report show that most of the projects face a challenging timetable to meet the GLA completion dates and if the Cabinet cycle was followed a start on site before February for Lovell Road and March for the other sites would not be possible.

In total 147 council homes have been built by Ealing since 2011 along with 90 currently on site which together with the proposed schemes in this report total 307 homes either built or due to be completed by March 2016.

The value of grant aid from the GLA for the three listed projects is approximately £1,500,000

The Council has an alternative source of funding by way of retained right to buy receipts of which £5.35 million has to be spent by September 2016 failing which the money will have to be returned to the Treasury with interest. If these receipts were used approximately £3.93m could be used based on total scheme costs of £13 m for these projects.

However, two issues still arise

- The timetable for take-up of these receipts is similar to the timetable for GLA grant funding. Delays in completing these projects may result in the loss of some of these receipts
- The Council would not wish to lose the £1.5m worth of GLA grant, and the GLA has offered to leave open the option of Ealing re-bidding for the grant at a later date for other schemes *providing* it can complete the units around the 31<sup>st</sup> March 2016 deadline. The GLA would then count these units as “nil grant” completions. The on-going funding relationship with the GLA is important to the Council

**Timetable of Cabinet Approvals**

In order to meet the Cabinet timetable the approval of tenders would fall to the December 2014, and February 2015 Cabinets. Consequently Adelaide Wharf, and Lovell Road would overshoot the completion deadlines by 4-5 months. These two projects have a combined value of around £7million

The recommendation in this report is to delegate the approval of these and the Compton tenders to the Executive Director Regeneration & Housing following consultation with the Cabinet Member for Housing. This procedure has been followed in the approval of the majority of most previous council new build tenders

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## 11. **Housing Strategic Estates Review**

### **Resolved**

That Cabinet:

- i) agrees, in principle, the criteria proposed in section 2 of the report by which the works required to be undertaken on medium or low intervention estates can be assessed.
- ii) authorises the Executive Director of Housing and Regeneration to undertake further work to identify and complete the assessment of priorities using these criteria.
- iii) authorises officers consult residents on the results of these assessments to agree priorities and proposals for individual estates.
- iv) authorises the Executive Director of Housing and Regeneration to agree the final criteria following consultation with the Portfolio holder for Housing, Employment and Skills.
- v) agrees that a further report outlining the results of this process and recommending priorities for action is brought back to Cabinet for a final decision.

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

The Council has revised its Housing Strategy and produced an Asset Management Strategy. The Housing Strategy prioritises improving the quality of housing and neighbourhoods and the Asset Management Strategy contains a number of strategic objectives that inform how the Council will tackle the remaining estates to ensure that the housing stock meets current and future needs of residents by:

- Investing in communal areas and external surroundings (to improve appearance and discourage anti-social behaviour)
- Agreeing a locally determined accommodation standard and using this information to inform asset investment decisions
- Maximising opportunities for delivering additional affordable housing in the borough through public and private investment
- Determining long term priorities for investment that are financially sustainable with the resources available to ensure the Council makes the best use of Council assets (stock, land etc)
- Taking a strategic approach to energy efficiency and affordable warmth

Adopting this approach also means that the Council takes the lead and ensures that a range of housing options across sale and rented homes is available.

The Asset Management Strategy also provides a tool for neighbourhood appraisal, which enables estates or blocks to be scored against a matrix and key performance indicators. The development of this tool is ongoing and is continually updated as further information is gathered. It will also be a tool to monitoring the future success of estates.

In light of this and with the high intervention estates making good progress towards redevelopment, officers have undertaken an exercise to update and reconsider the findings of the original report in respect of the remaining estates. This forms part of the Council's Estate Improvement programme along with the provision of new homes, the capital programme, and the sheltered housing strategy.

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## Updating the Research

The 26 identified estates remaining that are those requiring intervention to bring them up to desired modern standards. In order to simplify the prioritisation process, and plan financially for estate improvement while managing resident expectations, officers have looked at the following criteria:

- a) How well stock is performing - capital investment last 10yrs, repairs spent versus income derived
- b) Resident intelligence - Deprivation index, voids, refusals, satisfaction measures
- c) Location - close to transport hubs, PTAL rating for high density homes, links to other services and key amenities
- d) Scheme viability - can it be built, can this be a self-contained decant and financing project, level of buy backs of leasehold and freehold properties required.

### **12. Safe Haven Property Purchase at Lease End - Temporary to Permanent Scheme Resolved**

That Cabinet:

- i) notes the position with regard to the Safe Haven scheme at the end of the 10 year leasing period and the options for the Council as set out in paragraph 2 of the report.
- ii) agrees that the Council should nominate a Qualifying Purchaser in respect of each tranche of properties under the Project Agreement.
- iii) delegates authority to the Executive Director Regeneration and Housing to nominate a 'social landlord' as a Qualifying Purchaser following a tender evaluation process in respect of each tranche of properties following consultation with the Executive Director of Corporate Resources

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

To update Cabinet with regard to the Safe Haven scheme and seek authority for actions at the end of the 10 year leasing period when temporary housing arrangement can be terminated and the scheme can be used more flexibly or converted to longer term social housing., as detailed in the report.

### **13. CPZ Programme Update 2014-15 Resolved**

That Cabinet

- i) notes the results of the Little Ealing CPZ consultation detailed in this report.
- ii) approves the implementation of controlled parking in the core area as detailed in sections 2.17 to 2.20 of this report.
- iii) agrees that the Little Ealing CPZ operate:  
Monday – Friday  
10am to 11am and 3pm to 4pm
- iv) notes the results of the Northolt CPZ consultation as detailed in this report.
- v) approves the implementation of controlled parking in the core area in addition to Badminton Close as detailed in sections 2.33 to 2.39 of this report.
- vi) agrees that the Northolt CPZ operate:  
Monday – Sunday  
9am to 9pm
- vii) notes the results of the Fielding Primary School CPZ consultation as detailed in

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the report.

- viii) agrees with the recommendation not to proceed with controlled parking in this area for the reasons specified in sections 2.58 to 2.61 of this report.
- ix) authorises the Assistant Director of Highway Services to take all the necessary steps including minor adjustments, following consultation with the Portfolio Holder for Transport & Environment to implement measures set out in recommendation (iii) and (vi) above (subject to the outcome of statutory consultation).

### **Reasons for Decisions and Options Considered**

Public consultation has been carried out for new controlled parking zones in areas around Little Ealing, Northolt Leisure Centre and to the west of Northfield Avenue. The results of these consultations are presented in this report. It is within the remit of Cabinet to approve/disapprove the introduction, modifications or extension to a CPZ subject to statutory consultation.

## **14. Parking Management Services Contract Extension**

That Cabinet:

- i) notes the financial, legal and human resources implications shown within sections 4, 5 and 6 of the report.
- ii) notes the outcome of the contractor evaluation exercise as shown in section 3 of the report.
- iii) approves the extension of the Parking Management Services Contract with NSL (“the NSL Contract”) for a further 3 years from 31 March 2015
- iv) delegates authority to the Assistant Director for Parking Services to extend the NSL Contract for a further 2 years from 31 March 2018 in consultation with the Portfolio Holder for Transport and Environment
- v) delegates authority to Assistant Director for Parking Services to vary the NSL Contract to transfer the enforcement of contraventions of the Traffic Management Act 2004 via CCTV enforcement technology services to NSL.
- vi) notes Councillor Mahfouz’s thanks to Officers for their good work.

### **Reasons for Decisions and Options Considered**

In 2010 Parking Services appointed NSL Ltd as its Parking Enforcement contractor for a an initial term of 5 years, with options to extend for a further 3 and then 2 years. The NSL Contract to provide parking management solutions includes the provision of on and of street Civil Enforcement Officers. The option to extend for 3 years is from 1st April 2015 and requires a minimum of 3 months prior written notice. Officers within Parking, Procurement, Finance, HR and Legal Services have been evaluating options to determine whether a break from the NSL Contract would represent the best option for the council.

In 2012/13 Ealing Parking Services undertook a collaborative tender exercise with the London Boroughs of Hounslow and Brent to procure a number of parking related services in order to make improvements to service delivery and savings to revenue and awarded a contract to Serco (“the Serco Contract”). The Serco Contract was for the following main services:

- A parking correspondence management service
- A parking I.T. solution
- A permanent cashless payment solution

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As part of the Serco Contract the partner authorities also procured additional services including the following items:

- Civil Enforcement Officers
- Removal Services
- CCTV Enforcement Officers
- Parking Suspensions Service
- Pay & Display Machine Maintenance
- Cash Collection
- Parking Permit Management
- Telephone Call Handling

Ealing only contracted with Serco for the main services but under the Serco Contract Ealing reserved the right to draw down on any of the additional services

Given that the Council has the NSL Contract and the Serco Contract it has two options open to it with regards the provision of parking management services, namely; to either extend the existing contract with NSL for a period of three (and then an additional 2 years) or transfer the provision of services to Serco under the Serco Contract.

Officers also considered two other options, namely a full tender exercise for the parking enforcement services or bringing the services in-house. Neither option was considered viable as both had been considered when the council soft market tested services prior to the tender for the Serco Contract in 2012. The Serco Contract tender exercise conducted after soft market testing demonstrated that both NSL and Serco would be the most suitable companies to provide the services being considered.

The council has the option of extending the parking management services contract with NSL for a period of three year years following which there is an additional two year extension option. This three year point will mean that this contract will co-terminate with the initial five year period of the Serco Contract allowing for further collaborative procurement options to remain available to the council should it wish to explore this option further at that stage.

The NSL Contract will continue to ensure quality of service provision through a robust performance management mechanism identified by achievement of a number Key Performance Indicator targets, regular contract review meetings and the application of liquidated damages in the event of contractor failure.

## **15. Golf Course Contract to be Included in Tri-Borough Leisure Contract Resolved**

That Cabinet:

- i) approves and authorises the variation of the contract made between Harrow, Brent and Ealing Councils and Sports and Leisure Management Limited (SLM) for the provision of leisure services dated 30<sup>th</sup> August 2013 (“the Leisure Contract”) to include the management and operation of Ealing Council’s golf courses at, Brent Valley Perivale Park (subject to 1.4 below) from 1<sup>st</sup> April 2015 until 31<sup>st</sup> August 2023 at a cost of £109k in 2015/16 reducing to £59k per year from 2016/2017 until the Leisure Contract ends in 2023.
- ii) authorises the Executive Director of Environment and Customer Services, to make future operational changes to the Leisure Contract if deemed necessary during the remaining term of the contract.

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- iii) authorises the Executive Director of Environment and Customer Services to negotiate and grant leases with SLM pursuant to the requirements of the varied Leisure Contract following consideration of any representations made pursuant to the necessary advertisement of the disposals under section 123 of the Local Government Act 1972.
- iv) authorises the Portfolio Holder for Transport and Environment to decide on the future of Horsenden Hill Golf Course following consultation on the proposal to close the course outlined in paragraph 3 of the report.
- v) authorises officers to seek alternative recreational and commercial opportunities on the Horsenden Hill site as outlined in the report if the Portfolio Holder for Transport and Environment decides that the golf course should be closed.
- vi) approves the addition of £750k to the Corporate Capital Programme from the Invest to Save reserve which would be matched by SLM for investment at both Brent Valley and Perivale Park Golf Courses to improve the future sustainability of the facilities and service.
- vii) notes Councillor Mahfouz's thanks to Chris Bunting (Assistant Director, Leisure) and his team for their work and creative thinking in making this viable proposal.

### **Reasons for Decisions and Options Considered**

The previous contractor Mytime Active operated the 3 golf facilities at Brent Valley (18 holes), Perivale Park (9 holes) and Horsenden Hill (9 holes) from 1<sup>st</sup> October 2009 to 30 September 2014. Mytime Active was awarded the Management of Golf Courses contract in 2009 with a view to working with the Council during the five year contract period to develop a more sustainable service. For a variety of reasons this was not achieved and during negotiations to extend the Mytime contract ending 30<sup>th</sup> September 2014, it became clear that an extension option was not affordable to the Council and as such officers undertook an urgent options appraisal as outlined in the report.

#### Summary of options considered

Agree extension proposal with Mytime which was more expensive than current cost of £159k and unaffordable.

Agree short-term extension and undertake a full procurement of the golf service. Full procurement was undertaken in 2009 and options were limited. With the increased saturation in the market and variable performance of the golf market as highlighted in paragraph 4.5 this option was considered to be unreliable.

Consideration of sale of golf courses on the open market. A market assessment of all courses was undertaken and it was demonstrated that due to the reasons outlined above (i.e. primarily market saturation) the market is not significantly buoyant to warrant disposal at this time.

An option to insource the provision of golf was considered but demonstrated to be the most expensive and least sustainable option.

On the basis of the above, it became evident that the best option would be to enter into detailed discussions with SLM, the Council's Leisure Contract operator until 2023, with a view to varying the Leisure Contract to include the management and operation of Ealing Council's Golf Courses.

Following initial discussions with SLM the Environment & Customer Services Departmental Contracts Board subsequently considered the performance and value

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for money of this proposal and recommends the variation into the Leisure Contract as the best option.

In all the circumstances officers are of the view that there is clearly a strong operational and business case to award these services to the Council's existing leisure services provider by way of adding to the existing Leisure Contract. In particular SLM have agreed to manage the golf courses on preferential terms to that offered by Mytime Active outlined in paragraph 4.2 of the report.

Given the position with a possible options under consideration that is either to extend the contract with Mytime or let it expire on 30<sup>th</sup> September 2014 a non-key officer decision was made on 4<sup>th</sup> September to award a six month temporary contract to SLM with associated Tenancy at Will agreements from 1<sup>st</sup> October 2014 until 31<sup>st</sup> March 2015 pending a final decision on the future management of the facilities.

With regard to Horsenden Hill Golf Course, officers have assessed that there is currently an over provision of golf within the boundaries of the London Borough of Ealing and the surrounding area; with a strong mix of municipal golf, privately owned pay and play golf courses as well as private members clubs. Based on the Sport England Active Places database there are 35 golf facilities within a 7 mile radius (c15min drive time) of the W5 postcode and if this is extended to 10 miles increases to 67 facilities. Having regard to the current level of use (as detailed in paragraph 3.3 of the report) officers are therefore of the view that there is potential to close Horsenden Hill Golf Course whilst maintaining and appropriated provision within the Borough. The implications of this proposal are discussed in more detail in the report.

**16. Approval to Invite and Evaluate Tenders for Public Health Contracts and to Extend Existing Public Health Contracts which will Expire on 31 March 2015 Resolved**

That Cabinet:

- i) authorises the Director of Public Health to invite and evaluate tenders for new contracts for an initial period of two years with the ability to extend for up to two years to deliver (1) integrated lifestyle services; (2) sexual health promotion services to include: HIV prevention and support, young people's sexual health service and female genital mutilation advocacy services; (3) Tier 4 drug and alcohol services, subject to individual reports recommending decisions to award contract/s following the evaluation of tenders being submitted to Cabinet in 2015.
- ii) authorises the Director of Public Health to extend the public health contracts for a period of two years from 1 April 2015 as set out in the report, Appendix 1, Table 1.
- iii) authorises the Director of Public Health to extend the public health contracts for a period of one year from 1 April 2015 as set out in the report, Appendix 1, Table 2.
- iv) authorises the Director of Public Health to make collaborative commissioning arrangements for sexual health genito-urinary medicine (GUM) services for 2015/16 and 2016/17.
- v) authorises the Director of Public Health to enter into contracts for GUM services for 2015/16 and 2016/17.

**Reasons for Decisions and Options Considered**

As a result of the budget savings required for 2015-2018, a number of public health services will be procured to achieve better integration and value for money. Authority to go out to tender is required to appoint suitably qualified providers to deliver these new services.

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The public health contracts that expire on 31 March 2015 listed in Appendix 1, Table 1 of the report, require extension from the 1 April 2015 to 31 March 2017.

The public health contracts that expire on 31 March 2015 listed in Appendix 1, Table 2 of the report, require extension from the 1 April 2015 to 31 March 2016.

Some of these services will be aggregated and re-procured in 2014/2015 under a new delivery model; therefore these services will need extending so that they may continue until the new reconfigured contracts commence in 2015. The services that will be re-procured are shown in Appendix 1, Table 2 of the report..

Further details of the services to be re-procured are in section 3.2.3 of the report.

The list of contracts not being extended are listed in Appendix 1, Table 3 of the report.. The reasons are set out in section 2 of the report for each contract.

In line with the national position, challenges continue with sexual health Genito-Urinary Medicine (GUM) contracts. These contracts ensure open access for our residents wherever they may choose to attend and each year there is growth in activity. These contracts will also contribute significantly to budget savings between 2015-2019.

## **17. Report on the Implications of the Care Act Statutory Guidance and Regulations and Progress on Preparations for Implementation Resolved**

That Cabinet:

- i) notes the implications of the new statutory framework for Adults Services and the Council more widely, the work in progress to prepare for implementation and agrees that further reports will be brought to update on progress, and to seek any necessary authority to support compliance with the new statutory framework.
- ii) approves £0.789m to be added to the 2015/16 Adult Services Capital Programme in relation to the Community Capacity Grant and also authorises approval to spend.
- iii) notes that Councillor Reen welcomed the report and congratulated the Portfolio Holder and Officers for their work.

### **Reasons for Decisions and Options Considered**

The Care Act 2014 introduces 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 will come into force in April 2015. Part 2, incorporating significant changes to the way people can pay for their care and support (Funding Reform) is scheduled to come into force from April 16.

Locally we anticipate that our implementation plan will necessarily involve a “root and branch” review of existing structures, resources, information technology, commissioning strategies, social work policies, organisational

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culture, workforce, partnerships and the “Care and Support offer” provided to Ealing residents. Whilst there are some notable changes required, and a considerable need to communicate with a range of stakeholders effectively, there is a sound platform of existing good practice locally from which to build. Nevertheless, the introduction of a minimum national eligibility criteria, as well as new duties to assess carers, powers and duties to support carers of adults or children needing care and support and the expected increase in assessments of self-funders after April 2015 in anticipation of the implementation of Part 2 of the Act are universally considered likely to result in new financial burdens for Councils at time of financial restraint. Whilst attempts are being made to model the potential financial impact, it is difficult to accurately determine the pace and impact of the cost pressures that may ensue from rising demand for care and support. The government has estimated that the increased demand for assessments and support will cost £125m to £150m nationally. DH is expected to provide confirmation of Care Act Implementation funding for 2015/6 in December 2014. Nationally there is considerable concern about the potential impact of the costs of the Act being significantly greater than the new funding made available.

**18. Children & Families Act 2014 – Special Educational Needs Reforms Resolved**

That Cabinet:

- i) notes the progress in implementing the key aspects of the Children and Families Act with regards to Special Educational Needs and Disabilities (SEND),
- ii) agrees that the report be forwarded to Ealing Clinical Commissioning Group for information and action as appropriate.

**Reasons for Decisions and Options Considered**

The Children and Families Act 2014 has significant implications for SEND services, parents/ carers, children, young people and young adults. The purpose of this report is to update members on the progress the Council has made and the next stage of the process for planning and implementing the reforms.

**19. School Expansions and Determination of Statutory Proposals for Brentside High School**

That Cabinet:

- i) approves the following proposals:
  - a. The enlargement of the premises of Brentside High School to increase the school’s Published Admission Number by 56 pupils, to admit 280 pupils into each Year 7 group from September 2016. This is conditional on the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by 31<sup>st</sup> of May 2015;
  - b. The allocation of up to £0.250m from the Revenue Contribution to Capital Works to fund preliminary work in 2014/15;
  - c. To note, in order to meet construction deadlines, preliminary planning to start in 2014/15 financial year but that construction will not begin until 2015/16 once approval has been granted by Cabinet and Council in February 2015.
- ii) authorises the Executive Director for Children and Adults to seek all necessary planning and statutory consents and approvals for the works

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described within this report;

- iii) authorises the Executive Director for Children and Adults to invite and evaluate tenders for the expansion for Brentside High School;
- iv) authorises the Executive Director for Children and Adults to carry out and complete negotiations with the PFI Special Purpose Vehicle (SPV) for the variation of the existing PFI agreement to facilitate the expansion of Brentside High school.

### **Reasons for Decisions and Options Considered**

The decisions are required to enable the Council to progress to the next stage of the process for expanding school provision to meet its statutory duty to secure sufficient school places. 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 diversity and increase choice.

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 to Cabinet of 29<sup>th</sup> April 2014 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>

## **20. Children's Services Capital Works Approvals**

That Cabinet:

- i) notes the list of proposed high priority condition works as set out in Confidential Appendix A of the report, and that further work will take place to finalise detailed schemes, and where required, on behalf of the Portfolio Holder, authorises the Executive Director for Children and Adults, to finalise the schemes and to invite and evaluate tenders as necessary for the Schools High Priority Condition Works, and following consultation with the Portfolio Holder where appropriate, to award contracts if suitable tenders are received;
- ii) authorises the Executive Director for Children and Adults to seek all necessary Planning and Statutory Approvals for the schemes described in this report.
- iii) approves the re-alignment and reduction by £21.5m of mainstream funding from the existing Schools Service Capital Programme as set out in paragraph 4 of the report.
- iv) approves the revised dates for the St. John's Primary School rebuild and expansion, to secure planning permission under Part 3 of the Town and Country Planning Act 1990 by April 2015;
- v) approves the expected increase in the cost of the school to the council and the funding gap and how it will be funded referred to in Confidential Appendix C of the report.

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## **Reasons for Decisions and Options Considered**

Cabinet/Portfolio Holder approval is required to proceed with some schemes described in this report.

### **21. Independent North-West London Healthcare Commission**

That Cabinet:

- i) agrees to join and actively participate in the Independent North-West London Healthcare Commission (draft terms of reference - Appendix 1 of the report)
- ii) delegates authority to the Director of Policy and Performance to agree any final amendments to the Terms of Reference for the Independent North-West London Healthcare Commission (Appendix 1 of the report), following consultation with the Leader.

## **Reasons for Decisions and Options Considered**

Making Ealing a healthier borough” is one of the six top priorities in the administration’s Corporate Plan 2014-18. This prioritisation of health and well-being reflects an understanding of the critical strategic role that good health plays in delivery of a range of positive outcomes for individuals and communities.

The council also has statutory duties to improve health and well-being of the local population – including the duty to work with partners to provide an effective assessment of local health and well-being needs (the Joint Strategic Needs Assessment); to scrutinise local health services; and to establish a Health and Well-Being Board to drive improvements to local health outcomes.

In order to deliver the “Healthier Borough” Corporate Plan priority and fulfil its statutory duties, the council is working with a range of partners to deliver a substantial number of programmes relating to health and well-being. Many of these feature radical service redesign, and enhancements to partnership and integrated working, particularly across health and social care services.

This work is being undertaken in the context of the implementation of Shaping a Healthier Future (SAHF), the government’s programme of changes to healthcare in the North-West London region, on which the public was consulted in 2012. This programme involves the cessation of a number of acute services including the closure of A&E units and maternity services in North-West London. As part of the consultation on SAHF, those responsible for designing and implementing the programme promised that reductions in acute provision would follow enhancements to out of hospital and community provision in North-West London.

Two years on from the SAHF consultation, Leaders of authorities across North-West London have agreed that it is appropriate to review the effect of the implementation of SAHF on the health of the local population. Concerns have been raised in the media, by local authority Leaders and inspection bodies such as the CQC that implementation of the changes set out under SAHF are having negative impacts on the health of the North-West London population. Concerns have been raised that the capacity of out of hospital and community-based services may not be sufficient to cope with the impact of cessation of acute services, and (if that is in fact the case) the implications for other health and social care services, including those provided by the council.

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**22. Date of Next meeting  
Resolved**

The next meeting of Cabinet will be held on 16 December 2014.at 7pm.

**Councillor Julian Bell, Chair**

**Date**

The meeting concluded at 8:56 p.m. having completed its business.

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