

## **CABINET**

### **Tuesday 9 February 2021 at 7pm Minutes**

#### **PRESENT:**

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

#### **ALSO PRESENT:**

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

Item 07 - Options for the Mattock Lane Public Spaces Protection Order PSPO  
(Councillor Malcolm)

Item 08 - Budget Strategy and Medium-Term Financial Strategy (MTFS) 2021/22 to 2023/24  
(Councillors Malcolm and Young)

Item 09 - Budget Update Report 2020/21 (Councillor Young)

Item 10 - Council Performance Report Quarter 2 2020/21 (Councillors Malcolm and Stafford)

Item 12 - Greener Ealing Business Plan 2021/22 (Councillor Stafford)

Item 13 - Implications of Brexit for Ealing (Councillor Stafford)

- 1. Apologies for Absence**  
Councillors Camadoo-Rothwell and Johnson
- 2. Urgent Matters**  
That Cabinet:
  - i) agrees to change the order of the agenda to take item 9 before item 8.
  - ii) agrees to defer item 11 to a future date.
- 3. Declarations of Interest**  
There were none.
- 4. Matters to be Considered in Private**  
Items 7, 14 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 19 January 2021 be agreed and signed as a true and correct record.
- 6. Appointments to Sub Committees and Outside Bodies**  
**Resolved**  
There were none.
- 7. Options for the Mattock Lane Public Spaces Protection Order PSPO**  
**Resolved**  
That Cabinet:
  - i) notes the evidence of the impact and effect of the Mattock Lane PSPO on the behaviours targeted as set out in this report.
  - ii) notes the outcome of the consultation undertaken between 23 November 2020 and 18<sup>th</sup> January 2021.

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- iii) having assessed the evidence, agrees it was proportionate and necessary to extend the existing PSPO.
- iv) authorises the Director of Community Development to extend the period for which existing PSPO has effect for a period of 3 years with effect from 11 April 2021 until 10 April 2024.
- v) thanks members across the political spectrum for supporting this PSPO.

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

As detailed in section 4 of the report the existing Public Spaces Protection Order PSPO has been complied with for the most part and has been successful in tackling the activities having a detrimental effect which it was introduced to address.

The PSPO was never intended to completely stop abortion related protest or prayer from occurring, whether these be Pro-Life or Pro-Choice; it simply sought to prevent the activities from occurring within the narrowly and clearly defined area of the PSPO: it has achieved that purpose. Members had been reminded that the order permits some activities within the designated area which is within the PSPO area.

There had been occasions during the period since the PSPO was made where groups of individuals who had been involved in protest / vigil in the immediate locality of the Marie Stopes Clinic had instead attended Ealing civic centre (Perceval House), where they had stood outside and displayed signs and images expressing a Pro-Life view and objecting to abortion.

The (almost) daily continued use of the designated area by the Pro-Life groups, the sporadic protests / vigils at Perceval House and the presence of groups involved in protest / prayer at the threshold of the PSPO area, all indicate a continued interest in the location by all of these groups who had previously been congregating at the entrance to the Clinic. Members agreed that it was reasonable to conclude from their continued presence at these sites that, were the order to expire, they would return to the area outside the Clinic and continue the activities previously engaged in at this location.

The main Pro-Choice group (Sister Supporter) which had also been protesting outside the Clinic prior to the introduction of the PSPO had chosen not to use the designated area to continue their activities although it had always been open to them to do so (as long as their activities complied with the provisions which applied to that space).

The April 2018 report detailed the various options that were considered by the Council before taking the decision to make a PSPO and appended an Options Assessment; these options were again set out via an appendix to this report. Officers had reviewed the previous options assessment and had born in mind the likely reluctance of victims to provide witness statements/appear in court and the fact that the people involved in the protests changed from day to day. It was noted that in the last three years no new powers had been created to deal with the issues. Officers remained of the view that the other options were not suitable to tackle the issues which had been identified and that the effectiveness of the PSPO indicated that it was an appropriate measure to deal with the activities which had been having a detrimental impact. Members were in agreement with that view.

The period for which a PSPO had effect could be extended for up to three years. Officers had given consideration to whether a shorter period of extension might be

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appropriate but recommended that the extension was for the full three-year period. It was believed that without a PSPO the activities which had a detrimental effect would recur. As to the length of the extension, although there had been some suggestion of national legislation being introduced to create “buffer zones” around all abortion facilities, there was no certainty as to if (or indeed when) this may happen. Officers had also taken into consideration that the other remedies considered by the original Options Assessment were not appropriate and would not be a good reason for the extension to be for a shorter period of time. Officers were satisfied that a three-year extension period was necessary. Members were in agreement with that view.

## **8. Budget Strategy and Medium-Term Financial Strategy (MTFS) 2021/22 to 2023/24 Resolved**

That Cabinet:

- i) approves net savings of £11.142m over the Medium-Term Financial Strategy (MTFS) period 2021/22 to 2024/25, submitted as part of the 2021/22 budget review process. This included £2.514m savings from the General Fund over the same period of which £7.000m was to be delivered from the General Fund in 2021/22 (section 5.2 and Appendix 2 of the report).
- ii) authorises the Executive Director or Director with responsibility for each proposal (including fees and charges) to:
  - a) carry out all steps required in relation to each proposal, including carrying out any appropriate consultation.
  - b) consider any consultation outcomes and any other detailed implications, c) complete and consider the implications of any equalities analysis assessment required.
  - d) following completion of ii)a), ii)b) and ii)c) above;
    - i. determines whether or not to proceed with or amend any proposal as appropriate prior to implementation.
    - ii. determines whether or not a further report needs to be considered by Cabinet or the relevant officer or portfolio holder before a final decision is taken on implementation.
    - iii. where a decision is taken not to proceed with any savings proposal, to bring forward alternative proposal(s) for consideration.
- iii) In relation to those savings proposals that are significantly cross cutting across more than one council service, authorises the Executive Director or Director with primary responsibility for the savings proposal in question to complete any required equalities analysis assessments and to consider the outcome of such equalities analysis assessments, and any other cross-cutting implications, following consultation with the Executive Directors or Directors of the other services significantly impacted by the proposals, prior to taking any decisions on whether to implement such savings proposals.
- iv) notes in relation to the authorisations given in ii) and iii) above that where appropriate any key decisions will be brought back to Cabinet.
- v) notes the latest Medium-Term Financial Strategy (MTFS) for 2021/22 to 2024/25 (Section 4 of the report).
- vi) approves £14.829m of service revenue growth for 2021/22 (paragraph 5.2.2 of the report) and authorises the Chief Finance Officer (Section 151), following consultation with the Strategic Leadership Team (SLT), to agree and allocate the service growth as part of the detailed service budget setting process.

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- vii) notes that the Council was in a position to agree a balanced budget for 2021/22 and that any remaining budget gap following the Council Tax decision by Full Council on 2 March 2021 would be closed using reserves.

#### Fees and Charges

- viii) approves the schedule of fees and charges for 2021/22 (paragraph 5.3 and revised Appendix 3 of the report) and authorises the relevant Executive Director or Director to complete (before implementation) equalities analysis assessment and consider outcomes of the assessment and determine and if appropriate put in place suitable mitigations measures.

#### Council Tax

- ix) agrees the officer recommendation of an increase of 3% for the Social Care Precept and an increase of 1.99% for Council Tax in 2021/22 (paragraph 5.7.1 of the report) for recommendation to Full Council on 2 March 2021.

#### Council Tax Reduction Scheme

- x) notes the continuation of the current Council Tax Reduction Scheme (paragraph 5.7.14, Appendix 4 of the report) for recommendation to Full Council on 2 March 2021.

#### Council Tax Exemption for Care Leavers

- xi) agrees the officer recommendation to provide Council Tax relief to care leavers, effective from 1 April 2021 (paragraph 5.7.21 of the report) for recommendation to Full Council on 2 March 2021.

#### Council Tax Empty Property Premium Charge

- xii) agrees the officers' recommendation to introduce an additional 300% premium on top of the standard council tax for properties which have been empty for more than 10 years with effect from 1 April 2021 (paragraph 5.7.7 of the report).

#### London Business Rates Pool

- xiii) notes the request to the Ministry of Housing, Communities and Local Government (MHCLG) for revocation of the pan-London pool designated under the provisional finance settlement from 1 April 2021 (paragraph 5.9.1 of the report).

#### Business Rates Discount

- xiv) approves that, pursuant to the Council's powers under Section 47 of the Local Government Finance Act 1988, for 2021/22, the Council will continue to offer a discount in National Non-Domestic Rates (NNDR) of two times the cost of accreditation to the first 100 businesses in Ealing which are, or which become accredited with the Living Wage Foundation and who meet the criteria as set out in the February 2016 Cabinet report: Discretionary Discount Scheme for Businesses accredited to Living Wage Foundation and extend the offer to new applicants (paragraph 5.9.5 of the report).
- xv) authorises the Chief Finance Officer (Section 151) to make determinations in relation to applications for such NNDR discounts, in accordance with the council's adopted criteria.

#### Schools Budget

- xvi) notes the outcome of 2021/22 School Funding Formula changes as agreed in consultation with Schools Forum (Section 7 of the report) and authorises the Chief Finance Officer (Section 151) to consider and, following consultation with the portfolio holder for Finance and Leisure to take on behalf of the Council any actions necessary for the Council to fulfil requirements for Dedicated Schools Grant (DSG) budgets.

#### Housing Revenue Account (HRA)

*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.*

- xvii) notes the HRA revenue budget for 2021/22, as approved by Cabinet on 19 January 2021 (Section 8 of the report).

#### Capital Programme 2021/22 – 2025/26

- xviii) notes the new General Fund capital programme additions totalling £7.395m to be approved by Full Council on 2 March 2021 (Section 9 and Appendix 6 of the report).
- xix) notes the capital programme additions relating to the HRA (Section 9 of the report) that were considered as part of the HRA Business Plan by Cabinet in January 2021.

#### New Financial Management Code

- xx) notes the requirements of The Financial Management Code and steps being taken to ensure compliance in 2021/22 (paragraph 11.7 and Appendix 11 of the report).

#### **xxi) Endorses and approves the following recommendations to Full Council, on 2 March 2021, that Cabinet:**

- 1) Revenue Budget 2021/22 and Medium-Term Financial Strategy 2021/22 to 2024/25
  - a) approves the Revenue Budget for 2021/22 as summarised in Appendix 1 of the report.
  - b) notes the advice of the Chief Finance Officer (Section 151) on the levels of reserves and robustness of estimates in setting the budget as required by Section 25 of the Local Government Act 2003 (Section 11 of the report).
  - c) notes the financial risks and pressures set out in the report (Section 4 and Section 15 of the report).
  - d) approves the Parking Account 2021/22 (paragraph 5.11 and Appendix 5 of the report).
  - e) approves the draft Schools budget of £288.006m and agrees that any changes to the budget reasonably required as a result of the final 2021/22 DSG settlement are delegated for decision to the Executive Director of Children, Adults and Public Health following consultation with the Chief Finance Officer (Section 151) (Section 7 of the report).
  - f) approves for the Chief Finance Officer (Section 151) to agree appropriate actions to comply with the revised DSG guidance, including agreeing the appropriate Deficit Recovery plan for DSG (Section 7 of the report).
  - g) notes that the General Fund balance is scheduled to remain the same at £15.919m for 2021/22 and notes the forecast levels of earmarked reserves (Section 11 and Appendix 10 of the report).
- 2) Capital Programme 2021/22 – 2025/26
  - a) approves the new General Fund capital programme additions totalling £7.395mm (paragraph 9.3 and Appendix 6 of the report) and £0.610m of mainstream budget to be repurposed.
  - b) approves the revised Capital Programme of £1,120.420m (before additions), as set out in Section 9 and Appendix 7 of the report.
- 3) Capital Strategy, Treasury Management and Pension Fund

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- a) approves the Treasury Management Strategy including the associated Prudential Indicators and Annual Investment Strategy (Section 10 and Appendix 9 of the report).
  - b) approves the Treasury Management Policy Statement (Appendix 9 of the report).
  - c) notes the Chief Finance Officer (Section 151) will implement the Treasury Management Strategy under existing officer delegated powers (Appendix 9 of the report).
  - d) approves the Minimum Revenue Provision (MRP) policy (Appendix 9 of the report).
  - e) notes that the Council manages the cash on behalf of the Pension Fund and West London Waste Authority in accordance with the Treasury Management Strategy (Appendix 9 of the report).
  - f) approves the Capital Strategy (Appendix 8 of the report).
  - g) approves the Flexible Capital Receipts policy (Appendix 8 of the report).
- 4) Council Tax and Business Rates
- a) agrees to recommend to full council the officer recommendation of an increase of 3% for the Social Care Precept and an increase of 1.99% for Council Tax in 2021/22 (paragraph 5.7.1 of the report).
  - b) notes the Greater London Authority (GLA) Band D precept of £363.66 for 2021/22 (paragraph 5.6.2 of the report).
  - c) notes that the Chief Finance Officer (Section 151) calculated under delegated authority on 31 January 2021 the amount of 117,138.0 as the Council Tax Base, being the number of properties in Bands A-H in the Borough, expressed as an equivalent number of Band D units for the year 2021/22; in accordance with regulation 3 of the Local Authorities Calculation of Council Tax Base Regulations 1992 as amended made under Section 335 and 344 of the Local Government Finance Act 1992 (paragraph 5.7 of the report).
  - d) notes the forecast Collection Fund position for 2020/21 (paragraph 5.8 of the report)
  - e) notes the Council's share of the business rates income forecast for 2021/22, as approved by the Chief Finance Officer (Section 151) (section 5.9 and Appendix 1 of the report).
  - f) approves charge of a 300% premium on top of the standard council tax for properties which have been empty for more than 10 years with effect from 1 April 2021 (paragraph 5.7.7 of the report).
  - g) approves the current Local Council Tax Reduction Scheme to continue for the financial year 2021/22 (paragraph 5.7.14, Appendix 4 of the report).
  - h) approves and support the payment of council tax by agreeing to fund the Council Tax payable by Ealing care leavers taking up accommodation within the Borough and which would be administered through a local council tax discretionary discount scheme under Section 13A(1)(c) of Local Government Finance Act 1992 (paragraph 5.7.21 of the report).
- xxii) notes the tabled addendum and the revised appendix 3 to the report.
- xxiii) congratulates officers who have worked hard to achieve this Budget Strategy.

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

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This was the final update report to Members on the 2021/22 Budget and Medium Term Financial Strategy (MTFS). It finalised the position since the last budget strategy report to Cabinet in December 2020 and it brought together a number of significant issues for Cabinet decision. The main purpose was to enable Cabinet to consider the budget proposals and make recommendations to Full Council for when it finalised the budget and set the council tax on 2 March 2021.

The Council had continued to invest in services that experienced significant and continued demand pressures, with prioritisation being given to the most vulnerable groups. Due to the complexity of the service provision, against the backdrop of a pandemic, continuing uncertainty of long-term government funding notwithstanding the indicative projected increase in funding as a result of the provisional finance settlement, these services continued to operate in a challenging resource environment where small demand change could lead to material budget variances.

The proposals in this report would contribute to the savings agreed in the budget strategy. Some of the savings proposals would have more detailed implications which would only emerge following consultation or analysis of equalities impacts. Where this was the case those detailed implications would be considered before a final decision was taken on whether or not to implement the proposal, including whether or not a proposal should be amended prior to implementation. Where proposals when considered in more detail resulted in a lower financial saving, it was the responsibility of the department to find alternative savings to the equivalent value to replace the reduced amount.

Any appropriate consultation in relation to proposals would be carried out as required, at a formative stage, and in accordance with the council's legal duties and responsibilities.

## **9. Budget Update Report 2020/21**

### **Resolved**

That Cabinet:

- i) notes the General Fund revenue budget non-COVID forecast outturn position of (£1.150m) underspend (0.46%) for 2020/21 (section 4 of the report), and a break-even position on Housing Revenue Account for 2020/21 (section 8 of the report).
- ii) notes financial pressures arising from COVID-19 in 2020/21 were currently causing an estimated in-year net budget pressure of £9.043mm (section 5 of the report).
- iii) notes the combined General Fund revenue overspend forecast position of £6.163m (section 4 of the report).
- iv) notes that there remained uncertainty re some elements of government funding to support the financial commitments made by the Council in relation to COVID-19, and that mitigations had been put in place Council wide to address the forecast overspend. As at period 9 these had taken effect and that efforts continued across the Council with the aim of ensuring the forecasted overspend was brought down as far as possible and further additional measures or the use of reserves may be needed to deliver a balanced budget.
- v) notes the progress on delivering the 2020/21 savings (section 6 of the report).
- vi) notes the in-year Dedicated Schools Grant (DSG) deficit forecast of £1.700m to be charged to the DSG account (section 7 of the report).
- vii) notes the 2020/21 capital programme forecast a break-even position (paragraph 9.3 of the report).
- viii) approves the re-profiling of 2020/21 capital programme net slippage of £17.384m (appendix 3 of the report) into future years.
- ix) thanks officers for their fantastic work both in response to Covid and through their

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usual work.

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

To forecast the financial position for 2020/21 based on available information at end of 31 December 2020 for non COVID-19 and COVID-19 pressures. The report outlined the Council's forecasted position on revenue, capital, income and expenditure to the end of quarter 3.

## **10. Council Performance Report Quarter 2 2020/21**

### **Resolved**

That Cabinet:

- i) notes the contents of the report.
- ii) notes the progress made against the Council Plan performance indicators during Quarter 2 2020/21 (July – September 2020).
- iii) thanks officers for their work achieving the improvements in performance.

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

The purpose of this report was to provide Cabinet with a summary of the council's performance at the end of the second quarter of 2020/21, and a summary update to the performance indicators available as part of this year's performance set. The report also highlighted the indicators whose performance information would not be available this year due to the Covid-19 pandemic.

The original intent had been to present Q2 performance with the review of the Council Plan priorities and objectives for 2021-22. Due to the subsequent resurgence of Covid-19 and the urgent need to redeploy officer resource to support operational activity during the subsequent lockdowns, the development of the revised Council Plan had been delayed. The Council Plan review process also included the setting of the annual targets for each key performance indicator (KPI), which meant current performance had not been assessed against specific targets. The decision had been taken to instead publish the existing KPIs in a similar format to the Q1 performance data for 2020-21, to show performance against Q2 2019/20 and the direction of travel.

## **11. Recommendation of the Overview & Scrutiny Committee regarding Low Traffic Neighbourhoods Interim Assessment**

*This item was deferred to a future date to allow time for a more substantive response.*

## **12. Greener Ealing Business Plan 2021/22**

### **Resolved**

That Cabinet:

- i) agrees the appended (to the report) Greener Ealing Business Plan for 2021-22 and authorises the Executive Director of Place to agree any changes subsequently required, in particular arising from the council budget approval process.
- ii) notes that £20.930m, inclusive of the agreed allocated growth of £1.294m for the annual contractual amount, gross of £1.137m rent proposed to be charged by the Council. Of the growth amount, £0.147m will be held back until the satisfactory conclusion of a commissioned mid-year review of efficiency and cost containment for the contract.
- iii) thanks officers and the Board for their commitment and thanks Councillor Sabiers, portfolio holder, for leading this project.

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

Following a robust options appraisal, it was agreed in 2018 that a Local Authority Trading Company (or LATCo) would be established to deliver Environmental Services previously provided by AMEY. This was agreed over the options of bringing services in house or further competitive tendering.

The October 2019 report to Cabinet provided an update on the set up of the LATCo, Greener Ealing Ltd(GEL), seeking approval to a draft proposed company business plan along with associated company incorporation agreements between the Council and Greener Ealing. The final Business Plan for 2020/21 was approved by Cabinet in June 2020.

The Business Plan attached to the report, supported the short to medium term GEL objectives agreed with the Council after 9 months of bedding in from July 2020. GEL had been created with the necessary supporting infrastructure, legal and governance arrangements – together with a significant financial commitment from the Council. This had involved the transfer of staff from the existing provider and a series of extensive procurement processes over 18 months to providing the resources, to deliver Ealing's environmental services as first envisaged two years ago.

To ensure that the business was positioned to fully deliver on the objectives of the Council, GEL's operations had been supported by the procurement of a new fleet of 145 emission compliant vehicles to deliver waste/recycling, street cleansing and grounds maintenance services. Waste and recycling vehicles were fitted with new and improved ICT systems connecting operations to Council customer and information management systems.

GEL had a public service ethos, and this was reflected in the nature of support given to its staff. All staff were now paid at least the London Living Wage, maintaining differentials (therefore all staff had benefited from an uplift in salary). All staff had access to an improved pension scheme and a number of former Ealing employees had admitted body access to the Local Government Pension Scheme.

Although the use of temporary staff was commonplace in the services covered by GEL, the company aimed to reduce the reliance on agency workers, prioritising the provision of permanent local employment opportunities. GEL would provide training and development opportunities for staff, identifying opportunities for advancement for front line staff to Drivers and beyond to Supervisory and Managerial levels and to achieve improvement in areas where skills development had been neglected or left behind e.g. horticultural skills, vehicle fitters or HGV training – the company would grow its own. GEL was also developing a new apprenticeship programme.

Within the current scope of services, GEL aimed to deliver investment in better waste collection infrastructure, safer and more efficient waste collection rounds, clean streets and green spaces at the same time as controlling costs and emissions to achieve improved operating efficiency and reduced environmental impact. Greener Ealing and its senior management team would hold itself transparent and accountable to the Council with performance measured against robust key performance indicators. These were governed by monthly Board meetings and quarterly Shareholder Committee meetings in addition to fit for purpose contract monitoring arrangements. Contract KPIs had been agreed, after 6 months of data analysis to validate meaningful stretched target for

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performance across relevant services. Future reports would focus on contract performance, but it was worth highlighting here that after a relatively smooth transition from AMEY, services had been delivered to a consistently higher standard. Whilst there was room for improvement, the commitment and responsiveness of Greener Ealing was meeting the expectations of the council. A detailed performance appraisal and report would be presented after the first full year of operations.

The business plan for 2020/21 presented to Cabinet in June 2020 included a number of objectives for the first 9 months of the contract. Some key objectives were summarised below.

- Pay the London Living Wage from day one.
- Reduce the reliance on Agency Staff.
- Develop a training and development programme open to all staff – identifying opportunities for advancement for front line staff to Drivers and beyond to Supervisory and Managerial levels.
- Improve in areas where skills development has been neglected or left behind e.g. horticultural skills, HGV training and on important topics such as Health and Safety in order to provide the safest possible working environment.
- Develop a new apprenticeship programme.
- Provide an enhanced pension scheme with an increased employer contribution
- Provide the best vehicles and plant, including a new fleet of 145 vehicles, to enable staff to do their jobs.
- Work closely in collaboration with the trade unions.
- It is envisaged that the focus will be on permanent, local jobs for local people.

All of these objectives had been either met or formed part of ongoing improvement plans. Taking all of the above into account, the Business Plan attached to the report set out the next steps for the company for 2021-22 and provided an overview of the financial situation for the business.

### **13. Implications of Brexit for Ealing Resolved**

That Cabinet: notes the implications for the council and the borough of the issues highlighted in report.

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

The UK ceased to be a member of the EU from 1 February 2020 and was no longer part of the bloc's institutions. However, the standstill post-Brexit transition period kept most arrangements from the UK's EU membership in place until it expired at the end of 2020. Negotiations between the UK Government and EU on a future trade relationship continued until late in December 2020 leading to the agreement of a trade deal. The headline measures of the deal included:

- No tariffs or quotas on EU/UK trade in goods.
- A new agreement on fisheries, with the UK's departure from the Common Fisheries Policy.
- State-aid and procurement to become UK domestic policies.

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- An agreement to join some future EU funding programmes (for e.g. the Horizon research programme) and to leave others (e.g. the Erasmus education scheme).

The deal did not confirm arrangements for services. The rights of EU nationals living in the UK were clarified at an earlier stage and were not amended as a result of the trade deal.

It was too early to fully assess the impact of the new trade relationship on the Council, residents and businesses and bringing a report at a later stage was considered. However, in view of the significance of the change for residents and businesses this early report had been produced.

#### **14. Broadway Living Ltd Business Plan Resolved**

That Cabinet:

- i) notes and approves the draft BL Ltd Business Plan which was endorsed by the BL Board on 8 February 2021 (at Appendix A and Confidential Appendix B of the report) and summarised in section 3.5 of the report.
- ii) notes that the Council would receive regular reports on the delivery of Broadway Living Ltd.'s Business Plan at relevant times.
- iii) notes that the Chief Finance Officer as approved via the Councils Treasury Management Strategy has delegated authority to provide BL Ltd with working capital loan funding to enable BL Ltd to implement its approved Business Plan.
- iv) notes and agrees in principle that, subject to the outcome of a staff consultation which started on 25 January 2021 there should be a transfer of Council staff to BL Ltd as set out in paragraph 11 of the report to enable it to deliver services to the Council and BLRP.
- v) thanks officers for their hard work in getting to this point.

#### **Reason for decision and Options Considered**

The Council approved setting up of a wholly owned subsidiary in October 2013 and incorporated a company, Broadway Living Ltd, in March 2014 in order to progress the delivery of council housing and affordable housing in particular. This approval was considered in the light of a business case and options appraisal that were put together within the constraints of the then funding environment to tackle homelessness and housing pressures caused by the lack of good quality affordable rented homes to meet the needs of Ealing's residents.

The Council delegated authority to the Executive Director of Place in October 2018 to set up and register a new housing company Broadway Living Registered Provider (BLRP) to complement and supplement delivery of homes through its housing company Broadway Living (BL Ltd).

In November 2020 the Cabinet approved proposals that the Council (as shareholder, landowner and funder) would commission BL Ltd and BLRP to deliver a programme of housing as set out in the approved BLRP Business Plan which would include the transfer of Council owned land to BLRP at "best consideration" and Council funding alongside GLA grant needed for the development of new homes.

It was also noted at the November Cabinet report that a further report would be brought to a later Cabinet for approval of the Broadway Living Ltd Operational Business Plan and associated proposed staff transfers.

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The Business Plan in appendix A of the report (and its confidential appendix B of the report) set out the objectives, activities, services to be provided to the Council and BLRP, staffing and resourcing, funding, governance and the commissioning of Broadway Living Limited (BL Ltd). The plan also forecasted its financial performance to 2025 and provided an insight into work beyond that date.

## **15. School Admission Arrangements for 2022-23**

### **Resolved**

That Cabinet:

- i) approves the admissions arrangements 2022/23 for Ealing community schools (Appendix 1 of the report).
- ii) approves the published admission numbers for all Ealing community schools including a reduction of 30 places each at Grange Primary School, Horsenden Primary School, Berrymede Infant School and Berrymede Junior School. (Appendix 1 of the report).
- iii) approves Ealing's scheme for co-ordination of admissions to Year 7 and Reception/Junior in 2022/23 as part of Pan London co-ordination (Appendix 2 of the report).

### **Reason for decision and Options Considered**

All admission authorities must determine their admission arrangements by 28 February every year, even if they had not changed from previous years and consultation had not been required. These were set out in paragraph 1.46 of the School Admissions Code.

## **16. LBE commissioned Tier 2 Child and Adolescent Mental Health Service (CAMHS)**

### **Resolved**

That Cabinet:

- i) authorises the Executive Director Children, Adults & Public Health to make a direct contract award for Tier 2 CAMHS with a total value of £1.895m for one year from 1st April 2021 to 31 March 2022 to West London NHS Trust, to be funded from the existing £1.695m Children's Services revenue budgets and £0.200m from the Clinical Commissioning Group.
- ii) authorises the Executive Director Children, Adults & Public Health to invite and evaluate tenders for a contract for the provision of Tier 2 CAMHS, and if an acceptable tender is received, delegates authority to the Executive Director Children, Adults and Public Health to award a contract to coincide with the end of the 1-year Direct Award contract in March 2022.

### **Reason for decision and Options Considered**

The Council funds and commissions Tier 2 mental health services for children and young people (CAMHS). Tier 3 CAMHS was commissioned by the Clinical Commissioning Group (CCG). At present these services were separately specified and commissioned, although both were provided by West London NHS Trust. The Council contracted with West London NHS Trust would end in March 2021 and a decision was required to secure the immediate future of these services. This would allow time to co-design a new local specification and go out to tender for the entire Tier 2 service, which would include the new Mental Health Support Teams in November 2021, which commenced working in schools in January and November 2020, respectively.

This would not only ensure value for money but would also address a range of identified issues including:

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- The need for co-production with the initial design of the service which fostered new ways of working
- The changing needs and issues highlighted in the CAMHS IST Review, SEND JSNA and SEND Inspection Report and national guidance on mental health for children and young people
- Providing further clarity within the service specification and defining pathways of care between and across services including Ealing Tier 3 services provided by West London NHS Trust, voluntary sector and schools.
- The variable data quality and potential outputs of the service.
- The monitoring of staffing costs and outdated performance indicators.

This preferred option was in keeping with the aims of the gold programme: *'Safe and achieving outcome review'* and recognised the growing demand for emotional, mental health and wellbeing services in the context of the current crisis.

It also allowed Ealing Community Partnership (ECP) to competitively tender for the redesigned service which was considered by commissioners under Option 2.

#### **Options** considered by Commissioners:

1. Extend the existing contract for 1 year with the existing provider under the current terms with minimal change until the end March 2022: This would allow time to design a new local specification and go out to tender for the entire Tier 2 service, which would include the new Mental Health Support Teams. This would also allow time for early market testing and engagement with health trusts and potential voluntary sector providers including new entrants to the market with the advent of Mental Health Support Teams.

**Recommended** – one year was sufficient for implementing the redesign of the service and re-procurement with sufficient capacity established to support this programme of work. Work had already begun in lieu of a range of issues previously identified.

2. Direct Award for up-to 1 year and re-provide under the Ealing CCG single community contract provided by Ealing Community Partnership (ECP). This was a 10-year contract, and the expectation was that all services that were varied into the contract were contracted on this basis. The contract was currently in Year 2 of the contract and CAMHS would be incorporated from 1st April 2022 until 31st March 2029.

**Not recommended** as Providers should bid as part of an open competitive re-procurement process – This would ensure that all identified issues were addressed within the wider contract framework and provide a better guarantee of value for money.

3. Direct Award for 2 years with the existing provider under the current terms with no change. This would not support the urgency of the service re-design to address the identified range of issues but allowed a longer period of time to support a sector wide move to a new model of care.

**Not recommended** – Did not support the urgency of service redesign or service user engagement but did support service continuity. Savings from a streamlined management structure were no longer apparent with the recent recruitment of a much-needed Senior Clinical Team Manager for SAFE (£84,000) alongside 15% overheads charged against all staffing costs including agency costs.

#### **17. Date of Next meeting**

##### **Resolved**

That Cabinet notes that the next meeting of Cabinet would be held on 16 March 2021 at 7pm.

*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.*

Councillor Julian Bell, Chair

**Date**

The duration of this meeting was 7pm to 8:14pm

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