

LONDON BOROUGH OF CROYDON

To: All Member of Council
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STATEMENT OF EXECUTIVE DECISIONS MADE BY CABINET ON 15 NOVEMBER 2021

This statement is produced in accordance with Regulation 12 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Further to the associated public notice of Key Decisions no scrutiny call-in has been received, and therefore the following decisions can be implemented.

The following apply to the decisions listed below:

Reasons for these decisions: As set out in the reports:

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=183&MId=2511>

Other options considered and rejected: As set out in the reports:

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=183&MId=2511>

Details of Conflicts of Interest declared by the Decision Maker: None.

Note of dispensation granted by the head of paid service in relation to a declared conflict of interest by that Decision Maker: None.

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out below:

Decision Title: COMMUNITY SAFETY STRATEGY

Details of decision:

Having carefully read and considered the Part A report and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Cabinet

RESOLVED: To recommend to Full Council the adoption of the Community Safety Strategy, as set out in Appendix 1 of the report.

Decision Title: GOVERNANCE OF BRICK BY BRICK CROYDON LTD.

Details of decision:

Having carefully read and considered the Part A report and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the

RESOLVED: To

1. Approve the establishment of the Brick by Brick Shareholder Cabinet Advisory Board (the “Advisory Board”) for the purposes and with the responsibilities described in the report.
2. Approve the appointment of the Leader (Chair), Cabinet Member for Resources & Financial Governance and Cabinet Member for Croydon Renewal to the Advisory Board, with other invited attendees as described in the report.
3. Approve the Terms of Reference for the Advisory Board set out at Appendix 1 to the report.
4. Approve the process for appointment and removal of directors from the Brick By Brick board of Directors in accordance with paragraph 3.14 of the report; and delegate authority to Corporate Director of Resources & Deputy Chief Executive in consultation with the Leader of the Council, Cabinet Member for Croydon Renewal and Chief Executive on appointments and removals of Directors of the board of Brick by Brick Croydon Ltd, who shall have authority to exercise shareholder functions on behalf of the Council to approve such appointments and removals (any such appointments or removals shall be notified as part of the next scheduled report to Cabinet).
5. Delegate to the members of the Advisory Board the authority to exercise limited shareholder functions on behalf of the Council when making recommendations to Brick By Brick relating to risk in accordance with paragraph 3.8 (recognising, however, that Brick By Brick shall make its own independent decisions).

Decision Title: 1ST QUARTERLY UPDATE ON PROGRESS OF PERFORMANCE FOR BRICK BY BRICK CROYDON LTD.

Details of decision:

Having carefully read and considered the Part A report, the associated confidential part B report, and the requirements of the Council’s public sector duty in relation to the issues detailed in the body of the reports, the

RESOLVED: To

1. Note that BBB has not needed to call upon the additional £10m working capital facility that was requested within July 2021 Cabinet Report.
2. Note that the Council has now shared a draft Protocol with Brick by Brick on the disposal of 5 out of 6 sites that were approved for disposal in the July 2021 Brick by Brick Cabinet report and this is close to being finalised so that

the assets can be progressed to be marketed. Details are provided within section 4 of the report.

3. Note the change in consideration on the Belgrave & Grosvenor site, as detailed in Section 4 of the report in order that a detailed due diligence and assessment of regeneration opportunities for the site can be carried out for the benefit of the Council. Further approval will be sought from Cabinet in the event that the outcome of the assessment favours development rather than disposing the site.
4. Note the progress being made on repayment of the loan as advised within the confidential Part B, Appendix 1, of the report. As at end of August 2021, it is envisaged that the Company will pay £139m back to the Council against an outstanding loan balance of £161m.
5. Note that, in accordance with the February and July Cabinet reports, sales receipts have been recycled by Brick by Brick and to total of £17.18m
6. Note that (if approved) the Governance and Performance monitoring of Brick by Brick will be carried out under Brick by Brick Shareholder Cabinet Advisory Board (the "Advisory Board") as advised by the Governance of Brick By Brick Croydon Ltd report also being presented at the same Cabinet as this report.

Decision Title: FINANCIAL PERFORMANCE REPORT - MONTH 6 (SEPTEMBER 2021)

Details of decision:

Having carefully read and considered the Part A report and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the

RESOLVED: To

1. Note the General Fund is projecting a net adverse movement of £0.685m from Period 5. Service departments are indicating a £4.050m overspend (Month 5 £3.365m) with this being netted of as in the past five months against release of a one off Covid Grant (£3.451m released = 31% of the grant) confirmed to Croydon Council for 21/22 by MHCLG as part of the Local Government Finance Settlement;
2. Note that a further number of risks and compensating opportunities may materialise which would see the forecast year-end variance change and these are reported within Section 3 of the report. Should these risks materialise or the mitigations not be effective the Council could overspend by £11.063m (Month 5 £7.814m);
3. Note the Housing Revenue Account (HRA) is projecting a £0.733m (Month 5 £0.742m) overspend for 2021/22. If no further mitigations are found to reduce

this overspend the HRA will need to drawdown reserves from HRA balances which at the moment there are sufficient balances to cover this;

4. Note the capital spend to date for the General Fund of £11.402m (against a budget of £138.688m) and for the HRA of £7.633m (against a budget of £183.209m), with a projected forecast variance of £48.758m on the general fund against budget and £86.220m forecast variance against budget for the housing revenue account;
5. Note, the above figures are predicated on forecasts from Month 7 to the year end and therefore could be subject to change as forecasts are refined and new and updated information is provided on a monthly basis. Forecasts are made based on the best available information at this time.
6. Note that whilst the Section 114 notice has formally been lifted, the internal controls established as part of the S114, such as the Spend Control Panel remain. However, restrictions have been lifted for ring-fenced accounts such as the Pensions Fund, Housing Revenue Account and Coroner's Costs as these do not directly impact on the financial position of the General Fund. The Spending Control Panel which was set up at the beginning of November 2020 continues to meet on a twice daily basis.
7. Note that the Council has received a one off financial support of £2.36m from Government to help cover the pressures related to Unaccompanied Asylum seeking Children (UASC) and care leavers, which means the Council still funds £1.615m of pressures post the Grant support.
8. Note that in addition to the UASC pressures, Croydon Borough has taken on c1000 asylum seekers who have been placed in eight hotels by the Home Office. The hotel costs are funded by the Home Office, however the Council will be responsible for further ancillary services particularly around safeguarding, public health, children & youth provision and broader community support. These additional costs, which are being worked out and have been flagged within unquantified risks, could result in further pressures for the Council.
9. Note the Council has been advised it will receive £1.517m one off Homelessness Prevention Grant (Covid winter pressures) this year to support local authorities to help vulnerable households with rent arrears to reduce the risk of them being evicted and becoming homeless. This is not included in the forecast as the grant condition details are being worked through and will be included in next months report.
10. Note that until recently the Borough also housed a number of Afghanistan Asylum seekers citizens and their families as part of the Government's Afghan citizens resettlement scheme. The Home Office decommissioned this hotel and relocated the residents on 27th October 2021.

Decision Title: FINANCE, PERFORMANCE & RISK PERFORMANCE REPORT (CROYDON RENEWAL AND IMPROVEMENT PLAN)

Details of decision:

Having carefully read and considered the Part A report and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the

RESOLVED: To

1. Review the Finance, Performance & Risk report (Appendix A of the report) as of 30 September 2021 with regard to overall performance against the Croydon Renewal Plan. Note areas of good performance and those of concern.
2. Note the progress made, and areas of concern, against programmes and projects in relation to milestones, deliverables and issues.
3. Note the progress made against savings and growth targets as identified in the Croydon Renewal Plan. More detail on this area can be found in Table 2a of the Financial Monitoring Report also being presented at this Cabinet meeting.
4. Identify areas of performance within the FPR report (Appendix A in the report) where they require deeper analysis to be presented at a future Cabinet for discussion and action.
5. Note the recommendations of the LGA as to the content of future reports.
6. Agree to the reporting frequency of this report to Cabinet be moved from monthly to bi-monthly.
7. Review the request for the amendment / deletion of three performance measures within the framework.

Decision Title: SCRUTINY STAGE 1: RECOMMENDATIONS FROM SCRUTINY

Details of decision:

Having carefully read and considered the Part A report and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the

RESOLVED: To receive the recommendations arising from the meetings of the Scrutiny & Overview Committee held on 17 August and 20 September 2021 and the meetings of the Streets, Environment & Homes Sub-Committee on 16 March and 13 July and to provide a substantive response within two months (i.e. at the next available Cabinet meeting on 24 January 2022).

Decision Title: INVESTING IN OUR BOROUGH

Details of decision:

Having carefully read and considered the Part A report and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the

RESOLVED: To note

1. The request for approval of the contract award for the receipt, bulking, haulage and treatment of food waste and green waste as set out at agenda item 11a and section 5.1.1 of the report.
2. Revenue and capital consequences of contract award decisions taken by the Leader as set out in section 5.2.1 of the report.
3. The contracts between £500,000 and £5,000,000 anticipated to be awarded under delegated authority from the Leader by the nominated Cabinet Member, in consultation with the Cabinet Member for Resources and Financial Governance and with the Leader in certain circumstances, before the next meeting of Cabinet, as set out in section 5.3.1 of the report.
4. The list of delegated award decisions made by the Director of Commissioning and Procurement since the last meeting of Cabinet, as set out in section 5.4.1 of the report.
5. Property lettings, acquisitions and disposals to be agreed by the Cabinet Member for Resources and Financial Governance in consultation with the Leader since the last meeting of Cabinet, as set out in section 5.5.1 of the report.

Key Decision no.: 4521CAB

Decision Title: CONTRACTS FOR THE RECEIPT, BULKING, HAULAGE, AND TREATMENT OF FOOD WASTE AND GREEN WASTE

Details of decision:

Having carefully read and considered the Part A report, the associated confidential part B report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Cabinet

RESOLVED: To

1. Following the procurement process detailed in the report and subject to approvals through the relevant governance processes in LBs Merton, Kingston and Sutton, approve the South London Waste Partnerships (SLWP)

recommendations for the RB Kingston (procuring authority on behalf of SLWP) to award the following contracts for the handling and treatment of food and green garden waste for an initial period of 4 years and 7 months commencing on 1 September 2022 with options to extend until 31 March 2030 for a maximum contract value of £16m (which for Croydon represents £1.4m for the initial term, and £4m over the life of the contract)

- 1.1 award **Lot 1** to BioCollectors (Direct Delivery of Food)
 - 1.2 award **Lot 3.1** to CountryStyle (Villers Road Green Waste)
 - 1.3 award **Lot 3.2** to Olleco (Villers Road Food Waste)
 - 1.4 award **Lot 5.1** to SUEZ (Transfer, haul, treat Green)
2. Approve that the Council enters into an Inter Authority Agreement (IAA) substantially in the form appended to the Part B report on this agenda (which sets out the roles and responsibilities of each of the SLWP boroughs in respect of the procurement, sharing of costs, contract management and other responsibilities in respect of the new food and green garden waste contract) with the agreement and finalisation of terms of the said IAA being delegated to the Corporate Director of Sustainable Communities, Regeneration & Economic Recovery.

Signed: Interim Monitoring Officer

Notice date: 24 November 2021