



Brent

Cabinet

Monday 30 May 2022 at 10.00 am

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Please note this will be held as an in person meeting which all Cabinet members will be required to attend in person.

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [here](#)

Membership:

Lead Member Councillors:

Portfolio

M Butt (Chair)	Leader of the Council
M Patel	Deputy Leader and Cabinet Member for Finance, Resources & Reform
Donnelly-Jackson	Cabinet Member for Community Engagement, Equalities & Culture
Farah	Cabinet Member for Safer Communities & Public Protection
Grahl	Cabinet Member for Children, Young People & Schools
Knight	Cabinet Member for Housing, Homelessness & Renters Security
Nerva	Cabinet Member for Public Health & Adult Social Care
Krupa Sheth	Cabinet Member for Environment, Infrastructure and Climate Action
Southwood	Cabinet Member for Jobs, Economy & Citizen Experience
Tatler	Cabinet Member for Regeneration & Planning

For further information contact: James Kinsella, Governance Manager, Tel: 020 8937 2063; Email: james.kinsella@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit: **democracy.brent.gov.uk**

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

(b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item **Page**

1 Apologies for Absence

2 Declarations of Interest

Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

3 Minutes of the Previous Meeting 1 - 8

To approve the minutes of the previous meeting held on Monday 11 April 2022 as a correct record.

4 Matters Arising (if any)

To consider any matters arising from the minutes of the previous meeting.

5 Petitions (if any)

To discuss any petitions from members of the public, in accordance with Standing Order 66.

6 Reference of item considered by Scrutiny Committees (if any)

To consider any reference reports from the Council's two Scrutiny Committees.

Chief Executive's reports

7 Authority to Award Contracts for the Purchase of Gas and Electricity (October 2022 to September 2024) 9 - 26

This report seeks authority to the procurement arrangements for the bulk energy contracts in relation to the supply of gas and electricity for the London Borough of Brent.

Ward Affected:
All Wards

Lead Member: Deputy Leader and Cabinet Member for Finance, Resources & Reform (Councillor Mili Patel)

Contact Officer: Catherine Arotsky, Senior Project Manager - Energy & Sustainability,

8 Appointments to Cabinet Committees

27 - 28

To receive details of the Executive appointments made to Cabinet Committees and other bodies.

9 Exclusion of Press and Public

The following items are not for publication as they relate to the category of exempt information set out below, as specified under Part 1, Schedule 12A of the Local Government Act 1972:

Agenda Item 7: Authority to Award Contracts for the Purchase of Gas and Electricity (October 2022 to September 2024) – Appendix A (Laser PIA Contractual Arrangements)

This appendix is classified as exempt under Paragraph 3 of Part 1 Schedule 12A of the Local Government Act 1972, namely: “Information relating to the financial of business affairs of any particular person (including the authority holding that information)”

10 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60. Any decision taken urgency under this heading must comply with the provisions outlined in paragraphs 12 and 39 of the Council’s Access to Information Rules (Part 2 – Constitution).

Date of the next meeting: Monday 20 June 2022



- Please remember to set your mobile phone to silent during the meeting.
- The meeting room is accessible by lift and limited seats will be available for members of the public. Alternatively it will be possible to follow proceedings via the live webcast [here](#)



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET

Held in the Conference Hall, Brent Civic Centre on Monday 11 April 2022 at 10.00 am

PRESENT: Councillor M Butt (Chair), Councillor McLennan (Vice-Chair) and Councillors Farah, Knight, Nerva, Krupa Sheth, Stephens, Southwood and Tatler.

Also present: Councillor Ketan Sheth (for agenda item 6.1) and Councillor Daly (for agenda item 6.2).

1. **Apologies for Absence**

An apology for absence was received from Carolyn Downs (Chief Executive).

Cabinet also noted that Alice Lester – (Operational Director Regeneration, Growth & Employment) was attending to represent Alan Lunt (Strategic Director Regeneration & Environment) and Ravinder Jassar (Deputy Director of Finance) to represent Minesh Patel (Director of Finance).

2. **Declarations of Interest**

There were no declarations of interest made at the meeting.

3. **Minutes of the Previous Meeting**

RESOLVED that the minutes of the previous meeting held on Monday 7 March 2022 be approved as an accurate record of the meeting.

4. **Matters Arising (if any)**

None.

5. **Petitions (if any)**

There were no petitions submitted for consideration at the meeting.

6. **Reference of item considered by Scrutiny Committees (if any)**

6.1 Transitional Safeguarding in Brent

Prior to consideration of the main report, Councillor Muhammed Butt (Leader of the Council) welcomed and invited Councillor Ketan Sheth (as Chair of the Community & Wellbeing Scrutiny Committee and Transitional Safeguarding Task Group) to introduce the report and recommendations made by the Task Group established by the Community & Wellbeing Scrutiny Committee to review the development of Transitional Safeguarding in Brent.

Highlighting the timely nature of the review, given the evolution of practice nationally and the development of associated transitional safeguarding arrangements in Brent, Councillor Ketan Sheth began his introduction by outlining the process undertaken by the Task Group in gathering evidence as part of their review. This had involved three themed evidence sessions engaging with a wide range of stakeholders focussed around understanding transitional safeguarding and its evolution nationally; the transitional safeguarding development work undertaken in Brent; the experience of young people and families who may require transitional support and how the development of transitional safeguarding would be taken forward. Thanks were expressed to all those who had contributed towards and supported the review process, including Dez Holmes for the expertise and detailed understanding provided in relation to the practice of transitional safeguarding. Cabinet were advised that key findings identified through the review had included:

- The need to address the potential for some young people to fall through the gap between children's and adults' services if thresholds for support were not aligned or they fell out of contact with services. The Task Group felt that developing a council-wide approach to transitional safeguarding which sought to provide effective and fluid support to this cohort of young people would not only support their safety and wellbeing but may also reduce the need for specialist and statutory services and criminal justice involvement.
- The need to ensure services were responsive to the specific needs of individual young people. The Task Group felt this could be addressed through the adoption of a participative, user-led approach when developing transitional safeguarding practice, respecting young people's needs and enabling them to co-produce solutions rather than being treated as a passive recipient of support.
- The need to recognise that risks faced by young people were often interconnected and included a range of risk factors, such as financial difficulties, housing problems, and not being in education, training or employment. The Task Group therefore identified the need for some young people to be provided with multi-agency support at a more intensive level in order to navigate the complexities of housing, education, training and employment (ETE), finances and further agency support.

As a result of these findings, the Task Group had identified the need, as part of the ongoing development of transitional safeguarding, for strong, collaborative leadership. Local commissioners and service providers had also been encouraged to develop their knowledge and understanding of transitional safeguarding issues within the local area, share their expertise and support other professionals to develop their practice in conjunction with elected members given their experience of working across services, organisations and sectors, as well as the unique knowledge of communities they represented.

In commending the Task Group report and recommendations to Cabinet, Councillor Ketan Sheth ended by stating that he had been encouraged by the Executive response which had been provided (as circulated with the agenda) and commitment towards implementing the recommendations in order to provide leadership and develop expanded partnership working, meaningful engagement with communities and an active knowledge and skills exchange.

Having noted the introductory comments from Councillor Ketan Sheth, Councillor McLennan (Deputy Leader and Cabinet Member for Resources, Children's Safeguarding, Early Help and Social Care) then introduced the report presenting the Executive Response to the report and recommendations from the Transitional Safeguarding Task Group. In welcoming the work undertaken by the Task Group, Cabinet were pleased to note the Task Group's recognition of the work undertaken to develop transitional safeguarding arrangements in Brent, given the importance of the approach in terms of meeting the increasingly complex risk and needs of the most vulnerable young people and adults within the borough. Whilst aware of the potential financial implications, it was also felt the report and recommendations would provide a strong foundation towards developing and embedding an inclusive and joined up multi agency transitional approach towards safeguarding across Brent, with the proposed establishment of a Transitional Safeguarding Working Group also welcomed in order to oversee the development of this approach on a council wide basis.

Having expressed their support for the work undertaken by the Task Group, Cabinet **RESOLVED** to note the report and recommendations made by the Transitional Safeguarding Scrutiny Task Group (as approved by the Community & Wellbeing Scrutiny Committee on 22 February 2022) and to approve the Executive Response provided in relation to each recommendation, as detailed in Appendix 2 of the report.

6.2 General Practice (GP) Access in Brent

Councillor Muhammed Butt (Leader of the Council) then welcomed and invited Councillor Daly (as Chair of the GP Access in Brent Task Group) to introduce the report and recommendations made by the Task Group established by the Community & Wellbeing Scrutiny Committee to review the accessibility of General Practice (GP) in Brent following the end of the first lockdown in March 2021.

Councillor Daly also began by highlighting the timely nature of the review given the current pressures on general practice as a result of the pandemic and various changes this had brought about. In recognising that people had different views and experiences of general practice, Cabinet were advised of the balanced way in which the Task Group had sought to capture these as part of their review process involving not only a range of themed evidence gathering sessions but also an extensive survey of patient experience in accessing GP services. Whilst recognising the challenging circumstances and supportive of the efforts made to ensure GP services remained available during the pandemic, the Task Group had identified additional measures they felt could be introduced across Brent's health economy to further improve accessibility to high quality and appropriate health care for all, with a particular focus highlighted in relation to addressing the barriers experienced by:

- patients on persistent low income, with a disability, some older patients, patients whose first language was not English, some children and young people, refugees and asylum seekers and those who struggled to access digital technology;
- some parents with young children along with children and young people themselves, especially in relation to mental health support and rapid access to primary care for infants and young children with childhood illness.

Thanks were expressed to the wide range of stakeholders who had been engaged and contributed towards the review, with it recognised that the findings and recommendations produced as a result would require action and implementation across a wide range of partner agencies including the Brent Integrated Care Partnership (ICP), North West London Clinical Commissioning Group (NWL CCG), North West London Integrated Care System (NWL ICS) as well as the Council and local Primary Care Networks (PCNs).

Having noted the introductory comments from Councillor Daly, Councillor Nerva (Cabinet Member for Public Health, Culture & Leisure) then introduced the report presenting the Executive Response to the GP Access Task Group report and recommendations.

In welcoming and commending the work undertaken by the Task Group, Cabinet noted the commitment and support expressed through the Health and Wellbeing Board towards the outcome of the review and to ensure the necessary Action Plans for implementation of the various recommendations across partner agencies were developed, working towards addressing the health inequalities identified and a standard vision for GP access across Brent. Cabinet, supported by Councillor Ketan Sheth as Chair of the community & Wellbeing Scrutiny Committee, also took the opportunity to thank Councillor Daly for her role in leading the review as chair of the Task Group.

Having considered the findings from the review and noted the commitment towards taking the recommendations forward, Cabinet **RESOLVED** to note the report and recommendations made by the GP Access Scrutiny Task Group (as approved by the Community & Wellbeing Scrutiny Committee on 22 February 2022) and to approve the Executive Response provided in relation to each recommendation, as detailed in Appendix 2 of the report.

7. Acquisition of the Affordable Housing site, Neville & Winterleys

Councillor Southwood (Cabinet Member for Housing & Welfare Reform) introduced a report seeking approval to proceed with the purchase of 101 affordable housing units forming part of 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and Carlton Hall (NWCC) on a housing site forming part of the South Kilburn Regeneration Programme from the developer partner.

In considering the report, Cabinet noted that the approach identified reflected the Council's desire as part of any future regeneration developments to proactively maximise opportunities as they arose to increase the supply of affordable housing within the borough whilst also exercising options available to become the preferred provider of the social housing elements. Previously it had been Housing Associations encouraged to partner with approved developers in order to manage the affordable housing element of these type of schemes, with members pleased to recognise NWCC as the first development to come forward in this way.

In commending the approach and welcoming the impact in terms of the supply of affordable housing, members noted that the proposed tenure mix had been confirmed as meeting essential housing needs identified within South Kilburn with

the location of the scheme also benefiting the overall programme of regeneration in the area and outcome for local residents.

Having noted the exempt information contained within the appendix of the report, Cabinet **RESOLVED**:

- (1) To approve the proposed acquisition of the 101 affordable units for the purchase price detailed in Appendix 1 of the report (which contained exempt information) from the Preferred Bidder, subject to it being selected as the developer partner for the NWCC site, on the basis of receipt of GLA funding as detailed in paragraph 3.6 of the report and with the remaining balance to be funded from the capital programme.
- (2) To delegate authority to the Strategic Director of Community Wellbeing in consultation with the Cabinet Member for Housing & Welfare Reform to negotiate and agree the terms and thereafter enter into a development and sale and purchase agreement with the Preferred Bidder for the purchase of the 101 affordable units, and thereafter make any variation to the contract if required.

8. **Purchase of 115 Affordable Homes from Phase 2 of the Grand Union Development**

Councillor Southwood (Cabinet Member for Housing & Welfare Reform) introduced a report seeking approval to purchase the long leasehold interest of a new build residential block in order to provide 115 affordable rented homes within the property located at the Grand Union scheme development, Alperton from St George Development Ltd.

In considering the report, Cabinet noted (as with the previous item) that the approach identified in relation to this scheme again reflected the Council's aim to proactively maximise opportunities as they arose to increase the supply of affordable housing within the borough and followed the successful purchase of 114 units for the same purpose under Phase 1 of the Grand Union development.

Members again commended the approach and noted that the proposed tenure breakdown had been confirmed as meeting the essential housing needs of those on the housing register and in terms of the beneficial location of the scheme.

In thanking officers for their efforts to finalise the proposal, members also noted the progress and positive impact of the Grand Union development in terms of the overall regeneration of the surrounding local neighbourhood and environment.

As a result, Cabinet **RESOLVED**:

- (1) To approve a budget of £30.27m to purchase the long leasehold interest in 115 affordable homes from the Grand Union scheme, subject to contract and subject to a) clean and marketable title b) financial and legal due diligence and c) vacant possession, with a target exchange of contract in May 2022.
- (2) To delegate authority to the Strategic Director of Regeneration & Environment in consultation with the Cabinet Member for Regeneration,

Property and Planning, to negotiate and agree the terms and thereafter enter into a contract with the developer for the purchase of the scheme and make any necessary additional amendments required to the contract thereafter.

- (3) To note that the Strategic Director of Regeneration & Environment pursuant to powers delegated under Part 3 of the Constitution will procure and award various contracts for professional services relating to the construction supervision of the 115 homes that are to be purchased by Brent Council.

9. **Neasden Stations Growth Area Masterplan - Supplementary Planning Document**

Councillor Tatler (Cabinet Member for Regeneration, Property & Planning) introduced a report seeking approval to adoption of the amended Neasden Stations Growth Area Masterplan Supplementary Planning Document (SPD), having considered the results of the consultation feedback, officer considerations and changes proposed as a result. Members were advised this followed on from the draft SPD having been approved by Cabinet for publication and statutory consultation on 14 June 2021.

In considering the report, Cabinet noted the importance of the Masterplan SPD in setting out the vision and objectives designed to secure a transformational change of the Neasden Stations Growth Area, the planning policy framework to which new development would be expected to comply along with a baseline spatial analysis of the current state and land use of the area in order to provide, following adoption of the Local Plan 2022, a foundation for future regeneration, investment and growth. Members were advised of the wide ranging nature of consultation undertaken on the draft Masterplan SPD and were keen to recognise the support expressed in relation to the increased connectivity and wider benefits provided through the proposed West London Orbital (WLO) scheme as part of this process and within the Masterplan.

Members welcomed the safeguarding of growth capacity in relation to the WLO. In recognising the work undertaken to develop the Masterplan SPD in partnership with the Greater London Authority and wide range of partners and other stakeholders (including the West London Alliance, Transport for London, local landowners and developers) Cabinet **RESOLVED** having considered the consultation report, responses, officer recommendations and proposed amendments to the draft Neasden Stations Growth Area Masterplan Supplementary Planning Document as set out in Appendix 1 of the report, to approve adoption of the Neasden Stations Growth Area Masterplan Supplementary Planning Document as set out in Appendix 2 of the report.

10. **Brent's New Customer Promise**

Councillor McLennan (Deputy Leader, Cabinet Member for Resources and Children's Safeguarding, Early Help and Social Care) introduced a report setting out a proposed new Customer Promise for Brent, which set out expectations for all interactions between the Council, its residents and customers.

In considering the report Cabinet noted that the new Customer Promise had been developed to reflect feedback from staff, customers and residents and changes

relating to the delivery of services and way residents and customers interacted with the Council as a result of the pandemic and in line with digital transformation. The Customer Promise had been based on four main pillars, supported by a series of associated performance indicators, and set clear expectations regarding what residents could expect from the Council along with an outline of how residents could be expected to help the Council deliver the promise.

Subject to approval, the Customer Promise would be embedded as a corporate standard across the Council with Cabinet welcoming the timely nature of the revised commitment and thanking officers for the work undertaken on its development.

As a result Cabinet **RESOLVED**:

- (1) To approve the proposal for a new Brent Customer Promise and Commitment.
- (2) To note that implementation of the new customer promise, the pillars that underpin it and what residents can expect from the council, would be monitored and reported corporately on a quarterly basis.
- (3) To support the new Brent Customer Promise following formal agreement as the corporate standard, which all service areas and departments will follow.

11. **Exclusion of Press and Public**

There were no items that required the exclusion of the press and public at the meeting.

12. **Any other urgent business**


None.

As this was the final Cabinet meeting of the current Administration Councillor Butt (as Leader of the Council) took the opportunity to thank all Cabinet Members and officers for their support and to wish Councillor McLennan (as Deputy Leader) all the best following her decision not to continue as a councillor beyond the next local election in May 2022.

The meeting ended at 10.40 am

COUNCILLOR MUHAMMED BUTT
Chair

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 Brent	Cabinet 30 May 2022
	Report from the Director of Finance
Authority to Award Contracts for the Purchase of Gas and Electricity (October 2022 to September 2024)	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Part Exempt - Appendix A is exempt as it contains information relating to the financial affairs of the Council and as such falls under category of exempt information as set out in Paragraph 3, Part 1, Schedule 12A of 1972 Local Government Act
No. of Appendices:	One Appendix A (exempt): Laser PIA Contractual Arrangements
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Neil Luscombe Energy Manager Tel: 0208 937 5027 E-mail: neil.luscombe@brent.gov.uk Catherine Arotsky Senior Project Manager– Energy and Sustainability Tel: 020 8937 2542 E-mail: catherine.arotsky@brent.gov.uk

1.0 Purpose of the Report

1.1 This report requests authority to award contracts as required by Contract Standing Order 88. This report describes the reasons for the award of those contracts as referred to within paragraphs 2.1, 2.2 and 2.3 of this report. The report also summarises the process required to procure and award those contracts.

2.0 Recommendation(s)

That Cabinet:

2.1 approves the award of a contract for the supply of electricity to NPower Limited for two years as from 1st October 2022 via a call-off from LASER Framework Y18003, and

- 2.2 approves the award of a contract for the supply of gas to Total Gas and Power for two years from 1st October 2022 via a call-off from the LASER Framework Y18002, and
- 2.3 that alternatively to the recommendations at paragraphs 2.1 and 2.2, approves the award of contracts for gas and electricity to the next ranked Suppliers on Lot 1 of each of the Frameworks referred to at paragraph 5, if NPower Limited or Total Gas and Power cannot, or do not accept the offer of a Council contract. Such award shall be in accordance with the offer and award process described in Section 7 of this report; and
- 2.4 approves the Council's entry into an amended Access Agreement with Kent County Council referred to in paragraphs 7.11 and 7.12 below, to enable its participation and purchase of gas and electricity from the Frameworks referred to at paragraphs 2.1 and 2.2 above; and
- 2.5 supports Brent's active engagement with the "Renewable Power 4 London Action Plan" work stream, which aims to procure public sector energy for London Public Sector Bodies that is 100% renewable, through collaboration, with the ultimate aim of having a Power Purchase Agreement in place that Boroughs can procure renewable energy from, starting from autumn 2024 (or spring 2025).

3.0 Detail and brief summary of decision

- 3.1 The current bulk energy contracts for the London Borough of Brent ("the Council") stem from Orders ("Call Off Contracts") placed in 2020 under existing LASER Framework Agreements. LASER are a Public Buying Organisation ("PBO") who have managed gas and electricity supply contracts on behalf of the Council.
- 3.2 The Suppliers then appointed by the Council were Total Gas and Power for gas, and Npower for electricity supply. These LASER Frameworks last for four years and expire on 30th September 2024. The Council however chose a shorter two year energy supply period for the current Call Off Contracts with a supply expiry date of 30th September 2022.
- 3.3 Therefore, the Council needs to make new arrangements for the supply of gas and electricity as from 1st October 2022.
- 3.4 The key objectives for the energy re-procurement project have been to:
- achieve an optimal overall price for the required energy usage and associated services (made up of commodity costs, non-commodity costs, and supplier fees)
 - to maximise the beneficial additional services included in the price that enable good practice energy management i.e. to achieve further energy and financial savings, and
 - to achieve the Council's environmental objectives, including consideration of how to move towards procuring zero carbon energy (to meet Brent's Climate & Ecological Emergency Strategy goals including net zero carbon emissions by 2030)

- 3.5 Brent Council commissioned Cornwall Insight to support its review of the ability of LASER to secure value for money for the Council through the energy procurement policy LASER undertook on its behalf, and to undertake a review of the Council's energy procurement strategy to ensure that it remains market-reflective and fit for purpose. This is titled 'Brent Council Energy Procurement Strategy Evaluation Report'. Cornwall Insight are an independent consultancy who provide energy market knowledge and expertise, which we have utilised to provide us with a deep insight to help us prove our energy strategy is viable.
- 3.6 The Council's corporate buildings, street lighting, and housing properties are included in the contract. Many of Brent's schools also opt in to the arrangement.
- 3.7 The factors that have driven the choice of the LASER PIA Frameworks include:
- a) Brent Council have commissioned Cornwall Insight to support our review of the ability of LASER to secure value for money for the Council through the energy procurement policy LASER undertook on our behalf, and the report has concluded that LASER's procurement is fit for purpose, is achieving prices better than market average, and is offering a range of additional services that are proving valuable to the Council.
 - b) LASER is successfully using a purchasing approach designed to reduce the overall market risk faced by LASER and, in turn, the Council.
 - c) LASER's policy utilises a structure which Cornwall Insight would expect for an organisation of LASER's stature, while the trading approach used by LASER is well-practised across the energy sector.
 - d) the Purchase in Advance (PIA) buying strategy offers budget certainty, which is especially important for school sites due to the need to achieve budget certainty in advance of the start of the financial year.
 - e) LASER's existing service provision is aligned with the core elements of the Council's Climate & Ecological Emergency Strategy, in terms of zero carbon energy options offered.
 - f) contracting for the period 2022/23 onwards will occur against the backdrop of record high wholesale energy costs and market volatility, and the PIA strategy mitigates against the risk of further energy price rises in the short-medium term.
 - g) the limited time left until October 2022 for a full standalone tender by the Council and the speed offered by the Framework's ordering processes: given public procurement tender timescales, resourcing, the nature of the Council's estate and the need to ensure "clean" data for any tender, Cornwall Insight would not anticipate that this would take less than 12 months.
 - h) PBOs such as LASER have an advantage over private sector Third Party Intermediaries (TPIs) regarding experience of meeting public procurement regulations due to historically being designed for the public sector.

- i) the benefits offered because of the economies of scale; and
- j) the flexibility and benefits of the Management method sub-options ('Fully Managed' and 'Purchase Only') offered by LASER

4.0 Alternative options considered

4.1 Officers have reviewed a range of alternative purchasing options to the LASER Public Buying Organisation (PBO) frameworks – Purchase in Advance (PIA) buying strategy for the procurement of energy as listed below.

The options examined were:

- a) LASER Public Buying Organisation (PBO) frameworks – Purchase in Advance (PIA) buying strategy (**recommended**)
- b) LASER – Purchase within Period (PWP) buying strategy (not recommended)
- c) LASER – Flexible Set and Reset (FSAR) and Price Certainty (PC) buying strategies (not recommended)
- d) Change provider from LASER, to another PBO/TPI (not recommended)

4.2 For the reasons stated in paragraph 3.7 and Section 5 of this report, the LASER PIA frameworks were regarded as the best procurement route for the Council in relation to the Call Off Contracts referred to at paragraphs 2.1 and 2.2 of this Report.

5.0 Reasons for recommending the LASER-direct PIA framework

5.1 This section is based on the conclusions and recommendations of the Cornwall Insight report, which broadly support using LASER as a PBO to procure Brent's energy. It is a brief account of the benefits highlighted for the LASER PIA option.

5.2 LASER procures 100% of its electricity and gas on behalf of the Council using the PIA Strategy that have been agreed in advance.

5.3 Cornwall Insight have carried out an assessment of how LASER executed their trading strategy on behalf of Brent.

5.4 Cornwall Insight's analysis indicates that LASER has achieved an outcome for the Council that is market-reflective. A "market-reflective" outcome represents a commercially reasonable outcome given market conditions and LASER's collective skills and capabilities.

5.5 Their assessment of outcomes under the PIA Strategy indicates LASER has, over the review period, typically achieved prices for the Council that are better than those which it could have achieved with a mechanistic application of the Strategy, meaning LASER achieved better than market average prices.

Price	Discount (-) or Premium (+) achieved by LASER vs. Calculated (Market average) Price (%)
PIA Gas – 2020/21	-13.2 %
PIA Gas – 2021/22	-21.8 %
PIA Electricity – 2020/21 Baseload	-23.3 %
PIA Electricity – 2021/22 Baseload	-24.5 %
PIA Electricity – 2020/21 Peak	-4.5 %
PIA Electricity – 2021/22 Peak	+10.1 %

- 5.6 They note the extent to which the volumes purchased increased during Summer 2020, a decision attributed to the low prices resulting from the lockdowns due to COVID-19. This shows LASER have used sound judgement in when to buy tranches of energy, to outperform the market average prices.
- 5.7 Their view of LASER’s management fees is that they are broadly within the range that they would anticipate for comparable services from a PBO. It is important to note in any case that management fees are typically only 1-2% of the total delivered energy price. Therefore a provider’s management fees are of minor price significance, compared to them achieving good wholesale prices through skilled and experienced purchasing of energy and a sound strategy.
- 5.8 In addition to the purchasing of energy, LASER’s frameworks offer energy-as-a-service propositions which could be used to support the implementation of the Council’s Climate & Ecological Emergency Strategy.
- 5.9 Within PBO providers, LASER has been classified in their report as ‘Premium service’ provider. This means they offer the most additional services of any PBOs, with much closer ties with customers. Services include access to portals, regular meetings with customers and suppliers to review performance, query management, managing payments to suppliers, and analysis of customer sites for savings on the bill charges.
- 5.10 LASER does indeed offer several valuable additional services to Brent officers already, including: bill validation, consolidated billing, query resolution, dedicated account and customer service managers, monthly account status reports, weekly market outlook video updates, annual forecast tools, and procurement advice.
- 5.11 Cornwall Insight’s report has provided ample insight into the energy procurement landscape, including giving the names and details of all of the PBOs and four major TPIs offering energy procurement services, and an introduction to the range of additional services that these offer. This information will be valuable for the next procurement phase starting in 2024, and the Energy Manager and Energy Team will use this information to begin a full detailed assessment of the energy supplier options available immediately after completion of this procurement process, in consultation with stakeholders.

6.0 Low carbon energy procurement options

6.1 It is a key priority for the council to decarbonise its energy supply as fully as possible by 2030 in order to meet our net zero carbon target. The following represents Cornwall Insight's high-level assessment of the Council's approach to the procurement of low carbon ("green") energy and potential options for this going forward:

Renewable Energy Guarantee of Origin (REGO)

6.2 A common approach currently used in the public and private sector is to purchase renewable electricity backed by accredited Renewable Energy Guarantee of Origin (REGO) certificates. However, the use of REGOs as a means by which to demonstrate low carbon procurement is under governmental review amid concerns of "greenwashing", while the practice itself is also considered to yield limited benefit in terms of its ability to support new build renewable generation and the inability to wholly link the power generated to the certificate itself (the principle of "additionality"). As such, they may not represent an enduring means by which to purchase low carbon energy.

6.3 REGOs are currently subject to regulatory reform to address the "greenwashing" concerns, and so it is recommended that they are not bought until such time as they are shown to be effective.

Power Purchase Agreements (PPAs)

6.4 Alternative options are becoming increasingly attractive, with the Council having already considered PPAs as a means by which to directly source renewable generation. Power Purchase Agreements are direct investments in at-source renewable energy generation, usually solar or wind farms, which would not otherwise be built without that investment. Therefore PPAs are both genuinely zero carbon and satisfy the principle of "additionality".

6.5 PPAs are inherently complex and to date, although more common in the USA and in the private sector, are very rare in the UK public sector with only one or two authorities currently using PPA agreements to procure renewable zero carbon energy.

6.6 They are available in varying durations from less than 12 months to 10-15 years or in some circumstances up to 40 years, with specific provisions to be agreed with regard to the wholesale price and the relative sharing of risk across the counterparties.

6.7 Cornwall Insight note that the existing LASER framework agreements include the ability to establish PPAs should the Council wish to engage through this route.

6.8 In addition, Brent is already actively engaged with the "Renewable Power 4 London Action Plan" being led by Islington Council, work stream 'Accessing or buying more affordable renewable energy', which aims to procure public sector energy for London Public Sector Bodies that is 100% renewable, through collaboration. One of the key issues for this work stream is how to navigate the

complexities of multiple-organisation procurement whilst maximising the benefits of public sector collaboration. RP4L has already set out a detailed plan of action over the next two years, and holding multi-Borough meetings every 1-2 months, with the ultimate aim of having a PPA in place that Boroughs can procure renewable energy from, starting from autumn 2024 (or spring 2025).

- 6.9 Brent's approach to low carbon energy procurement is therefore to proceed with active engagement with the "Renewable Power 4 London Action Plan", with the ultimate aim of having a Power Purchase Agreement in place starting from autumn 2024 or spring 2025, whilst also keeping a watching brief on REGO green energy certificates and reconsidering their purchase, if after regulatory reform, they begin genuinely contributing to the principle of 'additionality'.

7.0 Description of the LASER Framework

- 7.1 Each Framework Agreement is divided into two Lots (Lots 1 and 2). It is proposed that the Council only purchase gas and electricity under Lot 1 of each of the relevant Framework Agreements.

- 7.2 Therefore, this report seeks approval for the award of a contract under Lot 1 of the existing LASER electricity Framework Y18003, for flexible procurement and supply of electricity the existing Framework Agreements referred to at paragraphs 2.1 and 2.2 of this report for half hourly, non-half hourly metered and unmetered supply electricity with meter operations and additional services. This Lot allows for the purchase of optional additional services in respect of renewable energy, AMR, data aggregation, data collection, demand side response, power purchase agreements, battery storage, electric vehicle facilities and energy services if required.

- 7.3 In respect of gas supply and services, the Council is seeking permission to award a contract under Lot 1 of the LASER gas supply and services framework Y18002 for flexible procurement and supply of gas for daily metered and non-daily metered including product class 1, 2, 3 and 4 with additional services. This Lot allows for the purchase of optional additional services such as green gas, AMR, gas purchase agreements, and energy services, if required.

- 7.4 The Suppliers appointed to Lot 1 of Electricity Framework No Y18003 were NPower, Total GP, and EDF Energy. The Suppliers appointed to Lot 1 of Gas Framework Y18002 were Total GP and Corona Energy.

- 7.5 The existing LASER Frameworks allow the Council to enter into contracts with one of the Suppliers on each Lot 1 in one of two ways. The Council can either:-

- a) place a contract directly with one of the multiple Suppliers without holding a mini-competition ("direct award process") between them.

The direct award procedure requires that the Council first offers a Contract to the Supplier whose tender was judged the most economically advantageous in terms of quality and price criteria and ranked first (amongst all those Bidders who bid for appointment as Supplier to these Framework Agreements) when the new Frameworks were let in 2018.

If that Supplier is unable to accept the Council's direct offer of a Contract, then, the next-ranked Supplier qualifies for direct award.

or,

- b) a Supplier may be chosen after a mini-tender competition between all of the Suppliers to each Lot for the Council's contract ("mini-competition").

7.6 This report proposes the award of contracts using the direct award process.

- a) The direct award route is more expeditious than mini-competition.
- b) As represented in the existing Frameworks, it is procurement-compliant.
- c) The suppliers to whom contracts are offered directly first, such as NPower and Total GP, have already proven themselves as the best bidder in terms of quality and price amongst those chosen as supplier for each Lot. If they are unable to accept the offer, the Council is assured that the contract will be offered to the next best-ranked bidder. So price and quality remain factors that govern which supplier is offered the Council's contracts, even in the absence of competition between the suppliers on each of the Lots that the Council is purchasing from directly.

7.7 If the recommendations in this report are approved, NPower will first be offered a new electricity supply and services contract with the Council and TOTAL GP will first be offered a new gas supply and services contract.

7.8 The next ranked Suppliers on Lot 1 of the new electricity Framework are Total GP, then EDF Energy. The next ranked Supplier on Lot 1 of the new gas Framework is Corona Energy.

7.9 All those offered contracts will receive the Council's service requirements and will agree the price payable for that service in accordance with the prices set within the new Framework Agreements.

7.10 The estimated total value of the Call Off Contracts for which approval is sought is an estimated £14m for electricity and gas, over the two-year supply period referred to above. A breakdown of the total amount of Council spend in 2021/22, and forecast for 2022-24, is shown in paragraph 8.1 below.

7.11 In order to participate in the consortium and framework-buying arrangements referred to in this report; the Council is required to enter into an amended Access Agreement with Kent County Council acting as LASER. The amended Access Agreement will permit the Council to access those gas and electricity supplies and services referred to in this report. It also records those obligations that this Council and Kent County Council will owe each other for the duration of the Call Off Contracts or Order referred to in this report, and the services that Kent County Council, acting as LASER, will provide to this Council in respect of the flexible procurement options referred to in this report.

7.12 The Access Agreement is amended to reflect the change in dates. The Variation will detail the extension of the initial Access Agreement term, which commenced on 1st October 2020 and ends on 30th September 2022. The purpose of the variation will be the extension of initial Access Agreement term until 30th September 2024. It will also entail an appendix for the initial Access Agreement, for the Site Schedule with revised end dates of 30th September 2024.

8.0 Financial Implications

8.1 The main report recommends a two year new Purchase In Advance (PIA) basket energy supply contract with LASER, for electricity and gas.

8.2 Total Brent LASER energy contract spend in 2021/22 was £4.5m and the breakdown is set out in the table below, along with the forecast spends for the next two years and total forecast contract value.

Type	Actual Spend 2021/22 (£)	Forecast spend 2022/23 (£)	Forecast spend 2023/24** (£)	> Forecast total spend 2022-24 (£)
Corporate	1.12m elec + 0.16m gas = 1.28m	2.6m	1.3m	3.9m
Street lighting	0.90m elec	1.8m	0.9m	2.7m
Housing	*0.63m elec + 0.12m gas = 0.75m	1.7m	0.7m	2.4m
Schools	1.03m elec + 0.53m gas = 1.56m	3.6m	1.6m	5.2m
TOTAL	4.5m	9.7m	4.5m	14.2m

*Housing actual spend is 2020/21 data

**2023/24 forecast not available, this based on forecast by Cornwall Insight, however more recent forecasts indicate 2023/24 prices will fall from 2022/23 but still remain above 2021/22 levels

8.3 The cost of these contracts will be funded from the relevant department's budgets, or directly in the case of schools.

8.4 As the Council is currently under contract for the period to September 2022, any contract for the period 2022/23 is set to come into force at a time of record high wholesale prices, which will be reflected in delivered rates. The main reasons for the increased prices are:

- a global shortage of energy supply due to a stronger than expected economic global recovery from COVID;
- low gas storage levels in the UK and across Europe;
- constricted gas supplies flowing into Europe from Russia; and
- more recently, the Russian invasion of Ukraine affecting supplies, and the longer-term uncertain outlook, including around the length of the war, and the effect of possible fuel embargoes by Europe on Russian supplies

8.5 Contracting on an annual basis in line with the PIA Strategy currently implies that an upward step-change will be seen in delivered rates for 2022/23 before

(as currently forecast) a corresponding downward step-change in 2023/24. The period from 2024/25 onwards is forecast to see comparative stability in delivered energy rates against the preceding two years.

- 8.6 It is important to note that the figures above are just an indication of price rises, because Brent has bought none of its energy for 2022/23 yet, and with the market volatility currently so high, prices could change between now and the buying window, which will only open for Brent once the contract procurement process has been completed.
- 8.7 Given the volatility and high prices currently experienced within the energy markets, the 2022/23 medium term financial strategy (MTFS) has allowed growth of £690k to cover the corporate and street lighting energy costs. However, this growth is unlikely to be sufficient to cover the increased prices for 2022/23, therefore the additional cost will need to be funded through the use of reserves.
- 8.8 For 2023/24 and beyond, the budget setting process will need to accommodate the predicted higher costs as a result of the additional external factors of energy costs.
- 8.9 Section 5.0 of the report (above) describes the assurances around value for money.

9.0 Legal Implications

- 9.1 Due approval was given to commence dialogue with Kent County Council regarding procurement from the LASER frameworks under delegated authority by the Director of Finance on 20 April 2020 in accordance with paragraph 9.5.3 of the Scheme of Delegation (Part 3 of the Constitution) and, as required by Contract Standing Order 88 (Authority to Go Out to Tender).
- 9.2 That approval was preceded by the receipt of permission from the Director of HR, Legal and Audit and Investigations for the Council's use of these third party-let frameworks as required under Contract Standing Order, 86(e) (ii) (Contracts not Subject to Full Tendering Requirements).
- 9.3 Because of Contract Standing Order 86 (e), the Council does not need to conduct a tendering exercise in its own name before placing the call off contracts referred to in the Recommendations in this report.
- 9.4 According to Regulation 86, and Regulation 33 of the Public Contract Regulations 2015, the Council is nevertheless required to follow the award procedures set out within a framework agreement for the award of a Call off Contract.
- 9.5 The direct award procedure complies with Regulation 86 in that it reflects the award procedures set out in the new LASER Framework Agreements referred to in this report. It also complies with the requirements of Regulation 33 for direct awards on a multiple supplier Framework. Therefore, any direct award made as proposed in this report will be compliant with procurement law and the Council's internal Standing Orders.

9.6 As detailed in paragraph 7.10, the estimated total value of the Call Off Contracts for which approval is sought is an estimated £14m for electricity and gas, over the two-year supply period referred to above. The electricity is the significantly higher value of the two. However, as the value for the supply of gas also exceeds the relevant threshold, the Call Off Contracts for electricity and gas are both classed as a High Value Contracts under the Council's Contract Standing Orders.

Pursuant to Contract Standing Order 86, Cabinet approval is required for the award of any Call Off Contract from the Frameworks.

9.7 If Cabinet approves the contract award decisions sought in this report, then the appropriate period must be allowed to elapse for a Call In of the Cabinet decision by the Overview and Scrutiny Committee, before any award decision is implemented in accordance with Contract Standing Order 14.

10.0 Equality Implications

10.1 The Council must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment and victimisation
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

10.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

10.3 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.

10.4 There are no specific diversity implications arising from this report and its recommendations at this time.

10.5 Equality implications will continue to be considered throughout the supply period.

11.0 Consultation with Ward Members and Stakeholders

11.1 Consultation meetings with the Energy Team and other Council Officer stakeholders have been held twice, the first in November 2021 and second in April 2022. The stakeholders have represented each of the stakeholder groups

corporate, street lighting, housing and schools, plus finance, legal, procurement and governance.

- 11.2 The first meeting was to discuss the context of energy buying, and decision parameters for next steps, plus getting feedback from stakeholders how they all wanted to be involved in the process and answering questions on what is a complex area. One of the key recommendations from the first meeting was to commission the independent report into Brent's energy procurement strategy and evaluating the current LASER procurement method and highlight several alternative providers.
- 11.3 The second meeting was co-presented by the Energy Team and the appointed consultant Cornwall Insight, to present the findings of their report and recommend next steps including the preferred procurement method for 2022-24.

12.0 Human Resources/Property Implications (if appropriate)

- 12.1 There are no staffing implications including TUPE and Pensions.
- 12.2 There are no property implications.

13.0 Environmental Sustainability Implications

- 13.1 In Brent Council's Climate & Ecological Emergency Strategy, the Council has committed to lead by example in achieving net zero by 2030 in its own buildings and operations. To achieve this, there are three stages: improving energy efficiency, installing renewable energy, and procuring green energy for the remaining demand.
- 13.2 For the first and second stages, we have Heat Decarbonisation Plans already in place, which will guide our programme in firstly reducing energy as far as possible through energy efficiency, and secondly producing our own renewable energy via either solar panels on our roofs where feasible, or through maximising use of our self-generation biofuel Combined Cooling, Heat and Power (CCHP) plant in the Civic Centre.
- 13.3 Achieving the third stage: procuring green energy for the remaining energy, is addressed in Section 6 of this report. Brent's approach to low carbon energy procurement is therefore to proceed with active engagement with the "Renewable Power 4 London Action Plan", with the ultimate aim of having a Power Purchase Agreement in place starting from autumn 2024 or spring 2025, whilst also keeping a watching brief on REGO green energy certificates and reconsidering their purchase, if after regulatory reform, they begin genuinely contributing to the principle of 'additionality'.

14.0 Public Services (Social Value) Act 2012

- 14.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to

securing that improvement; and whether the Council should undertake consultation. This duty does not strictly apply to the proposed contract as it is not a services contract. Nevertheless, Officers have had regard to considerations contained in the Social Value Act in relation to the procurement and in selecting the LASER frameworks, Officers noted that Kent County Council was able to secure social value innovations when setting up the frameworks.

Report sign off:

Minesh Patel
Director of Finance.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 8

Cabinet/Cabinet Committee/Executive Joint Committees Appointments

CABINET (Between 1-10 Full Members)	
For noting - Appointed by the Leader	
M. Butt	Leader
M. Patel	Deputy Leader and Cabinet Member for Finance, Resources and Reform
Tatler	Cabinet Member for Regeneration and Planning
Farah	Cabinet Member for Safer Communities and Public Protection
Nerva	Cabinet Member for Public Health and Adult Social Care
Southwood	Cabinet Member for Jobs, Economy and Citizen Experience
Krupa Sheth	Cabinet Member for Environment, Infrastructure and Climate Action
Knight	Cabinet Member for Housing, Homelessness and Renters Security
Grahl	Cabinet Member for Children, Young People and Schools
Donnelly-Jackson	Cabinet Member for Community Engagement, Equalities and Culture
BARHAM PARK TRUST COMMITTEE (Currently 5 Full Members)	
Nominations by the Leader for approval by Cabinet. Chair & Vice-Chair to be appointed by Committee	
M. Butt	
M. Patel	
Krupa Sheth	
Donnelly-Jackson	
Tatler	
Substitutue Members nominated by the Leader for approval by Cabinet	
Farah	
Nerva	
Grahl	
Knight	
JOINT COMMITTEE OF THE LONDON BOROUGHS OF BRENT, LEWISHAM AND SOUTHWARK (Currently 2 Full Members)	
Appointed by the Leader	
M.Patel	
Southwood	
Substitute Members Appointed by the Leader	
Donnelly-Jackson	
Grahl	

WEST LONDON ECONOMIC PROSPERITY BOARD (Currently 1 Full Member)
For approval by Cabinet
Tatler
Substitute Member Appointed by the Leader
M. Butt

LONDON COUNCILS GRANTS COMMITTEE
Appointed by the Leader
M.Patel
Donnelly-Jackson (Deputy)

LONDON LGPS CIV LTD
Appointed by the Leader
Johnson (as Pension Fund Sub Committee Chair)
M.Patel (Deputy)