



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET

Held as an online virtual meeting on Tuesday 6 April 2021 at 10.00 am

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

Also present (in remote attendance): Councillor S.Choudhary (for Agenda Item 5 as Chair of Brent Pension Fund Sub Committee) and Councillor Kelcher (representing the lead petitioner for Agenda Item 5).

1. **Apologies for Absence**

None.

2. **Declarations of Interest**

None.

3. **Minutes of the Previous Meeting**

RESOLVED that the minutes of the previous Cabinet meeting held on Monday 8 March 2021 be approved as an accurate record of the meeting.

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

None.

5. **Petitions (if any)**

Cabinet received a petition submitted by Brent Divest, which members noted contained nearly 1,400 signatures. The petition called on Brent Council to make a public divestment statement committing the Brent Pension Fund to fully divest from fossil fuel companies and shift these funds to lower risk ethical investments.

Councillor M.Butt, Leader of the Council, advised members that he had agreed to receive the petition at the Cabinet meeting given its link to the content of the Climate and Ecological Emergency Strategy due to be considered later on the agenda. He then welcomed Simon Erskine (Brent Divest) as lead petitioner and Councillor Kelcher who members were advised would be presenting the petition on Mr Erskine's behalf. In presenting the petition Councillor Kelcher highlighted what he felt to be the strong policy, democratic and economic case supporting an immediate commitment and move towards divestment.

Councillor M.Butt thanked Councillor Kelcher and Simon Erskine for attending the meeting to present the petition and advised that he had also agreed to accept an

additional request to speak at the meeting on the same issue. The request was from Councillor S.Choudhary, as Chair of the Brent Pension Fund Sub Committee. In addressing the meeting, Councillor Choudhary highlighted the strategy already established by the Pension Fund to diversify their investment portfolio away from fossil fuel companies and towards more sustainable and low carbon funds. The approach adopted had been designed to balance the legal and fiduciary duties on the Pension Fund against the need to manage the overall level of risk. It also took account of the size of the Fund and resources available and had been aligned to the wider approach being led through the London CIV on behalf of London Councils.

Councillor M.Butt, then invited Councillor McLennan to respond to the petition, as Deputy Leader and Lead Member for Resources. In responding Councillor McLennan felt there was a need to recognise the progress being made by the Pension Fund in relation to their divestment strategy, linked to the approach being co-ordinated through the London CIV. Whilst appreciating that this was over a longer term basis than the action being sought by the petitioners, members were advised of the Council's commitment towards progressing the divestment strategy, with a clear roadmap being developed as part of the work on delivery of the Climate Emergency Strategy balanced against the mitigation of risk to the Pension Fund.

Having noted the progress made to date Councillor M.Butt, as the Leader of the Council, supported by Councillor Krupa Sheth, as Lead Member for Environment, closed the discussion by re-emphasising the Council's commitment towards delivery of a responsible divestment strategy closely linked to the overall approach being co-ordinated through the London CIV and Council's Climate Emergency Strategy. It was felt this would provide the necessary transparency whilst also mitigating risk to deliver the best outcome for all.

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

There were no references from Scrutiny submitted for consideration at the meeting.

7. Brent Climate and Ecological Emergency Strategy 2021-30

Councillor Krupa Sheth, as Lead Member for Environment, introduced a report presenting the final version of Brent's Climate and Ecological Emergency Strategy (2021-2030) for adoption following an extended period of public consultation.

In presenting the report, members noted that the Strategy included the key objectives, themes and areas of focus designed to support Brent in working towards the aim of being carbon neutral by 2030. Councillor Krupa Sheth also highlighted the extensive and ongoing consultation and engagement undertaken in developing the strategy along with its alignment to key London-wide goals. The strategy also included, as an overarching theme, the provision of support to local communities in delivering the proposed climate objectives with a key focus on development and expansion of the Brent Environmental Network for organisations, communities and individuals as a means of driving the agenda forward and supporting the key sectors at the forefront of delivering the sustainable change required. It was felt the pandemic had also highlighted the need to deliver change especially from an environmental justice perspective in relation to air quality.

As additional comments in support of the Strategy, Councillor Tatler highlighted the supporting work being undertaken with local business and developers to encourage greener and more sustainable developments and ways of operating alongside the transport initiatives being led through the Active Travel Programme. Councillor McLennan also took the opportunity to highlight the important links established within the recently adopted Procurement Strategy.

In concluding, Councillor M. Butt, supported by Councillor Krupa Sheth, thanked all officers involved for their efforts in developing such an important Strategy for the Council as well as all individuals and organisations engaged through the Brent Environmental Network. In highlighting the joined up nature of the key themes contained within the Strategy relating to consumption, resources and waste; transport; homes buildings and the built environment; nature and green space the Leader recognised the need for individual as well as collective effort to be made in order to achieve the objectives outlined with the Strategy.

Having completed their consideration of the Strategy, Cabinet **RESOLVED:**

- (1) To approve the final Brent Climate and Ecological Emergency Strategy (2021-2030) following a further period of public consultation and following further officer consideration on the basis of the updated strategy document provided as Appendix A of the report.
- (2) To note that a more detailed breakdown of the consultation process, a short illustrative version and an easy-read version for people with disabilities would be made available on the Climate Emergency section of the council's website (www.brent.gov.uk/climateemergency).

8. **Streamlining of the Brent Black Community Action Plan**

Councillor McLennan, as Deputy Leader and Lead Member for Resources, introduced a report presenting a streamlined version of the Brent Black Community Action Plan (BCAP) for review and adoption.

Members noted that the streamlined plan had incorporated feedback from the recent Local Government Association (LGA) Peer Review on the Council's approach towards equality diversity and inclusion for Black communities and also included a Year One Delivery Plan developed to focus on the priority areas to be delivered over the next financial year. Alongside delivery of the year one priorities, medium and long term delivery plans were also being developed to ensure a focus on the Council's long term sustainable commitment towards the Community Action Plan. The key changes to the streamlined plan, which members were advised had been led and developed in consultation with the community reference group, were outlined in section 3 of the report with members noting the focus within the initial Year One Delivery Plan on the following outcomes in relation to:

- Early Intervention: children, young people and families;
- Building sustainable community capacity; and
- Supporting Black-led organisations.

In addition, members were advised of the further development of the Plan to address targets in relation to health inequalities (highlighted as one of the outcomes of the pandemic) linked to the wider aims within the Borough Plan 2021-22 and

development of the Health & Wellbeing Strategy. In order to retain accountability the thematic steering groups would remain in place but would be rationalised to three core groups focussed on the above priority areas and with the wider community reference group continuing to meet bi-monthly in order to maintain an overview. As a recommendation from the LGA Peer Review members also noted the designation of Councillor McLennan (working with Councillor Knight) as lead for the Black Community Action Plan.

Councillor Knight, as Lead Member for Community Safety and Engagement, in supporting and welcoming the streamlined version of the Black Community Action Plan commended the focussed approach towards delivery of the identified priorities, supported through the delivery of a programme of sustainable community capacity and engagement.

In summing up, Councillor M. Butt, as Leader of the Council, took the opportunity to thank the community reference group for their ongoing support and engagement and highlighted the Council's commitment to continue working with the local community to address the issues and concerns raised. This commitment he felt had also been demonstrated with the Council having been one of the first local authorities to engage with the LGAs Peer Review process to assess individual Council's commitment to equality, diversity and inclusion for Black communities and with the recommendations which had emerged as a result being incorporated within the Community Action Plan.

As a result of the discussion at the meeting, it was **RESOLVED** that Cabinet:

- (1) Note the content of the report.
- (2) Note and endorse:
 - (a) the Streamlined Brent Black Community Action Plan (as detailed within Appendix 2 of the report); and
 - (b) the Year One Delivery Plan (as detailed within Appendix 3 of the report).

9. **Public Sector Decarbonisation Scheme - Energy Efficiency - Works in Brent Corporate Buildings**

Councillor McLennan, as Deputy Leader and Lead Member for Resources, introduced a report detailing a scheme to improve the energy efficiency of a number of Brent Council's retained buildings assessed to have the highest energy consumption.

Members noted that the project formed part of the Council's wider Climate and Ecological Emergency Strategy with the scheme focussed on upgrading and improving the carbon efficiency in a number of the Council's own buildings. The scheme would be funded through £3.234m of Section 31 grant funding which the Council had secured through the Public Sector Decarbonisation Scheme via the Department for Business, Energy & Industrial Strategy.

In welcoming the report, Councillor Krupa Sheth, as Lead Member for Environment, highlighted the co-ordinated approach the scheme represented as part of the

Council's wider Climate and Ecological Emergency Strategy. In concluding the discussion Councillor M. Butt, Leader of the Council, outlined how he felt the project demonstrated the lead being taken by the Council in terms of the commitment towards tackling the climate and ecological emergency and carbon reduction programme.

In considering the recommendations, Cabinet noted the information provided within the exempt appendix accompanying the report.

In view of the support expressed at the meeting it was **RESOLVED** that Cabinet:

- (1) Approve the project to improve the energy efficiency of selected Brent Council retained buildings with the highest energy consumption as detailed in Table 1 within section 3.8 of the report.
- (2) Delegate authority to the Assistant Chief Executive, in consultation with the Lead Member for the Environment, to make further adjustments to the building and technology selection for the project referred to in (1) above to ensure best value, for the reasons detailed in section 3.7 of the report.
- (3) Approve the Council entering into a grant agreement with the Department for Business, Energy & Industrial Strategy to fund the project referred to in (1) above in the sum of £3,234,000.
- (4) Note that officers would undertake procurements to appoint a range of consultants and contractors using powers delegated under Part 3 of the Constitution to achieve the aims of the project referred to in (1) above.

10. **Corporate Performance - Q3 2020/21 Performance**

Councillor McLennan, as Deputy Leader and Lead Member for Resources, introduced a report providing a corporate overview of performance in Quarter 3 (October 2020 – December 2020) of 2020-21, linked to the Borough Plan priorities.

In presenting the report, Councillor McLennan highlighted the impact of the Covid-19 pandemic on all services across the organisation as the Council continued to focus on delivery of the response and subsequent effect this had had on a number performance indicators across priority areas. Whilst this had resulted in 34% of indicators being rated as red compared to 24% at the same point in 2019-20 Cabinet also noted the focus of Lead Members, working jointly with their relevant Strategic Directors, in seeking to mitigate and address performance in these areas as the Council moved forward from the pandemic. Members also noted that the Quarter 4 corporate performance update (scheduled for June 2021) would expand further on the impact of the pandemic by providing a comparison of 2020-21 performance against the targets set for the current year as well as against those in 2019-20. The report would also include data on annual measures as well as highlighting, where possible, how Brent had performed in comparison to other London authorities and benchmarking data.

In responding to the update Councillor Mili Patel, Lead Member for Children's Safeguarding, Early Help and Social Care, highlighted the specific impact of the pandemic in relation to performance targets across Children & Young People along

with the action being taken to mitigate these. Whilst action was ongoing to address the impact on performance, Cabinet also noted the positive progress that it had still been possible to make in relation to performance on Looked After Children placements, as detailed in section 3.6 of the report, and the ongoing programme of early intervention being led through the Black Caribbean Achievement Champions in terms of attainment for boys of Black Caribbean heritage, as detailed in section 3.8 of the report.

Moving forward, Councillor M. Butt, as Leader of the Council, highlighted the importance of the Council continuing to focus its attention in supporting local residents through the pandemic alongside the work being undertaken to bring performance back on track, on which a more detailed outline would be provided as part of the Quarter 4 update.

Having considered the update provided, it was **RESOLVED** that Cabinet:

- (1) Note the performance information contained in the report.
- (2) Note the challenge process along with current and future strategic risks associated with the information provided and approve actions being undertaken on strategic risks, as appropriate.
- (3) Note the impact of the pandemic on performance against targets across the organisation as the Council had continued to work intensively to respond to Covid-19.

11. **Water Charges and Brent Council Tenants**

Councillor Southwood, Lead Member for Housing and Welfare Reform, introduced a report outlining the proposed approach towards issuing refunds to current and former Brent Council tenants in relation to previous arrangements for the billing and collection of water charges.

Members noted the background to the proposal, which had related to historic contractual arrangements entered into by Brent Housing Partnership with two water companies Thames Water Utilities in 2003 and Affinity Water in 2005. At that time it had been possible for water companies to offer Council's and social housing landlords the opportunity to provide billing and collection services for water rates in return for a void allowance for empty properties and commission to reflect the administrative costs and transfer of risk and bad debt associated with the accounts. As a result of a court judgement in 2016 relating to the arrangements operated by the London Borough of Southwark and a subsequent Court of Appeal decision in 2020, the Council had undertaken a review of its arrangements with both suppliers, which had been assessed as no longer fit for purpose. Given the current legal position and associated implications (as outlined in section 3 of the report) it had been recommended that refunds in respect of water charges be offered to both current and former tenants.

Members also noted the considerations which had been taken into account in developing the refund scheme, as detailed in section 4 of the report, and proposed key milestones for implementation, as detailed in section 5 of the report. In terms of the approach outlined, members were advised that the issues involved had related

to the tariffs available and way in which discounts for voids and commission arrangements had been applied and utilised rather than any suggestion tenants had been overcharged as a result of the arrangements.

Cabinet were supportive of the approach outlined having also noted the prudent financial modelling in relation to managing the financial implications of the refund scheme on the Housing Revenue Account. Having noted the report it was **RESOLVED** to approve the following approach regarding the payment of refunds in respect of water charges:

- (1) Refunds for both current and former tenants being calculated from the contractual start dates i.e. Thames Water Utilities 2003 and Affinity Water from 2005.
- (2) Refunds for current tenants being issued to their rent accounts with those in credit able to apply for the amount to be debited to their bank accounts, and if in arrears, the refund being used to offset the arrears owed.
- (3) Refunds for former tenants being:
 - (i) issued to their rent accounts where former tenants have rent arrears to offset any arrears owed to the Council;
 - (ii) paid into leaseholders accounts (who were tenants at the time) if they are currently in occupation; and
 - (iii) subject to a process being established for former tenants (with no current relationship with Brent Housing Management) to apply for a refund and ensure this was publicised with a cut-off date of two years from the point of launching the application process.

12. **Authority to Commission Community Equipment Provider**

Councillor Farah, Lead Member for Adult Social Care introduced a report detailing the award of a call-off contract for the community equipment provider.

In considering the proposed award of contract, members noted the statutory duty on local authorities to make arrangements for the provision of disability aids and “community equipment” to meet the assessed eligible needs of individuals resident in their area along with the support provided enabling residents to remain living independently for as long as possible. The provision of this community equipment also contributed directly to the delivery of a number of key strategic priorities for both the Council and NHS including hospital discharge and avoidance, reducing the use of residential care and reduced reliance on homecare provision.

The main elements of the service were set out in section 3.6 of the report, with members also noting the increasing level of demand for equipment. Whilst the new service would remain broadly in line with existing provision there had been a number of improvements planned as part of the new specification in terms of efficiency and stakeholder contact with the service.

In considering the recommendations, Cabinet noted the information provided within the exempt appendix accompanying the report.

Having noted the statutory duty to provide the service and its significant contribution towards a number of key strategic priorities, it was **RESOLVED** that Cabinet:

- (1) Note officers involvement in the procurement of a framework for Community Equipment let by the London Borough of Barnet.
- (2) Approve the award of a call-off contract from the framework referred to in (1) above for Community Equipment to Milbrook Healthcare Limited for a period of 5 years from the 1st July 2021 until 30 June 2026 with optional break clauses exercisable at the ends of years 3 and 4 of the contract.

13. **South Kilburn Regeneration Programme: Approval of Procurement Processes for Future Phases and Associated Matters**

Councillor Tatler, Lead Member for Regeneration, Property & Planning, introduced a report seeking approval for a number of matters in order to maintain progress on the ongoing South Kilburn estate regeneration programme.

Members noted the progress being made on the South Kilburn regeneration programme, since the resident ballot, including the successful move of residents from Hereford House & Exeter Court into their new homes on the Gloucester & Durham site. Cabinet was advised that the report was seeking specific approval for the procurement of delivery partners/contractors for the remaining phases (3b – 8) of the South Kilburn programme sites and the NWCC sites along with the drawdown of £4.9m of Strategic Community Infrastructure Levy funding to cover the cost of associated works relating to infrastructure and public realm.

In expressing support for the proposals, Cabinet noted the ability these would provide to ensure the progress being made on the regeneration programme in South Kilburn could continue to move forward at pace.

In considering the recommendations, Cabinet noted the information provided within the exempt appendix accompanying the report and it was **RESOLVED** to:

- (1) Approve the procurement of a delivery partner for the NWCC site including, 1-8 Neville House, 1-64 Winterleys, 113-128 Carlton House and Carlton Hall; through inviting tenders using a Competitive Procedure with Negotiation under the Public Contracts Regulations 2015.
- (2) Approve the procurement of delivery partners/contractors for the remaining Phases (3b-8) of the South Kilburn Programme sites.
- (3) Delegate authority to the Strategic Director of Regeneration & Environment in consultation with the Lead Member of Regeneration, Property and Planning, to select the appropriate procurement route and pre-tender considerations for those remaining sites within Phases 3b-8 and to evaluate such tenders.
- (4) Delegate to the Strategic Director of Regeneration and Environment in consultation with the Lead Member Regeneration, Property and Planning, authority to award the contract for Delivery Partners to progress the comprehensive redevelopment of the remaining sites from Phase 3b-8 within the South Kilburn Programme.

- (5) Delegate to the Strategic Director of Regeneration and Environment in consultation with the Lead Member Regeneration, Property and Planning, the decision on alternative development routes if procurement was unsuccessful in relation to the remaining sites from Phase 3b-8 within the South Kilburn Programme.
- (6) Approve the setting of rent levels for the affordable homes at all remaining sites within the Programme (Phases 3b-8) at the South Kilburn Social rent levels.
- (7) Approve capital funding (strategic community infrastructure levy) of £4.9m to deliver the infrastructure and public realm works within the NWCC Project.

14. **Roe Green Infant School Kitchen & Improvement Works - Approval of Capital Funding**

Councillor Stephens, Lead Member for Schools, Employment & Skills, introduced a report seeking approval to assign the necessary capital funding in order to deliver an extension of kitchen facilities at Roe Green Infant School.

In considering the report Cabinet noted the extension of facilities had been designed in consultation with the School's Senior Leadership Team with the purpose of enabling the school to meet its obligation to offer free school meals to all Reception, Year 1 and Year 2 pupils. This would not only support the universal infant free school meals policy project but was also closely aligned to the priorities within the Borough Plan relating to both (Every Opportunity to Succeed) supporting the continued improvement of early years provision and schools and (Strong Foundations) the building of services around residents and their needs.

Members were advised that the funding for the scheme could be met from unallocated Basic Need and s106 funding, as detailed in section 4 of the report.

Having expressed support for the scheme it was **RESOLVED** to approve the allocation of £538,280.36 from the Council's Basic Need Allocation to deliver the kitchen and £189,300.64 s106 funding, as detailed within sections 4.5 and 4.6 of the report.

15. **Debt Write-Off Procedure**

Councillor McLennan, Deputy Leader and Lead Member for Resources, introduced a report advising of changes to the debt write-off procedure which had been designed to improve its efficiency and effectiveness and reporting on those debts over £3,000 which had been written off, as required under the Council's Constitution. The report also advised of an update to the Council's Ethical Debt Recovery policy in order to include reference to the new Breathing Space requirements.

Cabinet noted the link between the Council's debt write off and Ethical Recovery policies as part of a co-ordinated approach and focus towards financial inclusion. The report was the first presented to Cabinet since an Internal Audit review in June 2019 had recommended that where it was certain debts were no longer recoverable

or cost-effective to recover they should be written off following appropriate review and authorisation. Following the Internal Audit review an initiative had been launched to review old debts, with a revised write off procedure approved by the Director of Finance. The revised procedure included the requirement for debts written off over £3,000 to be routinely reported to Cabinet, although members also noted the intention to review this limit given the length of time it had been in existence.

The list of those debts written off over £3,000 had been detailed within Appendix 3 of the report with members noting these had related to old debts incurred between 1994 – 2010 with the grounds for write off being they were either uneconomic to collect, were irrecoverable or subject to individual voluntary arrangements. Members also noted the detailed breakdown of the amendments made to the Ethical Debt Recover Policy, as detailed within section 3.9 and Appendix 4 of the report.

Councillor M. Butt in summing up, felt it was important to highlight that the approach towards dealing with debtors remained fundamentally unchanged in that the Council would continue to engage with and support vulnerable residents experiencing financial hardship whilst also continuing to pursue debt where individuals had made the choice not to pay until it was unviable to do so. Pending the outcome of the review into the level of debt write off it was felt appropriate to report to Cabinet, it was noted the intention to provide regular ongoing updates for Cabinet moving forward.

In considering the recommendations, Cabinet noted the information provided within the exempt appendix accompanying the report and it was **RESOLVED** to:

- (1) Note the revised arrangements for the write-off of bad debts, as set out in Appendix 2 of the report.
- (2) Note the debt write-offs over £3,000 listed in Appendix 3 of the report and that these largely related to old debts from 1994 to 2010.
- (3) Note that while there was a requirement to report write-offs over £3,000 to Cabinet this was the first report of this kind since the recommendation in the Council's Internal Audit report of June 2019 as set out in Appendix 1 of the report.
- (4) Note the revised debt policy referred to as Ethical Debt Policy that had been updated and approved by the Strategic Director for Customer and Digital Services to include reference to the new Breathing Space requirements as set out in Appendix 4 of the report.

16. **Exclusion of Press and Public**

There were no items that required the exclusion of the press or public.

17. **Any other urgent business**

None.

The meeting ended at 10.55 am

COUNCILLOR MUHAMMED BUTT
Chair