

# LONDON BOROUGH OF CROYDON

To: All Members of Council  
Croydon Council website  
Access Croydon & Town Hall Reception

## **PUBLIC NOTICE OF KEY DECISIONS MADE AT THE CABINET MEETING ON WEDNESDAY, 25 NOVEMBER 2020**

This statement is produced in accordance with Regulation 12 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

In accordance with the Scrutiny and Overview Procedure Rules the following decisions may be implemented from **1300 hours on 3 December 2020** unless referred to the Scrutiny and Overview Committee (ie after 13.00 hours on the 6th working day following the day on which the decision was taken). The call-in procedure is appended to this notice.

The following apply to each decision listed below

**Reasons for these decisions:** As set out in the report  
<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=183&MId=2169>

**Other options considered and rejected:** As set out in the report  
<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=183&MId=2169>

**Details of any consultation and representations received not included in the published report:** None

**Details of conflicts of Interest declared by any Cabinet Member:** None

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

**Agenda Item: 6 STRATEGIC REVIEW OF COMPANIES AND OTHER INVESTMENT ARRANGEMENTS - BRICK BY BRICK CROYDON LTD ("BBB") SHAREHOLDER DECISION - DIRECTORS AND ARTICLES OF ASSOCIATION**

**Key Decision No.: 3320CAB**

Cabinet took the decision below under Special Urgency, following the notice published on 20 November 2020.

This decision could not reasonably be deferred because the results of the Strategic review need to be reported as a matter of urgency to limit the Council's cost exposure. When commissioned at the September Cabinet, it was always the intention to report to the November Cabinet, but no separate listing was made in the forward plan. If the report was not considered at this meeting, the Council would not be able to take appropriate action in regard to its associated companies and other entities where necessary.

**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**

1. Note the recommendations set out in the report by PwC, and refer the report to the December meeting of the Scrutiny and Overview Committee for their challenge and assessment. A report from that meeting to be presented at the January Cabinet meeting alongside an action plan.
2. Authorise the initial further work required on the options identified by PwC regarding the Council's interest in BBB in order to best inform further consideration of those options at the January Cabinet meeting.
3. Agree that funding of BBB shall continue in line with current loan arrangements and conditions, provided that all funding for construction, and completed unit purchases shall be reviewed on a site by site basis.
4. Agree that all site transfers to BBB, be halted until the Council has completed the options appraisal.

**RESOLVED:** That the Cabinet, on behalf of the Council, exercising its functions as sole shareholder of BBB to:

5. Approve the special resolutions contained in Appendix [2] of the report to amend the articles of association of BBB to
  - I. allow quorate meetings to take place with any two Directors present, removing the requirement for an Executive Director to be present and
  - II. provide for the provision of all unanimous or majority decisions taken by the Directors and minutes of all Directors meetings to the Council as sole shareholder.
6. Approve the ordinary resolutions contained in Appendix [2] of the report to appoint two Non-Executive Directors to the Board of BBB (both with a finance background), also noting and agreeing that BBB shall indemnify those new Directors in accordance with the company's articles of association and by utilising the company's own insurance policy.

7. Approve the ordinary resolutions contained in Appendix [2] of the report to remove the two current Directors of BBB, in their capacity as Directors (also noting Executive Directors are employees of the company).
8. Approve the ordinary resolution contained in Appendix [2] of the report to provide for the right of the Council as sole shareholder to inspect any of the Company's accounting or other records or documents at any time.

**RESOLVED:** To recommend to Council that it note the recommendations set out above, which are to be considered by Cabinet on 25th November 2020 and that Council shall receive a verbal update in respect of the outcome, in accordance with recommendation xii of the "Croydon Renewal Plan and amendments to the 2020/21 General Fund Budget" report to Council of 21st September 2020.

**Agenda Item: 8A & ELECTRICITY AND GAS SUPPLIES CONTRACT AWARD  
10**

**Key Decision No.: 3120CAB**

**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:**

The Leader of the Council delegated authority to the Cabinet to make the following decisions:

**RESOLVED:** To approve

1. The award of call off contract under LASER Framework Agreements for gas supply to the supplier, and for the estimated contract values, set out in attached Part B report, for a contract term of 3 years and 4 months with the option to extend for a further 1 year.
2. The award of a call off contracts under the LASER Framework Agreements for electricity supply to the supplier, and for the estimated total contract value, set out in the attached Part B report, for a contract term of 3 years and 4 months with the option to extend for a further 1 year.

**Signed:** Council Solicitor and Monitoring Officer

**Notice date:** 26 November 2020

**Contact Officers:** [Victoria.lower@croydon.gov.uk](mailto:Victoria.lower@croydon.gov.uk) and [Cliona.may@croydon.gov.uk](mailto:Cliona.may@croydon.gov.uk)

## Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 3 December 2020** (the 6th working day following the day on which the decision was taken) unless referred to the Scrutiny and Overview Committee.
2. The Council Solicitor shall refer the matter to the Scrutiny and Overview Committee if so requested by:-
  - i) the Chair and Vice Chair of the Scrutiny and Overview Committee and 1 member of that Committee; or for education matters the Chair, Vice Chair and 1 member of that Committee; or
  - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Victoria Lower by the deadline stated in this notice. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
  - i) The grounds for the referral
  - ii) The outcome desired
  - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
  - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision. The Chair of the Scrutiny & Overview Committee shall also be notified.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Council Solicitor, this would cause undue delay. In such cases the Council Solicitor will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.
7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to Cabinet for reconsideration, setting out in writing the nature of the concerns. The Cabinet shall then reconsider the decision, amending the decision or not, before making a final decision.
8. The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision is outside of the budget and policy framework of the Council. In such circumstances, the provisions of Rule 7 of the Budget & Policy Framework Procedure Rules (Part 4C of the Constitution) apply. The Council

may decide to take no further action in which case the decision may be implemented. If the Council objects to Cabinet's decision it can nullify the decision if it is outside the Policy Framework and/or inconsistent with the Budget.

9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.
10. If the Council determines that the decision was within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision, to the Cabinet. The Cabinet shall choose whether to either amend, withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
11. The responses of the decision-taker and the Council shall be notified to all Members of the Scrutiny and Overview Committee once the Cabinet or Council has considered the matter and made a determination.
12. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
13. **URGENCY:** The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process. The Chair of the Scrutiny and Overview Committee must agree that the decision proposed cannot be reasonably deferred and that it is urgent. In the absence of the Chair, the Deputy Chair's consent shall be required. In the absence of both the Chair and Deputy Chair, the Mayor's consent shall be required. Any such urgent decisions must be reported at least annually in a report to Council from the Leader including the reasons for urgency.

**Signed:** Council Solicitor and Monitoring Officer

**Notice Date:** 26 November 2020

**Contact Officers:** [victoria.lower@croydon.gov.uk](mailto:victoria.lower@croydon.gov.uk) and [cliona.may@croydon.gov.uk](mailto:cliona.may@croydon.gov.uk)

**PROFORMA**

**REFERRAL OF A KEY DECISION TO THE  
SCRUTINY AND OVERVIEW COMMITTEE**

For the attention of: Victoria Lower and Cliona May, Democratic Services & Scrutiny  
e-mail to

[Victoria.lower@croydon.gov.uk](mailto:Victoria.lower@croydon.gov.uk) and [cliona.may@croydon.gov.uk](mailto:cliona.may@croydon.gov.uk)

Meeting:

Meeting Date:

Agenda Item No:

**Reasons for referral:**

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

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**The outcome desired:**

**Information required to assist the Scrutiny and Overview Committee to consider  
the referral:**

Signed:

Date:

Member of \_\_\_\_\_ Committee