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LONDON BOROUGH OF CROYDON

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PUBLIC NOTICE OF KEY DECISIONS MADE AT THE CABINET MEETING ON WEDNESDAY, 25 JANUARY 2023

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 2 February 2023** unless referred to the Scrutiny and Overview Committee (after 13.00 hours on the 6th working day following the day on which the decision was taken [or decision notice published, if the decision notice is published later than the day of the decision]). The call-in procedure is appended to this notice.

The following apply to each decision listed below

Reasons for these decisions:

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CIId=183&MIId=2989>

Other options considered and rejected:

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CIId=183&MIId=2989>

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 Executive Mayor has made the executive decisions noted out below:

Agenda Item: 9 HRA RENT-SETTING 2023-2024

Key Decision No.: 8822EM

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 Executive Mayor in Cabinet

RESOLVED:

- I. To approve the request to set the rent increase at the government ceiling level of 7% for the financial year 2023-24.
- II. To approve the request to set the tenants service charges increase at the same level as the rents of 7% for the financial year 2023-24.
- III. Note impact of capping at 7% which is lower than an existing policy has had an adverse impact on the HRA budget and its ability to balance without making significant adjustments to the expenditure budgets within the HRA.
- IV. Note there is further work required to set a balance budget for 2023-24 to accommodate the lost income. This will be taken to cabinet in February 2023 alongside the HRA Business Plan.
- V. Note further work will be required to ensure that tenants and leaseholder are advised of all options available to them to mitigate the financial insecurity which may be experienced as a result of the increase in rent and tenants service charges
- VI. Note the development of proposals to create a specific Housing Revenue Account (HRA) hardship fund aimed to assist tenants who are financially impacted by the 2023/24 rent increase

Agenda Item: 10 INVESTMENT IN RESONANCE PROPERTY FUND - REAL LETTINGS PROPERTY FUND 1

Key Decision No.: 5822EM

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 Executive Mayor in Cabinet

RESOLVED:

1. Consider the options and approve proceeding with option 2: divestment and withdrawal from RLPF1, using the funds received to reduce the future debt refinancing needs, subsequently supporting lower interest costs.
2. Note that the value for money and financial case indicates that, over the 15 year period used as the basis of assessment the better return for the Council will be through re-investing (Option 1). However this does not meet the more immediate need for the Council to seek cash to avoid future borrowing costs. As detailed in paragraph 2.27 to 2.29 due to current and short-term challenging financial circumstances the Council will need to forgo the longer-term gain in return for immediate financial support and in order to deliver its core services.

3. Note that the final value of the investment returned will depend on the values achieved at the point of exit as it depends on house price achieved from the disposal of properties. The valuation as at end of September 2022 (when the last valuation was conducted by Resonance) indicated £36m return to the Council.
4. Approve that the Council agrees to a managed exit, as this will provide the Council with sufficient time to assess and identify suitable and cost-effective accommodation for Temporary Accommodation households who will be impacted from the exit.
5. Delegate to the Deputy Section 151 Officer, in consultation with Cabinet Member of Finance and Monitoring Officer, authority to agree relevant documentation (including any special resolutions required under the LPA, and a Deed of Variation to the LPA (DoV)) required in order to effect Option2.
6. Note that exiting the investment, and agreeing such documentation, will be subject to appropriate legal and financial advice and due diligence.
7. Note that the Council will continue to be an investor in RPLF1 until all its investment balance has been paid.

Agenda Item: 12 LOCAL IMPLEMENTATION PLAN HEALTHY STREETS FUNDING 2022-23 TO 2024-25

Key Decision No.: 7022EM

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 Executive Mayor in Cabinet

RESOLVED:

1. To agree the Healthy Streets delivery programme for 2022/23 including: - Healthy Neighbourhoods (£574,000) -School Streets (£249,000) -Road Safety (£125,000) -Active Travel (£3,150,000) -Bus Priority (£508,000) -Transport Strategy (£30,000) -Station Capacity Improvements (£90,000) -Cycle Training (£56,000) -Cycle Parking (£34,000) set out at Appendix 1 of this report and forming the LIP Healthy Streets Delivery Plan for 2022/23 made up of TfL LIP/Healthy Streets Funding and other funding.
2. To agree the programme at appendix 2 as the basis of a draft LIP Healthy Streets Delivery Plan 2023/24-2024/25 made up of TfL LIP/Healthy Streets Funding and other funding.

3. To agree that the Corporate Director, Sustainable Communities, Regeneration and Economic Recovery (in consultation with the Mayor and the Cabinet Member for Streets and Environment) finalise and approve the LIP Healthy Streets Delivery Plan 2023/24-2024/25 for submission to TfL, in order to release 2023/24 LIP Healthy Streets Funding, making any necessary adjustments to the programme prior to and post submission, without incurring additional expenditure commitments for the Council.
4. To agree the expenditure in 2023/24 set out in this report and appendix 2, subject to funds having been confirmed and allocated by external funders and Council funding agreed by Budget Council.

Agenda Item: 13 WHITGIFT INDEMNITY AND LAND TRANSFER AGREEMENT (ILTA) REMEDY

Key Decision No.: 5922EM

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 Executive Mayor in Cabinet

RESOLVED:

- 1.1. Agree to the Council triggering the retail remedy under clause 11.1(c) of the Indemnity Land & Transfer Agreement ("ILTA") by issuing a written notice to CLP as soon as possible, before the deadline of 21 February 2023, in order to seek improvements to North End to a cost of £4 million Indexed (from 5 February 2014) and a programme of asset management initiatives at the existing Whitgift Centre (the "Remedy Notice").
- 1.2. Agree that the Corporate Director of Sustainable Communities, Regeneration and Economic Recovery be authorised to:
 - a) Issue the written Remedy Notice referred to in recommendation 1.1 above;
 - b) Finalise the details of the specification for the clause 11.1(c) North End works remedy to be agreed with CLP (in consultation with the Mayor and the Cabinet Member for Planning and Regeneration); and
 - c) Take all other necessary steps in relation to the Remedy Notice and the Council's obligations under the ILTA.

Agenda Item: 16 DEDICATED SCHOOLS GRANT (DSG) SCHOOLS FUNDING 2023-2024 FORMULA FACTORS

Key Decision No.: 8122EM

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 Executive Mayor in Cabinet

RESOLVED:

1. Approve the provisional funding formula for Croydon schools for the financial year 2023/24 for both maintained schools and academies in line with the recommendations voted for by School Forum.
2. The Executive Mayor in cabinet is asked to also note the DfE optional factors values reported in table 3 in section 6.1 and paragraphs 6.4 to 6.14 (summarised in table 3) which forms the bases underlying the draft budget for 2023/24
3. The Executive Mayor in cabinet is finally asked to note the three new underlisted requirements for setting the 2023/24 school's budget. These are:
 - (a) Local authorities will only be allowed to use National funding formula (NFF) factors in their local formulae.
 - (b) Local authorities must use all NFF factors – except for the locally determined premises factors which remain optional, and the fringe factor which is compulsory for the 5 local authorities on the fringe.
 - (c) Local authorities must also move their local formula factor values to at least 10% closer to the NFF, except where local factor is already mirroring the NFF

Agenda Item: 17 EDUCATION ESTATES STRATEGY

Key Decision No.: 8922EM

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 Executive Mayor in Cabinet

RESOLVED:

School Admissions:

1.1 agree to the proposed community schools' Admission Arrangements for the 2024/25 academic year (Appendix 1).

1.2 approve the continued adoption of the proposed Pan London scheme for coordination of admissions to Reception and Junior schools – Appendix 1a; and adoption of the proposed Pan London scheme for co-ordination of admissions to secondary schools (Appendix 1b).

School Place Planning

1.3 Approve the Capital Programme Budget summary (Appendix 3).

1.4 School Maintenance and Compliance

Approve the proposed Schools' Maintenance Plan (Appendix 4) for 2023/24 with an overall budget cost of £4,580,016; and £3,191,514 for 2024/25.

1.6 Delegate authority to the Interim Corporate Director – Children, Young People and Education to vary the proposed Schools' Maintenance Plan to reflect actual prices and new urgent issues that may arise, including authorising spend against the allowance for emergency and reactive works. The Corporate Director, Children, Young People and Education shall report back to the Executive Mayor in Cabinet in respect of any exercise of such authority.

The Executive Mayor in Cabinet is asked to note the following:

School Place Planning

1.7 Comparison between the available school places vs 2022 School Capacity (SCAP) Pupil Projections – Appendix 2 (primary) and Appendix 2a secondary).

1.8 Managing Surplus School Places

The local authority is working in partnership with partners to discuss and agree a collective strategy to manage the high level of surplus school places in some primary schools.

1.9 The proposed reduction of All Saints Primary School, Published Admission Number from 60 to 30, with effect from September 2024.

Academy Conversion

1.9 The change of status to an academy for the following schools:

- Orchard Way Primary School from 1 April 2022
- The Minster Junior School from 1 April 2022
- The Minster Infant and Nursery School from 1 September 2022
- Coloma Convent Girls' School from 1 November 2022

1.10 Early Years

- *Croydon Childcare Sufficiency Assessment 2022* (Appendix 5) which measures the demand for, and supply of childcare across the borough.

1.11 Special Educational Needs and Disability (SEND)

Provision sufficiency for children and young people with complex SEND remains a challenge. We continue to develop provision in line with the planned expansion and are addressing the areas of need in addition to this. The use of robust data to inform medium to long term planning to meet demand is now much more accurate.

1.12 Alternative Provision / Pupil Referral Unit (PRU)

- We have received from the DfE the Academy Order for the proposed conversion to an academy of Saffron Valley Collegiate (SVC) Pupil Referral Unit. The intended date of conversion is the 1st April 2023.

- Additional demand for Alternative Provision places is met by commissioning suitable places via our Approved Alternative Provision Provider List.

Agenda Item: 19 SECURE CHILDREN'S HOME FOR LONDON AND PAN-LONDON COMMISSIONING VEHICLE

Key Decision No.: 8322EM

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 Executive Mayor in Cabinet

RESOLVED:

To agree that the council:

1. Becomes a member of a not-for-profit company, limited by guarantee, provisionally to be known as the Pan London Vehicle, to:
 - develop and then oversee the running of London's secure children's home provision for a five-year period from 1st April 2023 to 31st March 2028, with a break-point after three years once the refreshed business case has been developed to include service pricing structure, commissioning approach, practice model and location. Once the provision has launched – which will be after the break-point – membership will be at a fixed annual cost of £20,000 (subject to inflation adjustment), unless an alternative model for funding the PLV is agreed by members during the development phase and
 - collaborate with other PLV members on future joint commissioning programmes

2. Delegate authority to the interim Corporate Director Children, Young People & Education, in consultation with the Cabinet Member for Children, Young People and Education, the S151 Officer & Corporate Director of Resources and the Director of Legal Services & Monitoring Officer to:
 - finalise the legal documents required to set up, join and run the PLV alongside the other London boroughs;
 - approve any operational arrangements
 - decide whether or not to exercise the break option at year 3 of the Council's membership of the PLV, following completion of the revised SCH business case; and
 - Approve the appointment of the Interim Corporate Director of Children, Young People & Education as:
 - i. the Council's Member Representative of the PLV; and
 - ii. the Director of the PLV on a rotation basis for a period of 5 years, when required
3. Note that a decision on whether to continue the PLV Membership at the third-year break point, and all subsequent forthcoming break points, will be reported back to the Executive Mayor unless otherwise delegated.
4. Note that the Croydon Companies Supervision & Monitoring Panel (CCSMP) has been consulted on this proposal and the Council's group company supervision arrangements will apply to the PLV.

Signed: Monitoring Officer

Notice date: 25 January 2023

Contact Officers: Colin.Sweeney@croydon.gov.uk and Michelle.Gerning@croydon.gov.uk

Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 2 February 2023** (the 6th working day following the day on which the decision was taken [or decision notice published, if the decision notice is published later than the day of the decision]) 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 Democratic Services 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: Monitoring Officer

Notice Date: 25 January 2023

Contact Officers: colin.sweeney@croydon.gov.uk and michelle.gerning@croydon.gov.uk

PROFORMA

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

For the attention of: Colin Sweeney and Michelle Ossei-Gerning, Democratic Services
& Scrutiny e-mail to

Colin.Sweeney@croydon.gov.uk and Michelle.Gerning@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:

The outcome desired:

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

Signed:

Date:

Member of _____ Committee

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