

LONDON BOROUGH OF CROYDON

To: All Members of Council
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PUBLIC NOTICE OF KEY DECISIONS MADE AT THE CABINET MEETING ON WEDNESDAY, 26 JULY 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 4 August 2023** 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:

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CIId=183&MIId=3573>

Other options considered and rejected:

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CIId=183&MIId=3573>

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: 6 REGINA ROAD PROJECT – OUTCOME OF BALLOT AND NEXT STEPS

Key Decision No.: 3823EM

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:

- 1.1. To consider the outcome of the Ballot ("Are you in favour of the proposal to demolish and rebuild homes as shown within the red line boundary on the

Regina Road estate) in which the majority of eligible residents voted “Yes” as detailed at Section 4 of this report.

- 1.2.** Subject to statutory processes for obtaining suitable Planning Permissions and other relevant permissions/ consents for the purposes of the project and having due regard to the equalities considerations, the financial and legal implications and risks set out within the report:
 - 1.2.1 To agree the demolition of the three towers and immediate surrounding area included within the red line shown in the Landlord Offer;
 - 1.2.2 To confirm and approve the Landlord Offer in Appendix A;
 - 1.2.3 To approve the project to deliver in phases 200 new social rented homes on the Regina Road Estate. In addition, up to 25 replacement homes (to include the option of shared equity) for eligible existing leaseholders/freeholders within the red line area.
- 1.3.** In accordance with the Landlord Offer, approve the commencement of acquisition of freehold/ leasehold interests on the properties within the red line area via negotiation in the first instance and under terms that would apply pursuant to a Compulsory Purchase Order (CPO).
- 1.4.** Delegate authority for the approval of compensation packages for the acquisition of individual freehold/leasehold interests to the Corporate Director of Housing in consultation with the Corporate Director of Finance and Section 151 Officer.
- 1.5.** To authorise preparation in due course of a Compulsory Purchase Order to cover all properties within the red line shown in the Landlord Offer.
- 1.6.** For the reasons set out in section 4, to delegate authority to the Corporate Director of Housing to agree whether or not homes within the red line shown in the Landlord Offer are considered to be obsolete in accordance with the definition used by the Greater London Authority in their Affordable Housing Capital Funding Guide.
- 1.7.** To approve the continued rehousing of all secure tenants remaining in the properties within the red line area to enable vacant possession of the blocks in accordance with the Landlord Offer in order that the delivery of the proposed redevelopment of the Regina Road Estate can proceed, including, if necessary, by way of service of the requisite statutory notice seeking possession from secure tenants under Ground 10 of Schedule 2 of the Housing Act 1985.
- 1.8.** To delegate authority to the Corporate Director of Housing, in consultation with the Cabinet Member for Homes, to serve demolition notices under the Housing Act 1985, as amended, in order to suspend qualifying tenants from exercising their Right to Buy (RTB) for a period of up to 5 years from the date

of service. Further, in consultation with the Director of Legal Services and Monitoring Officer, to settle any claims pursuant to the service of such notices.

- 1.9.** To note the following actions to provide early decant capacity for residents:
- (i) Allocation of the 12 new homes at Trellis Mews to residents of nos 1-87 Regina Road wherever possible, according to their Housing Need.
 - (ii) Subject to internal governance processes, purchase up to 50 homes suitable for rehousing sufficient residents on a temporary or permanent basis, according to Housing Need.
 - (iii) To ensure nos 1-87 Regina Road and other properties within the red line area are emptied as may be necessary as detailed design progresses through ongoing design engagement with Croydon Local Planning Authority, with the financial implications to be addressed via the Housing Investment Plan.
 - (iv) Subject to internal governance processes, build up to 9 new build homes at Malton House as part of Phase 1 social rent/shared equity homes at Regina Road
- 1.10.** To authorise officers to apply to the Greater London Authority for Investment Partner Status, and for funding towards new homes, both social rented and shared equity, to be built to rehouse existing residents in phases at Regina Road and Malton House in accordance with the Landlord Offer in Appendix A.
- 1.11.** To authorise the Corporate Director of Housing to apply to the Local Planning Authority for all the necessary Planning Permissions and other statutory consents for the demolition of all properties within the red line area and for the rebuilding on a phased basis within the context of an indicative Masterplan for the area within the red line in the Landlord Offer in Appendix A.

Agenda Item: 8 2023-2024 - PERIOD 2 FINANCIAL PERFORMANCE REPORT

Key Decision No.: 5523EM

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:

- 1.1.** To note the General Fund revenue budget outturn is forecast to breakeven at Period 2, after the forecast utilisation of £63m capitalisation directions

requested from DLUHC and £3.8m of the corporate risk contingency budget. It is not planned in advance to utilise the risk contingency budget and directorates will work to bring the service directorate positions within budget.

- 1.2.** To approve an increase to revenue expenditure budgets fully funded by new government funding for the Homelessness Prevention Grant (£1.9m) and Asylum Dispersal Scheme (£0.9m).
- 1.3.** To note the progress in MTFs savings achievement as set out in paragraph 4.85.
- 1.4.** To note the work that has commenced on the Council's Transformation Programme as set out from paragraph 4.81.
- 1.5.** To note the Housing Revenue Account (HRA) revenue budget outturn is forecast to overspend by £1.7m.
- 1.6.** To approve the net budget increase in 2023-24 General Fund and HRA capital programme budgets resulting from 2022-23 net slippage of £18.422m (GF) and £0.625m (HRA).
- 1.7.** To approve a net budget increase to the 2022-26 General Fund capital programme budget of £1.541m (in addition to slippage), as set out in paragraph 4.101.
- 1.8.** To note the General Fund capital programme 2023-24 forecast underspend of £0.040m against the revised capital budget (to be agreed by Council) of £144.332m.
- 1.9.** To approve a budget increase to the 2022-26 HRA capital programme budget of £11.232m (in addition to slippage), as set out in paragraph 4.102.
- 1.10.** To note the HRA capital programme 2023-24 forecast overspend of £4.073m against the revised capital budget (to be agreed by Council) of £33.248m.
- 1.11.** To note the Council's historic legacy borrowing and debt burden continues to be critical to the sustainability of the Council's revenue budget. Dialogue with the Department for Levelling Up, Housing and Communities (DLUHC) continues, and the Council is seeking further financial support from Government in regards to its level of indebtedness and balancing the budget to ensure it can deliver sustainable local government services.
- 1.12.** To note that the Council continues to operate Spend Control Panels to ensure that tight financial control and assurance oversight are maintained.
- 1.13.** To note that current forecasts are based on the best available information at the time and will be subject to review and change during the financial year.

Agenda Item: 9 PARKING POLICY 2023

Key Decision No.: 1323EM

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: To

- 1.1. Note the priorities of the draft new parking policy to be fair, supportive, transparent and efficient as set out in Appendix A.
- 1.2. Delegate authority to the Corporate Director of Sustainable Communities, Regeneration and Economic Recovery, in consultation with the Executive Mayor, Cabinet Member for Streets & Environment and the Cabinet Member for Finance to:
 - 1.2.1 Approve the draft Parking Policy for public consultation.
 - 1.2.2 Adopt the Parking Policy taking into account the outcome of the consultation to ensure the policy addresses the needs of the community, whilst enabling the objectives of the Executive Mayor's Business Plan.
 - 1.2.3 Develop the proposed action plan into a programme of initiatives to meet the objectives of the parking policy.
 - 1.2.4 Recognise that the Parking Policy is a live document and in accordance with this to review and amend the policy periodically to ensure that it reflects the needs of the community and remains compliant with legislation.

**Agenda Item: 10 BRICK BY BRICK CROYDON LTD UPDATE REPORT
AND LAND ACQUISITION BY HRA - JULY 2023**

Key Decision No.: 5623EM

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. To note the progress on asset disposals and the financial position of Brick by Brick Croydon Ltd (BBB) since the last update report presented to Cabinet on 30th November 2022.
- 1.2. To approve that the Council under its Housing Revenue Account (HRA) purchase the freehold of the previous Printworks site on Portland Place in South Norwood for a consideration of £0.854m from BBB with the aim of the site being allocated for future housing regeneration opportunities in South Norwood.
- 1.3. To approve that the Council can vary the Belgrave and Grosvenor Option Agreement, subject to agreement with BBB, to include the ability to acquire the Belgrave & Grosvenor site for £1.217m all-inclusive of costs incurred by BBB.
- 1.4. To approve that once the variation to the Belgrave and Grosvenor Option Agreement has been agreed with BBB, the Council via its HRA can acquire the site from BBB with the aim of the site being allocated for future housing regeneration opportunities in South Norwood.
- 1.5. To delegate to the Corporate Director Resources and S151 Officer, in consultation with the Executive Mayor, Lead Member for Finance and Director of Commercial and Property to acquire any asset (including land and property) from BBB subject to appropriate due diligence.

Agenda Item: 11 LEASE ACQUISITION AND UNDERLEASE DISPOSAL AT REDCLOVER GARDENS (PART A)

Key Decision No.: 5123EM

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. To approve that the Council enter into a Headlease with Regen Capital or an associated entity for 125 years of 85 units at the RCG development as detailed in this report, with lease payments over 50 years but with a 2 year rent free period at the start of the term of the Headlease and the option to buy the freehold interest for a £1 at the end of the 50th year of the term of the Headlease and to delegate authority to the Corporate Director of Housing in consultation with the Corporate Director of Resources, Lead Member for Finance and Lead Member for Housing to enter into final agreements subject to final financial and legal due diligence.

- 1.2. To approve that the Council enter into an Underlease with Mears or one of its subsidiaries for 10 years of 85 units at the RCG development as detailed in Sections 5 and 6 of this report and delegate authority to the Corporate Director of Housing in consultation with Corporate Director of Resources, Lead Member for Finance and Lead Member for Housing to enter into final agreements subject to final legal due diligence.
- 1.3. To note that the proposal set out in this report can only progress once final funding is confirmed by Regen Capital, which is subject to financial funding rates and macroeconomic conditions that will be prevalent on the day of completion.
- 1.4. To delegate authority to the Corporate Director of Housing, in consultation with Corporate Director of Resources, the Executive Mayor, Lead Member for Finance and Lead Member for Housing, to renegotiate terms of the Headlease or Underlease, should this be required due to macroeconomic conditions prior to completion, but not to deviate by more than £2.00m from reported benefits of this proposal as set out within this report.
- 1.5. To note that the Council will receive 85 affordable housing units subject to the approval by the Council's Local Planning Authority to a variation of the existing S106 Planning Agreement, to provide much needed affordable homes which are currently being sourced from the private rental market at a premium.
- 1.6. To note subject to Recommendation 1.3 that the Council will hold 100% Nomination rights for all 85 affordable units for the period of the lease as (originally) required under the S106 Agreement entered into between the Council's planning authority and Brick by Brick Croydon Ltd, the developer (BBB).

Agenda Item: 12 PROCUREMENT OF ARCHITECTURAL PROFESSIONAL CONSULTANCY SERVICES FOR REGINA ROAD PROJECT, SOUTH NORWOOD, AND MALTON HOUSE, TO THE GRANT OF PLANNING PERMISSION AND PRODUCTION OF TECHNICAL DESIGN FOR CONTRACTOR PROCUREMENT AND ON-SITE WORKS (PART A)

Key Decision No.: 5923EM

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. To approve the procurement strategy contained within this report to appoint Architects and supporting consultant team via a suitable framework which is compliant with Public Procurement regulations to progress the Regina Road project, including the Malton House site. The scope of services is to progress the technical design and contract information required to enable the later procurement of a contractor/ developer to start on site.
- 1.2. To note the procurement actions already taken by the project team to appoint consultants using a waiver with Director's Delegation under the Council's Tenders and Contract Regulations to undertake key surveys.

Signed: Monitoring Officer

Notice date: 27 July 2023

Contact Officers: Michelle.Gerning@croydon.gov.uk

Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 4 August 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: 27 July 2023

Contact Officers: michelle.gerning@croydon.gov.uk

PROFORMA

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

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