



**CABINET
AGENDA**
for the meeting
on
24 January 2022 at
6.30 pm

To: Croydon Cabinet Members:

Councillor Hamida Ali, Leader of the Council
Councillor Stuart King, Deputy Leader (Statutory) and Cabinet Member for Croydon Renewal
Councillor Muhammad Ali, Cabinet Member for Sustainable Croydon
Councillor Janet Campbell, Cabinet Member for Families, Health & Social Care
Councillor Alisa Flemming, Cabinet Member for Children, Young People & Learning
Councillor Patricia Hay-Justice, Cabinet Member for Homes
Councillor Oliver Lewis, Cabinet Member for Culture & Regeneration
Councillor Manju Shahul-Hameed, Cabinet Member for Communities, Safety and Business Recovery
Councillor Callton Young OBE, Cabinet Member for Resources & Financial Governance

Invited participants:
All other Members of the Council

A meeting of the **CABINET** which you are hereby summoned to attend, will be held on **Monday, 24 January 2022 at 6.30 pm** in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

Katherine Kerswell
Chief Executive
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

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14 January 2022

Residents are able to attend this meeting in person, however we recommend that you watch the meeting remotely via the following link:

<https://webcasting.croydon.gov.uk/croydon/14289-Cabinet>

If you would like to attend in person please note that spaces are limited and are allocated on a first come first served basis. If you would like to attend in person please email democratic.services@croydon.gov.uk by 5pm the day prior to the meeting to register your interest.

If you would like to record the meeting, we ask that you read the guidance on the recording of public meetings here before attending. The agenda papers for all Council meetings are available on the Council website www.croydon.gov.uk/meetings

If you require any assistance, please contact Victoria Lower 020 8726 6000 x14773 as detailed above.

AGENDA – PART A

1. Apologies for Absence

2. Minutes of previous meetings (Pages 7 - 48)

To approve the minutes of the meetings held on 15 November 2021 and 6 December 2021 as accurate records.

3. Disclosure of Interests

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider **in advance of each meeting** whether they have a disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer **in good time before the meeting**.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and ORIs at the meeting.

- Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.
- Where the matter relates to an ORI they may not vote on the matter unless granted a dispensation.
- Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation. Where a matter affects the NRI of a Member or co-opted Member, section 9 of Appendix B of the Code of Conduct sets out the test which must be applied by the Member to decide whether disclosure is required.

The Chair will invite Members to make their disclosure orally at the commencement of Agenda item 3, to be recorded in the minutes.

4. Urgent Business (If any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

- 5. Equality, Diversity & Inclusion Update Report, including Race Matters Pledge and Equalities Pledge (Pages 49 - 94)**
Cabinet Member: Cabinet Member for Communities, Safety & Business Recovery, Councillor Manju Shahul-Hameed
Officer: Chief Executive, Katherine Kerswell
Key decision: yes
- 6. Review of Council Tax Support Scheme - 2022/23 (Pages 95 - 338)**
Cabinet Member: Cabinet for Croydon Renewal, Councillor Stuart King
Officer: Interim Corporate Director Resources, Richard Ennis
Key decision: no
- 7. Response to Consultation: Purley Pool (Pages 339 - 400)**
Cabinet Member: Cabinet Member for Culture, Leisure & Sport, Councillor Oliver Lewis
Officer: Interim Corporate Director Sustainable Communities, Regeneration & Economic Recovery, Sarah Hayward
Key decision: yes
- 8. Local Implementation Plan Funding: 2022/23 - 2024/25 (Pages 401 - 450)**
Cabinet Member: Cabinet Member for Sustainable Croydon, Councillor Muhammad Ali
Officer: Interim Corporate Director Sustainable Communities, Regeneration & Economic Recovery, Sarah Hayward
Key decision: yes
- 9. Education Estates Strategy (Pages 451 - 548)**
Cabinet Member: Cabinet Member for Children, Young People & Learning, Councillor Alisa Flemming
Officer: Interim Corporate Director Children, Young People & Education, Debbie Jones
Key decision: yes
- 10. Updated 2021/22 and Forecast General Fund Capital Programme 2022/23 to 2024/25 (Pages 549 - 562)**
Cabinet Member: Leader of the Council, Councillor Hamida Ali, Cabinet Member for Croydon Renewal, Councillor Stuart King and Cabinet Member for Resources & Financial Governance, Councillor Callton Young
Officer: Interim Corporate Director Resources, Richard Ennis
Key decision: no

- 11. Medium Term Financial Strategy 2022/23 to 2024/25 - Update on Position** (Pages 563 - 574)
Cabinet Member: Leader of the Council, Councillor Hamida Ali, Cabinet Member for Croydon Renewal, Councillor Stuart King and Cabinet Member for Resources & Financial Governance, Councillor Callton Young
Officer: Interim Corporate Director Resources, Richard Ennis
Key decision: no
- 12. Financial Performance Report - Month 8 (November 2021)** (Pages 575 - 604)
Cabinet Member: Cabinet Member for Croydon Renewal, Councillor Stuart King and Cabinet Member for Resources & Financial Governance, Callton Young
Officer: Interim Corporate Director Resources, Richard Ennis
Key decision: no
- 13. Report in the Public Interest Action Plan - Progress Update** (Pages 605 - 688)
Cabinet Member: Leader of the Council, Councillor Hamida Ali
Officer: Interim Corporate Director Resources, Richard Ennis
Key decision: no
- 14. Croydon Renewal Improvement Plan - Performance Reporting & Framework Measures** (Pages 689 - 750)
Cabinet Member: Leader of the Council, Councillor Hamida Ali
Officer: Interim Assistance Chief Executive, Elaine Jackson
Key decision: no
- 15. Investing in our Borough** (Pages 751 - 758)
Cabinet Member: Cabinet Member for Resources & Financial Governance, Councillor Callton Young
Officer: Interim Corporate Director Resources, Richard Ennis
Key decision: no
- a) **Supported Housing for People with a Mental Health Diagnosis - Strategy & Extension** (Pages 759 - 776)
Cabinet Member: Cabinet Member for Families, Health & Social Care, Councillor Janet Campbell
Officer: Interim Corporate Director Adult Social & Health, Annette McPartland
Key decision: yes

- b) **COVID-19 recovery for BH Live** (Pages 777 - 788)
Cabinet Member: Cabinet Member for Culture, Leisure & Sport,
Councillor Oliver Lewis
Officer: Interim Corporate Director Sustainable Communities,
Regeneration & Economic Recovery, Sarah Hayward
Key decision: yes
- c) **Microsoft Enterprise Subscription Procurement Strategy** (Pages
789 - 804)
Cabinet Member: Cabinet Member for Resources & Financial
Governance, Councillor Callton Young
Officer: Interim Corporate Director Resources, Richard Ennis
Key decision: no

16. Exclusion of the Press and Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B AGENDA

- 17. Covid-19 recovery for BH Live** (Pages 805 - 808)
Cabinet Member: Cabinet Member for Culture, Leisure & Sport,
Councillor Oliver Lewis
Officer: Interim Corporate Director Sustainable Communities,
Regeneration & Economic Recovery, Sarah Hayward
Key decision: yes

Cabinet

Meeting of held on Monday, 15 November 2021 at 6.30 pm in Council Chamber, Town Hall, Katharine Street, CR0 1NX. To view the meeting webcast, please click [here](#).

MINUTES

Present: Councillor Hamida Ali, Stuart King, Muhammad Ali, Janet Campbell, Patricia Hay-Justice, Oliver Lewis, Manju Shahul-Hameed, Callton Young and Maddie Henson

Also Present: Councillors Maddie Henson, Jason Perry, Jeet Bains, Jason Cummings, Lynne Hale, Simon Hoar, Scott Roche, Andy Stranack, Sean Fitzsimons, Robert Ward, Clive Fraser, Patsy Cummings, Bernadette Khan and Superintendent Andy Brittain.

Apologies: Councillors Alisa Flemming and Mario Creatura

Officers: Katherine Kerswell (Chief Executive)
Richard Ennis (Interim Corporate Director of Resources (Section 151) and Deputy Chief Executive)
Annette McPartland (Interim Corporate Director Adult Social Care & Health)
Sarah Hayward (Acting Corporate Director of Sustainable Communities, Regeneration & Economic Recovery)
Debbie Jones (Interim Corporate Director Children, Families & Education)
David Padfield (Interim Corporate Directors of Housing)
John Jones (Interim Monitoring Officer)
Matthew Davis (Deputy Section 151 Officer)
Peter Mitchell (Interim Director of Commercial Investment)
Kristian Aspinall (Director of Culture & Community Safety)
Steve Iles (Director of Sustainable Communities)
Doutimi Aseh (Director of Legal Services)
Nigel Kletz (LGA Procurement Improvement Advisor)
Nish Popat (Interim Head of Corporate Finance)
Stephen Wingrave (Head of Estates, Asset Management & Facilities)
Caroline Bruce (Head of Business Intelligence & Performance)
Stephen Rowan (Head of Democratic Services & Scrutiny)
James Perkins (Head of Environment Services & Sustainable Neighbourhoods)
Lewis Kelly (Performance and Intelligence Manager)
Alison Kennedy (Operations Manager)

PART A

151/21 **Minutes of the previous meeting**

The Part A minutes of the Cabinet meeting held on 18 October 2021 were agreed. The Leader of the Council signed the minutes as an accurate record.

152/21 **Disclosure of Interests**

There were none.

153/21 **Urgent Business (If any)**

There were no items of urgent business.

154/21 **Community Safety Strategy**

The Cabinet Member for Communities, Safety and Business Recovery (Councillor Manju Shahul-Hameed) introduced the [report](#) which would recommend to Council, subject to Cabinet approval, the adoption of the new Community Safety Strategy. She outlined the strategy, praised the coordination of partners and identified the key themes. Lastly, she welcomed the new Director of Culture & Community Safety officer, Kristian Aspinall.

In response to Members questions, the Interim Corporate Director of Sustainable Communities, Regeneration & Economic Recovery (Sarah Hayward) firstly stated that local councillors would be part of discussions in concord with the boards and action point plans as part of the planned further engagement. In terms of female safety, there had been ongoing work with the Family Justice Centre who recently completed a survey of 500 young people women in schools to hear their views on safety in preparation for Mayors Office of Policing and Crime(MOPAC) funding. LB Hammersmith & Fulham received similar funding and Croydon was learning from their experience.

In relation to a point raised in relation to a new safety focus in the Thornton Heath area, Superintendent Andy Brittain stated that the borough of Croydon was a large area and there was now an increase from one to two inspectors for the whole borough. Knife Crime remained a priority for Croydon; approaches included community engagement, in addition to enforcement strategies and extending their more focussed work from New Addington to Thornton Heath. They were looking to strengthen the ward panel structures and for those to be more representative of the community.

In response to Member concerns raised around women's safety and the night time economy, Superintendent Andy Brittain told Cabinet that the Metropolitan Police Service (MET) had just launched the Street Safe app.

He explained the app was to log incidents that may not reach the threshold to formally report a crime and allowed users to pin on a map where incidents occurred. To date since the launch there had been 1,500 reports across London. Secondly, he stated that Croydon had a dedicated team who supported issues with cohesion and safety arising from the night time economy and were on-call 24/7. Additionally, they were sharing training around the borough on 'Ask Angela', which was a code phrase for women to use in venues to be safely removed from a dangerous situation in a public setting.

Members raised the following points:

- The council's licensing powers and conditions for spiking and needle assaults needed to be reviewed.
- The community was worried about crime, particularly knife crime, and antisocial behaviour. The Labour Administration had made that a priority to address.
- National government funding for policing had decreased since 2010 which had consequences today.
- The strategy was positive piece of work and enhanced the focus on the Public Health approach.
- The council and health services could learn from successful police and community support operations and practices.
- It was noted this work had been delayed due to the Covid-19 pandemic

The following points were clarified:

- High priority neighbourhoods, as detailed in the report, would be addressing antisocial behaviour.
- To enable Ward Panels to work effectively, they were asking the local community to be part of the Panels and report to the Safer Croydon Partnership. This would allow those Panels to plan work programmes to align with the action plan. These would be reviewed annually.
- The Ward Panels were a key part of the Mayor's Engagement Strategy and during the pandemic. Concerns were raised initially on how they would continue to function remotely, however since the success of using online platforms during the past 18 months, they would be used going forward as a permanent feature in a hybrid capacity. They were focussed on increasing the representation on the Panels and it was felt that hybrid options may allow more communities to be reflected in those forums.
- The strength of the partnership was characterised by the coming together of the council, the Police and the voluntary sector (statutory and non-statutory partners) which was notably strong in Croydon.
- There was a CCTV team of seven colleagues monitoring the borough around the clock. Issues identified by this team would be reported to the Safer Croydon Partnership.

Disappointment was expressed by the Lead Member for Scrutiny, Councillor Sean Fitzsimons, in that there was no pre-decision scrutiny

referenced in the report. Work was carried out during the summer on a cross-party level which had included a series of meetings and briefings with various key figures involved in the Strategy. He highlighted the following conclusions which arose from that engagement:

- It was clear there was a difficulty for the council to meet its targets, as they were often dictated by external factors. It was important to have measurable and achievable targets.
- Members were impressed with the commitment between the partners.
- More data should be available to Members and that the council should be more vigilant on its own reporting.
- The growing private rented sector should be reflected in the Strategy and the links that insecure housing has to violence.
- Scrutiny should take an annual review on the progress of the Strategy.

Cabinet agreed that the report would be amended to reflect the additional comments raised in relation to pre-decision scrutiny, as detailed but the Lead Member, ahead of reporting to full Council.

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

RESOLVED: To recommend to Full Council the adoption of the Community Safety Strategy, as set out in Appendix 1 of the report.

155/21

Governance of Brick By Brick Croydon Ltd.

The Leader (Councillor Hamida Ali) introduced the [report](#) which made recommendations for more refined strategic oversight, supervision and monitoring to ensure good governance practice in relation to Brick By Brick. She stated that this followed recommendations from the Report in the Public Interest (RIPI) and the approval at 26 July Cabinet to establish the Croydon Companies' Supervision and Monitoring Panel (CCSMP); a group which would solely monitor Brick by Brick.

Members raised the following points:

- The formalisation and clarity of these arrangements was positive, including that the Panel would only comprise of elected Members.
- The establishment of the Panel and its arrangements reflected positively on responding to and delivering the RIPI recommendations.

The Leader of the Opposition (Councillor Jason Perry) raised concern over the CCSMP membership not being cross-party and expressed his view this did not represent the transparency and openness that the Administration professed as the Panel's considerations would not be exposed to challenge. He additionally stated that this implementation was too little action and taken too late. In response, the Leader of the Council disagreed and stated that the Panel would ensure the delivery of Brick by Brick; bring genuinely afford housing to Croydon and return value from the company back to taxpayers. She stated that any decisions arising from

the Panel would be reported to Cabinet where the Opposition would have the opportunity to share their views.

A Member asked if all the required finance papers, as set out in the terms of reference as a requisite for the Shareholder & Investment Board, which set out the status of the loans, repayments and dividends had always been provided for consideration. The Interim Corporate Director of Resources and Section 115 Officer (Richard Ennis) replied that he would look into this information request outside of the meeting. The Interim Director of Commercial Investment (Peter Mitchell) stated that there had been good cooperation from the Brick by Brick Directors in providing the monthly financial updates and going forward the Panel would be set up with even greater transparency, moving from ad hoc reporting to Cabinet, to a regular planned item in the forward plan. It was confirmed that the Panel held no decision making powers.

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

RESOLVED: To

1. Approve the establishment of the Brick by Brick Shareholder Cabinet Advisory Board (the “Advisory Board”) for the purposes and with the responsibilities described in the report.
2. Approve the appointment of the Leader (Chair), Cabinet Member for Resources & Financial Governance and Cabinet Member for Croydon Renewal to the Advisory Board, with other invited attendees as described in the report.
3. Approve the Terms of Reference for the Advisory Board set out at Appendix 1 to the report.
4. Approve the process for appointment and removal of directors from the Brick By Brick board of Directors in accordance with paragraph 3.14 of the report; and delegate authority to Corporate Director of Resources & Deputy Chief Executive in consultation with the Leader of the Council, Cabinet Member for Croydon Renewal and Chief Executive on appointments and removals of Directors of the board of Brick by Brick Croydon Ltd, who shall have authority to exercise shareholder functions on behalf of the Council to approve such appointments and removals (any such appointments or removals shall be notified as part of the next scheduled report to Cabinet).
5. Delegate to the members of the Advisory Board the authority to exercise limited shareholder functions on behalf of the Council when making recommendations to Brick By Brick relating to risk in accordance with paragraph 3.8 (recognising, however, that Brick By Brick shall make its own independent decisions).

1st Quarterly update on progress of performance for Brick by Brick Croydon Ltd.

The Leader (Councillor Hamida Ali) introduced the report which outlined the progress update for Brick by Brick, in relation to papers previously considered by Cabinet earlier in the year. These progress updates would also be monitored monthly by the Croydon Companies' Supervision and Monitoring Panel (CCSMP).

Cabinet Members noted the following:

- The expertise of recent officer appointments was positive for the organisation.
- The case for the Belgrave and Grosvenor site would need to be compelling, supported with evidence, for the use if not a disposal. This site would be discussed in detail at the next Advisory Board, as detailed in the report.
- It was positive that the council did not need to call upon the additional £10m working capital facility that was requested within the July 2021 Cabinet Report.

Shadow Cabinet Members stated the following:

- The loan figure in the report of £161 million did not include that associated with Fairfield Halls, which the Member claimed would reflect an actual figure of £240 million.
- Confirmation was asked if any of the Brick by Brick sites in the report were sold to the company for a profit and not given for free or essentially no cost.

The Leader confirmed that any transfer of land was only completed on the basis that the land did not hold positive value. The Interim Director of Commercial Investment added that on previous land transfers to Brick by Brick the sites were aiming to deliver 50% affordable homes, adding that was a packaged approach to transfer value.

In response to Members, the Monitoring Officer (John Jones) stated that commercial sensitivity was determined ahead of report publication and Cabinet could later decide if any information could be openly released.

The Cabinet moved the recommendation to Exclude the Press and Public (minute no. 161/21) to discuss the Part B report. The Cabinet made the decisions below in Part A following the discussion in Part B.

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

RESOLVED: To

1. Note that BBB has not needed to call upon the additional £10m working capital facility that was requested within July 2021 Cabinet Report.
2. Note that the Council has now shared a draft Protocol with Brick by Brick on the disposal of 5 out of 6 sites that were approved for disposal in the July 2021 Brick by Brick Cabinet report and this is close to being finalised so that the assets can be progressed to be marketed. Details are provided within section 4 of the report.
3. Note the change in consideration on the Belgrave & Grosvenor site, as detailed in Section 4 of the report in order that a detailed due diligence and assessment of regeneration opportunities for the site can be carried out for the benefit of the Council. Further approval will be sought from Cabinet in the event that the outcome of the assessment favours development rather than disposing the site.
4. Note the progress being made on repayment of the loan as advised within the confidential Part B, Appendix 1, of the report. As at end of August 2021, it is envisaged that the Company will pay £139m back to the Council against an outstanding loan balance of £161m.
5. Note that, in accordance with the February and July Cabinet reports, sales receipts have been recycled by Brick by Brick and to total of £17.18m
6. Note that (if approved) the Governance and Performance monitoring of Brick by Brick will be carried out under Brick by Brick Shareholder Cabinet Advisory Board (the "Advisory Board") as advised by the Governance of Brick By Brick Croydon Ltd report also being presented at the same Cabinet as this report.

157/21

Financial Performance Report - Month 6 (September 2021)

The Cabinet Member for Croydon Renewal (Councillor Stuart King) introduced the [report](#) which signified the year mid-point of the financial year. He highlighted the following:

- There had been a departmental focus of savings which had resulted in underspends in Adult's and Children's.
- The risk of non-delivery of the savings from the Medium Term financial Strategy Savings (MTFS) for year 2021/22 was at the lowest point to date.
- He stated that the mid-point of the financial year was an appropriate time to review all of the MTFS savings for 2021/22 and ensure the robustness of assessments set out in the Period 6 report. He stated that Cabinet wrote to the Chief Executive asking for this review, to provide maximum confidence in the council's ability to deliver the savings programme.

- Spend against the General Fund and the Housing Revenue Account (HRA) capital programmes had forecast a £135 million underspend. These underspends represented a positive step to decrease spending across departments.
- He noted that as the winter approached that pressures would increase resulting in increased service demands and challenges across the organisation.

Headline changes for Period 6 (since Period 5):

- Period 6 reflected an adverse £3 million, which was not present in Period 5, due to the reforecasting of parking income.
- The net quantified risks had risen by £ 2 million, now sitting at a total of £10 million. Risk mitigations had been identified and were now at their highest at £12 million, which sufficiently covered that risk.

Cabinet Members commented that these were challenging times and there was clear evidence that the council was trying to live within its means and the culture change was materialising, whilst accepting there was progress still to be made.

In response to the Cabinet Member for Croydon Renewal raising that £2.5 million of quantified risks had emerged from Adult Social Care, the Acting Corporate Director Adult Social Care & Health (Annette McPartland) stated that the council had recently had confirmation they would receive continued Covid-19 funding. Due to the late notification, the forecasted winter pressures did not account for that financial support. The numbers in the next monthly report, Period 7, would improve to reflect the funding. Additionally, she added that the council was waiting for the outcome from a Judicial Review in December which could potentially bring pressures and would be reflected in the next reporting.

In response to questions from Members, the following was clarified:

- In relation to Unaccompanied Asylum Seeker Children (UASC), it was stated that the council was not properly or sustainably funded to match the demand in the borough compared to other authorities, however the Administration welcomed the one-off payment nevertheless. This sentiment held cross party consensus.
- In relation to the improved performance since the previous mid-year assessments and claims that it resulted from the additional government lending received in that period, it was stated that the improvement was also based on the savings programme. There was a significant amount of additional Covid-related demand to the council during that time, to which a portion of government lending was specifically allocated to.
- In relation to the lack and de-prioritisation of budgeted essential capital programme delivery, it was stated that the council was not going to spend for the sake of spending even if there was a budget allocated. Capital programme delivery would be reviewed on a case-by-case basis looking at specific needs of the organisation.

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

RESOLVED: To

1. Note the General Fund is projecting a net adverse movement of £0.685m from Period 5. Service departments are indicating a £4.050m overspend (Month 5 £3.365m) with this being netted off as in the past five months against release of a one off Covid Grant (£3.451m released = 31% of the grant) confirmed to Croydon Council for 21/22 by MHCLG as part of the Local Government Finance Settlement;
2. Note that a further number of risks and compensating opportunities may materialise which would see the forecast year-end variance change and these are reported within Section 3 of the report. Should these risks materialise or the mitigations not be effective the Council could overspend by £11.063m (Month 5 £7.814m);
3. Note the Housing Revenue Account (HRA) is projecting a £0.733m (Month 5 £0.742m) overspend for 2021/22. If no further mitigations are found to reduce this overspend the HRA will need to drawdown reserves from HRA balances which at the moment there are sufficient balances to cover this;
4. Note the capital spend to date for the General Fund of £11.402m (against a budget of £138.688m) and for the HRA of £7.633m (against a budget of £183.209m), with a projected forecast variance of £48.758m on the general fund against budget and £86.220m forecast variance against budget for the housing revenue account;
5. Note, the above figures are predicated on forecasts from Month 7 to the year end and therefore could be subject to change as forecasts are refined and new and updated information is provided on a monthly basis. Forecasts are made based on the best available information at this time.
6. Note that whilst the Section 114 notice has formally been lifted, the internal controls established as part of the S114, such as the Spend Control Panel remain. However, restrictions have been lifted for ring-fenced accounts such as the Pensions Fund, Housing Revenue Account and Coroner's Costs as these do not directly impact on the financial position of the General Fund. The Spending Control Panel which was set up at the beginning of November 2020 continues to meet on a twice daily basis.
7. Note that the Council has received a one off financial support of £2.36m from Government to help cover the pressures related to Unaccompanied Asylum seeking Children (UASC) and care

leavers, which means the Council still funds £1.615m of pressures post the Grant support.

8. Note that in addition to the UASC pressures, Croydon Borough has taken on c1000 asylum seekers who have been placed in eight hotels by the Home Office. The hotel costs are funded by the Home Office, however the Council will be responsible for further ancillary services particularly around safeguarding, public health, children & youth provision and broader community support. These additional costs, which are being worked out and have been flagged within unquantified risks, could result in further pressures for the Council.
9. Note the Council has been advised it will receive £1.517m one off Homelessness Prevention Grant (Covid winter pressures) this year to support local authorities to help vulnerable households with rent arrears to reduce the risk of them being evicted and becoming homeless. This is not included in the forecast as the grant condition details are being worked through and will be included in next months report.
10. Note that until recently the Borough also housed a number of Afghanistan Asylum seekers citizens and their families as part of the Government's Afghan citizens resettlement scheme. The Home Office decommissioned this hotel and relocated the residents on 27th October 2021.

158/21

Finance, Performance & Risk performance report (Croydon Renewal and Improvement Plan)

The Leader of the Council (Councillor Hamida Ali) introduced the [report](#), which demonstrated and outlined the organisation's health and risk using 149 indicators. These measures were evolving and becoming more refined using the ongoing reporting to Cabinet and review by the Local Government Association (LGA). She noted that since the last report, there had been a 5% reduction in green indicators.

Members welcomed the regular reporting however expressed concern that one-third of measures were marked as red risk. A headline concern was the organisational health in that there was a high number of interim or vacant senior officers, a growing staff turnover, increasing staff sickness and rising agency costs. In response, it was explained that this was transparent and wide ranging reporting which highlighted the pressures of the organisation in the past 12 months and the impact on the workforce. Going forward, it would be investment, redesign of the council and recruitment of permanent teams to join the Chief Executive (Katherine Kerswell) would provide the leadership required.

Members raised that planning application targets were not being met and there was no clear explanation to those shortfalls and secondly asked for

an update on Croydon's plans for being the Borough of Culture 2023. In response, the Cabinet Member for Culture & Regeneration (Councillor Oliver Lewis) firstly stated that in the past year local authorities had seen an increase in planning applications as a result of people working from home. Croydon had increased their recruitment drive in the department and the Administration was keen to promote development and progress in the borough. Secondly, he replied that there was a significant amount work taking place in preparation for the Borough of Culture 2023. He mentioned that this achievement marked a long journey since the Conservative were holding the Administration and closed theatres and damaged the reputation and relationships with the cultural sector.

Members raised concern over the housing stock conditions statistics and resulting impact on residents. In response, the Cabinet Member for Homes (Councillor Patricia Hay-Justice) stated that any issues should be immediately reported to Housing officers and it was not acceptable for any resident to live in poor conditions. There was new management and other mitigations in place to ensure improvement of the service as a council priority.

In response to Members stating there were no indicators which covered community safety, the Leader of the Council said that following agreement of the Community Safety Strategy at December 2021 Council, they would look to embed some areas of the Strategy within the ongoing reporting.

It was agreed by Cabinet that recommendation 6 would be amended to say that the reporting frequency of this report to Cabinet be moved to bi-monthly, instead of monthly.

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

RESOLVED: To

1. Review the Finance, Performance & Risk report (Appendix A of the report) as of 30 September 2021 with regard to overall performance against the Croydon Renewal Plan. Note areas of good performance and those of concern.
2. Note the progress made, and areas of concern, against programmes and projects in relation to milestones, deliverables and issues.
3. Note the progress made against savings and growth targets as identified in the Croydon Renewal Plan. More detail on this area can be found in Table 2a of the Financial Monitoring Report also being presented at this Cabinet meeting.

4. Identify areas of performance within the FPR report (Appendix A in the report) where they require deeper analysis to be presented at a future Cabinet for discussion and action.
5. Note the recommendations of the LGA as to the content of future reports.
6. Agree to the reporting frequency of this report to Cabinet be moved from monthly to quarterly.
7. Review the request for the amendment / deletion of three performance measures within the framework.

159/21

Scrutiny Stage 1: Recommendations from Scrutiny

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

RESOLVED: To receive the recommendations arising from the meetings of the Scrutiny & Overview Committee held on 17 August and 20 September 2021 and the meetings of the Streets, Environment & Homes Sub-Committee on 16 March and 13 July and to provide a substantive response within two months (i.e. at the next available Cabinet meeting on 24 January 2022).

160/21

Investing in our Borough

The Cabinet Member for Resources & Financial Governance (Councillor Callton Young) introduced the [report](#) which outlined the council's contract awards for approval and delegated decisions to note since the last meeting of Cabinet.

In relation to the Former CALAT site, as part of the Property Disposal as part of the Interim Asset Disposal Strategy within the [background document pack](#), the Cabinet Member for Resources & Financial Governance outlined the intentions of the site as detailed in the report. He stated that the report set out the benefits and risks associated with the options considered, the chosen being the NHS dialysis centre. The second choice, the community centre, following discussions were happy to stay at their current site on Barry Road and had been offered a 25 year lease extension by the council.

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

RESOLVED: To note

1. The request for approval of the contract award for the receipt, bulking, haulage and treatment of food waste and green waste as set out at agenda item 11a and section 5.1.1 of the report.

2. Revenue and capital consequences of contract award decisions taken by the Leader as set out in section 5.2.1 of the report.
3. The contracts between £500,000 and £5,000,000 anticipated to be awarded under delegated authority from the Leader by the nominated Cabinet Member, in consultation with the Cabinet Member for Resources and Financial Governance and with the Leader in certain circumstances, before the next meeting of Cabinet, as set out in section 5.3.1 of the report.
4. The list of delegated award decisions made by the Director of Commissioning and Procurement since the last meeting of Cabinet, as set out in section 5.4.1 of the report.
5. Property lettings, acquisitions and disposals to be agreed by the Cabinet Member for Resources and Financial Governance in consultation with the Leader since the last meeting of Cabinet, as set out in section 5.5.1 of the report.

a **Contracts for the Receipt, Bulking, Haulage, and Treatment of Food Waste and Green Waste**

The Cabinet Member for Sustainable Croydon (Councillor Muhammad Ali) introduced the [report](#) and highlighted that the contract extension brought a saving for Croydon, would provide a medium to long term continuation of the service and that the local and regional recycling targets would be achieved.

In response to Members questions, the following was clarified:

- That the procurement project was high risk due to the complexity and high risks due to the shortage of local waste transportation facilities, therefore there would be a new transfer station located in Mitcham.
- That there were significant environmental benefits to be gained from the recommendations, in the context raised of COP26 and the Croydon Climate Commission, and that none of the waste processed would go to landfill. He added that even the small amount of containments in the waste collected would be treated to create refuse derived fuel.

In response to queries on how outcomes would be measured using data, the Net Zero Carbon Action Plan would be reporting to Cabinet in the new year. One of the key elements of that report would be to quantify as many indicators as possible and where the council could benefit from and track their interventions, which would follow consultation across the borough.

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

RESOLVED: To

1. Following the procurement process detailed in the report and subject to approvals through the relevant governance processes in LBs Merton, Kingston and Sutton, approve the South London Waste Partnerships (SLWP) recommendations for the RB Kingston (procuring authority on behalf of SLWP) to award the following contracts for the handling and treatment of food and green garden waste for an initial period of 4 years and 7 months commencing on 1 September 2022 with options to extend until 31 March 2030 for a maximum contract value of £16m (which for Croydon represents £1.4m for the initial term, and £4m over the life of the contract)
 - 1.1 award **Lot 1** to BioCollectors (Direct Delivery of Food)
 - 1.2 award **Lot 3.1** to CountryStyle (Villers Road Green Waste)
 - 1.3 award **Lot 3.2** to Olleco (Villers Road Food Waste)
 - 1.4 award **Lot 5.1** to SUEZ (Transfer, haul, treat Green)
2. Approve that the Council enters into an Inter Authority Agreement (IAA) substantially in the form appended to the Part B report on this agenda (which sets out the roles and responsibilities of each of the SLWP boroughs in respect of the procurement, sharing of costs, contract management and other responsibilities in respect of the new food and green garden waste contract) with the agreement and finalisation of terms of the said IAA being delegated to the Corporate Director of Sustainable Communities, Regeneration & Economic Recovery.

161/21

Exclusion of the Press and Public

The following motion was moved by Councillor Callton Young and seconded by Councillor Muhammad Ali to exclude the press and public:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

The motion was put and it was agreed by the Committee to exclude the press and public for the remainder of the meeting.

162/21

1st Quarterly Update on Progress of Performance for Brick by Brick Croydon Ltd.

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

RESOLVED: To

1. Note that BBB has not needed to call upon the additional £10m working capital facility that was requested within July 2021 Cabinet Report.
2. Note that the Council has now shared a draft Protocol with Brick by Brick on the disposal of 5 out of 6 sites that were approved for disposal in the July 2021 Brick by Brick Cabinet report and this is close to being finalised so that the assets can be progressed to be marketed. Details are provided within section 4 of the report.
3. Note the change in consideration on the Belgrave & Grosvenor site, as detailed in Section 4 of the report in order that a detailed due diligence and assessment of regeneration opportunities for the site can be carried out for the benefit of the Council. Further approval will be sought from Cabinet in the event that the outcome of the assessment favours development rather than disposing the site.
4. Note the progress being made on repayment of the loan as advised within the confidential Part B, Appendix 1, of the report. As at end of August 2021, it is envisaged that the Company will pay £139m back to the Council against an outstanding loan balance of £161m.
5. Note that, in accordance with the February and July Cabinet reports, sales receipts have been recycled by Brick by Brick and to total of £17.18m
6. Note that (if approved) the Governance and Performance monitoring of Brick by Brick will be carried out under Brick by Brick Shareholder Cabinet Advisory Board (the "Advisory Board") as advised by the Governance of Brick By Brick Croydon Ltd report also being presented at the same Cabinet as this report.

163/21

Contracts for the Receipt, Bulking, Haulage, and Treatment of Food Waste and Green Waste

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

1. Following the procurement process detailed in the report and subject to approvals through the relevant governance processes in LBs Merton, Kingston and Sutton, approve the South London Waste Partnerships (SLWP) recommendations for the RB Kingston (procuring authority on behalf of SLWP) to award the following contracts for the handling and treatment of food and green garden waste for an initial period of 4 years and 7 months commencing on 1 September 2022 with options to extend until 31 March 2030 for a maximum contract value of £16m (which for Croydon represents £1.4m for the initial term, and £4m over the life of the contract)

- 1.5 award **Lot 1** to BioCollectors (Direct Delivery of Food)
 - 1.6 award **Lot 3.1** to CountryStyle (Villers Road Green Waste)
 - 1.7 award **Lot 3.2** to Olleco (Villers Road Food Waste)
 - 1.8 award **Lot 5.1** to SUEZ (Transfer, haul, treat Green)
2. Approve that the Council enters into an Inter Authority Agreement (IAA) substantially in the form appended to the Part B report on this agenda (which sets out the roles and responsibilities of each of the SLWP boroughs in respect of the procurement, sharing of costs, contract management and other responsibilities in respect of the new food and green garden waste contract) with the agreement and finalisation of terms of the said IAA being delegated to the Corporate Director of Sustainable Communities, Regeneration & Economic Recovery.

The meeting ended at 8.47 pm

Cabinet

Meeting of held on Monday, 6 December 2021 at 6.30 pm in Council Chamber, Town Hall, Katharine Street, CR0 1NX. To view the meeting webcast, please go to <https://webcasting.croydon.gov.uk/13865-Cabinet>

MINUTES

- Present:** Councillor Hamida Ali, Stuart King, Muhammad Ali, Janet Campbell, Patricia Hay-Justice and Oliver Lewis
- Also Present:** Councillor Alisa Flemming (attended remotely), Manju Shahul-Hameed (attended remotely), Callton Young (attended remotely), Jason Perry, Jeet Bains, Jason Cummings, Maria Gatland, Lynne Hale, Simon Hoar, Yvette Hopley, Scott Roche, Andy Stranack, Sean Fitzsimons, Clive Fraser, Mario Creatura, Leila Ben-Hassel, Patsy Cummings, Nina Degrad, Bernadette Khan and Louisa Woodley
- Officers:** Nigel Cook (Head of Pensions)
Shelley Davies (Director of Education)
Matthew Davis (Deputy Section 151 Officer)
Steve Dennington (Head of Spatial Planning & Interim Head of Growth & Regeneration)
Richard Ennis (Interim Corporate Director of Resources (Section 151))
Scott Funnell (Head of Commissioning & Procurement)
Gavin Handford (Director of Policy & Partnerships)
Sarah Hayward (Interim Corporate Director Sustainable Communities, Regeneration & Economic Recovery)
Elaine Jackson (Interim Assistant Chief Executive)
Debbie Jones (Interim Corporate Director Children, Young People & Education)
John Jones (Interim Monitoring Officer)
Katherine Kerswell (Chief Executive)
Annette McPartland (Interim Corporate Director Adult Social Care & Health)
Peter Mitchell (Interim Director of Commercial Investment)
David Padfield (Interim Corporate Director Housing)
Helen Parrott (Head of Communication & Engagement)
Nish Popat (Head of Corporate Finance)
Charles Quaye (Finance Manager)
Stephen Wingrave (Head of Asset Management & Estates)

PART A

164/21

Disclosure of Interests

The Cabinet Member for Homes (Councillor Patricia Hay-Justice) informed the meeting that in 2015/16 she had been Mayor of Croydon and during that time she had raised money for CAYSH. Subsequent to that,

she and her husband had considered becoming responsible landlords which was one of the services provided by CAYSH. The Cabinet were informed that since that time she had ceased that application.

165/21

Urgent Business (If any)

There were no items of urgent business.

166/21

Independent Non-statutory Review: Follow Up - Report

Cabinet considered a report which summarised the findings, acknowledgements and recommendations of an independent follow-up report. It highlighted where progress has been made and included any additional recommendations the Council could consider to take stock, learn lessons, or provide the assurances that will be required moving forward. The Leader of the Council (Councillor Hamida Ali) provided Cabinet with an introduction which set out:

- That in October 2020 the Ministry for Housing, Communities & Local Government (MHCLG) commissioned a non-statutory rapid review, following which the Improvement & Assurance Panel was established;
- A year on from the non-statutory rapid review, the council had invited the team back to assess the council's position against the Improvement & Assurance Panel recommendations, the recommendations of the non-statutory rapid review and to consider questions the council had in relation to the financial position of the organisation in particular;
- Given the council's different position from a year ago, the Leader welcomed the positive assurance within the report; that significant progress had been made and that there were positive signs in relation to the council's financial performance;
- Notable changes were included in the report, such as organisational cultural but it was recognised that the council was at the start of a three to four year journey of recovery and that there was still much to do; and
- Thanking Chris Wood (lead reviewer) and the panel for their work and Mr Wood for joining the meeting to speak to his report and answer questions.

The Lead Reviewer (Chris Wood) provided Cabinet with an introduction to the report and set out:

- That good progress had been noted, in particular in terms of emergency measures and it was felt that those steps were the right measures;
- Difficult decisions had been made;
- It had been noted that those in the council had noticed the change, with one person remarking that the council previously had not

cared about money but had become one which cared about money;

- The unsophisticated emergency measures were felt to be right but were not sustainable and the council needed to develop more elegant and sophisticated measures to manage the council going forward, which the council recognised;
- It was felt that what had saved the council in the last year was that no one was in denial and those in the council continued to recognise that the council was only at the start of the road to recovery; and
- The council was facing a range of complex challenges and it was imperative that it developed a sophisticated and transformative approach; such as by committing to digital service delivery, shared services and redesigning services.

During the consideration of the recommendations, the following points were made:

- The Leader noted that the Improvement & Assurance Panel had raised the importance of moving to a more transformative approach. This was a move that the council wanted to make, however it was noted that it would be challenging;
- The Cabinet Member for Croydon Renewal (Councillor Stuart King) stated that he felt the one year review had been helpful and that it would be something the government may consider for other local authorities which had undergone a non-statutory rapid review;
- The Cabinet Member for Croydon Renewal noted the report was an independent assessment and he hoped that residents would take confidence from the amount of progress which had been made, both in terms of implementing recommendations and the improvements in financial management, however it was reiterated that there was more work to be done;
- The Cabinet Member for Homes (Councillor Patricia Hay-Justice) stated that since March 2021, the council had needed to focus a great more deal on housing in particular on repairs and resident engagement. It was noted that in the report the Housing Improvement Plan was in draft format and the Cabinet Member requested Mr Wood's view on that draft Plan
 - In response, Mr Wood advised that many of factors that led to the council being in difficulty were also present in the issues raised at Regina Road, in that the checks and balances in the council had failed 18 months before, including ensuring complaints were dealt with;
 - The real focus for the council was to ensure it was listening to customers and it was felt that this was an issue that was found across the organisation; and
 - Mr Wood advised he had spoken to the Interim Corporate Director of Housing (David Padfield) in relation to his concerns on the Improvement Plan. It was reported that the Plan felt like a tick box exercise, that it lacked small targets,

focused too much on technical solutions rather than the customer service challenges and ensuring that empathy was at the heart of work.

- The Cabinet Member for Resources & Financial Governance (Councillor Callton Young) noted the council was undergoing a transformative process in terms of financial governance, culture and service delivery. It was stated that it was important to put residents at the forefront and to empathise with them. He queried what Mr Wood would like to see should he return to assess the council in a year;
- The Cabinet Member for Children, Young People & Learning (Councillor Alisa Flemming) stated that the commitment of the administration was to protect frontline services by renegotiating contracts and to reduce costs, but queried what Mr Wood had seen successfully done in other local authorities
 - In response, Mr Wood advised that he would like to see a permanent leadership team who would be in place throughout the council's journey;
 - He felt that the digital service was a key area of transformation as it supported delivering services at a lower cost; and
 - It was noted that there were talented people in place looking to resolve the issues which had been uncovered in commissioning and procurement which would support better outcomes.
- The Leader of the Opposition (Councillor Jason Perry) thanked Mr Wood and the panel for their work and welcomed the reported progress which had been made but suggested that the state of the council could not have been any worse. It was noted that there were themes within the report and the reports of the Improvement & Assurance Panel in relation to the pace of change and lack of transformation; and
- The Leader of the Opposition further stated that the council's financial position was relying on government loans, Covid grants and traffic management fines. It was suggested that the council's cuts were hitting the most vulnerable in the borough, but the council were not listening to concerns which were raised.
 - In response, the Leader of the Council stated that there would be a proper scrutiny process as part of the budget development process and that the administration were seeking to protect the most vulnerable.

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

RESOLVED: To

1. Note the update provided by the non-statutory review team in relation to their original recommendations and milestones; and

2. Note progress made by the Council's response, nine months on, to those same recommendations and milestones.

167/21

2022/23 Budget and Three-Year Medium Term Financial Strategy

Cabinet considered a report which focussed on the General Fund with further General Fund budget reports, the capital budget report and the Housing Revenue Account being brought to the January 2022 and February 2022 Cabinet meetings. The Leader of the Council (Councillor Hamida Ali) provided Cabinet with an introduction which set out:

- The report was the first in a series of reports which would be considered by Cabinet on the 2022/23 budget;
- It was felt that the report evidenced the large amount of work which had been undertaken across the council, both politically and at an officer level;
- It was clear that work remained as there was a budget gap to close;
- The draft budget included £24 million of savings and a further £58 million were being brought forward to fill not only the budget gap but to also manage the significant financial pressures in the budget;
- The council had been focussing on addressing the corporate failings which had led to the financial pressures faced by the council and there were £27 million in general reserves which was felt to be evidence of the focus on addressing those issues;
- The context of the financial pressures included the reduction in government investment in councils, structural underfunding faced by the council and an 81% reduction in revenue support grant since 2010 which equated to £96 million reduction;
- It was noted that there was significant concern within the community as to the impact of the savings on them, however it was highlighted that once the budget was balanced there would remain almost £280 million of controllable budget which was dedicated to meeting the needs of residents;
- Members were committed to minimising the impact on residents and had focussed on where savings could be found; such as through contracts, making better use of office spaces and utilising technology;
- The budget would enable all of the libraries and children centres to remain open, fortnightly bin collections to continue and services for vulnerable residents to be protected;
- Risks and uncertainties remain which were set out within the report and work would continue over the following months to close the budget gap but it was felt that the report represented a solid foundation for that work;
- The working of the voluntary and community sector during the pandemic was highlighted and the Leader informed Cabinet that she had asked officers to review options to delay the planned

changes to voluntary sector funding so it was aligned to the commissioning round which was due to start in 2023/24 which was felt to have benefits for both the council and the borough;

- That a paper would be taken to the Capital Board with a recommendation to approve the use of alternative funding streams to provide short term stability to the voluntary and community sector until the Community Fund funding round had come to a close. The aim was to provide support through the use of one off money that would not impact the budget gap for 2022/23; and
- Affected community organisations would be written to over the following days with the final outcome.

The Leader of the Council invited the Interim Corporate Director Resources (Section 151 Officer) (Richard Ennis) to provide a professional view of the draft budget. He advised Members that:

- He felt that significant progress had been made towards delivering a balanced budget, in particular for 2022/23 but work had also been undertaken to ensure future years were on a firmer financial footing;
- There was more work to be completed, as outlined in the report, including the risks which were being worked through to ensure that a balanced budget was delivered;
- An unbalanced budget in December was not uncommon as there was normally work still to be done;
- The council would not know the grant settlement until later in the month, as set out in the report;
- He felt the report was an open report which set out the current position and that all the savings and pressures were included and mitigations were being developed;
- Reserves were continuing to be built and this would be brought together in a report in February 2021; and
- The draft proposals would be considered by the General Purposes & Audit Committee and Scrutiny Committees.

During the consideration of the recommendations, the following points were made:

- The Cabinet Member for Croydon Renewal (Councillor Stuart King) thanked all those who had been involved in the development of the draft budget and acknowledged how robust and constructive the challenge had been throughout the Star Chamber process which he felt had contributed to the progress which had been made. It was felt by the Cabinet Member that the budget process had shown the council's preparedness to take difficult decisions;
- The Cabinet Member highlighted some key assumptions and risks, including an assumption of a council tax increase of 1.99%, a 1% adult social care levy, contract inflation of 3% and pay inflation of 2%. Additionally there was a provision in the budget for a New Homes Bonus which itself included risks in relation to a

government review which was underway. The Cabinet Member further highlighted that negotiations were ongoing with the NHS to ensure the current level of service remained in place. Finally it was noted that the capitalisation direction of £50 million and £25 million were still to be formally confirmed;

- The Cabinet Member proposed that recommendation 1.4 in the report be amended that the report be taken to the Cabinet meeting on 24 January 2022 to ensure that Cabinet had time to respond to findings of the work to reduce growth pressures;
- The Cabinet Member for Sustainable Croydon (Councillor Muhammad Ali) noted that some of the decisions within the draft budget were not easy decisions but noted that the discussions had been robust. It was felt that the budget protected frontline services and focussed on transforming the way the council operated by reducing spending on contracts and back office functions whilst ensuring service delivery was sustainable and efficient. It was noted that there were growth items within the budget; including £360,000 for grass cutting;
- The Cabinet Member for Families, Health & Social Care (Councillor Janet Campbell) stated that she felt the work within adult social care was transformational, with reduced demand and a robust front door. It was felt that this could only be achieved with staff who were committed to change. Cabinet were informed that provider services option appraisal was underway and the outcome would be fed back to Members. Whilst savings of £14million had been identified, the Cabinet Member stressed that the council was continuing to safely review care packages;
- The Cabinet Member for Homes (Councillor Patricia Hay-Justice) noted that as of November 2021 temporary accommodation had been provided to 2020 households in the borough and over 200 people at risk of homelessness had been supported each month. Furthermore she stated that the council was recognising the issues within housing and were addressing them. She concluded by querying whether the council was making the most of grants which were available to ensure benefits for residents were being maximised
 - In response, the Cabinet Member for Croydon Renewal noted the benefit of grant money and that it was important to utilise pots of external funding, where available, however cautioned that it was important that the right balance was struck so as to not put additional pressure on staff. As such it was noted that it was important to ensure the council targeted funding where there was a good prospect of being successful
- The Cabinet Member for Communities, Safety & Business Recovery (Councillor Manju Shahul-Hameed) noted the Leader's request to review and delay the reduction to the Community Fund. She highlighted that Croydon were one of a few boroughs which continued to provide rent subsidy and discretionary business rate relief to the VCS organisations. Additionally, it was noted, that

voluntary and community sector organisations were approached when asset disposals were considered and support was offered to help them acquire assets;

- The Cabinet Member for Children, Young People & Learning (Councillor Alisa Flemming) highlighted that over 3,500 young people were in care in the borough and it had been important to ensure that support was provided to some of the most vulnerable in Croydon. The Cabinet Member stated that the council had received over 2,522 referrals, 769 early help assessments had been completed since May 2021, over 3000 children in need had been supported and 663 care leavers had received care services. It was noted that the borough continued to support more per head of unaccompanied asylum seeker children (UASC) than anywhere else in the country and, that despite intervention, there remained a £1million shortfall in funding which was expected to increase and so the Cabinet Member called for a more sustainable long term solution which meant all parts of the country took their fair share to support the most vulnerable young people in the country;
- The Cabinet Member for Culture & Regeneration (Councillor Oliver Lewis) welcomed the news in terms of the voluntary and community sector funding as it was recognised that the sector played an important part in society. Whilst it was recognised that the council was having to make difficult decisions, the Cabinet Member felt that it was important to consider the root causes such as the historic underfunding for UASC, underfunding for the impact of the pandemic and an 81% reduction in government grant. Furthermore, the Cabinet Member highlighted that Croydon was not as well funded as neighbouring boroughs and queried what the impact would have been on the General Fund had Croydon been funded to the same level as Lambeth
 - In response, the Cabinet Member for Croydon Renewal stated that Lambeth received £463 per resident as opposed to Croydon who received £247 per resident. It was stated that Croydon faced the same demographic challenges as Lambeth.
- The Shadow Cabinet Member for Croydon Renewal (Councillor Jason Cummings) noted the large amount of work which had been undertaken by officers. It was noted that in the non-statutory rapid review there were comments in relation to reserves and the possibility that should budget pressures continue the contributions to reserves may reduce. Additionally the Shadow Cabinet Member highlighted table 7 of the report which outlined the history of the reserve levels and stated the recent increase in reserve levels was only as a result of borrowing from the previous year's budget. Given the concerns raised, the Shadow Cabinet Member queried how at risk the reserves were.
 - In response the Interim Corporate Director of Resources advised that there were two types of reserves – general reserves and earmarked reserves. It was noted that the general reserves in April 2021 were at £27.5 million which

was one of the highest levels at that point in London due to the challenges which the council was facing. The report noted that the earmarked reserves of £4 million were too low and so it was the intention to build those reserves with £10 million budgeted in the report. The Interim Corporate Director advised Members that at period 7 the council was broadly balanced and, should it remain so, the £7 million could be used to rebuild the earmarked reserves.

- The Cabinet Member for Croydon Renewal felt that the argument to refocus attention from general fund reserves to earmarked reserves was persuasive but that it was important to see the detail, including how earmarked reserves could be drawn upon. In response to the Shadow Cabinet Member's statement that the current position was only as a result of borrowing, the Cabinet Member countered by stating that it was also as a result of the savings which had been achieved.

The Cabinet Member for Croydon Renewal proposed that recommendation 1.4 be amended to read "Request officers to continue to work on reducing growth pressures and report back any changes to the January 24th Cabinet" to enable Members to review the outcome of the work.

The Cabinet Member for Homes seconded the amendment.

Cabinet agreed the amendment.

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

RESOLVED: To

1. Note the significant progress towards delivering a balanced budget for 2022/23 and future years and the current budget gaps still to close;
2. Consider the contents of paragraph 3.24 of the report in respect of the identified risks to the budget process and make any recommendations in respect of the risks to the budget process;
3. Request that Cabinet request the Corporate Director of Housing to bring a report to the February 7th Cabinet setting out how a reduction to the in-year and future year pressures against the existing Temporary Accommodation budget will be managed and achieved;
4. Request officers to continue to work on reducing growth pressures and report back any changes to the January 24th Cabinet;

5. Support the growth and savings schedules included at appendix 1 of the report, and
6. In principle, to recommend these to Full Council as part of the budget approval process. To note that officers will commence planning for the implementation from April 2022 where appropriate where appropriate, but that any such proposals are subject to approval at February Council;
7. Ask the Corporate Management Team to continue work to identify further invest-to-save opportunities that improve the efficiency and effectiveness of the Authority, and minimise any service reductions;
8. Request the Corporate Management Team to ensure that there are sufficient resources to deliver the MTFs and report back in this respect in the January and February Cabinet reports;
9. Make any recommendations and comments that will further the ability for the Improvement Panel to make a positive recommendation to the Secretary of State for the Department of Levelling Up, Housing and Communities [DLUHC] in respect of the Council's progress and specifically confirming this year's £50m capitalisation direction and also next year's £25m (2022/23) capitalisation respectively in order to give financial certainty to the Council (a further £5m capitalisation is budgeted for in 2023/24);
10. Note the Council is undertaking further work in respect of the potential to maximise its capital receipts and the potential use of these to reduce its borrowing requirements subject to Cabinet and Council agreement;
11. Note that the scrutiny sub committees will have had initial discussions prior to this December Cabinet meeting and they and the Scrutiny and Overview Committee will undertake their scrutiny and overview work on the budget proposals and feed recommendations and comments for consideration into the January and February Cabinets;
12. Note the intention to take a report to the General Purposes and Audit Committee [GPAC] about the reserves strategy and its relationship to the MTFs prior to Cabinet taking a decision to recommend a budget to Full Council
13. Note the significant financial implications, approved in the March 2021 Budget at Full Council, from any policy changes and operational enforcement and income modelling changes, in respect of Healthy Neighbourhoods (formally referred to as Low Traffic Neighbourhoods), that will require the Council to find alternative savings in this respect;

14. Note that at this report's dispatch prior to the consideration of the Pensions Committee on 3rd December of a report recommending an actuary supported reduction in employer contributions that are part of the savings in 2022/23 preceding a further triennial pension review that will consider employer contributions for 2023/24 onwards. The savings in this respect are £3.400m in 2021/22 and £2.760m in 2022/23 (reducing as a part saving was already included in existing proposals for 2022/23) should the Pensions Committee scheduled on 3rd December agree to recommend these to Cabinet. An update will be provided at the actual Cabinet meeting;
15. Welcomes the additional 'one off' funding from the Home Office in 2021/22 and the temporary mandate of the national Transfer Scheme and request the Improvement Panel to support the cross party view of the Council in making further recommendations to the Secretary of State to fully fund the estimated circa. £4.5m of additional costs of Unaccompanied Asylum Seekers [UASC] that continue to fall disproportionately on the Croydon Council Tax payer; and
16. Note that officers continue to work on the closure of the draft accounts for 2019/20 and 2020/21 in response to dealing with the external auditors findings as reported to the General Purposes and Audit Committee [GPAC] and that this could have significant implications for the medium Term Financial Strategy and request officers to complete this work as soon as possible and at the latest ahead of the final February Cabinet.

168/21

Financial Performance Report – Month 7 (October 2021)

Cabinet considered a report which set out the Council's current General Fund revenue budget projected outturn for the full financial year 2021-2022 as at Month 7, October 2021. The Cabinet Member for Croydon Renewal (Councillor Stuart King) provided Cabinet with an introduction which set out:

- That he was pleased to report that the budget remained balanced with a net forecast underspend of just over £400,000;
- The net departmental overspend was now at £3m, which was higher than he would like but was at the lowest level during the financial year. It was felt that this was a sign that department were responding positively to the need to control spend;
- Quantified risks were greater than identified mitigations by around £0.5m which was in part due to the value of Medium Term Financial Strategy (MTFS) savings for the current year and the risk of non-delivery had risen. The principle cause being the parking account;
- Spend against both the general fund and Housing Revenue Account (HRA) capital programmes continued to be slow;

- That there could be no room for complacency as the state of economy was a concern and winter pressures would grow;
- There were approximately 1,000 asylum seekers housed in hotels across the borough which had a financial implication on the council; and
- At the equivalent point in 2020/21 the council was £30m overspent with a further £36m of identified risks which materialised.

During the consideration of the recommendations, the following points were made:

- The Cabinet Member for Resources & Financial Governance (Councillor Callton Young) welcomed the favourable movement of £1m in the general fund budget but raised concerns that the capital budget remained underspent. Further questions were asked in relation to the steps being taken by the council to ensure it was properly funded for the asylum seekers placed in the borough and whether there had been any issues in relation to the grant conditions for the Contain Outbreak Management Fund.
 - In response, the Interim Corporate Director Resources (Section 151 Officer) (Richard Ennis) advised Members that there had a huge focus on balancing the general fund budget, however it was recognised that the capital budget was underspent and a new Capital Board had been established. It was noted that underspending on capital would cause issues for the council in future years, as such star chamber exercises were also due to take place to look at the capital budget;
 - In terms of asylum seekers; the Interim Corporate Director Resources advised the council welcomed the support provided for Unaccompanied Asylum Seeking Children from the Home Office but that officers were raising the pressures faced from those who were placed in hotels in the borough; and
 - The Interim Corporate Director Resources advised that the wording on page 102 was not accurate. The council were ensuring it was following due process and utilised all of the funding provided.
- The Shadow Cabinet Member for Croydon Renewal (Councillor Jason Cummings) welcomed the improvement on previous years but noted that the budget was balanced due to a loan from the government. Concerns were raised that the MTFs savings which were at risk of being delivered had increased from less than £1m to over £5m and queried how close those risks were to materialising and impacting the final year position
 - In response, the Cabinet Member for Croydon Renewal noted that at the last Cabinet meeting he had requested the Chief Executive (Katherine Kerswell) to review the robustness of the MTFs savings and the outcome of that review was contained within the report. He further noted that

the fees and charges review had been undertaken earlier in 2021 and queried why there was an identified risk in relation to this work in the report;

- The Interim Corporate Director Resources advised that a fees and charges report would be taken to Cabinet in January as part of the financial performance. The Interim Corporate Director Sustainable Communities, Regeneration & Economic Recovery advised that risks in her directorate were largely in relation to parking which had been impacted during the pandemic and the delay in introducing ANPR cameras. Members were advised that the risk set out in the report was at the upper end of the estimate and that once more work had been completed it was hoped that the figure would reduce. Additionally, it was highlighted that there was an identified risk in relation to SEND transport and Members were advised that significant work was underway to model the demand to right size the budget going forward.

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

RESOLVED: To

1. Note the General Fund is projecting a net favourable movement of £1.020m from Period 6. Service directorates are indicating a £3.030m overspend (Month 6 £4.050m) with this being netted off as in the past six months against the release of a one off Covid Grant (£3.451m released = 31% of the grant) confirmed to Croydon Council for 21/22 by DLUHC as part of the Local Government Finance Settlement;
2. Note that a further number of risks and compensating opportunities may materialise which would see the forecast year-end variance change and these are reported within Section 3 of this report. Should these risks materialise or the mitigations not be effective the Council could overspend by £11.356m (Month 6 £11.063m). However to note the Council does have the £7.799m of covid grant that can be used to offset such pressures.
3. Note the Housing Revenue Account (HRA) is projecting a £0.786m (Month 6 £0.733m) overspend for 2021/22. If no further mitigations are found to reduce this overspend the HRA will need to drawdown reserves from HRA balances. There are sufficient balances to cover this expenditure.
4. Note the capital spend to date for the General Fund of £13.593m (against a budget of £188.688m) and for the HRA of £9.915m (against a budget of £183.209m), with a projected forecast variance of £45.472m on the General Fund against budget and

£7.184m forecast variance against budget for the Housing Revenue Account;

5. Note, the above figures are predicated on forecasts from Month 7 to the year end and therefore could be subject to change as forecasts are refined and new and updated information is provided on a monthly basis. Forecasts are made based on the best available information at this time.
6. Note that whilst the Section 114 notice has formally been lifted, the internal controls established as part of the S114, such as the Spend Control Panel and Social Care Placement Panels remain. Restrictions have been lifted for ring-fenced accounts such as the Pension Fund, Housing Revenue Account and Coroner's Expenditure as these are directly outside of the General Fund's control. The Spending Control Panel which was set up at the beginning of November 2020 continues to meet on a twice daily basis.
7. Note that the Council has received a one off financial sum of £2.36m from the Government to help cover the pressures related to Unaccompanied Asylum Seeking Children (UASC) and care leavers which Croydon bears disproportionately to other local authorities due to the siting of the Home Office's Lunar House. However this means the Council and Croydon tax payers still fund £1.615m of disproportionate costs in this financial year post the Grant support. These costs will continue throughout the MTFS for which the Government has not indicated any financial support to date.
8. Note that in addition to the UASC pressures, Croydon Borough has taken on c1000 asylum seekers who have been placed in eight hotels by the Home Office without consultation with the Council. The hotel costs are funded by the Home Office, however the Council is be responsible for further ancillary services particularly around safeguarding, public health, children & youth provision and broader community support. These additional costs, which are currently being calculated have been flagged within the unquantified risks section of this report, and could clearly result in further financial pressures for the Council.

169/21

Croydon Council's Local Government Pension Scheme Employer Contribution Review 2021/2022 to 2022/2023

Cabinet considered a report which set out that changes to the Local Government Pension Scheme regulations to allow scheme employers, of which the Council is one, to request a review of the contribution rate set out by the most recent actuarial valuation. The Cabinet Member for Resources & Financial Governance (Councillor Callton Young) provided Cabinet with an introduction which set out:

- The report set out the changes to the Local Government Pension Scheme regulations. The Chief Executive had requested that the Pension Committee review the scheme actuary;
- The outcome of the review was that following strong investment performance there was scope for the council to temporarily reduce its contribution to 23.2% of pay per annum;
- Temporarily reducing the contribution rate would save £6.2m in 2022 and 2023;
- The cost of benefits to the pension member would remain the same; and
- It was noted that pensions was a very sensitive issue and that the actuaries provided independent professional advice in relation to this matter.

The Head of Pensions (Nigel Cook) advised Cabinet that:

- The option set out within the report was a new opportunity following changes to the regulations;
- The option was one of risk and prudence. The proposal to reduce contributions by 2.5% in 2021/22 and 2% in 2022/23 had been carefully assessed against a range of scenarios;
- The risk analysis had found that there was a 75% chance of achieving the pensions fund goal within a 20 year period;
- The next triennial valuation cycle was due to start in 2022 which would look at the council's ability to meet its future liabilities; and
- It was felt the proposal was a measured risk and that the scheme actuaries had assessed the risk.

During the consideration of the recommendations, the following points were made:

- The Cabinet Member for Croydon Renewal (Councillor Stuart King) noted that at paragraph 3.1 of the report it was stated that the financial aspects, analysis and potential impact of the risks were commercially sensitive. Concerns were raised that a pension fund member may be concerned to see the detail restricted and queried why this information had been placed in Part B. A further question was asked as to the status of rescinding the decision in relation to property transfer proposal;
 - In response, the Head of Pensions advised that the actuaries requested that their reports be restricted but noted that the scheme was secured by regulation and it was felt that the local government pension scheme was one of the safest schemes in the UK; and
 - It had been felt that following carefully assessing the risk that the property transfer and reduction in contributions would tip the scale in terms of risk. Members were advised that the actuarial view was the combination of proposals

was too risky and that the Pensions Committee had considered matter and deferred any further decision in relation to the property transfer until more information had been provided.

Councillor Patricia Hay-Justice left the meeting at 8.23pm.

- The Leader of the Council (Councillor Hamida Ali) noted that staff were concerned about the security of their pensions and queried whether any assurance could be provided to pension scheme members. Additionally, the Leader noted that some councillors had queried whether the contribution level could be dropped further to provide more savings for the council to protect frontline services.
 - The Head of Pensions advised that the Local Government Pension Scheme had evolved in the preceding 2/3 decades. The assurances officers could provide were that entitlements accrued to-date were protected and that the scheme would continue to evolve to ensure it was affordable for local authorities; and
 - In response to the query of reducing the contributions further, the Head of Pensions advised that the mid-cycle review had shown the scheme as being potentially overfunded in the future. However, the actuary had assessed and modelled different scenarios and had found that £6.2m gave the council a 75% certainty of reaching its targets within 20 years.

The Leader of the Council noted that it was important to ensure any decisions were prudent and that the council protected staff pensions.

Councillor Patricia Hay-Justice returned to the meeting at 8.29pm.

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

RESOLVED: To request that the Scheme Actuary certify the change in contribution rates via a revised Rates and Adjustments Certificate.

170/21

Croydon Local Plan Review - publication of the Proposed Submission draft

Cabinet considered a report which sought approval to publish the Proposed Submission draft of the Croydon Local Plan Review prior to submission to the Secretary of State. Preparation of the proposed content of the Local Plan Review was required under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Cabinet Member for Culture & Regeneration (Councillor Oliver Lewis) provided Cabinet with an introduction which set out:

- The Local Plan review set out how the council would respond to the challenges of the national housing crisis and the global climate challenge;
- The challenge for Croydon was to deliver the target of 42,000 new homes by 2039. The Cabinet Member thanked residents and stakeholders who had participated in the discussion on how to tackle that challenge;
- The Plan supported the development of a prosperous and innovative economy and thriving communities;
- Proposed changes to the Plan included details on three areas of transformation: Purley Way, East Croydon station and the North End quarter; on how they could be developed to deliver much needed homes, spaces for jobs and community facilities;
- That the Cabinet Member had asked officers to complete transport modelling of the Purley Way before 1500 homes were completed in the area;
- Since publication the Cabinet Member had received representations in relation to the Purley Way chapter, with concerns in relation to the height of focal buildings. He informed Cabinet that he had reviewed those representations and proposed that the prescriptive detail in relation to the height of focal buildings be deleted;
- Should the draft Plan be agreed there would be six weeks of consultation in the New Year which would ensure feedback was gathered on the proposed changes from local businesses, the community and stakeholders; and
- Following the consultation the Plan would be submitted to the Planning Inspectorate to examine.

During the consideration of the recommendations, the following points were made:

- The Cabinet Member for Sustainable Croydon (Councillor Muhammad Ali) highlighted the importance of the work in tackling climate change and the housing challenge. It was noted that Croydon was the 4th highest borough susceptible to surface water flooding nationally and that planning had a role to play in mitigating those risks. It was hoped that planning guidance would be introduced which would support more sustainable communities;
- The Cabinet Member for Croydon Renewal (Councillor Stuart King) queried site allocation reference number 20 (page 454 of the agenda) as the proposed use was for residential development, however he understood the site was already residential. Additionally he highlighted Thornton Heath pond and the importance of celebrating it as being the heart of the area, but queried whether that could be achieved via an introduction of water feature;
 - In response, the Head of Spatial Planning and Interim Head of Growth & Generation (Steve Dennington) advised that

officers had taken the view that site reference 20 had the scope to increase housing capacity at the site. In terms of the water feature; the Head of the Spatial Planning advised the Plan provided guidance on future development and should material considerations arise to suggest that it was not the best option that would be considered.

- The Cabinet Member for Homes (Councillor Patricia Hay-Justice) noted the Plan set out how the council intended to provide much needed housing, but did not set out how those properties would look. She welcomed the Plan and intention to build new homes but suggested the challenge would be ensuring they were good quality homes for all members of society; and
- The Shadow Cabinet Member for Culture & Regeneration (Councillor Jeet Bains) noted that 9,753 homes had been proposed for the Croydon Opportunity Area, 5,735 homes for Purley and 7,515 homes in Purley Way. Concerns were raised that the council was proposing over 40,000 homes be built when it was felt the council's enforcement team was unable to enforce the rules properly and that enforcement orders were ignored. In light of those concerns, the Shadow Cabinet Member suggested that the Plan would lead to uncontrolled and low quality housing in the borough.
 - In response, the Cabinet Member stated that within the Local Plan there was provision for a new leisure facility in Purley as part of any redevelopment of the Purley Pool site. The Cabinet Member further noted that it was important that the council addressed the challenges it faced; whether in relation to community provision or housing for residents and he felt that the Plan sought to achieve that.

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

RESOLVED: To

1. Approve the publication of the Proposed Submission draft of the Croydon Local Plan review (Appendix 1) its associated additional Sustainability Appraisals (Appendix 2) and updated additional supporting evidence for six weeks for representations to be made upon it, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
2. Approve that the Proposed Submission draft of the Croydon Local Plan be recommended to Full Council for submission to the Secretary of State upon conclusion of the statutory 6-week publication period; and
3. Delegate minor and/or factual changes to the Proposed Submission draft of the Croydon Local Plan including the Policies Map, prior to publication to the Director of the Director of Planning

and Sustainable Regeneration in consultation with the Cabinet Member for Culture and Regeneration.

171/21

Croydon Safeguarding Adult Board Annual Report 2020/21

Councillor Oliver Lewis left the meeting at 8.55pm.

Cabinet considered a report which detailed the activity and effectiveness of the Croydon Safeguarding Adult Board (CSAB) from 1 April 2020 to 31 March 2021. The report was submitted by the CSAB Independent Chair, Annie Callanan. It ensured that the statutory partners (Council, Health and Police), residents and other agencies were given objective feedback on the work and effectiveness of local arrangements for safeguarding adults. The report covered the 2020/21 priorities, demonstrating what had been achieved and the work which needed to continue throughout 2021/22. The Cabinet Member for Families, Health & Social Care (Councillor Janet Campbell) provided Cabinet with an introduction which set out:

- The CSAB was statutory multi-agency board which had the responsibility for overseeing adult safeguarding across the agencies in Croydon;
- The report had been considered and agreed by the Board in October 2021 and had been presented to the Health & Social Care Scrutiny Sub-Committee;
- The report outlined the work of the agencies during the preceding year and included the work of the Voice of the People sub-group; and
- It was noted that the pandemic had presented major challenges to adult safeguarding but it was stated that those challenges had been met and embraced.

Councillor Muhammad Ali left the meeting at 8.56pm.

The Independent Chair of the CSAB (Annie Callanan) provided Cabinet with context to the report and set out:

- The CSAB was made up of mainly of three statutory partners: the Police, the NHS and the local authority. It was the local authority who retained the lead responsibility for adult safeguarding under the Care Act;
- The Board's core duties were to publish the report, publish a strategic plan and commission safeguarding adult reviews when things went wrong;
- The Board provided assurance that the arrangements which were in place were effective and were working;
- The Board worked with agencies across Croydon to prevent neglect and abuse and took timely and proportionate responses when neglect or abuse had occurred;
- The report was produced by the Board which was overseen by the Independent Chair;

- It was noted that there had been a large volume of interest in the report at scrutiny;
- The voice of the people and the voice of those with lived experiences were highlighted and it was noted that work continued to ensure all residents were represented; and
- She was humbled by the work during the pandemic to ensure that safeguarding continued during difficult circumstances.

The Leader of the Council (Councillor Hamida Ali) thanked the Independent Chair for all of her work.

Councillor Muhammad Ali returned to the meeting at 9:01pm.

During the consideration of the recommendations, the following points were made:

- The Cabinet Member for Children, Young People & Learning (Councillor Alisa Flemming) welcomed the work of the CSAB and noted the interlinking work with the Children's Safeguarding Board to ensure the residents of Croydon were protected and that families were supported holistically;
- The Cabinet Member for Families, Health & Social Care noted that the work of the Board had been cross party and thanked Councillors Hopley and Bird for their input. Additionally David Williams (Metropolitan Police Service) was thanked for all of his work and well wishes were provided for his retirement; and

Councillor Oliver Lewis returned to the meeting at 9:04pm.

- The Shadow Cabinet Member for Families, Health & Social Care (Councillor Yvette Hopley) thanked the Independent Chair for her hard work, and in particular throughout the pandemic. She noted that the Board was an example of good cross-party working and stated that she was looking forward to the working party day which was due to take place.

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

RESOLVED: To note the Annual Report of the Croydon Safeguarding Adult Board (CSAB).

172/21

Dedicated Schools Grant (DSG) School Funding 2022/23 Formula Factors

Councillor Stuart King left the meeting at 9.06pm.

Cabinet considered a report which outlined the factors which were proposed for the setting of the schools budgets for 2022/23 through the Authority Proforma Tool (APT). These factors had been consulted on

through Schools Forum meeting on 4 October 2021 and were voted on and approved on 8 November 2021 at forum with the exception of the PFI factor. The Cabinet Member for Children, Young People & Learning (Councillor Alisa Flemming) provided Cabinet with an introduction which set out:

- The DSG Management Plan had been taken to the General Purposes & Audit Committee (GPAC) in October 2021 and provided an updated on the councils plans to manage the balance, pressures and potential savings;
- The DSG was a ring fenced grant and the report specifically focussed on the schools block element of the funding, which was directly transported to schools;
- The Schools Forum was working in phased manner to the national funding formula; and
- The report had been considered and agreed by the Schools Formula.

Councillor Stuart King returned to the meeting at 9.08pm.

The Chair of the Schools Forum (Jolyon Roberts) provided Cabinet with context to the report and set out:

- The Schools Forum was a 40 member committee which met monthly. The membership included Head Teachers, Governors, officers and Councillors;
- The Forum dealt with the allocation of the DSG, which was valued at almost £400m. However, Schools Forum decisions only affected the schools block elements of the funding;
- The schools block funded mainstream and academy schools in Croydon and amounted to £286m; however the Forum had discretion in terms of certain elements of that funding;
- Assurance was provided that the Schools Forum considered the funding formulas in detail and debated matters at length;
- The Schools Forum was working towards a general strategy of the hard funding formula calculations in anticipation of its introduction;
- Thanks was provided to those who had chaired the working parties on each element of the DSG; and
- Concerns were raised in relation to the high needs block, however it was noted that there was a gap between the amount allocated and the amount spent which had primarily been caused by the decision to include 18 to 25 year old young people in the high needs block without additional funding. Mr Roberts stated that this gap had been reducing.

The Leader of the Council (Councillor Hamida Ali) thanked Jolyon Roberts for providing a context to the report and for his work with the Schools Forum.

During the consideration of the recommendations, the following points were made:

- The Chair of Scrutiny & Overview & Committee (Councillor Sean Fitzsimons) expressed concern that the report had been considered by GPAC and not the Children & Young People Scrutiny Sub-Committee. He noted that the only opportunity for scrutiny to consider the report was to call-in the decision. He requested that in future such reports were included in the Scrutiny Work Programme;
- The Shadow Cabinet Member for Children, Young People & Learning (Councillor Maria Gatland) welcomed the report and thanked Jolyon Roberts for his contribution. Assurances were provided by the Shadow Cabinet Member that the detail was fully considered by the Schools Forum; and
- The Cabinet Member committed that the council would look to have a discussion with scrutiny in relation to the DSG. The Cabinet Member further thanked all of the Head Teachers, teachers and teaching assistants in the borough for their work in ensuring the young people of the borough received an education during such a challenging period.

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

RESOLVED: To approve the provisional funding formula for Croydon schools for the financial year 2022/23 for maintained schools, and the academic year 2022/23 for academies, in line with the recommendations of the School Forum:

- a. To agree for the phased implementation of the National Funding Formula in 2022/23 to ease the potential turbulence of moving to a hard formula at a later stage; and
- b. To agree the funding formula factors set out in Table 2 and paragraphs 4.5.1 to 5.5 of the report already voted on at schools forum.

173/21

Investing in our Borough

Cabinet considered a report which set out the contract awards and strategies to be agreed by Cabinet, contract decisions anticipated to be made under delegated authority, contract award decisions made by the Director of Commissioning & Procurement, and property lettings and disposals. The Cabinet Member for Resources & Financial Governance (Councillor Callton Young) provided Cabinet with an introduction which set out:

- The property disposals were decisions made by the Cabinet Member for Resources & Financial Governance in consultation with the Leader of the Council;
- Assurances were provided that the three properties outlined in the Interim Asset Disposals report had been assessed as being surplus and that the sites had been properly marketed; and
- That officers were requesting a variation on disposal price of up to 10% so that a report did not need to be taken to Cabinet if there was a small variation in price.

Motion to extend the meeting at 9.25pm:

The Leader of the Council (Councillor Hamida Ali) proposed to extend the guillotine of the meeting by half an hour in accordance with paragraph 1.5 (c) of Part 4D of the Constitution.

The Deputy Leader of the Council seconded the motion and Cabinet agreed.

RESOLVED: *To extend the guillotine of the meeting by half an hour in accordance with paragraph 1.5 (c) of Part 4D of the Constitution.*

The Shadow Cabinet Member for Communities, Safety & Business Recovery (Councillor Andy Stranack) queried the sale of Goldcrest Youth Centre as he stated there were a number of community groups in need of venues. The Head of Asset Management & Estates (Stephen Wingrave) advised that a report would be taken to Cabinet in January and that officers were meeting with ward councillors later that week to discuss the proposals.

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

RESOLVED: To note

1. The request for approval of the contract extension and variation for the Young People and Care Leavers Service as set out at agenda item 11a and section 5.1.1 of the report.
2. The request for approval of the award for Parking ANPR cameras as set out at agenda item 11b and section 5.1.1 of the report
3. The contracts between £500,000 and £5,000,000 anticipated to be awarded under delegated authority from the Leader by the nominated Cabinet Member, in consultation with the Cabinet Member for Resources and Financial Governance and with the Leader in certain circumstances, before the next meeting of Cabinet, as set out in section 5.2.1 of the report.

4. The list of delegated award decisions made by the Director of Commissioning and Procurement since the last meeting of Cabinet, as set out in section 5.3.1 of the report.
5. Property lettings, acquisitions and disposals to be agreed by the Cabinet Member for Resources and Financial Governance in consultation with the Leader since the last meeting of Cabinet, as set out in section 5.4.1 of the report.

174/21

CAYSH Young People and Care Leaver's Service - Extension of Contract

Cabinet considered a report which recommended the extension of the Young Person & Care Leavers Service for a further 12 months to 30 September 2022 at a cost of £567,240 for a maximum aggregate value of £5,386,703 to enable a review and a recommission of the service provision. The Cabinet Member for Resources & Financial Governance (Councillor Callton Young) provided Cabinet with an introduction which set out:

- The council had a statutory duty to support a wide range of residents who were homeless or at risk of homelessness as outlined in the Homelessness Reduction Act 2017;
- To meet the statutory duty the council used a range of supported housing services;
- Support was either directly provided through the sourcing of new accommodation or indirectly through support and advice; and
- The proposed decision would provide the council with time to fully recommission the service.

During the consideration of the recommendations, the Cabinet Member for Children, Young People & Learning (Councillor Alisa Flemming) noted that three of the outstanding recommendations from the Ofsted inspection focused on how the council supported young people with housing. She stated that the council was committed to delivering the best service to young people in the borough.

The Shadow Cabinet Member for Homes (Councillor Lynne Hale) informed Cabinet that she would submit a detailed question in relation to the contract and queried whether the notes of the Commissioning Board could be viewed by Members. The Interim Monitoring Officer (John Jones) advised the meeting was private and that councillors would need to submit a formal request with a reason for the request. This request would be formally considered.

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

RESOLVED: To

1. Approve (in accordance with Regulation 30 of the Council's Tenders and Contracts Regulations) an extension by way of variation of 'The Young Person & Care Leavers Service' contract awarded to CAYSH for an extension period of 12 months to 30th September 2022 at an additional cost of £567,240 for a maximum aggregated contract value of £5,386,703.00
2. Note that the Contracts and Commissioning Board has endorsed the above recommendation.

175/21

Parking ANPR Cameras contract award

Cabinet considered a report which recommended the award of a contract to the preferred bidder set out in the Part B report following a competitive tender in compliance with the Council Tender and Contracts Regulations and Public Contract Regulations. The Cabinet Member for Resources & Financial Governance (Councillor Callton Young) provided Cabinet with an introduction which set out:

- The ANPR cameras would manage the environmental impact of vehicle traffic in the borough; including the management of the vehicle emissions surcharges;
- It was important the council had an automated system as work was currently being undertaken manually and would enable staff resources to be redirected; and
- There would be increased compliance in areas such as where there are no right turns.

During the consideration of the recommendations, the Cabinet Member for Sustainable Croydon (Councillor Muhammad Ali) noted that the proposed contract award responded directly to one of the points made by Chris Wood and the need to digitise services to achieve efficiencies.

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

RESOLVED: To

1. Approve the award in accordance with Regulation 28.4(c) of the Council's Contracts and Tenders Regulations for the contract for the provision of ANPR cameras, back end IT system to manage and control the camera network and images, associated support and maintenance and hosting of the camera management system for a contract term of 10 years (with breaks in years 3,6 and 8) to the Provider and for the contract value stated in the Part B report on this agenda.
2. Note the contractor name and contract value will be published following contract award.

176/21 **Exclusion of the Press and Public**

This item was not required.

177/21 **Croydon Council's Local Government Pension Scheme Employer Contribution Review 2021/2022 to 2022/2023**

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

RESOLVED: To request that the Scheme Actuary certify the change in contribution rates via a revised Rates and Adjustments Certificate.

178/21 **Parking ANPR Cameras contract award**

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

RESOLVED: To

1. Approve the award in accordance with Regulation 28.4(c) of the Council's Contracts and Tenders Regulations for the contract for the provision of ANPR cameras, back end IT system to manage and control the camera network and images, associated support and maintenance and hosting of the camera management system for a contract term of 10 years (with breaks in years 3,6 and 8) to the Provider and for the contract value stated in the Part B report on this agenda.
2. Note the contractor name and contract value will be published following contract award.

The meeting ended at 9.38 pm

For General Release

REPORT TO:	CABINET 24 January 2022
SUBJECT:	Equality, Diversity & Inclusion Update Report, including Race Matters Pledge and Equalities Pledge
LEAD OFFICER:	Katherine Kerswell, Chief Executive
CABINET MEMBER:	Councillor Manju Shahul-Hameed, Cabinet Member for Communities, Safety and Business Recovery
WARDS:	All
<p>COUNCIL PRIORITIES 2020-2024</p> <p>The Council has maintained its commitment to equality diversity and inclusion with a new priority to tackle ingrained inequality and poverty in the borough, following the evidence to tackle the underlying causes.</p> <p>The Council’s Equality Strategy 2020-2024 seeks to deliver this priority. Developing borough wide equalities pledge is a key action in the Equality Strategy 2020 -2024. This is instrumental in supporting the Council’s priority to tackle ingrained inequality and poverty and tackling the underlying causes, such as structural racism, environmental injustice and economic injustice.</p>	
<p>FINANCIAL IMPACT</p> <p>There are no financial implications arising from this report.</p>	
<p>FORWARD PLAN KEY DECISION REFERENCE NO.: 0322CAB</p> <p>The notice of the decision will specify that the decision may not be implemented until after 13.00 hours on the 6th working day following the day on which the decision was taken unless referred to the Scrutiny and Overview Committee.</p>	

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

1. RECOMMENDATIONS

The Cabinet is recommended to

- 1.1 Consider and have due regard to the responses to the consultation on the Race Matters and Equalities Pledges, as set out in Appendix 1;
- 1.2 Agree that the Race Matters and Equalities Pledges, as set out in Appendix 2, be adopted by the Council;
- 1.3 Agree that the Race Matters Pledge be renamed the George Floyd - Race Matters Pledge;

- 1.4 Subject to recommendation 1.1 being approved, note the plan to hold a promotion event for the Equalities Pledge on 8 March 2022 – International Women’s Day;
- 1.5 Subject to recommendations 1.1 and 1.2 being approved, note the plan to hold an event marking the George Floyd Race Matters Pledge on 25 May 2022- the 2nd anniversary of George Floyd’s brutal murder;
- 1.6 Agree the monitoring arrangements in respect of both pledges, as set out in paragraphs 5.2 – 5.10 of the report;
- 1.7 Note the successful implementation of the Tea time talks, Safe Spaces initiative and Guardians programme within the Council, as part of the culture change programme within the Croydon Renewal Plans;
- 1.8 Following the Motion debate at the Council meeting on 13 December 2021, agree that the Council adopt the definition of Islamophobia, as developed by the All-Party Parliamentary Group on British Muslims, and set out in paragraph 6.3 of the report;
- 1.9 Authorise the Interim Assistant Chief Executive to make amendments to Council policies and procedures to incorporate the All-Party Parliamentary Group on British Muslims definition of Islamophobia; and
- 1.10 Note the proposal for the establishment of an Equality, Diversity & Inclusion Cabinet Advisory Board by the Leader, with terms of reference to be agreed by the Leader of the Council.

2. EXECUTIVE SUMMARY

- 2.1 This report asks the Cabinet to adopt the (renamed) George Floyd -Race Matters Pledge and the Equalities Pledge.
- 2.2 Developing a Borough wide Equalities pledge, to include the principles of the Black Lives Matter Charter, was included in the Equality Strategy 2020-2024. This supports the Council’s core priority “*We will focus on tackling ingrained inequality and poverty in the borough. We will follow the evidence to tackle the underlying causes of inequality and hardship, like structural racism, environmental injustice and economic injustice.*”
- 2.3 Following the brutal murder of George Floyd, and engagement with staff and community groups about tackling racism, it was agreed with the Cabinet Member with responsible for equality and inclusion, have a specific race pledge, rather than incorporate principles of the Black Lives Matter Charter within an equalities pledge. This additional pledge would be aimed at positive action to tackle racism faced by people of African, African Caribbean and African Latin heritage. In taking this approach, the Council is not suggesting that other parts of the community have not suffered from racism, but the pledge

is intended to provide particular focus following the engagement with staff and community groups during the Black Lives Matter protests.

- 2.4 The Council went out to consultation on the pledges in July- August 2021 using the Councils consultation platform 'Get Involved' and received responses from 82 people. In order to seek wider feedback, the Council went out to a further consultation during October - November 2021 and received a further 326 responses. In total over 400 individuals responded. Consultation responses are detailed at Appendix 1 to this report. .
- 2.5 This report summarises the findings and responses from each consultation. Feedback from responses was used to revise the pledges prior to the second consultation in October – November 2021. Feedback has also been used from the consultation during October – November 2021 to revise the pledges for Cabinet consideration, and in anticipation of events in March and May 2022. The final revised pledges are detailed at Appendix 2 to this report. The consultation responses provided the opportunity to take stock, learn lessons, and provide the assurances and explanations that will be required moving forward with the pledges and wider Equality Strategy actions.
- 2.6 A Race Matters Pledge and Equalities Pledge Steering Group, with community representatives, developed the pledges with the Council and will support the launch of the pledges.
- 2.7 Communication will continue on the pledges in the council and the community to ensure that having been consulted, organisations will want to adopt the pledges, utilise their branding, committing to the pledges on their email signatures and social media accounts. Communication will also be produced to encourage organisations to commit to the activities outlined on the pledges and the monitoring arrangements detailed in this report.
- 2.8 The report also seeks to formally adopt the All-Party Parliamentary Group on British Muslims definition of Islamophobia. This follows the Motion debate at the Council meeting on 13 December 2022.
- 2.9 Finally, this report provides information about the proposed establishment of a Cabinet Advisory Board for Equality, Diversity & Inclusion. The report provides a brief summary of the proposed purpose of the Board, and notes that the establishment of the Board and terms of reference are to be agreed by the Leader of the Council.

3. Race Matters Pledge and Equalities Pledge – Background and summary

- 3.1 The Council's Equality Strategy for Croydon 2020-2024 set out four key outcomes as part of its vision for Croydon to be "*a place of opportunity where everyone can belong, addressing the needs and aspirations of all those who live and work in the borough*". Each of the Outcomes includes a number of core objectives to deliver:

- **Outcome 1: The Council addresses social inequities as a community leader and employer:**
 - o The Council's workforce reflects our diverse communities at all levels
 - o The Council acts as a role model and champions a fair society
 - o We ensure equality training is central to the way work, is regularly undertaken, and is reviewed to meet changing needs

- **Outcome 2: We work with residents to better understand our communities**
 - o Continue to increase our network across seldom heard groups
 - o Information about the Council's work towards tackling inequality is easy to access and understand
 - o Data about local communities is more effectively collected, analysed and used to inform decisions and improve services

- **Outcome 3: Use partnerships to improve access and meet individual needs as they arise**
 - o Enable better education outcomes by offering support to groups who need it most
 - o Support the creation of jobs that enhance quality of life
 - o Services are proactive in targeting group that have accessibility issues as a result of disability, age, mental health, disability, language, digital and/or physical barriers
 - o Inequalities that lead to school exclusions and young people entering the criminal justice system are addressed, specifically for black boys, white working class boys, gypsy roma and travellers, and those accessing free school meals.

- **Outcome 4: People in Croydon are supported to be in good health**
 - o Work with partners to tackle social isolation and bring people together
 - o With our partners use our knowledge of specific health challenges to support improvements
 - o We work with our partners to open the door to health services, and support them to make sure residents know where and how to access services

3.2 Work is progressing to deliver each of these outcome areas but this report specifically addresses work as part of Outcome 1, that *the Council addresses social inequities as a community leader and employer*. As part of this work an Equalities Pledge was developed to commit the council, and all organisations who adopt the pledge, to a number of key actions.

3.3 The Equalities Pledge as updated following public consultation, the details of which are set out at Sections 4 and 5 of this report, commits organisations to:

- Positively promote the equality of opportunity for individuals of all characteristics namely: disability, gender, race, age, sexual orientation, religion and belief, marriage and civil partnership and gender identity by recognising significant celebrations and awareness days and ensuring that work place practices do not discriminate against any groups

- Ensuring that there is mandatory training for **all** staff at **all** levels in equality, diversity and inclusion every two years, attendance is monitored and 100% targets set with staff and managers held to account
- Ensuring a zero tolerance approach to all forms of discrimination, harassment and bullying, publicising the staff code of conduct, providing staff with information on what it is and encouraging people to safely challenge this where it occurs ensuring that people are not treated less favourably for doing so
- Positively encouraging applications from diverse and under-represented groups when advertising for posts and taking actions to respond to under representation in this area identified by organisational data
- Using anonymous recruitment processes which don't reveal details of race, age, gender, disability or socio economic status
- Identifying and annually publishing pay gaps based on ethnicity, disability and gender and putting actions in place to reduce such pay gaps
- Providing reasonable adjustments for disabled staff in interviews and employment
- Developing and agreeing an equality policy for the organisation which all staff sign up to, and reviewing it every 3 years
- Collecting data on the protected characteristics of staff and aiming to have a workforce which reflects the Croydon community by using positive action recruitment practices and encourage career development for underrepresented staff.
- Undertaking annual staff surveys to identify the impact of organisational actions on employees lived experience and psychological safety at work

3.4 The brutal murder of George Floyd in May 2020 shocked the world and rightly brought greater focus to the ingrained racism and inequalities faced by black communities globally.

3.5 The Council lit up the Town Hall on 2 June 2020, as a gesture of solidarity for George Floyd. In addition, on 4 June 2020, approximately one hundred people took the knee outside of Croydon Town Hall to show solidarity as a community. The Council also made a commitment to improve the lived experiences of the black community in the borough and the Council's workforce. The Race Matters Pledge was developed as result of this commitment.

3.6 The Equality Strategy 2020 -2024 set out an action to develop an Equalities Pledge, which would include the principles of the Black Lives Matter Charter and our support for all protected characteristics. Following the brutal murder of George Floyd, and engagement with staff and community groups about tackling racism, it was agreed with the Cabinet Member responsible for equality and inclusion, that we should introduce a specific complementary race pledge, rather than incorporate principles of the Black Lives Matter Charter within the wider equalities pledge. This additional pledge would be aimed at positive action to tackle racism faced by people of African, African Caribbean and African Latin heritage. This started as a Croydon Black Lives Matters Pledge. However, following feedback from the community steering group and Cabinet Members, where there was concern about confusion between the Black Lives

Matters movement and the Council's pledges, the pledge was rebranded as the Race Matters Pledge.

- 3.7 The Council worked with a range of community organisations during 2020 to form a steering group to develop a Race Matters Pledge and Equalities Pledge. The aim was to challenge organisations, including the Council itself, to stretch their ambitions to change persistent structural and institutional racism faced by people of African, African Caribbean and African Latin heritage.
- 3.8 The consultation response to the draft Race Matters pledge highlighted that the reason for the separate pledge and its connection to the original pledges resulting from the Black Lives Matter movement was not clear to all. Some individuals stated that George Floyd's murder was too far in the past and holds little relevance today. As a result, this report recommends that we retain the specific race pledge, and rename it the George Floyd Race Matters Pledge, in honour of George Floyd and so that the background for the pledge is clearly understood.
- 3.9 Following feedback from the public consultation detailed at sections 4 and 5 of this report, the proposed George Floyd Race Matters Pledge commits organisations to:
- Stating that we are an anti-racist organisation
 - Committing to zero tolerance of racism from employees, residents, customers and service users by challenging racist behaviour or stereotypes expressed by individuals
 - Developing our knowledge of anti-racist practice by listening and responding to experiences of staff and the wider community
 - Developing an understanding of the role that power, privilege, identity and disadvantage that impacts on the lived experience of all staff in particular those from African/African Caribbean, other African heritage communities
 - Undertaking whole workforce training on unconscious bias and encouraging staff to safely challenge such bias during day to day conversations
 - Developing cultural awareness by learning more about African/African Caribbean and African other history and cultural practices to develop understanding of staff and customers through podcasts, videos, documentaries and by attending events
 - Promoting good relationships between groups which share cultural similarities and those that don't by encouraging communities to celebrate together as one
 - Identifying and addressing any ethnicity pay gaps
 - Ensuring that recruitment processes from application, shortlisting, interview and appointment conducted in a manner that facilitates positive action in recruitment such as media campaigns, advertising imagery and interview panels that represent the diversity of the borough's population where possible
 - Developing plans to address challenges where race may not be the only factor and the needs of people may also be in relation to: disability, age, sexual orientation, gender or other protected characteristics.

- 3.10 Both pledges were originally divided into both individual and organisational commitments. The original pledges are attached in Appendix 1, along with the consultation responses.
- 3.11 As set out in Section 5 of this report, following consideration of the consultation feedback it is no longer recommended to separate the pledges into individual and organisational elements but to focus them on organisational commitments which individual members of the organisation could adopt. If agreed, it is expected that the Council will work to encourage organisations across Croydon to adopt both the Equalities and George Floyd Race Matters Pledges.

4. CONSULTATION

- 4.1 Two consultation stages were undertaken, with the results informing next steps. This section is therefore set out in two stages, outlining the details of the consultation responses in order.

Results - Consultation One – 23 June – 15 August 2021

- 4.2 The first consultation was held during 23th June- 15th August. It was a survey shared on the council's consultation platform, Get Involved.
- 4.3 The initial consultation received 82 responses, which was lower than anticipated. However the responses provided valuable feedback on both pledges.

Response demographics

- 4.4 The Borough has a wide and diverse population. A full breakdown can be found in the Borough profile on the Council's website. It is important to acknowledge at the outset that the responses to the consultation do not provide a completely representative sample of the community. However, the consultation has provided quality feedback which is analysed later in this report.
- 4.5 The largest groups of respondents were female and heterosexual. Our survey enabled respondents to opt out of sharing information. The demographics of the respondents are detailed in the following paragraphs by characteristic.
- 4.6 The sexual orientation of respondents was largely heterosexual, 72 respondents identified as heterosexual, 3 respondents identified as gay, 3 identified as bi sexual and 1 respondent stated that they preferred not to say and 1 respondent marking other.
- 4.7 The ethnicities of respondents were largely White British or White other backgrounds 44% and Black, Asian and mixed backgrounds 49%.
- 4.8 The majority of responses were in the 25 – 54 age group which had 53% of responses. There were also 40% of responses in the 55 + age group. Young people were unrepresented in the responses with only 1% of respondents been

aged between 15- 24 years.

- 4.9 The majority of respondents were not disabled, however nearly a quarter of respondents had disabilities
- 4.10 Respondents came from all wards in the borough with the exception of Bensham Manor, Selhurst and West Croydon. Respondents living outside of Croydon noted their links to the borough e.g. working in Croydon, children attending school in Croydon. The largest group of respondents came from outside of the borough.
- 4.11 A second consultation was therefore undertaken. Details are set out later in this section.

Responses to the Race Matters Pledge and Equalities Pledge (Consultation one)

- 4.12 The consultation was in the form of a series of questions about both pledges. The overall response to both pledges was positive. The following paragraphs detail both the questions asked and the responses received.

Race Matters Pledge

- 4.13 Respondents were asked if they agreed with the principles of the Race Matters Pledge. There was a largely positive response to this question with 60 respondents agreeing, 16 respondents disagreeing and 6 respondents stating that they did not know.
- 4.14 The themes identified in support of the principles of the Race Matters Pledge were that it was fair, reasonable and necessary in a multi-cultural society and a positive step towards diversity and anti-racist behaviour.
- 4.15 The key themes amongst respondents that disagreed with the principles of the Race Matters Pledge were varied, including:
- too slow in taking action
 - trying to deny the existence of racism
 - virtue signalling
 - Equality legislation was sufficient and no further action was required
 - pledge was solely targeted at the African, African Caribbean, African Latin communities, with comments that the pledge shouldn't be targeted at just Black people, and comments that it should also include White and Asian people
- 4.16 The consultation asked if anything was missing from the Race Matters Pledge. Responses provided developmental feedback including:
- educating people by teaching colonialist and pre-colonialist history accurately
 - recognising intersectionality, the principle of individuals identifying themselves through more than one characteristic or more than one intrinsic factor, such as social class or representation of disabled black people
 - include the engagement of both black children and parents

- emphasise shared similarities with other ethnic groups
- references to social inclusion and eradicating deprivation and inequalities
- ensuring that people from diverse communities could have an input in the co design of council services
- include a section on race on the Council's intranet to enable people to access as required.

Equalities Pledge:

- 4.17 The consultation asked respondents if the need for the Equalities Pledge was clear. Again, there was a largely positive response with 66 respondents agreeing to the principles, 10 respondents disagreeing and 6 respondents stating that they did not know.
- 4.18 Those respondents that stated that the need was clear made reference to feelings of being valued and a sense of belonging and also stated that the disparities in the borough were clear. Those respondents that stated that the need for the Equalities Pledge were unclear stated that the need hadn't clearly been identified, the Council should deal with internal issues first and that there was confusion between the Race Matters Pledge and the Equalities Pledge.
- 4.19 Respondents were asked what was missing from the Equalities Pledge. The responses suggested that individuals needed to be trained on anti-racism and unconscious bias and that this could be offered by the council. There was feedback that individuals should respectfully discuss their learning with regard to equality with others and have difficult conversations with family and friends. It was also suggested that all organisations should have an equality policy.
- 4.20 Respondents were asked for their views on the example actions that were included. Some responses stated that positive action goes against inclusion and equality, that there was too much emphasis on difference and that the pledges were a tick box exercise.

Stage One consultation overview

- 4.21 The mean 'agree' scores from both pledges were very similar; 71% for the Race Matters Pledge and 72% for the Equalities Pledge. A key point to note was that respondents were keen to see the pledges translated to tangible actions.
- 4.22 Very regrettably, some respondents took the opportunity to spread racial hatred through their consultation responses. This was reported to the Police, however, further action was not possible due to the anonymous nature of the survey.

Developing stage 2 consultation

- 4.23 It was recognised that 82 respondents was not reflective of the views of the borough. It was therefore agreed to undertake a further consultation to gain more insight from the voice of the residents, employees and visitors to the borough. A target of 300 responses was agreed.

4.24 Prior to undertaking an additional consultation, the responses were reviewed to address the feedback given in the responses. A summary of consultation feedback and response is included in Appendix 1.

Consultation Two – 26 October –17 November 2021

- 4.25 The second consultation took place between 22 October 2021 and 17 November 2021. An engagement plan was produced, identifying a corporate approach to try and increase responses to the target of 300.
- 4.26 The revised survey was uploaded to the council's consultation forum Get Involved. Presentations on the pledges were delivered both internally and externally. Departmental Management Teams received presentations to enable directors, heads of service and managers to cascade details to their teams and external networks.
- 4.27 Presentations were also delivered to all Staff Network Groups and externally to the Women's Safer Communities Group and the Head Teachers Curriculum Group. Articles were developed for a number of different stakeholders which included the link to the pledges.
- 4.28 Officers worked with community partners: the BME forum, CVA and Asian Women's Forum publicised the consultation on their websites; the BME forum also produced a flyer. Details were sent to all of voluntary sector partners and faith groups. Information was cascaded to community groups in the borough via face to face meetings at a range of community events, including youth services.
- 4.29 Details were sent to all businesses on the Council's business network and suppliers.
- 4.30 Information was included in newsletters circulated to all Children, Young People & Education stakeholders, as well as adult education service users and staff.
- 4.31 The Council published a press release, along with articles on the intranet and internet and other social media platforms.
- 4.32 The Council Leader cascaded the articles and links through the weekly message. All Councillors were encouraged to share information through their local networks.
- 4.33 The corporate approach delivered a higher yield of responses. 325 responses were received during the second consultation. The following paragraphs outline, the responses to the second consultation of the Race Matters and Equalities Pledges.

Consultation two: demographics

4.34 In line with the first consultation, the respondents were mainly female (62%) and mainly heterosexual (77%).

- 4.35 With regard to ethnicity the majority of respondents were from a White background, including White Irish and White other (54%). The next largest group of respondents were from a BAME background which included respondents from the Black, Asian and other communities (25%).
- 4.36 The second survey had a slight increase in responses from young people (2%). The largest age group that responded remained, 25 -64 years old (52%). The consultation did, however, attract responses from the 65 + age group (6%).
- 4.37 There was a decrease in the proportion of responses from Disabled respondents (12%), the largest response group was Non-Disabled (73%).
- 4.38 The majority of responses were received from Croydon residents, though 92 responses were from people who did not live in the borough. We can assume that these respondents have an interest in the borough, either in a work based or visitor context. All wards were represented in the second consultation.
- 4.39 The consultation presented the pledges in respect of individual commitments and organisational commitments to the pledges; as they were in the earlier consultation.

Race Matters Pledge for Individuals

- 4.40 The majority of respondents, 90%, stated that the pledge was clear, 10% of respondents stated that the pledge was unclear.
- 4.41 When asked what would make the pledge clearer, the largest group of respondents said a reference to the Asian community (35 responses). The next largest group of respondents stated that the pledge needed to be less specific (31 respondents). By contrast, 1 respondent said that the pledge needed to be more specific.
- 4.42 A number of respondents, 18 in total, stated that there needed to be changes to the wording, punctuation or spelling. A total of 7 respondents expressed concern at the accessibility of the pledges to neurodiverse individuals, (people with dyslexia and other learning challenges).
- 4.43 When asked what was missing from the pledges, there was a clear theme around respondents disagreeing that the Race pledge should be targeted at the African, African Caribbean and African Latin communities only. The largest number of respondents (94) said that other communities, such as the Asian and White communities were missing from the pledge.
- 4.44 A theme emerged about being more specific on how racial discrimination would be eradicated. A number of respondents (16) thought that the pledge was lacking reference to being anti-racist and challenging racial discrimination. A further 13 respondents said that the pledge lacked an emphasis on challenging inequalities during face to face conversations when issues were raised.

- 4.45 Another theme was community cohesion. Some respondents, 8 in total said that the pledge lacked on emphasis on respecting other cultures. Similarly, 7 respondents said that the pledge lacked an emphasis on coming together as a Croydon community.
- 4.46 There was a theme around Intersectionality which features in the responses of 7 individuals who thought that the pledge should address the issue of dual identities, such as race and disability or sexual orientation.
- 4.47 There was a theme around education, training and awareness with regard to the pledges. In total, 6 respondents thought the pledge should address the history of race related issues. Five respondents stated that the pledge should include an understanding of cultural differences. Two people felt that the pledge needed clarity on how staff would be trained to understand cultural differences.
- 4.48 A theme emerged around monitoring of the pledges. Questions were raised by 6 respondents about how the pledge would be monitored. Two people queried what change the pledge would produce.

Race Matters Pledge Commitments for Organisations

- 4.49 The majority of respondents, 90% thought that the pledge was clear for organisations. There was almost identical to the responses raised for individuals about what was unclear in the pledges:
- 32 respondents thought that the pledge should be less specific; 4 thought that the pledge should be more specific
 - Accessibility of format (font size, background colour, wording, spelling and punctuation). 11 respondents stated that they had difficulty in understanding the pledge for reasons relating to language.
 - 69 respondents thought that the pledges needed to include other communities, e.g. the Asian community and the White community.
 - Actively challenge discrimination and make reference to being anti-racist
 - How the pledge would be recorded and monitored
- 4.50 There was a new theme about representation in that the Council and other organisations should have a workforce that reflects the community. This was mentioned by 6 respondents.

Equalities Pledge for Individuals

- 4.51 The majority of respondents, 83% in total said that this pledge was clear. By contrast 17% of respondents said that the pledge was unclear.
- 4.52 A number of key themes emerged with regard to what would make the Equalities Pledge clearer. 32 respondents said that the pledge needed to be less specific, whilst 4 respondents stated that the pledge needed to be more specific.
- 4.53 Another theme was about the clarity of the pledge in relation to wording,

punctuation and general understanding of the pledge. 18 respondents identified this as a key theme. 8 Respondents commented about how accessible the format of the pledge was to neurodiverse individuals. There was also a theme around language and accessibility expressed by 17 respondents, including that the pledge was too long.

- 4.54 There was a large theme related to the content of the pledges which referred to a number of different areas, such as the expansion of the protected characteristics in the pledges and more information about the monitoring framework. The monitoring framework was part of a key theme about the implementation of the pledges. A large number of respondents (37) identified other key areas in relation to implementation such as training around the pledges and how they would be promoted.
- 4.55 There was a new theme that expressed that the pledges should not be based on Critical Race Theory, which is based on the premise that race is a social construct as opposed to being demoted by biological characteristics and behaviours assigned to others, and that there is racism inherent in the law and in institutions. This was not the basis for the pledges, but they do seek to recognise that racism and discrimination do remain within our society and organisations, with further actions needed to tackle this

Equalities Pledge for Organisations

- 4.56 There was an increase in the number of respondents who thought this element of the pledge was clear (95%), in comparison with 83% who thought that the individual commitments were clear.
- 4.57 In relation to what would make the pledge clearer, there were similar themes in the responses:
- omission of the implementation framework of the pledges (17 respondents)
 - all of the protected characteristics should be visible in the pledges (16)
 - order of the commitments, issues of understanding and lack of examples in the pledges (16)
 - language, wording and punctuation (14)
 - More examples of fair recruitment (9)
 - some commitments should be removed or merged with others (3)
 - what difference the pledges would make to people's lived experience (2).

Feedback from Staff Network Groups (as part of second consultation)

- 4.58 The pledges were presented to the staff network groups via a workshop and sessions used to facilitate staff accessing the consultation forum and giving their views on the pledges. Group members were encouraged to ask questions on the pledges and to seek clarification on issues with regard to the process, background and intended outcome of the pledges.
- 4.59 Though questions were raised and responded to at all workshops the most notable responses came from the Race Equality Network during a workshop delivered on 9 November. This highlighted disappointment from African,

African Caribbean and other staff of African heritage at what they considered to be the failure of the organisation to act in the interests of African/African Caribbean staff.

- 4.60 Staff spoke passionately about what they considered to be historical failures of the organisation to act on issues around fair treatment, promotion of staff and organisational actions to ensure a workforce that reflects the community at all levels. Particular reference was given here to the organisations leadership and recent interim appointments not being reflective of the Croydon Community. (Details about the equality actions taken in the senior management requirement are listed later in this report).
- 4.61 Concern was also expressed at the organisational culture and the need to create psychological safety that enables everyone to share their views and lived experience. Members highlighted that some people had not engaged in recent consultations as a result.
- 4.62 Within the Race Equality Network there were also staff that support the pledges, and there was support for the pledges across the staff networks. The overall theme was that staff wanted to see clear action and progress now, as opposed to in the future.
- 4.63 It is also important to note that, as part of the developing Culture Change strategy, there have been a number of activities launched in 2021 to support staff, including a Guardians programme and Safe Spaces initiative.
- 4.64 The Council has launched a Guardians programme to support all staff to feel able to take control of situations that cause them concern in the workplace – such as perceived bullying or inappropriate behaviour. It provides staff with a safe space to confidentially share concerns about behaviour or the culture at Croydon, talk through issues and be signposted to relevant support and guidance by specially trained members of staff. Guardians respect and maintain absolute confidentiality over issues raised with them except in cases in which the issues might amount to a criminal offence. The Guardians programme complements existing support for staff such as our HR team and policies, our staff networks, Trade Union representatives and our Employee Assistance Programme.
- 4.65 The Safe Space initiative was set up to provide an opportunity for Ethnic minority colleagues and allies to speak freely with their peers, equalities manager, and representatives from the department leadership in a safe space. Attendees were able to make their voice heard and make sure that the issues they wanted to be addressed were heard by senior leadership.
- 4.66 A series of Space Spaces Tea Break meetings have been held, convened by the different staff networks. The important conversations that took place covered a wide-range of issues around equality in the workplace and looked at the type of action that could be taken to bring about meaningful change.

Consultation overview and key considerations

- 4.67 In total both consultations yielded responses from 429 residents, workers and visitors to Croydon, including employees of the Council.
- 4.68 There was a positive response with regard to both pledges overall, however, a large number of responses were unclear of the need for, or expressed disagreement with, the Race Matters Pledge being targeted towards communities of African, African Caribbean/African Latin heritages only. It is suggested that because this pledge was called the Race Matters Pledge there was potentially an expectation that the pledge would encompass all ethnicities and because this was not the case, some respondents were unaccepting of the need for the Race Matters Pledge.
- 4.69 Though it was clearly communicated why the pledge was designated to ethnicities of African origin, the issue of inclusion of all ethnicities still arose. It is therefore recommended that a new title should be developed for the Race Matters Pledge. An alternative option would be to broaden the pledge to tackle all forms of racism, or develop a further pledge to do so. Given the development of the Race Matters pledge, and its focus, came as a result of engagement during the Black Lives Matters protest, it is recommended that the Council retain this. A further pledge could be developed at a later date, and further strengthen actions in this area. This option will be monitored by the Equality, Diversity & Inclusion Internal Control Board and considered in future equality annual reports.
- 4.70 It is recommended that this pledge should be called the George Floyd - Race Matters Pledge. This would help to place the focus on the rationale for the pledge along with placing the pledge at a particular period of global recognition of historic patterns of systemic racism present in society with regard to people of African heritage.
- 4.71 All ethnicities will be encompassed in the Equalities Pledge so such action will not disadvantage any characteristic or community.
- 4.72 The views of the 27.5% of respondents who have stated that the Race Pledge should include other ethnicities have been considered. The Equality Strategy 2020 -2024, as adopted by Council, committed to the development of an Equalities Pledge. As set out earlier in the report, this action was widened to include the Race Matters Pledge following engagement with staff and community groups after the murder of George Floyd. Two subsequent public consultations have also outlined support for both pledges.
- 4.73 As a community Leader, it is important that the Council honour its commitment to the Race Matters Pledge. It is a question of integrity that this commitment be carried out and the Race Matters Pledge remain specifically for the African, African Caribbean and African Latin communities and the Equalities Pledge consist of all other ethnicities along with the remaining equality characteristics. This decision is in line with Outcome 1 and 2 of the adopted Equality Strategy:
- The Council addresses social inequities as a community leader and employer

- The Council acts as a role model and champions a fair society
- 4.74 Respondents also showed positivity towards the Equalities Pledge, particularly for organisations. It was felt the Equalities Pledge should include more reference to all protected characteristics along with other ethnicities. It should be noted that the differential of both pledges will not result in discrimination against any equality characteristic.
- 4.75 A key theme was that whilst respondents feel the pledges look good on paper, they now want to see action and change in terms of lived experience. The aim of both pledges is that they achieve an improvement in lived experience for both residents, employees, Croydon council staff and visitors eradicating both racism and other forms of discrimination and making the borough a more inclusive and safer place to live and work, where everyone feels valued.

5 CHANGES TO THE PLEDGES ARISING FROM THE CONSULTATIONS

- 5.1 The analysis of consultation responses for both pledges, raised a number of questions:
- How both pledges would be monitored and developed?
 - Who they would be aimed at?
 - How individuals and organisations could commit to the pledges following the launch?
 - What committing to the pledges would look like?
 - How would the community continue to be involved with the pledges
 - Who would be responsible for monitoring and leading the work arising from the pledges?
- 5.2 These questions were considered against the resources within the Council, which at present includes 1 FTE specialist Equality Programme Manager (although the senior restructure report confirmed the ambition for this to increase) and the capacity required to monitor performance of both individual and organisational commitment to the pledges. It was noted that individual commitments would also have GDPR ramifications as individuals would be required to share their personal data.
- 5.3 The purpose of both pledges was to engender a societal change in the borough and cultural change at the Council and other Croydon places of employment and volunteering. Change would need to take place on the individual, team and organisational level to facilitate this.
- 5.4 It is proposed that individual commitments to the pledges could be demonstrated within organisations that sign up to the pledges, with individuals adopting branding to place on their email signatory stating that they have committed to the Croydon George Floyd -Race Matters Pledge and the Croydon Equalities Pledge. The branding could be similar to those used for Mental Health First Aiders or supporters of other societies. As a result, it is proposed that the pledges retain an organisation focus only.
- 5.5 It is also proposed that the key focus on commitment to the pledges should be on the organisational level. The commitment from organisations should include

best practice activities regarding equality, diversity and inclusion, similar to the Mayor's Good Work Standard. This would again involve organisations adding pledges branding to their organisational branding.

- 5.6 Each pledge will consist of 10 workplace activities that will improve organisational practice with regard to equality, diversity and inclusion. It is acknowledged that organisations who commit to the pledges will be of varying sizes and in a range of different sectors. It is therefore suggested that each organisation commit to undertaking a minimum of 3 activities per year, and therefore producing incremental change year by year. This would result in completion of activities and an improvement in equality, diversity and inclusion performance by 2025.
- 5.7 Whilst the Community Steering Group supported the developed of the pledges, they are seeking leadership from the Council to encourage other organisations to commit to the pledges. The Council will therefore lead and take ownership of the pledges along with monitoring the intended outcomes going forward, with support and input from community groups.
- 5.8 Internal and external communication will continue leading up to the launch of both pledges later in the year in order to gain commitment to the improvement activities outlined in the pledges.
- 5.9 Monitoring against the George Floyd Race Matters and Equalities pledges will report to the Councils Equality, Diversity & Inclusion (EDI) Internal Control Board. Briefings will be brought to the proposed Cabinet Advisory Board. Community representatives on the Race Matters and Equalities Matters Steering group will be invited to the EDI Internal Control Board from time to time to discuss both pledges and other equality issues impacting on the community. There may also be opportunities for this to happen at the proposed Cabinet Advisory Board.
- 5.10 The monitoring framework will take the form of an Annual Report produced by the Council and all organisations that commit to the pledges, identifying the actions that each organisation has undertaken to improve their performance with regard to EDI. The report will be published on an annual basis as part of the Council's Annual Equalities Report. Committed organisations will be encouraged to publish their own annual reports during May of each year, where they will be considered and reviewed by the EDI Internal Control Board.
- 5.11 The final pledges, as amended and recommended for adoption, are set out in Appendix 2.

6 ISLAMOPHOBIA DEFINITION

- 6.1 As stated throughout this report, the Council has maintained a commitment to equality diversity and inclusion with a priority to tackle ingrained inequality and poverty in the borough, following the evidence to tackle underlying causes.
- 6.2 This includes tackling Islamophobia.

6.3 At the Council meeting on 13 December 2021, the following motion was approved:

“This Council expresses alarm at the rise of Islamophobia in recent years across the UK, and around the world. In Croydon we have seen an increase in reports of hate crime, including Islamophobic hate crime incidents, of 35% between 2017-2020. (Croydon Community Safety Strategy 2022-24)

This Council is committed to fighting Islamophobia in all its forms. We welcome the All-Party Parliamentary Group (APPG) on British Muslims’ definition of Islamophobia, which has been backed by hundreds of organisations and institutions.

The APPG on British Muslims working definition of Islamophobia reads as follows and includes the subsequent contemporary examples of Islamophobia: “Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.”

Contemporary examples of Islamophobia in public life, the media, schools, the workplace, and in encounters between religions and non-religions in the public sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, instigating or justifying the killing or harming of Muslims in the name of a racist/fascist ideology, or an extremist view of religion.*
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Muslims as such, or of Muslims as a collective group, such as, especially but not exclusively, conspiracies about Muslim entryism in politics, government or other societal institutions; the myth of Muslim identity having a unique propensity for terrorism, and claims of a demographic ‘threat’ posed by Muslims or of a ‘Muslim takeover’.*
- Accusing Muslims as a group of being responsible for real or imagined wrongdoing committed by a single Muslim person or group of Muslim individuals, or even for acts committed by non-Muslims.*
- Accusing Muslims as a group, or Muslim majority states, of inventing or exaggerating Islamophobia, ethnic cleansing or genocide perpetrated against Muslims.*
- Accusing Muslim citizens of being more loyal to the ‘Ummah’ (transnational Muslim community) or to their countries of origin, or to the alleged priorities of Muslims worldwide, than to the interests of their own nations.*
- Denying Muslim populations the right to self-determination e.g., by claiming that the existence of an independent Palestine or Kashmir is a terrorist endeavour.*
- Applying double standards by requiring of Muslims behaviours that are not expected or demanded of any other groups in society, e.g. loyalty tests.*
- Using the symbols and images associated with classic Islamophobia (e.g. Muhammad being a paedophile, claims of Muslims spreading Islam*

by the sword or subjugating minority groups under their rule) to characterize Muslims as being ‘sex groomers’, inherently violent or incapable of living harmoniously in plural societies.

- *Holding Muslims collectively responsible for the actions of any Muslim majority state, whether secular or constitutionally Islamic.*

This Council supports the Executive’s intention to adopt the above definition of Islamophobia as set out by the APPG on British Muslims and will continue to engage with local Muslim community groups and organisations to combat this hatred. This Council calls on the government to follow suit and adopt the APPG definition, sending a clear message that any and all forms of Islamophobia will not be tolerated in our communities.”

- 6.4 As set out in the wording of the Motion, it is for the Cabinet to adopt definitions such as these. It is therefore recommended that this definition be adopted. It is further recommended that the Interim Assistant Chief Executive be authorised to make amendments to Council policies and procedures to incorporate the All-Party Parliamentary Group on British Muslims definition of Islamophobia as relevant.

7 EQUALITY, DIVERSITY & INCLUSION ACTIONS AND GOVERNANCE

- 7.1 The Council has committed to a wide ranging programme of actions within the Equality Strategy. Progress against this strategy is reported as part of the annual Equality Report – which will next be reported to Cabinet in March 2022.
- 7.2 The Council has been delivering a range of actions alongside developing and consulting on the pledges set out above. There has been a particular focus on creating a safe, inclusive culture that encourages staff to challenge behaviours and discrimination, and increase awareness and understanding of racism and other forms of discrimination.
- 7.3 Within section 4 above, details were provided of the Guardians programme and Safe Spaces initiative, which are a key part of creating this culture.
- 7.4 Mandatory training has been introduced for all staff and managers on racial inequality in the workplace. The first module explores the uncomfortable truths surrounding racial inequality in the workplace, seeking to take staff beyond the previous training on unconscious bias and understand the issues around racism in the United Kingdom, and hear from people sharing lived experience of dealing with racism in their daily lives. The second module, ‘the uncomfortable conversation’, is aimed at leaders and managers. The training seeks to equip them with the skills, techniques and awareness to have meaningful conversations across the organisation about racism. The training modules were developed by Learning Pool with support from the Centre for Inclusive Leadership.
- 7.5 In line with commitments in the pledges, the Council has made a number of changes to our recruitment practices:
- Ensuring interview panels are diverse

- Anonymised shortlisting
 - Guaranteed interview scheme for applicants with a disability
- 7.6 Within the Equality Strategy, the Council has continued its commitment for staff at all levels of the organisation to represent the communities that we serve. We recognise that there is more to do here, and there has been a strong diversity commitment within the current senior management recruitment. When seeking proposals from recruitment consultants, the largest scoring criteria was in relation to equality and diversity, with submissions needing to set out in detail their strategy for promoting a diverse range of applicants and demonstrating their experience of securing diverse shortlists. As part of the recruitment process, diversity analysis reports have been presented to the Appointments Committee.
- 7.7 For a number of years the Council has gone above the legal requirements for reporting pay gaps. The annual Equality report has set out the gender pay gap in the organisation, but also the ethnicity pay gap.
- 7.8 Within the senior restructure report adopted by Council in July 2021, the Chief Executive outlined proposals for Internal Control Boards for key corporate governance matters.
- 7.9 The first Internal Control Board has been established and it is the Equality, Diversity & Inclusion Board, chaired by the Chief Executive. The Board provides strategic oversight of the delivery of EDI and Cultural Transformation strategies and action plans. The Board includes representatives (below Director level) from all Directorates, as well as staff networks and staff working on EDI matters.
- 7.10 The Boards initial work is focused on the following four core priorities:
- Ensuring there is a shared understanding of organisational priorities
 - Develop clear metrics and our baseline to be monitored and tracked
 - Communications and ensuring transparency of the Board and its activities
 - Allow opportunities for external partner voice and reflections
- 7.11 Each priority area is undertaken by a project team within the Board and provides a report to each meeting on progress. The EDI Board works to a forward plan of activities, with focus on progress against the Equality Strategy and Cultural Change Strategy around the four priorities above. The Board is monitoring and tracking progress against each outcome
- 7.12 The EDI Internal Control Board will also be the voice which ensures that equality issues are truly embedded into the fabric of the Council and the borough itself. The Board will promote issues which make a difference to the lived experience of real people, such as implementing the socio-economic duty of the Equality Act 2010. This addresses our Council priority to tackle ingrained inequality and hardship, like structural racism, environmental injustice and economic injustice.
- 7.13 In respect of governance arrangements, the EDI Internal Control Board will

regularly consider risk to the organisation with regard to the delivery and implementation of the Council's Equality Strategy and Cultural Change Strategy.

- 7.14 It is proposed that a corresponding Cabinet Advisory Board be established and that the Internal Control Board provide quarterly briefings to the proposed Cabinet Advisory Group on progress against EDI and culture change strategies and action plans. This will improve reporting against these key areas (at present there is an annual Equality Strategy report to Cabinet, plus monthly briefings for the relevant Cabinet member).
- 7.15 The Leader will be asked to establish this Cabinet Advisory Board and to agree the Terms of Reference.

8 PRE-DECISION SCRUTINY

- 8.1 The Scrutiny & Overview Committee received numerous reports and provided feedback on the Equality Strategy.

9 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 9.1 There are no direct financial implications or financial risks arising from the report. All work carried out so far along with all future work will be contained within existing budgets.
- 9.2 Challenges on grounds of discrimination and inequality could have financial implications and this will be monitored and reported on a case by case basis.

Approved by: Nish Popat – Interim Head of Corporate Finance

10. LEGAL CONSIDERATIONS

- 10.1 The Head of Litigation and Corporate Law comments on behalf of the Interim Director of Law and Governance and Deputy Monitoring officer that the Public Sector Equality Duty (the Equality Duty) was created by the Equality Act 2010. The duty covers age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation.
- 10.2 The general equality duty is set out in section 149 of the Equality Act 2010. In summary, those subject to the general equality duty (such as the Council) must, when exercising their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.(section 149(1)(a))
 - Advance equality of opportunity between people who share a protected characteristic and those who do not. (section 149(1)(b))
 - Foster good relations between people who share a protected characteristic and those who do not. (section 149(1)(c))

- 10.3 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 10.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities. (Section 149(4))
- 10.5 The Act provides that fostering good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice and promote understanding between people from different groups.
- 10.6 Compliance with the equality duty may involve treating some people more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Equality Act 2010.

Approved by: Sandra Herbert for and on behalf of Interim Director of Law and Governance and Deputy Monitoring Officer

11. HUMAN RESOURCES IMPACT

- 11.1 As set out in the report, the Council is seeking to improve the workplace for all staff, but particularly for those with a protected characteristic. A number of initiatives have already launched to make the workplace more inclusive and provide opportunities for staff to raise concerns. The pledges, and the wider Equality and Culture change strategies, will further improve this position.

Approved by Dean Shoesmith – Chief People Officer

12. EQUALITIES IMPACT

- 12.1 The Council has a statutory duty, when exercising its functions, to comply with the provisions set out in the Sec 149 Equality Act 2010. The Council must, in the performance of its functions, therefore have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 12.2 This proposal incorporates all aspects of Sec 149 and forms the basis of the borough's commitment to ensuring that Croydon is a fairer, safer, more inclusive borough, where everyone has a voice and feels as if they belong. The pledges also incorporate the vision to have a fairer borough free from racism and discrimination.
- 12.3 The proposals in the report seek to advance equality. No characteristics will be treated less favourably in respect of the pledges. The proposals will have a positive impact on each equality characteristic. There is no potential for discrimination or any likely negative impact on any equality characteristic.
- 12.4 An equality analysis has been undertaken and is appended to the report, the details in the equality analysis have been incorporated into this report.
- 12.5 There is a risk of alienating some individuals in that 27.25% of responses stated that the Race Matters Pledge should include other ethnicities such as Asian or white. The rationale for the separate pledge has been set out earlier in the report. An alternative option would be to broaden the pledge to tackle all forms of racism, or develop a further pledge to do so. Given the development of the Race Matters pledge, and its focus, came as a result of engagement during the Black Lives Matters protest, it is recommended that the Council retain this. A further pledge could be developed at a later date, and further strengthen actions in this area. This option will be monitored by the Equality, Diversity & Inclusion Internal Control Board and considered in future equality annual reports.
- 12.6 In order to mitigate this risk, communications will continue to highlight the context of the pledges and emphasise that the Equalities Pledge is encompassing of all ethnicities including Asian, Eastern European, and the white community and that all equality characteristics including disabilities, faith and sexual orientation are also included.

Approved by Denise McCausland, Equality Programme Manager

13. ENVIRONMENT AND CLIMATE CHANGE IMPACT

- 13.1 There are no environmental or climate change implications arising from this report.

14. CRIME AND DISORDER REDUCTION IMPACT

- 14.1 Sec 149 of Equality Act 2010 places a duty on local authorities to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This obligation places a positive obligation on the council and supports both the Council and individuals to reduce crime and disorder by improving relationships between individuals and groups by

encouraging awareness, understanding and communication between groups that share a characteristic and those who don't. . .

15. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 15.1 This action is recommended because it fulfils an action within the adopted Equality Strategy 2020-24.
- 15.2 It also supports the Council in fulfilling its legal duty to promote equality under Section 149, Equality Act 2010. The basis of the pledges is raising awareness and tackling discrimination and inequality. The recommendations are also focused on the Council's core priorities as detailed "We will focus on tackling ingrained inequality and poverty in the borough. We will follow the evidence to tackle the underlying causes of inequality and hardship, like structural racism, environmental injustice and economic injustice."

16. OPTIONS CONSIDERED AND REJECTED

- 16.1 The Cabinet could consider the following alternative options, although these are not recommended for the reasons stated:
- Not adopt the pledges (this will not support the Council's priority to tackle inequality)
 - Delay the adoption and request further consultation or engagement, further amendments or alternative pledges (feedback from the first two consultations has already raised concern about the time taken to consult on the pledges, and the need to move to action and delivering meaningful change for residents facing discrimination and inequality).

16. DATA PROTECTION IMPLICATIONS

16.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

16.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

NO

The Director of Policy, Programmes & Performance comments that the proposals will not involve the processing of personal data. Any data collected will be sought solely for statistical purposes and collected in respect of group identification for monitoring purposes. No personal data will be collected.

Approved by: Gavin Handford, Director of Policy, Programmes & Performance

CONTACT OFFICER:

Denise McCausland, Equality Programme Manager:
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denise.mccausland@croydon.gov.uk

APPENDICES TO THIS REPORT

Appendix 1: Consultation responses August and November 2021

Appendix 2: Final pledges

BACKGROUND PAPERS:

None

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Consultation

The original pledges are set out below, and were subject to the public consultations as set out in the report.

CROYDON RACE MATTERS PLEDGE

As an organisation we commit to:

1. Listening and developing an understanding of the experiences and needs of African, African Caribbean/American/Latin employees, service users and customers, and use this to challenge persistent structural and institutional racism
2. Providing and encouraging staff to take training and do things to improve knowledge of race
3. Having a fair recruitment process which looks at people's ability to do the job rather than their race
4. Providing more opportunities for people of African, African Caribbean/American/Latin heritage to develop themselves and their career
5. Encouraging and promoting good relations between those who share the same background and those who don't



CROYDON RACE MATTERS PLEDGE

As an individual I commit to:

1. Embrace, value and celebrate the diversity of our community
2. Learn about Race by either reading, listening to podcasts, watching videos and attending events
3. Take opportunities to learn and share knowledge about African, African Caribbean/American/Latin history, cultures and matters affecting these communities
4. Encourage and promote good relations between those who share the same background and those who don't



CROYDON EQUALITIES PLEDGE



As an organisation we commit to:

1. Encouraging the promotion of equality, diversity and inclusion in our organisation
2. Listening to and developing an understanding of the experiences and needs of those from underrepresented groups, using the information to make the workplace more accessible and inclusive
3. Having a fair recruitment process which looks at people's ability to do the job rather than a person's race, color, sex, age, national origin, religion, genetic information, disability etc
4. Reviewing the diversity of our organisation's workforce so it reflects the Croydon community at all levels, setting goals to address any improvements needed
5. Encouraging and promoting good relations between people from different backgrounds
6. Embracing, valuing and celebrating the diversity of our community
7. Sharing good equality practice and improving equality outcomes by monitoring the different equality groups in our workforce, using the information to identify how well groups are progressing
8. Addressing and challenging all forms of bullying, harassment and discrimination in a timely manner
9. Measuring and sharing our equality progress and success with staff and others

CROYDON EQUALITIES PLEDGE



As an individual I commit to:

1. Embrace, value and celebrate the diversity of our community
2. Share good examples of equality in action by looking at day-to-day issues from another group's shoes
3. Stand up to bullying and harassment where you work, volunteer or shop by challenging unacceptable behaviour if and when you see it?
4. Encourage and promote good relations between those who share the same background and those who don't
5. Learn about equalities by reading, listening to podcasts, watching videos and attending events

Consultation One (July-August 2021):

1. Demographics:

2. Which of the following best reflects how you would describe your gender identity?

More Details

Male	21
Female	59
Non-binary	1
Prefer not to say	1
Other	0



We defined sex as identifying with either female or male. We defined gender as being subjective enabling individuals to self-construct how they perceived their own identity.

3. What is your sexual orientation?

More Details

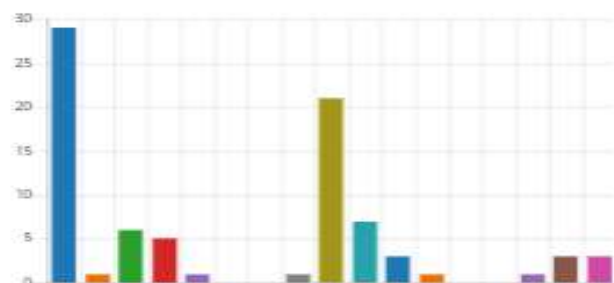
Bi/bisexual	3
Gay/lesbian	3
Heterosexual/straight	72
Prefer not to say	3
Other	1



4. What is your ethnicity? (if your ethnicity is not shown please provide in "Other")

More Details

White- British	29
White- Irish	1
Any other White background	6
Asian- Indian	5
Asian- Pakistani	1
Asian- Bangladeshi	0
Asian- Chinese	0
Any other Asian background	1
Black- Caribbean	21
Black- African	7
Any other Black background	3
Mixed- White and Black Carib...	1
Mixed- White and Black African	0
Mixed- White and Asian	0
Mixed- Any other mixed back...	1
Prefer not to say	3
Other	3



2. Responses to Principles of the Race Pledge

10. Do you agree or disagree with the principles of the Croydon Race Matters Pledge?

[More Details](#)

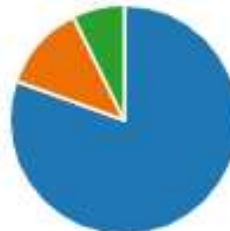
● Agree	60
● Disagree	16
● Don't know	6



23. Do you agree or disagree with the principles of the Croydon Equalities Pledge?

[More Details](#)

● Agree	66
● Disagree	10
● Don't know	6

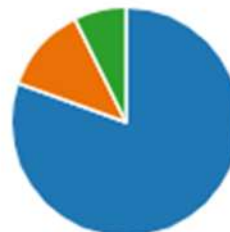


3. Responses to Principles of the Equality Pledge

23. Do you agree or disagree with the principles of the Croydon Equalities Pledge?

[More Details](#)

● Agree	66
● Disagree	10
● Don't know	6



The below is a summary of the key feedback themes and response:

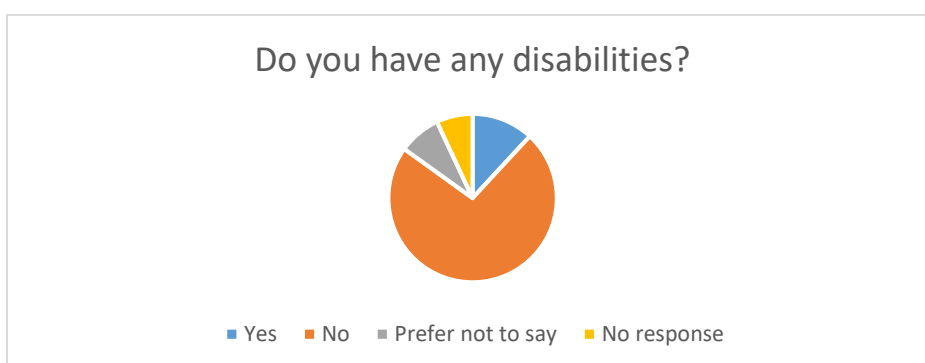
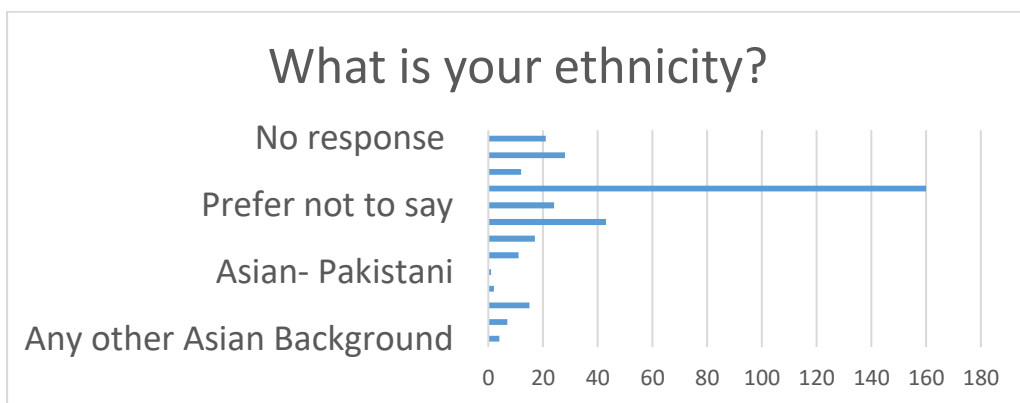
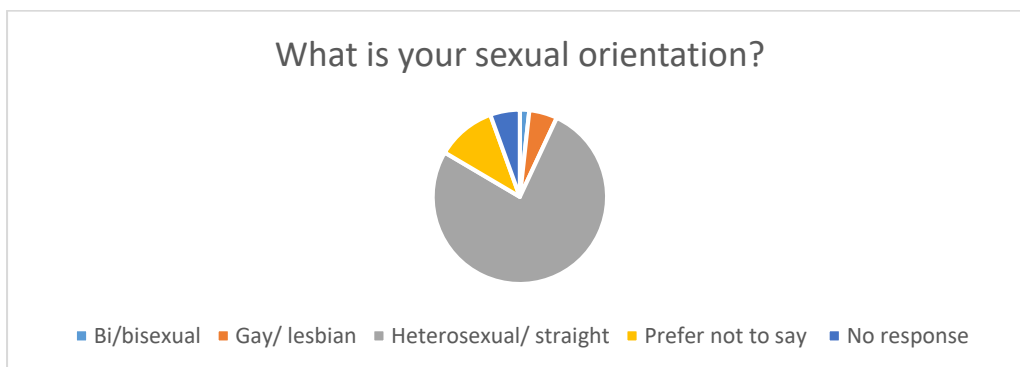
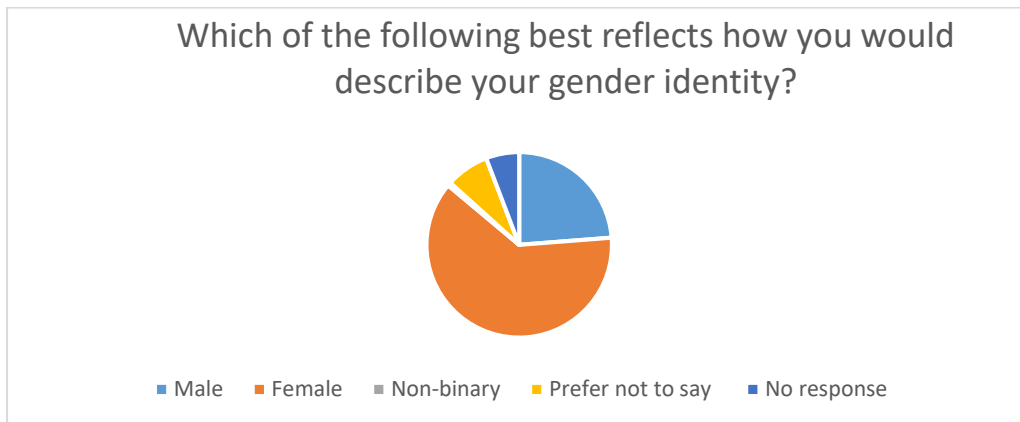
Consultation Feedback	Response
Too slow in taking action	It is acknowledged that significant time has passed since the development of the pledges. However, this has been in the context of responding to a global pandemic.
Denying the existence of racism	The Council have acknowledged racism in the organisation and wider society. During 2020, we commissioned a review of the Children Families and Education Directorate, following historic allegations of racism. The review was the first of its kind at the Council. The review produced a clear action plan for the division which we will cascade throughout the organisation.
Virtue signalling	<p>Tackling inequality is one of the Council's core strategic priorities.</p> <p>Under section 149 of the Equality Act 2010, local authorities must, in the exercise of their functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>In meeting this duty, Croydon Council utilises equality information as part of our business case in the delivery of Council services, by procuring services from a diverse range of organisations and encouraging our suppliers to promote recruitment in the local community to enhance employment opportunities for local people.</p>
Educating people by teaching colonialist and pre-colonialist history accurately.	The Council will update the equality information that we share on our intranet site during 2022. This will include signposts to equality educational events in the borough
Intersectionality - Disabled black people	The Council has a number of staff Network Groups and the Equality, Diversity & Inclusion Internal

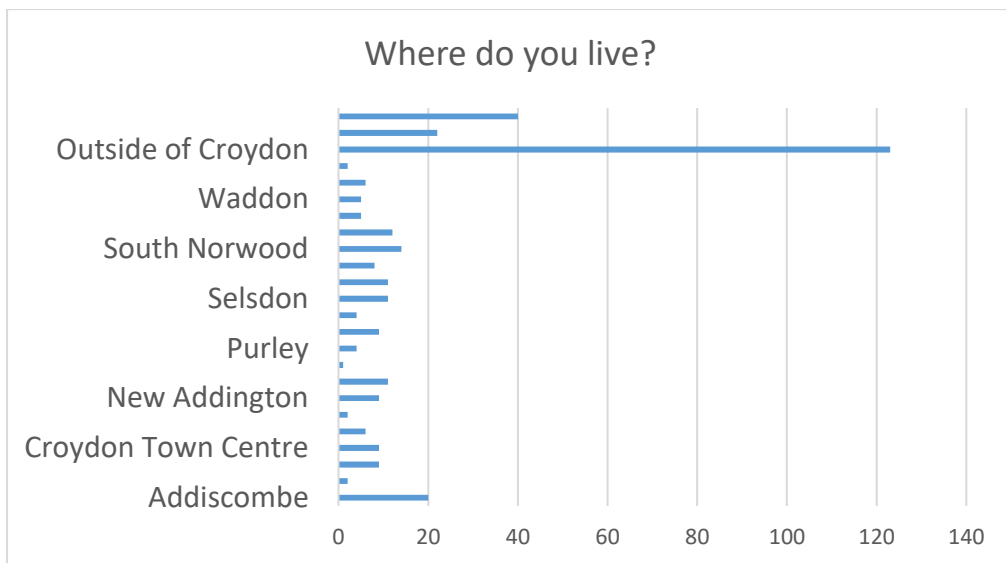
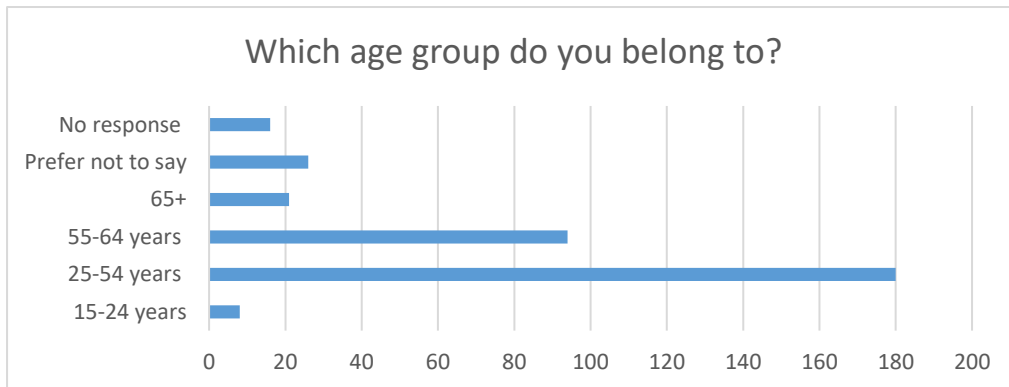
Consultation Feedback	Response
	Control Board that work together to consider intersectional issues.
Less wordy plain English	Changes were made to the survey prior to the second consultation to address the needs of people who do not have English as a first language or have literacy challenges.
Engagement of black parents	A representative of the Children Families and Education Directorate is part of the Council's EDI Internal Control Board. The Council also has close communication with schools who promote equality through the School Curriculum Group
Input in co design	Both pledges were co-created with community organisations. Community representatives will attend the EDI Internal Control Board to enable the community voice to have an impact on plans and progress.
Section on race on the intranet	A review of equality information on the Council's internet and intranet is scheduled.
Internal issues first	A Culture Change strategy is being finalised and will address internal challenges which along with the EDI strategy will be managed by the EDI Internal Control Board.
Confusion about both pledges	The differences between the two pledges will continue to be communicated and explained, including the rationale and context for their development It is proposed that the Race Matters Pledge be renamed the George Floyd - Race Matters Pledge – which will give a context and a time link to the pledges and provide greater clarity
Providing training on anti-racism	Information on race issues will be included on the Council's website including signposting to other sources of support.
Equality policy	The Council's Equality policy is under review and through the pledges, encourage other organisations to do the same.
Positive action is against inclusion	The Council will use Positive Action where data indicates that there is a need and consider it to be

Consultation Feedback	Response
	the best cause of action, and is in compliance with S149 of the Equality Act.
Racial Hatred expressed during the survey	These responses demonstrated the continued need to make Croydon free from racism and other forms of discrimination.
The Race Pledge is for one ethnicity and should include all groups including Asian people and White People	<p>The Council made a commitment to staff and residents to address systemic racism against the African, African Caribbean and African Latin communities following the murder of George Floyd in 2020. The Equalities Pledge addresses all other ethnicities and equality characteristics.</p> <p>In taking this approach, the Council is not suggesting that other parts of the community have not suffered from racism, but the pledge is intended to provide particular focus following the engagement with staff and community groups during the Black Lives Matter protests.</p> <p>It is therefore recommended that both pledges are retained.</p>
The survey was too long	The survey was reviewed, with fewer examples and alternate layout of the questions to reduce the completion time for each respondent

Consultation Two (October-November 2021):

1. Demographics:



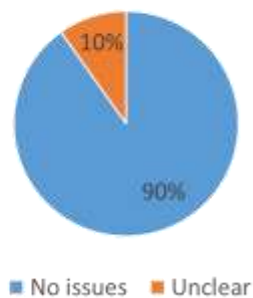


2. Responses to Principles of the Race Pledge

Race Matters Pledge- for Individuals:

We asked- Is there anything in this pledge that's difficult to understand? If so, please tell us which part and your suggestions for how we could make it clearer:

Respondents understanding of the Race Matters pledge (for individuals) by percentage



Race Matters Pledge- for Individuals:

Suggestions to make the Race Matters Pledge clearer:

Tag	Description	Number of respondents	Percentage out of total respondents
Content+	The respondent suggested that something should be added e.g. reference to Asian communities	35	10.14%
Specific-	The respondent suggested that the pledge should be less specific.	31	8.99%
Language	The respondent suggested wording change; something might not be understandable; punctuation mistake.	18	5.22%
Accessibility	The respondent suggested that the current format might not be easily accessible for everyone.	7	2.03%
Content-	The respondent suggested that something should be deleted.	2	0.58%
Specific+	The respondent suggested that the pledge should be more specific.	1	0.29%
Change	The respondent queried the change the pledge will make in terms of lived experience.	1	0.29%

Race Matters Pledge- for Individuals:

We asked- Is there anything missing from the pledge?

Tag	Description	Number of respondents	Percentage out of total respondents
Other Ethnic groups	The respondent felt the pledge should include other Ethnic Groups such as the Asian Community and/ or White people.	94	27.25%
Challenge inequality	The respondent felt the pledge should include actively challenging racial discrimination, bias/ being antiracist.	16	4.64%
Listening to the voices of others	The respondent felt the pledge should include face to face challenging conversations, particularly when issues of inequality are raised.	13	3.77%
Respecting others	The respondent felt the pledge should include the importance of respecting other cultures.	8	2.32%
Integration	The respondent felt the pledge should emphasize what we have in common and coming together as Croydon residents.	7	2.03%
Intersectionality	The respondent felt the pledge should address intersectionality e.g. racism and disabilities/ sexuality/ gender.	7	2.03%
History	The respondent felt the pledge should include more about history/ the teaching of race related issues.	6	1.74%

Race Matters Pledge- for Individuals:

CONTINUED...

Tag	Description	Number of respondents	Percentage out of total respondents
Monitoring Framework	The respondent queried how the aims of the pledges will be measured and recorded.	6	1.74%
Understanding of difference	The respondent felt the pledge should include the understanding of cultural difference.	5	1.45%
Language	The respondent indicated issues of understanding the pledge.	5	1.45%
Promoting the pledge	The respondent felt the pledge should include a commitment to share the pledge with friends/ family.	3	0.87%
Change	The responded felt the pledge requires clarity on what change it will produce.	2	0.58%
Training	The respondent felt the pledge should include staff training in order to learn about other cultures.	2	0.58%
Accessibility	The respondent felt the pledge format should be more accessible e.g larger font, not white against black background.	1	0.29%

Race Matters Pledge- for Organisations:

Suggestions to make the Race Matters Pledge clearer:

Tag	Description	Number of respondents	Percentage out of total respondents
Specific-	The respondent suggested that the pledge should be less specific.	32	9.28%
Content+	The respondent suggested that something should be added.	27	7.83%
Language	The responded suggested wording change; something might not be understandable; punctuation mistake.	18	5.22%
Accessibility	The respondent suggested that the current format might not be easily accessible for everyone.	8	2.32%
Specific+	The respondent suggested that the pledge should be more specific.	4	1.16%
Change	The respondent queried the change the pledge will make in terms of lived experience.	4	1.16%
Content-	The respondent suggested that something should be deleted.	3	0.87%
Monitoring Framework	The respondent queried how the aims of the pledges will be measured and recorded.	1	0.29%

Race Matters Pledge- for Organisations:

We asked- Is there anything missing from the pledge?

Tag	Description	Number of respondents	Percentage out of total respondents
Other Ethnic groups	The respondent felt the pledge should include other Ethnic Groups such as the Asian Community and/ or White people.	69	20.00%
Change	The responded felt the pledge requires clarity on what change it will produce.	13	3.77%
Language	The respondent indicated issues of understanding the pledge.	11	3.19%
Challenge inequality	The respondent felt the pledge should include actively challenging racial discrimination, bias/ being antiracist.	8	2.32%
Listening to the voices of others	The respondent felt the pledge should include face to face challenging conversations, particularly when issues of inequality are raised.	6	1.74%
Monitoring Framework	The respondent queried how the aims of the pledges will be measured and recorded.	6	1.74%
Representation	The respondent felt the pledge should include a commitment for the Council and other organisations in Croydon to be representative of the population they serve.	6	1.74%

Race Matters Pledge- for Organisations:

CONTINUED...

Tag	Description	Number of respondents	Percentage out of total respondents
Intersectionality	The respondent felt the pledge should address intersectionality e.g. racism and disabilities/ sexuality/ gender.	5	1.45%
Accessibility	The respondent felt the pledge format should be more accessible e.g. larger font, not white against black background.	4	1.16%
Understanding of difference	The respondent felt the pledge should include the understanding of cultural difference.	3	0.87%
Training	The respondent felt the pledge should include staff training in order to learn about other cultures.	3	0.87%
Integration	The respondent felt the pledge should emphasise what we have in common and coming together as Croydon residents.	2	0.58%
Respecting others	The respondent felt the pledge should include the importance of respecting other cultures.	1	0.29%
History	The respondent felt the pledge should include more about history/ the teaching of race related issues.	1	0.29%

3. Responses to Principles of the Equality Pledge

Equalities Pledge- for Individuals:

Tag	Description	Number of respondents	Percentage out of total respondents
Specific-	The respondent suggested that the pledge should be less specific.	32	9.28%
Content+	The respondent suggested that the pledge should be expanded by e.g. protected characteristics, and monitoring framework.	27	7.83%
Language	The responded suggested wording change; something might not be understandable; punctuation mistake.	18	5.22%
Accessibility	The respondent suggested that the current format might not be easily accessible for everyone.	8	2.32%
Change	The respondent queried the change the pledge will make in terms of lived experience.	5	1.45%
Content-	The respondent suggested. that something should be deleted.	3	0.87%
Specific+	The respondent suggested that the pledge should be more specific.	4	1.16%

Suggestions to make the Equalities Pledge clearer:

Tag	Description	Number of respondents	Percentage out of total respondents
Implementation	The respondent indicated that the pledge should focus more on implementation, including promotion, training, monitoring framework, and impact.	31	8.61%
Language and accessibility	The respondent indicated that the pledge is too long – harder to read. Additionally, the pledge should be supported by relevant examples.	17	4.93%
Approach to inequality	The respondent indicated that the pledge should address all protected characteristics groups. The pledge should also focus on intersectionality, should challenge inequality, and address institutional racism.	12	3.48%
CRT	The respondent indicated that the pledge should not be based on CRT.	2	0.56%
Rethinking	The respondent indicated that the pledge should be reconsidered.	1	0.28%
Specific+	The respondent indicated that the pledge should be more detailed and specific.	2	0.56%

Equalities Pledge- for Organisations:

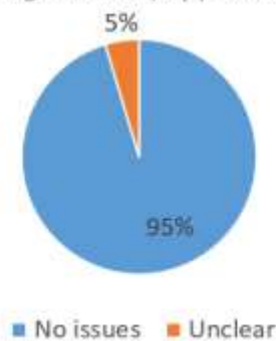
Suggestions to make the Equalities Pledge clearer:

Tag	Description	Number of respondents	Percentage out of total respondents
Language	The respondent suggested that wording change; something might not be understandable; punctuation mistakes.	14	4.06%
Content+	The respondent suggested that the pledge should be expanded by e.g., protected characteristics, fair recruitment ideas.	9	2.61%
Accessibility	The respondent suggested that the current format might not be easily accessible for everyone.	5	1.45%
Specific+	The respondent suggested that the pledge should be more specific.	5	1.45%
Content-	The respondent suggested that certain commitments should be either removed or merged.	3	0.87%
Change	The respondent queried the change the pledge will make in terms of lived experience	2	0.58%
Implementation	The respondent suggested that the implementation of the pledges should be included.	1	0.29%
Order	The respondent suggested that the order of the commitments should be reconsidered.	1	0.29%

Equalities Pledge - for Organisations:

We asked- Is there anything in this pledge that's difficult to understand? If so, please tell us which part and your suggestions for how we could make it clearer:

Respondents understanding of the Equalities Pledge (for organisations) by percentage



Equalities Pledge- for Organisations:

Suggestions to make the Equalities Pledge clearer:

Tag	Description	Number of respondents	Percentage out of total respondents
Language	The respondent suggested that wording change; something might not be understandable; punctuation mistakes.	14	4.06%
Content+	The respondent suggested that the pledge should be expanded by e.g., protected characteristics, fair recruitment ideas.	9	2.61%
Accessibility	The respondent suggested that the current format might not be easily accessible for everyone.	5	1.45%
Specific+	The respondent suggested that the pledge should be more specific.	5	1.45%
Content-	The respondent suggested that certain commitments should be either removed or merged.	3	0.87%
Change	The respondent queried the change the pledge will make in terms of lived experience	2	0.58%
Implementation	The respondent suggested that the implementation of the pledges should be included.	1	0.29%
Order	The respondent suggested that the order of the commitments should be reconsidered.	1	0.29%

Equalities Pledge- for Organisations:

We asked- Is there anything missing from the pledge?

Tag	Description	Number of respondents	Percentage out of total respondents
Implementation	The respondent suggested that the pledge is missing an implementation framework.	17	4.93%
Language and presentation	The respondent indicated issues of understanding the pledge, order of the commitments, and lack of examples.	16	4.64%
List of protected characteristics	The respondent indicated that the pledge should include some or all protected groups.	15	4.35%
Monitoring Framework	The respondent queried how the aims of the pledge will be measured and monitored.	12	3.19%
Listening to the voices of others CRT	The respondent felt the pledge should increase face to face challenging conversations, particularly when issues of inequality are raised.	4	1.16%
	The respondent indicated that the pledge should not be based on CRT.	3	0.87%
Challenge Inequality	The respondent felt the pledge should include actively challenging racial discrimination and bias.	2	0.58%
	The respondent felt the pledge requires clarity on what change it will produce.	1	0.29%
Change Rethinking	The respondent indicated that the pledge should be reconsidered.	1	0.29%

The below is a summary of the key feedback themes and response (not already covered in the first consultation response above):

Consultation Feedback	Response
There are issues with the wording and language of both pledges	Further changes have been made to use plain English and address issues of spelling, wording and language
<p>The Race Matters Pledge should contain references to being anti-racist and challenging bias</p> <p>The Race Matters Pledge should include details of challenging inequality face to face where it arises and having conversations with others about inequalities where possible</p>	This is supported and will be incorporated into the pledge
The Race Matters Pledge should include reference to respecting other cultures and the Croydon community coming together	This is supported and will be incorporated into the pledge
The Race Matters Pledge should make reference to educating staff and others on cultural awareness	<p>This is supported and will be incorporated into the pledge.</p> <p>The Council aim to educate staff about other cultures and will utilise the Race Equality Staff Network to do this further.</p>
The Race Matters Pledge should detail the monitoring framework	Reference will be made to how the pledge will be monitored, however, the consultation also identified the need to simplify the pledges. Therefore, it is recommended that the monitoring arrangements (as set out in the report) are not included in the pledges themselves.
The Race Matters Pledge should make reference to a workforce to reflect the community for all organisations	This is supported and is already an objective in the Council's strategy.
The Pledges should make reference to their implementation	This will not be detailed in the Pledges themselves, but will be provided through the launch of the pledges.

Consultation Feedback	Response
The Equalities Pledge should make reference to all protected characteristics	This is supported and will be incorporated into the pledge.
The pledges should not make reference to Critical Race Theory	The pledges acknowledge the problems experienced by the African/African Caribbean and African Latin and other heritages globally and in the UK, as a result of systemic and institutional racism and have developed the Race Matters Pledge to address this.
The pledges are too long	The pledges have been amended to be as succinct as possible whilst retaining all key elements
The pledges need more examples	Supporting information will be provided via other communication channels including additional details on our website and promoting best practice from across the community.
Some commitments need to be removed and the order of the commitments needs changing	Changes have been made to both the commitments and the order of the commitments

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Final Pledges

George Floyd Race Matters Pledge

As an organisation we commit to:

- Stating that we are an anti-racist organisation
- Committing to zero tolerance of racism from employees, residents, customers and service users by challenging racist behaviour or stereotypes expressed by individuals
- Developing our knowledge of anti-racist practice by listening and responding to experiences of staff and the wider community
- Developing an understanding of the role that power, privilege, identity and disadvantage that impacts on the lived experience of all staff in particular those from African/African Caribbean, other African heritage communities
- Undertaking whole workforce training on unconscious bias and encouraging staff to safely challenge such bias during day to day conversations
- Developing cultural awareness by learning more about African/African Caribbean and African other history and cultural practices to develop understanding of staff and customers through podcasts, videos, documentaries and by attending events
- Promoting good relationships between groups which share cultural similarities and those that don't by encouraging communities to celebrate together as one
- Identifying and addressing any ethnicity pay gaps
- Ensuring that recruitment processes from application, shortlisting, interview and appointment conducted in a manner that facilitates positive action in recruitment such as media campaigns, advertising imagery and interview panels that represent the diversity of the borough's population where possible
- Developing plans to address challenges where race may not be the only factor and the needs of people may also be in relation to: disability, age, sexual orientation, gender or other protected characteristics.

Equalities Pledge

As an organisation we commit to:

- Positively promote the equality of opportunity for individuals of all characteristics namely: disability, gender, race, age, sexual orientation, religion and belief, marriage and civil partnership and gender identity by recognising significant celebrations and awareness days and ensuring that work place practices do not discriminate against any groups
- Ensuring that there is mandatory training for **all** staff at **all** levels in equality, diversity and inclusion every two years, attendance is monitored and 100% targets set with staff and managers held to account
- Ensuring a zero tolerance approach to all forms of discrimination, harassment and bullying, publicising the staff code of conduct, providing staff with information on what it is and encouraging people to safely challenge this where it occurs ensuring that people are not treated less favourably for doing so
- Positively encouraging applications from diverse and under-represented groups when advertising for posts and taking actions to respond to under representation in this area identified by organisational data
- Using anonymous recruitment processes which don't reveal details of race, age, gender, disability or socio economic status
- Identifying and annually publishing pay gaps based on ethnicity, disability and gender and putting actions in place to reduce such pay gaps
- Providing reasonable adjustments for disabled staff in interviews and employment
- Developing and agreeing an equality policy for the organisation which all staff sign up to, and reviewing it every 3 years
- Collecting data on the protected characteristics of staff and aiming to have a workforce which reflects the Croydon community by using positive action recruitment practices and encourage career development for underrepresented staff.
- Undertaking annual staff surveys to identify the impact of organisational actions on employees lived experience and psychological safety at work

Agenda Item 6

REPORT TO:	CABINET 24th January 2022
SUBJECT:	Review of Council Tax Support Scheme – 2022/23
LEAD OFFICER:	Richard Ennis – Interim Corporate Director of Resources (Section 151) and Deputy Chief Executive Catherine Black – Head of Payments, Revenue and Benefits
CABINET MEMBER:	Cllr Stuart King Cabinet Member for Croydon Renewal Cllr Callton Young Cabinet Member for Resources & Financial Governance
WARDS:	All
<p>COUNCIL PRIORITIES 2020-2024</p> <p>In accordance with the Local Government Finance Act 1992, as amended, the Council was required to agree a local Council Tax Support scheme for working age residents who were on no or low income. The scheme replaced the Council Tax Benefit scheme which was administered by Local Authorities on behalf of the Department for Work and Pension. The local scheme was agreed and introduced on 1st April 2013, the scheme should be reviewed each year to ensure that it is an effective local Council Tax Support scheme, which will provide continued support to Croydon’s most vulnerable residents and residents who are most in need of support.</p> <p>Council’s priorities</p>	
<p>FINANCIAL IMPACT - The consulted scheme was expected to save £5.7m and is included in the MTFS proposals for 2022/23. The revised scheme is expected to save £4.4m (a reduction of £1.3m) having taken into account the representations made from consultation responses</p>	
<p>FORWARD PLAN KEY DECISION REFERENCE NO. Not a Key Decision</p>	

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

1. RECOMMENDATIONS

- 1.1 Cabinet is asked to recommend changes to Croydon’s Council Tax Support Scheme following review and due regard to the statutory consultation feedback. The new scheme will take effect from 1 April 2022.
- 1.2 Note the proposed income banded scheme that was consulted upon and the further changes that have been made to the scheme in-line with the resident and community feedback received.
- 1.3 Recommend to full Council, that the Councils Council Tax Support Scheme is amended to an income band scheme subject to the changes made following the

consultation, from 1 April 2022. A full copy of the Council's Council Tax Support Scheme in the form to be recommended, is circulated separately as Appendix 1.

- 1.4 It is recommended that Cabinet annually review the CTS Scheme, the principles of the income banded scheme and the addition of a hardship fund in August 2022 and then annually.
- 1.5 Cabinet is asked to accept and recommend to full council that a hardship fund is agreed to support resident's transition to the new CTS Scheme.

2. EXECUTIVE SUMMARY

- 2.1 Croydon's Council Tax Support scheme [CTS] has not been reviewed since it was introduced in 2013 as a replacement to the former Council Tax Benefit scheme which was a national scheme, and which remains the default scheme for pensioner claimants. A review is needed to ensure that the scheme is still achieving the aims of protecting our most vulnerable residents.
- 2.2 Cabinet received a report in October 2021 which outline the principles of the proposed changes to the CTS scheme which were agreed, and that statutory consultation on the suggested scheme with residents and preceptors should commence.
- 2.3 The consultation ran between 28th October 2021 and 9th December 2021, and having now considered those responses, recommendations are now being made for approval to change the existing CTS scheme to an income banded CTS scheme with effect from 1st April 2022 and refines the proposal taking into account consultation responses.
- 2.4 Each financial year the Council is required to review its CTS scheme in accordance with the requirements of schedule 1A of the Local Government Finance Act 1992 and to either maintain the scheme or to change it.
- 2.5 The current CTS scheme was introduced from 1st April 2013 when it replaced the Central Government funded Council Tax Benefit regime for families on low or no income. From its inception, the funding available to the Council from Government was 90% and it has reduced year on year. The table below shows how Croydon's Settlement Funding has reduced but the Council Tax Support Funding has stayed the same, this is creating a financial pressure for the council.

	2013	2021
Council Tax Support Funding (CTSF)	£26m	£26m
Settlement Funding Assessment (SFA)	£162m	£88m
% of SFA for CTSF	16%	30%

- 2.6 Since its introduction in 2013 Croydon's CTS scheme has remained unchanged. Over this time the costs have grown from £28.7m to £35.04m. The introduction

of Universal Credit has reduced the information Government share with the Council, significantly increasing the administrative burden on the Council and making the application process for the CTS scheme far more complex for residents.

2.7 By recommending that the Council changes the CTS scheme to an income banded scheme, we will remove the complexity for our residents and simplify the process for making a claim and remove the administrative burden on the Council of processing claims.

2.8 It is recommended that in line with consultation a review of our scheme will impact the amount of support awarded based on a residents income and protect the most vulnerable residents, including disabled residents not working, carers and families.

2.9 By accepting the feedback from the consultation a financial impact of £4.4m savings is expected, this is a reduction from the originally consulted changes to the scheme of £1.3m.

2.10 Consultation feedback asked that we look to further support the following residents:

- Single parents with children under 5 years old
- Families with children
- Carers
- Disabled residents not in work
- Residents in receipt of Universal Credit Housing Element

2.11 After listening to resident’s feedback during the consultation period the proposed changes to Croydon’s CTS Income Banded Scheme is summarised in the table below.

Resident Type	Pensioners	Disabled Not Working	Disabled Working	Single Parents (With a Child Under 5)	Families	Working Age Residents
Number of Residents in Scheme	8,000	7,000	820	2,320	7,910	4,300
Amount of Capital Before Nil Entitled	No Changes to this group of Residents	16,000	8,000	8,000	8,000	8,000
Band Cap		No Band Cap	Council Tax Band: D			
Incomes Disregarded		100% of Child Care Costs 100% of Child Maintenance 100% of Universal Credit Housing Element 50% of Carer's Allowance				
Earned Income Disregard		Nil	£50 per week	Nil	Nil	Nil

Non-Dependant Deductions		No no-dep deductions	£5 non-working £10 up to £23,999 £30 for £23,000 over
Self-Employed Min. Income Floor		Will be applied in-line with Universal Credit (UC)	

2.12 By changing the CTS Scheme we aim to bring the support offered up-to-date in-line with residents changing needs. Fairly providing more support to those on a lower income whilst simplifying the scheme so it is easier for residents to understand and make a claim.

2.13 Cabinet agree to continue to invest £30m into the revised CTS Income Banded Scheme.

2.14 A hardship fund is being made available to support residents' transition to the Income Banded CTS Scheme. The value of the hardship fund is recommended to be £640,000. The hardship fund would be grant funded and will be available to support residents for more than 1 year.

3. DETAIL

3.1 CTS scheme was introduced by Central Government in April 2013 as a replacement for the Council Tax Benefit scheme, administered on behalf of the Department for Work and Pensions (DWP). As part of the introduction the Government:

- Placed the duty to create a local scheme for Working Age claimants with local authorities;
- Reduced initial funding by the equivalent of 10% from the level paid through benefit subsidy to Local Authorities under the previous Council Tax Benefit scheme; and
- Prescribed that persons of Pension Age would be dealt with under the existing regulations set by Central Government and not the Local Authorities local scheme

3.2 Since that time, funding for the CTS scheme has been absorbed into other Central Government grants paid to Local Authorities and also within the Business Rates Retention regime. It is now generally accepted that it is not possible to identify the amount of funding actually provided from Central Government sources for the CTS scheme, but in real terms, funding to the Council has continued to reduce since 2013, whilst the number of claimants has increased. So the funding gap is growing each year.

3.3 The current CTS scheme created by the Council is divided into two schemes, with pension age claimants receiving support under the rules prescribed by Central Government, and the scheme for working age claimants being determined solely by the local authority.

- 3.4 Pensioners, subject to their income, can receive up to 100% support towards their Council Tax. The Council has no powers to change the level of support provided to pensioners and therefore any changes to the level of CTS can only be made to working age scheme.
- 3.5 On 22nd November 2012 the Government published regulations governing this area namely the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, which came into force on 27 November 2012. In addition, the Government published the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 which came into force on 18th December 2012.
- 3.6 The principles of the existing CTS scheme for working age residents remain in place for the new income banded CTS scheme. It should be noted the CTS scheme including the principles are reviewed each year to ensure the scheme supports residents most in need.
- **Council Tax Support should be paid to those with minimal savings** – residents who have Capital of more than £8,000 cannot claim;
 - **Council Tax Support should be property related** – Residents can only receive Council Tax Support to a maximum of band D;
 - **Everyone should pay something** - all residents will be asked to contribute something towards Council Tax unless they are in one of the protected groups;
 - **Everyone in the household should pay something** – Other adults living in a household who are not the main taxpayer or their partner will contribute to meeting the cost of Council Tax for the property;
 - **Make Work pay** – the discount is paid incrementally, the lower the income the higher the discount awarded; and
 - **Protecting the vulnerable** – Residents who are either pensioners, or care leavers under 25 years of age and disabled people not working.
- 3.7 Since the introduction of the existing scheme in 2013 no revisions have been made to align the existing CTS scheme with Housing Benefit or Universal Credit. This means that the Council is administering multiple support schemes for residents, which is not only complex and confusing for residents, it is administratively burdensome and time-intensive for the Council.
- 3.8 There are a number of issues with the current scheme that will need to be addressed if the system is to continue to provide effective support to low-income residents, and also if the Council is to be able to provide the service in an efficient manner. The main issues are:
- The Introduction of Universal Credit for working age claimants and
 - The need for a simplification of the scheme
- 3.9 The introduction of Universal Credit has brought a number of significant challenges to both the administration of CTS scheme and also the collection of Council Tax generally. We have experienced the following:
- The reluctance of Universal Credit claimants to make a prompt claim for CTS leading to a loss in entitlement;

- A high number of changes to Universal Credit cases received from the Department for Work and Pensions requiring a change to CTS entitlement. On average 40% of Universal Credit claimants have between 8 and 12 changes in entitlement per year. These changes result in amendments to Council Tax liability, the re-calculation of instalments, delays and a potential loss in collection; and
- The increased costs of administration through multiple changes with more staff time being required.

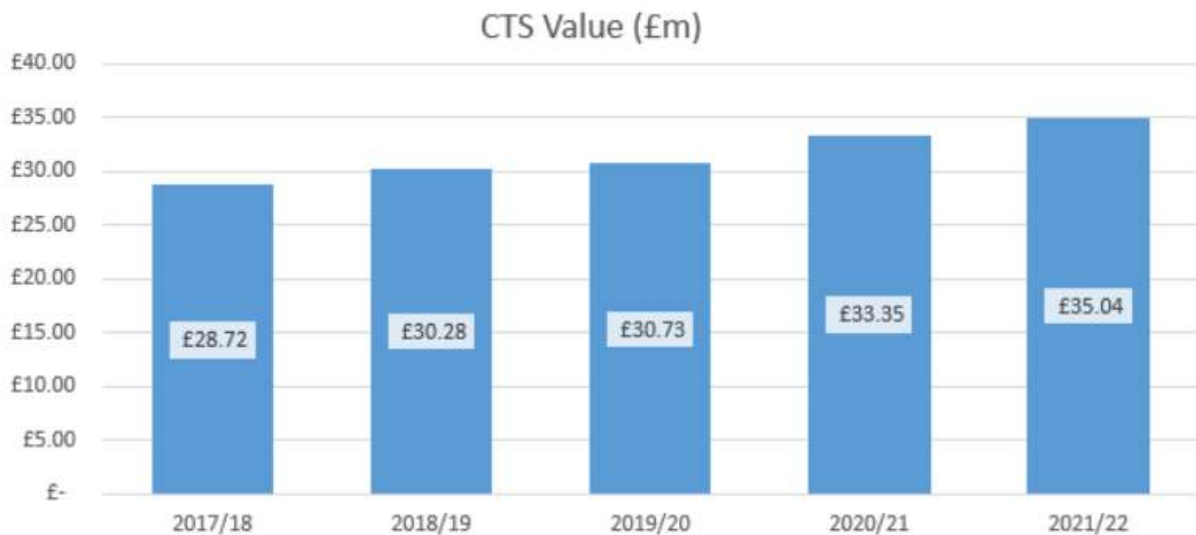
3.10 It is clear the existing means tested CTS scheme, which is too reactive to change in circumstances, will not be viable in the longer term now that Universal Credit has been rolled out significantly within the borough. It had been anticipated when the furlough scheme ended at the start of October that we would see an increase in claims for Universal Credit and Council Tax Support. However, the ending of the furlough scheme has not resulted in an increase in claims for Council Tax Support or increased claims in Universal Credit so we can be confident that residents have not yet been unduly affected by the ending of the furlough scheme.

3.11 The need for a simplified approach to the CTS scheme is because the existing scheme is based mainly on “old fashioned” means tested benefit scheme, meaning:

- It is difficult for residents to understand based on the complex calculation of entitlement;
- The administration for staff is complex, with staff having to request significant amounts of information and evidence from residents;
- Staff have to undergo significant training to be proficient in processing claims; and
- The timescale for processing claims is delayed mainly due to the complexity and evidence required to support the claims

There is a need to simplify the existing scheme not only to mitigate the effects of Universal Credit, but to make it easier for residents to make a claim and reduce the costs of administration.

3.12 The funding that Croydon receives each year towards the cost of CTS scheme expenditure is contained within the annual government Settlement Funding Assessment. Whilst Central Government grant funding is reducing year on year, CTS scheme expenditure is increasing year on year. The following table details the value of expenditure from 2017/18 to 2021/22:



Option to adopt an Income banded scheme

3.13 In view of the challenges being experienced with the current scheme, Cabinet agreed in October 2021 to undertake a statutory consultation into changing the current CTS scheme to an income banded scheme. The consultation ran from 28th October 2021 to 9th December 2021, the result from the consultation is detailed in sections 5, 6 and 7 below. Income banded schemes have already been adopted by other London boroughs including Camden, Barnet, Sutton and Brent.

Options to retain the existing CTS scheme or to make minor adjustment to the existing scheme were considered but not progressed as they would not address the existing financial or administrative challenges resulting from the introduction of Universal Credit.

3.14 An income banded scheme takes into consideration the net combined household income of a claimant and partner only. A Council Tax discount would be paid incrementally, e.g. residents in receipt of the lowest income would receive the highest discount towards their Council Tax liability, and residents in receipt of higher income would receive a lower discount towards their Council Tax liability. This means support is targeted at households with the lowest incomes and in the greatest need.

3.15 The final details of any new scheme will need to take account of the outcome of the public consultation which can be seen at sections 5, 6 and 7 below. Cabinet agreed the following principles for the design of a new scheme as the basis for the public consultation between 28th October 2021 and 9th December 2021:-

- Retain 100% protection for pensioners, care leavers under 25 and disabled non-working residents;
- Income bands should be based on intervals of £50;
- The maximum level of income per week before someone is not eligible for CTS of £450 per week or £23,400 per year;
- The maximum discount awarded for (non-protected) working age residents should be 80%; and

- Introduce a Hardship Fund to support residents transition for the current CTS scheme to an income banded scheme

3.16 The table below demonstrates a £50 income banded scheme which provides 80% discount to residents on the lowest income.

Net Weekly Income in £50 Banded Schemes	Yearly income	% Discount Awarded
1. Claimant and/or partner with disability benefits and not working		100%
£0 to £150	£0 - £7,800	80%
£151 to £200	£7,800 - £10,400	70%
£201 to £250	£10,400 - £13,000	60%
£251 to £300	£13,000 - £15,600	50%
£301 to £350	£15,600 - £18,200	40%
£351 to £400	£18,200 - £20,800	30%
£401 to £450	£20,800 - £23,400	20%

3.17 In simplifying CTS to an income banded scheme, the only other information that is needed before calculating entitlement is the banding of the property (which we will know), and the income of any other adults (non-dependents) living the property, for which we will make a deduction. These deductions have been simplified into 3 groups for ease of administration. A non-dependent is another adult living in the property who is not the claimant or partner, a non-dependent could be an adult son or daughter living with their parents. All adults are expected to contribute towards payment of Council Tax and therefore we make a deduction to the amount of CTS entitlement, which is called a non-dependent deduction. The non-dependent deductions are £5.00 where the non-dependent is not working e.g. claiming Universal Credit or Job Seekers Allowance, £10.00 where the non-dependent earns less than £23,999 and £30.00 where the non-dependent is earning £24,000 or above.

3.18 The table below demonstrates the financial implications of moving to a £50 income banded scheme, where pensioner claimants and vulnerable claimants not expected to work are 100% protected from any changes to the scheme, and the maximum discount awarded to residents on the lowest income is 80%.

Income Band Scheme Example

Income Bands of £30 with no CTS paid if earned income over £300 per week CONTAINS ALL CHANGES DONE FOR PREVIOUS MODELLING										
Original Income Bands for DISABWORK and INCOMEBAND										
Income Banded with Vulnerable Protection	Net Weekly	% Discount	% Council Tax		As per the cabinet report all income Revisions below have been taken into consideration in calculating the total savings - see 6.3.1-16 of Cabinet Report.					
	Income in £s	Awarded	To Be Paid							
Disabled Residents Not able to work = 100% Protected	0 to 150	80	20		Income banded with vul protection					
Disabled Residents who are able to work = not 100% Protected	151 to 200	70	30		Band D Cap					
	201 to 250	60	40		New Non-Dependent Deductions					
All other claims, not 100% Protected	251 to 300	50	50		EBK Capital limit applied					
	301 to 350	40	60		Changes to Child Maintenance ie first £50 disregarded					
	351 to 400	30	70		Minimum income floor for self employed earnings					
	401 to 450	20	80		Removal of 2 AR					
			PENSIONABLE	DISABWORK	DISABWORK	INCOMEBAND	TOTAL FINANCIAL IMPACT	LBC FINANCIAL IMPACT	HARDSHIP FUND	NET FINANCIAL IMPACT
	Amount	-	-	665,032.95	64,762.78	-7,584,626.98	-8,184,898.49	-6,547,918.79	818,489.85	-5,729,428.95

3.19 The total financial impact is a reduction in expenditure of £8.18m, the impact to Croydon is 80% £6.54m, and we are also proposing a hardship scheme which is 10% of the total financial impact £818k and reducing the net financial impact to £5.72m.

3.20 Further to the principles set out at 3.14 above, the proposed scheme has been designed to protect the most vulnerable residents including care leavers under 25 and disabled residents not able to work.

3.21 Any income disregarded (i.e., not counted) under the current scheme will continue to be disregarded under the new scheme, e.g., Disability benefits such as Disability Living Allowance and Personal Independence Payments. Any disregards on war pensions and war disablement pensions will continue.

3.22 Where a disabled resident is working we will disregard (remove) £50 from their earned income prior to calculation of CTS under and income banded scheme in order to provide additional protection.

3.23 Leaving Care residents under 25 are not affected by these changes as they will receive a Council Tax Reduction of 100% and so continue to have no Council Tax liability to pay.

3.24 A hardship scheme consisting of 10% of the financial impact was proposed to support those most in need to transition from the existing CTS scheme onto the new income banded scheme. The hardship scheme will be administered by the Revenues team who are best placed to understand household circumstances and resident's ability to pay Council Tax. Eligibility for the hardship scheme will be clearly defined once the new CTS scheme has been confirmed, but in principle households could qualify for the hardship scheme where:

- Specific families or circumstances mean families are not able to afford the changes; and
- Households need support for a certain period of time in order to be able to amend their income and expenditure arrangements, to meet the changes in their Council Tax liability.

4. CONSULTATION AND OUTCOMES

4.1 It is important that residents and other stakeholder's views are taken into account and reflected in the final design of any changes to the CTS scheme. A full and comprehensive consultation allowed us to seek feedback and explore options and to further mitigate any negative impacts of the changes to the income banded CTS scheme.

4.2 The statutory consultation ran between 28th October 2021 and 9th December 2021.

4.3 Section 13A of the Local Government Act 1992 requires the Council as the billing authority to make a localised Council Tax Support scheme in accordance with section 1A of the Act. Each financial year the council must consider whether it wants to revise the scheme, leave as is or replace it. Consultation must occur on any option required to change the scheme prior to introduction, and is set out in Schedule 1A (3) of the Local Government Finance Act 1992:

- Consult any major precepting authority which has power to issue a precept to it;
- Publish a draft scheme in such a manner as it thinks fit; and
- Consult such other persons as it considers are likely to have an interest in the operation of the scheme

4.4 When consulting the following guiding principles for a fair consultation must have been adhered to:

- At a time when the proposal are at a formative stage;
- Include sufficient reasons to enable those consulted to give consideration and respond;
- Awareness of the factors which are of decisive relevance to the decision;
- Adequate time for consideration and response; and
- The result of the consultation should be conscientiously taken into account by the decision makers when the decision is made.

4.5 Consultation took place with the following:

- Major Precepting Authorities – a formal request has been made for comments on the proposed scheme. This was done through writing to the GLA giving a 14 day timescale for any response. Experience from previous consultations have shown that preceptors will be focussed on the effect on the Council Tax base as well as the effect on residents. The GLA have responded to our consultation and this can be seen in paragraph 6.2 below. The GLA also suggested that we notify our local London Assembly member which we did on 5th November 2021;
- Public – an open invitation has be given to all residents of Croydon to comment on the proposed new scheme, irrespective of whether they are in receipt of Council Tax Support or not. We have contacted all (30,000) CTS recipients both working age and pension age residents, and we have encouraged them to respond, although it should be noted that the scheme for pension age claimants is prescribed by Central Government. The Council can only change the working age Council Tax Support scheme; and
- An online survey was made available via the Council's website, and a new web page was developed, we also had a comprehensive communications plan to ensure as much feedback as possible.

The link to the webpages and consultation is [here](#)

4.6 The consultation has been publicised using our social media accounts as well as being publicised in community newsletters.

4.7 All residents in receipt of Council Tax Support were contacted to advise them about the proposed changes to the Council Tax Support scheme.

4.8 13,000 emails were sent to residents in receipt of Council Tax Support, where email details were held.

4.9 5,000 SMS messages were sent to residents in receipt of Council Tax Support where mobile phone numbers were held.

4.10 3,500 letters were sent to residents in receipt of Council Tax Support where no contact details were held.

- Other stakeholders – including commissioned providers as follows:
 - Age UK Lead – Disability Croydon & Croydon Vision;
 - Citizens Advice Bureau (CAB);
 - MIND;
 - Purley Cross Community Information Centre;
 - Royal Association for Deaf (RAD) People; and
 - John Whitgift Foundation / Carers Information Service

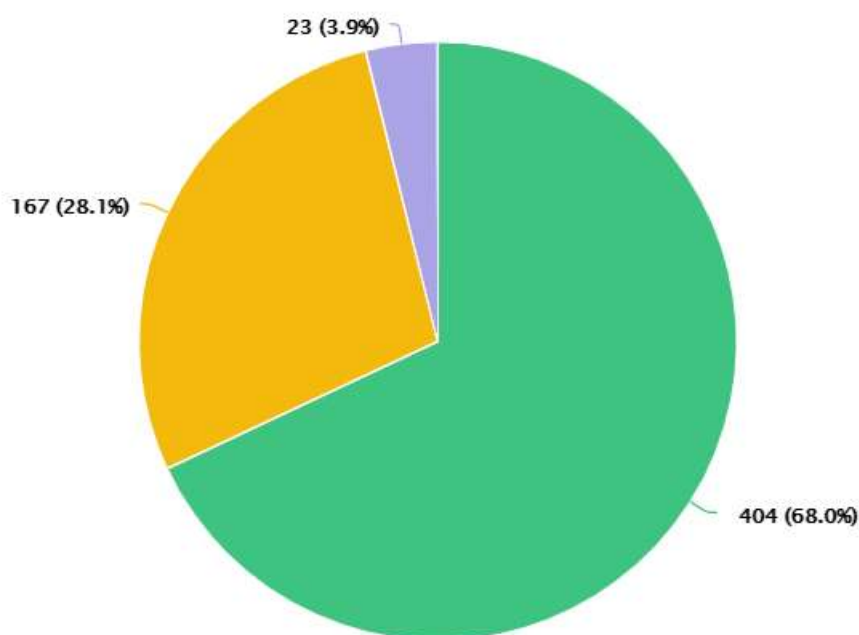
4.11 The Council also contacted other interested stakeholders such as Money Advice and Pension Service (MAPS), South West London Law Centre.

- 4.12 A stakeholder engagement session was held face to face in the Town Hall on Tuesday 2nd November 2021.
- 4.13 We also met with the Asian Resource Centre of Croydon Limited to discuss their concerns with the consolation and the affects any change would have on our residents.
- 4.14 A Money Matters event in conjunction with Hammerson was carried out over 2 days. Croydon Council had a presence in the Whitgift centre to promote the changes in Council Tax Support. During the event other stakeholders were present, such as our Gateway service team, the Money Advice and Pension Service, South West London Law Centre and the Credit Union (Croydon Plus).
- 4.15 Conversations took place with individual residents discussing the new scheme, and what these changes meant for them. Residents were encouraged to complete the survey and did so with assistance when unsure.
- 4.16 Approval to commence consultation by officers was agreed by Cabinet in October 2021, to enable adequate consideration of proposals resulting from the consultation by December 2021, being the year prior to the scheme being implemented.
- 4.17 In addition to formal consultation, the Council will provide information on its website as to the proposed changes.
- 4.18 The Council will contact any Council Tax payers affected by these changes.

5. RESPONSES TO CONSULTATION

- 5.1 The consultation period resulted in 594 responses to the proposed changes. When Croydon Council consulted in 2013 on changes to the scheme, around 450 responses were received.
- 5.2 **Percentage of respondents currently in receipt of Council Tax Support**
- 5.3 68% (404) of respondents are currently in receipt of Council Tax Support, we can be confident that those who completed the survey will potentially be affected by any proposed changes. 28.1% of responders were not in receipt of Council Tax Support, which indicates a certain level of engagement from those who do not rely upon financial support to pay their Council Tax. 3.9% (23) of residents did not know if they were in receipt of Council Tax Support.

Responses from Residents, by CTS Receipt Status



In receipt of CTS | Not in receipt of CTS | Not Sure

There are no themes to these responses as the question replies were just a yes, no or do not know.

5.4 Where do our Consultation Respondents Live?

5.5 The survey received 98.5% responses from residents who live in the London Borough of Croydon. We can be confident the responses to this consultation have been received from local residents.



5.6 18.7% also confirmed that they work in Croydon, 1.3% own a business in Croydon, 3.2% stated they visit Croydon and 0.5% of responses came from those who live outside the London Borough of Croydon.

5.7 Protecting Pensioners, Vulnerable Residents and Care Leavers under 25

5.8 When asked during the consultation if people would support or not support Croydon continuing to protect pensioners, vulnerable residents not able to work and care leavers under 25. 55.4% strongly supported protecting these groups.

24.4% were in support, with 7.4% neither supporting nor not supporting and 4.4% having no opinion. 3.5% do not support this proposal and 4.9% (29) strongly did not support the scheme protecting the aforementioned groups. We can be confident that those who responded were of the opinion the scheme should protect these groups.



Themes from strongly support and support responses:

- Right thing to do for vulnerable residents;
- Duty to protect the mental health of residents especially during the pandemic;
- Most pensioners cannot work so it is right to protect this group; and
- Everyone should receive the same level of support if circumstances not changed.

Themes from strongly do not support and do not support responses:

- More than 3 categories should be protected, such as carers;
- Single people with children under 5 should be protected;
- Croydon Council's financial position should not result in benefit cuts; and
- Support should continue and not change.

5.9 Introduction of a hardship Scheme

5.10 When asked if residents would support the introduction of a one year hardship fund to help residents adversely affected by changes to our Council Tax Support scheme 45.3% strongly supported introducing a hardship fund. 24.1% supported this action with 12.3% neither supporting nor not supporting. 6.4% did not support introducing a hardship scheme and 7.1% strongly did not support, with 4.9% having no opinion. We can be confident an overwhelmingly large percentage of respondents believe introducing a hardship scheme is the right thing to do.



Themes from strongly support and support responses:

- It is the right thing to do;
- Support will be required for those who have to pay more as a result;
- Important to support those who need it; and
- Short term supported needed to allow sufficient time to adjust.

Themes from strongly do not support and do not support responses:

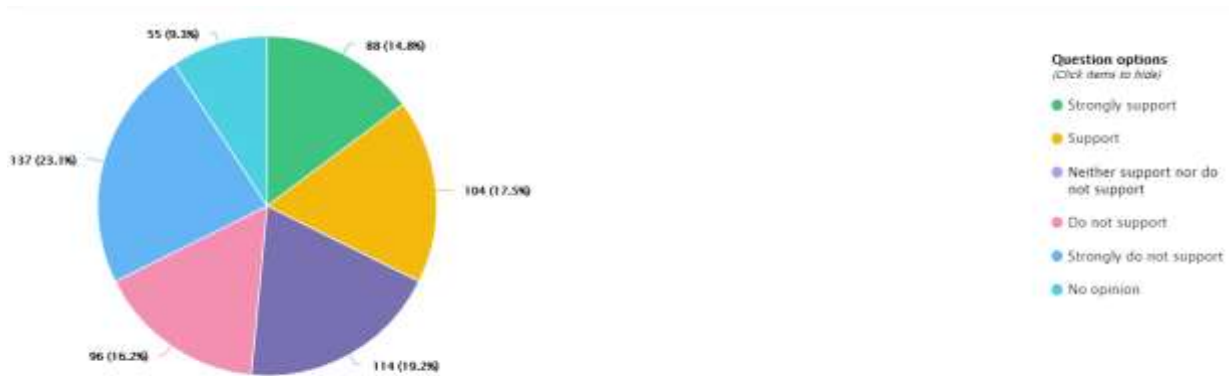
- Does not encourage correct people to adjust by re-budgeting their finances;
- The changes are to reduce costs, so why introduce a hardship scheme;
- One year will not be enough; and
- Croydon Council's financial position should not result in benefit cuts.

5.11 **New charges for working age adults living in the property (who are not the claimant or partner)**

5.12 Deductions are currently made to Council Tax Support for residents who have a non-dependant adult of working age (18 or over) living in the property, depending on the income the non-dependant is in receipt of. 32.3% of respondents either supported or strongly supported changing the deductions currently charged. 25.5% either had no opinion or neither supported or did not support these changes. 39.3% of respondents did not support these changes.

5.13 It should be noted the new charges being proposed make it simpler for residents in receipt of Council Tax Support to understand how they will be affected.

5.14 Whilst a large proportion of respondents do not agree with the changes proposed this also represents the outcome from the previous consultation regarding Council Tax Support in 2013 and non-dependant deductions have always been applied to Council Tax Support.



Themes from strongly support and support responses:

- Non dependant deductions have always been applied;
- Deduction should be based on the salary of a non-dependant; and
- Everyone should pay and contribute to household bills.

Themes from strongly do not support and do not support responses:

- Young people working and studying will not be able afford to contribute;
- It's not fair on young people;
- Will penalise parents with children; and
- Croydon Council's financial position should not result in benefit cuts.

5.15 Supporting low-income households

5.16 Of those who responded 81.0% support the principle a Council Tax Support Scheme should prioritise residents on a low income. 19% felt this was not something the scheme should do.



Themes from strongly support and support responses:

- It is the right thing to do;
- Single parents need help and support;
- Poorest should be helped to prevent poverty; and
- Everyone deserves help.

Themes from strongly do not support and do not support responses:

- Others are struggling not just those on a low income need support;
- Everyone should pay the same;
- Should encourage more people to work; and
- Croydon Council's financial position should not result in benefit cuts.

5.17 Introduction of an Income Band Scheme for Council Tax Support

5.18 49.3% of respondents either strongly supported or supported the introduction of an income banded scheme for Council Tax Support. 26.1% did not support or strongly not support the income band approach. 24.6% either had no opinion or neither supported or not support.

5.19 The results of the consultation show a vast majority support an income band approach.



Themes from strongly support and support responses:

- Easier and simpler to understand;
- Those who can afford to pay should pay;
- Good idea; and
- Single parents need help and support.

Themes from strongly do not support and do not support responses:

- People not able to find higher paid work;
- Increase in cost of living means less disposable income; and
- Income threshold should be increased.

5.20 Increasing the amount of Council Tax residents have to pay for those not in a protected group

5.21 28.9% of respondents strongly supported or supported the principle those who are not in a protected group should have to contribute more towards their council tax. 22.4% of respondents had no opinion or neither supported or not support this principle. Whereas 48.6% of respondents did not support or strongly not support this principle. The previous results indicate we should be protecting vulnerable residents but these results show that when it comes to paying more, almost half do not agree they should pay more if they are not in a protected category



Themes from strongly support and support responses:

- Right thing to do;
- Higher income should result in having to pay more;
- Vulnerable groups need more support; and
- Should pay according to income.

Themes from strongly do not support and do not support responses:

- Increase in cost of living means less disposable income;
- Don't want to pay any more as Council Tax is already very high; and
- Unable to access Council Services

5.22 £50 weekly income bands for Council Tax Support entitlement

5.23 34.9% of respondents strongly support or support introducing the £50 a week income band when assessing entitlement to Council Tax Support. 29.8% had no opinion or neither supported or did not support this approach. 35.7% of respondents did not support or strongly did not support this approach.



Themes from strongly support and support responses:

- Right thing to do;
- Adequately designed for the purpose; and
- Reflects residents income.

Themes from strongly do not support and do not support responses:

- Income threshold should be increased;
- Cuts will continue to affect residents already struggling;
- Percentage should be reviewed as not generous enough; and
- Current scheme should not be changed.

5.24 Maximum income level of £450 to be entitled to receive Council Tax Support

5.25 46.7% of those who responded felt having a weekly income over £450 should mean there is no entitlement to Council Tax Support. 19.9% had no opinion or neither support or not support this income level. 33.5% strongly did not support or not support this income level being the threshold for entitlement. The majority agree this level of income, £450 per week, should mean no support should be provided in the way of Council Tax Support.



Themes from strongly support and support responses:

- It is fair;
- Help lower income feeling supported; and
- Brings in line with the benefit cap.

Themes from strongly do not support and do not support responses:

- Cost of living is increasing;
- Should be encouraged to work;
- Income threshold is not high enough; and
- Income should be lowered to £401.

5.26 Demographic responses

5.27 Age

5.28 Out of the 594 respondents, 591 answered the questions regarding to the age of the respondent. 40.1% were between the ages of 26-45, 20% were between the ages of 46-55. 18.8% were aged 56-65, 13.9% aged 66 or over 5.9% preferred not to declare their age and 1.4% were between the ages of 18-25. As the changes to the scheme affect residents of working age, the proportion of responses reflects those who would be affected by any changes.



5.29 The council tax support caseload indicates that 43% of those who claim are between the age of 26-46 and the response to the consultation closely mirrors those who would be affected.

5.30 **Gender**

5.31 578 residents answered the question regarding gender, of which 62.8% confirmed they identified as being female (including male to female Trans women). 20.2% identified as being male (including female to male trans men), 0.5% confirmed they identified as being non-binary, 12.5% preferred not to say what they identified their gender to be and 4.0% preferred to self-describe the gender identity.



5.32 Data on gender identity is not routinely captured. A person’s innate sense of their own gender, whether male, female or something else may or may not correspond to the sex assigned at birth.

5.33 We will attempt to collect data on all protected characteristics when we transition onto a new supplier for Council Tax Support online application forms. The estimated time line for this is during the financial year 2022/23.

5.34 **Ethnicity**

5.35 When asked about ethnicity 544 respondents answered this query and 50 declined to answer.

- 54.6% of those who responded confirmed their ethnicity to be white (British, Irish or any other white background);
- 5% confirmed their ethnicity to be Asian (Indian, Pakistani, Bangladeshi Chinese’s or any other Asian background);
- 22% stated they regarded their ethnicity to be black (Caribbean, African or any other black background); and
- 14.9% preferred not to declare their ethnicity and 3.5% confirmed their ethnicity to be other.

5.36 The Caseload for Council Tax support shows that 42.9% of Council Tax Support recipients are of a white background, 13.24% have declared their

ethnicity to be Asian and 37.08% are Black. It has to be stated almost 50% of Council Tax Support recipients do not complete details regarding ethnicity and 14.2% of those responding to the consultation chose not to declare their ethnicity (which would be 17.8% including those who stated other).

5.37 Whilst the demographic of respondents does not exactly mirror the council tax support caseload we can be confident that our responses are reflective of a diverse population and reflects the make-up of our authority.



5.38 Disability

5.39 584 respondents confirmed whether or not they considered themselves having a disability.

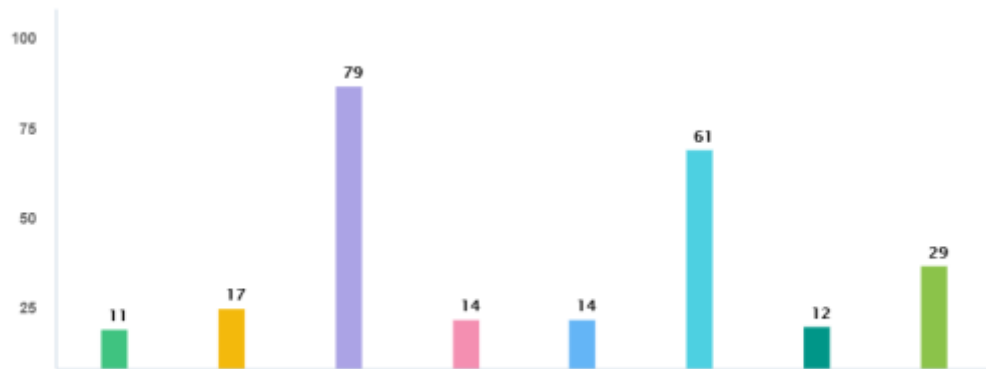
5.40 27.1% considered themselves having a disability, 59.1% answered no and 13.9% preferred not to say.



5.41 157 of the above went on to declare the disability that was identified.

- 7% were visually impaired;
- 10.8% declared a hearing impairment;
- 50.3% identified having a mobility disability;
- 8.9% declared a learning disability;
- 8.9% had communication difficulty;
- 38.9% had a hidden disability; and
- 7.6% preferred not to say

- 18.5% stated they identified as having another disability



6. FORMAL CONSULTATION RESPONSES

6.1 Following engagement with our external stakeholders we received official responses, details of which can be seen below.

6.2 Greater London Authority – GLA

6.3 The proposed minimum contribution rate of 80 per cent is in line with a number of other authorities and is lower than some. Similarly, the approach to excluding certain types of income, such as disability benefits, is in common with many other authorities. The GLA supports the principle of targeting support at households with the lowest incomes and in the greatest need and believes the use of percentage discounts and £50 band intervals is an appropriate approach.

6.4 The GLA recognises that local authorities have faced difficult choices on CTS schemes, as overall funding from central government has reduced and funding for CTS is no longer identifiable within the settlement. Moreover, the GLA is aware of the Council's current financial position and recognises that the proposed scheme is in accordance with the general principles set out by Government.

6.5 Concerns raised regarding families with children being adversely impacted and raised this as an area for review, but welcomed the proposal for a hardship scheme to assist those affected.

6.6 Reference was made to signing up to the Citizens Advice Protocol and recommended Croydon sign up. Croydon are one of the 8 London Boroughs who signed up to the protocol and did so almost 3 years ago

6.7 The Money Advice and Pension Service – MAPS

6.8 There were no concerns regarding the proposed scheme. MAPS have however offered to support residents affected by changes to the scheme by providing third party debt advice. Croydon are already a partner with the Monday Advice and Pension Service.

6.9 Asian Resource Centre of Croydon Limited – ARCC

- 6.10 Concerns were raised regarding the length of consultation – Croydon’s consultation period was for 6 weeks.
- 6.11 Croydon reviewed the consultation requirements and are satisfied our consultation period is aligned to government guidance and other local authorities who consulted on changing their CTS scheme. The previous consultation carried out in 2013 was also for a 6 week period.
- 6.12 There was a concern regarding our Equality Impact Assessment not being shared during the consultation. However, after discussing this matter with other local authorities the EQIA was only made available after the consultation period had ended and the full report published and made available in the public domain.
- 6.13 Concerns were raised regarding the impact of our changes to parents with children. This has been a common theme raised within the consultation.
- 6.14 In relation to engaging with 3rd party stakeholders, ARCC raised concerns that they were not involved in the stakeholder meeting that took place on 2 November 2021. The stakeholder engagement session was held with stakeholders that have ongoing regular engagement/liason meetings regarding their client base with the council, including the revenues and benefits service.
- 6.15 Issues regarding Universal Credit income was also raised.

6.16 South West London Law Centre – SWLLC

- 6.17 Concerns were raised regarding the length of the consultation, but as stated above, the period has been considered in line with guidance and other local authorities.
- 6.18 The matter of enforcement action against those in receipt of Council Tax Support was raised, however, no enforcement action is currently taken against residents who are in receipt of Council Tax Support.
- 6.19 Questions were also raised regarding the operation of the Hardship Fund.

6.20 The Royal British Legion

- 6.21 They were concerned how certain war/military pensions were treated under the new scheme as there was no reference to these incomes, however, as this income is currently disregarded under our current scheme it will remain to be disregarded under the new scheme.

6.22 Child Poverty Action Group – CPAG

- 6.23 CPAG were concerned that no adjustments were made for household size in the proposed new scheme.

- 6.24 They also raised concerns around child poverty CPAG suggested the new scheme should include some mitigation for families with children.
- 6.25 They are suggesting that all benefit income should be disregarded from CTS.
- 6.26 They proposed that Croydon's scheme should reflect the fact that larger families need more money to meet their basic needs.
- 6.27 They raised concerns for single parents with children under 5 who are currently 100% protected.
- 6.28 Academic research has shown that families on the lowest incomes have been severely affected by the pandemic, particularly families with children
- 6.29 The £20 cut to universal credit and the sharp rise in the cost of living, could push some residents into crisis

7. OUTCOME FROM THE CONSULTATION

- 7.1 The consultation period ended on December 9th 2021 with the outcome confirming an overwhelming majority supporting protecting the most vulnerable residents, such as Pensioners, Vulnerable residents not working and Care Leavers under the age of 25.
- 7.2 The majority of those who responded support introducing a hardship scheme, but some felt one year was not long enough for the scheme.
- 7.3 With respect to changing the deductions taken from Council Tax Support based on the income of any other working age adult over the age of 18, the majority did not support this. There are current non-dependant deductions in place in the existing Council Tax Support Scheme. Non-dependant deductions were part of the Council Tax Benefit scheme, non-dependant deductions exist as part of the pensioner prescribed scheme, and non-dependant deductions will form part of the new income banded scheme. This aligns to the principle that everyone in the household should pay something. It should be noted that this feedback was similar to the previous consultation regarding non dependant deductions in 2013.
- 7.4 Respondents agreed that it was the right thing to provide financial support to those on the lowest incomes
- 7.5 The consultation responses approved with introducing an income banded scheme, as this made the scheme fairer and easier to understand.
- 7.6 Respondents agreed that we should protect pensioners, vulnerable residents not working and care leavers under 25. However, they did not want to pay more towards their council tax as a result of providing this protection.
- 7.7 Almost an equal proportion of responses supported or did not support the level of income bands within the scheme being proposed. Some believed this approach was fair where others were concerned with the increase in the cost of

living meant there would be additional strains on families struggling to pay Council Tax.

7.8 The income threshold of £450 per week or £24,300 per year was supported as being the amount of income a person could receive and not be eligible for support under the new Council Tax Support Scheme.

7.9 The key themes for consideration from the formal consultation were to offer more protection to:

- **Universal Credit Housing Element** (11,720 Claims);
- **Disabled Residents** (7,000 Claims);
- **Lone parents** (2,320 Claims);
- **Families with children** (7,910 Claims); and
- **Carers** (2,310 Claims).

8. REVIEW OF CONSULTATION RESPONSES AND RECOMMENDED CHANGES TO PROPOSED CTS SCHEME

8.1 The principles of the consulted scheme are set out below:

- Retain 100% protection for pensioners, care leavers under 25 and disabled non-working residents;
- Income bands should be based on intervals of £50;
- The maximum level of income per week before someone is not eligible for CTS of £450 per week or £23,400 per year;
- The maximum discount awarded for (non-protected) working age residents should be 80% ; and
- Introduce a Hardship Fund to support residents transition for the current CTS scheme to an income banded scheme.

8.2 Following feedback from the consultation, some changes to the principles are being recommended below:

Principle	Proposed new scheme
Retain 100% protection for pensioners, care leavers under 25 and disabled non-working residents	Agreed – no change
Income bands should be based on intervals of £50	Agreed – no change
The maximum level of income per week before someone is not eligible for CTS of £450 per week or £23,400 per year	Recommended change
The maximum discount awarded for (non-protected) working age residents should be 80%	Recommended change for some residents
Introduce a Hardship Fund to support residents transition for the current CTS scheme to an income banded scheme	Agreed – no change

8.3 Consulted scheme

8.4 The table below confirms the proposed value of the income bands together with the proposed percentage discount awarded (Table 1)

Proposed value of income bands (£)	Proposed percentage discount awarded
0 to 150	80%
151 to 200	70%
201 to 250	60%
251 to 300	50%
301 to 350	40%
351 to 400	30%
401 to 450	20%
451+	0%

8.5 We are proposing 2 new variations to the value of income bands and percentage discounts awarded.

8.6 Lone Parents (Table 2)

Proposed new scheme (£)	Lone Parents (children under 5)
0 to 100	80%
101 to 150	70%
151 to 200	60%
201 to 250	50%
251 to 300	40%
301 to 350	30%
351 to 400	20%
401+	0%

8.7 All other working age residents not protected (Table 3)

Proposed new scheme (£)	All other CTS recipients
0 to 100	75%
101 to 150	60%
151 to 200	40%
201 to 250	30%
251 to 300	20%
301 to 350	15%
351 to 400	10%
401+	0%

- 8.8 The explanation for the proposed changes is clarified in paragraph 8.24
- 8.9 Taking the consultation feedback themes in order, as at paragraph 7.9 above the following changes are being recommended:

8.10 Universal Credit [UC] Housing Element Protection

Current CTS Scheme	Consulted Scheme	Revised Recommendations
The UC housing element is currently not treated as separate income, rather a premium is applied to offset the housing element.	All Universal Credit income is considered as income, including the Housing Element.	The Housing Element has been disregarded as income for UC residents. This change would treat both Housing Benefit and UC residents equally.

- 8.11 The financial impact by making this changed resulted in a loss of £2.2m to the MTFS savings.
- 8.12 It is therefore necessary to review all of the proposed changes to the income banded scheme in an attempt to make up the £2.2m loss above. This includes the value of income bands and percentage discounts awarded as per 8.6 (Table 2) and 8.7 (Table 3) above.

8.13 Disabled Residents Not Working

- 8.14 All disabled residents not working will continue to be protected, in some cases the new scheme provides additional protection. We have simplified how we categorise disabled resident not working.
- 8.15 Only when a resident starts work will they move to an income banded scheme. Until then, they will receive 100% support on their Council Tax.
- 8.16 We simplified how we identify when a disabled residents is not working and as a result of this change, we have increased the numbers of residents who qualify for this support, resulting in additional support of £255,000.

8.17 Lone Parent Protection

Current CTS Scheme	Consulted Scheme	Revised Recommendations
Protected to high levels	Consulted income banded scheme – 80% protection for those in the lowest income band. Minimum amount of protection of 20% for all lone parents that are entitled as part of this scheme.	The proposed new bands continue to offer support at the same 80-20% banding however the income bands are brought down offering those on the lowest income maximum support. Lone parents are provided more support than other working age residents.

8.18 Families with Children

Current CTS Scheme	Consulted Scheme	Revised Recommendations
Childcare costs expenses are disregarded from a claim at a rate of £175 for 1 child and £300 for 2 or more children.	Childcare costs expenses are not disregarded in the consulted scheme	100% of child care costs expenses are disregarded as income from a claim.
Child Maintenance is 100% disregarded.	The first £50 of Child Maintenance is disregarded.	100% of Child Maintenance is disregarded.
Child benefit is not considered as income.	Child benefit is not considered as income.	Child benefit is not considered as income.

8.19 Carer Protection

Current CTS Scheme	Consulted Scheme	Revised Recommendations
A premium of £31 is awarded to residents in receipt of Carer's Allowance, this equates to 46% of the allowance.	No disregard of Carer's Allowance.	A 50% disregard for Carer's Allowance.

8.20 Other Recommended changes following consultation

8.21 As we are recommending the housing element of Universal Credit is fully disregarded resulting in a loss of £2.2m savings as per paragraph 8.10 and 8.11, as a result we have reviewed the value of income bands and percentage discounts awarded.

8.22 Whilst we have kept the same number of income bands, we are recommending changes to the value of the bands and the percentage discounts awarded.

8.23 We are also recommending a change to the maximum income threshold to £401 per week, which is aligned to the London living wage of £397 per week from 1 April 2022.

8.24 The changes to the income bands values and percentage discounts are detailed below:

Value of Bands

Consulted Bands	Revised Bands
0 to 150	0 to 100
151 to 200	101 to 150
201 to 250	151 to 200

251 to 300	201 to 250
301 to 350	251 to 300
351 to 400	301 to 350
401 to 450	351 to 400
451+	401+

Percentage Discount awarded

	Lone Parents	Working Age
0 to 100	80%	75%
101 to 150	70%	60%
151 to 200	60%	40%
201 to 250	50%	30%
251 to 300	40%	20%
301 to 350	30%	15%
351 to 400	20%	10%
401+	0%	0%

8.25 Comparing the proposed scheme to that of other London Authorities can be seen in the table below

	Proposed Scheme	Sutton	Barnet	Camden	Brent
Protected residents	Pensioners Disabled Not Working Parents Carers	Pensioners Disabled not Working	Pensioners	Pensioners Parents	Pensioners
Capital Tariff	No Tariff	No Tariff	No Tariff	No Tariff	Schedule 6 of the 2012 Prescribed Regulations
Capital Limit	£8,000	£10,000	£6,000	£16,000	£6,000
Band Cap	D	D non-Protected expected to pay 20% of band D rate	No	No	No
Income Disregards	100 %Child Maintenance disregard 100% Child benefit disregard 50% Carer's Allowance Disregard £50 earned income disregard for Disabled Working	Earned income: £20 for non-vulnerable households £50 for vulnerable households Child Maintenance £50 75% Child benefit disregard	Earned income will be calculated net of income tax, national insurance and 50% of pension contributions, there will be no other deductions.	In accordance with Schedule 5 of Prescribed Requirements Regulations	All DWP and HMRC benefits are disregarded
Non-Dependant Deductions	£5 non-working £10 up to £23,999 £30 for £23,000 over No deduction for Disabled Scheme	£5 non-working £10 up to £23,999 £30 for £23,000 over	£0 - DLA £5 - non-working up to £199.99 £11 - Earning more than £200	If working 30% of liability is deducted from CTS if income over £86.79	£5 - Not working £10 - up to £150 net £15 up to £200 net £20 over £200 net

9 PRE-DECISION SCRUTINY

- 9.1 No pre-decision scrutiny made as of yet as the consultation period has just ended and no final decision has been made.

10 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 10.1 The current CTS scheme costs around £35m of which 80% or £28m is borne by the Council's Collection Fund. The remaining 20% or £7m is attributed to the GLA.

- 10.2 The cost of CTS has increased year on year whilst Central Government funding has reduced year on year, so the financial gap is growing each year. As Central Government grant funding is contained within the Revenue Support Grant and has been amalgamated with Business Rates Retention scheme, it is not possible to determine the exact extent of the current funding gap.

- 10.3 Should CTS continue to growth at the existing pace, and no change is made to the existing scheme, the cost of the scheme could rise as follows:

- 2022/2023 £36.8m
- 2023/2024 £38.7m
- 2024/2025 £40.6m

10.4 Revenue and Capital consequences of report recommendations

There is an income saving of £4.4m set in the Medium Term Financial Strategy for each of the years 2022/23, 2023/24 and 2024/25.

- 10.5 The effect of the decision to move to an income banded scheme is two fold

- Some working age resident will be asked to contribute more towards their Council Tax, whilst pensioners and disabled residents will remain 100% protected from any change to their current CTS entitlement; and
- The new scheme will be simplified with less complexity and it will be easier and faster for residents to make a claim.

- 10.6 Risks – as we are asking some residents to pay more towards their Council Tax there is a risk that they may struggle to make the requested payments. To mitigate this risk, the Council will implement a hardship scheme to support those most in need or unable to pay their Council Tax due to the transition from the existing CTS scheme. In addition to this the Council have close working partnerships with welfare agencies e.g. CAB and MAPS to further support residents in need.

- 10.7 The financial impact of the recommendation set out in this report will be included in the budget setting and MTFS proposals 2022/23.

Approved by: Matthew Davis Interim Director of Finance (Deputy 151)

11. LEGAL CONSIDERATIONS

- 11.1 The Head of Litigation and Corporate comments on behalf of the Interim Director of Legal Services that the Council is required, under the Local Government Finance Act 1992 ('the 1992 Act'), for each financial year, to consider whether to revise or replace its CTS scheme. The Council's first substantive review, detailed in this report, complies with this requirement.
- 11.2 The 1992 Act provides that a billing authority's Council Tax Reduction Scheme must include proscribed matters set out in the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012. As a consequence the Council is required, without any exercise of discretion, to amend the CTS Scheme, to reflect any changes made to those regulations.
- 11.3 This report includes a recommendation in relation to the revised and proposed CTS scheme which has been consulted upon to reflect both the regulations under this requirement and the other changes set-out within this report.
- 11.4 When a billing authority decides to revise or replace its scheme it is required to comply with the preparation requirements set-out in the 1992 Act. Any proposals over and above from what is required by statute must ensure these preparation requirements are adhered to. This includes publishing the draft scheme and consulting upon it.
- 11.5 Details of the consultation which has been undertaken are set-out within the report. The consultation process was required to be conducted in accordance with the Gunning principles, as set-out at paragraph 4.4.
- 11.6 Under the 1992 Act, a decision to revise a billing authority's scheme is required to be made by the authority, not its executive.

Approved by: Sandra Herbert Head of Litigation and Corporate Law on behalf of the interim Director of Legal Services and Deputy Monitoring Officer

12. HUMAN RESOURCES IMPACT

- 12.1 There are no immediate HR issues arising from this report for LBC employees or staff. Any impacts would be managed through the appropriate Council procedures and in consultation with the recognized trade unions.

Approved by: Gillian Bevan Head of HR Resources and Assistant Chief Executives.

13. EQUALITIES IMPACT

- 13.1 An equalities impact assessment has been completed and this will be reviewed after the statutory consultation has taken place and results have been analysed.

- 13.2 The Council recognised that some people may be affected more than others. The groups listed below were identified by the Council to be affected by the new CTS scheme
- Families with children
 - Lone parents with children under 5 years
 - Carers
 - Full time and part time workers
 - Single people and couples with children
 - Single people and couples who are not working and receiving means tested benefit or Universal Credit
- 13.3 In the absence of relevant data, it is not possible at this time to determine whether there is a correlation between the aforementioned groups who may be more affected by the scheme and the equality characteristics. It is noted that consultation will be taking place with other interested stakeholders such as Citizens Advice Bureau and Money Advice and Pension Service along with groups providing welfare advice to residents. Once such consultations have taken place and feedback received with regard to the characteristics of service users of these support organisations, it will be necessary to review the impact on each protected characteristic.
- 13.4 There are four potential outcomes of an Equality Analysis these are:
- No major change - the Equality Analysis demonstrates that the policy is robust and that the evidence shows no potential for discrimination and that all opportunities to advance equality have been taken;
 - Adjust the proposed change to lessen the impact should it adversely impact the Council's ability to meet any of the Public Sector Duties and/or remove barriers or better promote;
 - Continue the proposed change despite potential for possible adverse impact or missed opportunities to promote equality – as we are satisfied that these will not lead to unlawful discrimination and there are justified reasons to continue as planned;
 - Stop and remove the change – if there will be potential for adverse effects on one or more protected groups that are not justified and cannot be mitigated it must be stopped and removed or changed.
- 13.5 Until full Council have made their decision around what changes will be made to the existing scheme (if any), it is not possible to confirm the outcomes of an Equality Analysis. This will be updated once we are made aware of the Full Council decision in January 2022.

Approved by: Denise McCausland, Equalities Programme Manager

14. ENVIRONMENT AND CLIMATE CHANGE IMPACT

- 14.1 Failure to adopt a new simplified scheme will lead to an increase in administration. This in turn will lead to an increase use of resources.
- 14.2 Moving to an income banded scheme will result in less effort, evidence and information sharing. Further automation will be used, and as a result of this less

resources will be used. And this will have a positive impact on environment and climate change.

- 14.3 The Council has a commitment to address environmental sustainability as an integral part of all activity. The Green Commitment and Environmental Procurement Policy are key relevant policies.

15. CRIME AND DISORDER REDUCTION IMPACT

- 15.1 No impact on Crime and Disorder.

16. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 16.1 The current scheme is closely based on the old Council Tax Benefit scheme, so does protect the most vulnerable residents, any changes to the scheme would mean that some residents will be asked to pay more towards their Council Tax. However, the current scheme is at significant cost to the Council, and many Councils have moved away from the old CTB scheme to income banded schemes which are simpler and less complex to administer and understand.
- 16.2 It is not known how much funding the Council receives from Central Government to help pay for CTS expenditure, which is currently £35.04m. What we do know is that expenditure is increasing year on year and that funding is decreasing year on year. The Council is not in a financial position to continue with the existing CTS scheme.
- 16.3 The Council is therefore recommended to agree a move to an income banded CTS scheme as per this report.

17. OPTIONS CONSIDERED AND REJECTED

- 17.1 Cabinet has previously considered 3 Options in relation to CTS scheme, and these are:
- Do nothing to change the existing CTS scheme
 - Make slight changes to the existing CTS scheme
 - Move to a new income banded CTS scheme
- 17.2 They have rejected the options to do nothing, or make slight changes to the existing scheme as they are not viable. They agreed to move to an income banded CTS scheme.

18. DATA PROTECTION IMPLICATIONS

- 18.1 None required. The new scheme uses only existing data held. No further personal data will be requested, obtained, held or published.
- 18.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING**

OF 'PERSONAL DATA'?

YES

Name, Address, Date of birth, National insurance number, income details, capital information and household information which may include special category data, such as ethnicity and health information

18.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

YES

Approved by: Catherine Black, Head of Payments, Revenue and Benefit

CONTACT OFFICER: Catherine Black, Head of Payments, Revenue and Benefit

APPENDICES: Appendix 1 Copy of Council Tax Support Scheme
Appendix 2 Equalities Impact Assessment

BACKGROUND DOCUMENTS: None

The Council Tax Reduction Scheme
(London Borough of Croydon April 2022)

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The Council Tax Reduction Scheme

(Persons who are not Pensioners) (London Borough of Croydon) 2022

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Preamble

1.0 Introduction

From 1 April 2013, council tax support in the form of council tax benefit (CTB) was abolished by Central Government. It was the duty of each billing authority in England to create a localised council tax support scheme, in the form of a council tax reduction scheme, by 31 January 2013, for that scheme to come into force when the CTB regime was abolished.

The enabling provisions are contained in section 10 of, and Schedule 4 to, the Local Government Finance Act 2012, which inserted section 13A and Schedule 1A respectively into the Local Government Finance Act 1992.

The provisions allow the Council, as the Billing Authority (the Authority) to use its discretion to design a scheme to support those not of pension age. The scheme is however required to contain certain prescribed provisions. The provisions which must be included in local council tax reductions schemes are set out in The Council Tax Reduction Schemes (Prescribed Requirements Scheme) (England) Regulations 2012 SI 2885, as amended (the Prescribed Requirements Regulations).

1.1 Pensioners

Billing authorities must protect pensioners by providing the same level of support as operated under the CTB scheme. This has been provided by a prescribed local scheme for pensioners with national rules.

This means that the Authority has no discretion over the method, or level of support, provided to pensioners. Pensioners are protected from any further reductions in the current level of support by Parts 1 to 3 of, and Schedules 1 to 6, 7 and 8 to, the Prescribed Requirements Regulations, where they apply to Pensioners.

This document therefore concentrates on the local council tax support scheme for persons who are not pensioners; the scheme for pensioners is set out in The Council Tax Reduction Scheme (Pensioners) (London Borough of Croydon) 2013

1.2 Persons who are not pensioners

The Authority was required by regulations to design a local council tax reduction scheme for people of working age, subject to certain prescribed requirements, by 31 January 2013. Each financial year since that date the Authority has been required to consider whether to revise or replace its scheme.

1.3 Work Incentives

The Authority's scheme is required to meet the basic requirements of encouraging and incentivising work. The Government does not prescribe by regulations how the Authority provides for work incentives in its scheme; it is for the Authority to decide how best to provide work incentives for its individual communities.

The Authority will introduce working disregards to incentivise work in their April 2022 Income Band Scheme. A £50 per week work disregard is awarded disabled residents unable to work. For the purposes of this scheme the definition of vulnerability is described in the next section.

1.4 Vulnerability

The Government does not prescribe by regulation which class of person(s) is/are defined as vulnerable. Instead, it is for the Authority to decide, having regard to its duties under the Acts referred to below.

In making its scheme, the Authority has had due regard to the Equality Act 2010, public sector equality duties with regard to –

- age, disability, gender reassignment, pregnancy and maternity, race, religion
- or belief, sex or sexual orientation, and
- Child Poverty Act 2010, the duty to mitigate effects of child poverty, and
- Disabled Persons (Services, Consultation and Representation) Act 1986, and
- Chronically Sick and Disabled Persons Act 1970, the duties relating to the welfare needs of disabled people, and
- Housing Act 1996, the duty to prevent homelessness, and
- Armed Forces Covenant, to recognise what our Armed Forces do for us, especially the injured and the bereaved

The following classes of person are deemed to be vulnerable for the purpose of Class A2 (see Regulation 35 of the Scheme) - applicant or any partner who is registered / certified as blind; an applicant who would under the preceding scheme have had an underlying entitlement to a -

- disability premium;
- enhanced disability premium;
- severe disability premium;
- component (employment and support allowance)
- disabled child premium; or
- enhanced disabled child premium;
- Applicant or any partner who is awarded the universal credit capability for work element
- applicant or any partner who receives a permitted work earnings disregard;
- applicant or any partner who receives a War Disablement Pension; applicant who receives a War Widow's or War Widowers Pension

- Applicant or any partner who is a care leaver within the scope of the provisions of the scheme.

1.5 Financial Considerations

The financial risks associated with any council tax support system were transferred from central government to local government in 2013/14.

The government reduced the grant paid to the authority for council tax support by at least 10% of the sum paid for council tax benefit. This means the authority had at least a predicted £1.1 million (excluding GLA) less money available for council tax reduction in 2013/14 than it had for Council Tax Benefit (CTB) 2012/13.

The government also changed the way in which it pays the grant to the Authority for the amount of money paid out as council tax reduction instead of the Authority making a subsidy claim at the end of the financial year and being reimbursed almost pound for pound for money spent on CTTB entitlements, the government provides an up-front sum of money at the beginning of the financial year; a fixed grant that is not ring-fenced to local council tax reduction schemes.

The grant is a pre-set sum of money that is not adjusted at the end of the financial year to take account of any overspend or underspend due to increases or decreases in the number and amount of entitlements to a council tax reduction. The Authority is not prevented from using its own financial resource to add to the spend.

The Authority has also considered the financial implications to its precepting authorities, the Greater London Authority, the Metropolitan Police, the London Fire and Emergency Planning Authority and Transport for London.

2.0 Matters to be included

2.1 Interpretation

2.1.1 “scheme” means council tax reduction scheme

2.1.2 In relation to the scheme “the authority” means the billing authority which made the scheme, that is London Borough of Croydon

2.1.3 “1992 Act” means the Local Government Finance Act of 1992

2.1.4 “2012 Act” means Local Government Finance Act 2012

2.1.5 “Prescribed Requirements” means The Council Tax Reduction Schemes (Prescribed Requirements Scheme) (England) Regulations 2012 SI 2885

2.2 Matters to be included in the scheme

2.2.1 A scheme must state the classes of person who are to be entitled to a reduction under the scheme.

2.2.2 The classes may be determined by reference to, in particular -

- (a) the income of any person liable to pay council tax to the authority in respect of a dwelling;
- (b) the capital of any such person;
- (c) the income and capital of any other person who is a resident of the dwelling;
- (d) the number of dependents of any person within paragraph (a) or (c);
- (e) Whether the person has made an application for the reduction.

2.2.3 A scheme must set out the reduction to which persons in each class are to be entitled; and different reductions may be set out for different classes.

2.2.4 A reduction may be—

- (a) a discount calculated as a percentage of the amount which would be payable apart from the scheme,
- (b) a discount of an amount set out in the scheme or to be calculated in accordance with the scheme,
- (c) expressed as an amount of council tax to be paid (lower than the amount which would be payable apart from the scheme) which is set out in the scheme or is to be calculated in accordance with it, or
- (d) The whole amount of council tax (so that the amount payable is nil).

2.2.5 A scheme must state the procedure by which a person may apply for a reduction under the scheme or under Section 13A (1) (c) of the 1992 Act.

2.2.6 A scheme must state the procedure by which a person can make an appeal against any decision of the authority which affects -

- (a) The person’s entitlement to a reduction under the scheme, or (b) the amount of any reduction to which the person is entitled.

2.2.7 A scheme must state -

- (a) classes of person which must or must not be included in a scheme;
- (b) reductions, including minimum or maximum reductions, which must be applicable to persons in stated classes;
- (c) requirements which must be met by the procedure mentioned in 2.2.5

2.2.8 Subject to compliance with the Prescribed Requirements, a scheme may make provision that is equivalent to provisions made or capable of being made under -

- (a) sections 131 to 133 of the Social Security Contributions and Benefits Act 1992 (council tax benefit);
- (b) sections 134 to 137 of that Act (general provisions about income-related benefits) so far as applying in relation to council tax benefit;
- (c) section 1 of the Social Security Administration Act 1992 (entitlement to benefit dependent on claim) so far as applying in relation to council tax benefit;
- (d) section 6 of that Act (regulations about council tax benefit administration),
- (e) section 32 to 34 of the Welfare Reform Act 2007 (benefit for persons taking up employment) so far as applying in relation to council tax benefit as it had effect on the day on which the Local Government Finance Act 2012 was passed and with such modifications as the authority thinks fit.

2.2.9 In exercising any function relating to its scheme, the authority must have regard to any guidance issued by the Secretary of State

2.3 Revisions to and replacement of scheme

2.3.1 For each financial year, the authority must consider whether to revise its scheme or to replace it with another scheme.

2.3.2 The authority must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.

2.3.3 If any revision to a scheme, or any replacement scheme, has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision relating to that reduction or removal as the authority thinks fit.

The Council Tax Reduction Scheme (Persons who are not Pensioners)

Approved and Made by Council – TBC

Coming into effect April 2022

London Borough of Croydon makes the following Scheme in exercise of the functions conferred by section 13A (1) (a), (2), (3) of, and Schedule 1A to, the Local Government Finance Act 1992 and all other enabling powers, accordance with Parts 1 to 3 of, and Schedules 7 to 8 to, The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.

Citation, commencement and application

- (1) This scheme may be cited as the Council Tax Reduction Scheme (Persons who are not Pensioners) (London Borough of Croydon) 2022 and comes into effect on 01 April 2022.
- (2) This scheme applies in relation to the billing authority in England known as London Borough of Croydon (the Authority).

Prescribed Statutory Requirements

The Authority sets out in Chapter 1, Parts 1 - 9, the Prescribed Requirements that must apply to all applicants for a council tax reduction in accordance with Parts 1 to 3 of, and Schedules 7 to 8 to, the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Leader of the Council

Date

Chapter 1 - Prescribed Statutory Requirements

Part 1 - Introduction

1. Citation, amendment and application

- (1) This scheme may be cited as the Council Tax Reduction Scheme (Persons who are not Pensioners) (London Borough of Croydon) 2022 and comes into effect on 1st April 2022

- (2) This scheme applies in relation to the billing authority in England known as London Borough of Croydon and references in this scheme to “an authority” and “the authority” shall be to London Borough of Croydon unless the context otherwise requires.
- (3) This scheme applies to all persons who are not pensioners.
- (4) If this scheme omits or is inconsistent with any of the requirements relating to persons who are not pensioners contained in the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (including any re-enactment or amendments thereof), the scheme shall be construed in such a way as to correct the omission or inconsistency.
- (5) Typographical or clerical errors in the scheme may be corrected subject to the approval of the officer with overall responsibility for council tax matters (currently interim Corporate Director of Resources).

Part 2 - Interpretation

2. Interpretation

- (1) In this scheme -

“the 1992 Act” means the Local Government Finance Act 1992;

“the Administration Act” means the Social Security Administration Act 1992;

“Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated which are affiliated to that society;

“adoption leave” means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996

“AFIP” means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004;

“applicant” means a person who has made an application;

“application” means an application for a reduction under a scheme;

“assessment period” means -

- (a) In relation to the earnings of an employed earner, in accordance with paragraph 47 for the purpose of calculating the weekly earnings of the applicant, or
- (b) in relation to the earnings of a self-employed earner, in accordance with paragraph 48 for the purpose of calculating the weekly earnings of the applicant; or
- (c) in relation to any other income, in accordance with paragraph 55 for the purpose of calculating the weekly income of the applicant;

“attendance allowance” means -

- (a) an attendance allowance under Part 3 of SSCBA
- (b) an increase of disablement pension under section 104 or 105 of that Act;
- (c) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or;
- (d) any payment based on need for attendance which is paid as part of a war disablement pension;

“the authority” means the London Borough of Croydon in relation to whose area this scheme has effect by virtue of paragraph 4(6) of Schedule 1A to the 1992 Act; “basic rate” has the meaning given by the Income Tax Act 2007;

“the benefit Acts” means the SSCBA, the Jobseeker's Act 1995, the State Pension Credit Act 2002 and the Welfare Reform Act 2007;

“board and lodging accommodation” means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

“care home” has the meaning given by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001 and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 or a residential care home within the meaning of Article 10 of that Order;

“care leaver” means a person who;-

- (a) has not attained the age of 25 years and was formerly provided with accommodation under section 20 of the Children Act 1989;
- (b) who has not attained the age of 25 years and has ceased to be subject to a supervision requirement by a children's hearing under section 70 of the Children (Scotland) Act 1995 ("the 1995 Act") made in respect of him which had continued after he attained the age of 16 years, other than a case where—
 - (i) the ground of referral was based on the sole condition as to the need for compulsory measures of care specified in section 52(1)(i) of the 1995 Act (commission of offences by child); or
 - (ii) he was required by virtue of the supervision requirement to reside with a parent or guardian of his within the meaning of the 1995 Act, or with a friend or relative of his or of his parent or guardian;
- (c) who has not attained the age of 25 years and has ceased to be a child in relation to whom the parental rights and responsibilities were transferred to a local authority under a parental responsibilities order made in accordance with section 86 of the 1995 Act or treated as so vested in accordance with paragraph 3 of Schedule 3 to that Act or has ceased to be a child in relation to whom a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 has been made, or treated as being made, either—
 - (i) after he attained the age of 16 years; or
 - (ii) before he attained the age of 16 years, but had continued after he attained that age; or
- (f) who has not attained the age of 25 years and has ceased to be provided with accommodation by a local authority under section 25 of the 1995 Act where he has previously been provided with accommodation by the authority under that provision either—
 - (i) after he attained the age of 16 years; or
 - (ii) before he attained the age of 16 years, but had continued to be in such accommodation after he attained that age; or
- (g) who is a person who has not attained the age of 25 years and has ceased to be subject to a compulsory supervision order within the meaning of section 83 of the Children's Hearings (Scotland) Act 2011 ("the 2011 Act") which had continued after that person attained the age of 16 years, other than a case where—
 - (i) the section 67 ground (within the meaning of that Act) was based on the sole condition as to the need for compulsory measures of supervision specified in section 67(2)(j) (the child has committed an offence) of the 2011 Act; or
 - (ii) that person was required by virtue of the compulsory supervision order to reside with a parent or guardian of that person within the meaning of the 1995 Act, or with a friend or relative of that person or of that person's parent or guardian.

“the Caxton Foundation” means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

“child” means a person under the age of 16;

“child benefit” has the meaning given by section 141 of the SSCBA;

“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;

“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

“concessionary payment” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act 2002 are charged;

“contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act 2007; as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

“council tax benefit” means council tax benefit under Part 7 of the SSCBA;

“couple” has the meaning given by paragraph 4;

“Default Scheme Regulations” means the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012;

“designated office” means the office of an authority designated by it for the receipt of applications -

- (a) by notice upon or with a form supplied by it for the purpose of making an application;
- (b) by reference upon or with such a form to some other document from it and sent by electronic means or otherwise on application and without charge; or
- (c) by any combination of the provisions set out in paragraphs (a) and (b);

“disability living allowance” means a disability living allowance under section 71 of the SSCBA;

“earnings” has the meaning given by paragraph 51;

“the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000;

“employed earner” is to be construed in accordance with section 2(1)(a) of the SSCBA and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

“the Employment, Skills and Enterprise Scheme” means a scheme under section 17A (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants or job-seekers allowance to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

“employment zone” means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an “employment zone programme” means a programme established for such an area or areas designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment;

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

“extended reduction (qualifying income-related benefit)” means a reduction under this scheme for which a person is eligible under Part 19;

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraphs 24, 88 and 93;

“extended reduction (qualifying contributory benefits)” means a reduction under this scheme for which a person is eligible in accordance with Part 19; “family” has the meaning given by paragraph 6;

“the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by the Secretary of State on 24th April 1992 or, in Scotland, on 10th April 1992;

“Grenfell Tower support payment” means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

(a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June at Grenfell Tower and known as the

Grenfell Tower Residents’ Discretionary Fund;

(b) by the Royal Borough of Kensington and Chelsea; or

(c) by a registered charity;”;

“guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

“a guaranteed income payment” means a payment made under article 15(1) (c) or 29(1) (a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

“housing benefit” means housing benefit under Part 7 of the SSCBA;

“Housing costs element” has the meaning given by regulation 21 of the Universal Credit Regulations 2012;

“an income-based jobseeker’s allowance” and “a joint-claim jobseeker’s allowance” have the meanings given by the Jobseeker’s Act 1995 by virtue of section 1(4) of that Act;

“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

“independent hospital” -

(a) in England means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

(b) in Wales has the meaning given by section 2 of the Care Standards Act 2000; and

(c) in Scotland means an independent healthcare service as defined by section 10F of the National Health Service (Scotland) Act 1978;

“the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

“invalid carriage or other vehicle” means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

“the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependents of victims) of the terrorist attacks carried out in London on 7th July 2005;

“lone parent” means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

“the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

“the Macfarlane (Special Payments) (No 2) Trust” means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

“the Macfarlane Trust” means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

“main phase employment and support allowance” means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007;

“maternity leave” means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to

return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

“maximum council tax reduction” means the amount determined in accordance with paragraph 41;

“member of a couple” means a member of a married or unmarried couple;

“MFET Limited” means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

“mobility supplement” means a supplement to which paragraph 13 of Schedule 3 refers;

“mover” means an applicant who changes the dwelling in which the applicant is resident, and in respect of which the applicant is liable to pay council tax, from a dwelling in the area of one authority to a dwelling in the area of a second authority;

“the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28th March 2019;

“net earnings” means such earnings as are calculated in accordance with paragraph 52 (calculation of net earnings of employed earners);

“net profit” means such profit as is calculated in accordance with paragraph 67 (calculation of net profit of self-employed earners);

“new dwelling” means, for the purposes of the definition of “second authority” and paragraphs 90 and 95 the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

“non-dependant” has the meaning given by paragraph 9;

“occasional assistance” means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of—

- (a) meeting, or helping to meet an immediate short-term need—
 - (i) arising out of an exceptional event or exceptional circumstances, or
 - (ii) that needs to be met to avoid a risk to the well-being of an individual, and

(b) enabling qualifying individuals to establish or maintain a settled home, and—

- (i) “local authority” has the meaning given by section 270(1) of the Local Government Act 1972; and
- (ii) “qualifying individuals” means individuals who have been, or without the assistance might otherwise be—
 - (aa) in prison, hospital, an establishment providing residential care or other institution, or
 - (bb) homeless or otherwise living an unsettled way of life;

“occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

“occupational pension scheme” has the same meaning as in section 1 of the Pension Schemes Act 1993

“parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996(b);”

“partner”, in relation to a person, means -

- (a) where that person is a member of a couple, the other member of that couple;
- (b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or
- (c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

“paternity leave” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996

“pension fund holder” means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators, as the case may be, of the scheme concerned;

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

“pensioner” has the meaning given by paragraph 3(a);

“person on income support” means a person in receipt of income support;

“person treated as not being in Great Britain” has the meaning given by paragraph 12;

“person who is not a pensioner” has the meaning given by paragraph 3(b);

“personal independence payment” has the meaning given by Part 4 of the Welfare Reform Act 2012;

“personal pension scheme” means -

- (a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;
- (b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004;
- (c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

“policy of life insurance” means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent

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on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

“polygamous marriage” means any marriage to which paragraph 5 applies;

“qualifying age for state pension credit” means (in accordance with section 1(2) (b) and (6) of the State Pension Credit Act 2002) - (a)

in the case of a woman, pensionable age; or

- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

“qualifying contributory benefit” means-

- (a) severe disablement allowance;
- (b) incapacity benefit;

- (c) contributory employment and support allowance;

“qualifying income-related benefit” means -

- (a) income support;
- (b) income-based jobseeker’s allowance;

- (c) income-related employment and support allowance;

“qualifying person” means;

- (a) a person in respect of whom a Grenfell Tower support payment has been made, a payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the London Bombings Relief Charitable Fund;

“reduction week” means a period of seven consecutive days beginning with a Monday and ending with a Sunday;

“relative” means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

“relevant week”, in relation to any particular day, means the week within which the day in question falls;

“remunerative work” has the meaning given by paragraph 10;

“rent” means “eligible rent” to which regulation 12 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 refer, less any deductions in respect of non-dependants which fall to be made under paragraph 48 (non- dependant deductions);

“savings credit” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

“second authority” means the authority to which a mover is liable to make payments for the new dwelling;

“self-employed earner” is to be construed in accordance with section 2(1) (b) of the SSCBA;

“shared parental leave” means leave under section 75E or 75 G of the Employment Rights

Act
1996

“single applicant” means an applicant who neither has a partner nor is a lone parent;

“the Skipton Fund” means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain person’s scheme’s provisions;

“sports award” means an award made by one of the Sports Councils named in section 23(2) of the National Lottery Act 1993 out of sums allocated to it for distribution under that section;

“the SSCBA” means the Social Security Contributions and Benefits Act 1992;

“state pension credit” means state pension credit under the State Pension Credit Act 2002;

“statutory parental bereavement pay” means a payment to which a person is entitled in accordance with section 171ZZ6 of the Social Security Contribution and Benefits Act 1992(c);”;

“student” has the meaning given by paragraph 73;

“tax year” means a period beginning with 6th April in one year and ending with 5th April in the next;

“training allowance” means an allowance (whether by way of periodical grants or otherwise) payable -

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers;
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers,

but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the Employment and Training Act 1973, or is training as a teacher;

“the Trusts” (except where the context otherwise requires) means the Macfarlane

Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No 2) Trust and “Trustees” is to be construed accordingly;

“universal credit” has the meaning given by section 1 of the Welfare Reform Act 2012

“voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

“the Windrush Compensation Scheme” means—

- (a) the scheme of that name(d) operated by the Secretary of State for the purpose of compensating individuals who have suffered loss in connection with being unable to demonstrate their lawful status in the United Kingdom; and .
- (b) the policy entitled “Windrush Scheme: Support in urgent and exceptional circumstances”(e) which was operated by the Secretary of State for the purpose of compensating individuals who, for urgent and exceptional reasons, required support in advance of the scheme referred to in paragraph (a) of this definition becoming operational;”

“week” means a period of seven days beginning with a Monday;

“war disablement pension” means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

“war pension” means a war disablement pension, a war widow’s pension or a war widower’s pension;

“war widow’s pension” means any pension or allowance payable to a woman as a widow or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person

“war widower’s pension” means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

“water charges” means -

- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,
- (b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;

“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002;

“young person” means a person who falls within the definition of qualifying young person in section 142 of the SSCBA.

- (2) In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.
- (3) For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day -
 - (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not payable because of a reduction paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations 1996 or section 19 or 19A or regulations made under section 17A or 19B of the Jobseeker’s Act 1995 (circumstances in which a jobseeker’s allowance is not payable);
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for section 19 or 19A or regulations made under section 17A or 19B of that Act; or
 - (c) in respect of which an income-based jobseeker’s allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- (4) For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day -

- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act (disqualification); or
 - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act (employment and support allowance; supplementary provisions) and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- (5) For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- (6) In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).
- (7) In this scheme, references to a person in class A1 or A2 (as the case may be) is a reference to class A1 or A2 described in paragraphs 34 and 35.
- (8) References in this scheme to an applicant participating as a service user are to—
- (a) a person who is being consulted by or on behalf of—
 - (i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services, in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services;
 - (aa) a person who is being consulted by or on behalf of—
 - (i) the Secretary of State in relation to any of the Secretary of State's functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions, in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or
 - (b) the carer of a person consulted as described in sub-paragraph (a) or (aa) where the carer is not being consulted as described in that sub-paragraph.

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3. Application of scheme: pensioners and persons who are not pensioners

In this scheme a person is-

- (a) a “pensioner” if -
 - (i) he has attained the qualifying age for state pension credit; and
 - (ii) he is not, or, if he has a partner, his partner is not -
 - (aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance; or
 - (bb) a person with an award of universal credit; and
- (b) a “person who is not a pensioner” if -
 - (i) he has not attained the qualifying age for state pension credit; or
 - (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is -
 - (aa) a person on income support, on income-based jobseeker’s allowance or an income-related employment and support allowance; or
 - (bb) a person with an award of universal credit.

4. Meaning of “couple”

- (1) In this scheme “couple” means –
 - (a) two people who are married to, or civil partners of, each other and are members of the same household; or
 - (b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.

5. Polygamous marriages

- (1) This paragraph applies to any case where -
 - (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and

(b) either party to the marriage has for the time being any spouse additional to the other party.

(2) For the purposes of paragraph 4 neither party to the marriage is to be taken to be a member of a couple.

6. Meaning of “family”

(1) In this scheme “family” means-

(a) a couple;

(b) a couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person; or

(c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.

(2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).

(3) The references to a young person in sub-paragraph (1)(b) and (c) do not include a young person who is -

(a) on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;

(b) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies; or

(c) entitled to an award of Universal Credit.

7. Circumstances in which a person is to be treated as responsible or not responsible for another

(1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom paragraph 6(2) applies.

(2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person must be treated for the purposes of sub-paragraph (1) as normally living with -

- (a) the person who is receiving child benefit in respect of that child or young person, or
 - (b) if there is no such person—
 - (i) where only one claim for child benefit has been made in respect of him, the person who made that claim, or
 - (ii) in any other case the person who has the primary responsibility for him.
- (3) For the purposes of this scheme, a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this regulation is to be treated as not so responsible.

8. Households

- (1) Subject to sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated, by virtue of sub-paragraph 7, as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.
- (2) A child or young person is not to be treated as a member of the applicant's household where he is -
 - (a) placed with the applicant or his partner by a local authority under section 22C or 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out or placed with the applicant or his partner under a relevant enactment or in Wales, placed with the applicant or the applicant's partner by a local authority under section 81 of the Social Services and Well-being (Wales) Act 2014 or by a voluntary organisation under section 59(1)(a) of the Children Act 1989; or
 - (b) placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
 - (c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009 or the Adoption (Northern Ireland) Order 1987.
- (3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply to a child or young person who is not living with the applicant and who -

- (a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
 - (b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
 - (c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.
- (4) An authority must treat a child or young person to whom sub-paragraph (3)(a) applies as being a member of the applicant's household in any reduction week where -
- (a) that child or young person lives with the applicant for part or all of that reduction week; and
 - (b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.
- (5) In this paragraph "relevant enactment" means-
- (a) the Army Act 1955;
 - (b) the Air Force Act 1955;
 - (c) the Naval Discipline Act 1957;
 - (d) the Matrimonial Proceedings (Children) Act 1958;
 - (e) the Social Work (Scotland) Act 1968;
 - (f) the Family Law Reform Act 1969;
 - (g) the Children and Young Persons Act 1969; (h) the Matrimonial Causes Act 1973;
 - (i) the Children Act 1975;
 - (j) the Domestic Proceedings and Magistrates' Courts Act 1978;
 - (k) the Adoption and Children (Scotland) Act 2007;
 - (l) the Family Law Act 1986; (m) the Children Act 1989;
 - (n) the Children (Scotland) Act 1995; and
 - (na) the Children's Hearings (Scotland) Act 2011; and
 - (o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

9. Non-dependents

- (1) In this scheme, “non-dependent” means any person, except someone to whom sub-paragraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.
- (2) This paragraph applies to -
- (a) any member of the applicant’s family;
 - (b) if the applicant is polygamous married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
 - (c) a child or young person who is living with the applicant but who is not a member of his household by virtue of paragraph 8 (households);
 - (d) subject to sub-paragraph (3), any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under section 6 or 7 of the 1992 Act (persons liable to pay council tax);
 - (e) subject to sub-paragraph (3), any person who is liable to make payments on a commercial basis to the applicant or the applicant’s partner in respect of the occupation of the dwelling;
 - (f) a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.
- (3) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is a non-dependent -
- (a) a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either -
 - (i) that person is a close relative of his or his partner; or
 - (ii) the tenancy or other agreement between them is other than on a commercial basis;
 - (b) a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of a scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;

- (c) a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependent of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a scheme.

10. Remunerative work

- (1) Subject to the following provisions of this paragraph, a person must be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.
- (2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must be had to the average of hours worked over -
 - (a) if there is a recognisable cycle of work, the period of one complete cycle, including, where the cycle involves periods in which the person does not work, those periods but disregarding any other absences;
 - (b) in any other case, the period of 5 weeks immediately prior to the date of application, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.
- (3) Where, for the purposes of sub-paragraph (2) (a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work must be disregarded in establishing the average hours for which he is engaged in work.
- (4) Where no recognisable cycle has been established in respect of a person's work, regard must be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- (5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in sub paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

- (6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week must be treated as not being in remunerative work in that week.
- (7) A person must not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave, shared parental leave, parental bereavement leave, or adoption leave, or is absent from work because he is ill.
- (8) A person must not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which -
 - (a) a sports award has been made, or is to be made, to him; and
 - (b) no other payment is made or is expected to be made to him.

Part 3 - Prescribed classes of persons

11. Pensioners

Pensioners are a class of person prescribed for the purposes of paragraph 2(9) (b) of Schedule 1A to the 1992 Act and who are included in the authority's scheme under The Council Tax Reduction Scheme (Pensioners) (London Borough of Croydon) 2013.

12. Persons treated as not being in Great Britain

- (1) Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9) (b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- (2) Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- (3) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- (4) For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with— (a) regulation 13 of the EEA Regulations; or
 - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of "*qualified person*" in regulation 6(10) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;

- (b) regulation 16 of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation.
- (4A) For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971(a) by virtue of—
- (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
 - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
 - (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.
- (5) A person falls within this paragraph if the person is—
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a)
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A) (b), provided that the relevant person of Northern Ireland falls within paragraph (5) (a), or would do so but for the fact that they are not an EEA national
 - (cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020
 - (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971(8)
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
 - (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is—
 - (i) discretionary leave to enter or remain in the United Kingdom,

- (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005
- (f) a person who has humanitarian protection granted under those rules; or
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
- (h) in receipt of income support on an income-related employment and support allowance; or
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4);
- (6) A person falls within this paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.
- (7) A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.
- (8) In this scheme -
- “claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
- “Crown servant” means a person holding an office or employment under the Crown;
- “EEA national” has the meaning given in regulation 2(1) of the EEA Regulations;”
- “EEA Regulations” means the Immigration (European Economic Area) Regulations 2016(c); and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020
- “family member” has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca)
- “relevant person of Northern Ireland” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971
- “Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006

13. Persons subject to immigration control.

- (1) Subject to sub-paragraph (1A), persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9) (b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- (1A) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance 3 (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of sub-paragraph (1).
- (2) "Person subject to immigration control" has the same meaning as in section 15(9) of the Immigration and Asylum Act 1999.

Part 4 - Procedural Matters

14. Procedure by which a person may apply for a reduction under this authority's scheme.

- (1) Sub-paragraphs (2) to (11) apply to an application made under the authority's scheme.
- (2) An application may be made,-
 - (a) in writing,
 - (b) by means of an electronic communication in accordance with Part 5 , or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- (3) An application which is made in writing must be made to the designated office of the authority on a properly completed form.
- (4) The form must be provided free of charge by the authority for the purpose.
- (5) Where an application made in writing is defective because -
 - (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence, the authority may, in a case to which sub-paragraph (5)(a) applies, request the applicant complete the defective application or, in the case to which sub-paragraph (5)(b) applies, supply the

applicant with the approved form or request further information and evidence.

- (6) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
- (7) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.
- (8) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
- (9) In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.
- (10) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.
- (11) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

15. Procedure by which a person may appeal against certain decisions of the authority

- (1) A person who is aggrieved by a decision of the authority which affects -
 - (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled,

May serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.

- (2) The authority must -
 - (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing -
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) That steps have been taken to deal with the grievance, stating the steps taken.

- (3) Where, following notification under sub-paragraph (2) (b) (i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2) (b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act.

16. Procedure for an application for a discretionary reduction under Section 13(1)(c) of the 1992 Act.

- (1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act must be made -
- (a) in writing,
 - (b) by means of an electronic communication in accordance with Part 5 of this scheme or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- (2) Where—
- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
 - (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

Part 5 - Electronic Communication

17. Interpretation

In this part -

“information” includes an application, a certificate, notice or other evidence; and

“official computer system” means a computer system maintained by or on behalf of the authority for sending, receiving, processing or storing of any information.

18. Conditions for the use of electronic communication

- (1) The authority may use an electronic communication in connection with applications for, and awards of, council tax reductions under this scheme.
- (2) A person other than that authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

- (3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- (4) The second condition is that the person uses an approved method of-
- (a) authenticating the identity of the sender of the communication;
 - (b) electronic communication;
 - (c) authenticating any application or notice delivered by means of an electronic communication; and
 - (d) subject to sub-paragraph (7), submitting to the authority any information.
- (5) The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes of this part.
- (6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- (7) Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.(8) In this paragraph "approved" means approved by means of a direction given by the Chief Executive of the authority for the purposes of this

Part.

19. Use of intermediaries

The authority may use intermediaries in connection with -

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

20. Effect of delivering information by means of electronic communication

- (1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of the authority's scheme on the day the conditions imposed -
- (a) by this Part; and
 - (b) by or under an enactment, are satisfied.

- (2) The authority may, determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).
- (3) Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

21. Proof of identity of sender or recipient of information

If it is necessary to prove, for the purpose of any legal proceedings, the identity of -

- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

22. Proof of delivery of information

- (1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where -
 - (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
 - (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.
- (2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.
- (3) If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

23. Proof of content of information

If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Part 6 - Extended Reductions: Movers

24. Extended reductions: movers into an authority's area

Where—

- (a) an application is made to an authority (“the current authority”) for a reduction under its scheme, and
- (b) the applicant or the partner of the applicant, is in receipt of an extended reduction from—
 - (i) another billing authority in England; or
 - (ii) a billing authority in Wales,

the current authority must reduce any reduction to which the applicant is entitled under its scheme by the amount of that extended reduction.

Part 7 - Applications

25. Making an application

- (1) In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- (2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and -
 - (a) a deputy has been appointed by the Court of Protection with power to apply, or as the case may be, receive benefit on his behalf; or
 - (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or

- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

- (3) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, an authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.
- (4) Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- (5) Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4) -
 - (a) it may at any time revoke the appointment;
 - (b) the person appointed may resign his office after having given 4 weeks' notice in writing to the authority of his intention to do so;
 - (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- (6) Anything required by an authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- (7) The authority must -
 - (a) inform any person making an application of the duty imposed by paragraph 29(1)(a);
 - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and

- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

26. Date on which a n application is made

(1) Subject to sub-paragraph (7), the date on which an application is made is -

(a) in a case where -

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and

- (ii) the application for a reduction is made within one month of the date on which the claim for income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(b) in a case where -

- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or a n income-related employment and support allowance or has an award of universal credit,

- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and

- (iii) the application for a reduction is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(c) in a case where -

- (i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under an authority's scheme, and

- (ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,

the date of the death or separation;

(d) in a case where a properly completed application is received within one month, or such longer period as the authority considers reasonable, of the date on which an application form was issued to the applicant following

the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

- (e) in any other case, the date on which an application is received at the designated office.
- (2) For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income- based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under -
- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseeker's Act 1995 (waiting days); or
 - (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days), have been entitled to that allowance.
- (3) Where the defect referred to in paragraph 14(10) (applications by telephone)-
- (a) is corrected within one month, or such longer period as the authority considers reasonable, of the date the authority last drew attention to it the authority must treat the application as if it had been duly made in the first instance;
 - (b) is not corrected within one month, or such longer period as the authority considers reasonable, of the date the authority last drew attention to it, and the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.
- (4) An authority must treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5) (a), (b) or (c) are satisfied.
- (5) The conditions are that -
- (a) where paragraph 14(5)(a) (incomplete form) applies, the authority receives at its designated office the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
 - (b) where paragraph 14(5)(b) (application not on approved form or further information requested by authority) applies -

- (i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,
- (ii) the applicant supplies whatever information or evidence was requested under paragraph 14(5) within one month of the request, or,

in either case, within such longer period as the authority may consider reasonable; or

- (c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.
- (6) Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to an authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.
- (7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under an authority's scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under its scheme for a period beginning not later than—
- (a) in the case of an application made by a person who has attained, or whose

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partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit, the seventeenth reduction week following the date on which the application is made, or

- (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,

the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

- (8) In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a jobseekers allowance or an employment and support allowance.

27. Information and evidence

- (1) Subject to sub-paragraph (3), a person who makes an application for a reduction under the authority’s scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.
- (2) This sub-paragraph is satisfied in relation to a person if-
- (a) the application is accompanied by -
 - (i) a statement of the person’s national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
 - (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by -
 - (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.
- (3) Sub-paragraph (2) does not apply -
- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
 - (b) to a person who -
 - (i) is a person treated as not being in Great Britain for the purposes ;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.
- (4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority’s scheme has been awarded, must furnish

such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

- (5) Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to which sub-paragraph (7) applies;
- (6) Where an authority makes a request under sub-paragraph (4), it must -
 - (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 29 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
 - (b) without prejudice to the extent of the duty owed under paragraph 29, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.
- (7) This sub-paragraph applies to any of the following payments -
 - (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the London Emergencies Trust, the we love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the London Bombings Relief Charitable Fund;
 - (b) a payment which is disregarded under paragraph 29 of Schedule 3 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
 - (c) a payment which is disregarded under paragraph 42(9).
- (8) Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information -
 - (a) the name and address of the pension fund holder;
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

28. Amendment and withdrawal of application

- (1) A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- (2) Where the application was made by telephone in accordance with paragraph 14, the amendment may also be made by telephone.
- (3) Any application amended in accordance with sub-paragraph (1) or (2) will be treated as if it had been amended in the first instance.
- (4) A person who has made an application may withdraw it at any time before a decision has been made on it by notice to the offices of the authority.
- (5) Where the application was made by telephone in accordance with paragraph 14, the withdrawal may also be made by telephone.
- (6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- (7) Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

29. Duty to notify changes of circumstances

- (1) Subject to sub-paragraphs (3) and (6) an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time -
 - (a) between the making of an application and a decision being made on it, or
 - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under an authority's scheme) including at any time while the applicant is in receipt of such a reduction .
- (2) The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority -
 - (a) in writing; or
 - (b) by telephone -
 - (i) where the authority has published a telephone number for that purpose or for the purposes of paragraph 14 unless the authority determines that in any particular case or class of case notification may not be given by telephone; or

- (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- (3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying-
 - (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- (4) For the purposes of sub-paragraph (3) (c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- (5) Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.

PART 8 - Decisions by the authority

30. Decision by the authority

The authority must make a decision on an application under this scheme within 14 days of paragraphs 25 and 26 being satisfied, or as soon as reasonably practicable thereafter.

31. Notification of decision

- (1) The authority must notify any person affected by a decision made by it under this scheme in writing -
 - (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
 - (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.
- (2) Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement -
 - (a) informing the person affected of the duty imposed by paragraph 29;

- (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) setting out examples of the circumstances, a change in which might affect entitlement to a reduction or its amount.
- (3) Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.
- (4) In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.
- (5) A person affected to whom an authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its

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Decision on any matter set out in the notice.

- (6) The written statement referred to in sub-paragraph (2) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.
- (7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (6).
- (8) This paragraph applies to -
 - (a) the applicant;
 - (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act -
 - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
 - (c) a person appointed by the authority under paragraph 25(3); (persons appointed to act for a person unable to act).

PART 9 - Award or payment of reduction

32. Payment where there is joint and several liability

- (1) Where—
 - (a) a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;

- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
 - (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers would be inappropriate it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.
- (2) Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.
 - (3) Where a person other than a person who is entitled to a reduction under an authority's scheme made the application and that first person is a person acting pursuant to an appointment under paragraph 25(3) or is treated as having been so appointed by virtue of paragraph 25(4), the amount of the reduction may be paid to that person.

Chapter 2 - Local Scheme Requirements

Part 10 - Classes of person entitled to a reduction under this scheme

33. Classes of person entitled to a reduction under this scheme

- (1) The classes of person described in paragraphs 34 and 35 may be entitled to a reduction under this scheme.
- (2) In those paragraphs, references to the applicant's capital refer to the applicant's capital as determined in accordance with Parts 13 and 15 of this scheme.

34. Class A1: Persons who are entitled to a reduction

On any day Class A1 consists of any person -

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 36 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme; and
- (e) who has made an application, or is treated as having made an application, for a reduction under paragraph 25.

35. Class A2: Persons who are entitled to a reduction and are considered to require additional financial assistance

On any day Class A2 consists of any person -

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 36 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) who has made an application, or is treated as having made an application, for a reduction under paragraph 25, and
- (f) is a person who falls within one or more of the following categories –
 - (i) the applicant, or the applicant's partner, is registered / certified as blind;
 - (ii) the applicant, or the applicant's partner, satisfies one or more of the conditions described in Schedule 1 (supplementary qualifying conditions for persons whom the authority considers require additional financial assistance);
 - (iii) the applicant, or the applicant's partner, is in receipt of an award of universal credit that includes either the limited capability for work, or the limited capability for work related activity element;
 - (iv) the applicant, or the applicant's partner receives a permitted work earnings disregard;
 - (v) the applicant, or the applicant's partner, receives a War Disablement Pension;
 - (vi) the applicant, or the applicant's partner is in receipt of an award of income related employment and support allowance that includes either the work related activity group, or the support group component.

36. Periods of absence from a dwelling

A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

- (1) In sub-paragraph (1), a "period of temporary absence" means -
 - (a) a period of absence not exceeding 13 weeks beginning with the first whole day on which a person resides in residential accommodation where and for so long as -
 - (i) the person resides in that accommodation;

- (ii) the part of the dwelling in which he usually resided is not let or sub-let;
and
- (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

- (b) a period of absence not exceeding One calendar month beginning with the first whole day of absence from the dwelling, where and for so long as -
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
and
 - (iii) that period is unlikely to exceed 13 weeks; and
- (c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as -
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
 - (iii) the person is a person to whom sub-paragraph (3) applies; and
 - (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

(2) This sub-paragraph applies to a person who -

- (a) is detained in custody on remand pending trial or required, as a condition of bail, to reside -
 - (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007, or is detained in custody pending sentence upon conviction;
- (b) is resident in a hospital or similar institution as a patient;
- (c) [6 MONTHS ABSENCE] is undergoing, or whose partner or dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;

- (d) is following, in the United Kingdom or elsewhere, a training course;
 - (e) is undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
 - (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
 - (g) 6 months absence is, in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
 - (h) is a student;
 - (i) 6 months absence is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
 - (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.
- (3) This sub-paragraph applies to a person who is -
- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
 - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952(86) or the Prisons (Scotland) Act 1989(87).
- (4) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release -
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;

- (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention; (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.
- (5) In this paragraph -

“medically approved” means certified by a medical practitioner;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“residential accommodation” means accommodation which is provided in -

- (a) a care home;
- (b) an independent hospital;
- (c) an Abbeyfield Home; or
- (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

“training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

36A. Temporary absence from Great Britain.

- (1) Any person who is normally habitually resident in and who is temporarily absent from Great Britain shall be treated, for the duration of that absence, as if they were not habitually resident unless;
 - (a) the person was entitled to a reduction by virtue of this scheme immediately before the beginning of the period of temporary absence; and

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- (b) either—
 - (i) the absence is not expected to exceed, and does not exceed, one month,
 - (ii) sub-paragraph (3) or (4) applies, or
 - (iii) sub-paragraph (6) of paragraph 12 applies.
- (2) The period of one month in sub-paragraph (1)(b) may be extended by up to a further month if the temporary absence is in connection with the death of—
 - (a) the person's partner or a child or qualifying young person for whom the person was responsible; or
 - (b) a close relative of the person, or of their partner or of a child or qualifying young person for whom the person or their partner was responsible,

and the authority considers that it would be unreasonable to expect the person to return to Great Britain within the first month.

- (3) This sub-paragraph applies where the absence is not expected to exceed, and does not exceed, 6 months and is solely in connection with—
- (a) the person undergoing—
 - (i) treatment for an illness or physical or mental impairment by, or under the supervision of, a qualified practitioner, or
 - (ii) medically approved convalescence or care as a result of treatment for an illness or physical or mental impairment, where the person had that illness or impairment before leaving Great Britain; or
 - (b) the person accompanying their partner or a child or qualifying young person for whom they are responsible for treatment or convalescence or care as mentioned in sub-paragraph (a).
- (4) This sub-paragraph applies where the absence is not expected to exceed, and does not exceed, 6 months and the person is—
- (a) a mariner; or
 - (b) a continental shelf worker who is in a designated area or a prescribed area.

(5) In this paragraph—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any activity mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or

vessel where—

- (a) the employment in that other capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“medically approved” means certified by a registered medical practitioner;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

“qualified practitioner” means a person qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment.

37. Classes of person excluded from this scheme

The classes of person described in paragraph **12, 13, 36, 38, 39** and **40** are not entitled to a reduction under this scheme.

38. Class of person excluded from this scheme: capital limit

- (1) the class of person described in this paragraph consists of any person whose capital exceeds **£8,000**
- (2) Capital for the purpose of sub-paragraph (1) is to be calculated -
 - (a) for an applicant awarded Universal Credit in accordance with paragraph 46, and
 - (b) in all other cases in accordance with Part 15 of this scheme.

39. Class of person excluded from this scheme: students

The class of person described in this paragraph consists of any student to whom paragraph 75(1) applies.

40. Class of person excluded from this scheme: deprivation of Tax Credits or relevant Social Security Benefit.

- (1) The class of person described in this paragraph consists of any person who appears to the authority to meet the conditions in sub-paragraph (2).
- (2) The conditions referred to in sub-paragraph (1) are that: - (a) the applicant, or any partner residing with him, would be entitled to a tax credit or a relevant social security benefit, as administered by Her Majesty’s Revenue and Customs or the Department for Work and Pensions; and

- (b) such person or persons have deliberately failed to claim the tax credits or benefits to which they would be entitled for the purpose of reducing their income and with the intention of increasing their entitlement to a reduction under this scheme.

Part 11 - Maximum council tax reduction

41. Maximum council tax reduction under this scheme

- (1) Subject to sub-paragraphs (2) to (5), a person's maximum council tax reduction in respect of a day is 100 per cent of the amount A/B where -
 - (a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to -
 - (i) the condition that for the purposes of calculating A, the council tax shall not exceed the amount set by the authority for a dwelling in council tax band D, and
 - (ii) any discount which may be appropriate to that dwelling under the 1992 Act; and
 - (b) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under paragraph 42 (non-dependent housing costs contribution).
- (2) In calculating a person's maximum council tax reduction under this scheme any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a reduction under this scheme), is to be taken into account.
- (3) Subject to sub-paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.
- (4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph (3) does not apply in his case.
- (5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 75(2) (entitlement of students to a reduction under this scheme) applies.

- (6) In this paragraph “relevant financial year” means, in relation to any particular day, the financial year within which the day in question falls.

42. Non-dependant housing costs contribution

- (1) The non-dependant housing costs contribution in respect of a day referred to in paragraph 41 is –
- (a) in respect of a non-dependant aged 18 or over who does not work, £5.00 x 1/7;
 - (b) in respect of a non-dependant aged 18 or over whose gross earnings are equal to or less than £461.54 a week, £10.00 x 1/7
 - (c) in respect of a non-dependant aged 18 or over whose gross earnings are equal to or greater than £461.55 a week, £30.00 x 1/7
 - (d) In respect of a non-dependant who receives a state pension credit, £0.00.
- (2) Only one housing costs contribution is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other member, the higher amount is to be deducted.
- (3) In applying the provisions of sub-paragraph (1) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that paragraph, to the couple’s or, as the case may be, all members of a polygamous marriage joint weekly gross earnings.
- (4) Where in respect of a day -
- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
 - (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
 - (c) the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons,

the housing costs contribution in respect of that non-dependant must be apportioned equally between those liable persons.

- (5) No housing costs contribution is to be made in respect of any non-dependant occupying an applicant’s dwelling if the applicant or his partner is -

- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 1 (additional condition for the disability premium); or
- (b) receiving in respect of himself -
 - (i) attendance allowance, or would be receiving that allowance but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for -
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in- patients); or
 - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution
- (6) No housing costs contribution is to be made in respect of a non-dependant if -
 - (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes -
 - (i) “patient” has the meaning given in paragraph 36(6), and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having

been a patient continuously for a period equal in duration to the total of those distinct periods.

- (7) No housing costs contribution is to be made in respect of a non-dependent to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.
- (8) In the application of paragraph (2) there is to be disregarded from the non-dependant's gross weekly income -
 - (a) any attendance allowance, disability living allowance, personal independence or an AFIP payment received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006); which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings), would have been disregarded under paragraph 28 of Schedule 3 (income in kind);and
 - (c) any payment which, had his income fallen to be calculated under paragraph 54 (Calculation of income other than earnings), would have been disregarded under paragraph 41 of Schedule 3 (payments made under certain trusts and certain other payments).

PART 12 - Amount of reduction

43. Amount of reduction under this scheme:

- (1) Where a person is entitled to a reduction under this scheme in respect of any day, the amount of reduction is determined by reference to their income (as calculated in accordance with the following provisions of the scheme) for the week in which that day falls.
- (2) For the purpose of this paragraph each week begins on a Monday.
- (3) The applicant's reduction shall be the appropriate percentage of their maximum reduction (as calculated in accordance with paragraph 41) as follows-
 - (a) For any persons who by virtue of paragraph 35 the authority considers require additional financial assistance where;
 - (i) neither the applicant nor their partner's income includes earnings from either employment or self-employment, or
 - (ii) the applicant and their partner's earnings are treated as being zero by virtue of paragraph 6 of schedule 2.

- (iii) the reduction is 100% of the maximum permitted under this scheme.
- (b) In all other cases the relevant percentage is shown by reference to the corresponding weekly income in columns 1 and 2 of the following Tables -
- (c) Working age applicant (who is not a lone parent with at least one child under the age of 5 years)

Proposed new scheme (£)	All other CTS recipients
0 to 100	75%
101 to 150	60%
151 to 200	40%
201 to 250	30%
251 to 300	20%
301 to 350	15%
351 to 400	10%
401+	0%

- (4) Working age applicant who is a lone parent with at least one child under the age of 5 years

Proposed value of income bands (£)	Proposed percentage discount awarded
0 to 100	80%
101 to 150	70%
151 to 200	60%
201 to 250	50%
251 to 300	40%
301 to 350	30%
351 to 400	20%
401+	0%

43A. Annual Increase:

- (a) In accordance with the provisions of this paragraph, on 1 April 2023, and in each subsequent financial year, the income band values (as prescribed in paragraph 43(3) (b)) will increase by the percentage increase in the Consumer Price Index, in the twelve month period, to 1st September preceding the tax year in which the Council Tax Reduction Scheme comes into force.

- (2) In any year where; there is no increase in the consumer price index, at the prescribed date (1 September), the values prescribed by paragraph 43(3)(b) will not change by virtue of this paragraph.
- (3) The annual increase will change the lower and upper earnings limits of each reduction band, as prescribed in paragraph 43(3)(b), by the following conditions only;
 - (a) Subject to sub-paragraph (2), the lower income limit of the fifty percent income band will increase by the amount prescribed in sub-paragraph (1),
 - (b) The initial value subject to this paragraph is (the lower income limit of the fifty percent reduction band on 1 April 2022 £201.00
 - (c) Any increase, to the value prescribed by sub-paragraph (3)(b), will be rounded up to the nearest whole pound(sterling),
 - (d) The lower income limit of the eighty percent reduction band is fixed at £0.00,
 - (e) The upper income limit of the eighty percent reduction band will be, the lower income limit of the seventy percent reduction band less £0.01,
 - (f) There is no upper income limit to the zero percent reduction band, and
 - (g) Exclusive only of the conditions prescribed by sub-paragraphs d, e and f, the difference between the lower and upper income limit of each reduction band is fixed at £49.99
- (4) The reduction bands, set annually in accordance with this paragraph, will be published alongside any other revisions to the scheme by 31 March, preceding the tax year at which the changes come into force.

PART 13 - Income and capital - General

44. Calculation of income and capital: applicant's family and polygamous marriages

- (1) The income and capital of –
 - (a) an applicant; and
 - (b) any partner of that applicant,is to be calculated in accordance with the provisions of this Part, Part 14 and Part 15.
- (2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.

- (3) Except where paragraph 46 (income and capital where there is an award of universal credit) applies, where an applicant or the partner of an applicant is married polygamously to two or more members of his household -
 - (a) the applicant must be treated as possessing capital and income belonging to each such member; and
 - (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

45. Circumstances in which income and capital of non-dependant is to be treated as the applicant's.

- (1) Sub-Paragraph (2) applies where it appears to the authority that a non-dependant and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependant has more income and capital than the applicant.
- (2) Except where the applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess is to be disregarded.
- (3) Where an applicant is treated as possessing income and capital belonging to a non-

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dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

Part 14. Income and capital where there is an award of universal credit

46. Calculation of income and capital: persons who have an award of universal credit

- (1) In determining the income of an applicant-
 - (a) who has, or
 - (b) who (jointly with his partner) has,
an award of universal credit, the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the amount of income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.
- (2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.

- (3) In making a determination under this provision the authority shall take no account of;
- (a) any assumed yield from capital as prescribed by Regulation 72 of the Universal Credit Regulations 2013
 - (b) any deduction made by virtue of the Council Tax (Deductions from Income Support) Regulations 1993
 - (c) the amount of any sanction determined under chapter 2 of the Universal Credit Regulations 2013 that reduces the applicant's award of universal credit
 - (d) the amount of any hardship payment made under chapter 3 of the Universal Credit Regulations 2013
 - (e) any deduction made in consequence of Schedules 5, 6 and 7 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013.
 - (f) the amount of the housing costs elements determined by the Secretary of State for the purpose of making the award of universal credit; subject to the condition that where the amount of any eligible housing costs exceeds the amount of universal credit payable the authority shall instead treat that award as zero.
- (4) The authority shall modify the amount of the income provided by the Secretary of State only in so far as necessary to take into account—
- (a) the amount of the award of universal credit payable as calculated in accordance with this paragraph,

- (b) any childcare charges, in respect of dependent children of the applicant, taken into account under paragraph 57(1)(b) (Calculation of income on a weekly basis);
- (c) the amount disregarded under this scheme in respect of—
 - (i) earnings as prescribed by paragraphs 4, 5 and 6 of Schedule 2
 - (ii) payments of maintenance, whether under a court order or not, which are made or due to be made by—
 - (aa) the applicant's former partner, or the applicant's partner's former partner; or
 - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
- (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 8 (Households) to the extent that it is not taken into account in determining the net income of the person in receipt of universal credit;
- (f) Paragraph 45 (circumstances in which the income and capital of a non-dependant is to be treated as the applicant's), if the authority determines that this paragraph applies in the applicant's case;
- (g) any modification under section 134(8) of the Administration Act (modifications by resolution of an authority) which is applicable in the applicant's case.
- (h) such further reduction (if any) as the authority thinks fit under section 13A (1) (c) of the 1992 Act (power of the billing authority to reduce the amount of council tax payable).
- (5) paragraphs 47 to 65 shall not apply to the amount of the income to be taken into account by the authority under sub-paragraph (1), but shall apply (so far as relevant) for the purpose of determining any modifications which fall to be made to that amount under sub-paragraph (4).
- (6) Where, save for any adjustment falling within sub-paragraph (2) and neither sub-paragraph 3 (c) or (d) apply, the applicant is entitled to the maximum award of every element of universal credit applicable in his circumstances his income for the purpose of this scheme shall be treated as zero.
- (7) In determining the capital of an applicant-

(a) who has, or

(b) who (jointly with his partner) has, an award of universal credit, the authority must use the calculation or estimate of the amount of capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

Part 15 - Income - those not receiving Universal Credit

47. Average weekly earnings of employed earners

- (1) Where the income of an applicant consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment -
 - (a) over a period immediately preceding the reduction week in which the application is made or treated as made and being a period of -
 - (i) 5 weeks, if he is paid weekly; or
 - (ii) 2 months, if he is paid monthly; or
 - (b) whether or not paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the application is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.
- (2) Where the applicant has been in his employment for less than the period specified in sub-paragraph (1)(a)(i) or (ii) -
 - (a) if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings must be estimated by reference to those earnings;
 - (b) in any other case, the authority must estimate the applicant's average weekly earnings.
- (3) Where the amount of an applicant's earnings changes the authority must estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed 52 weeks.
- (4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraph 51 (earnings of employed earners) and 52 (calculation of net earnings of employed earners).

48. Average weekly earnings of self-employed earners

- (1) Where the income of an applicant consists of earnings from employment as a self-employed earner his average weekly earnings must be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed a year.

- (2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 53, 61, 62 and 65 (earnings, net profit, minimum income floor and deduction of tax and contributions).

49. Average weekly income other than earnings

- (1) The income of an applicant which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period must not in any case exceed 52 weeks; and nothing in this paragraph authorises the authority to disregard any such income other than that specified in Schedule 3 (Sums disregarded in the calculation of income other than earnings).

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- (2) The period over which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.
- (3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 54 (calculation of income other than earnings).

50. Calculation of weekly income of employed earners

- (1) For the purposes of paragraph 47 (average weekly earnings of employed earners), 49 (average weekly income other than earnings) and 59 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made -
 - (a) does not exceed a week, the weekly amount is to be the amount of that payment;
 - (b) exceeds a week, the weekly amount is to be determined -
 - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - (ii) in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.
- (2) For the purposes of paragraph 48 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

51. Earnings of employed earners

- (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner of a person means any remuneration or profit derived from that employment and includes -
- (a) any bonus or commission;
 - (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
 - (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
 - (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
 - (e) any payment by way of a retainer;
 - (f) any payment made by the applicant’s employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant’s employer in respect of -
 - (i) travelling expenses incurred by the applicant between his home and place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant’s absence from home;
 - (g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
 - (h) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
 - (i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);
 - (j) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;

- (k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
 - (l) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.
- (2) Earnings does not include -
- (a) subject to sub-paragraph (3), any payment in kind;
 - (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
 - (c) any occupational pension;
 - (d) any payment in respect of expenses arising out of the applicant's participation in a service user group.
- (3) Sub-paragraph (2) (a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1) (l).

52. Calculation of net earnings of employed earners

- (1) For the purposes of paragraph 47 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.
- (2) There is to be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 11 of Schedule 2 (sums disregarded in

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the calculation of earnings).

- (3) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (6) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less -

- (a) any amount deducted from those earnings by way of -
 - (i) income tax;
 - (ii) primary Class 1 contributions under the SSCBA;
 - (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
 - (c) one-half of the amount calculated in accordance with paragraph (5) in respect of any qualifying contribution payable by the applicant; and
 - (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.
- (4) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.
- (5) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined -
- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- (6) Where the earnings of an applicant are estimated under paragraph 47(2)(b) (average weekly earnings of employed earners), his net earnings is to be calculated by taking into account those earnings over the assessment period, less -
- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this paragraph is to be calculated on a pro rata basis;

(b) an amount equivalent to the amount of the primary C lass 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and

(c) one-half of any sum which would be payable by the applicant by way of a Contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

53. Earnings of self-employed earners

- (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner of a person means the gross income of the employment.
- (2) “Earnings” does not include any payment to which paragraph 31 or 32 of Schedule 3 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor does it include any sports award.
- (3) This paragraph applies to -
- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
 - (b) any payment in respect of any -
 - (i) book registered under the Public Lending Right Scheme 1982; or analogous to the Public Lending Scheme 1982,
 - (ii) work made under any international public l ending right scheme that is where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.
- (4) Where the applicant’s earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by -
- (a) the amount of reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus
 - (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 2 (sums disregarded in the calculation of earnings) as appropriate in the applicant’s case.

54. Calculation of income other than earnings

- (1) For the purposes of paragraph 49 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 55 (capital treated as income).
- (2) There is to be disregarded from the calculation of an applicant's gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 3.
- (3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under paragraph (1) must be the gross amount payable.
- (4) Where the applicant or, where he is a member of a couple, his partner is receiving

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- a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008), the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- (5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (6) Sub-paragraphs (7) and (8) apply where -
- a a relevant payment has been made to a person in an academic year; and
- b that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- (7) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula—
- (A - (B x C)) / D** where -
- (a) A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 81(5) (costs of travel, books and equipment);
- (b) B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;
- (c) C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 81(2) (treatment of student loans) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
- (d) D = the number of reduction weeks in the assessment period.

- (8) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (6) applies, is to be calculated by applying the formula in sub-paragraph (7) but as if -

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 81(5) .

- (9) In this paragraph -

“academic year” and “student loan” have the same meanings as in Part 17 (students)

“assessment period” means -

- (a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
- (b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes -
- (i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
- (ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,

whichever of those dates is earlier;

“quarter” in relation to an assessment period means a period in that year beginning on either;

- (a) 1st January and ending on 31st March;
- (b) 1st April and ending on 30th June;
- (c) 1st July and ending on 31st August; or

(d) 1st September and ending on 31st December;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependents referred to in paragraph 76(7) or both.

- (10) For the avoidance of doubt there must be included as income to be taken into account under sub-paragraph (1) -
- (a) any payment to which paragraph 51(2) (Earnings of employed earners) (payments not earnings) applies; or
 - (b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependents (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

55. Capital treated as income

- (1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision

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or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant's capital otherwise calculated in accordance with Part 15 exceeds £10,000, be treated as income.

- (2) Any payment received under an annuity is to be treated as income.
- (3) Any earnings to the extent that they are not a payment of income is to be treated as income.
- (4) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.
- (5) Where an agreement or court order provides that payments must be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital by virtue of this Part), is to be treated as income.

56. Notional income

- (1) An applicant who is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under a council tax reduction scheme or increasing the amount of the reduction.
- (2) Except in the case of -
 - (a) a discretionary trust;
 - (b) a trust derived from a payment made in consequence of a personal injury;
 - (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
 - (d) any sum to which paragraph 50(2)(a) of Schedule 4 (capital disregard) applies which is administered in the way referred to in paragraph 50(1)(a);
 - (e) any sum to which paragraph 51(a) of Schedule 4 refers;
 - (f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;
 - (g) child tax credit;
 - (h) working tax credit, or
 - (i) any sum to which sub-paragraph (11) applies, any income which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.
- (3) Any payment of income, other than a payment of income specified in sub-paragraph (4), made -
 - (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment

made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;

- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- (4) Sub-paragraph (3) does not apply in respect of a payment of income made -
- (a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
 - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal); (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation -
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations; (iii) in the Intense Activity Period specified in regulation 75(1) (a) (iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - (d) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
 - (e) in respect of a person's participation in the Mandatory Work Activity Scheme;

- (f) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (g) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where -
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed
On that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (5) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects, to the date on which the altered rate is to take effect.
- (6) Subject to sub-paragraph (7), where -
 - (a) an applicant performs a service for another person; and
 - (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,the authority must treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.
- (7) Sub-paragraph (6) does not apply -
 - (a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any

of those cases that it is reasonable for him to provide those services free of charge; or

- (b) in a case where the service is performed in connection with -
- (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations 1996, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1) (a) (iv) of those Regulations; or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or
- (c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.
- (8) In sub-paragraph (7) (c) "work placement" means practical work experience which is not undertaken in expectation of payment.
- (9) Where an applicant is treated as possessing any income under any of sub-paragraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.
- (10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph 52(3) (calculation of net earnings of employed earners) do not apply and his net earnings are to be calculated by taking into account those earnings which he is treated as possessing, less -
- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this paragraph is to be calculated on a pro rata basis;

- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
 - (c) one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.
- (11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation in a service user group.

57. Calculation of income on a weekly basis

- (1) Subject to paragraph 60 (disregard of changes in tax, etc.), the income of an applicant is to be calculated on a weekly basis-
 - (a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;
 - (b) deducting from that sum any relevant child care charges to which paragraph 58 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in sub-paragraph (2)(b) is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.
- (2) The conditions of this paragraph are that -
 - (a) the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in sub-paragraph (3) otherwise applies in his case; and
 - (b) that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.
- (3) The maximum deduction to which sub-paragraph (1)(b) above refers is to be -

- (a) where the applicant's family includes child/ren of whom relevant child care charges are paid, 100% of the amount paid per week

58. Treatment of child care charges

- (1) This paragraph applies where an applicant (within the meaning in this paragraph) is incurring relevant child care charges and,
 - (a) is a lone parent;
 - (b) is a member of a couple both; or
 - (c) is a member of a couple where one member is engaged in remunerative work and the other -
 - (i) is incapacitated;
 - (ii) is an in-patient in hospital; or
 - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence),
- (2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he -
 - (a) is paid statutory sick pay;
 - (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
 - (c) is paid an employment and support allowance;
 - (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or
 - (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- (3) This paragraph applies to a person who was engaged in remunerative work immediately before -

- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, employment and support allowance or income support on the grounds of incapacity for work; or
 - (b) the first day of the period in respect of which earnings are credited, as the case may be.
- (4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- (5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with sub-paragraph (10).
- (6) The charges are paid by the applicant for care which is provided -
- (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- (7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid -
- (a) in respect of the child's compulsory education;
 - (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or
 - (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.
- (8) The care to which sub-paragraph (7) refers may be provided -
- (a) out of school hours, by a school on school premises or by a local authority -

- (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
- (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or
- (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
- (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010; or
- (e) by -
 - (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or
 - (ii) local authorities registered under section 83(1) of that Act,

where the care provided is child minding or day care of children within the meaning of that Act; or
- (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or
- (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
- (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
- (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- (j) by any of the establishments mentioned in section 18(5) of the Childcare Act

2006 in circumstances where the care is not included in the meaning of “childcare” for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or

- (k) by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
 - (l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and being a regulated activity prescribed by those Regulations; or
 - (m) by a person who is not a relative of the child wholly or mainly in the child’s home.
- (9) In sub-paragraphs (6) and (8) (a), “the first Monday in September” means the Monday which first occurs in the month of September in any year.
- (10) Relevant child care charges must be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- (11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where -
- (a) the applicant would fall to be treated as person who formerly would have been entitled a disability premium by virtue of paragraph 2 of Schedule 1 on account of the other member’s incapacity or the support component or the work-related activity component on account of his having limited capability for work;
 - (b) the applicant would fall to be treated as person who formerly would have been entitled a disability premium by virtue of paragraph 2 of Schedule 1 on account of the other member’s incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (c) the applicant’s applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;

- (d) he is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
- (e) he has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- (f) there is payable in respect of him one or more of the following pensions or allowances -
- (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
 - (ii) attendance allowance under section 64 of the SSCBA;
 - (iii) severe disablement allowance under section 68 of the SCBA;
 - (iv) disability living allowance under section 71 of the SSCBA;
 - (v) personal independence payment; (vi) an AFIP;
 - (vii) increase of disablement pension under section 104 of the SSCBA;
 - (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v), (vi) or (vii) above;
 - (ix) main phase employment and support allowance;
- (g) a pension or allowance to which sub-paragraph (vii) or (viii) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this article means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
- (h) an attendance allowance under section 64 of the SSCBA or disability

living allowance under section 71 of that Act would be payable to that person but for -

- (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
- (i) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (j) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution
- (k) paragraph (f), (g), (h) or (i) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- (l) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.
- (12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(d) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.
- (13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(e) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.
- (14) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person -
- (a) to whom an attendance allowance or the care component of disability allowance is payable or would be payable but for -
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
 - (b) to whom the daily living component of personal independence payment is payable or would be payable but for a suspension of benefit in

accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

- (c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994 or is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014; or
 - (d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.
- (15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (16) ("the relevant period") provided that -
- (a) in the week before the period of maternity leave, paternity leave, shared parental leave or adoption leave began he was in remunerative work;
 - (b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and
 - (c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.
- (16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave, shared parental or adoption leave commences and ends on -
- (a) the date that leave ends;
 - (b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support (if relevant), statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
 - (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity

pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement to that award of the childcare element of the working tax credit ends, whichever occurs first.

(17) In Sub-paragraphs (15) and (16)

- (a) “qualifying support” means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and
- (b) “child care element” of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

59. Calculation of average weekly income from tax credits

- (1) This paragraph applies where an applicant receives a tax credit.
- (2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in paragraph (3).
- (3) Where the instalment in respect of which payment of a tax credit is made is- (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
 - (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
 - (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
 - (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.
- (4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

60. Disregard of changes in tax and contributions etc.

In calculating the applicant’s income the authority may disregard any legislative change-

- (a) in the basic or other rates of income tax;
- (b) in the amount of any personal tax relief;
- (c) in the rates of social security contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small earnings exception in relation to Class 2 contributions);
- (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the SSCBA;

- (e) in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

61. Calculation of net profit of self-employed earners

- (1) For the purposes of paragraphs 48 (average weekly earnings of self-employed earners) and 57 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must be -
 - (a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
 - (b) in the case of a self-employed earner who is a pensioner whose employment is carried on in partnership, his share of the net profit derived from that employment, less -
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 68 (deduction of tax and contributions of self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) In respect of any qualifying premium;
 - (c) in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less -
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 68 (deduction of tax and contributions for self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (2) There must be disregarded from the net profit of an applicant, any sum, where applicable, specified in paragraphs 1 to 11 of Schedule 2 (sums disregarded in the calculation of earnings).
- (3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less -

- (a) subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - (b) an amount in respect of -
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA, calculated in accordance with paragraph 68 (deduction of tax and contributions for self- employed earners); and
 - (c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (4) For the purposes of paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- (5) Subject to sub-paragraph (6), no deduction is to be made under sub-paragraph (3)(a) or (4), in respect of -
- (a) any capital expenditure;
 - (b) the depreciation of any capital asset;
 - (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
 - (d) any loss incurred before the beginning of the assessment period;
 - (e) the repayment of capital on any loan taken out for the purposes of the employment;
 - (f) any expenses incurred in providing business entertainment; and
 - (g) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.
- (6) A deduction is to be made under sub-paragraph (3)(a) or (4) in respect of the repayment of capital on any loan used for -
- (a) the replacement in the course of business of equipment or machinery; or

- (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- (7) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (3) (a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- (8) For the avoidance of doubt -
- (a) a deduction must not be made under sub-paragraphs (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;
 - (b) a deduction must be made thereunder in respect of—
 - (i) the excess of any value added tax paid over value added tax received in the assessment period;
 - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - (iii) any payment of interest on a loan taken out for the purposes of the employment.
- (9) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less -
- (a) an amount in respect of -
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA, calculated in accordance with paragraph 68 (deduction of tax and Contributions for self-employed earners); and
 - (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (10) For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments must not be offset against his earnings in any other of his employments.

- (11) The amount in respect of any qualifying premium is to be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying premium must be determined -
- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
 - (b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.
- (12) In this paragraph, “qualifying premium” means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of application.

62. Minimum Income Floor

- (1) Subject to sub-paragraph (7), where either the applicant or his partner are treated as being in gainful self-employment under Paragraph 64 and the total earned income of such applicant in respect of any week in the assessment period is less than the minimum income floor, the applicant is to be treated as having earned income equal to the minimum income floor.
- (2) The minimum income floor is, subject to sub-paragraph (3), in the case of an applicant who is lone parent;
- (i) the amount the applicant would earn in a working week of 16 hours paid at the hourly rate prescribed by regulation 4(1)(a) of the National Minimum Wage Regulations 2015, less
 - (ii) An amount that the authority considers appropriate to take account of any income tax or national insurance contributions for which the applicant would have been liable in respect of the assessment period if they had earned income of that amount.
- (3) In all other cases the minimum income floor is equal to the prescribed minimum under sub-paragraph (4), but where the applicant has a partner and the amount of the couple's combined earned income would exceed the prescribed minimum—
- (i) in a case where the couple's combined earned income (before the application of sub-paragraph (1) is equal to or exceeds the prescribed minimum, sub-paragraph (1) does not apply; and

- (ii) In any other case, the minimum income floor is to be reduced so that the amount of the couple's combined earned income does not exceed the prescribed minimum.

(4) The “prescribed minimum” is—

- (a) the amount either the applicant or their partner would earn in a working week of 35 hours paid at the hourly rate prescribed by regulation 4(1)(a) of the

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National Minimum Wage Regulations 2015, less

- (b) an amount that the authority considers appropriate to take account of any income tax or national insurance contributions for which the applicant, or in the case of couple the applicant and his partner, would have been liable in respect of the assessment period if they had the earned income prescribed by sub-paragraph (4)(a).
- (5) Where the applicant or in the case of couple the applicant and his partner have significant caring responsibilities the authority may at its discretion reduce the number of hours worked in a given week that are used to calculate the minimum income floor.
- (6) In sub-paragraph (5) “significant caring responsibilities” means responsibilities sufficient to make it unreasonable for the applicant, or in the case of couple, for the applicant and their partner to work sufficient hours a week to meet the appropriate threshold but does not include caring for dependents where child-care would normally be available.
- (7) Sub-paragraph (1) shall not apply where the applicant’s business is treated as being in a start-up period.

63 Start-up Period

- (1) For the purpose of paragraph 62 but subject to sub-paragraph (2) below, the “start-up period” for a business is the continuous period of 12 months following the date at which the authority determined that the applicant or his partner commenced gainful self-employment in a specific profession, trade or vocation.
- (2) A start-up period will not apply to any applicant who has previously benefited from a start-up period, whether in relation to the current award, or any previous award, of reduction, unless the preceding start-up period—
 - (a) began more than 5 years before the beginning of the applicant’s present self-employed activity; and
 - (b) applied in relation to a different profession, trade or vocation which the claimant has ceased to carry on.
- (3) The authority may terminate a start-up period at any time if the applicant is no longer in gainful self-employment, or is no longer taking reasonable active steps to increase their earnings from their employment to a sum in excess of the applicable minimum income floor under paragraph 62.
- (4) Where the applicant commenced the profession, trade or vocation as his primary self-employment before 1st April 2017 that activity shall not be treated as being in a start-up period.

64. Meaning of “gainful self-employment”

- (1) An applicant is in gainful self-employment for the purposes of paragraph 62 where the authority has determined that—
 - (a) the applicant or their partner is carrying on a trade, profession or vocation as their main employment;
 - (b) their earnings from that trade, profession or vocation are self-employed earnings; and,
 - (c) the trade, profession or vocation is organised, developed, and regular and carried on in expectation of profit.

65. Calculation of deduction of tax and contributions of self-employed earners

- (1) The amount to be deducted in respect of income tax under paragraph 61(1)(b)(i), (3)(b)(i) or (9)(a)(i) (calculation of net profit of self-employed earners) must be calculated -
 - (a) on the basis of the amount of chargeable income, and
 - (b) as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances.
- (2) But, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.
- (3) The amount to be deducted in respect of social security contributions under paragraph 61(1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is the total of -
 - (a) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the SSCBA at the rate applicable to the assessment period except where the applicant’s chargeable income is less than the amount specified in section 11(4) of that Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced pro rata; and
 - (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits must be reduced pro rata.

- (4) In this paragraph “chargeable income” means -
- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 61;
 - (b) in the case of employment as a child minder, one-third of the earnings of that employment.

Part 16 - Capital - those not receiving Universal Credit

66. Calculation of capital

- (1) The capital of an applicant to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and any income treated as capital under paragraph 67 (income treated as capital).
- (2) There must be disregarded from the calculation of an applicant’s capital under sub-paragraph (1), any capital, where applicable, specified in Schedule 4.
- (3) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

67. Income treated as capital

- (1) Any bounty derived from employment to which paragraph 9 of Schedule 2 (sums disregarded in the calculation of earnings) applies and paid at intervals of at least one year is to be treated as capital.
- (2) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.
- (3) Any holiday pay which is not earnings under paragraph 51(1) (d) (earnings of employed earners) is to be treated as capital.
- (4) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 4 (capital disregards), any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant’s account.
- (5) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant’s employer is to be treated as capital.
- (6) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the

Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.

- (7) There is to be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.
- (8) Any arrears of subsistence allowance which are paid to an applicant as a lump sum

must be treated as capital.

- (9) Any arrears of working tax credit or child tax credit must be treated as capital.

68. Calculation of capital in the United Kingdom

Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less -

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any encumbrance secured on it.

69. Calculation of capital outside the United Kingdom

Capital which an applicant possesses in a country outside the United Kingdom must be calculated -

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer, less, where there would be expenses attributable to the sale, 10 per cent and the amount of any encumbrances secured on it.

70. Notional capital

- (1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraph 71 (diminishing notional capital rule).
- (2) Except in the case of -
 - (a) a discretionary trust; or
 - (b) a trust derived from a payment made in consequence of a personal injury; or
 - (c) any loan which would be obtained only if secured against capital disregarded under Schedule 4; or
 - (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or

- (e) any sum to which paragraph 50(2)(a) of Schedule 4 (capital disregards) applies which is administered in the way referred to in paragraph 50(1)(a); or
- (f) any sum to which paragraph 51(a) of Schedule 4 refers; or
- (g) child tax credit; or
- (h) working tax credit,

any capital which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

- (3) Any payment of capital, other than a payment of capital specified in sub-paragraph (4), made -
 - (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of the family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- (4) Sub-paragraph (3) does not apply in respect of a payment of capital made -
 - (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;

- (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations; (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (c) in respect of a person's participation in the Work for Your Benefit Pilot scheme;
- (d) in respect of a person's participation in the Mandatory Work Activity scheme;
- (e) in respect of an applicant's participation in a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where -
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in sub-paragraph (d) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (5) Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case -

- (a) the value of his holding in that company must, notwithstanding paragraph 66 (calculation of capital) be disregarded; and
 - (b) he must, subject to paragraph (6), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this part apply for the purposes of calculating that amount as if it were actual capital which he does possess.
- (6) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (5) is to be disregarded.
- (7) Where an applicant is treated as possessing capital under any of subparagraphs (1), (2) or (3) the foregoing provisions of this part apply for the purposes of calculating its amount as if it were actual capital which he does possess.

71. Diminishing notional capital rule

- (1) Where an applicant is treated as possessing capital under paragraph 70(1) (notional capital), the amount which he is treated as possessing -
- (a) in the case of a week that is subsequent to -
 - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3);
 - (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where -
 - (i) that week is a week subsequent to the relevant week; and

- (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).
- (2) This paragraph applies to a reduction week or part-week, where the applicant satisfies the conditions that -
 - (a) he is in receipt of a reduction in council tax under this scheme; and
 - (b) but for paragraph 70(1), he would have received a greater reduction in council tax under this scheme in that week.
- (3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of -
 - (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
 - (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
 - (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
 - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
 - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional Capital).

- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1) (b) the condition is that the applicant is not a pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 70(1).
- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of -
- (a) the amount of council tax benefit to which the applicant would have been entitled in the relevant week but for paragraph 70(1);
 - (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to -
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
 - (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
 - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
 - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by -
- (a) dividing the relevant amount by the number equal to the number of days in that part- week, and

- (b) multiplying the result of that calculation by 7.
- (7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further application for a reduction in council tax and the conditions in sub-paragraph (8) are satisfied, and in such a case -
- (a) sub-paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words “relevant week” there were substituted the words “relevant subsequent week”; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.
- (8) The conditions are that -
- (a) a further application is made 26 or more weeks after -
- (i) the date on which the applicant made an application for a reduction in question under paragraph 70(1);
- (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which he last made an application for a reduction in council tax which resulted in the weekly amount being re-determined, or
- (iii) the date on which he last ceased to be entitled to a reduction under this scheme,
- whichever last occurred; and
- (b) the applicant would have been entitled to a reduction in council tax under this scheme but for paragraph 70(1).
- (9) The amount as re-determined pursuant to sub-paragraph (7) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.
- (10) For the purposes of this paragraph-
- “part-week” -
- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;

- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
 - (ii) any other period of less than a week for which it is payable;

“relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 70(1) -

- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re- determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction,

and where more than one reduction week is identified by reference to sub-paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

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72. Capital jointly held

Except where an applicant possesses capital which is disregarded under paragraph 70(7) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this part apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

Part 17 - Students - General

73. Interpretation

(1) In this Part -

“academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course is to be considered to begin in the autumn rather than the summer;

“access funds” means -

- (a) grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- (d) discretionary payments, known as “learner support funds”, which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009 ; or
- (e) Financial Contingency Funds made available by the Welsh Ministers;

“college of further education” means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992 ;

“contribution” means-

- (a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or

- (b) any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority considers that it is reasonable for the following persons to contribute towards the holder's expenses -
- (i) the holder of the allowance or bursary;
 - (ii) the holder's parents;
 - (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
 - (iv) the holder's spouse or civil partner;

"course of study" means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

"covenant income" means the gross income payable to a full-time student under a Deed of Covenant by his parent;

"education authority" means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

"full-time course of study" means a full-time course of study which -

- (a) is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, or under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- (b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, or under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—

- (i) in the case of a course funded by the Secretary of State in the student's learning agreement signed on behalf of the establishment which is funded by the Secretary of State; or
 - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
- (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

“full-time student” means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds or any payment to which paragraph 16 of Schedule 3 or paragraph 55 of Schedule 4 applies;

“grant income” means—

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

“higher education” means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992;

“last day of the course” means—

- (a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- (b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

“Period of study” means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, that year’s start and ending with either—
 - (i) the day before the start of the next year of the course in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
 - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- (c) in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course;

“periods of experience” means periods of work experience which form part of a sandwich course;

“postgraduate master’s degree loan” means a loan which a student is eligible to receive under the Education (Postgraduate Master’s Degree Loans) Regulations 2016;

“qualifying course” means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker’s Allowance Regulations 1996;

“sandwich course” has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

“standard maintenance grant” means—

- (a) except where sub-paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (“the 2003 Regulations”) for such a student;
- (b) except where sub-paragraph (c) applies, in the case of a student residing at his parent’s home, the amount specified in paragraph (3) thereof;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as “standard maintenance allowance” for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

“student” means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

“student loan” means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and includes, in Scotland, a young student’s bursary paid under regulation 4(1) (c) of the Students’ Allowances (Scotland) Regulations 2007.

- (2) For the purposes of the definition of “full-time student” in sub-paragraph (1), a person must be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course—
 - (a) subject to sub-paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—

- (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
 - (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.
- (3) For the purposes of paragraph (a) of sub-paragraph (2), the period referred to in that paragraph includes—
- (a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
 - (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.
- (4) In sub-paragraph (2), “modular course” means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

74. Treatment of students

This scheme has effect in relation to students subject to paragraph 39 (class of person excluded from this scheme: students) and the following provisions of this Part.

75. Students who are excluded from entitlement to a reduction under this scheme

- (1) The students who are excluded from entitlement to a reduction under this scheme are, subject to sub-paragraphs (2) and (7)—
 - (a) full-time students, and

- (b) students who are persons treated as not being in Great Britain
- (2) Sub-paragraph (1)(a) does not apply to a student—

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- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) who is treated by virtue of Schedule 1 as a disabled person who would previously have been entitled to either a disability or severe disability premium?
- (d) who would be treated by paragraph 2 of schedule 1 as a disabled person who would previously have been entitled to a disability premium if it were not for a determination, that he is to be treated as capable of work, made in accordance with regulations made under section 171E of the SSCBA;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is—
 - (i) aged under 21 and whose course of study is not a course of higher education, or
 - (ii) aged 21 and attained that age during a course of study which is not a course of higher education, or

- (iii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
- (j) in respect of whom—
 - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
 - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
 - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

- (3) Sub-Paragraph (2) (i) (ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.
- (4) For the purposes of sub-paragraph (2) , once sub-paragraph (2)(e) applies to a full- time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.
- (5) In sub-paragraph (2) (i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

- (6) A full-time student to whom sub-paragraph 2(i) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.
- (7) Sub-paragraph (1)(b) does not apply to a full-time student for the period specified in sub-paragraph (8) if—
- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—
 - (i) engaged in caring for another person; or
 - (ii) ill;
 - (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
 - (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph (8).
- (8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before—
- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- whichever first occurs.

Part 18 - Student Income

76. Calculation of grant income

- (1) The amount of a student's grant income to be taken into account in assessing his income must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.
- (2) There must be excluded from a student's grant income any payment—
- (a) intended to meet tuition fees or examination fees;
 - (b) in respect of the student's disability;

- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependent;
 - (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.
 - (j) in Wales, of higher education bursary for category 3 and category 4 young person's made under section 110 or 112 of the Social Services and Well-being (Wales) Act 2014, in accordance with regulations made under section 116 of that Act.
- (2A) in sub-paragraph (2) "*category 3 and category 4 young persons*" have the meaning given in section 104(2) of the Social Services and Well-being (Wales) Act 2014.
- (3) Where a student does not have a student loan or a postgraduate master's degree loan and is not treated as possessing a student loan or a postgraduate master's degree loan, there must be excluded from the student's grant income—
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- (4) There must also be excluded from a student's grant income the grant for dependents known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- (5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—
- (a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first

day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;

- (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- (6) Any grant in respect of dependents paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependents under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- (7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependents to which neither sub-paragraph (6) nor paragraph 80(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- (8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.
- (9) The sums disregarded in respect of travel costs and the cost of books and equipment under sub-paragraph (3) shall be updated by the authority in line with the sums set by the Secretary of State for such costs and shall take effect at the beginning of each financial year.

77. Calculation of covenant income where a contribution is assessed

- (1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following must be the whole amount of the covenant income less, subject to sub-paragraph

- (3), the amount of the contribution.
- (2) The weekly amount of the student's covenant must be determined—
- (a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and
 - (b) by disregarding £5 from the resulting amount.
- (3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 80(2)(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

78. Covenant income where no grant income or no contribution is assessed

- (1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows -
- (a) any sums intended for any expenditure specified in paragraph 76(2)(a) to (e) (calculation of grant income) necessary as a result of his attendance on the course must be disregarded;
 - (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
 - (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 76(2)(f) and (3) (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
 - (d) The balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.
- (2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income must be calculated in accordance with paragraphs (a) to (d) of sub-paragraph (1), except that—
- (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 76(2)(a) to (e); and

- (b) The amount to be disregarded under paragraph (1) (c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 76(2) (f) and (g) and (3).

79. Relationship with amounts to be disregarded under Schedule 3

No part of a student's covenant income or grant income is to be disregarded under paragraph 19 of Schedule 3 (disregard of certain charitable and voluntary payments).

80. Other amounts to be disregarded

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- (1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 85 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 80(2) (calculation of grant income), necessary as a result of his attendance on the course must be disregarded.
- (2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 76(2) or (3), 77(3), 78(1)(a) or (c) or 81(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

81. Treatment of student loans and postgraduate master's degree loans.

- (1) A student loan and a postgraduate master's degree loan is to be treated as income.
- (2) In calculating the weekly amount of the loan to be taken into account as income—
 - (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with—
 - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year is to be apportioned equally between the weeks in the period—
 - (i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year, and
 - (ii) ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year,

but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the authority, the longest of any vacation is taken and for the purposes of this paragraph, “quarter” has the same meaning as for the purposes of the Education (Student Support) Regulations 2005;

- (c) in respect of the final academic year of a course (not being a course of a single year’s duration), a loan which is payable in respect of that final academic year is to be apportioned equally between the weeks in the period beginning with—
 - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1st September or the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

- (d) in any other case, the loan is to be apportioned equally between the weeks in the period beginning with the earlier of—
 - (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June, and, in all cases, from the weekly amount so apportioned £10 is to be disregarded.

- (3) A student is to be treated as possessing a student loan or a postgraduate master's degree loan in respect of an academic year where—
- (a) a student loan or a postgraduate master's degree loan has been made to him in respect of that year; or
 - (b) he could acquire a student loan or a postgraduate master's degree loan in respect of that year by taking reasonable steps to do so.
- (4) Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)—
- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
 - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.
- (4A) Where a student is treated as possessing a postgraduate master's degree loan under paragraph (3) in respect of an academic year, the amount of that loan to be taken into account as income shall be, subject to paragraph (5), a sum equal to 30 percent of the maximum postgraduate master's degree loan the student is able to acquire in respect of that academic year by taking reasonable steps to do so.

- (5) There must be deducted from the amount of income taken into account under sub-paragraph (4)—
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.
- (6) A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.
- (7) The sums disregarded in respect of travel costs and the cost of books and equipment under by sub-paragraph (5) shall be updated by the authority in line with the sums set by the Secretary of State for such costs and shall take effect at the beginning of each financial year.

81B Treatment of special support loans

A special support loan within the meaning of regulation 68 of the Education (Student Support) Regulations 2011 is to be disregarded as income.

82. Treatment of payments from access funds

- (1) This paragraph applies to payments from access funds that are not payments to which paragraph 85(2) or (3) (income treated as capital) applies.
- (2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.
- (3) Subject to sub-paragraph (4) of this paragraph and paragraph 40 of Schedule 3 (disregards in the calculation of income other than earnings) -
- (a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family, and
 - (b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable,

must be disregarded as income to the extent of £20 per week.

- (4) Where a payment from access funds is made—

- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment must be disregarded as income.

83. Disregard of contribution

Where the applicant or his partner is a student and, for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution must be disregarded for the purposes of assessing that other partner's income.

84. Further disregard of student's income

Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant, student loan or postgraduate master's degree loan, the amount taken into account must be disregarded in assessing that student's income.

85. Income treated as capital

- (1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.
- (2) An amount paid from access funds as a single lump sum must be treated as capital.
- (3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, must be disregarded as capital but only for a period of 52 weeks from the date of the payment.

86. Disregard of changes occurring during summer vacation

In calculating a student's income the authority must disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

Part 19 - Extended Reductions

87. Extended reductions (qualifying income-related benefits)

- (1) An applicant who is entitled to a reduction under this scheme is entitled to an extended reduction where—
- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
 - (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a Combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.
- (2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.
- (3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they must be treated as being entitled to and in receipt of jobseeker's allowance.
- (4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within the scope of paragraphs 34 and 35 —
- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
 - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and

- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1) (b).
- (5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987 (remunerative work: housing costs) applied to that applicant.

88. Duration of extended reduction period: (qualifying income-related benefits)

- (1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends—
 - (a) at the end of a period of four weeks; or
 - (b) On the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

89. Amount of extended reduction: (qualifying income-related benefits)

- (1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of—
 - (a) the amount of the reduction under this scheme to which the applicant was entitled to by virtue of being a person falling within the scope of paragraphs 34 and 35, in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
 - (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of being a person falling within the scope of paragraphs 34 and 35 for any reduction week during the extended reduction period, if paragraph 87, (extended reductions: qualifying income-related benefits) did not apply to the applicant; or
 - (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of being a person falling within the scope of paragraphs 34 and 35, if paragraph 87 did not apply to the applicant.

- (2) Sub-paragraph (1) does not apply in the case of a mover.
- (3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

90. Extended reductions—movers: (qualifying income-related benefits)

- (1) This paragraph applies—
 - (a) to a mover; and
 - (b) from the Monday following the day of the move.
- (2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had they, or their partner, not ceased to be entitled to a qualifying income-related benefit.
- (3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction may take the form of a payment from this authority to—
 - (a) the second authority; or
 - (b) the mover directly.

91. Relationship between extended reduction and entitlement to reduction by virtue of being a person falling within the scope of paragraphs 34 and 35.

- (1) Where an applicant's entitlement to a reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 87(1)(b), that entitlement does not cease until the end of the extended reduction period.
- (2) Paragraphs 98 and 99 do not apply to any extended reduction payable in accordance with paragraph 87(1)(a) or 90(2) (amount of extended reduction—movers)

92. Extended reductions (qualifying contributory benefits)

- (1) An applicant who is entitled to a reduction under this scheme by virtue of being a person falling within the scope of paragraphs 34 and 35, is entitled to an extended reduction (qualifying contributory benefits) where—

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
 - (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,
 and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
 - (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
 - (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.
- (2) An applicant must be treated as entitled to a reduction under this scheme by virtue of being a person falling within the scope of paragraphs 34 and 35,
- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
 - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
 - (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1) (b).

93. Duration of extended reduction period (qualifying contributory benefits)

- (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (a) The extended reduction period ends—
 - (b) at the end of a period of four weeks; or
 - (c) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

94. Amount of extended reduction (qualifying contributory benefits)

- (1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of—
- (a) the amount of reduction under this scheme to which the applicant was entitled by virtue of being a person falling within the scope of paragraphs 34 and 35, in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
 - (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of being a person falling within the scope of paragraphs 34 and 35, for any reduction week during the extended reduction period, if paragraph 93 (extended reductions (qualifying contributory benefits)) did not apply to the applicant; or
 - (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of being a person falling within the scope of paragraphs 34 and 35, if paragraph 93 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.
- (3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction may be allowed by the appropriate authority during the extended reduction period.

95. Extended reductions (qualifying contributory benefits) - movers

- (1) This paragraph applies—
- (a) to a mover; and
 - (b) from the Monday following the day of the move.

- (2) The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.
- (3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—
 - (a) the second authority; or
 - (b) the mover directly.

96. Relationship between extended reduction (qualifying contributory benefits)

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and entitlement to a reduction by virtue of being a person falling within the scope of paragraphs 34 and 35

- (1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 87(1)(b), that reduction does not cease until the end of the extended reduction period.
- (2) Paragraphs 99 and 100 do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 93(1) (a) or 95(2) (amount of extended reduction—movers).

Part 20 - When entitlement begins and change of circumstances

97. Date on which entitlement begins

- (1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction is so entitled from the reduction week following the date on which that application is made or is treated as made.
- (2) Where a person is otherwise entitled to a reduction under this scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his application is made or is treated as made, he is so entitled from that reduction week.

98. Date on which change of circumstances is to take effect

- (1) Except in cases where paragraph 60 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs.
- (2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.
- (3) Subject to sub-paragraph (4), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- (4) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under section 11 or 11A of that Act (discounts), it takes effect from the day on which the change in amount has effect.
- (5) Where the change of circumstances is an amendment to this scheme it shall take effect from the date on which the amendment to this scheme takes effect.
- (6) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- (7) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- (8) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (7) they take effect from the day to which the appropriate sub-paragraph from (3) to (7) above refers, or, where more than one day is concerned, from the earlier day.
- (9) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances takes effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes.
- (10) Without prejudice to sub-paragraph (9), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been

timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

99. Time within which a claim for council tax reduction is to be made.

- (1) Where the authority has determined the date at which an application is made by virtue of Paragraph 26; the applicant can request that their application is treated as made on any date up to one calendar month earlier.
- (2) The authority must treat that earlier date as the date on which the application is made, where-
 - (a) one or more of the circumstances specified in sub-paragraph (3) applied to the applicant at that earlier date; and
 - (b) As a result of that circumstance or those circumstances the applicant could not reasonably have been expected to make their application at the earlier date...
- (3) The circumstances referred to in sub-paragraph (2) are—
 - (a) the applicant and or partner has a disability;
 - (b) The applicant and or partner has supplied the authority with medical evidence that satisfies the authority that the applicant had an illness that prevented the applicant from making an application.

Part 21 - Changes in the amount of reduction

100. Adjustments to the amount of reduction

Where, due to a change of circumstances or other correction, the amount of reduction that an applicant is entitled to is adjusted, the authority shall issue a revised Demand Notice and adjust payments in respect of the applicant's council tax liability in accordance with Council Tax (Administration and Enforcement) Regulations 1992

101. Prescribed requirements subsequent to a determination that an applicant is not entitled to a reduction.

If the authority determines by virtue of the requirements of this scheme that on any day an applicant is not entitled to a reduction, that applicant cannot be entitled to a reduction on any date subsequent to the first date at which he is not entitled without first making a new application in accordance with paragraph 25.

Part 22 - Transitional Provisions.

102. Transitional Provisions.

- (1) A reduction in a person's council tax charge awarded by virtue of Section 13A 1(c) of the LGFA 1992 in respect of any day subsequent to 31 March 2017 shall be determined in accordance with the preceding provisions of this scheme.
- (2) Any such reduction awarded in respect of any day;
 - (a) falling between April 1 2013 and March 31 2022 shall be determined in accordance with the Council Tax Reduction Scheme (persons who are not pensioners) (London Borough of Croydon) 2013, or
 - (b) Falling between April 1 2013 and March 31 2022 shall be determined in accordance with the Council Tax Reduction Scheme (persons who are not pensioners) (London Borough of Croydon)

Schedule 1

Supplementary qualifying conditions for persons whom the authority considers require additional financial assistance.

Paragraph 35

1. Paragraphs 2-8 set out the supplementary qualifying conditions for the purposes of paragraph 35(2) (f) (ii).

2. Disabled persons who would previously have qualified for a disability premium

The condition is that—

- (a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 3 is satisfied; or
- (b) where the applicant has a partner, either—
 - (i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 3(1)(a) or (b) is satisfied by him; or
 - (ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 3(1)(a) is satisfied by his partner.

3. Additional condition for disabled persons who would previously have qualified for a disability premium

- (1) Subject to sub-paragraph (2) and paragraph (8), the additional condition referred to in paragraph 2 is that either—
 - (a) the applicant or, as the case may be, his partner—
 - (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, and AFIP, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in

the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or

- (ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the applicant has since remained continuously entitled to
 - (aa) council tax benefit in relation to the period prior to 1st April 2013 and,
 - (bb) a reduction under this scheme (in relation to the period commencing on 1st April 2013), and if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or
- (iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 64(11)(i) (treatment of child care charges); or
- (iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 64(11)(i) (treatment of child care charges); or
- (v) was in receipt of an AFIP, but payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for suspension because a person is undergoing medical treatment in a hospital or similar institution; or
- (vi) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972; or
- (vii) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf

of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014.

(b) the applicant—

(i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and

(ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—

(aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;

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(bb) in any other case, 364 days.

- (2) For the purposes of sub-paragraph (1)(a)(vii), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that paragraph for a period of 28 weeks following the date on which he ceased to be so registered.
- (3) For the purposes of sub-paragraph (1) (b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he is, on again becoming so incapable of work, immediately thereafter to be treated as satisfying the condition in sub-paragraph (1) (b).
- (4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he is to continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.
- (5) For the purposes of sub-paragraph (1) (b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods are to be treated as one continuous period.
- (6) For the purposes of this sub-paragraph, a reference to a person who is or was in receipt of long- term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short- term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.
- (7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)—
 - (a) the reference to a period of 8 weeks in paragraph (3); and
 - (b) the reference to a period of 56 days in paragraph (5),

In each case is to be treated as a reference to a period of 104 weeks.

- (8) The applicant is not entitled to the disability premium if he has, or is treated as having, limited capability for work.

4. Disabled persons who would previously have qualified for a severe disability premium

- (1) The condition is that the applicant is a severely disabled person.
- (2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—
- (a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of paragraph (3)—
- (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and
- (ii) subject to sub-paragraph (4), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
- (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA in respect of caring for him;
- (b) in the case of an applicant who has a partner—
- (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and
- (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance; and
- (iii) subject to sub-paragraph (4), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the

case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any partner of a polygamous marriage.

- (3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 3(1)(a)(v) and (2), that partner is to be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the applicant.
- (4) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—
 - (a) a person receiving attendance allowance, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 ; or
 - (b) a person who is blind or is treated as blind within the meaning of paragraph 3(1) (a) (v) and (2).
- (5) for the purposes of sub-paragraph (2)(b) a person is to be treated -
 - (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
 - (b) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.
- (6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid.
- (7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit provisions).

5. Disabled persons who would previously have qualified for the Enhanced disability premium

- (1) Subject to sub-paragraph (2), the condition is that—
- (a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or
 - (b) the care component of disability living allowance is, or would be payable at the highest rate prescribed under section 72(3) of the SSCBA, but for a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the SSCBA in respect of—
 - (i) the applicant; or
 - (ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit; or
 - (c) the daily living component of personal independence payment is, or would be payable at either rate under Part 4 of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of—
 - (i) the applicant; or
 - (ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit.
- (2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).
- (3) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—
- (a) an applicant who—
 - (i) is not a member of a couple or a polygamous marriage; and

- (ii) is a patient within the meaning of paragraph 58(11)(e) (treatment of child care charges) and has been for a period of more than 52 weeks; or
- (b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 58(11) (e) and has been for a period of more than 52 weeks.

6. Persons who would previously have qualified for a Disabled child premium

The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind or treated as blind within the meaning of paragraph 3; or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

7. Persons who are entitled to the support component of employment and support allowance

The condition is that the applicant is entitled to the support component by virtue of the Secretary of State having decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

SCHEDULE 2

Sums disregarded in the calculation of earnings

Paragraph 53

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—

(a) where—

- (i) the employment has been terminated because of retirement; and
- (ii) on retirement he is entitled to a retirement pension under the Act, or a state pension under Part 1 of the Pensions Act 2014, or is not so entitled solely because of his failure to satisfy the contribution conditions or to have the minimum number of qualifying years,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;

(b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—

(i) any payment of the nature described in—

(aa) paragraph 51(1)(e) (retainer), or

(bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and

(ii) any award, sum or payment of the nature described in—

(aa) paragraph 51(1)(g) or (i), (compensation etc. relating to employment); or

- (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),

including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;

- (c) where before the first day of entitlement to a reduction under this scheme—

- (i) the employment has not been terminated, but
- (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(d) or (ii)(bb) of this Schedule or paragraph 51(1)(j) (statutory sick pay etc.);

- 2.** In the case of an applicant who, before the first day of entitlement to a reduction under this scheme—

- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings paid or due to be paid in respect of that employment except—

- (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb) of this Schedule;
- (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) of this Schedule or paragraph 51(1)(j) (statutory sick pay etc.).

- 3.** In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.

4. In the case where the applicant or their partner satisfies one or more of the conditions described under paragraph 35 (Class A2: Persons who are entitled to a reduction and are considered to require additional financial assistance) £50 but, notwithstanding paragraph 44 (calculation of income and capital: applicant's family and polygamous marriages), if this paragraph applies to an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £50

6. —

(1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 10 does not apply,

the amount specified in sub-paragraph (7) (“the specified amount”).

(2) Where this paragraph applies, paragraphs 8 does not apply;

(3) Notwithstanding paragraph 44 (calculation of income and capital: applicant's family and polygamous marriages), if sub-paragraph (1) applies to one member of a couple (“A”) it does not apply to the other member of that couple (“B”) except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there must also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £30 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

- (6) “Exempt work” means work of the kind described in—
- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008; or (as the case may be)
 - (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
7. Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 3 had the applicant’s income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
8. Where an applicant is on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, his earnings.
9. Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
10. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

11. Any earnings of a child or young person.

SCHEDULE 3

Sums disregarded in the calculation of income other than earnings.

Paragraph 54

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.

2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.

3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme.

4. Any amount paid by way of tax on income which is to be taken into account under paragraph 54 (calculation of income other than earnings).

5. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—

(a) engaged by a charitable or voluntary organisation, or

(b) a volunteer,

if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 56(5) (notional income).

6. Any payment in respect of expenses arising out of the applicant's participation in a service user group.

7. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.

8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his income.

9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseeker's Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.

10. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.

- 11.** Any disability living allowance or personal independence payment, or an AFIP
- 12.** Any concessionary payment made to compensate for the non-payment of—
- (a) any payment specified in paragraph 11 or 14;
 - (b) income support;
 - (c) an income-based jobseeker's allowance;
 - (d) an income-related employment and support allowance.
- 13.** Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
- 14.** Any attendance allowance.
- 15.** Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
- 16.**
- (1) Any payment—
- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996 (Payment of school expenses; grant of scholarships etc.);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73 ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to—
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial

assistance for purposes related to education or childcare, and allowances in respect of education or training); or

- (ii) regulations made under section 181 of that act; or
 - (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

In respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

17. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.

18.

- (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment—
- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

- (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

19. —

- (1) Subject to sub-paragraph (2), any of the following payments—
- (a) a charitable payment;
 - (b) a payment (not falling within paragraph (a)) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (c) a payment under an annuity purchased—
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
 - (d) a payment (not falling within paragraphs (a) to (c)) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.
- (2) Sub-paragraph (1) does not apply to a payment which is made or due to be made by—
- (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.

20. Any of the following, namely—

- (a) a war disablement pension; and
- (b) a war widow's pension or war widower's pension;
- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;

- (d) a guaranteed income payment;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;
- (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

21. Subject to paragraph 40, £15 of any—

- (a) widowed mother's allowance paid pursuant to section 37 of the SSCBA; (b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

22.

- (1) Any income derived from capital to which the applicant is or is treated under paragraph 72 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 4.
- (2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 4 but only to the extent of—
 - (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of "water charges" in paragraph 2(1) (interpretation) applies to sub-paragraph (2) of this paragraph with the omission of the words "in so far as such charges are in respect of the dwelling which a person occupies as his home".

23. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

- (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

24.

- (1) Where the applicant is the parent of a student aged under 25 in advanced education who either—
 - (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23 an amount specified in sub-paragraph (2) in respect of each week during the student's term.

- (2) For the purposes of sub-paragraph (1), the amount must be equal to—
 - (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

- 25.** Any payment made to the applicant by a child or young person or a non-dependant.

26. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—

- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
- (b) where the aggregate of any such payments is £20 or more per week, £20.

27. Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 percent of such payments;
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.

28.-

(1) Any income in kind, except where article 60(11) (b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 in the calculation of income other than earnings) applies.

(2) The reference in sub-paragraph (1) to “income in kind” does not include a payment to a third party made in respect of the applicant, which is used by the third party to provide benefits in kind to the applicant.

29. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

30.-

(1) Any payment made to the applicant in respect of a person who is a member of his family—

- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978 (schemes for payments of allowances to adopters) or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);
- (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);

- (c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
- (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);

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(2) Any payment, other than a payment to which sub-paragraph (1) (a) applies, made to the applicant pursuant to regulations under section 2(6) (b), 3 or 4 of the Adoption and Children Act 2002.

31. Any payment made to _____ the applicant with whom a person is accommodated by virtue of arrangements made—

- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
- (b) by a voluntary organisation under section 59(1) (a) of the Children Act 1989 (provision of accommodation by voluntary organisations).

32. Any payment made to _____ the applicant or his partner for a person (“the person concerned”), who is not normally a member of the applicant’s household but is temporarily in his care, by—

- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;

- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) the person concerned where the payment is for accommodation to meet that person's needs for care and support arranged pursuant to section 35 and 36 of the Social Services and Well-being (Wales) Act 2014
- (f) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
- (g) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

33. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

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34.-

- (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A—
 - (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.

35. -

- (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments—
 - (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or

(b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974) or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) is only to be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—

(a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (1)(b); and

(b) meet any amount due by way of premiums on—

(i) that policy; or

(ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

36. Any payment of income which by virtue of paragraph 67 (income treated as capital) is to be treated as capital.

37. Any -

(a) social fund payment made pursuant to Part 8 of the SSCBA (the Social Fund); or

(b) occasional assistance.

38. Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).

39. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

40. The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 44(3) (calculation of income and capital: applicant's family and polygamous marriages) to be disregarded under paragraphs 76(2)(b) and 77(1)(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 81(2) (treatment of student loans), paragraph 82(3) (treatment of payments from access funds) and paragraphs 20 and 21 of this schedule shall in no case exceed £ 20 per week.

41.

- (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) Any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

(b) the payment is made either—

(i) to that person's parent or step-parent, or

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either—

(i) to that person's parent or step-parent, or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

But only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

42. Any housing benefit.

43. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

44. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

45. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act or further reduction under section 13A of the 1992 Act (reduction of liability for council tax).

46. —

(1) Any payment or repayment made—

(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (Travelling expenses and health service supplies);

(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (Travelling expenses and health service supplies);

(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).

47. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

48. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

49. —

(1) Where the applicant is treated by virtue of paragraph 7 as responsible for a dependent child or young person, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.

- (2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.
- (3) A payment made by the Secretary of State in lieu of maintenance must, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

50—

Any payment of child maintenance made or derived from a liable relative where the child or young person in receipt of whom the payment is made is a member of the applicants family, except where the person making the payment is the applicant or the applicants partner

- (1) In sub-paragraph (1)—

“Child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—

- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991; (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

“liable relative” means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

51. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

52. Any guardian’s allowance.

53. —

- (1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependent in respect of whom the increase is paid is not a member of the applicant’s family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependent in respect of whom the increase is paid is not a member of the applicant's family.

54. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

55. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

56. (1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

57. Any council tax benefit to which the applicant is entitled.

58. Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).

59.-

- (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
 - (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,

in respect of which such assistance is or was received.

- (2) Sub-paragraph (1) applies only in respect of payments which are paid to that person from the special account.

60.-

- (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

61. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker’s allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.

62. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

63. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.

64.-

(1) Any payment made by a local authority or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) "local authority" includes, in England, a county council.

65. 100 percent of any payment of child benefit.

66. Any bereavement support payment under section 30 of the Pensions Act 2014 (bereavement support payment) except any such payment which is disregarded as capital under paragraph 12(1) (g) or 65 of Schedule 4.

67. 50% of any carers allowance

68. Any housing element included in universal credit payment

SCHEDULE 4

Capital disregards

Paragraph 66

1. Any payment made to _____ the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment made to _____ the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of _____ his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to _____ the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of _____ his participation in a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Scheme for Assisting Persons Obtain Employment) Regulations 2013 but only for 52 weeks beginning with the date of receipt of the payment.
4. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 44 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling _____ shall be disregarded under this paragraph.
5. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition _____ or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
6. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances _____ to enable the applicant to complete the purchase.
7. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;

(b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.

8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.

9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseeker's Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.

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10. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

11.-

(1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

(2) The assets of any business owned in whole or in part by the applicant where—

(a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but

(b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the

assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

12.-

(1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraphs 11, 13 or 14 of Schedule 3;
- (b) an income-related benefit under Part 7 of the SSCBA;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (e) working tax credit and child tax credit;
- (f) an income-related employment and support allowance,
- (g) bereavement support payment under section 30 of the Pensions Act 2014,

But only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as “the relevant sum”) and is—

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), “the period of an award of a reduction under this scheme” means—

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant—
 - (i) is the person who received the relevant sum; or
 - (ii) Is the partner of the person who received the relevant sum, or was that person’s partner at the date of his death

13. Any sum—

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home,

which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

14.-

Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the

Housing Associations Act 1985 as a condition of occupying the home; (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

15. Any personal possessions, except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to a reduction under this scheme or to increase the amount of that reduction.

16. The value of the right to receive any income under an annuity or the surrender value (if any) of such an n annuity.

17. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

18.-

(1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)—

(a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;

(b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);

(c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;

(d) Does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

- 19.** The value of the right to receive any income under a life interest or from a life rent.
- 20.** The value of the right to receive any income which is disregarded under paragraph 9 of Schedule 2 or paragraph 29 of Schedule 3.
- 21.** The surrender value of any policy of life insurance.
- 22.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 23.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 24.**
- (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A—
- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) Continues to live with the applicant.
- 25.**
- Any -
- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) Occasional assistance.
- 26.** Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a

payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

27. Any capital which by virtue of paragraph 55 or 81 (capital treated as income, treatment of student loans) is to be treated as income.

28. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

29. —

(1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, the Independent Living Fund (2006), the Scottish infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the we Love Manchester Emergency Fund, the Windrush Compensation Scheme, or the London Bombings Relief Charitable Fund,

(1B) any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

(a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such

a member and who is a member of the applicant's family.

- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Sub-paragraph (3) does not apply if—
- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
 - (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.
- (5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no

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parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to, the MacFarlane Trust, the MacFarlane (Special Payments) Trust, the MacFarlane (Special Payments)(No.2) Trust. The Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

30. -

(1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph "dwelling" includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

31. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps,

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or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

- 32.** Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
- 33.** Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
- 34.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 35.** The value of the right to receive an occupational or personal pension.
- 36.** The value of any funds held under a personal pension scheme.
- 37.** The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
- 38.** Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- 39.** Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
- 40.** Any payment in consequence of a reduction of council tax under section 13A of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
- 41.** Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—

- (a) to purchase premises intended for occupation as his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,

for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.

42. Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 3 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

43.-

(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (Travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (Travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

44. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

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45. Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

46. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

47. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

48. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Home Workers' Scheme.

49. *[Note: Omitted - Alternative Maximum Council Tax Reduction not part of scheme]*

50.-

(1) Any sum of capital to which sub-paragraph (2) applies and—

- (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
- (b) which can only be disposed of by order or direction of any such court; or
- (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from—

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

51. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from—

- (a) award of damages for a personal injury to that person; or

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(b) compensation for the death of one or both parents where the person concerned is under the age of 18.

52. Any payment to the applicant as holder of the Victoria Cross or George Cross.

53. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

54. —

(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of

the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) "food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

55.—

(1) Any payment—

- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
- (b) corresponding to such an education maintenance allowance, made pursuant to—
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
- (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

56. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

57. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

58. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of— (a) the applicant;

(b) the applicant's partner;

(c) the applicant's deceased spouse or deceased civil partner; or

(d) The applicant's partner's deceased spouse or deceased civil partner, by the Japanese during the Second World War, £10,000.

59. -

(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is—

(a) a diagnosed person;

(b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

(c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or

(d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

(a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date;

- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending—
- (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,
- but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending—

- (i) two years after that date; or
- (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) being a member of a diagnosed person's family; (c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt- Jakob disease;

“Relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt- Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

60. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner—

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died, during the Second World War.

61.-

- (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) "local authority" includes in England a county council.

62. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

63. Any payment made to the applicant pursuant to regulations under section 2(6) (b), 3 or 4 of the Adoption and Children Act 2002.

64. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

65. Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.

Equality Analysis Form

1. Introduction

1.1 Purpose of Equality Analysis

The council has an important role in creating a fair society through the services we provide, the people we employ and the money we spend. Equality is integral to everything the council does. We are committed to making Croydon a stronger, fairer borough where no community or individual is held back.

Undertaking an Equality Analysis helps to determine whether a proposed change will have a positive, negative, or no impact on groups that share a protected characteristic. Conclusions drawn from Equality Analyses helps us to better understand the needs of all our communities, enable us to target services and budgets more effectively and also helps us to comply with the Equality Act 2010.

An equality analysis must be completed as early as possible during the planning stages of any proposed change to ensure information gained from the process is incorporated in any decisions made.

In practice, the term '**proposed change**' broadly covers the following:-

- Policies, strategies and plans;
- Projects and programmes;
- Commissioning (including re-commissioning and de-commissioning);
- Service review;
- Budget allocation/analysis;
- Staff restructures (including outsourcing);
- Business transformation programmes;
- Organisational change programmes;
- Processes (for example thresholds, eligibility, entitlements, and access criteria).

2. Proposed change

Directorate	Resources
Title of proposed change	Review of Council Tax Support Scheme
Name of Officer carrying out Equality Analysis	Catherine Black

2.1 Purpose of proposed change (see 1.1 above for examples of proposed changes)

Prior to 1st April 2013 Central Government provided full funding to local authorities for council tax benefit, which was administered by the authorities under a single national scheme. As part of the Spending Review 2010, the Government announced its intention to decentralise council tax benefit (CTB). From April 2013, national funding was reduced by 10%. Under the new arrangements, each authority had the flexibility to design their own council tax reduction scheme in accordance with the Local Government Finance Act 1992 as amended. Croydon adopted a Council Tax Support (CTS) scheme from 1st April 2013 and the scheme remains unchanged to date. The agreed scheme proposed significant estimated cost to Croydon Council of £4.84m per annum from April 2013, with additional increased costs each year as a consequence of increased demand on CTS. CTB and CTS are means tested benefits that were designed to support our most vulnerable residents and help with payment of Council Tax, for those on low or no income. The Government confirmed to local authorities that Pensioner claims would not be impacted by local CTS schemes, they are to remain 100% protected, as if they were still in receipt of CTB. The CTS scheme affected only working age residents. The CTS scheme adopted in 2013 was designed on 6 key principles following a public consultation.

- **Principle 1: Council tax support should be paid to those with minimal savings**
- **Principle 2: Council tax support should be property related, with no-one receiving more support than you would receive for a band D property**
- **Principle 3: Everyone should pay something**
- **Principle 4: Everyone in the household should contribute something**
- **Principle 5: Work should pay**
- **Principle 6: The vulnerable should be protected**

The Council recognised that some people may be affected more than others. The groups listed below were identified by the Council to be affected by the new CTS scheme:

- Families with children
- Lone parents
- Carers
- Full time and part time workers
- Single people and couples without children
- Recipients of Universal Credit
- Multi-generational households

In the absence of relevant data, it is not possible at this time to determine whether there is a correlation between the aforementioned groups who may be more affected by the scheme and the equality characteristics. It is noted that consultation took place with other interested stakeholders such as Citizens Advice Bureau, Money Advice and Pension Service, South West London Law Centre along with groups providing welfare advice to residents. Following the consultation and feedback received with regard to the characteristics of service users of these support organisations a further review was carried out to understand how the impact on these groups could be reduced and changes made to the scheme being proposed.

A review of the current CTS scheme needed, to ensure the scheme is still achieving the aims of protecting our vulnerable residents, whilst ensuring that it is affordable to the Council in the light of its current financial difficulties. The number of residents in receipt of CTS is increasing with the current caseload being 30,057 and expenditure (or Council Tax Revenue foregone) being £35,039,913. We have therefore looked at what other Local Authorities are administering in terms of their local CTS schemes and members will be asked to consider moving to an income banded scheme from 1st April 2022. By moving to an income banded scheme will mean significant savings for the Council, between £7.3m and £10.5m (including the GLA element), depending on which scheme is agreed. The impact to working age residents of all protected groups may mean they will receive less CTS and they will be asked to pay more towards their Council Tax. If we move to an income banded scheme the Council will award less CTS, collect more in Council Tax and reduce/eliminate the funding gap that currently exists between the amounts of CTS we award and the grant funding received through the Revenue Support Grant.

To offset the impact for the most vulnerable the Council is also looking to create a hardship fund to support residents negatively impacted by the proposed changes to the CTS scheme and who are struggling to pay their Council Tax.

3. Impact of the proposed change

Important Note: It is necessary to determine how each of the protected groups could be impacted by the proposed change. Who benefits and how (and who, therefore doesn't and why?) Summarise any positive impacts or benefits, any negative impacts and any neutral impacts and the evidence you have taken into account to reach this conclusion. Be aware that there may be positive, negative and neutral impacts within each characteristic.

Where an impact is unknown, state so. If there is insufficient information or evidence to reach a decision you will need to gather appropriate quantitative and qualitative information from a range of sources e.g. Croydon Observatory a useful source of information such as Borough Strategies and Plans, Borough and Ward Profiles, Joint Strategic Health Needs Assessments <http://www.croydonobservatory.org/> Other sources include performance monitoring reports, complaints, survey data, audit reports, inspection reports, national research and feedback gained through engagement with service users, voluntary and community organisations and contractors.

3.1 Deciding whether the potential impact is positive or negative

Table 1 – Positive/Negative impact

For each protected characteristic group show whether the impact of the proposed change on service users and/or staff is positive or negative by briefly outlining the nature of the impact in the appropriate column. . If it is decided that analysis is not relevant to some groups, this should be recorded and explained. In all circumstances you should list the source of the evidence used to make this judgement where possible.

Protected characteristic group(s)	Positive impact	Negative impact	Source of evidence
Age	Residents who are pensionable age are protected from any changes to the Council Tax Support scheme.	Some working age residents will receive less support than they do currently and they will be asked to contribute more towards payment of their Council Tax. The extent of the impact will depend upon the scheme selected by Members. The current scheme is means tested and the changes proposed is to move to an income banded scheme. So residents who earn	According to the 2011 census, Croydon Borough contains the largest population of all London boroughs (363,400 residents). The population has grown to 386,710 and by 2021 the population will be over 445,000. The borough also contains the largest number of children and young people in London, with approximately 95,000 with wards in the north and south east having the greater numbers of young people and children. Between the ages of 18 and 64 years, there are 238,582 the 3 rd highest in London. There are overall more women (51.4%) than men (48.6%) living in the borough. Over the last ten years Croydon has seen an increase in population of 10%, almost 3% higher than the national average. The greatest number of elderly people live in the south of the borough. There is a much higher proportion of females over the age of 60 than males, with almost double the amount of women over 85, compared to males. By 2026, it is estimated that there will be a

more will receive less support than those who earn less. Any negative impact will be in relation to working age claimants between the ages of 18-64 years.

0 -17 year olds, are the least likely to be impacted as they have no earned income.

3% of total working age claims are in the 19-24 year old age band and they are ranked 4th likely to be impacted out of 5 age bands, they have the lowest weekly earnings after the residents in the 0-18 year old age band.

24% of total claims are in the 25 – 34 age band and they are ranked 3rd likely to be impacted out of 5 age bands, and they are almost twice as likely to be affected than the 19-24 year olds, because of their average earned income value.

5% increase in the proportion of elderly people across the borough, whilst there will be a 4% reduction of children and young people. Overall, this means that the population will remain steady.

The age breakdown for the borough, according to the 2011 census is as follows:

Age	2011 Census Estimates	2011 % of total population
0-19	97,000	26.9%
20-59	204,200	56.2%
60+	61,400	16.9%

The table below demonstrates the number of working age claimant in certain age bands who are not deemed as vulnerable, the % of claims in the age band, the average weekly earned income of that age band, and the Impact Ranking of the age band.

working age not vulnerable				
age range	count	% in age range	earned income per week	impact ranking
18 and under	3	<1%	£0.00	5
19-24	448	3%	£33.46	4
25-34	3481	24%	£66.42	3
35-49	6593	45%	£91.39	1
50-64	4021	28%	£80.18	2

There are a number of claimants (305) who are earning however they are over 65 and are pensioner claimants. Pensioner

		<p>45% of total claims are in the 35-49 age band and they are ranked 1st likely to be impacted out of 5 age bands, due to their average earned income value which is nearly 3 times more than the 19 – 24 year olds</p> <p>28% of total claims are in the 50 – 64 age bands and they are 2nd likely to be impacted out of 5 age bands due to their average weekly earnings</p>	<p>claimants are unaffected by review of the Council Tax support scheme. The proposed changes to the Council Tax Support scheme will impact on working age residents only.</p> <p>The latest Office of National Statistics indicates that 1 in 4 Croydon residents (24.5%) is aged between 0-17 years. 76% of children achieve a good level of development at early years, which will have a positive impact on the future demand of Council Tax Support.</p> <table border="1" data-bbox="1279 443 1827 775"> <thead> <tr> <th colspan="3">current case load of customer</th> </tr> <tr> <th>age range</th> <th>count</th> <th>% in age range</th> </tr> </thead> <tbody> <tr> <td>18 and under</td> <td>4</td> <td><1%</td> </tr> <tr> <td>19-24</td> <td>492</td> <td>1%</td> </tr> <tr> <td>25-34</td> <td>4130</td> <td>14%</td> </tr> <tr> <td>35-49</td> <td>8823</td> <td>29%</td> </tr> <tr> <td>50-64</td> <td>8064</td> <td>27%</td> </tr> <tr> <td>65+</td> <td>8561</td> <td>28%</td> </tr> </tbody> </table>	current case load of customer			age range	count	% in age range	18 and under	4	<1%	19-24	492	1%	25-34	4130	14%	35-49	8823	29%	50-64	8064	27%	65+	8561	28%
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65+	8561	28%																									
Disability	<p>There is a decision to be made by elected members that could protect Council Tax Support claimants who have a disability, and they are not expected to work, so they are not impacted by any changes to the Council Tax Support scheme.</p>	<p>Between the ages of 19 – 24 residents with disabilities earn approximately half of what non-disabled residents earn each week.</p> <p>In the age band 25 – 34 residents with disabilities earn approximately one quarter when comparing to non-disabled residents average weekly income.</p>	<p>There is not one comprehensive figure that can give a true picture of the total number of people with a disability in Croydon. The 2011 Census figures showed that 14.1% of the population in Croydon had their day-to-day activities limited to some extent by a long-term health problem or disability. 22,493 people had their day to day activities limited a lot, whilst 28,134 had their day to day activities limited a little.</p> <p>Out of 21,513 working age Council Tax Support claimants 7325 have a vulnerable status due to disability, we cannot establish if the disability is due to physical disability or mental health disability. The table below demonstrates the average weekly income for these claimant types.</p>																								

		<p>In the age band 35 – 49 residents earn just over one quarter when comparing to non-disabled residents average weekly income .</p> <p>In the age band 50 – 64 disabled resident earn less than 20% of non-disabled residents, in the same age band.</p> <p>As disabled residents earn less than non-disabled residents they will be less effected by any changes to the Council Tax Support scheme.</p> <p>If not protected from changes to the scheme the impact of having less support and/or having to contribute more will be felt more keenly amongst this protected group because of the lower earning capacity.</p>	<table border="1"> <thead> <tr> <th colspan="3">all Vulnerable</th> </tr> <tr> <th>age band</th> <th>count</th> <th>average weekly income</th> </tr> </thead> <tbody> <tr> <td>19-24</td> <td>44</td> <td>£16.37</td> </tr> <tr> <td>25-34</td> <td>649</td> <td>£17.01</td> </tr> <tr> <td>35-49</td> <td>2227</td> <td>£24.84</td> </tr> <tr> <td>50-64</td> <td>3970</td> <td>£13.95</td> </tr> <tr> <td>65+</td> <td>435</td> <td>£7.66</td> </tr> </tbody> </table> <p>Of the 7,325 disabled claimant 6464 are not expected to work and elected Members may opt to protect them from any review of the Council Tax Support scheme.</p> <p>The table below confirms the number of claimants in age bands and the % of claimants in the age bands who are not expected to work.</p> <table border="1"> <thead> <tr> <th colspan="3">vulnerable not working</th> </tr> <tr> <th>age range</th> <th>count</th> <th>% in age range</th> </tr> </thead> <tbody> <tr> <td>18 and under</td> <td>0</td> <td>0%</td> </tr> <tr> <td>19-24</td> <td>38</td> <td><1%</td> </tr> <tr> <td>25-34</td> <td>560</td> <td>9%</td> </tr> <tr> <td>35-49</td> <td>1849</td> <td>29%</td> </tr> <tr> <td>50-64</td> <td>3609</td> <td>55%</td> </tr> <tr> <td>65+</td> <td>408</td> <td>6%</td> </tr> </tbody> </table>	all Vulnerable			age band	count	average weekly income	19-24	44	£16.37	25-34	649	£17.01	35-49	2227	£24.84	50-64	3970	£13.95	65+	435	£7.66	vulnerable not working			age range	count	% in age range	18 and under	0	0%	19-24	38	<1%	25-34	560	9%	35-49	1849	29%	50-64	3609	55%	65+	408	6%
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<p>Gender</p>	<p>It is not possible to determine at this point in time.</p>	<p>It is not possible to determine at this point in time.</p>	<p>Data on gender identity is not routinely captured. A person’s innate sense of their own gender, whether male, female or something else may or may not correspond to the sex assigned at birth.</p> <p>We will attempt to collect data on all protected characteristics when we transition onto a new supplier for Council Tax Support</p>																																													

			<p>online application forms. The estimated time line for this is during the financial year 2022/23.</p> <p>It should be noted that we cannot mandate residents to complete this data request, however we will positively encourage residents to do so.</p>
Gender Reassignment	It is not possible to determine at this point in time	It is not possible to determine at this point in time	<p>Data on gender reassignment is not routinely captured. A person's innate sense of their own gender, whether male, female or something else may or may not correspond to the sex assigned at birth.</p> <p>We will attempt to collect data on all protected characteristics when we transition onto a new supplier for Council Tax Support online application forms. The estimated time line for this is during the financial year 2022/23.</p> <p>It should be noted that we cannot mandate residents to complete this data request, however we will positively encourage residents to do so.</p>
Marriage or Civil Partnership		<p>Married couples/civil partnership, as well as those living with partners, could be adversely affected by changing the Council Tax Support scheme, as the scheme proposed would take into consideration their combined income, and if their combined income is over £450 per week, they may not qualify for support, this is as opposed to a single person where we will consider the value of income for only one person. This concept already exists within</p>	<p>Of our 21,513 working age Council Tax Support claims, approximately 4391 are either married or living with a partner (20%) and 17,122 are single people (80%)</p>

		<p>the existing scheme. Conversely a single person does not pay as much Council Tax as a married couple due to being in receipt of a single person discount = 25% of their Council Tax liability.</p> <p>Single people may still be impacted, depending on their income band, and which scheme members approve.</p>	
Religion or belief	It is not possible to determine at this point in time	It is not possible to determine at this point in time	<p>Just over half (56.4%) of respondents to the 2011 census in Croydon stated that they were Christian. About 1 in 5 (20%) stated that they had no religion. Significantly 7.6% of respondents did not state their religion.</p> <p>Data on religion or belief is not routinely capture when a resident makes a claim for Council Tax Support.</p> <p>We will attempt to collect data on all protected characteristics when we transition onto a new supplier for Council Tax Support online application forms. The estimated time line for this is during the financial year 2022/23.</p> <p>It should be noted that we cannot mandate residents to complete this data request, however we will positively encourage residents to do so.</p>

Race	<p>White residents are less likely to be in receipt of CTS compared to the census data e.g. 47.3% of the population are white but only 30% are in receipt of CTS.</p>	<p>Black residents are more likely to be in receipt of CTS. The census data is 8.6% of the population is Black Caribbean and 8% Black African, however 17% and 16% of CTS recipients in Croydon are either Black Caribbean or African, so a total of 33% are Black recipients.</p> <p>Vulnerable residents who are in receipt of Council Tax Support are more likely to be White with 45% declaring this ethnicity, compared to 33% of vulnerable residents being Black Caribbean/African/Other.</p> <p>This is against a background other societal inequities including a higher propensity to be in lower paying jobs. The council is proposing a hardship fund to sit alongside this scheme to support the most vulnerable within this</p>	<p>13,111 claimants out of 30,074 have confirmed their Ethnicity to us, please see the table below. Just over 30% of our claimants are White British, with 17% being Black British Caribbean, and 16% being Black British African. 9% of claimants are Other White background with 5% being Asian British Pakistani and 5% being Asian or British Any other Background. 4% are Black British Other and 3% are White and Black Caribbean, 3% are Asian British Indian, 2% White and Asian, 2% Asian Mixed Background, 1% Asian British Bangladeshi, <1% Chinese. At least 37% of CTS claimants have identified as being either Black Caribbean/African/Other, with 42% identifying as White British/Other.</p> <p>Comparing this data to the 2011 Census data and GLA projections where the Census data projections are 47.3% of claimants are White British with 16.6% are Black Caribbean/African. Compared to GLA projections where they anticipated that 36.8% of claimants would be White British and 18.5% Black Caribbean/African.</p> <table border="1" data-bbox="1285 810 2123 1343"> <thead> <tr> <th>ethnicity</th> <th>total CTS</th> <th>CTS%</th> <th>2011 Census</th> <th>GLA housing ethnic group projections</th> </tr> </thead> <tbody> <tr> <td>White British</td> <td>4410</td> <td>32%</td> <td>47%</td> <td>37%</td> </tr> <tr> <td>White: Any other White background</td> <td>1214</td> <td>9%</td> <td>9%</td> <td>8%</td> </tr> <tr> <td>Mixed: White and Black Caribbean</td> <td>384</td> <td>3%</td> <td>3%</td> <td>3%</td> </tr> <tr> <td>Mixed: White and Asian</td> <td>227</td> <td>2%</td> <td>1%</td> <td>2%</td> </tr> <tr> <td>Mixed :Any other mixed background</td> <td>217</td> <td>2%</td> <td>2%</td> <td>2%</td> </tr> <tr> <td>Chinese</td> <td>62</td> <td>1%</td> <td>1%</td> <td>1%</td> </tr> <tr> <td>Black-Black British:Other</td> <td>472</td> <td>4%</td> <td>4%</td> <td>5%</td> </tr> <tr> <td>Black-Black British:Caribbean</td> <td>2278</td> <td>17%</td> <td>9%</td> <td>9%</td> </tr> <tr> <td>Black-Black British:African</td> <td>2112</td> <td>16%</td> <td>8%</td> <td>6%</td> </tr> <tr> <td>Asian or British : Any other Background</td> <td>615</td> <td>5%</td> <td>5%</td> <td>5%</td> </tr> <tr> <td>Asian or Asian British: Pakistani</td> <td>606</td> <td>5%</td> <td>3%</td> <td>4%</td> </tr> <tr> <td>Asian or Asian British: Indian</td> <td>351</td> <td>3%</td> <td>7%</td> <td>8%</td> </tr> <tr> <td>Asian or Asian British: Bangladeshi</td> <td>164</td> <td>1%</td> <td>1%</td> <td>1%</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	ethnicity	total CTS	CTS%	2011 Census	GLA housing ethnic group projections	White British	4410	32%	47%	37%	White: Any other White background	1214	9%	9%	8%	Mixed: White and Black Caribbean	384	3%	3%	3%	Mixed: White and Asian	227	2%	1%	2%	Mixed :Any other mixed background	217	2%	2%	2%	Chinese	62	1%	1%	1%	Black-Black British:Other	472	4%	4%	5%	Black-Black British:Caribbean	2278	17%	9%	9%	Black-Black British:African	2112	16%	8%	6%	Asian or British : Any other Background	615	5%	5%	5%	Asian or Asian British: Pakistani	606	5%	3%	4%	Asian or Asian British: Indian	351	3%	7%	8%	Asian or Asian British: Bangladeshi	164	1%	1%	1%					
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		and other protected groups.	<p>Ethnicity of Claimants who have a vulnerability status due to disability See table below for ethnicity break down of working age Council Tax Support claimants who are vulnerable/disabled.</p> <table border="1" data-bbox="1279 336 2078 986"> <thead> <tr> <th>Ethnicity</th> <th>CTS for most vulnerable</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>White British</td> <td>1258</td> <td>45%</td> </tr> <tr> <td>White: Any other White background</td> <td>174</td> <td>6%</td> </tr> <tr> <td>Mixed: White and Black Caribbean</td> <td>76</td> <td>3%</td> </tr> <tr> <td>Mixed: White and Asian</td> <td>38</td> <td>1%</td> </tr> <tr> <td>Mixed :Any other mixed background</td> <td>44</td> <td>1%</td> </tr> <tr> <td>Chinese</td> <td>6</td> <td><1%</td> </tr> <tr> <td>Black-Black British:Other</td> <td>125</td> <td>4%</td> </tr> <tr> <td>Black-Black British:Caribbean</td> <td>473</td> <td>17%</td> </tr> <tr> <td>Black-Black British:African</td> <td>321</td> <td>12%</td> </tr> <tr> <td>Asian or British : Any other Background</td> <td>93</td> <td>3%</td> </tr> <tr> <td>Asian or Asian British: Pakistani</td> <td>93</td> <td>3%</td> </tr> <tr> <td>Asian or Asian British: Indian</td> <td>54</td> <td>2%</td> </tr> <tr> <td>Asian or Asian British: Bangladeshi</td> <td>24</td> <td><1%</td> </tr> <tr> <td>total</td> <td>2779</td> <td></td> </tr> </tbody> </table>	Ethnicity	CTS for most vulnerable	%	White British	1258	45%	White: Any other White background	174	6%	Mixed: White and Black Caribbean	76	3%	Mixed: White and Asian	38	1%	Mixed :Any other mixed background	44	1%	Chinese	6	<1%	Black-Black British:Other	125	4%	Black-Black British:Caribbean	473	17%	Black-Black British:African	321	12%	Asian or British : Any other Background	93	3%	Asian or Asian British: Pakistani	93	3%	Asian or Asian British: Indian	54	2%	Asian or Asian British: Bangladeshi	24	<1%	total	2779	
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Sexual Orientation	We do not currently collect this data and therefore, it is not possible to determine at this point in time	We do not currently collect this data and therefore, it is not possible to determine at this point in time	<p>Sexual orientation was not capture by the 2011 Census. Based on ONS estimates, across London it was estimated that 2.6% of the population in 2014 identified themselves as gay, lesbian or bisexual. This was higher than the national average of 1.6%</p> <p>Data on sexual orientation is not routinely capture when a resident makes a claim for Council Tax Support.</p> <p>We will attempt to collect data on all protected characteristics when we transition onto a new supplier for Council Tax Support</p>																																													

			<p>online application forms. The estimated time line for this is during the financial year 2022/23.</p> <p>It should be noted that we cannot mandate residents to complete this data request, however we will positively encourage residents to do so.</p>
Pregnancy or Maternity		<p>Residents in the age band 25 – 34 will be impacted more than residents in the age band 19 – 24 and 34 – 49, as their average weekly income is more in comparison. This needs to be given some context – claimants in this protected group may be impacted because of their lower earning capacity – however they may also be protected by the proposed hardship fund.</p>	<p>We have 29 Council Tax Support claimants who are in receipt of Maternity Allowance or State Maternity Pay</p> <p>1 claims are in the age band of 19 – 24 with average income of £131.05 per week.</p> <p>13 claims are in the age band of 25 – 34 and their average income is £133.38 per week</p> <p>15 claims are in the 34 – 49 age band and their average income per week is £115.39</p>
<p>Important note: You must act to eliminate any potential negative impact which, if it occurred would breach the Equality Act 2010. In some situations this could mean abandoning your proposed change as you may not be able to take action to mitigate all negative impacts. When you act to reduce any negative impact or maximise any positive impact, you must ensure that this does not create a negative impact on service users and/or staff belonging to groups that share protected characteristics. Please use table 4 to record actions that will be taken to remove or minimise any potential negative impact</p>			

3.2 Additional information needed to determine impact of proposed change

Table 2 – Additional information needed to determine impact of proposed change

If you need to undertake further research and data gathering to help determine the likely impact of the proposed change, outline the information needed in this table. Please use the table below to describe any consultation with stakeholders and summarise how it has influenced the proposed change. Please attach evidence or provide link to appropriate data or reports:

Additional information needed and or Consultation Findings			Information source	Date for completion
Please see time table below				
June	2021	Identify, Proposals & Options at an officer level including financial implications		
July	2021	Take options to savings review		
October	2021	Report Proposed consultation to cabinet		
October	2021	Six week consultation Period		
December	2021	Analyse consultation draft cabinet report		
December/January	2021/22	Re-draft the scheme to reflect the changes & ensure that it is legally secure		
January	2022	Report through full council & cabinet (the Act states the new schemes must be approved by the 31st January)		
January	2022	Submit CTS scheme to the GLA by 31st January 2022		
February	2022	Publish the new scheme prior to annual billing		
<p>The consultation took place during November/December and captured protected characteristics as part of the feedback to better aid our understanding. We will also ensure that when we move to a new provider of our on-line application form that data surrounding all protected characteristics is captured.</p>				

For guidance and support with consultation and engagement visit <https://intranet.croydon.gov.uk/working-croydon/communications/consultation-and-engagement/starting-engagement-or-consultation>

3.3 Impact scores

Example

If we are going to reduce parking provision in a particular location, officers will need to assess the equality impact as follows;

1. Determine the Likelihood of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the likelihood of impact score is 2 (likely to impact)
2. Determine the Severity of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the Severity of impact score is also 2 (likely to impact)
3. Calculate the equality impact score using table 4 below and the formula **Likelihood x Severity** and record it in table 5, for the purpose of this example - **Likelihood (2) x Severity (2) = 4**

Table 4 – Equality Impact Score

Severity of Impact	3	3	6	9
	2	2	4	6
	1	1	2	3
		1	2	3
	Likelihood of Impact			

Key

Risk Index	Risk Magnitude
6 – 9	High
3 – 5	Medium
1 – 3	Low

Table 3 – Impact scores

<p>Column 1</p> <p>PROTECTED GROUP</p>	<p>Column 2</p> <p>LIKELIHOOD OF IMPACT SCORE</p> <p>Use the key below to score the likelihood of the proposed change impacting each of the protected groups, by inserting either 1, 2, or 3 against each protected group.</p> <p>1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact</p>	<p>Column 3</p> <p>SEVERITY OF IMPACT SCORE</p> <p>Use the key below to score the severity of impact of the proposed change on each of the protected groups, by inserting either 1, 2, or 3 against each protected group.</p> <p>1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact</p>	<p>Column 4</p> <p>EQUALITY IMPACT SCORE</p> <p>Calculate the equality impact score for each protected group by multiplying scores in column 2 by scores in column 3. Enter the results below against each protected group.</p> <p>Equality impact score = likelihood of impact score x severity of impact score.</p>
Age	2	2	4
Disability	2	2	4 – this is in relation to residents who have a vulnerability status and whom are expected to work.
Gender	1	1	1
Gender reassignment	1	1	1
Marriage / Civil Partnership	2	2	4
Race	2	2	4
Religion or belief	1	1	1
Sexual Orientation	1	1	1
Pregnancy or Maternity	2	2	4

4. Statutory duties

4.1 Public Sector Duties

Tick the relevant box(es) to indicate whether the proposed change will adversely impact the Council’s ability to meet any of the Public Sector Duties in the Equality Act 2010 set out below.

- Advancing equality of opportunity between people who belong to protected groups
- Eliminating unlawful discrimination, harassment and victimisation
- Fostering good relations between people who belong to protected characteristic groups X

Important note: If the proposed change adversely impacts the Council’s ability to meet any of the Public Sector Duties set out above, mitigating actions must be outlined in the Action Plan in section 5 below.

5. Action Plan to mitigate negative impacts of proposed change

Important note: Describe what alternatives have been considered and/or what actions will be taken to remove or minimise any potential negative impact identified in Table 1. Attach evidence or provide link to appropriate data, reports, etc:

Table 4 – Action Plan to mitigate negative impacts

Complete this table to show any negative impacts identified for service users and/or staff from protected groups, and planned actions mitigate them.				
Protected characteristic	Negative impact	Mitigating action(s)	Action owner	Date for completion
Disability	Residents who have a disability and are expected to work will be impacted by any change to the Council Tax Support scheme.	A hardship fund will be set up as part of the new Council Tax Support scheme, this will be used to support residents who are struggling to pay their Council Tax as a result of the new scheme.	Head of Payments Revenues Benefits & Debt	Ongoing

Equality Analysis

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Race	Black people are more likely to be in receipt of Council Tax Support than white people.	A hardship fund will be set up as part of the new Council Tax Support scheme, this will be used to support residents who are struggling to pay their Council Tax as a result of the new scheme. We will also support residents to increase their employment opportunities, and support with budgeting and debt advice. We are partner with Money Advice and Pension Service (MAPS) to provide external support for residents	Head of Payments Revenues Benefits & Debt Gateway/Housing MAPs	Ongoing
Sex (gender)	Unable to determine	We will also ensure that when we move to a new provider of our on-line application form that data surrounding all protected characteristics is captured.	Head of Payments Revenues Benefits & Debt	Ongoing
Gender reassignment	Unable to determine	We will also ensure that when we move to a new provider of our on-line application form that data surrounding all protected characteristics is captured.	Head of Payments Revenues Benefits & Debt	Ongoing
Sexual orientation	Unable to determine	We will also ensure that when we move to a new provider of our on-line application form that data surrounding all protected characteristics is captured.	Head of Payments Revenues Benefits & Debt	Ongoing
Age	Residents who are in the 35 – 49 age bracket will be most affect by a change to the Council Tax Support Scheme. The scheme will have no	A hardship fund will be set up as part of the new Council Tax Support scheme, this will be used to support residents who are struggling to pay their Council Tax as a result of the	Head of Payments Revenues Benefits & Debt Gateway/Housing	Ongoing

Equality Analysis

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	impact on the under 18s and over 65s are protected.	new scheme. We will also support residents to increase their employment opportunities, and support with budgeting and debt advice. We are partner with Money Advice and Pension Service (MAPS) to provide external support for residents.	MAPs	
Religion or belief	Unable to determine	We will also ensure that when we move to a new provider of our on-line application form that data surrounding all protected characteristics is captured.	Head of Payments Revenues Benefits & Debt	Ongoing
Pregnancy or maternity	Of the 29 claimants in receipt of maternity allowance the residents in the age band 24 – 34 will be most affected by any change to the Scheme	A hardship fund will be set up as part of the new Council Tax Support scheme, this will be used to support residents who are struggling to pay their Council Tax as a result of the new scheme.	Head of Payments Revenues Benefits & Debt	Ongoing
Marriage/civil partnership	Some married couples may not qualify for Council Tax Support under the new scheme, due to the combined income they receive. .	A hardship fund will be set up as part of the new Council Tax Support scheme, this will be used to support residents who are struggling to pay their Council Tax as a result of the new scheme. We will also support residents to increase their employment opportunities, and support with budgeting and debt advice. We are partner with Money Advice and Pension Service (MAPS) to provide external support for residents	Head of Payments Revenues Benefits & Debt Gateway/Housing MAPs	Ongoing

6. Decision on the proposed change

Equality Analysis

Based on the information outlined in this Equality Analysis enter X in column 3 (Conclusion) alongside the relevant statement to show your conclusion.		
Decision	Definition	Conclusion - Mark 'X' below
No major change	Our analysis demonstrates that the policy is robust. The evidence shows no potential for discrimination and we have taken all opportunities to advance equality and foster good relations, subject to continuing monitoring and review.	<p>Response to the consultation closely mirrored the caseload for CTS. Whilst this was not an exact match, the results received reflected those who would be impacted by changes to the scheme.</p> <p>54.6% of those who responded confirmed their ethnicity to be white (British, Irish or any other white background, 5% confirmed their ethnicity to be Asian (Indian, Pakistani, Bangladeshi Chinese's or any other Asian background), 22% stated they regarded their ethnicity to be black (Caribbean, African or any other black background), 14.9% preferred not to declare their ethnicity and 3.5% confirmed their ethnicity to be other.</p> <p>The Caseload for CTS 42.9% of Council Tax Support recipients are of a white background, 13.24% have declared their ethnicity to be Asian and 37.08% are Black. It has to be stated almost 50% of Council Tax Support recipients do not complete details regarding ethnicity and 14.2% of those responding to the consultation chose not to declare their ethnicity</p>

		<p>Whilst the demographic of respondents does not exactly mirror the council tax support caseload we can be confident that our responses are reflective of a diverse population and reflects the make-up of our authority.</p>
<p>Adjust the proposed change</p>	<p>We will take steps to lessen the impact of the proposed change should it adversely impact the Council's ability to meet any of the Public Sector Duties set out under section 4 above, remove barriers or better promote equality. We are going to take action to ensure these opportunities are realised. If you reach this conclusion, you must outline the actions you will take in Action Plan in section 5 of the Equality Analysis form</p>	<p>Following the conclusion of the consultation, we re-modelled the scheme and adjusted how certain incomes were treated, such as Universal Credit, Child Care Costs, Child Maintenance and Carers Allowance, which increased the amount of CTS we could award, when compared to the initial scheme we consulted upon.</p> <p>If members wish to implement an income banded scheme, some residents will have more Council Tax to pay than they do currently. Where this is the case, and the resident is not able to make payment of their Council Tax the council will administer a hardship fund to pay some, or all of the Council Tax for the resident.</p> <p>In addition to this we will support the resident into a position where they can pay in the future. This might be supporting with budgeting, income and expenditure, and/or repayment of debt. Maximising income and employment</p>

Equality Analysis

		opportunities, referring residents to partner agencies to support them e.g. MAPs, CAB, SWLLP
Continue the proposed change	We will adopt or continue with the change, despite potential for adverse impact or opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through the change. However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned.	To be updated after Members make a decision
Stop or amend the proposed change	Our change would have adverse effects on one or more protected groups that are not justified and cannot be mitigated. Our proposed change must be stopped or amended.	To be updated after Members make a decision
Will this decision be considered at a scheduled meeting? e.g. Contracts and Commissioning Board (CCB) / Cabinet		Meeting title: Cabinet January 2022 Date: 13 January 2022

7. Sign-Off

Officers that must approve this decision	
Equalities Lead	<p>Name: Denise McCausland Date: 13 January 2022</p> <p>Position: Denise McCausland, Equalities Programme</p>
Director	<p>Name: Richard Ennis Date: 13 January 2022</p> <p>Position: Interim Corporate Director of Resources (Section 151 Officer)</p>

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For General Release

REPORT TO:	CABINET 24 January 2022
SUBJECT:	Response to consultation: Purley Pool
LEAD OFFICER:	Sarah Hayward, Acting Corporate Director – Sustainable Communities, Regeneration and Economic Recovery Kristian Aspinall, Interim Director - Culture & Community Safety
CABINET MEMBER:	Councillor Oliver Lewis, Cabinet Member for Culture & Regeneration
WARDS:	Purley & Woodcote
<p>COUNCIL PRIORITIES 2020-2024</p> <p>The decision taken by Cabinet in October 2021 to close Purley Leisure Centre is supporting the Council to live within our means, balance the books and provide value for money for our residents.</p>	
<p>FINANCIAL IMPACT</p> <p>Due to the current financial position of the Council it does not provide value for money to residents to continue to support an aging leisure facility in Purley that also operates at a significant deficit. The effect of this decision contributes to balancing the Council's budget by removing the net revenue cost of the facility and avoids significant capital investment that would have associated borrowing costs.</p>	
<p>FORWARD PLAN KEY DECISION REFERENCE NO.: N/A</p>	

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

1. RECOMMENDATIONS

The Cabinet is recommended to

- 1.1 Note and give due regard to the findings from the public consultation set out in the report.
- 1.2 Confirm the decision taken at 18th October 2021 Cabinet to not reopen Purley Leisure Centre.
- 1.3 Accommodate leisure centre users in Waddon, New Addington and Monks Hill, including disability sport provision and swim schools in Waddon Leisure Centre.

2. EXECUTIVE SUMMARY

- 2.1 Due to the current financial position of the Council it does not provide value for money to residents to continue to support an aging leisure facility in Purley that also operates at a significant deficit. The effect of this decision contributes to balancing the Council's budget by removing the net revenue cost of the facility and avoids significant capital investment that would have associated borrowing costs.
- 2.2 Following the decision at the 18th October 2021 Cabinet meeting to not reopen Purley Leisure Centre at that time, a six week consultation with residents on the impact of a decision for Purley Leisure Centre to remain closed and mitigations of using alternative leisure facilities at Waddon and New Addington was undertaken to gather feedback and support the decision making process.
- 2.3 By the deadline 1,132 responses have been received, alongside a 3,097 signature petition to re-open the leisure centre, providing feedback from residents on a number of specific impacts and general feedback. Cabinet requested this consultation feedback come back to Cabinet when complete.
- 2.4 It is clear from the consultation feedback that resident who live in the area valued Purley Leisure Centre, for a variety of reasons outlined below. A number have expressed that they will be using alternative facilities in light of the closure, with 54% requesting that the venue be reopened. With only just over half of respondents requesting the venue be re-opened this shows that a significant number of residents in the area are willing to look at alternatives for leisure provision.
- 2.5 Although feedback was clear from residents that their preferred options were to invest in new leisure facilities or re-open the pool, given the long-term financial position of Purley Leisure Centre and the capital works required to bring it back to full operation, it is recommended that residents use alternative leisure facilities at Waddon, New Addington, and Monks Hill, as well as other venues across the borough. A new community leisure facility, with swimming pool, is a requirement of the Local Plan 2018 for redevelopment of the site.
- 2.6 Residents also raised concerns about the impact on their ability to travel to alternative leisure facilities on public transport, the impact on swim schools and users with a disability. These activities have been able to be accommodated into the existing capacity in Waddon Leisure Centre. Schools interested in using Council owned vehicles to access leisure centres can contact the Independent Travel team for more information.
- 2.7 Following the six-week public consultation it is recommended that Purley Leisure Centre closes permanently.

3. BACKGROUND

- 3.1 The decision was taken at 18th October 2021 Cabinet to not reopen Purley Leisure Centre at that time, with a six week consultation with residents on the

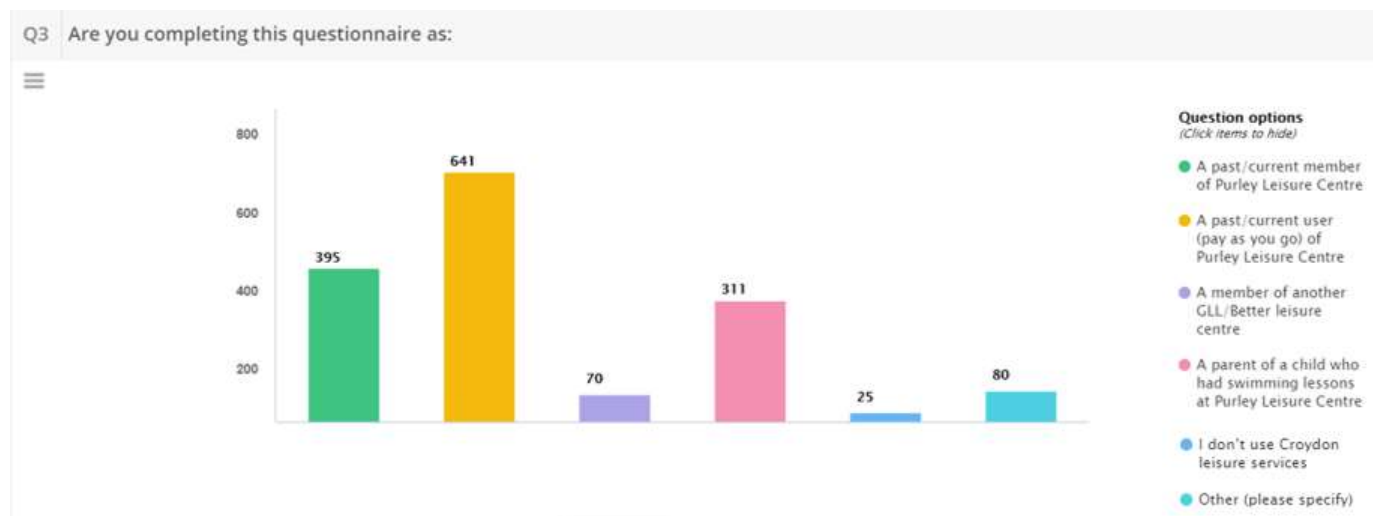
impact of a decision for Purley Leisure Centre to remain closed and mitigations of using alternative leisure facilities at Waddon and New Addington.

- 3.2 The facility requires significant repair and maintenance in the region of £3m. In addition, Purley Leisure Centre has operated at a loss of £186,803 in 2018/19 and £123,139 in 2019/20.
- 3.3 In 2014 the Council commissioned Interserve to undertake an independent building condition survey of Purley Leisure Centre to identify arising issues and cost estimates of the future maintenance of the facility. It was estimated that £866,525 needed to be invested between 2015/16 and 2017/18.
- 3.4 In 2019 Darton B3 Building Services were commissioned to give an independent assessment of the mechanical and electrical plant equipment. Their estimate identified £1,597,000 was required for the mechanical and electrical plant equipment replacement, excluding contingency.

4. CONSULTATION

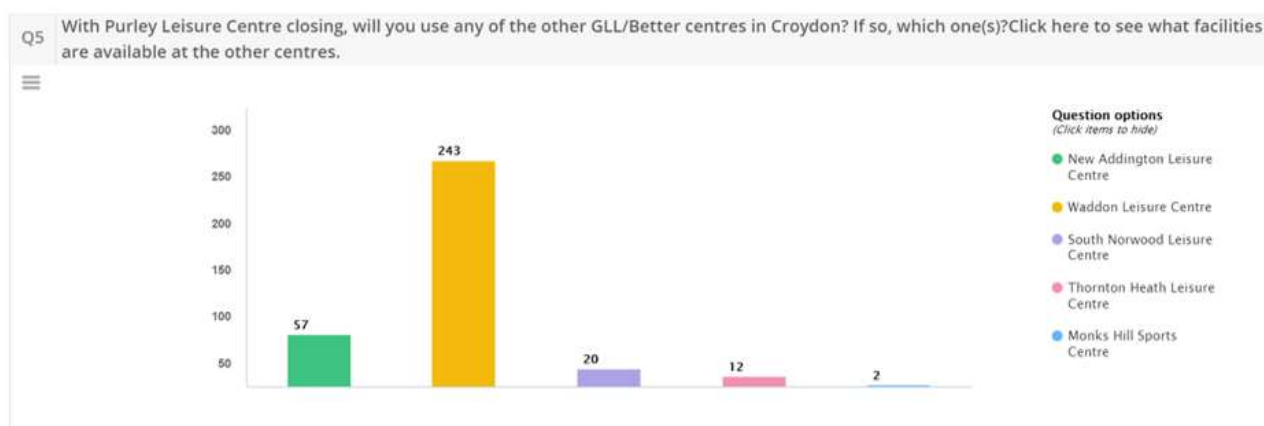
- 4.1 A six week consultation with residents began on the 11th October on the impact of a decision for Purley Leisure Centre to remain closed and mitigations of using alternative leisure facilities at Waddon and New Addington.
- 4.2 The consultation was held online using the Council's Get Connected website to allow residents to provide their feedback on how the Council can provide mitigating actions to minimise the impact to residents.
- 4.3 During the consultation period there were 10,937 visits to the webpage, with 1,132 responses to the survey. In addition, a petition from 2020 signed by 3,097 people asked for the facility to reopen has been taken into account, as well as concerns previously raised with regard to closure of Purley Leisure Centre.
- 4.4 From the consultation, the majority of respondents identified as being from the CR2 (246 replies) and CR5 (196 replies) and CR8 (428 replies) postcodes. These postcodes represent the localities surrounding Purley Leisure Centre.
- 4.5 Of 1,078 responses to the question "Which Croydon leisure centres did you use prior to the Covid-19 pandemic?" 1,039 replied that they used Purley Leisure Centre. A further 163 stated Waddon Leisure Centre, 43 New Addington, 25 South Norwood, 17 Thornton Heath, and 9 Monks Hill.

4.6 From the 1,115 responses to the question regarding how the respondents used Croydon leisure facilities, the results showed:



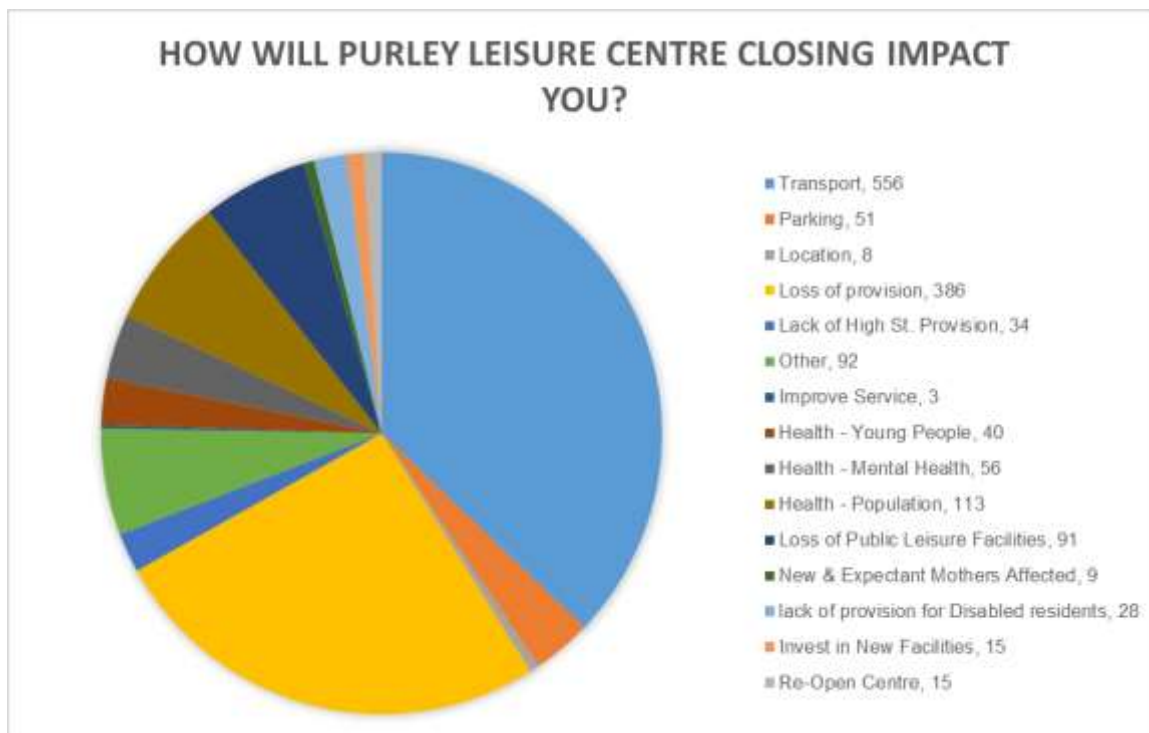
4.7 There were 1,118 responses to the question “What facilities did you use at Purley Leisure Centre?”. Respondents were able to select multiple answers, with 340 using the gym facilities, 1,985 responses for swimming or water based activities, and 72 other.

4.8 When asked which other leisure facilities that respondents would use after the closure of Purley Leisure Centre:



4.9 There were 607 responses to the question “With Purley Leisure Centre closing will you use other facilities in Croydon? If so, which one(s)?”. Of the responses received, 274 said that they would use parks, 230 private facilities, 132 public facilities, and 101 would use other facilities.

4.10 When asked about the impact of the closure of Purley Leisure Centre on them, 1,065 respondents said:



“It is our local leisure centre that is walking distance from our house: all my children have had swimming lessons there and we have used it for recreational swimming too. If it closes, the closest local pool is waddon, to which we would have to drive. Waddon had limited and very expensive parking.”

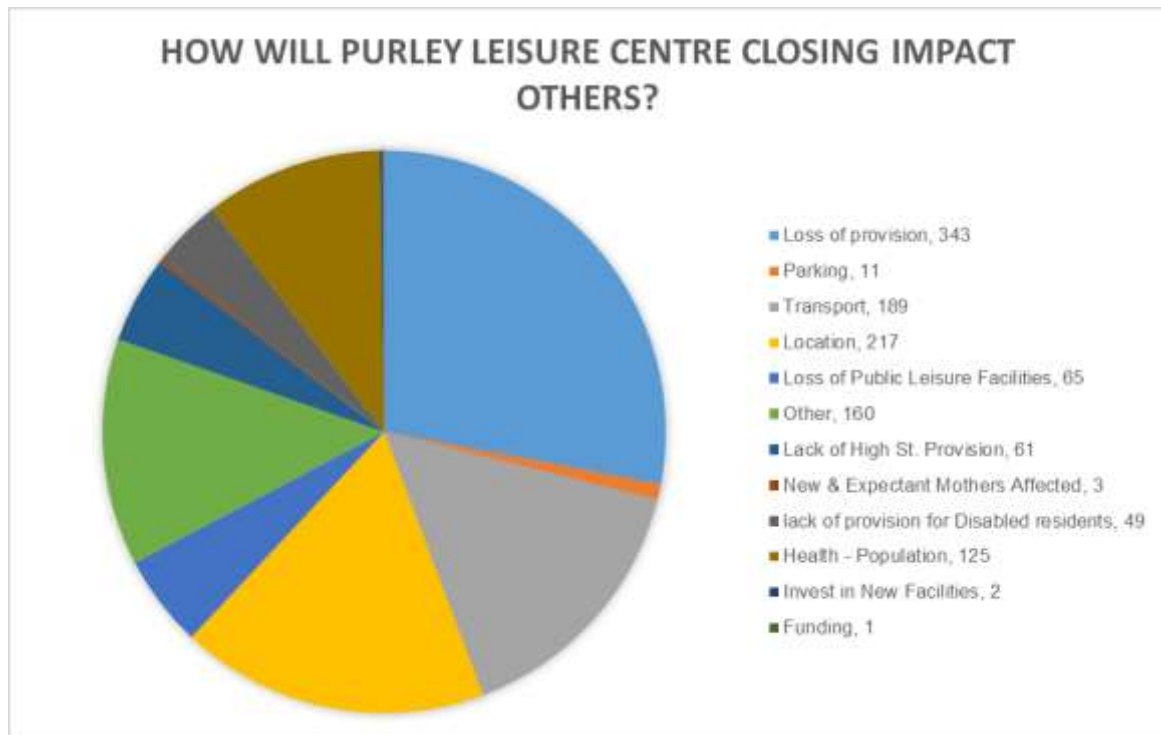
“My children are no longer swimming at present- my eldest would have been able to get the bus independently to Purley but Waddon is too far to let them do this. They were swimming for fitness. My youngest was having weekly lessons - they are not having lessons now as we don't have any other pools as close and convenient as Purley was. We were able to get the bus easily to Purley.”

“Purley pool is within walking distance to me and if I couldn't walk had a number of busses I could take to reach. The waddon centre is not as close to walk and has no easy public transport link for me to reach. This concerns me as I tend to swim in the evening and do not feel safe walking home from the waddon swim centre. I do feel safe walking from Purley pool as it is just along the well lit Brighton road.”

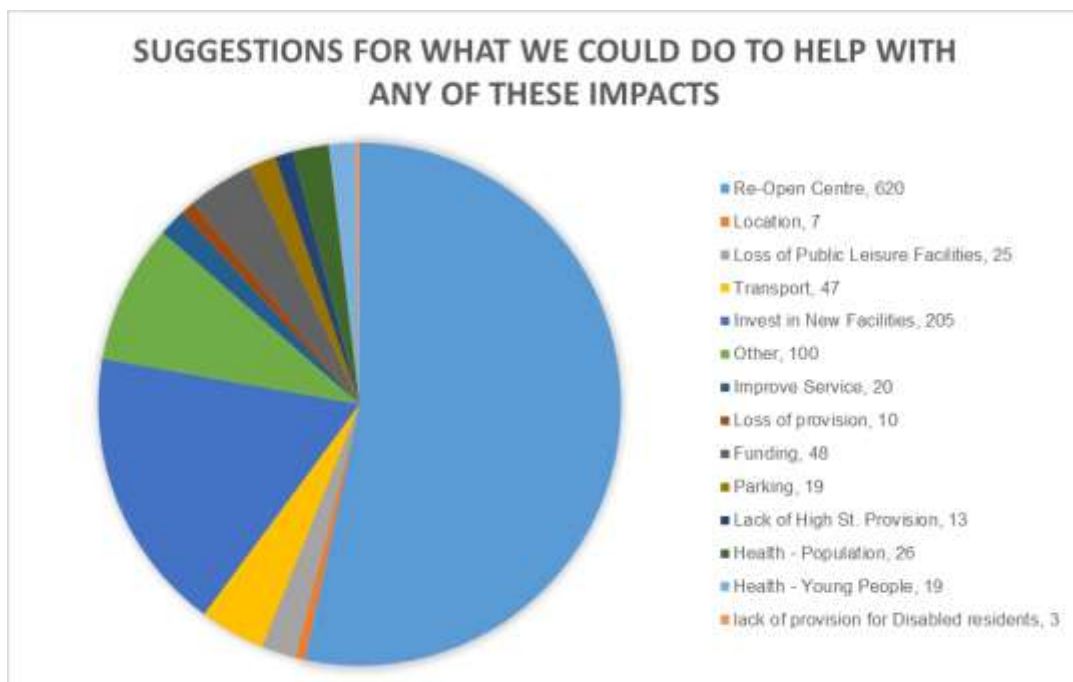
It is recognised that not re-opening Purley Leisure Centre will cause disruption to local residents because of the increased travel times. It should, however, be noted that the increased public transport times for residents close to Purley Leisure Centre will be similar to those for residents in other parts of the borough. The table below demonstrates the estimated public transport travel times from different locations in the borough.

	South Norwood LC		Thornton Heath LC		New Addington LC		Monks Hill SC		Waddon LC	
Starting Location	Travel Time	Public Transport	Travel Time	Public Transport	Travel Time	Public Transport	Travel Time	Public Transport	Travel Time	Public Transport
Shrublands	35 mins	2 buses	39 mins	1 bus, 1 train	45 mins	1 bus, 1 tram	43 mins	1 bus, 1 tram	50 mins	2 buses
Thornton Heath	37 mins	2 buses	9 mins	1 bus	56 mins	1 bus, 1 tram	58 mins	1 bus	29 mins	1 bus
Waddon	41 mins	2 buses	33 mins	2 buses	43 mins	1 bus, 1 tram	45 mins	1 bus, 1 tram	N/A	N/A
Purley	18 mins	1 train	16 mins	1 train	45 mins	1 train, 1 tram	33 mins	1 bus	12 mins	1 bus
Selsdon	36 mins	2 buses	46 mins	2 buses	32 mins	1 bus	10 mins	1 bus	29 mins	2 buses
Kenley	33 mins	2 trains	26 mins	1 train	60 mins	2 buses	45 mins	1 train, 1 tram	25 mins	2 buses

4.11 When asked about the impact of the closure of Purley Leisure Centre on others, 1,004 respondents said:



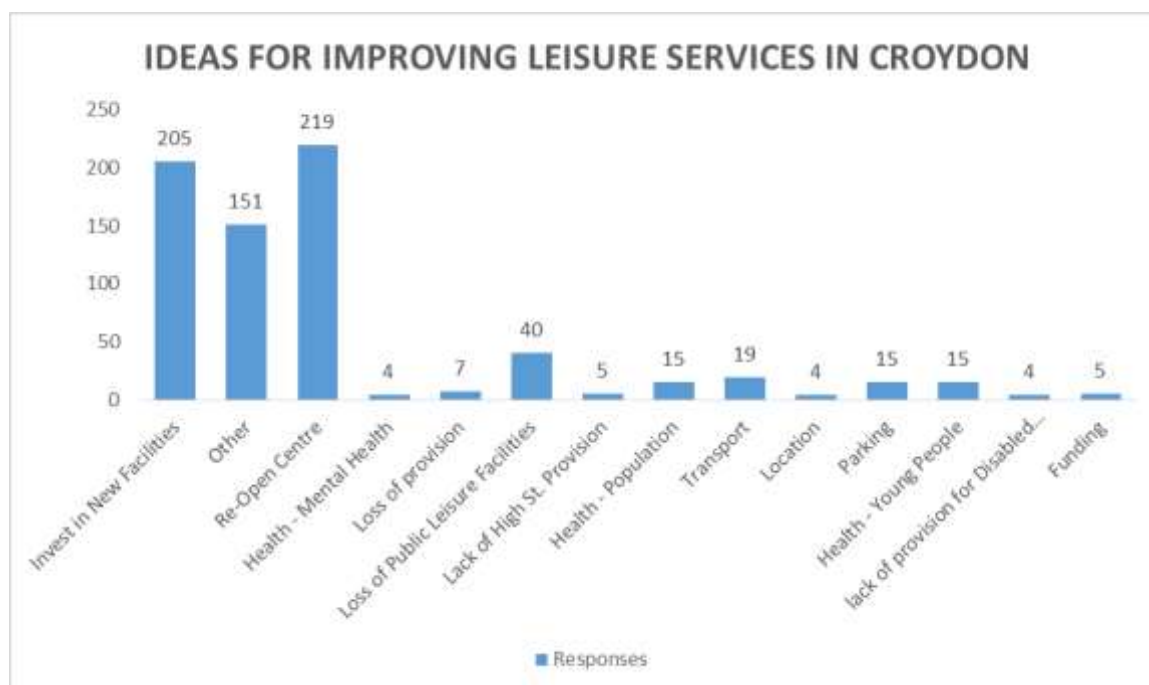
4.12 Respondents were asked for suggestions on how the Council could mitigate against the impact of closing Purley Leisure Centre, 912 respondents said:



One resident said, “Modernise Purley Pool, or build a new facility close by. The existing ones are too inaccessible in high traffic areas, and it is short sighted when the population in these areas is set to expand significantly due to planned development intensification.”

Another resident remarked, “I understand Central Government squeeze on Councils affects the budget. However, I can remember when Sainsbury’s bought the site the council made it conditional on the provision of a 25 metre pool as part of the development. I suggest the present council does something similar. Sell the site for housing on condition a 25 metre pool is included in the contract.”

4.13 Residents were asked for their ideas on how leisure facilities in the borough could be improved. There were responses from 676 residents.

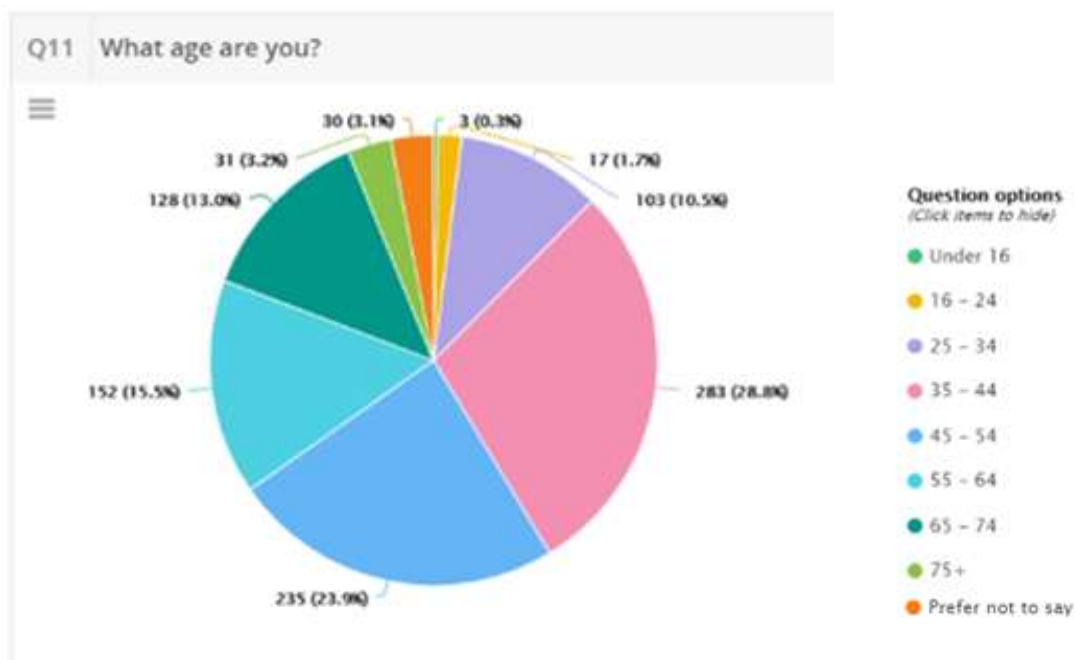


Specific feedback from residents said, “It would be great to have an outdoor pool/lido facility for fitness and leisure. The nearest outdoor pools are a long way away. It would also be good to have a "fun" leisure pool like the Water Palace with water slides. The nearest is in Tandridge or Bromley. Children and teens need fun places to socialise and exercise.”

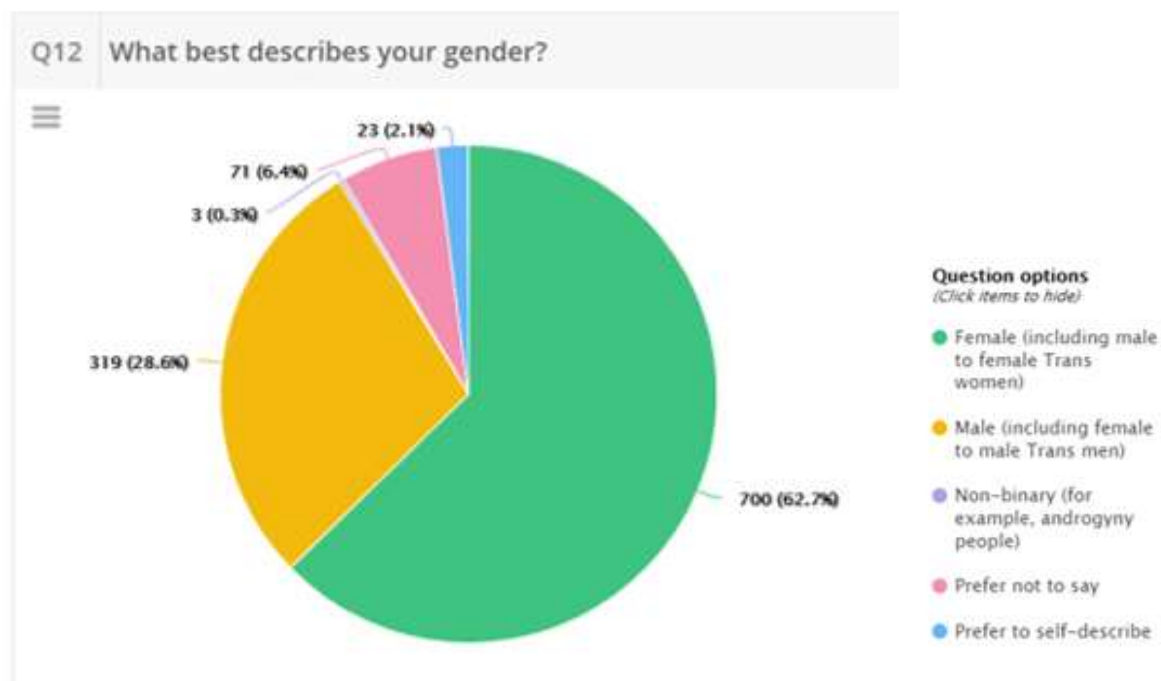
“Investment! Physical health is so important, more so now than ever before. It directly impacts mental health and obesity is a proven additional danger to Covid.”

“Use funding from Community Infrastructure Levy, or CILs, and Section 106 contributions to provide the facilities that the South of the borough needs to sustain healthy population of residents. The initial costs should consider the long-term financial benefits of having healthier and happier residents.”

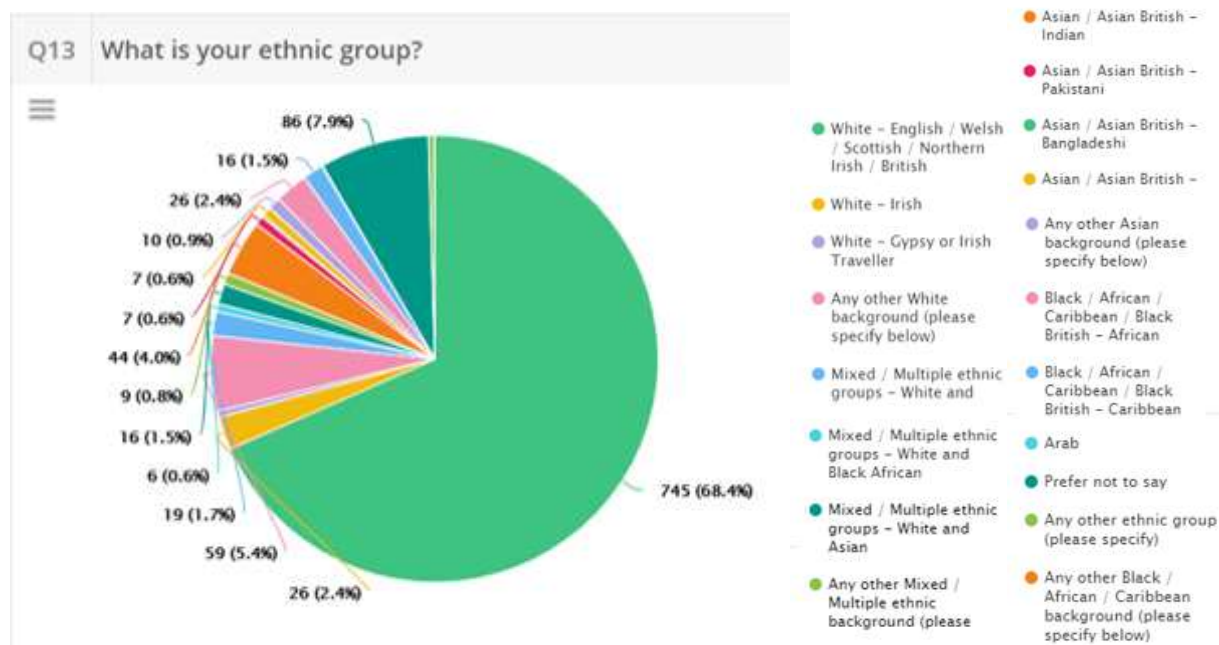
4.14 Respondents were asked to provide details of their age band. There were responses from 982 residents:



4.15 Respondents were asked to provide details on their gender identity.

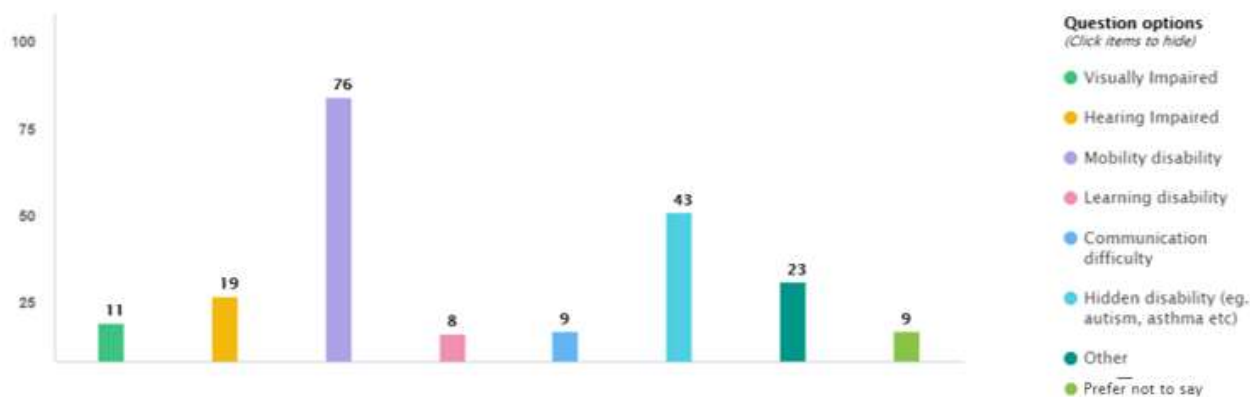


4.16 Residents were also asked about their ethnicity, with 1,089 responding.



4.17 When asked “Do you have a disability?”, of 1,114 responses, 151 said ‘yes’, 887 said ‘no’, and 76 preferred not to say.

4.18 When asked about their disability(ies) 149 residents provided the following information:



4.19 When asked the above questions residents were presented with an opportunity to provide free text responses. The Council have collated, reviewed and themed these comments to include in the feedback.

4.20 Many comments received simply stated that the leisure facility should be re-opened. As described above, the air handling unit has broken and needs to be replaced to meet post-Covid ventilation guidance for public buildings. Replacement of the mechanical and electrical plant equipment is also required. It is not possible to re-open the leisure centre without undertaking this work first. The cost of repair is estimated at £2,000,000.

- 4.21 Residents have provided feedback to say that the Council should invest in the facility to replace the mechanical and electrical plant equipment, including the air handling unit. In addition, many also mentioned refurbishing the site. The Council have considered this option but the estimated £3,000,000 total cost for this work does not provide value for money because the facility operates at a deficit.
- 4.22 Another option presented in the feedback was for the leisure centre to be rebuilt, with some suggesting that it include additional facilities such as café, library, cinema, etc. Others suggested a new leisure facility in a different part of the south of the borough. The Croydon Local Plan 2018 confirms that a new leisure facility, with swimming pool, will need to be included in any redevelopment of the existing site. More detail is provided in 5.7.
- 4.23 It was also suggested that an alternative provider be found to run the leisure centre and undertake the repairs and refurbishment. Purley Leisure Centre is currently part of the Leisure contract with Greenwich Leisure Limited (GLL), who are a social enterprise operating on a not-for-profit basis. It is unlikely that the site would be attractive to an alternative provider because of the high repair and refurbishment costs, and the operating deficit of the facility.
- 4.24 It was also suggested by some individuals that the community could run the leisure centre as an asset of community value. No applications have been received to make the facility an asset of community value. The high repair and refurbishment costs and the operating deficit of the facility make this option unfeasible. Members of the Leisure service met with Councillors and interested local residents to view the leisure centre on 19th November. No proposal has been received from the community regarding a community run leisure facility.
- 4.25 Several comments asked that payments from developers be used to pay for the refurbishment of Purely Leisure Centre. The Council have considered this option but the estimated £3,000,000 total cost for this work does not provide value for money because the facility operates at a deficit. As per 5.7, a new leisure facility, including swimming pool, is included in the Croydon Local Plan 2018 for any redevelopment of the site.

5. MITIGATING ACTIONS

- 5.1 Feedback from residents clearly shows that Purley Leisure Centre is a much valued facility within the south of the borough and that there is demand for leisure provision in Purley and surrounding areas.
- 5.2 The responses received regarding the activities that members and pay as you go users of Purley Leisure Centre use show that there is demand for both gym and swim facilities in the local area.

- 5.3 Residents have voiced concerns about the impact on their ability to use public transport to get to alternative facilities. As stated in 4.10, it is acknowledged that the public transport travel times for residents of Purley and surround areas will increase as a result of this decision. However, the travel times are in keeping with public transport travel times to leisure facilities for residents from other parts of the borough.
- 5.4 A new gym facility is being developed at Monks Hill Sports Centre to increase gym capacity in the south of the borough. The new £100,000 facility will see a 30 station gym added to the existing venue. The gym will increase fitness capacity in a modern and welcoming environment in the south of the borough.
- 5.5 The majority of respondents said that they had used Purley Leisure Centre for water based activities. There is current capacity in Waddon and New Addington Leisure Centres to accommodate the swim users of Purley Leisure Centre. As stated in 4.10, it is acknowledged that the public transport travel times for residents of Purley and surround areas will increase as a result of this decision. However, the travel times are in keeping with public transport travel times to leisure facilities for residents from other parts of the borough.
- 5.6 Enterprise Swim School have been operating from Purley Leisure Centre for a number of years to provide disability swimming activities for residents. Through discussions with Enterprise, the Council and GLL have been able to find a suitable time for the group to meet at Waddon Leisure Centre. Additional RAP scheme activities will be programmed in the south of the borough to increase disability sport participation without the need for residents with a disability to travel.
- 5.7 Residents identified that they were concerned that swim schools would be affected by the closure of Purley Leisure Centre. Waddon and New Addington Leisure Centres have been able to accommodate the demand for swim schools within their existing capacity. Schools interested in arranging direct travel can contact the Independent Travel team in the Council to discuss this option.
- 5.8 From the feedback from residents on the need to replace the existing leisure centre with a new facility, the Croydon Local Plan 2018 (page 333) clearly states that Purley Leisure Centre, car park, and former Sainsbury's supermarket are suitable for redevelopment. The Plan's site allocation explains that the options for the site include:

“Mixed use redevelopment incorporating public car park, new leisure facilities, including a swimming pool, and other community facilities, healthcare facility, creative and cultural industries enterprise centre, retail or residential accomodation.”

To meet the requirements of the Local Plan 2018 it is expected that any future development of the site will need to incorporate the re-provision of a community and / or leisure facilities.

This site allocation is also proposed to be retained in the current Local Plan Review.

6. PRE-DECISION SCRUTINY

6.1 The decision has not been taken to Pre-Decision Scrutiny for consideration.

7. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

7.1 The decision to not re-open Purley Leisure Centre avoids the need to spend £3m on capital investment in the facility.

7.2 Purley Leisure Centre was operating at a deficit of between £123,000 and £186,000 per year before the impact of the Covid pandemic. Avoiding these losses will improve the overall performance of the contract, with 20% of surplus to be re-invested back into the service.

7.3 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2021/22	2022/23	2023/24	2024/25
	£'000	£'000	£'000	£'000
Revenue Budget available				
Expenditure				
Income				
Effect of decision from report				
Expenditure				
Income				
Remaining budget	_____	_____	_____	_____
Capital Budget available				
Expenditure				
Effect of decision from report				
Expenditure				
Remaining budget	_____	_____	_____	_____

7.4 The effect of the decision

The Council will avoid costs of circa £3m in repairs and maintenance at Purley Leisure Centre.

Closing Purley Leisure Centre will remove a £123,000 to £186,000 annual operating deficit from the Leisure contract. This will likely increase the opportunity for a surplus to be generated. Once the loan has been repaid the Council will receive 40% of any surplus, with 20% to be re-invested in other Council owned leisure facilities in the borough.

Other mitigations are at no cost to the Council because they are within the existing operating envelope of the venues.

7.5 Risks

A successful challenge against the Council's decision will delay the decision to close the facility.

7.6 Options

Do Nothing – No support provided to local residents and groups to find alternative solutions.

Re-open Purley Leisure Centre – undertake repair and maintenance to allow the facility to re-open to the public. This is estimated to cost £2,000,000 for the replacement of the mechanical and electrical plant equipment, plus an estimated £1,000,000 for refurbishment to bring facility to modern standards.

Accommodate users in neighbouring facilities – Use existing capacity in neighbouring Waddon and New Addington Leisure Centres to accommodate members and users from Purley Leisure Centre. In addition, a new gym 30 station gym facility at Monks Hill Sports Centre will increase fitness provision in the south of the borough.

7.7 Future savings/efficiencies

Through the closure of Purley Leisure Centre there will be a reduction of a £123,000 to £186,000 deficit in the Leisure contract. This will improve the opportunity for the contract to generate a surplus, of which 20% will be re-invested into leisure facilities.

Approved by: Matthew Davis, Interim Director of Finance (Deputy S151)

8. LEGAL CONSIDERATIONS

8.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Legal Services that:

8.2 There is no statutory duty to consult in relation to the closure of a leisure centre.

8.3 Notwithstanding 8.2 the Council consulted with residents on the impact of a decision for Purley Leisure Centre to remain closed and mitigations of using alternative leisure facilities at Waddon and New Addington, as set-out in the body of the report.

8.4 The consultation process followed the Gunning principles, which are as follows:

- The consultation must be at a time when proposals are still at a formative stage.
- The proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response. Those consulted should be aware of the criteria that will be applied when considering proposals and which factors will be considered decisive or of substantial importance at the end of the problem.

- Adequate time must be given for consideration and response.
 - The product of consultation must be conscientiously taken into account in finalising any statutory proposals.
- 8.5 Any ongoing or permanent closure of Purley Leisure Centre will require an amendment in the contract with Greenwich Leisure Limited through a contract variation.
- 8.6 External legal advice has been provided in this matter by Browne Jacobson.

Approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Legal Services & Deputy Monitoring Officer

9. HUMAN RESOURCES IMPACT

- 9.1 There are no staffing implications or any other HR impact arising from this report or from this decision. If any issues arise these will be managed under the Council policies and procedures.

Approved by: Jennifer Sankar, Head of HR, Housing and Sustainable Communities, Regeneration and Economic Development Directorates, for and on behalf of Dean Shoesmith, Interim Chief People Officer

10. EQUALITIES IMPACT

- 10.1 An equalities impact assessment was carried out ahead of the public consultation in October. This has been updated following the feedback from residents (Appendix B).
- 10.2 Of the respondents, 13% identified as having a disability which is slightly lower than the borough average of 14.6% who have a long term health condition. An assessment of parking confirms that at Waddon Leisure Centre there are four disabled bays out of 34, and New Addington Leisure Centre has two disabled bays out of 45. This is sufficient parking provision at both sites for disabled users and non-disabled persons who attend in a supporting capacity.
- 10.3 Enterprise Swim School have been operating from Purley Leisure Centre for a number of years to provide disability swimming activities for residents. Through discussions with Enterprise, the Council and GLL have been able to find a suitable time for the group to meet at Waddon Leisure Centre.
- 10.4 Residents identified that they were concerned that young members would be unable to learn to swim if Purley Leisure Centre was closed. Waddon and New Addington Leisure Centres have been able to accommodate the demand for swim schools within their existing capacity.
- 10.5 Waddon and New Addington leisure centres are more modern and accessible for users with a disability.

10.6 Both Waddon and New Addington leisure centres offer gender neutral changing facilities, which is more accommodating for non-binary gender identifying users.

10.7 Purley and surrounding areas have a higher than borough average white population.

Approved by: Denise McCausland – Equality Programme Manager

11. ENVIRONMENT AND CLIMATE CHANGE IMPACT

11.1 The existing mechanical and electrical plant equipment is mainly from the original installation and is at the end of its operational life. It has been estimated that the air handling unit was working at 50-60% efficiency before the leisure centre was put into hibernation during the Covid pandemic. By not re-opening Purley Leisure Centre there will be a reduction in emissions associated with not operating inefficient plant equipment.

12. CRIME AND DISORDER REDUCTION IMPACT

12.1 There is no impact by this decision.

13. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

13.1 Members and casual users of Purley Leisure Centre use alternative gym and swimming facilities at Waddon and New Addington Leisure Centres.

13.2 Enterprise Swim School relocate to Waddon Leisure Centre.

13.3 Swim school users relocate to Waddon and New Addington Leisure Centres.

13.4 The Council work with any potential developers to ensure that any redevelopment of the site included a new leisure facility, including swimming pool.

13.5 Residents have voiced concerns about the impact on their ability to use public transport to get to alternative facilities. As stated in 4.10, it is acknowledged that the public transport travel times for residents of Purley and surround areas will increase as a result of this decision. However, the travel times are in keeping with public transport travel times to leisure facilities for residents from other parts of the borough.

14. OPTIONS CONSIDERED AND REJECTED

14.1 **Do Nothing** – no support provided to local residents or activity groups.

14.2 **Re-open Purley Leisure Centre** – undertake repair and maintenance to allow the facility to re-open to the public. This is estimated to cost £2,000,000 for the replacement of the mechanical and electrical plant equipment, plus an estimated £1,000,000 for refurbishment to bring facility to modern standards.

15. DATA PROTECTION IMPLICATIONS

15.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

15.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

NO

CONTACT OFFICER:

Robert Hunt, Interim Head of Culture, Leisure & Libraries, 0208 726 6000 ext. 63309

APPENDICES TO THIS REPORT

Appendix A - PLC Consultation Topline Summary

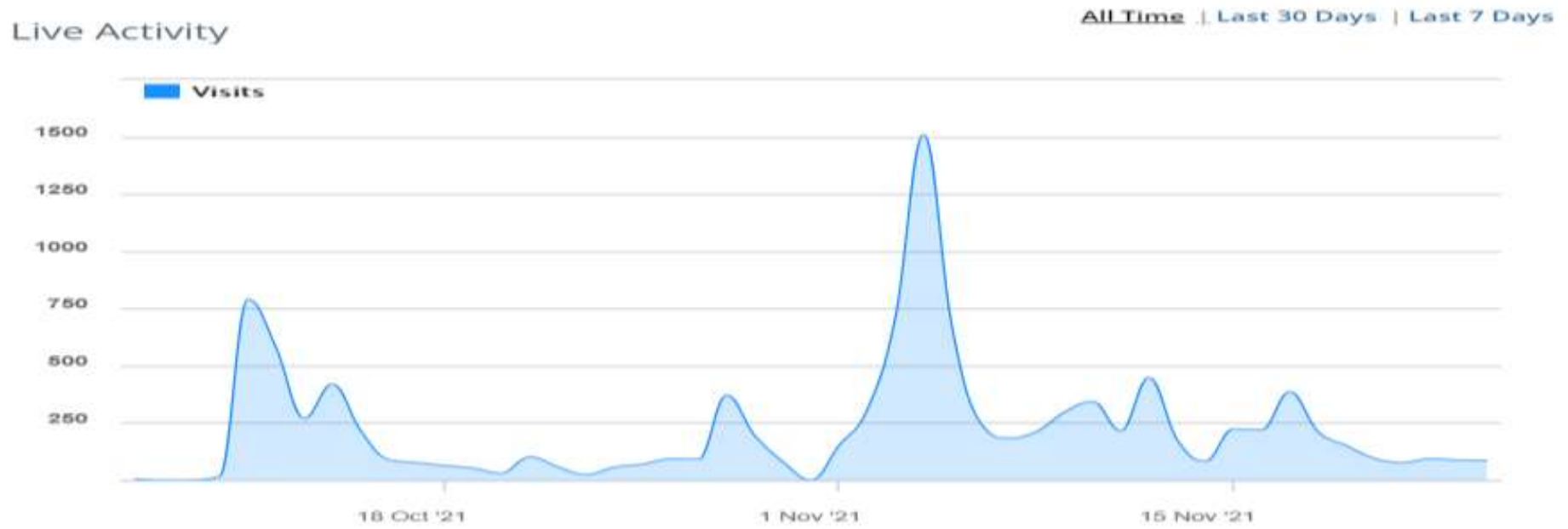
Appendix B – Equalities Impact Assessment

BACKGROUND PAPERS

[October 2021 Cabinet Paper](#)

[Croydon Local Plan 2018](#)

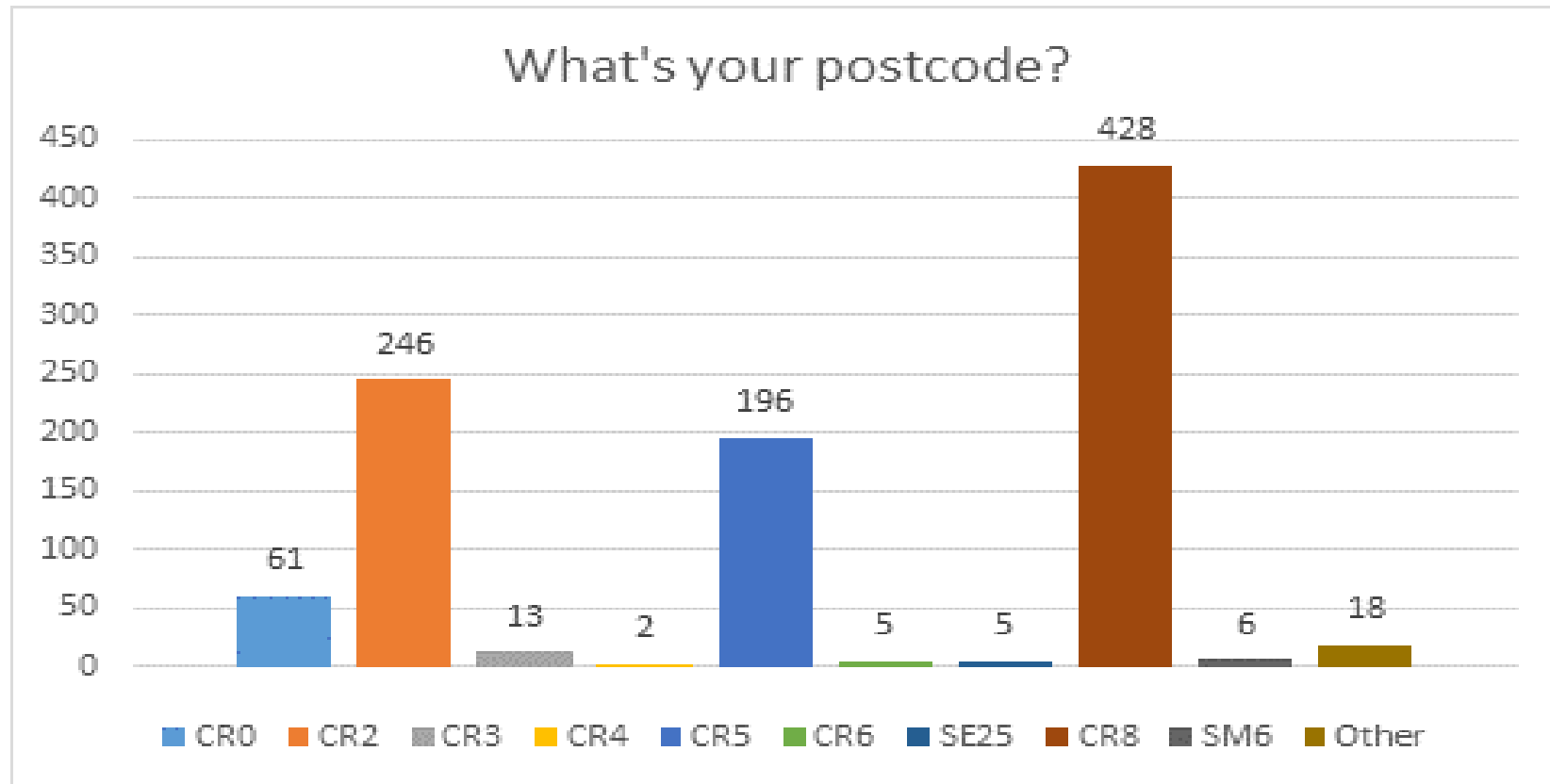
Total site visits: 10,937



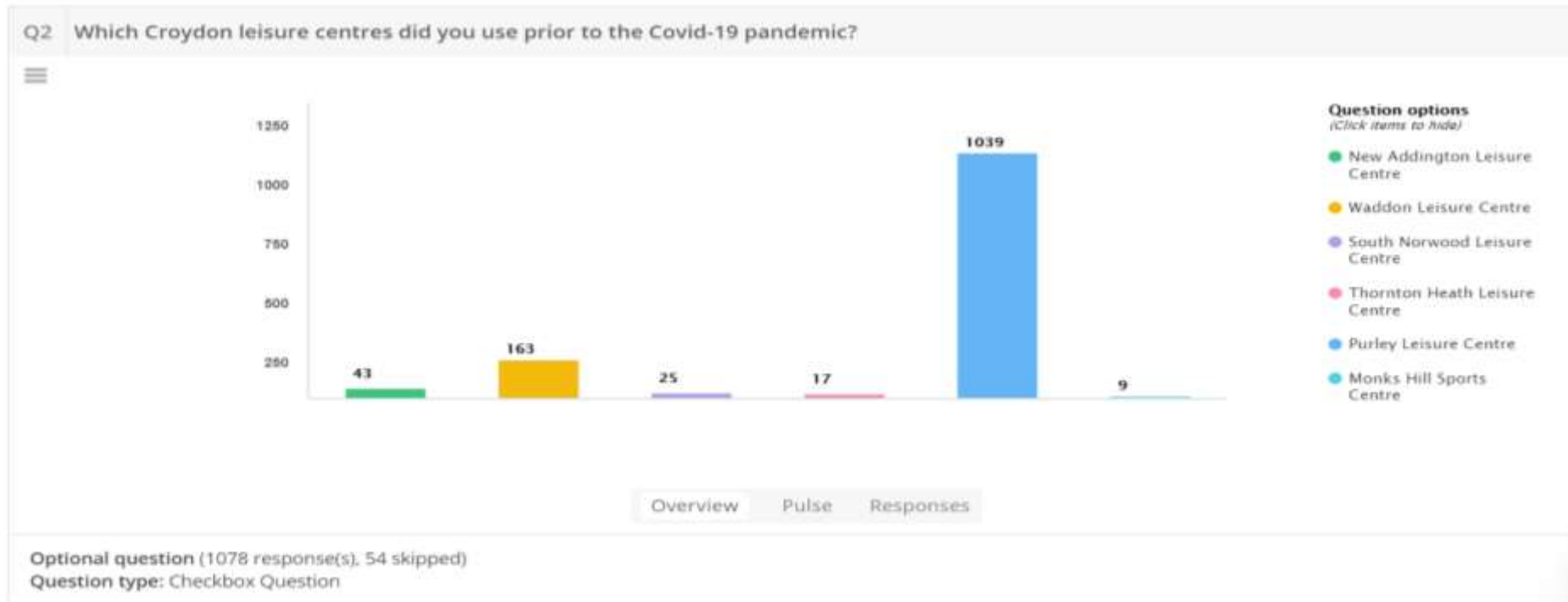
Total number of responses: 1132

Question 1: What is your postcode?

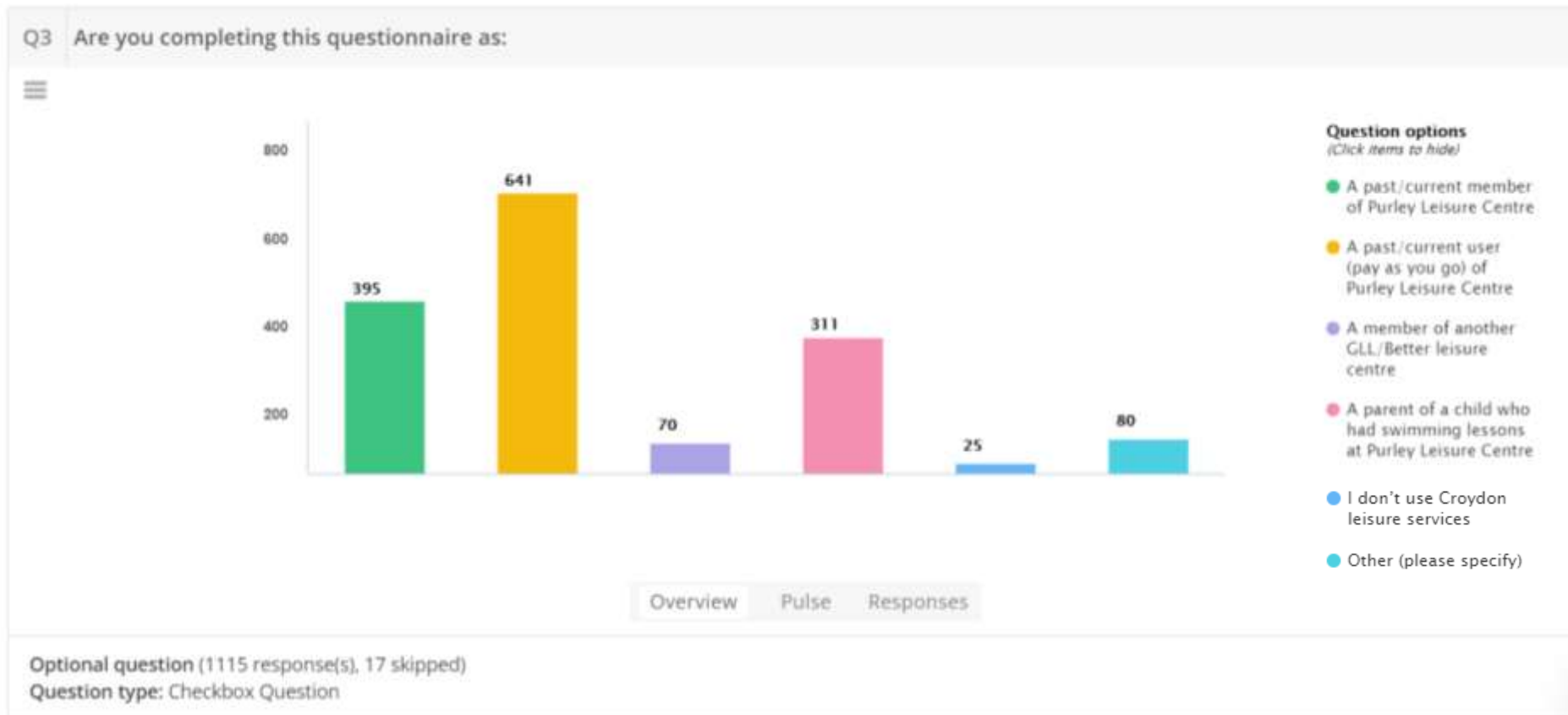
- Responses: 1120
- 12 skipped



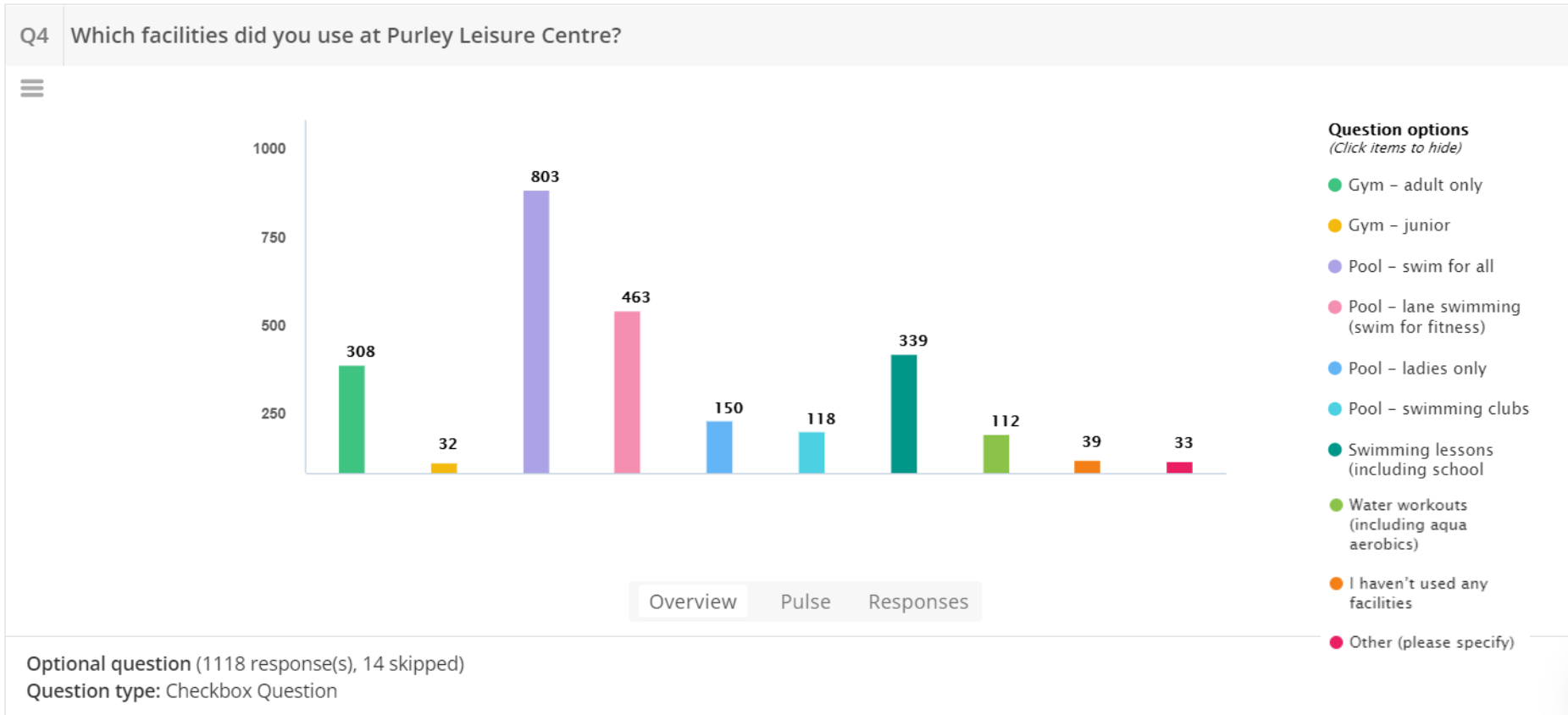
Question2:



Question 3:

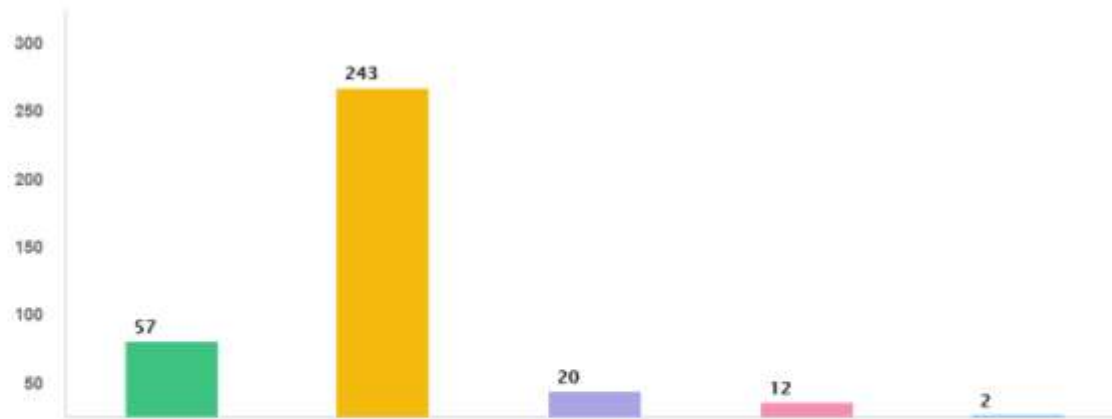


Question 4:



Question 5:

Q5 With Purley Leisure Centre closing, will you use any of the other GLL/Better centres in Croydon? If so, which one(s)? Click here to see what facilities are available at the other centres.



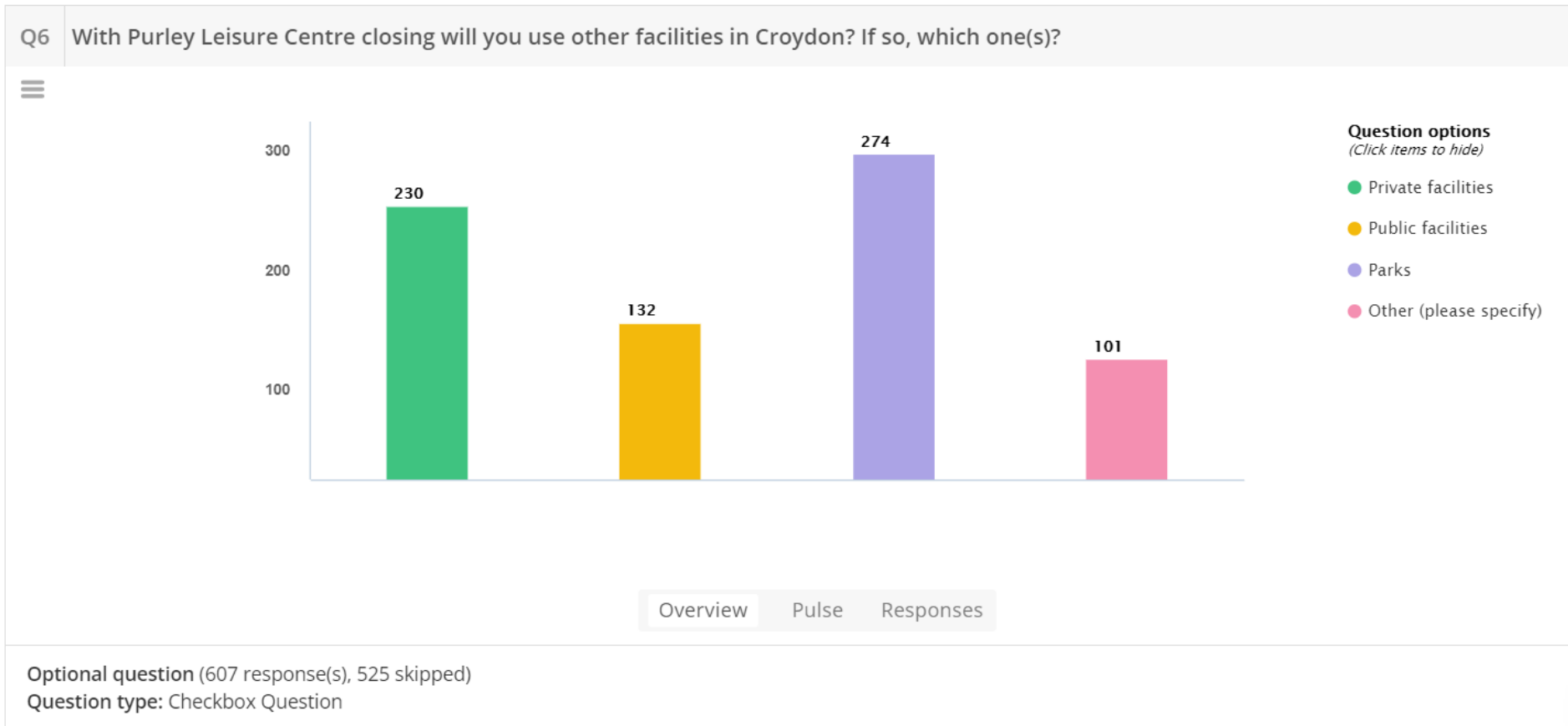
Question options
(Click items to hide)

- New Addington Leisure Centre
- Waddon Leisure Centre
- South Norwood Leisure Centre
- Thornton Heath Leisure Centre
- Monks Hill Sports Centre

Overview Pulse Responses

Optional question (285 response(s), 847 skipped)
Question type: Checkbox Question

Question 6:



Question7: How will Purley Leisure Centre closing impact you?

Responses: 1065

Skipped: 67

Note: Open text questions were reviewed and tagged with key words corresponding to re-occurring themes. There was no limit to the number of tags any single response could receive.

Transport	Parking	Location	Loss of provision	Lack of High St. Provision	Other	Improve Service	Health - Young People
556	51	8	386	34	92	3	40
Health - Mental Health	Health - Population	Loss of Public Leisure Facilities	New & Expectant Mothers Affected	lack of provision for Disabled residents	Invest in New Facilities	Re-Open Centre	
56	113	91	9	28	15	15	

Sample of open text responses:

Question 7. How will Purley Leisure Centre closing impact you?

1. "It is our local leisure centre that is walking distance from our house: all my children have had swimming lessons there and we have used it for recreational swimming too. If it closes, the closest local pool is waddon, to which we would have to drive. Waddon had limited and very expensive parking."
2. "My children are no longer swimming at present- my eldest would have been able to get the bus independently to Purley but Waddon is too far to let them do this. They were swimming for fitness. My youngest was having weekly lessons - they are not having lessons now as we don't have any other pools as close and convenient as Purley was. We were able to get the bus easily to Purley."
3. "Purley pool is within walking distance to me and if I couldn't walk had a number of busses I could take to reach. The waddon centre is not as close to walk and has no easy public transport link for me to reach. This concerns me as I tend to swim in the evening and do not feel safe walking home from the waddon swim centre. I do feel safe walking from Purley pool as it is just along the well lit Brighton road."

Question 8: How will Purley Leisure Centre closing impact others?

Responses: 1004

Skipped: 128

Note: Open text questions were reviewed and tagged with key words corresponding to re-occurring themes. There was no limit to the number of tags any single response could receive.

Loss of provision	Parking	Transport	Location	Loss of Public Leisure Facilities	Other	Health - Young People	Health - Mental Health
343	11	189	217	65	160	2321	70
Lack of High St. Provision	New & Expectant Mothers Affected	lack of provision for Disabled residents	Health - Population	Invest in New Facilities	Funding		
61	3	49	125	2	1		

Sample of open text responses:

Question 8. How will Purley Leisure Centre closing impact others?

1. "I have huge concerns concerning the disabled swimming club who used to use Purley pool, the other pools in the area and even the other council pools cannot meet their needs so should they now be disadvantaged?"

In additional to this, when we went swimming as a school we saw and spoke to adults with mental disabilities using the pool having been escorted there by their carers. There is no way (having spoken to the carers about it) that they will be able to travel further to use a pool so now won't get to enjoy something which they got great joy out of. They are unable to speak for themselves and therefore I feel are lost in this whole consultation.

As a Purley resident, who is very aware of all of the increase in building development (particularly flats) at present, I am disappointed that this increase in population will now not have the easy access of facilities they would have had 18month ago. There have also been huge developments in Coulsdon, which have not had any additional facilities put in place, and now won't even have a pool down the road for them to use. We are going to end up with a generation of pupils who will not be going swimming and will be at risk of drowning not to mention the physical and mental implications of not having another outlet available to them to keep fit."

2. "It is important that local school children learn to swim. At the moment several of the schools walk the children, if the pool is closed, they will either have to hire a bus or use public transport. Also the increase in the local population (which is considerable) surely is a good case for the leisure centre to stay open"
3. "Purley is incredibly accessible to residents across the South of the Borough, meaning the Leisure Centre is well used by many. It is simply not feasible for school groups to travel to Waddon or New Addington when coming from places like Kenley and Coulsdon (with bus connections not great). Private lessons are expensive and over subscribed and the disabled who use Purley will be adversely affected (groups like the Enterprise Club for Disabled). Waddon has poor parking and New Addington is too far to get to"

Question 9: If you have suggestions for what we could do to help with any of these impacts, tell us below:

Responses: 912

Skipped: 220

Note: Open text questions were reviewed and tagged with key words corresponding to re-occurring themes. There was no limit to the number of tags any single response could receive.

Re-Open Centre	Location	Loss of Public Leisure Facilities	Transport	Invest in New Facilities	Other	Improve Service	Health - Mental Health
620	7	25	47	205	100	20	6
Loss of provision	Funding	Parking	Lack of High St. Provision	Health - Population	Health - Young People	lack of provision for Disabled residents	
10	48	19	13	26	19	3	

Sample of open text responses:

Question 9. If you have suggestions for what we could do to help with any of these impacts, tell us below:

1. "Modernise Purley Pool, or build a new facility close by. The existing ones are too inaccessible in high traffic areas, and it is short sighted when the population in these areas is set to expand significantly due to planned development intensification."
2. "You need to reconsider the impact this is going to have and stop this closure. Health and well being is so important especially at this present time leisure facilities should be being added to not taken away. The people of Purley and surrounding areas are tired of not being listened to. Think about how many extra people your brick by brick developments have brought to theses areas and bring them the facilities they are going to need."
3. "I understand Central Government squeeze on Councils affects the budget. However, I can remember when Sainsbury's bought the site the council made it conditional on the provision of a 25 metre pool as part of the development. I suggest the present council does something similar. Sell the site for housing on condition a 25 metre pool is included in the contract."

Question 10: If you have ideas for improving leisure services in Croydon, tell us below:

Responses: 676

Skipped: 456

Note: Open text questions were reviewed and tagged with key words corresponding to re-occurring themes. There was no limit to the number of tags any single response could receive.

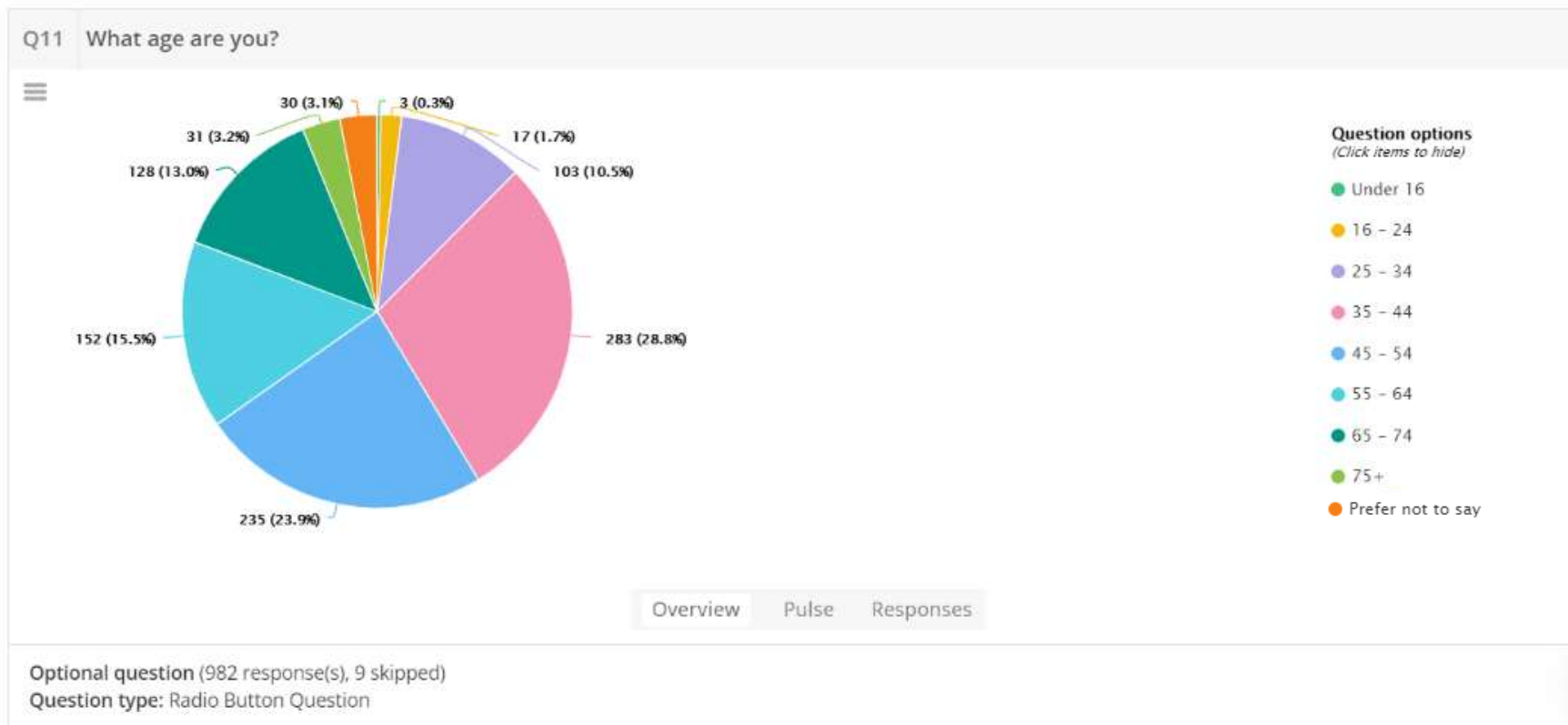
Invest in New Facilities	Other	Re-Open Centre	Health - Mental Health	Loss of provision	Loss of Public Leisure Facilities	Lack of High St. Provision	Improve Service
205	151	219	4	7	40	5	75
Health - Population	Transport	Location	Parking	Health - Young People	lack of provision for Disabled residents	Funding	
15	19	4	15	15	4	5	

Sample of open text responses:

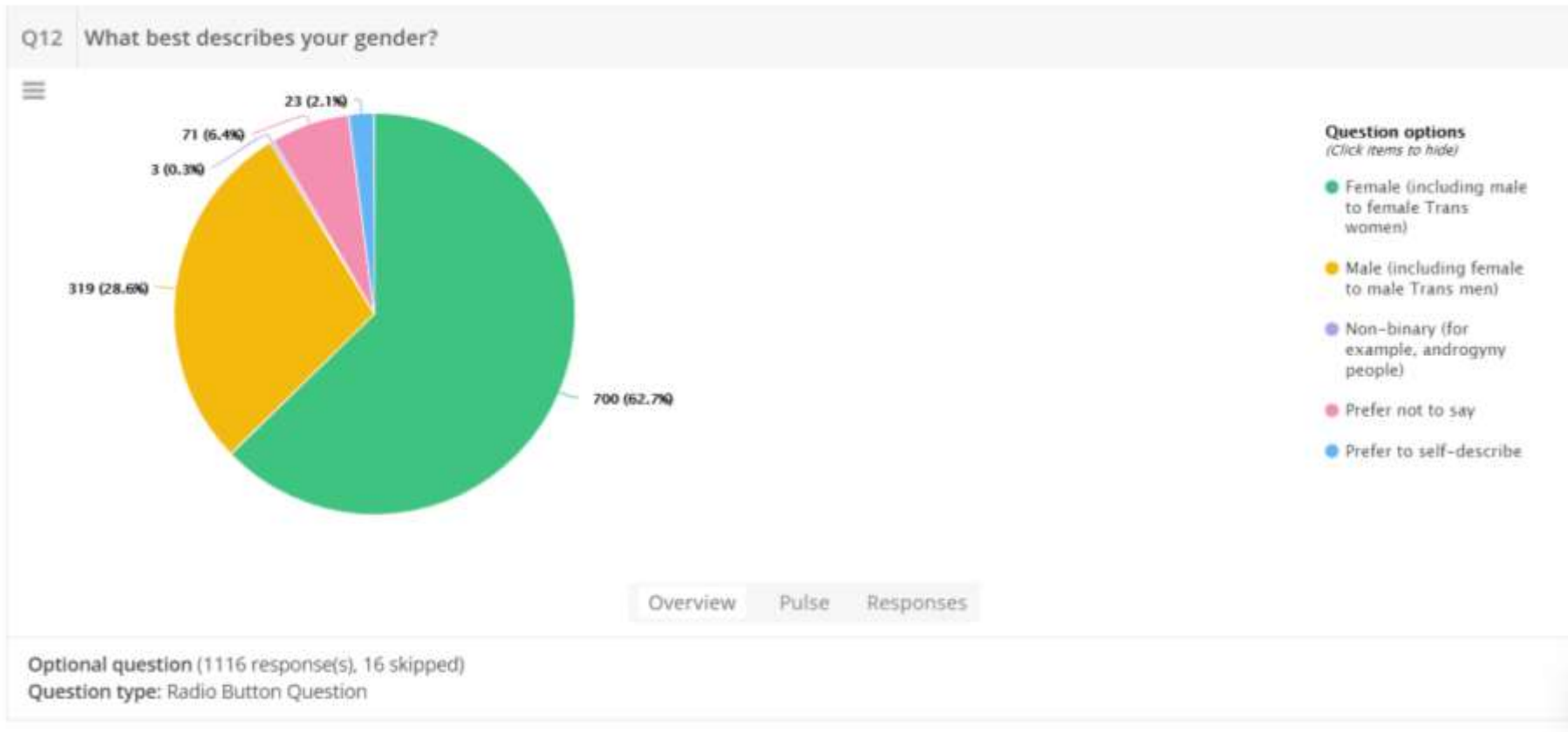
Question 10. If you have ideas for improving leisure services in Croydon, tell us below:

1. "It would be great to have an outdoor pool/lido facility for fitness and leisure. The nearest outdoor pools are a long way away. It would also be good to have a "fun" leisure pool like the Water Palace with water slides. The nearest is in Tandridge or Bromley. Children and teens need fun places to socialise and exercise."
2. "Investment! Physical health is so important, more so now than ever before. It directly impacts mental health and obesity is a proven additional danger to Covid."
3. "Use funding from Community Infrastructure Levy, or CILs, and Section 106 contributions to provide the facilities that the South of the borough needs to sustain healthy population of residents. The initial costs should consider the long-term financial benefits of having healthier and happier residents."

Question 11:

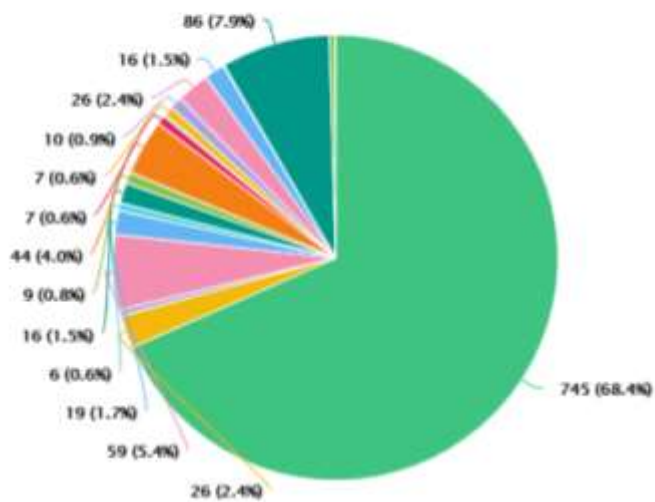


Question 12:



Question 13:

Q13 What is your ethnic group?



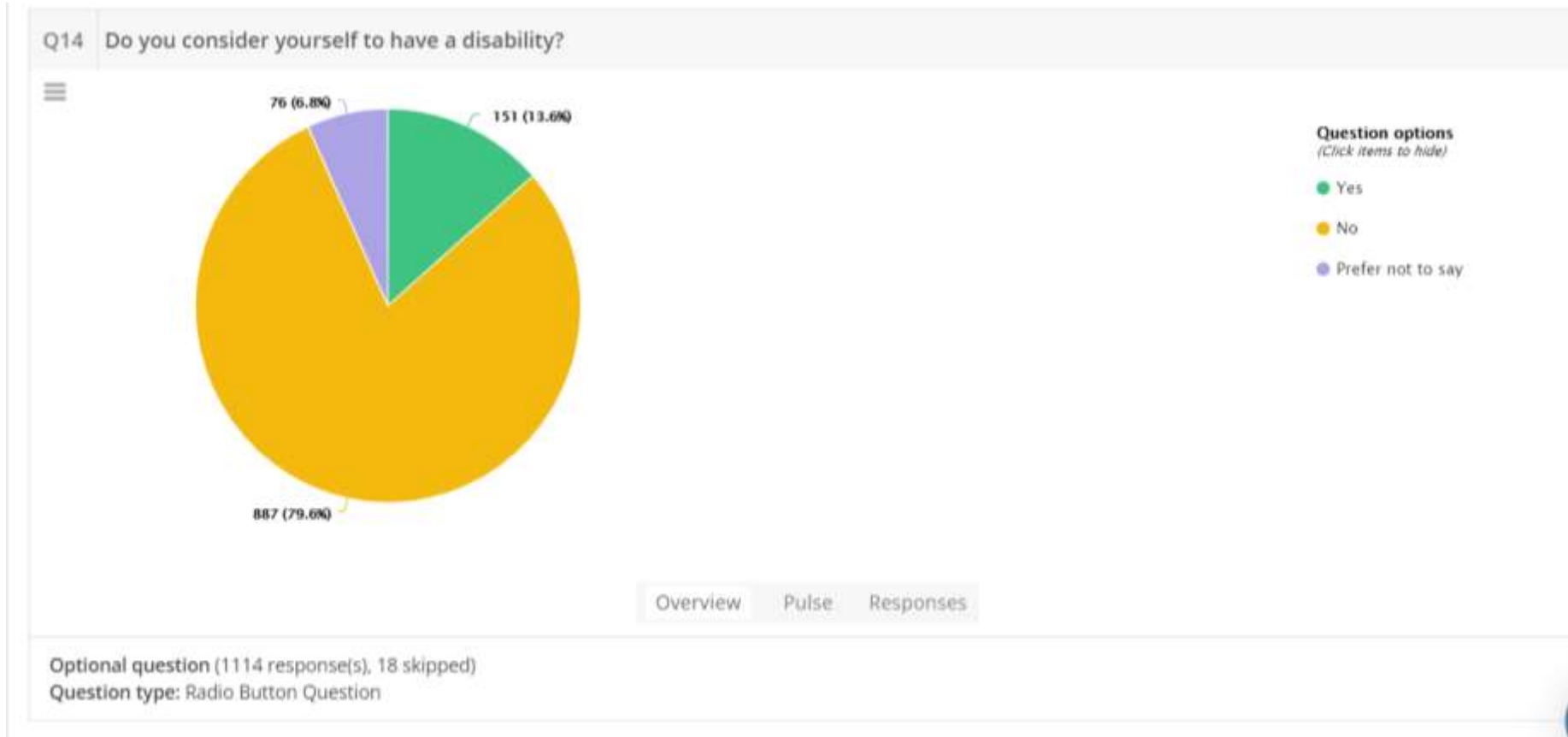
Overview Pulse Responses

Optional question (1089 response(s), 43 skipped)
Question type: Dropdown Question

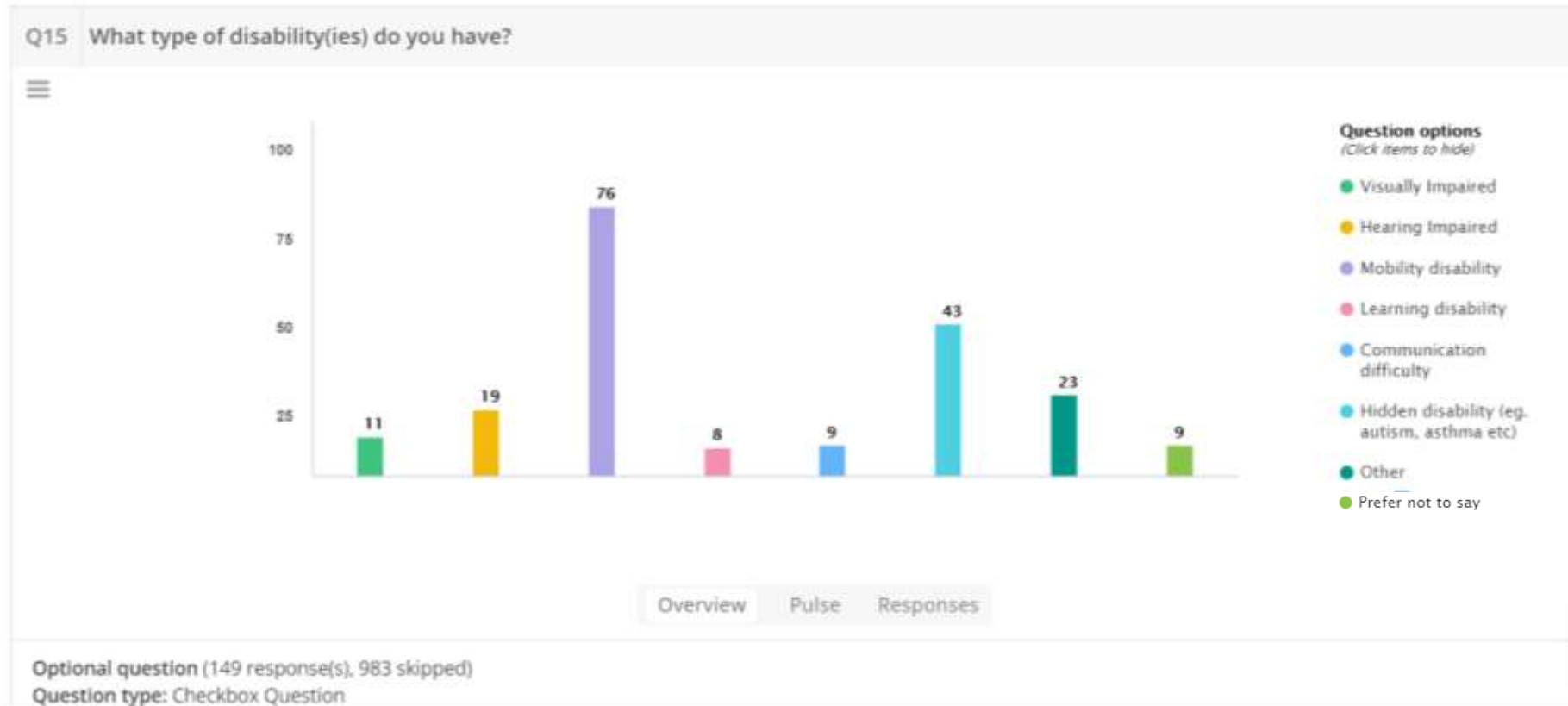
Question options
(Click items to hide)

- Asian / Asian British - Indian
- Asian / Asian British - Pakistani
- Asian / Asian British - Bangladeshi
- Asian / Asian British -
- Any other Asian background (please specify below)
- Black / African / Caribbean / Black British - African
- Black / African / Caribbean / Black British - Caribbean
- Arab
- Prefer not to say
- Any other ethnic group (please specify)
- Any other Black / African / Caribbean background (please specify below)
- White - English / Welsh / Scottish / Northern Irish / British
- White - Irish
- White - Gypsy or Irish Traveller
- Any other White background (please specify below)
- Mixed / Multiple ethnic groups - White and
- Mixed / Multiple ethnic groups - White and Black African
- Mixed / Multiple ethnic groups - White and Asian
- Any other Mixed / Multiple ethnic background (please

Question 14:



Question 15:



Equality Analysis Form

1. Introduction

1.1 Purpose of Equality Analysis

The Council has an important role in creating a fair society through the services we provide, the people we employ and the money we spend. Equality is integral to everything the council does. We are committed to making Croydon a stronger, fairer borough where no community or individual is held back.

Undertaking an Equality Analysis helps to determine whether a proposed change will have a positive, negative, or no impact on groups that share a protected characteristic. Conclusions drawn from Equality Analyses helps us to better understand the needs of all our communities, enable us to target services and budgets more effectively and also helps us to comply with the Equality Act 2010.

An equality analysis must be completed as early as possible during the planning stages of any proposed change to ensure information gained from the process is incorporated in any decisions made.

In practice, the term '**proposed change**' broadly covers the following:-

- Policies, strategies and plans;
- Projects and programmes;
- Commissioning (including re-commissioning and de-commissioning);
- Service review;
- Budget allocation/analysis;
- Staff restructures (including outsourcing);
- Business transformation programmes;
- Organisational change programmes;
- Processes (for example thresholds, eligibility, entitlements, and access criteria).

2. Proposed change

Directorate	PLACE
Title of proposed change	Closure of Purley Leisure Centre
Name of Officer carrying out Equality Analysis	Robert Hunt/ David White

2.1 Purpose of proposed change (see 1.1 above for examples of proposed changes)

Purley Leisure Centre is proposed to not be re-opened. Built in 1982 it is an aging leisure facility where repairs and maintenance costs escalate year on year because the infrastructure has reached the end of its serviceable life. Prior to March 2020 Purley Leisure Centre was operating at a cost of £120k-£180k per year loss to the leisure partnership. Due to the economic downturn the Council are no longer in a position where Purley Leisure Centre can be subsidised by other facilities in the partnership.

Greenwich Leisure Limited (GLL) have experienced some short term financial challenges due to prolonged periods of closure and reduced capacity at their leisure facilities. This has resulted in GLL's London Borough partners providing financial support to cover unavoidable costs during this period. Croydon has provided GLL with a £279,000 interest free loan.

Purley Leisure Centre has remained closed since March 2020. The centre has remained closed for health and safety reasons and because much of the original infrastructure has reached the end of its operational life. The ventilation system is awaiting repair at an estimated cost of £200,000. A full refurbishment of the mechanical and electrical plant equipment is expected to cost £2,000,000, with a further £1,000,000 to improve the building.

Not re-opening Purley Leisure Centre appears to be the most viable option, with users being directed to nearby alternative leisure facility in New Addington and Waddon. The Council has considered evidence from a range of sources, namely: Croydon Observatory data, GLL membership data, feedback from complaints, freedom of information requests and elected member enquiries.

There are other GLL operated leisure facilities and activities at Waddon (1.9 miles) and New Addington (5.7 miles) in the south of the borough. We acknowledge that the leisure centre has been in the local community for decades and are very much established and valued in their local communities, especially by older residents and those accessing swimming activities. During the early stages of the Covid-19 pandemic when leisure centres were allowed to re-open work was undertaken to relocate the Purley Leisure Centre Health & Fitness members and Swim School pupils, with a high number moving their memberships to either Waddon or New Addington.

3. Impact of the proposed change

Important Note: It is necessary to determine how each of the protected groups could be impacted by the proposed change. Who benefits and how (and who, therefore doesn't and why?) Summarise any positive impacts or benefits, any negative impacts and any neutral impacts and the evidence you have taken into account to reach this conclusion. Be aware that there may be positive, negative and neutral impacts within each characteristic.

Where an impact is unknown, state so. If there is insufficient information or evidence to reach a decision you will need to gather appropriate quantitative and qualitative information from a range of sources e.g. Croydon Observatory a useful source of information such as Borough Strategies and Plans, Borough and Ward Profiles, Joint Strategic Health Needs Assessments <http://www.croydonobservatory.org/> Other sources include performance monitoring reports, complaints, survey data, audit reports, inspection reports, national research and feedback gained through engagement with service users, voluntary and community organisations and contractors.

3.1 Deciding whether the potential impact is positive or negative

For each protected characteristic group show whether the impact of the proposed change on service users and/or staff is positive or negative by briefly outlining the nature of the impact in the appropriate column. . If it is decided that analysis is not relevant to some groups, this should be recorded and explained. In all circumstances you should list the source of the evidence used to make this judgement where possible.			
Protected characteristic group(s)	Positive impact	Negative impact	Source of evidence
Age	Health & Fitness members and Swim School pupils at Purley Leisure Centre have already been offered to transfer memberships to another Better Leisure Centre (Waddon or New Addington Leisure Centre's are most local).	<p>Purley Leisure Centre is the boroughs southernmost public leisure centre. Whilst the facility is located in the community council area of Purley & Woodcote it should be acknowledged that it provides the primary public leisure facility for many residents living across the boroughs eleven community council wards located south of Croydon town centre.</p> <p>Croydon: Croydon residents 386,710 (ONS 2019):</p> <ul style="list-style-type: none"> • 22.2% (85,672) aged 0-15 • 64.1% (247,841) aged 16-64 • 13.8% (53,197) 65 and over <p>Table 1: Percentage breakdown of resident's age groups living in Coulsdon, Purley & Woodcote and Croydon as a whole.</p>	<p>GLL Active Users Report July 2021 covering period 2019-2020</p> <p>Croydon Observatory data.</p>

Waddon and New Addington are more modern and accessible facilities for families and older residents.

Savings made on closure will enable the partnership to generate an operating surplus. 20% of that surplus is re-invested into improving and maintaining Croydon's Leisure offer for all residents.

Age Category	% Coulsdon Residents	% Purley Residents	% Croydon Residents	Coulsdon/ Purley Avg. v Croydon Difference
Persons age 0 - 4	6.2	6.7	7.2	-0.75
Persons age 5 - 9	6.5	5.5	7.1	- 1.1
Persons age 10 - 14	6.1	6.2	6.7	-0.55
Persons age 15 - 19	5.2	5.4	5.7	-0.4
Persons age 20 - 24	4.1	4.6	5.1	-0.75
Persons age 25 - 29	3.9	6	6.5	-1.55
Persons age 30 - 34	4.6	7.3	7.7	-1.75
Persons age 35 - 39	6.4	7.2	7.7	-0.9
Persons age 40 - 44	6.5	6.5	7.2	- 0.7
Persons age 45 - 49	5.9	6.9	6.7	-0.3
Persons age 50 - 54	7.7	6.8	7.1	0.15
Persons age 55 - 59	8.3	7	6.6	1.05
Persons age 60 - 64	6.2	5.8	5.1	0.9
Persons age 65 - 69	5.9	4.7	4	1.3
Persons age 70 - 74	6.2	4.7	3.5	1.95
Persons age 75 - 79	4.3	2.9	2.5	1.1
Persons age 80 - 84	2.7	2.6	1.9	0.75
Persons age 85 and over	3.4	3.1	1.9	1.35

Purley & Woodcote ward has an overall population of 15,831 residents of which there is an above the Croydon average of residents aged 40 years and over. The percentage of over 50's increases against the Croydon average further south into the borough in Council wards such as Coulsdon.

Purley Leisure Centre usage: During the period April 2019 to March 2020 there were 748 registered memberships and 3,003 pay & play users. This amounted to 135,640 unique visits, 6,261 activities, 73,965 gym visits and 93,453 swim users.

Table 2: Breakdown age groups using Purley Leisure Centre

Note: Limitations in the data. Number of users that indicated their age upon registration. Figures do not represent where users reside.

Age Range	Croydon Population	% Croydon Population		Purley LC Users	% Purley LC Users	Purley LC Members as % Croydon Population
0-9	54952	14.00%		742	19.78%	0.22%
10-19	47985	12.06%		611	16.29%	0.18%
20-29	44820	11.04%		266	7.09%	0.08%
30-39	59423	15.03%		311	8.29%	0.09%
40-49	53552	13.09%		293	7.81%	0.09%
50-60	53052	13.70%		353	9.41%	0.11%
60-69	35305	9.04%		686	18.29%	0.21%
70-79	22819	6.00%		390	10.40%	0.12%
80+	14802	3.08%		99	2.64%	0.03%
Totals:	333158			3751		1.13%

The age demographics of Purley and Coulsdon's population is also reflected in centre users. 38.5% of centre users are adults aged 50 years and over, with the majority of the users being over 60 years old. Further support to this figure is highlighted in table 3.

Table 3: The number of older adults accessing free swimming programmes.

Centre	2018 - Over 60's Free Swimming	2018 - Under 16's Free Swimming	2019 - Over 60's Free Swimming	2019 - Under 16's Free Swimming
Purley	16,658	2,978	16,630	2,657
Waddon	7,891	2,814	7,971	3,002
New Addington	6,769	2,260	7,677	2,398
Thornton Heath	4,980	4,282	6,413	4,451
South Norwood	4,756	3,056	5,059	3,199

There is evidence to suggest that user groups have migrated their memberships to other leisure facilities. Furthermore efforts have been made to accommodate services provided at Purley Leisure Centre at other facilities. Given the high proportion of older adults and juniors using the facility it is highly probable that these user groups will be affected the most by not re-opening Purley Leisure Centre.

To summarise, it is concluded that there would be a disproportionate impact on the following age groups if the proposed closure took place:

- Families with young children (time, logistics, cost)
- Seniors who might find it difficult to travel (cost, fear of crime, fear of injury)

<p>Disability</p>	<p>Health & Fitness members and Swim School pupils at Purley Leisure Centre have already been offered to transfer memberships to another Better Leisure Centre (Waddon or New Addington Leisure Centre's are most local).</p> <p>Waddon and New Addington are more modern and accessible facilities which have hosted a number disability and inclusive sport and physical activity sessions providing wider availability and choice of services.</p>	<p>Purley LC Database:</p> <ul style="list-style-type: none"> □ Out of 3,751 Purley LC users, 176 have declared a disability (4.6% of users). <p>Table 4: Percentage breakdown of Purley Leisure Centre users by Long Term Health Condition (LTHC) or Disability classification.</p> <table border="1" data-bbox="551 347 996 861"> <thead> <tr> <th>LTHC/ Disability</th> <th>% Breakdown of Purley LC Users with Declared Disability</th> </tr> </thead> <tbody> <tr> <td>LTHC</td> <td>25.30%</td> </tr> <tr> <td>Hearing</td> <td>6.60%</td> </tr> <tr> <td>Learning</td> <td>42.90%</td> </tr> <tr> <td>Multiple</td> <td>6.50%</td> </tr> <tr> <td>Physical</td> <td>17.60%</td> </tr> <tr> <td>Visual</td> <td>1.10%</td> </tr> <tr> <td>Not Specified</td> <td>4.73%</td> </tr> </tbody> </table> <p>Table 5: Breakdown of Purley Leisure Centre and Croydon residents whose day-to-day activities are limited by either a LTHC or Disability.</p> <table border="1" data-bbox="551 1074 1899 1370"> <thead> <tr> <th>LTHC / Disability</th> <th>Croydon Residents</th> <th>% Croydon Residents</th> <th></th> <th>Purley LC</th> <th>% Purley LC Users</th> <th>Difference</th> </tr> </thead> <tbody> <tr> <td>Day-to-day activities limited</td> <td>53,113</td> <td>14.60%</td> <td></td> <td>176</td> <td>4.60%</td> <td>-10.00%</td> </tr> <tr> <td>Day-to-day activities not limited</td> <td>310,265</td> <td>85.40%</td> <td></td> <td>3575</td> <td>95.40%</td> <td>+10.00%</td> </tr> </tbody> </table> <p>Whilst this represents a lower than Croydon population average of users with a disability at Purley Leisure Centre these residents will be disproportionately affected by the closure of facility.</p>	LTHC/ Disability	% Breakdown of Purley LC Users with Declared Disability	LTHC	25.30%	Hearing	6.60%	Learning	42.90%	Multiple	6.50%	Physical	17.60%	Visual	1.10%	Not Specified	4.73%	LTHC / Disability	Croydon Residents	% Croydon Residents		Purley LC	% Purley LC Users	Difference	Day-to-day activities limited	53,113	14.60%		176	4.60%	-10.00%	Day-to-day activities not limited	310,265	85.40%		3575	95.40%	+10.00%	<p>Active Users Report June 2020 covering users 20182020</p> <p>Croydon Observatory -ONS 2019.</p> <p>Elected Member Enquiries.</p>
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Savings made on closure will enable the partnership to generate an operating surplus. 20% of that surplus is re-invested into improving and maintaining Croydon's Leisure offer for all residents.

Table 6: Centre users registered as Disabled and/or Long Term Health Condition at other Croydon Leisure Centres.

Disability	Waddon LC	New Addington LC	South Norwood LC	Thornton Heath LC
Total Members	5301	3647	3576	3729
Total LTHC/ Disability	320	223	152	182
LTHC	23.10%	33.20%	36.80%	38.50%
Hearing	7.50%	6.30%	10.50%	4.90%
Learning	41.30%	22.40%	18.50%	28.60%
Multiple	7.50%	14.30%	3.90%	4.40%
Physical	17.20%	18.40%	24.40%	21.40%
Visual	3.40%	5.40%	5.90%	2.20%

Feedback from elected member enquiries and Save Purley Pool campaign have stated that closure would have a disproportionate impact on local residents with a disability because of the additional distance to required to travel to New Addington and Waddon Leisure Centres.

GLL have accommodated regular Purley Leisure Centre disability swimming group Enterprise into the Waddon Leisure Centre.

Parking: All developments with associated car parking should have at least two parking bays for use by people with a disability. The appropriate number of bays will depend on the size and nature of the development and boroughs should take into account local issues and estimates of local demand in setting appropriate standards. At present Waddon Leisure Centre has four disabled parking bays out of 34 and New Addington Leisure Centre has two disabled parking bays out of 45. There is sufficient parking at both alternative leisure centres.

There is no statutory requirement under the Equality Act 2010 to make provision for a certain number of disabled parking spaces either in a building in its construction or during the course of its subsequent use.

This proposal may also impact on service users with invisible disabilities, such as mental health conditions who use the leisure centre to manage such conditions. Use of physical activity to manage mental health conditions is often advised by support organisations, this use may have increased since the Covid 19

	<p>restrictions. Service users with invisible disabilities may rely on non-disabled people to support them accessing the service, often requiring parking close to the venue. There is sufficient parking at both alternative leisure centres to enable this support to continue.</p> <p>It should also be noted that service users with disabilities are only eligible for a blue badge if they receive Disability Living Allowance or receive Personal Independence Payment and are unable to walk for more than 50 metres. Therefore service users who do not meet this criteria but have mobility issues will be affected by this proposal.</p> <p>In addition some disabled people are allocated Blue badges because of their inability to plan and follow journeys because it may cause psychological distress, such service users would also be affected by the proposals.</p> <p>Analysis of public transport travel times and methods of transport show that residents of Purley, Kenley and Selsdon would have similar travel times to residents from other parts of the borough. For example, a resident in Shrublands is required to travel for 35 minutes on two buses to get to South Norwood. A resident in Purley can get to South Norwood in 18 minutes by train, or to Thornton Heath in 16 minutes by train, or Waddon in 12 minutes by bus. The table in 4.10 of the Cabinet paper outlines the public transport times from other parts of the borough.</p>	
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<p>Gender</p>	<p>Health & Fitness members and Swim School pupils at Purley Leisure Centre have already been offered to transfer memberships to another Better Leisure Centre (Waddon or New Addington Leisure Centre's are most local).</p> <p>The new leisure centres, such as Waddon and New Addington, offer a comprehensive range programmes and activities as well as having gender neutral changing facilities.</p> <p>Thornton Heath offers a women's only swimming session on</p>	<p>There were a higher number of females using Purley Leisure Centre than males. The percentage of female representation in user figures exceeds that of the Croydon average. Furthermore, there is a less than 50% female population in the eleven southernmost community council areas in Croydon.</p> <p>Table 7: The makeup of Croydon's population in comparison to Purley Leisure Centre.</p> <table border="1" data-bbox="551 308 1276 622"> <thead> <tr> <th>Gender</th> <th>% Breakdown of Croydon Residents</th> <th>Purley LC Users</th> <th>% Breakdown of Purley LC Users</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>51.5</td> <td>1,966</td> <td>52.40%</td> </tr> <tr> <td>Male</td> <td>48.5</td> <td>1,785</td> <td>47.60%</td> </tr> </tbody> </table> <p>GLL's safeguarding policy recognises that all children, young people and adults at risk have an equal right to protection and are committed to applying the standards laid out consistently, regardless of age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.</p> <p>When considered that steps have been taken to re-locate memberships and services to other leisure centres there has at no stage been any complaints raised about a disproportionate impact on male or female users.</p> <p>Though no complaints have been raised at this stage, it is possible that female service users may not wish to travel to other centres because of fear of crime, in particular female users who use the leisure centre in the evening.</p>	Gender	% Breakdown of Croydon Residents	Purley LC Users	% Breakdown of Purley LC Users	Female	51.5	1,966	52.40%	Male	48.5	1,785	47.60%	<p>Active Users Report June 2020 covering users 20182020</p> <p>Croydon Observatory -ONS 2019.</p>
Gender	% Breakdown of Croydon Residents	Purley LC Users	% Breakdown of Purley LC Users												
Female	51.5	1,966	52.40%												
Male	48.5	1,785	47.60%												

Saturday and
Sunday at 6pm.

Gender Reassignment	<p>Mixed gender changing facilities at New Addington and Waddon leisure centres remove the risk of users having to binary gender identification.</p> <p>Thornton Heath offers a women's only swimming session on Saturday and Sunday at 6pm.</p>	<p>GLL's safeguarding policy recognises that all children, young people and adults at risk have an equal right to protection and are committed to applying the standards laid out consistently, regardless of age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.</p>
Marriage or Civil Partnership	None known	<p>GLL does not collect information regarding marriage and civil partnership because it is not required for the service and would exceed their GDPR permissions for collecting data.</p> <p>Consideration of the characteristic of marriage and civil partnerships need only be in respect of eliminating unlawful discrimination. In this regard, the proposed implementation plan would not in any way exclude individuals who are legally married or in a civil partnership. Therefore, this characteristic should not be disproportionately affected under any of the proposed proposals.</p>

Religion or belief	None known	<p>GLL's safeguarding policy recognises that all children, young people and adults at risk have an equal right to protection and are committed to applying the standards laid out consistently, regardless of age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.</p> <p>Prior to March 2020 GLL has worked with organisations such as Ummah Sports that offer women only evenings. This provision has not been available at Purley Leisure Centre so there would be no direct impact to this service related to its closure.</p>																																				
Race		<p>The Croydon population continues to grow from long-term international migration and 17.1% of the population is made up of non-UK born residents according to ONS 2018 estimates. (Borough Profile)</p> <p>Just like other London boroughs, Croydon has a higher proportion of residents from the BAME communities compared to the national average. There was more diversity in the younger age group population in Croydon in 2011.</p> <p>Table 8, below, that Purley Leisure Centre has a higher than borough average proportion of white members. The decision to close Purely Leisure Centre will disproportionately impact upon white residents because Purley and surrounding areas have a higher proportion of white residents in their populations.</p> <p>Table 8: Breakdown of 3,751 registered users at Purley Leisure Centre by ethnicity.</p> <table border="1" data-bbox="454 788 2134 1190"> <thead> <tr> <th data-bbox="488 788 792 959">Ethnicity</th> <th data-bbox="792 788 1097 959">PLC Users</th> <th data-bbox="1097 788 1357 959">%</th> <th data-bbox="1357 788 1617 959">Croydon</th> <th data-bbox="1617 788 1877 959">%</th> <th data-bbox="1877 788 2134 959">Difference</th> </tr> </thead> <tbody> <tr> <td data-bbox="488 959 792 1003">Asian</td> <td data-bbox="792 959 1097 1003">390</td> <td data-bbox="1097 959 1357 1003">10.40%</td> <td data-bbox="1357 959 1617 1003">59,627</td> <td data-bbox="1617 959 1877 1003">16.40%</td> <td data-bbox="1877 959 2134 1003">-6.00%</td> </tr> <tr> <td data-bbox="488 1003 792 1048">Black</td> <td data-bbox="792 1003 1097 1048">281</td> <td data-bbox="1097 1003 1357 1048">7.50%</td> <td data-bbox="1357 1003 1617 1048">73,256</td> <td data-bbox="1617 1003 1877 1048">20.20%</td> <td data-bbox="1877 1003 2134 1048">-12.7%</td> </tr> <tr> <td data-bbox="488 1048 792 1093">Mixed</td> <td data-bbox="792 1048 1097 1093">323</td> <td data-bbox="1097 1048 1357 1093">8.60%</td> <td data-bbox="1357 1048 1617 1093">23,895</td> <td data-bbox="1617 1048 1877 1093">6.60%</td> <td data-bbox="1877 1048 2134 1093">+2%</td> </tr> <tr> <td data-bbox="488 1093 792 1137">Other</td> <td data-bbox="792 1093 1097 1137">4</td> <td data-bbox="1097 1093 1357 1137">0.10%</td> <td data-bbox="1357 1093 1617 1137">6,405</td> <td data-bbox="1617 1093 1877 1137">1.80%</td> <td data-bbox="1877 1093 2134 1137">-1.7%</td> </tr> <tr> <td data-bbox="488 1137 792 1190">White</td> <td data-bbox="792 1137 1097 1190">2,753</td> <td data-bbox="1097 1137 1357 1190">73.40%</td> <td data-bbox="1357 1137 1617 1190">200,195</td> <td data-bbox="1617 1137 1877 1190">55.10%</td> <td data-bbox="1877 1137 2134 1190">18.30%</td> </tr> </tbody> </table>	Ethnicity	PLC Users	%	Croydon	%	Difference	Asian	390	10.40%	59,627	16.40%	-6.00%	Black	281	7.50%	73,256	20.20%	-12.7%	Mixed	323	8.60%	23,895	6.60%	+2%	Other	4	0.10%	6,405	1.80%	-1.7%	White	2,753	73.40%	200,195	55.10%	18.30%
Ethnicity	PLC Users	%	Croydon	%	Difference																																	
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White	2,753	73.40%	200,195	55.10%	18.30%																																	

There have been no concerns expressed that the closure of Purley Leisure Centre BAME deprivation in the communities it serves.

Table 9: Breakdown of ethnicity of registered users at other Croydon Leisure Centres.

Ethnicity	Waddon LC	New Addington LC	South Norwood LC	Thornton Heath LC
Total Members	5301	3647	3576	3729
Asian	15.80%	5.30%	6.80%	15.50%
Black	15.30%	18.40%	27.40%	37.70%
Mixed	6.40%	4.80%	6.40%	6.30%
Other	1.60%	1.00%	2.60%	3.60%
White	60.90%	70.40%	56.80%	36.90%

Pregnancy or Maternity	<p>GLL have attempted to accommodate all regular Purley Leisure Centre users into Waddon Leisure Centre and New Addington Leisure Centres. These centres host GLL's 'Swimbies' programme (parent and baby swimming). A provision that was not available at Purley Leisure Centre. Waddon and New Addington Leisure Centres are also newer and more accessible facilities.</p>	<p>Travel time and parking should also be given some consideration in line with feedback on age and disability protected groups.</p> <p>There are currently no dedicated 'parent and child' car parking spaces at New Addington and Waddon, however, there are sufficient spaces for each facility.</p>	
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Important note: You must act to eliminate any potential negative impact which, if it occurred would breach the Equality Act 2010. In some situations this could mean abandoning your proposed change as you may not be able to take action to mitigate all negative impacts.

When you act to reduce any negative impact or maximise any positive impact, you must ensure that this does not create a negative impact on service users and/or staff belonging to groups that share protected characteristics. **Please use table 4 to record actions that will be taken to remove or minimise any potential negative impact**

3.2 Additional information needed to determine impact of proposed change

Table 2 – Additional information needed to determine impact of proposed change

If you need to undertake further research and data gathering to help determine the likely impact of the proposed change, outline the information needed in this table. Please use the table below to describe any consultation with stakeholders and summarise how it has influenced the proposed change. Please attach evidence or provide link to appropriate data or reports:

Additional information needed and or Consultation Findings	Information source	Date for completion
<p>To what extent is it reasonable to assume residents can travel an additional 20 to 50 minutes to use another local leisure facility.</p> <p>Issues have been raised via media, FOIs and elected member enquiries as to whether additional travel time is acceptable. The council should engage with Transport For London and residents to ascertain whether current transport, car parking and bike storage facilities at local leisure centres (primarily Waddon and New Addington) is practical and proportionate.</p>	<p>A six week consultation exercise with residents and members of Purley Leisure Centre.</p>	<p>11th October – 21st November 2021</p>

For guidance and support with consultation and engagement visit <https://intranet.croydon.gov.uk/working-croydon/communications/consultation-andengagement/starting-engagement-or-consultation>

3.3 Impact scores

Example

If we are going to reduce parking provision in a particular location, officers will need to assess the equality impact as follows;

1. Determine the Likelihood of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the likelihood of impact score is 2 (likely to impact)
2. Determine the Severity of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the Severity of impact score is also 2 (likely to impact)
3. Calculate the equality impact score using table 4 below and the formula **Likelihood x Severity** and record it in table 5, for the purpose of this example - **Likelihood (2) x Severity (2) = 4**

Table 4 – Equality Impact Score

S e	3	3	6	9
	2	2	4	6
	1	1	2	3
		1	2	3
Likelihood of Impact				

Key

Risk Index	Risk Magnitude
6 – 9	High
3 – 5	Medium
1 – 3	Low

Equality Analysis

Column 1 PROTECTED GROUP	Column 2 LIKELIHOOD OF IMPACT SCORE Use the key below to score the likelihood of the proposed change impacting each of the protected groups, by inserting either 1, 2, or 3 against each protected group. 1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact	Column 3 SEVERITY OF IMPACT SCORE Use the key below to score the severity of impact of the proposed change on each of the protected groups, by inserting either 1, 2, or 3 against each protected group. 1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact	Column 4 EQUALITY IMPACT SCORE Calculate the equality impact score for each protected group by multiplying scores in column 2 by scores in column 3. Enter the results below against each protected group. Equality impact score = likelihood of impact score x severity of impact score.
Age	2	2	4
Disability	2	2	4
Gender	1	1	1
Gender reassignment	1	1	1
Marriage / Civil Partnership	1	1	1
Race	2	1	2
Religion or belief	1	1	1
Sexual Orientation	1	1	1
Pregnancy or Maternity	2	2	4

Equality Analysis

4. Statutory duties

4.1 Public Sector Duties

Tick the relevant box(es) to indicate whether the proposed change will adversely impact the Council's ability to meet any of the Public Sector Duties in the Equality Act 2010 set out below.

Advancing equality of opportunity between people who belong to protected groups	<input checked="" type="checkbox"/>
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>
Fostering good relations between people who belong to protected characteristic groups	<input type="checkbox"/>

Important note: If the proposed change adversely impacts the Council's ability to meet any of the Public Sector Duties set out above, mitigating actions must be outlined in the Action Plan in section 5 below.

5. Action Plan to mitigate negative impacts of proposed change

Important note: Describe what alternatives have been considered and/or what actions will be taken to remove or minimise any potential negative impact identified in Table 1. Attach evidence or provide link to appropriate data, reports, etc:

Table 4 – Action Plan to mitigate negative impacts. This will be reviewed following outcome of Libraries Consultation after 14 March 2021;

Protected characteristic	Negative impact	Mitigating action(s)	Action owner	Date for completion
Disability	176 members of Purley Leisure Centre identify as having a disability.	Enterprise Swimming School have already been relocated to Waddon Leisure Centre.	GLL	Completed

Equality Analysis

		Increasing disability sport provision in south of borough (RAP Scheme or Palace For Life Foundation sessions) at other local facilities including schools and leisure centres.	David White	30/06/2022
	Increased travel time to New Addington or Waddon Leisure Centres.	There are sufficient car parking spaces for all users, including disabled parking bays, at Waddon and New Addington.	David White	Complete
Race	Purley and surrounding areas have a higher than borough average proportion of white residents, who will be disproportionately impacted by this decision.	Use of alternative leisure facilities in the borough.	Robert Hunt/David White	Complete
Sex (gender)	N/A	N/A	N/A	N/A
Gender reassignment	N/A	N/A	N/A	N/A
Sexual orientation	N/A	N/A	N/A	N/A
Age	Disproportionate impact on the following age groups if the proposed closure took place: <ul style="list-style-type: none"> Families with young children (time, logistics, cost) 	There are a sufficient number of parking pays at Waddon and New Addington leisure centres.	Robert Hunt/David White	Complete

Equality Analysis

	<ul style="list-style-type: none"> Seniors who have told us it is difficult to travel (cost, fear of crime, fear of injury) 			
Religion or belief	N/A	N/A	N/A	N/A
Pregnancy or maternity	Access to Waddon and New Addington Leisure Centres.	There are a sufficient number of parking bays at Waddon and New Addington leisure centres, although there are no dedicated 'parent and child' spaces.	Robert Hunt/David White	Complete
Marriage/civil partnership	N/A	N/A	N/A	N/A

Equality Analysis

Based on the information outlined in this Equality Analysis enter **X** in column 3 (**Conclusion**) alongside the relevant statement to show your conclusion.

Decision	Definition	Conclusion - Mark 'X' below
No major change	<p>Our analysis demonstrates that the policy is robust. The evidence shows no potential for discrimination and we have taken all opportunities to advance equality and foster good relations, subject to continuing monitoring and review.</p> <p>It is recognised that not re-opening Purley Leisure Centre will cause disruption to local residents and require a change in their routine. Waddon and New Addington provide more modern and accessible facilities for users compared with the aged Purley Leisure Centre. Disability sport provision has been transferred to Waddon Leisure Centre. There is sufficient parking, including disabled parking bays, at both Waddon and New Addington leisure centres. There is an increase in the time that it will take local residents to reach alternative leisure facilities using public transport, however, these times are no longer than residents in some other parts of the borough.</p>	X
Adjust the proposed change	<p>We will take steps to lessen the impact of the proposed change should it adversely impact the Council's ability to meet any of the Public Sector Duties set out under section 4 above, remove barriers or better promote equality. We are going to take action to ensure these opportunities are realised. If you reach this conclusion, you must outline the actions you will take in Action Plan in section 5 of the Equality Analysis form</p>	
Continue the proposed change	<p>We will adopt or continue with the change, despite potential for adverse impact or opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through the change. However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned. If you reach this conclusion, you should clearly set out the justifications for doing this and it must be in line with the duty to have due regard and how you reached this decision.</p>	

Equality Analysis

Stop or amend the proposed change	Our change would have adverse effects on one or more protected groups that are not justified and cannot be mitigated. Our proposed change must be stopped or amended.	
Will this decision be considered at a scheduled meeting? e.g. Contracts and Commissioning Board (CCB) / Cabinet		Meeting title: Cabinet Date: 24/01/2022

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7. Sign-Off

Officers that must approve this decision		
Equalities Lead	Name: Denise McCausland, Position: Equalities Manager	Date:

Equality Analysis

Director	Name: Kristian Aspinall Date: Position: Director for Culture & Community Safety
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For General Release

REPORT TO:	CABINET 24 JANUARY 2022
SUBJECT:	Local Implementation Plan Funding: 2022/23 – 2024/25
LEAD OFFICER:	<p style="text-align: center;">Sarah Hayward, Acting Corporate Director of Sustainable Communities, Regeneration and Economic Recovery</p> <p style="text-align: center;">Heather Cheesbrough, Director of Planning and Sustainable Regeneration</p> <p style="text-align: center;">Steve Iles, Director of Sustainable Communities</p>
CABINET MEMBER:	Councillor Muhammad Ali - Cabinet Member for Sustainable Croydon
WARDS:	All

COUNCIL PRIORITIES 2020-2024

The report and recommendations address several of the Council’s priorities, namely:

- *We will live within our means, balance the books and provide value for money for our residents.*

The report relates to the preparation of the Annual Spending submission to TfL and the drafting of a new Delivery Plan for the Croydon Local Implementation Plan (LIP), the Delivery Plan being necessary to access future transport investment funding from TfL.

- *We will focus on tackling ingrained inequality and poverty in the borough. We will follow the evidence to tackle the underlying causes of inequality and hardship, like structural racism, environmental injustice and economic injustice.*

The programme should deliver the Mayor of London’s Healthy Streets Objectives and key recommendations of the Croydon Climate Crisis Commission. It should seek to encourage active and sustainable travel, ie walking, cycling and public transport use, bringing benefits in terms of healthy weight, improved air quality, free/low cost travel. These benefits are expected to accrue more strongly to those within the more deprived communities of the borough.

- *We will focus on providing the best quality core service we can afford. First and foremost, providing social care services that keep our most vulnerable residents safe and healthy. And to keep our streets clean and safe. To ensure we get full benefit from every pound we spend, other services in these areas will only be provided where they can be shown to have a direct benefit in keeping people safe and reducing demand.*

The Delivery Plan programme focus is on providing safer street space in which people can choose to walk, cycle and use public transport, helping all become more active and in turn healthy, ultimately accruing savings for the NHS and Council care services.

[Council’s priorities](#)

FINANCIAL IMPACT

Local authorities are required to make a funding request to TfL for 2022/23 Transport investment funding and refresh the 'Delivery Plan' component of their Local Implementation Plans (LIPs). However, given the financial planning challenge within TfL, it asked local authorities to develop their replacement Delivery Plans in two stages. The initial draft should focus on 2022/23, with an indication of Years 2-3, with a full version expected spring/summer 2022.

Funding levels are yet to be finalised by TfL. However, for the purposes of preparing the Spending Submission, funding request and the draft Delivery Plan, TfL has asked local authorities to plan on the basis of their previous 2019/20 LIP Funding allocation for the core 'Neighbourhoods and Corridors' Funding, with significant additional funding potentially available through the other components set out in recommendation 1.1 below. This brings the total recommended submission to £5,417,100 for 2022/23. The recommended Spending Submission and associated programme are subject to TfL funding. Spend will also be subject to the advice of the Director of Finance and approval by Spending Control Panel.

FORWARD PLAN KEY DECISION REFERENCE NO: 4821CAB

The notice of the decision will specify that the decision may not be implemented until after 13.00 hours on the 6th working day following the day on which the decision was taken unless referred to the Scrutiny and Overview Committee.

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

1. RECOMMENDATIONS

The Cabinet is recommended to agree to:

- 1.1 Approve the Spending Submission as summarised in Appendix 1 of this report, including TfL funded programmes for 2022/23:
 - Corridors and Neighbourhoods (£2,362,100)
 - Local Transport Funding (£100,000)
 - Borough Cycle Parking (£150,000)
 - Borough Cycling (£1,275,000)
 - Borough Bus Priority (£730,000)
 - Liveable Neighbourhoods (£800,000)to form the funding request to TfL for 2022/23 and the basis of the draft LIP Delivery Plan 2022/23 – 2024/25
- 1.2 Delegate authority to the Acting Corporate Director of Sustainable Communities, Regeneration and Economic Recovery in consultation with the Cabinet Member for Sustainable Croydon to make any further amendments to the Spending Submission (see Appendix 1), including submission of additional bids or requests for funding.

- | |
|--|
| <p>1.3 Agree to expenditure of TfL funding in 2022/23 on delivery of the programme summarised within Appendix 1 of the report, the extent and scope of that programme dependent on funding allocations to Croydon Council to be confirmed by TfL, and subject to approval by Spending Control Panel.</p> |
|--|

2. EXECUTIVE SUMMARY

- 2.1 The report recommends approval of the Spending Submission to TfL for 2022/23 LIP Funding, and as the basis of a draft Delivery Plan (2023/23 – 2024/25) component of the Croydon LIP. Spend will be subject to the resulting funding allocation from TfL and Spending Control Panel Approval.

3. PROCESS AND PROGRAMME

Background and Process

- 3.1 Each London local authority is required to produce a LIP setting out how it intends to implement the Mayor of London's Transport Strategy within its area. The LIPs contain a Delivery Plan covering a three year period. Croydon Council's third LIP was approved by TfL (on behalf of the Mayor of London) in March 2019. TfL has traditionally chosen to support local authorities implement proposals in their Delivery Plans, by providing LIP Funding. TfL is now requiring the preparation of new / replacement Delivery Plans covering the period 2022/23 – 2024/25, in two stages. The initial submission should be a draft Delivery Plan focusing primarily on 2022/23, with whatever information can be provided regarding the further two years of the programme period. A finalised Delivery Plan covering all three years is expected to be prepared by spring/summer 2022. The new Delivery Plans should align with the LIP objectives, but also reflect new priorities set by TfL. At the same time TfL is requiring an associated Spending Submission requesting Transport investment funding for 2022/23.
- 3.2 Due to the Covid19 Pandemic and the resulting dramatic loss of income, TfL became reliant on financial support from central government. As a consequence, TfL ceased providing LIP funding in May 2020. Instead it provided funding with which to deliver the Mayor of London's Covid19 Pandemic related Streetspace Plan for London, and central government's Active Travel priorities. TfL reinstated LIP funding for a short period before ending it again in May 2021. TfL's financial support package from central government was ending on 11 December, with (at the time of drafting this report) no guarantee of future funding. TfL's intention is to return to a longer term 'Healthy Streets' investment programme, (similar to the former LIP Funding programme) to support implementation of measures in LIP Delivery Plans, from the start of 2022/23. However, TfL emailed local authorities on 17 December informing them that it had agreed a further short-term extension to its funding agreement with the central government. The extension is until 4 February 2022 allowing TfL to run services until then, but not including funding

for local authorities. Consequently, funding levels for local authorities for 2022/23 are still to be confirmed. For the purposes of preparing the draft Delivery Plans and Spending Submissions, TfL has asked local authorities to plan on the basis of their 2019/20 LIP 'Corridors and Neighbourhoods' Funding allocation (in Croydon's case £2,362,100) plus funding potentially available through complementary TfL funding programmes. Delivery Plans should include projects delivered by other funding sources such as developer contributions via planning obligations and in Croydon's case, the Growth Zone financing mechanism.

3.3 TfL has provided a 'Strategic Data Set', to inform the making of the Delivery Plan programme and associated Spending Submission, the Strategic Data set, including the:

- road casualty analysis;
- strategic neighbourhood analysis (identifying areas where Healthy Neighbourhoods should be considered)
- strategic cycling analysis (identifying corridors with significant potential for cycling due the current trips by motorised means (mostly by car) made along them, that could be readily cycled if conditions were right)
- bus journey time and reliability analysis

3.4 TfL sees the Healthy Streets approach continuing to be a key means of addressing the challenges facing London. Delivering Vision Zero (no killed or seriously injured road casualties) by 2041, also remains a central priority. TfL has highlighted a number of focus areas for Healthy Streets delivery through the new LIP delivery programmes, with a preference for schemes contributing to multiple objectives. Those focus areas (plus example measures indicated by TfL), are:

- A. **'Enabling all Londoners to feel that active travel is a safe and accessible option through a range of Vision Zero and other interventions that deliver safer streets for cycling and walking.'** Example interventions include high quality cycle routes, Healthy Neighbourhoods, 20mph speed limits and associated compliance measures, safety improvements at road casualty 'hotspots', parking reallocation to more sustainable transport uses, new pedestrian crossings or accessibility improvements, and upgrades to the Walk London network.
- B. **'Enhancing and expanding London's bus priority network to enable faster and more reliable buses, making them a compelling offer for Londoners.'** TfL explains that buses have significant potential to deliver further mode shift, but have lost 10% of patronage since 2015. Improving journey times is vital to improve patronage, with possible interventions including new/extended bus lanes, improved bus priority at junctions, parking restrictions and bus/cycle only streets.
- C. **'Supporting infrastructure measures to the above'** such as cycle parking, timed streets uses (eg School Streets/ School Pedestrian Zones; Play Streets; 'Summer Streeteries'), improved interchange between bus/cycle/walking with rail, and Controlled Parking Zones.

Behaviour change initiatives (e.g. cycle training, road safety education) would also be funded, where they support Activate Travel infrastructure projects.

- 3.5 The last year and ten months of the current three year Delivery Plan, has been spent delivering a programme very different to that within the LIP Delivery Plan. TfL Streetspace and DfT Active Travel programmes have been pursued in London and Croydon in response to the COVID19 Pandemic (with funding from central government administered by TfL). The Spending Submission and new Delivery Plan need to acknowledge these two recent delivery programmes. Central government is strongly emphasising that schemes implemented via these programmes need time to be allowed to bed in; and must be in place long enough for their benefits and disbenefits to be properly evaluated and understood. Schemes must not be removed prematurely, or without proper evidence, and too soon to collect proper evidence about their effects. Central government warns that to do so could risk future transport investment funding to the local authority. The recommended Spending Submission includes funding for monitoring and engagement during the operation of a number of experimental Healthy Neighbourhoods. Central Government is also making clear that it expects local authorities to continue to implement Active Travel type measures. The Spending Submission includes funding for the development and implementation of further Active Travel measures also working towards delivery of Croydon LIP objectives.
- 3.6 LIP Liveable Neighbourhoods funding may be made available, but only for previously agreed Liveable Neighbourhood schemes. The previously agreed / funded schemes include the Croydon 'Reconnecting Old Town' Liveable Neighbourhood. TfL has suggested that relevant local authorities include proposals for their Liveable Neighbourhood within their Spending Submission and draft Delivery Plan. The Reconnecting Old Town Liveable Neighbourhood delivery was stopped when Liveable Neighbourhood funding ceased. Proposals that continue delivering a Liveable Neighbourhood programme, are included in the recommended Spending Submission. The level of match funding that can be brought to a restarted Reconnecting Old Town Liveable Neighbourhood programme, will largely depend on the level of Growth Zone funding.

Spending Submission and Programme

- 3.7 The Spending Submission has been prepared in light of the above matters. Proposals/projects for 2023/24 and 2024/25 are only indicative at this stage. Proposals/projects in all three years are subject to funding confirmation. The Spending Submission is made up of separate elements. The proposed 2022/23 projects for each element are summarised below along with proposed LIP Funding.
- 3.8 **Neighbourhoods & Corridors:**
- 3.8.1 **Healthy Neighbourhoods and Play Streets (£697,000)**

The first year of the draft Delivery Plan includes LIP funding for seven Experimental Healthy Neighbourhoods (Key Decision 5121SC, 5721SC and 5821SC) for monitoring and engagement during the experiments. The first year also includes £165,000 for the development of a Healthy Neighbourhood at the 'HOME Area' (Clyde Road to Bingham Road) to the east of the Croydon Town Centre, in response to:

- calls from the H.O.M.E Residents Association to address traffic volume and speed; and
- TfL's 'Strategic Neighbourhood Analysis'

The project is technically challenging and the funding proposed for 2022/23 is principally for technical assessment / design and local engagement / co-design. The draft programme also indicates funding for 'further Healthy Neighbourhood area engagement and design' and 'further Healthy Neighbourhood implementation', funding indicated as being significant in years 2 and 3 of the draft programme. This is to:

1. use the Healthy Streets approach¹, to guide further improvements within any Experimental Healthy Neighbourhoods which are made permanent, and on streets adjacent to them/bounding them (eg greening by planting street trees and creating pocket parks etc); and
2. undertake engagement and design on possible further Healthy Neighbourhoods.

3.8.2 **Healthy Streets and Cycling** (£545,100)

This element of the draft programme would deliver cycle route improvements in addition to those delivered through the 'Borough Cycling Programme' (see further below). The 2022/23 proposal is a cycle route along College Road connecting the Dingwall Road cycle route to the Park Lane (Fairfield) frontage cycle lane. The programme also includes a small allocation towards parking controls, in part to support the Mitcham Road, Tram Paths and Ampere Way cycle schemes in the 'Borough Cycling Programme'.

3.8.3 **Healthy School Streets** (£570,000)

This element of the draft programme would implement further Healthy School Streets / School Pedestrian Zones. Implementation would be accompanied by, Bikeability cycle training, safety schemes, cycle parking, cycle routes etc, travel behaviour change activities and associated School Travel Planning etc. TfL has stipulated that new School Streets must be delivered as part of wider package of Active Travel infrastructure such as Healthy Neighbourhoods and/or cycle routes. LIP Funding cannot be used to deliver School Streets as 'stand-alone' measures. A number of schools have expressed the desire to be part of the Healthy School Streets programme but have not yet been included due to technical challenges posed by the streets in question. Solutions will be sought with a view to including such schools with the three year programme within the final version of the three year Delivery Plan.

3.8.4 **Vision Zero programme** (£385,000)

¹ <https://tfl.gov.uk/corporate/about-tfl/how-we-work/planning-for-the-future/healthy-streets>

This draft programme element includes junction/gateway treatments, extension of 20mph speed limits, traffic calming, vehicle activated speed indicator signs, and improved pedestrian crossings, as part of an evidence/data led approach to road danger reduction and safer streets. This is supported by a package of travel behaviour change initiatives including cycling/driver training and safety awareness/campaign work targeted at vulnerable road user groups.

3.8.5 **Cycle parking** (£150,000)

TfL has indicated that it intends to supplement 'Corridors and Neighbourhood' funding with up to £150,000 of 'Cycle Parking' funding per local authority, where cycle parking projects will be delivered in accordance with criteria set by TfL. The draft programme includes:

- **Cycle hangars** – continued rollout of secure cycle parking hangars in residential areas, with a focus on housing estates and areas with high levels of deprivation that are close to an existing/planned cycle routes.
- **Town centre cycle parking** – installation of further Sheffield stands, where there is high demand. For supplementary funding, this should be focused in the vicinity of existing/proposed cycle routes.
- **School cycle parking** – improving cycle parking at schools. The schools must be STARS² accredited or engaged in the process. They must also be either within an existing/planned HN or School Street, or within 400m of an existing/planned cycle route.
- **Railway station cycle parking** – TfL has identified stations with the greatest need for more cycle parking (Norbury, Reedham, Woodmansterne, Purley Oaks, Riddlesdown, Thornton Heath and West Croydon).

3.8.6 **Urban mobility** (£15,000)

Subject to results of trials taking place across London, this draft programme element includes investigating:

- the introduction of dockless and hub based e-bike and e-scooter share schemes; subject to and including ways to ensure that e-scooters are used in accordance with the law.
- 'Mobility Hubs' at key destinations, hubs that co-locate a range of sustainable travel facilities such as public transport stops, cycle parking, e-bikes, e-scooters, car clubs, and EV charging points.

3.9 **Local Transport Funding** (£100,000)

The Local Transport Funding programme supplements the funding provided through the Corridors and Neighbourhoods programme to deliver local authority initiatives aligned with the Mayor's Transport Strategy. The recommended programme supports delivery of the Council's car club and electric vehicle charging strategies, continuing the expansion of Car Clubs and electric vehicle charging infrastructure in Croydon.

3.10 **Borough Cycling Programme** (£1,275,000)

² <https://stars.tfl.gov.uk/>

This programme falls outside of the core Corridors and Neighbourhoods programme. The draft Delivery Plan includes cycle route improvements (mostly segregated), aligned with the Priority Cycle Corridors identified by TfL. The two schemes for implementation in 2022/23 are a segregated cycle track along Ampere Way and the London Road 'Healthy Streets Corridor'³ scheme. Schemes for design in 2022/23 are the Cherry Orchard Road / Altyre Road cycle scheme and the Mitcham Road/Tram Paths scheme.

3.11 Cycle Parking Programme (£150,000)

TfL has indicated that it will supplement cycle parking proposals within the 'Corridors and Neighbourhoods' programme, with £150k of extra cycle parking funding. The same criteria will be more rigorously applied.

3.12 Bus Priority Programme (£730,000)

This programme incorporates schemes designed to improve bus journey time and reliability, such as installation/extension of bus lanes, parking restrictions to ensure a smoother flow for buses. It also includes measures such as the conversion of hail-and-ride route to a standard bus route, with formal bus stops and bus stop accessibility improvements.

3.13 Liveable Neighbourhoods (£800,000)

Schemes that formed part of the Reconnecting Old Town Liveable Neighbourhood are to be put forward, including a 'quick win' project on Roman Way, improvements to the Old Town roundabout and Old Town cycle route improvements.

4. CONSULTATION

- 4.1 The consultation draft LIP was published in December 2018. Consultation on the draft LIP included an online questionnaire to which there were just under one thousand responses. Summary findings were:

³ [London Road Corridor | Croydon Council](#)

- 86% of respondents agreed that traffic levels are too high in Croydon.
- 44% of respondents agreed that traffic speeds are too high, with 37% disagreeing, 19% were not sure.
- Less than 5% agreed that the street environment encouraged them to cycle, whilst 77% disagreed, with over 52% disagreeing strongly.
- Over 55% agreed that children should be able to play in residential streets, 26% disagreeing.
- 74% stated that they are concerned about air quality.
- 72% agreed that traffic levels need to be lower.
- 64% stated they would use public transport more if it was convenient.
- 61% would travel by car less if the alternatives were better.
- 78% agreed that less vehicles would mean better air quality

4.2 Generally the projects within the Delivery Plan / Programme would each be the subject of pre-implementation consultation, unless implemented on an experimental basis when consultation would be undertaken during/as part of the experiment.

5 PRE-DECISION SCRUTINY

5.1 Meeting dates for the Scrutiny Streets, Environment & Homes Sub-Committee were such that this report and the draft Delivery Plan could not be considered at a scheduled meeting. Therefore, a briefing was held to update the Sub-Committee on the proposals set out in the report. The Sub-Committee did not raise any major concerns with the proposed decisions.

6 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

6.1 Following approval of the LIP in 2019, the three year Delivery Plan component now needs replacing. Given the challenge of financial planning within the current pandemic, TfL is asking local authorities to develop new Delivery Plans in two stages. The initial draft of the Delivery Plans need only focus on 2022/23, with the Delivery Plan covering the full three years expected to be finalised spring/summer 2022.

6.2 TfL is currently unable to confirm the level of funding that will be available to local authorities over either the next year or next three years. For the purpose of drafting the Delivery Plan and associated Spending Submission, TfL has asked local authorities to plan on the basis of their previous 2019/20 LIP allocation. This means that £2,362,100 could be available to Croydon in 2022/23 via the 'Neighbourhoods and Corridors' programme, with additional funding potentially available through the Local Transport Funding, Bus Priority, Borough Cycling and Liveable Neighbourhoods components.

6.3 Cabinet is recommended to approve the Spending Submission as an application to release potential funding from TfL for 2022/23; and as the basis of the draft Delivery Plan. It is also recommended to approve expenditure of

resulting funding from TfL. Spend will also be subject to the advice of the Director of Finance. Given the financial uncertainty regarding central government funding of TfL, there is a risk that funding allocations to local authorities will be lower in 2022/23 than the levels TfL is suggesting. Spending Submissions and draft Delivery Plans be based on. Lower funding will necessitate adjustments to the programme to match spend with available funding.

6.4 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2021/22	2022/23	2023/24	2024/25
	£'000	£'000	£'000	£'000
Revenue Budget available				
Expenditure		unknown	Unknown	unknown
Income				
Effect of decision from report				
Expenditure				
Income				
Remaining budget	<hr/>	<hr/>	<hr/>	<hr/>
Capital Budget available				
Expenditure	3,884	7,284	8,198	8,688
Effect of decision from report				
Grant funding	(3,884)	(5,417)	(7,472)	(8,162)
Remaining budget	<hr/>	<hr/>	<hr/>	<hr/>
	0	1,867	500	500
	<hr/>	<hr/>	<hr/>	<hr/>

6.5 The effect of the decision

- 6.5.1 Under normal circumstances TfL provides annual funding to support delivery of the LIP programme. If TfL receives a sufficient settlement from central government, local authorities will in turn receive annual core funding through the 'Neighbourhoods and Corridors' programme, allocated on a formula basis. TfL may also provide additional funding for schemes that deliver on the Mayor's strategic priorities, such as Bus Priority and Cycling.
- 6.5.2 If agreed, the recommendations will permit (subject to advice of the Director of Finance) the spending of external funding provided to the Council with which to foster active and sustainable travel by continued implementation of LIP.

6.6 Risks

- 6.6.1 If TfL fails to secure the level of funding sought from central government, there would be a resulting reduction or withdrawal of LIP Funding. This would require the scaling back of the planned programme. If there is a reduction in LIP Funding, the programme will be adjusted, focusing on highest priority projects, and continuing to make use of other funding sources such as s106 and Croydon Growth Zone funding.
- 6.6.2 Failure to follow TfL's guidance and not submit a Spending Submission or providing a draft Delivery Plan, would most likely result in TfL not providing transport investment funding for 2022/23. There is a risk that the Spending Submission programme is not approved by TfL, in which case there would be a delay in obtaining funding confirmation, as the programme is revised in the light of TfL feedback.

6.7 Options

- 6.7.1 The options considered include making a much smaller application for funding. However, to have done so would impact on the ability to deliver on each of the Council's Priorities addressed at the start of the report, and the ability to act on key recommendations of the Croydon Climate Crisis Commission report.

6.8 Future savings/efficiencies

- 6.8.1 The recommended Spending Submission programme is aimed at delivering safer and healthier streets in which people can choose to walk, cycle and use public transport. This is in large part to help all be more active as part of their daily travel routines, and in turn be healthier, ultimately accruing savings for the NHS and Council care services. Additionally, investment made now in limiting Climate Change, reduces the future investment required to mitigate and / or adapt to Climate Change.

Approved by: Matt Davis (Interim) Director of Finance

7. LEGAL CONSIDERATIONS

- 7.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Legal Services that the Council is seeking to submit proposals to maximise funding and the benefits of any such funding with regards to the different elements of transport investment and the Local Implementation Plan (LIP). The level of expenditure will be dependent on the extent as to any funding received.
- 7.2 Under the GLA Act 1999 section 145, it is a legal requirement for each London local authority to produce a LIP to implement the Mayor of London's Transport Strategy within its area. Failure to do so could result in the Mayor stepping in to implement the LIP and recharging the cost of doing so to the local authority.
- 7.3 There are no further legal considerations that requires comment upon at this stage.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Legal Services and Deputy Monitoring Officer

8. HUMAN RESOURCES IMPACT

- 8.1 There are no immediate Human Resources implications arising from the recommendations. However, the very small number of post within the Strategic Transport and Highways Services are largely funded from time recharging to the externally funded projects which the post holders manage and deliver. A reduction in external funding is unlikely to affect those staff. However, if funding from TfL were to cease, the impact on the staff could result in staff cuts through redundancies. If this were to occur this process would be managed under the Council Policies and Procedures.

Approved by: Jennifer Sankar, *Head of HR Place and Housing, for and on behalf, of Dean Shoesmith, the Director of Human Resources*

9. EQUALITIES IMPACT

- 9.1 The Equality Act 2010 introduced the Public Sector Equality Duty. This requires all public bodies, including local authorities, to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and those who do not

9.2 A full equality impact assessment was undertaken as part of preparing the third Local Implementation Plan (LIP3). An Equalities Analysis Form has also been undertaken for the revised Delivery Plan (see Appendix 3). More detailed Equalities Impact Assessment are also undertaken for individual projects and programmes. Care is being taken with the design of projects to ensure that any identified impacts of the proposals on more vulnerable groups and groups that share protected characteristics are mitigated. These proposals will be reviewed in more detail with key equality groups during the consultation stage and following consultation each Equalities Impact Assessment will be reviewed and developed further.

Approved by: Denise McCausland, Equalities Manager

10. ENVIRONMENTAL IMPACT

10.1 A Strategic Environmental Assessment (SEA) was undertaken as part of the preparation of the LIP3.

10.2 The approach of both central government and the Mayor of London to reducing emissions from road transport of locally important pollutants and globally harmful CO₂, is to:

- reduce reliance on the private car and other motorised transport including through the encouragement of active travel
- reduce harmful emissions from the remaining vehicles.

Whilst advances in vehicle propulsion technology are reducing harmful emissions from each vehicle, on Croydon's and London's streets there are trends working against this positive effect as highlighted in the TfL LIP guidance issued in August 2021. DfT monitoring has also indicated that from 2009 to 2019, traffic on London's streets increased to its highest level ever at 22.6 billion vehicle miles. The increase in vehicle miles has been entirely on London's unclassified roads / minor streets. Traffic on the unclassified minor roads almost doubled between 2009 and 2019, reaching the point where London's minor roads/streets are carrying almost as much traffic as its A Road network. In 2018, vehicles on Croydon's A Roads emitted 132,000 Tonnes of CO₂, whilst the emissions from vehicles on minor Roads was 129,000 Tonnes⁴, more than in any other London borough. As with locally important pollutants, there are two opposing trends, namely improving vehicle efficiency counteracted by increasing vehicle miles.

10.3 The programme recommended in this report seeks to deliver on the Croydon Climate Crisis Commission recommendation '**3. Greening our Neighbourhoods: Promote public transport and active travel to become the natural first choice – including pilot approaches to Low Traffic Neighbourhoods**'. The 'programme' is also intended to support recommendations '**2. Driving a green economic recovery**' and '**5. Achieving the scale of change**'.

⁴ <https://naei.beis.gov.uk/laco2app/>

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 Speeding and dangerous driving are possibly the crimes that directly kill or seriously injure more people in the UK than any other. In 2018/19 there were 579 police recorded 'causing death or serious injury by dangerous driving' offences in England and Wales⁵. This compares with a total of 671 victims of murder, manslaughter and infanticide in the same year⁶.
- 11.2 The recommended Spending Submission programme is in large part intended to provide safer street space in which people can choose to walk or cycle. This reduces the likelihood of people being the victims of crimes such as causing death or serious injury through dangerous or careless driving, or whilst under the influence of drink or drugs.

12. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 12.1 Cabinet is recommended to agree the Spending Submission, in order to secure potential LIP Funding and as the basis for a replacement draft Delivery Plan. There are some maintenance programmes not addressed in the Spending Submission, which TfL has funded in the past, namely:
- Principal Road Renewal
 - Bridge Assessment and Strengthening
- Available funding amounts (if any) will not be known until later this financial year. Any additional funding request to TfL would be dealt with under the recommended delegation to the Acting Corporate Director of Sustainable Communities, Regeneration and Economic Recovery. That delegation is also sought in order that the Spending Submission programme/funding request can be adjusted, for example in the event of TfL requiring changes to it.
- 12.2 Recommendation 1.3 only relates to the expenditure of funding from TfL. Growth Zone investment funding will be the subject of a separate report and recommendation to Cabinet. Allocation of section 106 funding (funding provided through planning obligations) to projects is subject to approval by the officer level Infrastructure Financing Group. All expenditure is subject to Spending Control Panel approvals.

13. OPTIONS CONSIDERED AND REJECTED

- 13.1 The option of not preparing a Spending Submission and replacement Delivery Plan, or not seeking funding from TfL up to the full amount TfL is indicating it will provide, were not considered. To do so would impact on the achievement of the Council Priorities addressed at the front of this report, and ability to act on key recommendations of the Croydon Climate Crisis Commission.

⁵ <https://www.statista.com/statistics/303473/death-by-dangerous-driving-in-england-and-wales-uk-y-on-y/>

⁶

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicideinenglandandwales/yearendingmarch2019>

14. DATA PROTECTION IMPLICATIONS

14.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

14.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

NO (The subject of the report does not involve the processing of personal data)

Approved by: Ian Plowright, Head of Strategic Transport on behalf of the Director of Planning and Sustainable Regeneration

CONTACT OFFICER:	Ian Plowright, Head of Strategic Transport
APPENDICES:	Appendix 1 – Recommended Spending Submission Appendix 2 – LIP3 Objectives Appendix 3 – Equalities Analysis
BACKGROUND PAPERS:	TfL email 'Extension of TfL funding deal to 4 February 2022' to local authorities 17 December 2022

Spending Submission

		Proposed Funding					
		2022/23				2023/24	2024/25
Scheme Proposal	2022/23 Scheme outline description	LIP	GZ	Other	s106	LIP	LIP
<u>Corridors: Healthy Neighbourhoods & play streets</u>		£697,000	£0	£120,000	£0	£602,000	£752,000
HN - South Norwood: Holmesdale Road Area	Monitoring and engagement during the experiment. Potential conversion of HN scheme from ETRO to permanent.	£50,000					
HN - South Norwood: Albert Road Area	Monitoring and engagement during the experiment. Potential conversion of HN scheme from ETRO to permanent.	£50,000					
HN - Addiscombe 1 : Elmers Road Area	Monitoring and engagement during the experiment. Potential conversion of HN scheme from ETRO to permanent.	£20,000					
HN - Addiscombe 2: Dalmally Road Area	Monitoring and engagement during the experiment. Potential conversion of HN scheme from ETRO to permanent.	£20,000					

HN - Addiscombe 3: Kemerton Road Area	Monitoring and engagement during the experiment. Potential conversion of HN scheme from ETRO to permanent.	£20,000					
HN - Broad Green 1: Parsons Mead Area	Monitoring and engagement during the experiment. Potential conversion of HN scheme from ETRO to permanent.	£50,000					
HN - Broad Green 2: Sutherland Rd Area	Monitoring and engagement during the experiment. Potential conversion of HN scheme from ETRO to permanent.	£20,000					
HN - Crystal Palace and South Norwood (Auckland Rd)	Monitoring and engagement during the experiment. Potential conversion of HN scheme from ETRO to permanent.	£50,000					
HN - Selhurst 1 (Sydenham Rd)	New CHN to be implemented through ETRO in 2022/23, with transition to permanent scheme in 2023/24, subject to consultation etc. 2022/23 LIP Funding for implementation costs (excluding ANPR camera cost) and engagement and monitoring during the experiment.	£100,000		£60,000			
HN - Selhurst 2 (Dagnall Park Area)	New Experimental HN to be implemented through ETRO in 2022/23, with transition to permanent scheme in 2023/24 (subject to consultation)	£80,000		£60,000			
HN - Home Area (Clyde Rd - Bingham Rd)	Design/engagement / Feasibility on new HN.	£165,000				£400,000	£50,000
HN - Melfort Road	Project scoping, design and feasibility in 2022/23	£50,000				£100,000	£100,000

New Healthy Neighbourhood Area design / consult	Design/engagement on the next Healthy Neighbourhood to be prioritised (area tbc)	£20,000				£100,000	£100,000
New Healthy Neighbourhood Area implementation	Implementation of the next Healthy Neighbourhood area. (Area tbc, subject to prioritisation process)						£500,000
Play Streets (temporary schemes)	Planning and implementation for around 10 play streets per annum from across the borough. Locations dependent on the applications received from the community.	£2,000				£2,000	£2,000
<u>Corridors: Healthy Streets & Cycling</u>		£545,100	£5,000	£0	£0	£270,100	£125,100
College Road cycle route link - Phase 1	Part of central Croydon Cycle 'loop'. Links the temporary route on Dingwall to the route along Park Lane (Fairfield frontage).	£145,100	£5,000			£270,100	
Fairfield cycle route	Extension of bi-directional track from the Fairfield frontage towards the Barclay Road toucan crossing, with supporting public realm improvements. Although Barclay Road is TLRN, the proposed cycle route improvements are on Council land.						£125,100
Parking controls supporting Mitcham Road/Tram paths/Ampere Way	Parking controls to complement proposed priority cycle corridor schemes	£50,000					
Fairfield cycle route	Extension of bi-directional track from the Fairfield frontage towards the Barclay Road	£75,000				£50,000	

	toucan crossing, with supporting public realm improvements. Although Barclay Road is TLRN, the proposed cycle route improvements are on Council land.						
Cycling - Route enhancements and safety improvements along tram system.	Parts of central Croydon Cycle 'loop and links into the town centre. London Trams and LBC would like to extend and upgrade existing cycle routes and ensure that these meet current safety standards around the tram system.	£75,000				£75,000	£125,000
Old Town Contraflows	Quick win cycle contraflows in the old town area of central Croydon. A mixture of segregated and unsegregated routes that support the liveable neighbourhood but are independent.	£100,000				£25,000	
Brighton Road	Contribution to the Brighton Road Healthy Streets Corridor	£100,000					
<u>Corridors:</u> <u>Healthy Schools</u>		£570,000	£0	£600,000	£0	£800,000	£800,000
Dering Place, Howard Primary School	Implementation of a new school street. Linked to new cycle Brighton Road cycle scheme	£25,000		£60,000			
Springfield Road, St Cyprians School	Implementation of a new school street, integrated with wider Crystal Palace CHN	£25,000		£60,000			

Oasis Academy Shirley Park Primary School Street, Longhurst Rd	Implementation of a new school street, integrated with wider HNs at Addiscombe and South Norwood.	£25,000		£60,000			
Rockmount Primary School Street, Chevening Road	Implementation of a new school street	£25,000		£60,000			
Elmwood School Street, Lodge Road	Implementation of a new school street	£25,000		£60,000			
St Marks CoE Primary School Street, Albert Rd	Implementation of a new school street	£25,000		£60,000			
Harris Academy South Norwood School Street, Cumerberlow Avenue	Implementation of a new school street. integrated with wider LTN at Crystal Palace.	£25,000		£60,000			
South Norwood Primary School Street, Gresham Road	Implementation of a new school street, as part of future LTN.	£25,000		£60,000			
All Saints Primary School Street, Upper Beulah Hill	Implementation of a new school street	£25,000		£60,000			
St James the Great School Street, Windsor Road	Implementation of a new school street	£25,000		£60,000			
Coombe Road cycle route	Cycle route along Coombe Road. First section has already been built, but remainder of route would connect a number of other schools. From j/w Melville Avenue to Oaks Rd.	£100,000				£100,000	£100,000

Healthy School Neighbourhood Behaviour Change	To support sustainable travel to school through a range of supporting measures including cycle training, school travel planning supporting measures, safety campaigns etc.	£200,000				£200,000	£200,000
Future School Streets	To design and deliver the next batch of school streets that are prioritised.	£20,000				£500,000	£500,000
<u>Corridors: Vision Zero (Safer Streets)</u>		£385,000	£0	£60,000	£0	£460,000	£460,000
20mph compliance and accident remedial measures	To implement measures aimed at supporting compliance with the 20mph speed limit such as VAS and traffic calming.	£100,000				£310,000	£360,000
Selsdon - Pixton Way safety scheme	Design/implementation of traffic calming and/or potential 'bus gate' between j/w Linton Glade and Bardolph Av. Response to a fatality.	£60,000		£60,000			
Grasmere Rd j/w Albert Rd safety scheme	Design/implementation of junction improvements in response to a number of serious collisions..	£60,000					
Auckland / Cypress zebra crossing	New zebra crossing.	£40,000					
20mph limit extension Crowndale Rd	Extension of 20mph limit from Lambeth into LBC at this location.	£25,000				£50,000	

Vision Zero Behaviour Change	Behavioural change programme designed to reduce the number of road casualties e.g. cyclist/driver training, P2W campaigns, and other road safety campaign work	£100,000				£100,000	£100,000
<u>Corridors: Cycle Parking</u>		£150,000	£0	£0	£0	£150,000	£150,000
Cycle hangars	To continue the roll out of cycle hangars in residential areas and housing estates, in line with the set TfL criteria.	£109,000				£109,000	£109,000
On street cycle parking	To continue the roll out of Sheffield stands in town centres and other key locations where there is high demand, and in line with the other TfL criteria that has been set.	£6,000				£6,000	£6,000
Station cycle parking	To implement further cycle parking at stations identified by TfL (subject to design and engagement with the TOC) including : Norbury, Woodmansterne, Reedham, Thornton Heath, Riddlesdown, Purley Oaks.	£35,000				£35,000	£35,000
<u>Corridors: Urban mobility</u>		£15,000	£0	£0	£0	£80,000	£75,000
Mobility hubs	To plan strategy, design and deliver mobility hubs. Looking at feasibility of locations in Croydon centre (College Rd), in HNs and at Norbury Station.	£15,000				£65,000	£65,000
Cycle hire	To develop and deliver a dockless cycle hire scheme in Croydon.					£15,000	£10,000

TOTAL CORRIDORS (c2,362,100 budget)		£2,362,100	£5,000	£780,000	£0	£2,362,100	£2,362,100
LTF programme							
Electric vehicle charging point - programme support	To develop the council's EV charging point strategy, oversee procurement/implementation of the points, and fund delivery at less lucrative locations.	£60,000			£28,000	£65,000	£70,000
Car club strategy	To develop the council's car club strategy, select contractors and oversee implementation of new schemes. Consider installation of EV charging points in tandem.	£40,000				£35,000	£30,000
TOTAL LTF (£100k budget)		£100,000	£0	£0	£28,000	£100,000	£100,000
Cycle Parking Programme							
Cycle hangars	On public highway	£64,500				£64,500	£64,500
On street cycle parking	Sheffield stands	£6,000				£6,000	£6,000
LBC housing	Cycle hangars in Council Housing estates	£44,500				£44,500	£44,500
Station cycle parking		£35,000				£35,000	£35,000
TOTAL Cycle Parking (£150k budget)		£150,000	£0	£0	£0	£150,000	£150,000
Cycling Programme							

Ampere Way segregated cycle lane	Delivery of a segregated bidirectional cycle route between Therapia Way and Ampere Way tram stops. Links in with other sections of the proposed route at each end. Addition of parallel cycle crossing to existing zebra. Also associated footway improvements, SUDS and landscaping. Fully consented and ready to build.	£600,000					
London Road Healthy Street	Delivery of high quality segregated cycling and bus priority measures along the London Road from j/w Handcroft Rd to Thornton Road. Addition of zebra crossings. Scheme currently out to consultation.	£475,000	£50,000				
College Road cycle route link - Phase 2	George Street/College Rd junction improvements					£230,000	
Cherry Orchard Road / Altyre Road cycle improvements	Improvements to the cycle route between two HNs. A key route into the town centre from the east, starting at Park Hill Park, then Altyre Road, Cherry Orchard Rd, Lesley Park Rd, then main A222 to Grant Road. Design in 2022/23, implementation 2023/24 (possibly starting late 2022/23 if funding available).	£100,000				£500,000	
Mitcham Rd / Tram paths	Bus priority measures, pedestrian improvements, plus segregated cycling from borough boundary (near Red House Rd) to Rochford Way, then cycleway to connect with Ampere Way scheme. Plus continuation of Ampere Way scheme to the south, towards Wandle Park. (One scheme	£100,000				£500,000	£500,000

	would follow on from the other in terms of delivery. Design 2022/23, implementation 2023/24.)						
Blackhorse Lane	Provision of segregated cycle route and crossings along main road between Elmers Rd and Dalmally Rd, which connects two CHNs.					£50,000	£200,000
South Norwood Hill	Provision of segregated cycle route along South Norwood Hill, between j/w Holmesdale Road and Southern Avenue, connecting two CHNs.					£50,000	£200,000
Goat House Bridge	Provision of segregated cycle route along Goat House Bridge to help connect routes between HNs.					£50,000	£200,000
Northcote Road cycle route	Providing short section of segregated cycle track and improved crossings on Northcote Rd, between j/w Dagnel Park and The Crescent. This will link two proposed experimental HNs.					£50,000	£200,000
TOTAL CYCLING (c329k)		£1,275,000	£50,000	£0	£0	£1,430,000	£1,300,000
Bus Priority / other improvements							
A23 Purley Way Bus Priority	Feasibility Design -To confirm scheme scope / benefits.				£323,000	£50,000	£100,000

West Croydon Bus Priority	Feasibility Design -To confirm scheme scope / benefits.				£172,000	£50,000	£100,000
Central Croydon and Mid Croydon Bus Priority	Feasibility Design -To confirm scheme scope / benefits.	£50,000			£58,000	£100,000	£500,000
East Croydon Bus Priority	Assessment of bus journey time sand reliability, plus feasibility na design of proposal to improve bus (and tram) journey time and reliability.	£50,000			£370,000	tbc	
St James Road - Wellesley Road - Whitehorse Road Bus Priority	GR117 Whitehorse Road - Wellesley Road Bus Priority Major Scheme (including GR 116, GR 118, GR 119 GR 122, REL116A, REL972)	£100,000				£500,000	
Croydon to South Norwood Croydon Bus Priority	Feasibility Design -To confirm scheme scope / benefits.				£14,000	£50,000	£100,000
Broad Green to Norbury Bus Priority	Feasibility Design -To confirm scheme scope / benefits.					£50,000	£100,000

Brighton Road South / Purley Cross Bus Priority	<p>Further Bus Priority on Brighton Road / Purley Cross has the potential to improve connections between Purley and Croydon. There is potential to reduce journey time by 9 minutes and to attract up to 3,000 customers per day. Currently, there are approximately 5,000 bus trips per day on this corridor. This would allow us to review frequencies on routes such as the 60 and 466 and consider new links between Croydon and Purley and beyond.</p> <p>Scheme to be coordinated with TfL / LBC Brighton Road Active Travel Scheme and Regeneration of Purley town centre (multiple sites) and the wider restructuring of bus routes in the south of Croydon.</p>	£100,000			£46,000	£500,000	£500,000
Brighton Road North Bus Priority	<p>Bus priority on Brighton Road linking Purley and Croydon that reduces journey time by 9 minutes has the potential to attract up to 3,000 customers per day. Currently, there are approximately 5,000 bus trips per day on this corridor</p> <p>This would allow us to review frequencies on routes such as the 60 and 466 and consider new links between Croydon and Purley and beyond. The Swan & Sugar Loaf junction is a problem area with northbound queues in the AM peak and southbound queues in PM peak. Southbound queues on Southbridge Road are particularly problematic.</p>	£100,000				£500,000	£500,000

Wickham Road Bus Priority	Feasibility Design -To confirm scheme scope / benefits.				£19,000	£50,000	£100,000
Denning Avenue and Warham Road Bus Priority	Feasibility Design -To confirm scheme scope / benefits.					£50,000	£100,000
Addington Village Interchange Bus Priority	A2022 Kent Gate Way/Lodge Lane Roundabout, Addington Village Improvements to the bus / tram interchange and better walking and cycling connections into the surrounding area. Landscaping to enhance green belt setting.	£100,000				£200,000	
Brigstock Road Bus Priority	Signage and line marking	£40,000					
South Norwood to Beulah Hill and Crystal Palace Bus Priority	Beulah Hill and South Norwood Hill - Feasibility Design -To confirm scheme scope / benefits.					£50,000	£100,000
A232 West Bus Priority (Duppas Hill Rd)	Feasibility Design -To confirm scheme scope / benefits.					£50,000	£100,000
198 - Shrublands bus stop amendments for bus stop accessibility	Amendments to bus stop kerb alignment to allow new buses to pull into the kerb and allow full accessibility.	£20,000				£0	£0
Croydon (Thornton Heath) to Streatham Bus Priority	Feasibility Design -To confirm scheme scope / benefits.						£50,000
Trafalgar Way - Purley Way Bus Priority	5 bus rerouting / removal of gyratory					£60,000	

Auckland Road Bus Priority	Signs and line marking to address obstructive parking. (Journey time savings could be considerable (i.e. minutes), at school pick up times, so difficult to average out).					£60,000	
Davidson Road Bus Priority	3 Bus stop relocation	£60,000					
Shirley Avenue	Route diversion via Shirley Avenue, with new stops	£50,000					
Addington Road Selsdon	Feasibility design				£2,000	£60,000	
Chipstead Valley	Conversion of Hail and Ride to fixed stops	£60,000					
Purley to Kenley Croydon Bus Priority	Feasibility Design -To confirm scheme scope / benefits.						£50,000
New Addington Bus Priority	Feasibility Design -To confirm scheme scope / benefits.						£50,000
Cane Hill Area Bus Priority -TfL Partnership	Feasibility Design -To confirm scheme scope / benefits.						£50,000
Limpsfield Rd, Sanderstead Bus Priority -TfL Partnership	Feasibility Design -To confirm scheme scope / benefits.						£50,000
TOTAL BUS PRIORITY (c£600k budget)		£730,000	£0	£0	£1,004,000	£2,380,000	£2,550,000
Liveable Neighbourhoods							

Reconnecting Old Town: Roman Way quick win	Building upon previous feasibility work, the scheme will take previously abandoned carriageway space and provide widened footways, segregated space for cycling, sustainable drainage, and landscaping.	£500,000					
Reconnecting Old Town: Roman Way Rectory Grove - Factory Lane	Implementation of segregated cycle lanes, SUDS, landscaping, 'road diet' i.e. reallocation of road space towards more sustainable modes.	£100,000				£750,000	£250,000
Reconnecting Old Town: Old Town roundabout	Improvements to the roundabout to improve provision for pedestrians and cyclists in particular, creating a healthier street environment.	£100,000				£100,000	£1,250,000
Old Town Croydon cycle improvements	Implementation of a series of cycle contraflows in the adjoining Old Town neighbourhoods to improve permeability for cyclists.	£100,000				£200,000	£200,000
TOTAL LN		£800,000	£0	£0	£0	£1,050,000	£1,700,000
GRAND TOTAL		£5,417,100	£55,000	£780,000	£1,032,000	£7,472,100	£8,162,100

Programme	<u>2022/23</u>
Corridors and Neighbourhoods	£2,362,100
Local Transport Funding (LTF)	£100,000
Borough Cycle Parking	£150,000
Borough Cycling Programme	£1,275,000
Borough Bus Priority	£730,000
Liveable Neighbourhoods	£800,000
TOTAL	£5,417,100

LIP3 objectives (2019)

- i. Croydon will reduce reliance on the car for local in-borough car journeys by creating streets and a transport network that prioritises walking, cycling and public transport.
- ii. Croydon will reduce the number of local car trips and to ensure that by 2021/22 at least 50% of all journeys made residents are by walking, cycling and public transport. By 2041, 63% of all journeys made by residents are by walking, cycling and public transport.
- iii. Croydon will create healthy streets and neighbourhoods that encourage walking and cycling, and where traffic volumes and speeds are low.
- iv. Croydon will improve accessibility for pedestrians and cyclists through increased priority at key junctions and reduce severance caused by major roads, railway lines and parks.
- v. Croydon will implement and deliver the network of cycle routes and proposals outlined in the Croydon Cycle Strategy.
- vi. Croydon will support and deliver the principles of the Vision Zero Action Plan and work towards ensuring we have the safest roads in London with no deaths or serious injuries on our roads by 2041.
- vii. Croydon will reduce the volume of traffic on our roads and associated congestion through better management of our roads and kerbside space, and by offering pleasant, practical and safe alternatives to private cars and vans
- viii. Croydon will tackle road based air pollution by reducing traffic volumes, supporting the shift to zero emission vehicles and introducing new green infrastructure.
- ix. Work with the Mayor, TfL, Network Rail, bus operators and TOCs to improve public transport links, reduce overcrowding on the public transport network and ensure Croydon is the best connected Metropolitan Town Centre in Outer London.
- x. Work with the Mayor, TfL, Network Rail, bus operators and TOCs to ensure the entire public transport network is accessible, safe and step free.
- xi. Work with TfL to introduce additional bus priority measures on key road corridors to improve efficiency and reliability of bus services.
- xii. Lobby the TOCs and the DfT to improve performance of train services and reduce gaps in service frequencies.
- xiii. Croydon will ensure all new development incorporates the ten Healthy Streets principles into their design, and ensure they are integrated with the local walking and cycling networks as well as public transport.
- xiv. Work with key partners to increase public transport capacity in the borough to support the creation of new homes and jobs planned over the next two decades, including the extension of the tram to Crystal Palace and the upgrade of Brighton Mainline.

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Equality Analysis Form

1. Introduction

1.1 Purpose of Equality Analysis

The council has an important role in creating a fair society through the services we provide, the people we employ and the money we spend. Equality is integral to everything the council does. We are committed to making Croydon a stronger, fairer borough where no community or individual is held back.

Undertaking an Equality Analysis helps to determine whether a proposed change will have a positive, negative, or no impact on groups that share a protected characteristic. Conclusions drawn from Equality Analyses helps us to better understand the needs of all our communities, enable us to target services and budgets more effectively and also helps us to comply with the Equality Act 2010.

An equality analysis must be completed as early as possible during the planning stages of any proposed change to ensure information gained from the process is incorporated in any decisions made.

In practice, the term '**proposed change**' broadly covers the following:-

- Policies, strategies and plans;
- Projects and programmes;
- Commissioning (including re-commissioning and de-commissioning);
- Service review;
- Budget allocation/analysis;
- Staff restructures (including outsourcing);
- Business transformation programmes;
- Organisational change programmes;
- Processes (for example thresholds, eligibility, entitlements, and access criteria).

2. Proposed change

Directorate	Sustainable Communities, Regeneration & Economic Recovery
Title of proposed change	Local Implementation Plan (LIP) Delivery Plan 2022/23-2024/25
Name of Officer carrying out Equality Analysis	Denise McCausland

2.1 Purpose of proposed change (see 1.1 above for examples of proposed changes)

Briefly summarise the proposed change and why it is being considered/anticipated outcomes. What is meant to achieve and how is it seeking to achieve this? Please also state if it is an amendment to an existing arrangement or a new proposal.

Each London local authority is required to produce a 'LIP', setting out how it intends to implement the Mayor of London's Transport Strategy within its area. The Croydon LIP was approved in 2019, and included a detailed three year Delivery Plan, which must be refreshed every three years during the lifetime of the LIP, with the next update due to cover 2022/23-2024/25. The new Delivery Plan should align with the original LIP objectives, but also reflect new priorities set by TfL. TfL has provided a 'Strategic Data Set' to inform the making of the programme, which will be an important part of the TfL assessment and allocation of funding.

TfL sees the Healthy Streets approach continuing to be a key way of addressing the challenges London faces. Delivering Vision Zero (no one killed or seriously injured) by 2041 also remains a central priority. The focus areas are summarised below:

- Enabling all Londoners to feel that active travel is a safe and accessible option through a range of Vision Zero and other interventions that delivery safer streets for cycling and walking;
- Enhancing and expanding London's bus priority network to enable faster and more reliable buses, making them a compelling offer for Londoners;
- Supporting infrastructure measures to the above (such as cycling parking, school streets, improved interchange etc.

Behaviour change initiatives will also be funded where they support the above focus areas.

A new Delivery Plan has been drafted covering the period 2022/23-2024/25, which shows a three year proposed programme, and is the subject of this EQIA. (It should be noted that an EQIA was undertaken for the full LIP document produced in 2019). The new programme contains a range of proposed schemes across the borough, including Healthy Neighbourhoods, Healthy Streets, pedestrian/cycling improvements, school streets, safety schemes, cycle parking, bus priority, car clubs, electric vehicle charging points, mobility hubs and behavioural change/road safety education.

3. Impact of the proposed change

Important Note: It is necessary to determine how each of the protected groups could be impacted by the proposed change. Who benefits and how (and who, therefore doesn't and why?) Summarise any positive impacts or benefits, any negative impacts and any neutral impacts and the evidence you have taken into account to reach this conclusion. Be aware that there may be positive, negative and neutral impacts within each characteristic.

Where an impact is unknown, state so. If there is insufficient information or evidence to reach a decision you will need to gather appropriate quantitative and qualitative information from a range of sources e.g. Croydon Observatory a useful source of information such as Borough Strategies and Plans, Borough and Ward Profiles, Joint Strategic Health Needs Assessments <http://www.croydonobservatory.org/> Other sources include performance monitoring reports, complaints, survey data, audit reports, inspection reports, national research and feedback gained through engagement with service users, voluntary and community organisations and contractors.

3.1 Deciding whether the potential impact is positive or negative

Table 1 – Positive/Negative impact

For each protected characteristic group show whether the impact of the proposed change on service users and/or staff is positive or negative by briefly outlining the nature of the impact in the appropriate column. . If it is decided that analysis is not relevant to some groups, this should be recorded and explained. In all circumstances you should list the source of the evidence used to make this judgement where possible.

Protected characteristic group(s)	Positive impact	Negative impact	Source of evidence
Age	<p>With the exception of driving and travelling by bus, older Londoners use all forms of transport less frequently than the total London population. However, as people get older their car use/access declines. Around three-quarters of Londoners aged between 65 and 69 hold a full driving licence (72% compared with 65% of all Londoners. This drops considerably for the older age groups (63% for 70 to 79-year-olds and 37% for 80+).</p> <p>All schemes within the LIP Delivery Plan, to differing extents, will encourage modal shift to walking/cycling/public transport or encourage the transition to cleaner vehicles, which in turn will have a positive impact on air quality. Those most at risk from poor air quality will benefit most ie children, older people, pregnant women. Schemes such as Healthy Schools and Play Street measures will also most benefit school children and their carers. Schemes that reduce road danger and provide safer spaces for cycling will benefit those most vulnerable to road danger, including children and older people. Schemes that encourage more walking/cycling/public transport use, should result in higher levels of natural surveillance on the street, benefitting those more vulnerable to street crime.</p>	<p>None specific. Disadvantage may be Disability related. The proportion of Londoners who are disabled increases with age. 5% of 16 to 24-year-olds are disabled compared with 44% of Londoners aged 65 or over. See 'Disability' below.</p>	<p>Mayor of London's Transport Strategy; Mayor's Air Quality Strategy; Travel in London: Understanding our diverse communities 2019. Policy Studies Institutes study 'Children's Independent Mobility: A Comparative Study in England and Germany 1970 – 2010' Independent Mobility and Child Development, Nuffield Foundation 'Making Cycling Irresistible: Lessons from The Netherlands, Denmark and Germany', JOHN PUCHER and RALPH BUEHLER (2008) 'Young People's Travel – What's Changed and Why? Review and Analysis' (2018)</p>

Children are the group whose independent mobility has been curtailed the most as streets have been taken over by more and more cars. Providing quieter and safer streets provides space in which children can more easily regain their independent mobility, play and socialise. The same quieter streetspace can help them get a little closer to the levels of cycling seen amongst their north European counterparts.

The proposed programme is intended to create a network of quieter and safer streets to foster walking and cycling. Children and young people are amongst those likely to be benefiting the most. Many will be living in the households which do not have access to a car or a van. Nationally, young adults are significantly less likely to hold a driving licence and driving less than they did in the past. Aiding walking and cycling including to public transport will benefit this group.

Quieter streets may well be a factor in enabling older people to keep cycling or to choose cycling and could help the percentage of cycle trips made by older people get a little closer to some of those in northern Europe, something made feasible in hilly areas by modern E-bikes (although at a financial cost as with the private motor car).

The degree to which children's access to active travel and to play in the street puts them at risk of being overweight and associated medical conditions, both in childhood and later in life. Behaviours (including travel behaviour) learnt in childhood are often taken into later into life. Facilitating active travel in early life is part of

	<p>ensuring good health as an adult and older adult.</p> <p>The Mayor's Healthy Streets objective is a key part of his approach to tackling climate change. Those that are young today, are the ones that will be experiencing the worst effects of climate change when older adults.</p> <p>Young adults (age 17 to 29) in Great Britain and other countries are driving less now than young adults did in the early 1990s.</p>		
Disability	<p>84% of disabled Londoners report that their disability limits their ability to travel. For each type of transport (with the exception of private hire vehicles) a lower proportion of disabled Londoners use each type of transport at least once a week compared with non-disabled Londoners. The most commonly used types of transport by disabled Londoners are walking (81% of disabled Londoners walk at least once a week), the bus (58%), car as the passenger (42%) and car as the driver (24%). The latter compares to 39% of non-disabled adults, driving at least once a week. Cycling levels are similar between disabled and non disabled people.</p> <p>Schemes designed to facilitate walking and cycling or reduce road danger eg traffic reduction through Healthy Neighbourhoods, or segregated cycle lanes that are wide enough to accommodate adapted bikes, will benefit disabled users wishing to walk or cycle more.</p> <p>Bus priority and bus stop accessibility improvements will also benefit disabled people wishing to use the bus.</p>	<p>The measures in the programme are intended to help all to choose to travel actively. However care in design and implementation is needed including engaging with people with disabilities to help ensure that that the programme does address the many barriers that disabled people face to Active Travel and to encourage take up of walking, wheeling and cycling, and to create an accessible public transport system as a viable alternative to car-use. The Healthy Neighbourhood programme is one part of the proposed Delivery Plan. However additional action is likely to be required (work informed by access audits) to minimize barriers to movement for disabled people within and through these areas. The Healthy Neighbourhood programme is the subject of a separate / parallel equality analysis which has shaped the design / operation of the recommended Experimental Healthy Neighbourhoods and which would should inform decisions on the future of any Experimental HNs.</p>	<p>Travel in London: Understanding our diverse communities 2019; TfL Cycling Action Plan. Pave The Way, Transport for All, January 2021</p>

		The Delivery Plan includes the conversion of Hail and Ride bus routes to services with fixed stops so that the stops can provide access for people using wheelchairs.	
Gender	Less women than men currently cycle. Research has shown that one of the biggest barriers to more women taking up cycling is road danger. Schemes that reduce road danger and provide safer spaces for cycling will benefit women. Schemes that encourage more walking/cycling/public transport use, should result in higher levels of natural surveillance on the street, benefitting those more vulnerable to street crime.		Mayor of London's Transport Strategy; TfL Cycling Action Plan; TfL Travel in London Reports; Travel in London: Understanding our diverse communities 2019.
Gender Reassignment	People with this protected characteristic may be more vulnerable to hate crime. Schemes that encourage more walking/cycling/public transport use, should result in higher levels of natural surveillance on the street, benefitting those more vulnerable to street crime.		Travel in London: Understanding our diverse communities 2019.
Marriage or Civil Partnership	Not impacted any more/less than those without protected characteristics.	Not impacted any more/less than those without protected characteristics.	
Religion or belief	Not impacted any more/less than those without protected characteristics, except where there may be correlations between religion and certain races (see below characteristic commentary). More than half of black (68%) and white (57%) Londoners report that they are Christian. Asian Londoners and Londoners who have selected 'other' to describe their ethnic group are most likely to be Muslims (36% of Asian Londoners and 50% of Londoners selecting 'other' ethnic group are Muslims)	Not impacted any more/less than those without protected characteristics, except where there may be correlations between religion and certain races (see below).	Travel in London: Understanding our diverse communities 2019.
Race	Those from BAME groups are more likely to walk or use the bus and will benefit the most from walking and bus priority/accessibility schemes. BAME Londoners are more at risk of being killed or seriously injured and will therefore benefit from schemes that reduce road danger. BAME Londoners are less likely		TfL Cycling Action Plan, TfL Travel in London Reports, Travel in London: Understanding our diverse communities 2019.

	to hold a driving licence compared to white Londoners, so will benefit more from sustainable travel schemes. (It should be noted that cycling levels amongst BAME and white Londoners is similar.		
Sexual Orientation	LGBT people may be more vulnerable to hate crime. Schemes that encourage more walking/cycling/public transport use, should result in higher levels of natural surveillance on the street, benefitting those more vulnerable to street crime.		Travel in London: Understanding our diverse communities 2019.
Pregnancy or Maternity	All schemes within the LIP Delivery Plan, to differing extents, will encourage modal shift to walking/cycling/public transport, which in turn will have a positive impact on air quality. Those most at risk from poor air quality will benefit most ie children and pregnant women. Schemes such as Healthy Schools measures will also most benefit school children and their carers. Schemes that reduce road danger and provide safer spaces for cycling will benefit those most vulnerable to road danger, including children. Bus stop accessibility improvements will also benefit people wishing to use the bus with a pram/pushchair.		Travel in London: Understanding our diverse communities 2019.

Important note: You must act to eliminate any potential negative impact which, if it occurred would breach the Equality Act 2010. In some situations this could mean abandoning your proposed change as you may not be able to take action to mitigate all negative impacts.

When you act to reduce any negative impact or maximise any positive impact, you must ensure that this does not create a negative impact on service users and/or staff belonging to groups that share protected characteristics. **Please use table 4 to record actions that will be taken to remove or minimise any potential negative impact**

3.2 Additional information needed to determine impact of proposed change

Table 2 – Additional information needed to determine impact of proposed change

If you need to undertake further research and data gathering to help determine the likely impact of the proposed change, outline the information needed in this table. Please use the table below to describe any consultation with stakeholders and summarise how it has influenced the proposed change. Please attach evidence or provide link to appropriate data or reports:

Additional information needed and or Consultation Findings	Information source	Date for completion

For guidance and support with consultation and engagement visit <https://intranet.croydon.gov.uk/working-croydon/communications/consultation-and-engagement/starting-engagement-or-consultation>

3.3 Impact scores

Example

If we are going to reduce parking provision in a particular location, officers will need to assess the equality impact as follows;

1. Determine the Likelihood of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the likelihood of impact score is 2 (likely to impact)
2. Determine the Severity of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the Severity of impact score is also 2 (likely to impact)
3. Calculate the equality impact score using table 4 below and the formula **Likelihood x Severity** and record it in table 5, for the purpose of this example - **Likelihood (2) x Severity (2) = 4**

Table 4 – Equality Impact Score

Severity of Impact	3	3	6	9
	2	2	4	6
	1	1	2	3
		1	2	3
	Likelihood of Impact			

Risk Index	Risk Magnitude
6 – 9	High
3 – 5	Medium
1 – 3	Low

Equality Analysis

Table 3 – Impact scores

<p>Column 1</p> <p>PROTECTED GROUP</p>	<p>Column 2</p> <p>LIKELIHOOD OF IMPACT SCORE</p> <p>Use the key below to score the likelihood of the proposed change impacting each of the protected groups, by inserting either 1, 2, or 3 against each protected group.</p> <p>1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact</p>	<p>Column 3</p> <p>SEVERITY OF IMPACT SCORE</p> <p>Use the key below to score the severity of impact of the proposed change on each of the protected groups, by inserting either 1, 2, or 3 against each protected group.</p> <p>1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact</p>	<p>Column 4</p> <p>EQUALITY IMPACT SCORE</p> <p>Calculate the equality impact score for each protected group by multiplying scores in column 2 by scores in column 3. Enter the results below against each protected group.</p> <p>Equality impact score = likelihood of impact score x severity of impact score.</p>
Age			
Disability			
Gender			
Gender reassignment			
Marriage / Civil Partnership			
Race			
Religion or belief			
Sexual Orientation			
Pregnancy or Maternity			

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Table 3 - Impact Scores									
Work area	Age	Disability	Gender	Gender Reassignment	Sexual orientation	Marriage / Civil Partnership	Pregnancy / Maternity	Race	Religion / belief
Healthy Neighbourhoods	4	4	1	1	1	1	1	1	1
Healthy Streets/ improved cycle routes	2	2	1	1	1	1	1	1	1
Play Streets	1	1	1	1	1	1	1	1	1
Healthy Schools (School streets, cycle routes, behaviour change)	1	1	1	1	1	1	1	1	1
IVision Zero schemes & behaviour change	1	1	1	1	1	1	1	1	1
Cycle parking / hire	2	2	1	1	1	1	1	1	1
Mobility hubs	2	2	1	1	1	1	1	1	1
Electric Vehicle Charging Points	2	2	1	1	1	1	1	1	1

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4. Statutory duties

4.1 Public Sector Duties

Tick the relevant box(es) to indicate whether the proposed change will adversely impact the Council's ability to meet any of the Public Sector Duties in the Equality Act 2010 set out below.

Advancing equality of opportunity between people who belong to protected groups

Eliminating unlawful discrimination, harassment and victimisation

Fostering good relations between people who belong to protected characteristic groups

Important note: If the proposed change adversely impacts the Council's ability to meet any of the Public Sector Duties set out above, mitigating actions must be outlined in the Action Plan in section 5 below.

5. Action Plan to mitigate negative impacts of proposed change

Important note: Describe what alternatives have been considered and/or what actions will be taken to remove or minimise any potential negative impact identified in Table 1. Attach evidence or provide link to appropriate data, reports, etc:

Table 4 – Action Plan to mitigate negative impacts

Complete this table to show any negative impacts identified for service users and/or staff from protected groups, and planned actions mitigate them.				
Protected characteristic	Negative impact	Mitigating action(s)	Action owner	Date for completion
Disability	The Equality Analysis related to the Experimental HN programme identified a number of potential negative effects for people with disabilities including on those with an essential need to use a car and needing access within the HN which	Exemption permits for Blue Badge holders for the 'No Motor Vehicles' restrictions implementing an experimental LTN. Also for district nurses and other careers. Exemptions for dial-a-ride, community transport and SEN transport buses, plus taxis (hence taxicard users).	Highways and parking Service	Already completed

	the Equality Analysis then proposed mitigation.	When reallocating kerbside space, continued careful consideration of impact on other road users. Helping those that can to walk, wheel and cycle is intended to free up road space to help those who have an essential need to use a car, and to improve journey time and reliability for bus users, dial-a-ride users etc.		
Race	n/a	n/a	n/a	n/a
Sex (gender)	n/a	n/a	n/a	n/a
Gender reassignment	n/a	n/a	n/a	n/a
Sexual orientation	n/a	n/a	n/a	n/a
Age	None specific, potentially related to age related Disability. See 'Disability' section above.	See 'Disability' above	Highways and Parking Service.	Already completed
Religion or belief	n/a	n/a	n/a	n/a
Pregnancy or maternity	n/a	n/a	n/a	n/a
Marriage/civil partnership	n/a	n/a	n/a	n/a

6. Decision on the proposed change

Based on the information outlined in this Equality Analysis enter X in column 3 (Conclusion) alongside the relevant statement to show your conclusion.		
Decision	Definition	Conclusion - Mark 'X' below
No major change	Our analysis demonstrates that the policy is robust. The evidence shows no potential for discrimination and we have taken all opportunities to advance equality and foster good relations, subject to continuing monitoring and review. If you reach this conclusion, state your reasons and briefly outline the evidence used to support your decision.	x

Equality Analysis

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	Any potential negative impacts are minimal and have mitigation actions that are already being progressed, as set out in section 5 of this form.	
Adjust the proposed change	We will take steps to lessen the impact of the proposed change should it adversely impact the Council's ability to meet any of the Public Sector Duties set out under section 4 above, remove barriers or better promote equality. We are going to take action to ensure these opportunities are realised. If you reach this conclusion, you must outline the actions you will take in Action Plan in section 5 of the Equality Analysis form	
Continue the proposed change	We will adopt or continue with the change, despite potential for adverse impact or opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through the change. However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned. If you reach this conclusion, you should clearly set out the justifications for doing this and it must be in line with the duty to have due regard and how you reached this decision.	
Stop or amend the proposed change	Our change would have adverse effects on one or more protected groups that are not justified and cannot be mitigated. Our proposed change must be stopped or amended.	
Will this decision be considered at a scheduled meeting? e.g. Contracts and Commissioning Board (CCB) / Cabinet		Meeting title: Date:

7. Sign-Off

Officers that must approve this decision		
Equalities Lead	Name: Denise McCausland Position: Equalities Manager	Date: 17/11/21

Equality Analysis

Director	Name: Heather Cheesbrough	Date: 18/11/21
	Position: Director of Planning and Sustainable Regeneration	

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For General Release

REPORT TO:	CABINET 24 JANUARY 2022
SUBJECT:	Education Estates Strategy
LEAD OFFICER:	Debbie Jones - Interim Corporate Director Children, Young People and Education Shelley Davies – Director, Education and Youth Engagement Denise Bushay – Head of Service, School Place Planning, Admissions and Early Years
CABINET MEMBER:	Cllr Flemming, Children, Young People and Learning
WARDS:	All
<p>COUNCIL PRIORITIES</p> <p>The recommendations in this report are in line with the new corporate priorities and new Ways for renewing Croydon:</p> <ul style="list-style-type: none"> - We will live within our means, balance the books and provide value for money for our residents. - We will focus on tackling ingrained inequality and poverty in the borough. - We will focus on providing the best quality core service we can afford. <p>This report sets out the draft education estates strategy for the three year period 2021-2024. The strategy aims to minimise council borrowing to an absolute minimum.</p> <p>Appendix D - Administration Priorities for the Croydon Renewal Plan</p>	
<p>FINANCIAL IMPACT</p> <p>The overall cost of the Education Capital Programme is estimated at £18,741m over the period 2022/23 – 2024/25 as set out in Appendix 3.</p>	
<p>FORWARD PLAN KEY DECISION REFERENCE NO.: 0121CAB</p> <p>The notice of the decision will specify that the decision may not be implemented until after 13.00 hours on the 6th working day following the day on which the decision was taken unless referred to the Scrutiny and Overview Committee.</p>	

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

1. RECOMMENDATIONS

The Cabinet is recommended to

For approval

School Admission

- 1.1 agree to recommend to full Council that it determine the proposed community schools' Admission Arrangements for the 2023/24 academic year (Appendix 1);
- 1.2 approve the continued adoption of the proposed Pan London scheme for co-ordination 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).

School Maintenance and Compliance

- 1.4 approve the proposed Schools' Maintenance Plan (Appendix 4) for 2022/23 with an overall budget cost of £3.7m
- 1.5 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 members in respect of any exercise of such authority.

For information

School Place Planning

- 1.6 note comparison between the available School Places vs 2021 School Capacity (SCAP) Projections Pupil Projections Appendices 2 (primary) and 2a (secondary).
- 1.7 Academy conversion
note the change of status of Kenley Primary School to an academy.
- 1.8 Early Years
note the 2021 Childcare Sufficiency Assessment report – Appendix 5.

Special Educational Needs and Disability(SEND)

- 1.9 note that the SEND Estates strategies are contributing positively to the development of local provision maintaining some of our most challenging and vulnerable children and young people with SEND within their families and communities.

Alternative Provision / Pupil Referral Unit (PRU)

- 1.10 note information on Alternative Provision / PRU.

2. EXECUTIVE SUMMARY

- 2.1 This report outlines the Council's Education Estates Strategy for three stages of education: Early Years, Primary and Secondary, including Pupil Referral Unit

and Special Educational Needs and Disability. It covers: School Place Planning; School Admissions; and Schools' Maintenance and Compliance.

2.2 Key Points

- We are not proposing any changes to the previously agreed admission arrangements for community schools.
- There is sufficiency of school places to meet demand at primary and secondary education phases.
- There has been a decline in birth rate resulting in a high level of unfilled places in some schools, especially in the North West of the Borough.
- The new Addington Valley Academy Special School opened in September 2021.
- The review of the Special Educational Needs estate conditions surveys have been completed.
- There is sufficiency of early years provision.

2.3 **School Admission**

Admission authorities, including local authorities, are responsible for admissions and must act in accordance with the School Admission Code, and the School Admission Appeals Code. All admission authorities must determine (i.e. formally agree) admission arrangements every year, by 28 February. As part of determining their admission arrangements, all admission authorities must set an admission number for each 'relevant age group'. The Council is also responsible for having in place a scheme for coordinating admission arrangements. The admission arrangements are part of the policy framework and are therefore reserved to full Council for decision. There are no proposed change to the admission arrangements that have been previously determined in January 2021 that requires consultation.

2.4 All schools must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Academies, foundation schools and voluntary aided schools are their own admission authority.

2.5 In-Year Admission

Croydon School Admissions manage the in-year admissions for the majority of primary schools in Croydon either because they are a community school or on behalf of the governing body of an academy, Voluntary Aided, Foundation or Free school.

2.6 **School Place Planning**

In accordance with the Education and Inspections Act 2006 ("EIA") the Council has a statutory duty to "secure that sufficient schools for providing— (a) primary education, and (b) secondary education are available for their area" as well as to "secure diversity and increase opportunities for parental choice when planning the provision of school places" in the borough. The Council also has statutory duty to manage a potential surplus of schools places. A report which will outline the council's strategy for managing surplus school places will be submitted to cabinet in Spring.

2.7 School Maintenance and Compliance

The Council is the employer for community schools, community special schools, maintained nursery schools and pupil referral units and is responsible for larger condition and maintenance works. It has a duty to ensure that appropriate arrangements are in place to monitor and review any preventative and protective measures that have been implemented. The Schools' Maintenance Plan (Appendix 4) contains the planned repairs and maintenance programme for 2022/23.

2.8 Special Educational Needs and Disability

The SEND Estates strategies are contributing positively to the development of local provision maintaining some of our most challenging and vulnerable children and young people with SEND within their families and communities. In turn, this contributes to the High Need Fund Recovery Plan as agreed previously by Cabinet. These include:

2.9 Addington Valley Academy for severe and complex children with Autism Spectrum Conditions is completed and opened September 2021.

2.10 St. Nicholas Special School was completed and the school moved in over the last academic year. This has supported the increase of provision by additional 15 places for September 2021. Further scheduled growth is planned for 20 places in September 2022 and September 2023.

2.11 Croydon College Coulsdon Pathways provision for students with SEND aged 19-25 is now in its fourth year. The partnership with Waddon is proving successful and in demand.

2.12 The review of the SEND estate – Red Gates / St. Giles / Priory - in terms of its quality, safeguarding and feasibility as approved by Cabinet in January 2020 is underway. Conditions surveys have been undertaken.

2.13 Mainstream / Community / Voluntary Aided Schools

Feasibility is being undertaken at Gresham Primary to see if a permanent bulge class is practical and achievable for 2022/23 due to projected increase in demand for school places in the South of the borough. Currently, there is no other plan to create additional school places, however, we are reviewing our strategy following consultation and a decision on the Local Plan in order to assess the likely number of pupils that new housing developments will generate and the number of additional school places that may be required.

2.14 Kenley Primary school changed its status to an academy, and it is now part of The Collegiate Trust, effective 1st September 2021.

2.15 Virgo Fidelis Convent Senior School, a Roman Catholic voluntary aided secondary school for girls aged 11–18 that was located in Upper Norwood, formally closed on 31st August 2021.

2.16 Early Years

Local Authorities are required to report annually to elected council members on how they are meeting their duty to secure sufficient childcare, and make this report available and accessible to parents. Croydon's Childcare Sufficiency

Assessment 2021 report indicates that there are sufficient early years and childcare places for families. The Sufficiency Assessment report is attached as Appendix 5.

2.17 Alternative Provision / Pupil Referral Unit (PRU)

The Council has a duty to make arrangements for the provision of suitable education at school or otherwise for each child of school age who for reasons of illness, exclusion or otherwise would not receive it unless such arrangements were made.

3. DETAIL

3.1 School Admissions

Croydon is the Admission Authority for Community schools and is therefore responsible for determining the Admission Arrangements for these schools. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years. Croydon is not proposing any changes to the previously agreed admission arrangements

3.2 Admission authorities must determine admission arrangements for entry in September 2023 by 28 February 2021. The proposed Admission Arrangements for Community schools include the criteria by which schools places are allocated when a school receives more applications than places. The council is not proposing any significant changes to the previously agreed admission arrangements, barring additional information relating to looked-after children added from the DfE guidance which do not require consultation:

- This includes children who appear to have been in state care outside of England and ceased to be in state care as a result of being adopted.
- A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation or any other provider of care whose sole or main purpose is to benefit society.
- If an application is made under the 'looked-after' criterion, it must be supported by:
 - a letter from the relevant local authority children's services department and/or relevant documents or
 - evidence which demonstrates that a child was in state care outside of England and left that care as a result of being adopted.

3.3 The Council is also responsible for having in place a scheme for coordinating admission arrangements. Croydon has participated in a Pan London

arrangement for the Co-ordinated Admissions rounds for both primary and secondary applications for several years.

3.4 The annual school admissions arrangements are part of the Council's policy framework and as such require determination by the full Council. The Council is required by statute and regulations to approve its admissions policies for the schools it is responsible for the 2023/24 academic year (including Published Admissions Numbers – PANs). Accordingly Cabinet is requested to recommend to full Council that it determine the proposed Admission Arrangements for Croydon's community schools for the 2023/24 academic year (Appendix 1) and adoption of the proposed Pan London co-ordination arrangements (Appendix 1a & Appendix1b).

3.5 The governing bodies of voluntary aided, foundation schools and academies are their own admission authorities and therefore responsible for determining their own admission arrangements.

3.6 In-year admissions

An in-year admission is when parents/carers apply to a school outside the normal admissions round and at a time when their child should already be attending school. In-year admissions generally arise when a parent/carer wants their child to transfer between schools or when a child moves into the area.

3.7 Local authorities must, on request, provide information to prospective parents about the places still available in all schools within their area. To enable them to do this, the admission authorities for all schools in the area must provide the local authority with details of the number of places available at their schools whenever this information is requested, to assist a parent/carer in seeking a school place.

3.8 The council is not required to co-ordinate in-year applications for schools for which they are not the admission authority. However, Croydon School Admissions manage the in-year admissions for the majority of primary schools in Croydon either because they are a community school or on behalf of the governing body of an academy, Voluntary Aided, Foundation or Free school.

4. School Place Planning

Under section 14 of the Education Act 1996, every local authority (LA) has a statutory duty to provide sufficient school places for all pupils in its area. This includes the planning and reviewing of school places, securing diversity and increasing opportunities for parental choice to ensure the needs of the community are met, as well as managing surplus places.

4.1 Pupil Projections for SCAP 2021

Like most London Boroughs, Croydon commissions the Greater London Authority (GLA) School Roll Projection (SRP) service to forecast future demand for school places. The GLA methodology generally has provided a more accurate and credible set of pupil projection numbers to support better pupil places planning for Croydon. The projections are also used to complete the council's annual statutory School Capacity (SCAP) return to the Department for Education.

- 4.2 The projections are designed to give a strategic-level indication of where additional demand may arise in future. It is not intended that the projections be considered as definitive evidence that additional provision is required in a particular planning area. We apply local knowledge to ensure that local factors are taken into account to enhance the robustness of the projected figures.
- 4.3 Currently, there are more places than pupils at both primary and secondary levels, but the balance between the two varies across the borough, within educational planning areas and particularly school-by-school.
- 4.4 Shortages of places at popular schools can exist alongside surplus places at others. And over the next three years, the expected growth in pupil numbers varies widely: in some places, numbers are expected to increase due to pupil yield from planned housing developments; in others, particularly in the primary phase, they are expected to be a decrease due to fall in birth rates.
- 4.5 Pupil projection indicates sufficiency of mainstream school places for both primary and secondary schools for the next 3 years. There is the potential for some schools across the borough, both primary and secondary, to have higher levels of unfilled places. Appendices 2 (primary) and 3 (secondary) contain a table that shows a comparison between the Available School Places vs 2021 School Capacity (SCAP) Projections Pupil Projections.

4.6 Changes in demand

Across London, local authorities are trying to manage a high level of unfilled places which in part is due to a drop in birth rate. Between 2012-13 and 2018-19, the number of live births across London decreased by 10%. The number of births in an area will have a direct effect on the number of children on roll four years later. Anecdotal evidence in relation to the potential effect of the COVID-19 pandemic on future birth rates suggests that the pandemic may lead to an acceleration in the decline of the birth rate in the UK.

Surplus Places

- 4.7 In 2012, there was unprecedented increase in demand for school places in Croydon with these children starting school in either 2016/17 or 2017/18 academic years. However, not all children attend school in their borough of residence. Since 2013, there has been a fall in birth rate nationally and locally which has resulted in a drop in demand for school places, and a high level of surplus school places in some schools across the borough. This can have a negative impact on schools finance as schools are funded on a per pupil basis and unfilled places mean that schools will get less funding which could affect the quality of education as schools might have to reduce staff and resource.
- 4.8 To allow for unexpected in-year growth in demand and parental choice, and provide some leeway in case the projections underestimate the actual level of demand, the Council aim to allow approximately 5% surplus places across the borough.
- 4.9 The school place planning team has been and will be in contact with affected schools to discuss / agree potential solutions for the drop in demand for school places, including proposed reduction of published admission number and alternative use of empty classrooms. Some of the surplus places will be taken

up by asylum seeking children and child yield from planned housing developments across the borough. It is important to note that the council has already taken steps to remove some of the surplus places, mainly through the reduction of affected schools' Published Admission Number. A report outlining the council's strategy for managing surplus school places will be submitted to cabinet in Spring. This will include:

- the use of up to date and accurate data to inform the school organisation process and to enable accommodation to be used to the best effect
- school roll projection for future demand of school places
- ensuring that admission arrangements are applied effectively

However, it is important to highlight that it is not realistic and possibly undesirable to aim for a perfect match of pupils and places at each school as not all unfilled places are surplus and not all surplus places can be removed in a cost-effective way.

4.10 Primary Schools

Following London's rapid population growth, in 2013, Croydon experienced an unexpected drop in birth rate. In Croydon, the birth rate dropped by 5% which later impacted the 2017/18 Reception intake. Between 2014 and 2016, Croydon's birth rate recovered however, since 2017, the rate has consistently fallen each year. This is expected to affect the 2021/22 – 2023/24 Reception cohorts

4.11 Croydon has six educational planning areas – North West, East, Central, South East, South, South West - for the primary phase pupil of place planning; each with its own distinct demographic profile and migration patterns. A significant number of schools in the North West planning area have experienced the biggest fall in the demand resulting in the highest number of surplus places. To date, 1260 places have been removed, across primary year groups (Reception – Year 6). Most of these unfilled places, were in the North West and East planning area.

4.12 For the 2021/22 academic year - the percentage of first preference offers is up by 1% this year to 85%. The percentage of parents/carers receiving one of their first three preference schools is 96.5% (96% last year). There also has been a decrease of 7.12% in the number of primary applications received on-time with 4472 pupils applied for primary school places, compared to 4815 in 2020.

4.13 The demand for places in Croydon's primary phase is not restricted to the rising 5's, nor does the on-time admissions round adequately provide an accurate picture of the number of places that will be required during the following education year. 'In year' applications create an all year pressure to find additional places, and since families who make these applications characteristically have young families with primary aged children, there is a continued pressure across the whole primary estate.

4.14 Secondary Schools

There are two secondary educational phase planning areas, North and South, which reflect home to school journeys tend to travel further to school independently due to good transport links.

4.15 The majority of the additional primary aged pupils have now moved through the year groups and transitioned into the secondary phase. Within three years, the bulge will have fully transitioned and the drop in demand that was seen by primary schools will be felt in the secondary phase. Between 2014 and 2019, Croydon's transition rate fell from 90% to 84%. For the 221/22 academic year, 60% of applicants received their first preference school and 84% one of their first three preference schools – this is a decrease in comparison to the previous year. The contributory factors for the decrease in the percentage of parents receiving a place at their first preference could be that parents/carers were not able to attend open events in person and based their decision when selecting school preferences on Ofsted reports. There has been an increase by 2.1% in the number of secondary applications received for the 2021 intake (compared to 2020). 4667 pupils applied for secondary school places in 2021, compared to 4571 in 2020. Across the secondary school estate, 180 Year 7 additional places were created through a new free secondary school in the North for 2020/21.

4.16 Mainstream / Community schools

A mainstream school is a maintained school or academy which is not a special school. A Community School is a school that is controlled and run by the Local Authority (LA). The LA owns the land/building and determines the admission arrangements. Croydon has a total of 87 mainstream primary schools of which 22 are maintained / community schools. None of Croydon's 23 secondary schools are maintained by the Local Authority.

4.17 Academy Conversion

Academies and free schools are state-funded, non-fee-paying schools in England, independent of local authorities. They operate in accordance with their funding agreements with the Secretary of State. Where the Secretary of State makes an Academy Order under the Academies Act 2010, the local authority (LA) is obliged to cease to maintain the school following conversion. The council is legally obliged to transfer the school to the relevant Academy under a 125 year lease with an associated Commercial Transfer Agreement (CTA).

4.18 Kenley Primary school has changed its status to an academy, and it is now part of The Collegiate Trust, effective 1st September 2021. The lease and CTA for Kenley has been agreed between the Council's in-house legal team and the solicitors acting for The Collegiate Trust.

4.19 School Maintenance

Local Authorities have responsibility to maintain school buildings so that they are safe, warm and weather tight and provide a suitable learning environment, including dealing with emergencies promptly and effectively and managing and procuring maintenance works efficiently. The Council is responsible for the larger condition and maintenance works in maintained schools.

4.20 As part of the schools planned maintenance programme (which includes electrical, mechanical and general build works) a certain reduction in CO2 emissions is achieved as a result of replacing electrical/mechanical equipment which is at the end of its lifetime with new efficient equipment. During last year's programme, the Council took the initiative of completing feasibility studies and

heat decarbonisation plans at four schools in the borough to explore suitable low carbon heating systems such as Ground source heat pumps, Air source heat pumps, the installation of photovoltaic panels and improving the fabric of the schools' buildings. A number of suitable options have been proposed as part of the feasibility studies, however the challenge continues to be that adopting such measures requires additional funding and forward planning.

- 4.21 There are a number of funding schemes that are available to fund heat decarbonisation and energy efficiency measures (provided that the criteria is met); last year we were successful in obtaining funding from the Public Sector Decarbonisation Scheme to aid with the installation of LED lighting in 3 schools. The next steps would be to carry out further feasibility studies, following the review of the schools condition surveys which were completed in 2021, to establish in which schools energy efficiency measures can be adopted (which meet the criteria of the public sector decarbonisation funding schemes) to enable the Council to apply for further funding to supplement the planned maintenance programme's budget to deliver such measures.
- 4.22 The condition of some of the education estate has improved due to investment in the refurbishment of the building fabric and maintenance / replacement of electrical and mechanical equipment. However, as school buildings age, they present age related issues and the cost of maintaining them is increasing steadily. In addition, some of the buildings are nearing the end of their lives and structural issues are beginning to emerge.
- 4.23 The 2022/23 annual maintenance capital budget (Appendix 4) currently stands at £3.7m which is sufficient to only undertake the highest ranked projects; those categorised as the worst defects and designated D1 in the condition survey report. The council retains a percentage of its annual maintenance capital budget to address unexpected and urgent works in schools.
- 4.24 The School's Maintenance plan (Appendix 4) has been developed using information from condition surveys commissioned by the Council. These surveys are comprehensive and identify costed items across each school rated from A (good condition) to D (poor condition) as well as assessing the urgency of each (on a scale of 1 to 4, with 1 being the most urgent). School Condition surveys have been undertaken in 2021, they will be reviewed and validated to inform the 5 next years school maintenance programme.
- 4.25 Asbestos Management in Community Schools
Where asbestos is present, the council will take the following steps to manage the asbestos in our schools ensuring they have the following:
- a) Management survey of asbestos-containing materials (ACMs)
 - b) Assess the risks associated with ACMs.
 - c) A plan for managing asbestos.
 - d) Ensure staff and visitors know the risks and precautions they need to take.
 - e) Keep the management of asbestos under continuous review
- 4.26 Statutory compliance Inspections
Both the Council and maintained schools are required to ensure school buildings are meeting the statutory standards by regularly undertaking statutory

tests which includes Legionella Risk Assessment, Gas Safety Checks, Fire Alarm tests, NICEIC 5 Year Periodic Inspections, NICEIC Emergency Lighting, Fire Risk Assessment and Asbestos Management. The Council ensures that the policies and the condition of the school estate are compliant with appropriate legislation by requesting and checking the relevant certification.

4.27 Fire Safety

Cabinet approved an additional £3m from 2018/19 through to 2019/20, extended to 2020/21 to undertake fire safety remedial works at schools for which it is the responsible body. This works programme will now conclude in 2022/23 due to challenges that have arisen in delivering the works on-site. The works are progressing well across the estate with significant progress made in 2020/21. The remaining works are currently being reviewed against other planned / agreed works to ensure the works are coordinated and minimise disruption to teaching and learning.

4.28 Special Educational Needs and Disability (SEND)

The new Addington Valley Academy Special School opened in September 2021. It provides a school and setting of high quality and currently supports 80 children and young people across Reception and Key Stages 1 – 3. In addition, OHCAT also supports Post 16 students on a 2 year programme within the school. The school will expand to 120 places for Croydon children and young people from September 2022.

4.29 The new St Nicholas school provides outstanding facilities for the school population and has extended place numbers for September 2021 by 15. There is further growth planned of 20 places for September 2022 and 2023.

4.30 Croydon College Coulsdon Pathways provision for students with SEND aged 19-25 is now in its fourth year and has been a great success. The accommodation to support the delivery of this programme is in place until September 2022 to allow time for provision options to be further explored.

4.31 Development of St. Giles to become a 2-19 aged provision has progressed with relevant staff TUPE processes completed. The Early Years specialist nursery is now housed in the modular build which provides a high quality environment at the heart of the school.

4.32 The review of the SEND estate – Red Gates / St. Giles / Priory - in terms of its quality, safeguarding and feasibility as approved by Cabinet in January 2020 is underway. A conditions survey has been undertaken and the report is now under consideration.

4.33 All of the aforementioned SEND Estates strategies are contributing positively to the development of local provision maintaining some of our most challenging and vulnerable children and young people with SEND within their families and communities. In turn, this contributes to the High Need Fund Recovery Plan as agreed previously by Cabinet.

4.34 Early Years

Under the Childcare Act 2006 local authorities have a statutory duty to secure sufficient childcare for the needs of working parents/carers in their area. The

Council's duties around inclusion birth to five are detailed in the Children and Families Act 2014, (section 2 Childcare Act 2016).

4.35 For the purposes of this assessment the supply of formal childcare includes private day nurseries, pre-schools, schools with nursery provision, childminders (funded childminders are accredited to deliver the free entitlement on behalf of the local authority), out of school clubs and holiday clubs. In total, there are 739 childcare providers in our local authority, offering 14,667 childcare places.

4.36 In Croydon there are an estimated 17 childcare places per 100 children based on 86,290 children aged 0 to 14 years. Ofsted's national figures as at 31.8.20 state that the proportion of childcare providers on the Early Years Register judged to be good or outstanding was 96%.

4.37 Alternative Provision / Pupil Referral Unit (PRU)

Under Section 19 of the Education Act 1996 the Local Authority has a statutory duty to make arrangements for the provision of suitable full time education to those pupils who are unable to attend a mainstream school due to illness, exclusion or otherwise.

4.38 In this context, Alternative Provision in Croydon is provided by separate specialist providers for each of the Primary and Secondary settings, a Medical Tuition Service and the London Borough of Croydon supplement this with provision commissioned from the independent sector as required. The number of commissioned places from the Independent Sector varies according to need. All of this place funded provision is good or outstanding. The number of places available at each setting is:

- Medical 90 places
- Primary 48 places
- Secondary 190 places

5. CONSULTATION

5.1 Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period.

6. PRE-DECISION SCRUTINY

6.1 This report will go to a Scrutiny meeting.

7 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

7.1 **Revenue and Capital consequences of report recommendations**

	Budget	Medium Term Financial Strategy – 3 year forecast		
	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000
Capital Budgets				
Permanent expansions	425	44	0	0
FTE / Bulges	69	3,243	0	0
SEN provision	11,109	2,226	506	0
Major Maintenance	2657	9,261	2,558	0
Fire Safety Works	450	902	0	0
Other schemes	454	0	0	0
Effect of decision from report (Total)	15,164	15,676	3,065	0
Funding sources				
School Condition Allocation	3,107	10,163	2,558	0
Special Provision Capital Funding	1,833	1,689	147	0
Basic Need Funding	949	3,287	0	0
ESFA	5,934	210	0	0
S106	240	0	0	0
Borrowing	2,801	0	0	0
CIL	300	327	360	0
Total	15,164	15,676	3,065	0

- 7.1.1 The table above details the Education Capital Programme for the current and future three financial years and the associated funding sources. The spend in the 2022/23 and 2023/24 may increase dependent on the outcome of the following:
- The completion of the Condition Surveys across all of our community schools. This will determine the required level of funding over the coming years to ensure that our schools are compliant and safe.
 - Conclusion of the viability study of the SEN estate; Red Gates, Priory and St Giles.
 - The outcomes of the Croydon Local Plan Consultation.
- 7.1.2 A detailed breakdown of the projects can be found in Appendix 4 to this report. With a further detailed breakdown of the Schools' Maintenance Programme in Appendix 3.
- 7.1.3 The ESFA have commissioned Croydon to lead on the delivery of the new

special free school - Addington Valley Academy (on Timebridge site). This project is predominately funded by the ESFA. Both the expenditure and funding for this project is detailed in the table above and the project is listed in Appendix 3.

7.2 The effect of the decision

7.2.1 The use of the free schools route to provide new school places within the borough in the future will result in a reduction in the requirements for future capital funding from the council as this will be funded by central government.

7.3 Risks

7.3.1 Due to the nature of this programme there is a risk that projects may overspend and regular monitoring of all projects and the programme will be undertaken and reported to this Cabinet as part of the quarterly financial monitoring reports.

7.4 Future savings/efficiencies

7.4.1 If additional free school providers are interested in opening schools in Croydon, the cost to the Council could be reduced further in the future years. Also the Council's borrowing requirement may also be reduced if any further funding is allocated by the Department for Education. The fall in birth rate and associated demand for school places would however result in reduced demand and this would be monitored closely to make future savings.

7.4.2 The provision of more school places within the borough will result in a reduction in the need for young people to travel outside of the borough, which will result in financial savings to the SEND budget.

Approved by: Phil Herd, Interim Head of Finance, CYPE

8. LEGAL CONSIDERATIONS

8.1 School place planning duties (s13-14 Education Act 1996).

8.2 The Council as an education authority has a duty to promote high standards of education and fair access to education. It also has a general duty to secure sufficient schools in their area, and to consider the need to secure provision for children with SEN. This should be sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. This includes a duty to respond to parents' representations about school provision. These are referred to as the school place planning duties.

Approved by: Petrena Sharpe, Interim Head of Social Care & Education Law, on behalf of Interim Director of Legal Services & Interim Deputy Monitoring Officer.

9. HUMAN RESOURCES IMPACT

9.1 There are no direct HR implications arising from this report. Any resultant future increases or changes in staffing will be handled by schools' governing

bodies in accordance with the appropriate school/council policy and procedures.

Approved by: Gillian Bevan, Head of HR – Resources and Assistant Chief Executives

10. EQUALITIES IMPACT

- 10.1 An equality analysis has been undertaken as part of the January 2022 report to help us to understand whether people with protected characteristics, as defined by the Equality Act 2010, will be disproportionately affected by the proposed changes and recommendations in the Education Estates Strategy report.
- 10.2 The proposed changes in this report will help the Council meet its statutory duty to provide sufficient school places for protected and non-protected groups. Croydon schools provide diverse educational provision in terms of type/category, size and educational sponsors. These include special schools, enhanced learning provisions at mainstream schools; and Academies /Free Schools. Pupils are allocated a school place based on the admissions criteria which aims to promote fair access to schools and are compliant with the School Admissions Code.
- 10.3 The proposed strategy supports the Council's Equality and Inclusion Policy by extending the existing provision to accommodate students with an SEND need. This will support Croydon's aspiration to:
- Make Croydon a place of opportunity and fairness by tackling inequality, disadvantage and exclusion.
 - Promote provisions that close gaps in educational attainment by working with local businesses and community groups to enable people of all ages to reach their full potential through greater opportunity to access to quality schools and learning.
 - Work in partnership to lift people out of poverty by increasing employment opportunities across the borough ensuring local people have a pathway into employment, education and training.
- 10.4 The proposed strategy supports the Council's general equality duty to have due regard to the need to eliminate unlawful conduct under the Equality Act 2010; to advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not.
- 10.5 The equality analysis indicates that the proposed changes and recommendations will not negatively impact on any groups that share protected characteristics and that no major change is required as the strategy meets the general and specific equality duties as required by the Equality Act. An Equality Analysis Impact is attached at Appendix 6. Furthermore there is a written commitment in the Equality Analysis to continue to keep the strategy under review and make changes as appropriate should the need arise.

Approved by: Denise McCausland, Equality Programme Manager

11. ENVIRONMENTAL IMPACT

- 11.1 Through the delivery of the Education Capital Programme of works the Council will strive to deliver energy efficient solutions through design and construction methodologies with the intention to reduce energy use and associated carbon emissions in our schools.
- 11.2 The Council will work with schools to monitor the energy performance post works so that this can be captured in lessons learnt for future projects

12. CRIME AND DISORDER REDUCTION IMPACT

- 12.1 Children being in school will help prevent criminal and anti-social behaviour or being victim of such behavior and reduce the number of children and young people in the criminal justice system.

13. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 13.1 The recommendations of this report are set out to ensure that the Council is compliant with its statutory duties as an education authority:
- School Place Planning (s13-14 Education Act 1996) to promote high standards of education and fair access to education; secure sufficient primary and secondary education, including SEN to meet the needs of the population of its area
 - School Admissions (School Admission Code 2014) to determine the Admission Arrangements for its community schools annually
 - School Maintenance - school buildings meet the minimum standard and premises are maintained so that they provide a suitable learning environment.

14. OPTIONS CONSIDERED AND REJECTED

- 14.1 In relation to mainstream schools, there are no confirmed plans to deliver any new/additional mainstream school places. A review of demand will be undertaken following consultation and decision on the Local Plan to ensure that any potential increase in demand is included in future pupil place projections. Future demand for new schools will be delivered through the free school route.

15. DATA PROTECTION IMPLICATIONS

- 15.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

No.

- 15.2 **HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?**

No.

This report does not include any personal data.

The Director of Education comments that this report is an overview of education estates and does not contain any personal data.

Approved by: Shelley Davies, Director of Education, Children Families and Education

CONTACT OFFICER:

Denise Bushay – Head of Service, School Place Planning, Admission and Early Years, 07850882628; Kathy Roberts – Interim Head of 0-25 SEN Service, 0208 604 7263

APPENDICES TO THIS REPORT:

Appendix 1 – Community Schools Admission Arrangements
Appendix 1a – Pan London Co-ordination – Reception and Junior
Appendix 1b – Pan London Co-ordination – Secondary
Appendix 2 – Available Primary School Places vs SCAP 2021 Pupil Projections
Appendix 2a - Available Secondary School Places vs SCAP 2021 Pupil Projections
Appendix 3 – Capital Programme Budget Summary
Appendix 4 - Schools Maintenance Plan
Appendix 5 – Early Years Childcare Sufficiency Assessment report
Appendix 6 – Equality Impact Assessment

BACKGROUND DOCUMENTS:

None

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DRAFT - Community Schools Admission Arrangements 2023/24

The criteria outlined below apply only to Croydon community schools.

Should any community school convert to academy status prior to September 2023, the admissions arrangements will apply as published below unless stated otherwise in their funding agreement.

Where the number of applications for a community school is higher than the published admission number, the following criteria will be applied in the order set out below to decide the allocation of places:

Children with an Education, Health & Care Plan (EHCP) that names a school will be admitted to the school before the admissions criteria are applied to all other applicants. (See note 7)

1. **Looked-after children and previously looked-after children** (see Note 1).

2. **Linked schools**

Children who are on the roll of their linked infant school at the time of application. (see Note 2).

3. **Siblings:**

Children with a brother or sister who will be in attendance at the school or the linked infant/junior school at the time of enrolment of the new pupil (see Note 3).

4. **Exceptional medical need:**

Pupils with a serious medical need for attending a particular school. (See Note 4)

Supporting professional evidence must provide specific reasons why a particular school is the only school that can meet your child's needs and the detriment that would be caused if your child had to attend another school. Your application must be supported by a GP or consultant.

For primary age children, their need to attend a particular school because of a parent's serious and continuing medical condition may also be relevant.

Supporting evidence should be set out on the medical form which is available online at: <https://www.croydon.gov.uk/education/schools-new/school-admissions/applications-due-to-a-medical-need> and both the completed medical form and the supporting evidence from the GP or consultant must be submitted with the application (see Note 4).

By submitting your evidence to the local authority you consent to this information being shared with the local authority's medical advisor.

5. **Distance:**

Priority will be given to pupils living nearest to the school as measured in a straight line (see Notes 5 and 6).

Tiebreaker

In the event that the number of applications for places exceeds the number of places available, after application of the admissions criteria, distance will be used to decide between applications. Where distance is the same for two or more applications the authority will use random allocation.

Note 1: Looked-after children are defined as 'children in public care at the date on which the application is made'. Previously looked-after children are children who were looked after, but ceased to be so because they were adopted or became subject to a child arrangements order or special guardianship order, immediately after being looked-after. This includes children who appear to have been in state care outside of England and ceased to be in state care as a result of being adopted.

A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation or any other provider of care whose sole or main purpose is to benefit society.

If an application is made under the 'looked-after' criterion, it must be supported by:

- a letter from the relevant local authority children's services department and/or relevant documents or
- evidence which demonstrates that a child was in state care outside of England and left that care as a result of being adopted.

Note 2: This criterion does not include siblings on the roll of the infant school's nursery class, if it has one.

A list of all infant and junior schools is provided in the table below. The shaded schools are their own admission authority, therefore, please refer to the individual school's admissions policy.

Linked Infant School	Linked Junior School
Beulah Infant	Beulah Junior
Elmwood Infant	Elmwood Junior
The Minster Nursery and Infant	The Minster Junior
Park Hill Infant	Park Hill Junior
St Joseph's Catholic Infant and Nursery	St Joseph's Catholic Junior
St Mary's Catholic Infant	St Mary's RC Junior
Whitehorse Manor Infant and Nursery	Whitehorse Manor Junior
Winterbourne Infant	Winterbourne Junior Girls
Winterbourne Infant	Winterbourne Junior Boys

Note 3: A sibling is defined as a brother or sister, half-brother or sister, step brother or sister, foster-brother or sister or adopted brother or sister whose main residence is the same address as the child for whom the school place application is being made.

Children with siblings allocated a place in the Reception or Year 3 class at a linked junior school to start in September will be eligible for priority under the sibling criterion from 1 August each year when this local authority opens waiting lists for the new academic year.

In the case of in-year admissions, eligibility for sibling priority will apply at the time of an offer.

This criterion does not include siblings on the roll of the school's nursery class, if it has one.

Note 4: All schools have experience in dealing with children with a range of medical needs and all schools are required to make reasonable adjustments in order to do this.

In a very few exceptional cases however, there may be reasons why a child needs to attend a specific school and this could be due to the child's medical need or the medical condition of the parent or the main carer with responsibility for the child. Providing evidence does not guarantee that a child will be given priority at a particular school and in each case a decision will be made based on the merits of the case and whether the evidence demonstrates that a placement should be made at one particular school above any other.

If you feel there are exceptional reasons for your child to be considered for a priority placement at a particular school, you must indicate this in the section provided in your application, and complete the medical form which is available online at: : <https://www.croydon.gov.uk/education/schools-new/school-admissions/applications-due-to-a-medical-need> setting out the reasons to support your case.

All requests for priority consideration on medical grounds must be supported in writing by a doctor or consultant and this must make clear which school you are making a

special case for, the reason why it is necessary for your child to attend this school in particular, and the difficulties it will cause for your child to attend another school.

It is for you to decide how to support your case and what documents to provide but these must be submitted, together with the completed medical form and supporting statement by the GP/consultant, by the closing date of **15 January 2023**. The admissions team is not responsible for chasing you to submit medical evidence or for contacting professionals for information about your case. Any decision will be based on documents you submit by the closing date.

The local authority, using guidance received from Croydon's admissions panel (this is comprised of professionals from health and education), will decide whether an application for a school is to be prioritised on medical grounds, in light of the medical evidence submitted by the parent for their child to attend a particular school. Claims for priority of admission on medical grounds submitted after a decision on the original application has been made will only be considered if the documents submitted were not readily available at the time of application or if they relate to a new medical condition. Any submission made after the initial application must be supported by details of how the circumstances have changed since the original application and by further professional evidence.

Applicants who submit supporting information on medical grounds will not be advised whether their application is likely to be successful prior to the offer of places on 17 April 2023. If evidence is received after the closing date of 15 January 2023, it will not be taken into account until after places have been offered on 17 April 2023.

Note 5: 'Home' is defined as the address where the child normally resides Monday to Friday as their only or principal residence.

Addresses involving child-minding (professional or relatives) are excluded. There have been occasions when parents/carers have tried to use false addresses to obtain a place at a school. To prevent this happening, Croydon Council undertakes checks using an address verification tool called Datatank. If after these checks have taken place we cannot be satisfied that the address is the parent and child's normal place of residence, the parent/carer will be asked to provide further proof of their home address. In this instance two forms of address verification will be required: a solicitor's letter confirming completion of contract or a tenancy agreement along with a recent utility bill in the applicant's name.

If the parent/carer is found to have used a false address or deliberately provided misleading information to obtain a school place, the offer will be withdrawn.

Should there be doubts about the address to be used, parents/carers may be asked to provide evidence concerning the child's normal place of residence. This could include a court order stating where the child should live during the course of the week. The local authority would expect that the parent/carer with whom the child is normally resident receives the child benefit for the child. If the residence is split equally between both parents, the home address may be determined to be the address where

the child is registered with the doctor. This may be used to determine the normal place of residence for the purpose of measuring the home to school distance.

If parents/carers have more than one property they may be required to provide proof of the normal place of residence for the child.

The processing of applications outside England for admission to school within the normal admissions rounds (excluding Crown servants)

Applications with an address outside England can only be accepted for processing when this local authority is satisfied that there is **evidence of a link to an address in its area** and that **the child will be resident at that address on or before the date of admission** (i.e. start of September). Such evidence must include:

- Booked travel tickets and
- End of lease/notice to tenants in Croydon property or
- Start of employment contract in the Croydon area or
- End of employment contract abroad

The address outside England will apply until such time as there is evidence of a child's return to the linked address. In the event that a family does not return to the linked address provided by the start of September, this local authority will withdraw the application submitted and any offer made.

Note 6: The distance will be measured in a straight line from the child's home address to the designated entrance(s) of the school using a computerised measuring system (GIS) and geographical reference points as provided by the National Land and Property Gazetteer (NLPG). Those living closer to the school will receive higher priority.

If a child lives in a shared property such as flats, the geographical references will determine the start point within the property boundaries to be used for distance calculation purposes.

Distance measurements can be obtained using various internet sources however these do not replicate the system used by Croydon Council. Additionally, the distance measurement which can be obtained from the Croydon website using the 'Find It' link on the home page will not always be identical to that of the measurement obtained using the Croydon school admissions measuring tool (known as GIS) as the 'Find It' link is set up to measure to a range of council facilities and is not set up to measure for school admission purposes. It also does not give measurements to three decimal points.

Note 7: Education, Health and Care Plan

An Education, Health and Care plan (EHCP) is an integrated support plan for children and young people with complex special needs and disabilities. The plan gives a detailed description of the range of difficulties a child is facing and the level and type of provision required to help the child make progress and achieve positive outcomes.

Child minding arrangements:

Child-minding cannot be taken into account when allocating places at oversubscribed community schools.

Children attending a nursery class attached to an infant or primary school

Parents of children attending the nursery class at an infant or primary school must apply for a reception class place in the usual way. These children are not guaranteed a reception place at the school where they are attending the nursery class.

All applications are considered strictly in accordance with a school's admission criteria. Unless otherwise stated, children on the roll of a school's nursery class are not given priority admission into a reception class.

Twins/triplets or other multiple births for admission into an infant class

If you are applying for twins, or children from a multiple birth, and there is only one place available at the school, legislation allows us to admit them all i.e. all siblings from a multiple birth.

Waiting lists

If you are offered a place at a school through the in-year admissions process and you have also expressed a higher preference for another school or other schools, you will not be placed on the waiting list for your higher preference school/schools. You may request for your child to be added to the waiting list by completing a new in-year application form using the online parent portal on the website.

In-year waiting lists are maintained for one academic year and applicants who have been unsuccessful for their preferred school(s) and who wish to remain on the waiting list are required to re-apply the following academic year.

Waiting lists for community schools for applicants who applied as part of the main admissions rounds are held for the first term of the reception year and thereafter, applicants are required to complete the local authority's in-year online application form if they wish to remain on the waiting list.

Admission of children below compulsory school age deferred entry to school

Parents can defer the date their child is admitted to the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which the application was made. Parents can also take up a part-time place until later in the school year but not beyond the point at which they reach compulsory school age.

A child reaches compulsory school age the term after their fifth birthday. Therefore, if you are offered a reception class place at a school, you can opt to defer your child's start date, but they MUST start full time school following their fifth birthday by the dates given below:

- Children born on or between 1 September and the end of December must start full time school by the beginning of the spring term in January
- Children born from 1 January to the end of March must start full time school on 1 April
- Children born from 1 April to the end of August must start school at the beginning of the autumn term in September.

The local authority's expectation is that a child born between 1 April and 31 August should start the reception class at the beginning of the summer term at the latest. However, parents may choose that their child does not start school until the September (beginning of the autumn term) following their fifth birthday. Parents must note the place cannot be held open beyond the summer term, this will mean that as their child will be a year one pupil when they join, parents will need to apply for a year one school place, using the in-year application form.

Admission of children outside their normal age group

Parents may request that their child is exceptionally admitted outside their normal age group. The admission authority will decide whether or not the individual child's circumstances make this appropriate on educational grounds.

It is the expectation of Croydon Council that a child is educated alongside his/her age equivalent peers, in almost all cases. We would strongly advise that all children enter into their normal year group. The responsibility for addressing individual educational needs lies with the school through an appropriately differentiated and enriched curriculum.

Parents must submit their request for their child to be educated outside their normal year group by completing the local authority online form at:

<https://www.croydon.gov.uk/education/schools-new/school-admissions/admission-outside-of-normal-year-group/admission-outside-normal-year-group-request>

Parents should include evidence from a relevant professional detailing their child's needs and circumstances which make education outside the normal age group necessary. This could include:

- Evidence from a health or social care professional who is involved in the care or treatment of the child e.g. speech and language therapist, social worker, paediatrician.
- The view of any nursery or other early years setting the child attends and any records of the child's development.

- The progress the child has made in an early years setting, including the rate of progress.
- Whether the child's premature birth has caused health problems or developmental delays that mean the child would benefit from a delayed school start.

Decisions are made on the basis of the circumstances of each case and in the best interest of the child. This will require the admission authority to take account of the child's individual needs and abilities and to consider whether these can best be met in reception or year one. It will also involve taking account of the potential impact on the child of being admitted to year one without first having completed the reception year. The admission authority will consider:

- Parents' views.
- Information relating to the child's academic, social and emotional development, where relevant medical history and the views of a medical professional.
- Any previous history of a child being educated outside of their normal age group.
- If a child was born prematurely, the age group the child would have fallen in if the child had been born on time.
- Views of the head teacher of the school(s) concerned.

PAN-LONDON CO-ORDINATED ADMISSION SYSTEM

Template LA Schemes for Co-ordination of Admissions to Reception/Junior in Maintained Schools and Academies in 2023/24

Contents

Page 2: Definitions used in this document

Page 5: Template scheme for co-ordination of admissions to Reception in September 2023

Page 14: Content of Common Application Form - Reception Scheme (Schedule 1)

Page 15: Template outcome letter -Reception Scheme (Schedule 2)

Page 17: Timetable for Reception Scheme (Schedule 3B)

PAN-LONDON CO-ORDINATED ADMISSION SYSTEM

Template LA Schemes for Co-ordination of Admissions to Reception/Junior in 2023/24

Definitions used in the template schemes

“the Application Year”	the academic year in which the parent makes an application (i.e. in relation to the academic year of entry, the academic year preceding it).
“the Board”	the Pan-London Admissions Executive Board, which is responsible for the Scheme.
“the Business User Guide (BUG)”	the document issued annually to participating LAs setting out the operational procedures of the Scheme.
“the Common Application Form”	this is the form that each authority must have under the Regulations for parents to use to express their preferences, set out in rank order.
“the Equal Preference System”	the model whereby all preferences listed by parents on the Common Application Form are considered under the over-subscription criteria for each school without reference to parental rankings. Where a pupil is eligible to be offered a place at more than one school within an LA, or across more than one participating LA, the rankings are used to determine the single offer by selecting the school ranked highest of those which can offer a place.
“the Highly Recommended Elements”	the elements of the Template Scheme that are not mandatory but to which subscription is strongly recommended in order to maximise co-ordination and thereby simplify the application process as far as possible.
“the Home LA”	the LA in which the applicant/parent/carer is resident.
“the LIAAG Address Verification Register	the document containing the address verification policy of each participating LA.
“the Local Admission System	the IT module for administering admissions in

(LAS)”	each LA and for determining the highest offer both within and between participating Las.
“the London E-Admissions Portal”	the common online application system used by the 33 London LAs and Surrey County Council.
“the Maintaining LA”	the LA which maintains a school, or within whose area an academy is situated, for which a preference has been expressed.
“the Mandatory Elements”	those elements of the Template Scheme to which authorities must subscribe in order to be considered as ‘Participating Authorities’ and to benefit from use of the Pan-London Register.
“the Notification Letter”	the agreed form of letter sent to applicants on the Prescribed Day which communicates any determination granting or refusing admission to a primary or secondary school, which is attached as Schedule 2.
“the Prescribed Day”	the day on which parents/carers outcome are notified of their outcome. 16 April in the year following the relevant determination year except that, in any year in which that day is not a working day, the prescribed day shall be the next working day.
“the Pan-London Register (PLR)”	the database which will sort and transmit application and outcome data between the LAS of each participating LA.
“the Pan-London Timetable”	the framework for processing of application and outcome data, which is attached as Schedule 3.
“the Participating LA”	any LA that has indicated in the Memorandum of Agreement that they are willing to incorporate, at a minimum, the mandatory elements of the Template LA Scheme presented here.
“the Qualifying Scheme”	the scheme which each LA is required to formulate in accordance with The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012, for co-ordinating arrangements for the admission of children to

maintained primary and secondary schools
and academies.

PAN- LONDON CO-ORDINATED ADMISSIONS SYSTEM

Template LA Scheme for Co-ordination of Admissions to Reception/Junior in 2023/24

All the numbered sections contained in this scheme are mandatory except those marked with an which are highly desirable.*

Applications

1. Applications from residents of Croydon LA will be made on this LA's Common Application Form, which will be available and able to be submitted on-line. This will include all the fields and information specified in Schedule 1 to this Template LA Scheme. These will be supplemented by any additional fields and information which are deemed necessary by this LA to enable the admission authorities in the LA area to apply their published oversubscription criteria.
2. Croydon LA will take all reasonable steps to ensure that every parent/carer who is resident in this LA and has a child in a nursery class within a maintained school or academy - in this LA or any other maintaining LA - is informed about how they can access Croydon LA's composite prospectus and apply online. Croydon LA also uses libraries, schools, early years' providers, social media to advertise the closing date for applications. Additionally, this LA offers parents support and assistance with their online application at schools and its offices. Parents/carers who do not live in Croydon LA will have access to Croydon LA's composite prospectus on the Council's website. It will advise parents/carers to contact their home LA for further information on the application process.
3. The admission authorities within Croydon LA will not use supplementary information forms except where the information available through the Common Application Form is insufficient for consideration of the application against the published oversubscription criteria. Where supplementary information forms are used by the admissions authorities within this LA, Croydon LA will seek to ensure that these only collect information which is required by the published oversubscription criteria, in accordance with paragraph 2.4 of the School Admissions Code 2021.
4. Where supplementary information forms are used by admission authorities in Croydon LA, they will be available on this LA's website, on the school's website, or a paper copy of the supplementary information form can be requested directly from the school. Such forms will advise parents that they must also complete their home LA's Common Application Form. Croydon LA's composite prospectus and website will indicate which schools in this LA require supplementary forms to be completed and where they can be obtained.

5. Where a school in Croydon LA receives a supplementary information form, this LA will not consider it to be a valid application unless the parent/carer has also listed the school on their home LA's Common Application Form, in accordance with paragraph 2.3 of the School Admissions Code 2021.
6. *Applicants will be able to express a preference for up to six maintained primary schools or academies within and/or outside the Home LA.
7. The order of preference given on the Common Application Form will not be revealed to a school within the area of this LA to comply with paragraph 1.9 of the School Admissions Code 2021. However, where a parent resident in this LA expresses a preference for schools in the area of another LA, the order of preference for that LA's schools will be revealed to that LA in order that it can determine the highest ranked preference in cases where an applicant is eligible for a place at more than one school in that LA's area.
8. Croydon LA undertakes to carry out the address verification process set out in its entry in the LIAAG Address Protocol. This will in all cases include validation of resident applicants against Croydon LA's maintained nursery and primary school data and the further investigation of any discrepancy. Where Croydon LA is not satisfied as to the validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA no later than **10 February 2023**.
9. Croydon LA will confirm the status of any resident child for whom it receives a Common Application Form stating s/he is currently or previously a 'Child Looked After' and will provide any additional evidence on receipt of a reasonable request by the maintaining LA in respect of a preference for a school in its area by **3 February 2023**.
10. Croydon LA will advise a maintaining LA of the reason for any application which is made in respect of a child resident in the area of this LA to be admitted outside of their correct age cohort, and will forward any supporting documentation to the maintaining LA by **3 February 2023**.

Processing

11. Applicants resident within Croydon LA must submit their online Common Application Form to this LA by **15 January 2023**.
12. *Supplementary Information Forms for schools in Croydon LA must be returned directly to the relevant school by the date specified by the school.* Under the requirements of the scheme, parents/carers will not have to complete a supplementary information form where this is not

strictly required for the governing body to apply their admission criteria or where this is not a requirement in a school's admission arrangements.

13. *Schools that require a supplementary information form will check that a supplementary information form has been completed for each child. Schools will contact parents/carers who have not completed a supplementary information form. Schools will also check that parents/carers who have completed a supplementary information form have completed the LA's Common Application Form. If a parent has not completed a Common application Form, schools will share this information with Croydon LA.*
14. *Admission authority schools will start seeing details of their applications on **21 January 2023**.*
15. *Any changes to the preferences or the order of preference on a Common Application Form made after **15 January 2023** will not normally be considered until after the initial round of allocation – that is after 17 April 2023, unless there is a change of circumstances.*
16. Application data relating to all preferences for schools in the area of a participating LA, which have been expressed within the terms of Croydon LA's scheme, will be up-loaded to the PLR by **3 February 2023**. Supplementary information provided with the Common Application Form will be sent to maintaining LAs by the same date.
17. *Alternative arrangements will be made by Croydon LA to forward applications and supporting information securely to non-participating LAs.*
18. Croydon LA shall, in consultation with the admission authorities within this LA's area and within the framework of the Pan-London timetable in Schedule 3B, determine its own timetable for the processing of preference data and the application of published oversubscription criteria.
19. *Croydon LA will accept late applications only if they are late for a good reason, deciding each case on its own merits. *The latest date that an application that is late for good reason can be accepted for a resident of this LA is **9 February 2023**.*
20. Where such applications contain preferences for schools in other LAs, Croydon LA will forward the details to maintaining LAs via the PLR as they are received. Croydon LA will accept late applications which are considered to be on time within the terms of the home LA's scheme.
21. The latest date for the upload to the PLR of late applications which are considered to be on-time within the terms of the home LA's scheme is **10 February 2023**.

22. *Where an applicant moves from one participating home LA to Croydon LA after submitting an on-time application under the terms of the former home LA's scheme, Croydon LA will accept the application as on-time up until **9 February 2023**, on the basis that an on-time application already exists within the Pan-London system.
23. Croydon LA will participate in the application data checking exercise scheduled between **13 and 17 February 2023** in the Pan-London timetable in Schedule 3B.
24. All preferences for schools within Croydon LA will be considered by the relevant admission authorities without reference to rank order in accordance with paragraph 1.9 of the School Admissions Code 2021. When the admission authorities within Croydon LA have provided a list of applicants in criteria order to this LA, Croydon LA shall, for each applicant to its schools for whom more than one potential offer is available, use the highest ranked preference to decide which single potential offer to make. This is the 'Equal Preference System'.
25. *Own Admission authority schools must provide Croydon LA with the electronic list of their applicants in criteria order by **01 March 2023**.*
26. Croydon LA will carry out all reasonable checks to ensure that pupil rankings are correctly held in its LAS for all maintained schools and academies in this LA's area before uploading data to the PLR.
27. Croydon LA will upload the highest potential offer available to an applicant for a maintained school or academy in this LA to the PLR by **16 March 2023**. The PLR will transmit the highest potential offer specified by the Maintaining LA to the Home LA.
28. The LAS of this LA will eliminate, as a Home LA, all but the highest ranked offer where an applicant has more than one potential offer across Maintaining LAs submitting information within deadline to the PLR. This will involve exchanges of preference outcomes between the LAS and the PLR (in accordance with the iterative timetable published in the Business User Guide) which will continue until notification that a steady state has been achieved, or until **24 March 2023** if this is sooner.
29. Croydon LA will not make any additional offers between the end of the iterative process and **17 April 2023** which may impact on an offer being made by another participating LA.
30. Notwithstanding paragraph 29, if an error is identified within the allocation of places at a maintained school or academy in this LA, Croydon LA will attempt to manually resolve the allocation to correct the error. Where this impacts on another LA (either as a home or maintaining LA) Croydon LA will liaise with that LA to attempt to resolve the correct offer and any multiple offers which might occur. However, if another LA is unable to

resolve a multiple offer, or if the impact is too far reaching, Croydon LA will accept that the applicant(s) affected might receive a multiple offer.

31. Croydon LA will participate in the offer data checking exercise scheduled between **27 March and 6 April 2023** in the Pan-London timetable in Schedule 3B.
32. Croydon LA will send a file to the E-Admissions portal with outcomes for all resident applicants who have applied online no later than **12 April 2023**. (33 London LAs & Surrey LA only).

Offers

33. Croydon LA will ensure that, if there are places available, each resident applicant who cannot be offered a place at one of the preferences expressed on the Common Application Form, receives the offer of an alternative school place in accordance with paragraph 2.12 of the School Admissions Code 2021. *This will usually be the nearest school to the child's home address which has a place available, after the allocation of places has been completed.*
34. This LA's notification of the outcome will include the information set out in Schedule 2.
35. Croydon LA will inform all resident applicants of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, whether they were for schools in the Home LA or in other participating LAs.
36. Croydon LA's notification information will include the information set out in Schedule 2.
37. Croydon LA will, on **17 April 2023**, publish online the outcome of resident applications. Resident applicants who applied online will be able to view the result of their application online as well as accept or decline their offer. *Croydon LA will not send out outcome letters in the post.*
38. *Resident applicants who are not successful in their application will be offered the right to appeal.*

Late applications

39. **Croydon LA will accept late applications as 'on-time' only if they are late for a good reason, deciding each case on its own merits. Examples of what will be considered as 'good reason' include when a single parent has been ill for some time, or has been dealing with the death of a close relative; a family who has just moved into the area or is returning from*

abroad (proof of ownership or tenancy of a property within Croydon LA will be required in these cases). Other circumstances will be considered and each case decided on its own merits and it is expected that all requests of this nature will be supported with evidence.

40. *The latest date that an application, that is late for good reason, can be accepted for a resident of Croydon LA will be **9 February 2023**. The date for an out-borough resident is fixed by the relevant home LA and is likely to be different for authorities outside the PAN London scheme.*
41. *Applications which are late for no good reason and those that are received after 9 February 2023 but before 17 April 2023 will not be considered in the initial allocation round but will be allocated a place after all on-time preferences have been processed. If the application is from a resident of Croydon LA and they cannot be offered a place at one of their preferences, they will be considered for a place at other maintained schools or academies in this LA that have vacancies, in accordance with the school's admission criteria. If the application is from a resident of another LA, their application will only be considered for the schools to which they have applied.*

Post Offer Process

42. Croydon LA will request that resident applicants accept or decline the offer of a place by **2 May 2023**, or within two weeks of the date of any subsequent offer.
43. *If resident applicants do not respond by this date, Croydon LA or the school, where it is its own admission authority, will make every reasonable effort to contact the applicant to find out whether or not they wish to accept the place. Where the applicant fails to respond and the admission authority can demonstrate that every reasonable effort has been made to contact the applicant, the offer of a place be withdrawn.*
44. Where an applicant resident in Croydon LA accepts or declines a place in a school maintained by another LA by **2 May 2023**, Croydon LA will forward the information to the maintaining LA by **9 May 2023**. Where such information is received from applicants after **2 May 2023**, Croydon LA will pass it to the maintaining LA as it is received.
45. Where a place becomes available in an oversubscribed maintained school or academy in Croydon LA's area, it will be offered from a waiting list ordered in accordance with paragraph 2.15 of the School Admissions Code 2021.
46. When acting as a maintaining LA, Croydon LA will place an applicant resident in the area of another LA on a waiting list for any higher

preference school. Where this is not done automatically, it will be done immediately following a request from the home LA.

47. Where a waiting list is maintained by an admission authority of a maintained school or academy in this LA's area, the admission authority will inform this LA of a potential offer, in order that the offer may be made by the home LA.
48. When acting as a maintaining LA, Croydon LA will inform the home LA, where different, of an offer for a maintained school or Academy in this LA's area which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.
49. When acting as a maintaining LA, Croydon LA and the admission authorities within it, will not inform an applicant resident in another LA that a place can be offered.
50. When acting as a home LA, Croydon LA will offer a place at a maintained school or Academy in the area of another LA to an applicant resident in its area, provided that the school is ranked higher on the Common Application Form than any school already offered. ***As a result, any offer held by the applicant resident at a lower preference school will automatically be withdrawn as a higher preference has been offered. Resident applicants who no longer wish to remain on the waiting list for a higher preference school must notify Croydon LA as soon as they receive their initial offer.***
51. ***When acting as a home LA, Croydon will offer a place at a Croydon maintained school or Academy to an applicant resident in its area, provided that the school is ranked higher on the Common Application Form than any school already offered. The lower preference school offered will automatically be withdrawn as a higher preference school has been offered. Resident applicants who no longer wish to remain on the waiting list for a higher preference school must notify Croydon LA as soon as they receive their initial offer.***
52. When acting as a home LA, when Croydon LA is informed by a maintaining LA of an offer which can be made to an applicant resident in this LA's area which is ranked lower on the Common Application Form than any school already offered, it will inform the maintaining LA that the offer will not be made.
53. When acting as a home LA, when Croydon LA has agreed to a change of preferences or preference order, it will inform any maintaining LA affected by the change. In such cases, paragraphs 51 and 52 shall apply to the revised order of preferences.

54. When acting as a maintaining LA, Croydon LA will inform the home LA, where different, of any change to an applicant's offer status as soon as it occurs.
55. When acting as a maintaining LA, Croydon LA will accept a change of preferences or preference order (including reinstated or additional preferences) from home LAs for maintained schools and academies in its area.
56. When acting as a home LA, Croydon will accept applications for additional preferences after National Offer Day before the start of the new term.
57. Croydon LA, when acting as a home LA, will allow applicants to express up to three additional preferences before the start of the new term.
58. When acting as a home LA, Croydon LA will endeavour to fill any vacancies that become available after National Offer Day within four weeks from National Offer Day.
59. This LA's admission authorities will maintain a waiting list for at least one term until 31 December 2023. This LA will accept waiting lists requests from other LAs' residents through the maintaining LA.
60. *Croydon LA will maintain waiting lists for each school in its area with the exception of Voluntary Aided Schools who will maintain their own waiting lists. Croydon LA will notify applicants on the waiting list if a place becomes available. Any lower preference previously offered will be automatically withdrawn if an offer is made at a higher preference school.*
61. *Resident Applicants who receive an offer at their first preference school will only be placed onto a waiting list for a lower preference school in exceptional circumstances which would need to be supported with relevant evidence. In accordance with the Pan London agreement and to ensure that Croydon meets its duty to continue to coordinate admissions beyond National Offer Day and comply with the parents' highest possible preference, Croydon will ensure that waiting lists do not contain lower ranked preferences except where it has received a parent's request for a child to be placed on the waiting list for a lower preference school in exceptional circumstances.*
62. *Resident applicants who receive an offer at their first preference school will be able to apply for lower preference schools at the start of the new term through the in-year admission process.*
63. *Resident applicants who are unsuccessful in receiving an offer at one of their preferred schools will be given the opportunity to make late applications to schools they did not originally apply for.*

64. *Applications received after 17 April 2023 will be added to the waiting lists for the schools in this LA. Waiting lists will be ordered in accordance with each school's admission criteria.*
65. *Admission authorities for each school within Croydon LA will share details of their waiting lists with this LA.*
66. *When a vacancy occurs at a school within this LA, the first child on the waiting list will be considered for the place. Croydon LA will liaise with the admissions authority for the school and advise the parent/carer or home LA of the offer.*
67. *Where the first child is a resident of this LA, Croydon LA will issue notification of the outcome to the parent, provided that the school is ranked higher on the Common Application Form than any other school already offered.*
68. *When acting as a maintaining LA, Croydon LA will inform the home LA, where different, of an offer for a maintained school in this LA's area which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.*
69. *When acting as a maintaining LA, Croydon will not inform an applicant resident in another LA that a place can be offered.*
70. *Own Admission Authority schools within Croydon LA will not inform any applicant that a place can be offered.*
71. *Waiting lists for schools in Croydon LA will be held for the first term of the Reception Year only, until **31 December 2023**. Applicants wishing to remain on a school's waiting list after this date must apply using the LA or school's In- Year Application Form in accordance with each admission authority's arrangements. This is to ensure that this LA has the most up to date information for an applicant, including a correct proof of address as at the time of the new application.*
72. *Waiting lists will be maintained and places allocated as they become available, in accordance with each admissions authority's published admission and oversubscription criteria, and without regard to the date the application was received or when a child's name was added to the waiting list.*

Applications for places in Reception after 31 December 2023 and applications to year groups other than to the Reception class.

73. *Applications for places in Reception after 31 December 2023 and to year groups other than the normal year of entry to primary school will be treated as in-year admissions.*

74. *Applications will be made and considered in line with the schools' admission arrangements. Please refer to Croydon's website and in-year guidance for more information.*
75. *Once an offer is made applicants will only be added to a waiting list if the parent/carer requests this by completing a new in-year application form.*

**PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME
SCHEDULE 1**

**Minimum Content of Common Application Form for Admissions to
Reception/Junior in 2023/24**

Child's details:

Surname

Forename(s)

Middle name(s)

Date of Birth

Gender

Home address

Name of current school

Address of current school (if outside home LA)

Parent's details:

Title

Surname

Forename

Address (if different to child's address)

Telephone Number (Home, Daytime, Mobile)

Email address

Relationship to child

Preference details (x 6 recommended):

Name of school

Address of school

Preference ranking

Local authority in which the school is based

Additional information:

Reasons for Preferences (including any medical or social reasons)

Does the child have an Education, Health and Care Plan Y/N*

Is the child a 'Child Looked After (CLA)'? Y/N

Is the child formerly CLA but now adopted or subject of a 'Child Arrangements

Order or 'Special Guardianship Order'? Y/N

If yes, name of responsible local authority

Surname of sibling

Forename of sibling

DOB of sibling

Gender of sibling

Name of school sibling attends

Other:

Signature of parent or guardian

Date of signature

* Where an LA decides not to request this information on the CAF, it must guarantee that no details of a child with an Education, Health and Care Plan will be sent via the PLR.

PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME

SCHEDULE 2

Template Outcome Letter for Admissions to Reception/Junior in 2023/24

From: Home LA

Date: **17 April 2023**
(prim)

Dear Parent,

Application for a Primary/Junior School

I am writing to let you know the outcome of your application for a primary school. Your child has been offered a place at X School. The school will write to you with further details.

I am sorry that it was not possible for your child to be offered a place at any of the schools which you listed as a higher preference on your application form. For each of these schools there were more applications than places, and other applicants has a higher priority than your child under the school's published admission criteria.

Offers which could have been made for any schools which you placed lower in your preference list, were automatically withdrawn under the co-ordinated admission arrangements, as a higher preference has been offered.

If you would like more information about the reason that your child was not offered a place at any higher preference school, you should contact the admission authority that is responsible for admissions to the school within the next few days. Details of the different admission authorities for schools in the borough of X are attached to this letter. If the school is outside the borough of X, the admission authority will either be the borough in which the school is situated, or the school itself.

You have the right of appeal under the School Standards & Framework Act 1998 against the refusal of a place at any of the schools for which you have applied. If you wish to appeal, you must contact the admission authority for the school within the next few days to obtain the procedure and the date by which an appeal must be received by them.

Please would you confirm that you wish to accept the place at X School by completing the reply slip below. If you do not wish to accept the place, you will need to let me know what alternative arrangements you are making for your child's education.

You must contact this office if you wish to apply for any other school, either in this borough or elsewhere.

*Please return the reply slip to me by **2 May 2023(prim)**. If you have any questions about this letter, please contact me on _____*

Yours sincerely

(First preference offer letters should include the paragraphs in italics only)

**PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME
SCHEDULE 3B**

Timetable for Admissions to Reception/Junior in 2023/2024

Sun 15 Jan 2023	Statutory deadline for receipt of applications
Fri 3 Feb 2023	Deadline for the transfer of application information by the Home LA to the PLR (ADT file)
Fri 10 Feb 2023	Deadline for the upload of late applications to the PLR.
Mon 13 – Fri 17 Feb 2023	Checking of application data
Thur 16 Mar 2023	Deadline for the transfer of potential offer information from the Maintaining LAs to the PLR (ALT file).
Fri 24 Mar 2023	Final ALT file to PLR
Mon 27 Mar- Thur 6 Apr 20223	Checking of offer data
Wed 12 Apr 2023	Deadline for on-line ALT file to portal
Mon 17 April 2023	Outcomes published online.
Tues 2 May 2023	Deadline for receipt of acceptances
Tues 9 May 2023	Deadline for transfer of acceptances to maintaining LAs

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PAN-LONDON CO-ORDINATED ADMISSION SYSTEM

**Template LA Scheme for Co-ordination of Admissions to Year
7/Year 10 in Maintained Schools and Academies in 2023/24**

Contents

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Page 5: Template scheme for co-ordination of admissions to Year 7 in September 2023

Page 12: Content of Common Application Form -Year 7 Scheme (Schedule 1)

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Page 16: Timetable for Year 7 Scheme (Schedule 3A)

PAN-LONDON CO-ORDINATED ADMISSION SYSTEM

Template LA Scheme for Co-ordination of Admissions to Year 7/Year 10 in 2023/24

Definitions used in the template schemes

“the Application Year”	the academic year in which the parent makes an application (i.e. in relation to the academic year of entry, the academic year preceding it)
“the Board”	the Pan-London Admissions Executive Board, which is responsible for the Scheme
“the Business User Guide (BUG)”	the document issued annually to participating LAs setting out the operational procedures of the Scheme
“the Common Application Form”	this is the form that each authority must have under the Regulations for parents to use to express their preferences, set out in rank order
“the Equal Preference System”	the model whereby all preferences listed by parents on the Common Application Form are considered under the over-subscription criteria for each school without reference to parental rankings. Where a pupil is eligible to be offered a place at more than one school within an LA, or across more than one participating LA, the rankings are used to determine the single offer by selecting the school ranked highest of those which can offer a place
“the Highly Recommended Elements”	the elements of the Template Scheme that are not mandatory but to which subscription is strongly recommended in order to maximise co-ordination and thereby simplify the application process as far as possible
“the Home LA”	the LA in which the applicant/parent/carer is resident
“the LIAAG Address Verification Register”	the document containing the address verification policy of each participating LA
“the Local Admission System”	the IT module for administering admissions in

(LAS)”	each LA and for determining the highest offer both within and between participating LAs
“the London E-Admissions Portal”	the common online application system used by the 33 London LAs and Surrey County Council
“the Maintaining LA”	the LA which maintains a school, or within whose area an academy is situated, for which a preference has been expressed
“the Mandatory Elements”	those elements of the Template Scheme to which authorities must subscribe in order to be considered as ‘Participating Authorities’ and to benefit from use of the Pan-London Register
“the Notification Letter”	the agreed form of letter sent to applicants on the Prescribed Day which communicates any determination granting or refusing admission to a primary or secondary school, which is attached as Schedule 2
“the Prescribed Day”	the day on which parents/carers are notified of their outcome. 1 March (secondary) in the year following the relevant determination year except that, in any year in which that day is not a working day, the prescribed day shall be the next working day.
“the Pan-London Register (PLR)”	the database which will sort and transmit application and outcome data between the LAS of each participating LA
“the Pan-London Timetable”	the framework for processing of application and outcome data, which is attached as Schedule 3A
“the Participating LA”	any LA that has indicated in the Memorandum of Agreement that they are willing to incorporate, at a minimum, the mandatory elements of the Template LA Scheme presented here.
“the Qualifying Scheme”	the scheme which each LA is required to formulate in accordance with The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012, for co-ordinating

arrangements for the admission of children to
maintained secondary schools and
academies.

PAN LONDON CO-ORDINATED ADMISSIONS SYSTEM**Template Scheme for Co-ordination of Admissions to Year 7/Year 10 in
2023/24**

All the numbered sections contained in this scheme are mandatory, except those marked with an which are highly desirable.*

Applications

1. Croydon LA will advise home LAs of their resident pupils on the roll of this LA's maintained primary schools and academies who are eligible to transfer to secondary school in the forthcoming academic year.
2. Applications from residents of Croydon LA will be made on this LA's Common Application Form, which will be available and able to be submitted on-line. This will include all the fields and information specified in Schedule 1 to this Template LA Scheme. These will be supplemented by any additional fields and information which are deemed necessary by Croydon LA to enable the admission authorities in the LA area to apply their published oversubscription criteria.
3. Croydon LA will take all reasonable steps to ensure that every parent/carer who is resident in this LA and has a child in their last year of primary education within a maintained school or academy, either in Croydon LA or any other maintaining LA, is informed how they can access Croydon's composite prospectus and apply online. Parents/carers who do not live in Croydon LA will have access to this LA's composite prospectus which will advise parents/carers to contact their home LA for further details on the application process.
4. The admission authorities within Croydon LA will not use supplementary information forms except where the information available through the Common Application Form is insufficient for consideration of the application against the published oversubscription criteria. Where supplementary information forms are used by the admissions authorities within Croydon LA, the LA will seek to ensure that these only collect information which is required by the published oversubscription criteria, in accordance with paragraph 2.4 of the School Admissions Code 2021.
5. Where supplementary information forms are used by admission authorities in Croydon LA, they will either be available on the school's website, on the LA's website or a paper copy of the supplementary information form can be requested from the school directly. Such forms will advise parents that they must also complete their home LA's Common Application Form. Croydon LA's composite prospectus will indicate which schools in this LA require

supplementary information forms to be completed and where they can be obtained.

6. Where an admission authority in this LA receives a supplementary information form, Croydon LA will not consider it to be a valid application unless the parent/carer has also listed the school on their home LA's Common Application Form, in accordance with paragraph 2.3 of the School Admissions Code 2021.
7. *Applicants will be able to express a preference for six maintained secondary schools or Academies within and/or outside the Home LA.
8. *Croydon LA will advise applicants that they will receive no more than one offer of a school place on 1 March 2023. Applicants will also be advised that a place will be offered at the highest preference school for which they are eligible for a place. If the parent nominates a school outside of a PAN-London LA, Croydon LA will pass relevant details on to that authority and will make every reasonable effort to resolve any multiple offers with them.*
9. The order of preference given on the Common Application Form will not be revealed to a school within the area of this LA. This is to comply with paragraph 1.9 of the School Admissions Code 2021 which states that admission authorities must not give extra priority to children whose parents rank preferred schools in particular order, including 'first preference first' arrangements. However, where a parent resident in Croydon LA expresses a preference for schools in the area of another LA, the order of preference for that LA's schools will be revealed to that LA in order that it can determine the highest ranked preference in cases where an applicant is eligible for a place at more than one school in that LA's area.
10. Croydon LA undertakes to carry out the address verification process as set out in its entry in the LIAAG Address Protocol. This will in all cases include validation of resident applicants against this LA's primary school data and the further investigation of any discrepancy using Council Tax and Electoral Register records. Where Croydon LA is not satisfied as to the validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA no later than **12 December 2022**.
11. Croydon LA will confirm the status of any resident child for whom it receives a Common Application Form stating s/he is currently or previously a 'Child Looked After' and will provide any additional evidence on receipt of a reasonable request by the maintaining LA in respect of a preference for a school in its area by **14 November 2022**.

12. Croydon LA will advise a maintaining LA of the reason for any application which is made in respect of a child resident in the area of this LA to be admitted outside of their correct age cohort, and will forward any supporting documentation to the maintaining LA by **14 November 2022**.

Processing

13. Applicants resident within Croydon LA must return the Common Application Form, which will be available and able to be submitted online, to this LA by **31 October 2022**.
14. Application data relating to all preferences for schools in the area of a participating LA, which have been expressed within the terms of this LA's scheme, will be up-loaded to the PLR by **14 November 2022**. Supporting documentation provided with the Common Application Form will be sent to maintaining LAs by the same date.
15. Croydon LA shall, in consultation with the admission authorities within its area and within the framework of the Pan-London timetable in Schedule 3A, determine and state its own timetable for the processing of preference data and the application of published oversubscription criteria.
16. *Supplementary information forms must be returned directly to the relevant school by the date specified by the school.* Under the requirements of the scheme, parents/carers will not have to complete a supplementary information form where this is not strictly required for the governing body to apply their admission criteria or where this is not a requirement in a school's admission arrangements.
17. *Admission authorities will start seeing details of their applications on the Schools Access Module (SAM) from **4 November 2022**. Schools that require a supplementary form will check that a supplementary form has been completed for each child and will contact parents/carers who have not completed a supplementary information form. Schools will also check that parents/carers who have completed a supplementary information form have completed the LA's Common Application Form. If a parent has not completed a Common Application Form, schools will share this information with Croydon LA.*
18. *Croydon LA will accept late applications only if they are late for a good reason, deciding each case on its own merits. *The latest date that an application that is late for good reason can be accepted for a resident of this LA is **9 December 2022**.*
19. Where such applications contain preferences for schools in other LAs, Croydon LA will forward the details to maintaining LAs via the PLR as they are received. This LA will accept late applications which are considered to be on time within the terms of the home LA's scheme.

20. The latest date for the upload to the PLR of late applications which are considered to be on-time within the terms of the home LA's scheme is **12 December 2022**.
21. Where an applicant moves from one participating home LA to another after submitting an on-time application under the terms of the former home LA's scheme, the new home LA will accept the application as on-time up to **9 December 2022**, on the basis that an on-time application already exists within the Pan-London system.
22. *Applications which are late for no good reason and applications received after **9 December 2022** but before **1 March 2023** will be considered after all on-time applications have been processed.*
23. Croydon LA will participate in the application data checking exercise scheduled between **13 December 2022 and 3 January 2023** in the Pan-London timetable in Schedule 3A.
24. All preferences for schools within Croydon LA will be considered by the relevant admission authorities without reference to rank order to comply with paragraphs 1.9 of the School Admissions Code 2021. When the admission authorities within Croydon LA have provided a list of applicants in criteria order to this LA, this LA shall, for each applicant to its schools for whom more than one potential offer is available, use the highest ranked preference to decide which single potential offer to make. This is the 'Equal Preference System'.
25. *Schools must provide Croydon LA with an electronic list of their applicants ranked in criteria order by **16 January 2023**.*
26. Croydon LA will carry out all reasonable checks to ensure that pupil rankings are correctly held in its LAS for all maintained schools and academies in this LA before uploading data to the PLR.
27. Croydon LA will upload the highest potential offer available to an applicant for a maintained school or academy in this LA to the PLR by **31 January 2023**. The PLR will transmit the highest potential offer specified by the Maintaining LA to the Home LA.
28. The LAS of this LA will eliminate, as a Home LA, all but the highest ranked offer where an applicant has more than one potential offer across Maintaining LAs submitting information within deadline to the PLR. This will involve exchanges of preference outcomes between the LAS and the PLR (in accordance with the iterative timetable published in the Business User Guide) which will continue until notification that a steady state has been achieved, or until **13 February 2023** if this is sooner.

29. Croydon LA will not make an additional offer between the end of the iterative process and **1 March 2023** which may impact on an offer being made by another participating LA.
30. Notwithstanding paragraph 29, if an error is identified within the allocation of places at a maintained school or academy in this LA, Croydon LA will attempt to manually resolve the allocation to correct the error. Where this impacts on another LA (either as a home or maintaining LA) Croydon LA will liaise with that LA to attempt to resolve the correct offer and any multiple offers which might occur. However, if another LA is unable to resolve a multiple offer, or if the impact is too far reaching, this LA will accept that the applicant(s) affected might receive a multiple offer.
31. Croydon LA will participate in the offer data checking exercise scheduled between **14 and 22 February 2023** in the Pan-London timetable in Schedule 3A.
32. Croydon LA will send a file to the E-Admissions portal with outcomes for all resident applicants who have applied online no later than **22 February 2023**. (33 London LAs & Surrey LA only).

Offers

33. Croydon LA will ensure that, if there are places available, each resident applicant who cannot be offered a place at one of the preferences expressed on the Common Application Form, receives the offer of an alternative school place in accordance with paragraph 2.11 of the School Admissions Code 2021. This will usually be the nearest school to the child's home address which has a place available, after the allocation of places has been completed.
34. Croydon LA will inform all resident applicants of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, whether they were for schools in the Home LA or in other participating LAs.
35. This LA's online notification will include the information set out in Schedule 2.
36. *On **1 March 2023**, all resident applicants who applied online will be able to view their outcome online as well as accept or decline their offer. Croydon LA will not send outcome letters in the post.*
37. *All maintained primary schools and academies in this LA will be able to view destination data of their resident applicants on the SAM portal by the end of the summer term 2023.

Post Offer

38. Croydon LA will request that resident applicants accept or decline the offer of a place by **15 March 2023**, or within two weeks of the date of any subsequent offer.
39. Where an applicant resident in this LA accepts or declines a place in a school within the area of another LA by **15 March 2023**, Croydon LA will forward the information to the maintaining LA by **22 March 2023**. Where such information is received from applicants after **15 March 2023**, this LA will pass it to the maintaining LA as it is received.
40. Where a place becomes available in an oversubscribed maintained school or academy in this LA's area, it will be offered from a waiting list ordered in accordance with paragraph 2.15 of the School Admissions Code 2021.
41. Where a waiting list is maintained by an admission authority of a maintained school or academy in this LA's area, the admission authority will inform Croydon LA of a potential offer, in order that the home LA can offer the place.
42. When acting as a maintaining LA, Croydon LA will inform the home LA, where different, of an offer for a maintained school or Academy in this LA's area which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.
43. When acting as a maintaining LA, this LA and the admission authorities within it, will not inform an applicant resident in another LA that a place can be offered.
44. When acting as a home LA, Croydon LA will offer a place at a maintained school or Academy in the area of another LA to an applicant resident in its area, provided that the school is ranked higher on the Common Application Form than any school already offered.
45. When acting as a home LA, when Croydon LA is informed by a maintaining LA of an offer which can be made to an applicant resident in this LA's area which is ranked lower on the Common Application Form than any school already offered, it will inform the maintaining LA that the offer will not be made.
46. When acting as a home LA, when Croydon LA has agreed to a change of preference order for good reason, it will inform any maintaining LA affected by the change. In such cases, paragraphs 44 and 45 shall apply to the revised order of preferences.

47. When acting as a maintaining LA, Croydon LA will inform the home LA, where different, of any change to an applicant's offer status as soon as it occurs.
48. When acting as a maintaining LA, Croydon LA will accept a change of preferences or preference order (including reinstated or additional preferences) from home LAs for maintained schools and academies in its area.
49. When acting as a maintaining LA, Croydon LA will accept new applications (including additional preferences) from home LAs for maintained schools and academies in its area.
50. This LA, when acting as a home LA, will allow applicants to express additional preferences before the start of the school term, after National Offer Day. The number of additional preferences will be unrestricted.
51. Croydon LA, when acting as a home LA, will aim to start filling any vacancies which become available after 1 March 2023 within four weeks of National Offer Day. Secondary schools will be asked to rank all applicants on their waiting list, including late applications received after 31 October 2022, in accordance with their oversubscription criteria. Secondary schools will then advise Croydon LA of the offers to be made.
52. *Resident applicants who receive an offer at their first preference school will only be placed onto a waiting list for a lower preference school in exceptional circumstances which would need to be supported with relevant evidence. In accordance with the Pan London agreement and to ensure that Croydon meets its duty to continue to coordinate admissions beyond National Offer Day and comply with the parents' highest possible preference, Croydon will ensure that waiting lists do not contain lower ranked preferences except where it has received a parent's request for a child to be placed on the waiting list for a lower preference school following a change of circumstances.*

Waiting lists

Waiting lists will be maintained by Croydon secondary schools for at least one term until **31 December 2023** and places will be filled in accordance with each school's admission criteria. After this date, parents/carers will need to apply through the in-year application process if they wish their child to remain on a school's waiting list. Parents/carers must also refer to each school's admission policy for more information regarding the management of waiting lists.

Parents/carers' enquiries regarding waiting list positions or appeal procedures must be made directly to the schools.

The PAN London Coordinated Admission Scheme ends on **31 August 2023**. Applications for Year 7 received after this date will be treated as in-year applications. Please refer to Croydon Council's website and the in-year admissions guidance for more information.

**PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME
SCHEDULE 1**

**Minimum Content of Common Application Form for Admissions to Year
7/Year 10 in 2023/24**

Child's details:

Surname

Forename(s)

Middle name(s)

Date of Birth

Gender

Home address

Name of current school

Address of current school (if outside home LA)

Parent's details:

Title

Surname

Forename

Address (if different to child's address)

Telephone Number (Home, Daytime, Mobile)

Email address

Relationship to child

Preference details (x 6 recommended):

Name of school

Address of school

Preference ranking

Local authority in which the school is based

Additional information:

Reasons for Preferences (including any medical or social reasons)

Does the child have an Education, Health and Care Plan Y/N*

Is the child a 'Child Looked After (CLA)'? Y/N

Is the child formerly CLA but now adopted or subject of a 'Child Arrangements Order or 'Special Guardianship Order'? Y/N

If yes, name of responsible local authority

Surname of sibling

Forename of sibling

DOB of sibling

Gender of sibling

Name of school sibling attends

Other:

Signature of parent or guardian

Date of signature

*Where an LA decides not to request this information on the CAF, it must guarantee that no details of a child with an Education, Health and Care Plan will be sent via the PLR.

PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME

SCHEDULE 2

Template Outcome Letter for Admissions to Year 7/Year 10 in 2023/2024

From: Home LA

Date: **1 March 2023**
(sec)

Dear Parent,

Application for a Secondary School

I am writing to let you know the outcome of your application for a secondary/primary school. Your child has been offered a place at X School. The school will write to you with further details.

I am sorry that it was not possible for your child to be offered a place at any of the schools which you listed as a higher preference on your application form. For each of these schools there were more applications than places, and other applicants has a higher priority than your child under the school's published admission criteria.

Your child's name has been automatically added on the waiting list for any higher preference school you have been unsuccessful.

Offers which could have been made for any schools which you placed lower in your preference list, were automatically withdrawn under the co-ordinated admission arrangements, as a higher preference has been offered.

If you would like more information about the reason that your child was not offered a place at any higher preference school, you should contact the admission authority that is responsible for admissions to the school within the next few days. Details of the different admission authorities for schools in the borough of X are attached to this letter. If the school is outside the borough of X, the admission authority will either be the borough in which the school is situated, or the school itself.

You have the right of appeal under the School Standards & Framework Act 1998 against the refusal of a place at any of the schools for which you have applied. If you wish to appeal, you must contact the admission authority for the school within the next few days to obtain the procedure and the date by which an appeal must be received by them.

Please would you confirm that you wish to accept the place at X School by completing the reply slip below. If you do not wish to accept the place, you will need to let me know what alternative arrangements you are making for your child's education.

*Please return the reply slip to me by **15 March 2023(sec)**. If you have any questions about this letter, please contact me on _____.*

Yours sincerely

(First preference offer letters should include the paragraphs in italics only)

**PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME
SCHEDULE 3A**

Timetable for Admissions to Year 7/Year 10 in 2023/24

Mon 31 Oct 2022	Statutory deadline for receipt of applications
Mon 14 Nov 2022	Deadline for the transfer of application information by the Home LA to the PLR (ADT file).
Mon 12 Dec 2022	Deadline for the upload of late applications to the PLR.
Tues 14 Dec 2022 – Tues 3 Jan 2023	Checking of application data
Tues 31 Jan 2023	Deadline for the transfer of potential offer information from Maintaining LAs to the PLR (ALT file)
Mon 13 Feb 2023	Final ALT file to PLR
Tues 14 – Tues 21 Feb 2023	Checking of offer data
Wed 22 Feb 2023	Deadline for on-line ALT file to portal
Wed 1 Mar 2023	Outcomes published online.
Wed 15 Mar 2023	Deadline for return of acceptances
Wed 22 Mar 2023	Deadline for transfer of acceptances to maintaining LAs

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Available Primary School Places vs SCAP 2021 Pupil Projections

Planning Area	Academic Year	Available places (Year R)	Forecast (Year R)	Surplus / deficit	FE	%
North West	2021/22	1410	1190	220	7	16
	2022/23	1380	1190	190	6	14
	2023/24	1380	1160	220	7	16
	2024/25	1380	1180	200	7	14
	2025/26	1380	1133	247	8	18
East	2021/22	1470	1191	279	9	19
	2022/23	1410	1161	249	8	18
	2023/24	1410	1096	314	10	22
	2024/25	1410	1106	304	10	22
	2025/26	1410	1058	352	12	25
Central	2021/22	660	665	-5	0	-1
	2022/23	660	658	2	0	0
	2023/24	690	654	36	1	5
	2024/25	690	661	29	1	4
	2025/26	690	641	49	2	7
South East	2021/22	360	282	78	3	22
	2022/23	360	294	66	2	18
	2023/24	360	286	74	2	20
	2024/25	360	297	63	2	17
	2025/26	360	297	63	2	17
South	2021/22	630	581	49	2	8
	2022/23	630	602	28	1	4
	2023/24	630	553	77	3	12
	2024/25	630	532	98	3	15
	2025/26	630	517	113	4	18
South West	2021/22	690	694	-4	0	-1
	2022/23	690	641	50	2	7
	2023/24	690	604	86	3	13
	2024/25	690	612	78	3	11
	2025/26	690	608	82	3	12

Planning Area	Academic Year	Available Places	Forecast (Year R)	Surplus	FE	%
Borough Wide	2021/22	5220	4603	617	21	12
	2022/23	5130	4545	585	19	11
	2023/24	5160	4353	807	27	16
	2024/25	5160	4389	771	26	15
	2025/26	5160	4255	905	30	18

Available Secondary School Places vs SCAP 2021 Pupil Projections

Planning Area	Academic Year	Available Places	Forecast (Year 7)	Surplus	FE	%
North	2021/22	2654	2359	295	10	11
	2022/23	2654	2351	303	10	11
	2023/24	2654	2352	302	10	11
	2024/25	2654	2282	372	12	14
	2025/26	2654	2244	410	14	15
	2026/27	2654	2248	406	14	15
	2027/28	2654	2280	374	12	14
South	2021/22	1574	1542	32	1	2
	2022/23	1574	1572	2	0	0
	2023/24	1574	1553	21	1	1
	2024/25	1574	1490	84	3	5
	2025/26	1574	1500	74	2	5
	2026/27	1574	1547	27	1	2
	2027/28	1574	1532	42	1	3

Planning Area	Academic Year	Available Places	Forecast (Year 7)	Surplus	FE	%
Borough Wide	2021/22	4228	3902	327	11	8
	2022/23	4228	3923	305	10	7
	2023/24	4228	3906	322	11	8
	2024/25	4228	3772	456	15	11
	2025/26	4228	3744	484	16	11
	2026/27	4228	3795	433	14	10
	2027/28	4228	3812	416	14	10

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Appendix 3 - Capital Programme Budget Summary

Capital Programme Budget Summary						
Planning Area	Project Description	2021-22	2022-23	2023-24	2024-2025	Total
	Permanent Expansions					
North West	Chestnut Primary Academy	37,000				37,000
Central	3FE Harris Purley Way (pka Fiveways)	296,792	25,000			321,792
Central	Heathfield Academy, Aberdeen Road	34,706				34,706
East	1 FE Heavers Farm	1,962				1,962
East	Oasis Shirley Park	13,500				13,500
South West	1 FE Chipstead Valley					-
South West	1FE Smitham Primary School	41,010	19,000			60,010
North West	2 FE West Thornton Academy					-
East	Stroud Green Lodge Primary (Oasis)					-
Various	Primary Programme Feasibility					-
	TOTAL	424,970	44,000			468,970
	Fixed Term Expansions / Bulges					
South	Smitham Primary School (Bulge)	19,252	9,000			28,252
South	Gresham Primary School (Bulge)	50,000	494,000			544,000
Various	Contingency provision (Basic Need Allocation) - not yet allocated		2,740,031			2,740,031
	TOTAL	69,252	3,243,031			3,312,283
	SEN					
South	St Giles Internal Re-modelling Works	120,000				120,000
South	St Giles 2 Classroom Modular Expansion	427,696	37,000	75,000		539,696
South	St Giles Suctioning Treatment Space	63,067				63,067
South	Red Gates 1 classroom Modular Building Expansion 2018	23,321	25,000	80,000		128,321
South	Red Gates 2 classroom Modular Building Expansion 2019	29,686	30,000	80,000		139,686
South	St Nicholas (112 place SEN primary expansion)	500,386	200,000	200,000		900,386
South	Meridian School improved suitability for ASD secondary ELP	100,000				100,000
South	Castlehill School places for children with ASD at primary ELP	50,000				50,000
North East	Priory School Hermitage Road Site Fencing					-
North East	Priory School Hermitage Road ICT Replacement					-
North East	Priory School Hermitage Road Safeguarding & Suitability Works	46,066				46,066
TBC	Post 16 SEN Permanent Provision	3,000,000				3,000,000
South	Post 16 SEN Temp. Modular - Coulsdon College Site	60,000	60,000	71,705		191,705
South East	Addington Valley Academy (For ESFA)	6,173,681	210,345			6,384,026
South East	Redgates Staffroom Extension	420,739				420,739
South East	Redgates Playground Works	93,552	88,148			181,700
Various	SEN Future Provision					-
Various	High Needs Capital Funding Allocation - not yet allocated		1,576,250			1,576,250
	TOTAL	11,108,193	2,226,743	506,705	-	13,841,642
	Major Maintenance					
Various	Education Major Maintenance Programme	2,657,070	3,729,395	2,558,535		8,945,000
Various	Contingency provision (SCA) - not yet allocated		5,531,708			5,531,708
	TOTAL	2,657,070	9,261,104	2,558,535		14,476,709
	Fire Safety Works					
Various	Fire Safety Works	450,000	901,972			1,351,972
	TOTAL	450,000	901,972	-		1,351,972
	Miscellaneous					
South	Kenley Modular Replacement	366,482				366,482
North	Cypress Junior Kitchen Renewal					-
Central	St Andrews Furniture Removal					-
Central	Elmwood Junior Kitchen Replacement					-
North East	Kensington Avenue					-
South	Kenley Internal Remodelling Works					-
Various	Unidentified					-
Various	Basic Need Spend					-
	TOTAL	366,482	-	-	-	366,482
	Secondary Estate					
East	Oasis Arena	87,980.00				87,980
	TOTAL	87,980				87,980
	Totals	15,163,947	15,676,850	3,065,240	-	33,906,037

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Appendix 4 Schools Maintenance Plan 2022-2023

School	Works Description	Budget	Comments:
GENERAL BUILDING WORKS			
Beulah Junior	Installation of new windows - subject to survey	£100,000	
Beulah Junior	Replacement of cast Iron Guttering - rotten brackets subject to survey	£50,000	
Forestdale Primary	New External Access Stairs and Ramp	£40,000	
Howard Primary	Re-instatement of Boundary Wall	£100,000.00	
Howard Primary	Repairs to Flooding Playground	£213,000.00	
Selhurst Nursery	Roof covering - Leaks	£200,000	
Allow for Survey/Design for Projects - 10%		51,300.00	
TOTAL		£754,300.00	
HEALTH & SAFETY COMPLIANCE			
Asbestos - AMP/Re-inspections	Annual re-inspection survey/required remedial works in schools	£50,000.00	
Howard Primary School - Fire safety works	H&S and Compliance Works	£200,000	
Allow for Survey/Design for Projects - 10%		£5,000.00	
Total		£255,000.00	
MECHANICAL WORKS			
School	Description of Issue	Estimated Costs	Comments
Bensham Manor	Hot Water Storage and pipework distribution - deteriorated	£200,000.00	
Bensham Manor	Cold Water Storage and pipework distribution – deteriorated	£200,000.00	
Greenvale Primary	Cold Water Storage and pipework distribution – defective	£40,000.00	
Norbury Manor Primary	Cold Water Storage and pipework distribution – defective	£30,000.00	
St. Giles School	Repair/ Replace solar Thermal panels serving 3-Coil Vaillant Hot water storage cylinder	£10,000.00	
Allow for Survey/Design for Projects - 10%		£48,000.00	
TOTAL		£528,000.00	
ELECTRICAL WORKS			
School	Description of Issue	Estimated Costs	Comments
Beaumont Primary	Replace existing FRG/Rewirable boards with new metal clad MCB/RCBO split load/split metered power and lighting lockable distribution boards.	£10,000.00	
Downsview Primary	LED luminaries throughout school	£50,000	
Elmwood Infant	Replace existing with new metal clad MCB/RCBO split load/split metered power and lighting lockable distribution boards	£20,000.00	
Norbury Manor Primary	Replace all 25+ year luminaries throughout old part of school – end of life	£110,000.00	
Purley Nursery	Replace all 25+ year luminaries throughout nursery – end of life	£10,000.00	
Smitham Primary	Replace all 25+ year luminaries throughout school – end of life	£147,000.00	
Allow for Survey/Design for Projects - 10%		£29,700.00	
TOTALS		£376,700.00	
Fire Safety Works 2022-2023	Easter 2022 - 3 schools Summer 2022 - 7 schools	£856,500	
Re-active Maintenance	Undertake emergency works in schools throughout the year	£224,250	
Grand Total		£2,242,500	
OTHER - Slippage 2021-2022			
Work Area	Description of Works	Estimated Costs	Comments
Slippage Electrical Works	Slippage from 2021-22 programme including retention fees	£119,153	See slippage document
Slippage Mechanical Works	Slippage from 2021-22 programme including retention fees	£610,000	See slippage document
Slippage General Build Works	Slippage from 2021-22 programme including retention fees	£757,742	See slippage document
Total		£1,486,895.22	
Total budget & slippage		£3,729,395.22	

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Croydon's Childcare Sufficiency Assessment 2021

Croydon Childcare Sufficiency Assessment (CSA)

2021

CONTENTS

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1. Introduction

All councils are required by law to *‘report annually to elected council members on how they are meeting their duty to secure sufficient childcare, and make this report available and accessible to parents’*¹. We have prepared this report in order to meet this duty.

Having sufficient childcare means that families are able to find childcare that meets their child’s learning needs and enables parents to make a real choice about work and training. This applies to all children from birth to age 14, and to children with disabilities. Sufficiency is assessed for different groups, rather than for all children in the local authority.

In this report we have made an assessment of sufficiency using data about the need for childcare and the amount of childcare available.

We use this information about childcare sufficiency to plan our work supporting the local childcare economy.

The ongoing pandemic this year saw a further lockdown in January which has impacted, like many other areas, on the childcare and early education sector. Whilst schools closed to all pupils to all except vulnerable² pupils and children of critical workers, early years settings remained open to all children, offering early education and childcare to their families. However, settings were not immune to Covid and many had to make temporary closures due to staff shortages and/or cases of the virus. Many families chose *not* to send their children to a setting, due to anxiety around the spread of the virus and a reduced need for childcare.

¹ Statutory guidance on Early Education and Childcare, effective from 1 March 2018

² Vulnerable children and young people include those who: Vulnerable children and young people
Vulnerable children and young people include those who:

- are assessed as being in need under section 17 of the Children Act 1989, including children and young people who have a child in need plan, a child protection plan or who are a looked-after child
- have an education, health and care (EHC) plan
- have been identified as otherwise vulnerable by educational providers or local authorities (including children’s social care services), and who could therefore benefit from continued full-time attendance, this might include:

children and young people on the edge of receiving support from children’s social care services or in the process of being referred to children’s services

adopted children or children on a special guardianship order

those at risk of becoming NEET (‘not in employment, education or training’)

those living in temporary accommodation

those who are young carers

those who may have difficulty engaging with remote education at home (for example due to a lack of devices or quiet space to study)

care leavers

others at the provider and local authority’s discretion including pupils and students who need to attend to receive support or manage risks to their mental health

2 Demand for childcare

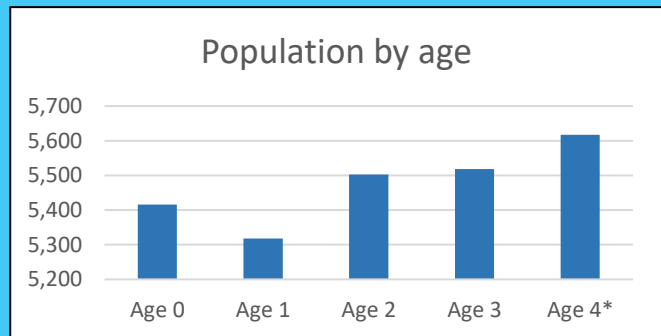
Population of early years children

In total, there are 27,372 children under the age of five living in our local authority³. These children may require early years childcare.

Numbers by age

Age	Number of children
Age 0	5,416
Age 1	5,318
Age 2	5,503
Age 3	5,518
Age 4*	5,617

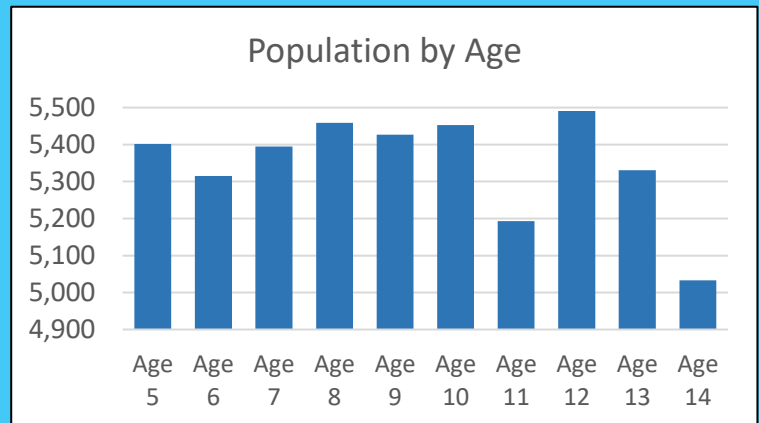
* Some four-year-olds will have started reception



Population of school age children

In total there are 37,644 children aged 5-11, and 15,855 children aged 12-14 living in our local authority. These children may require childcare before and after school, and/or during the school holidays.

Age	Number of children
Age 5	5,402
Age 6	5,315
Age 7	5,395
Age 8	5,459
Age 9	5,427
Age 10	5,453
Age 11	5,193
Age 12	5,491
Age 13	5,331
Age 14	5,033



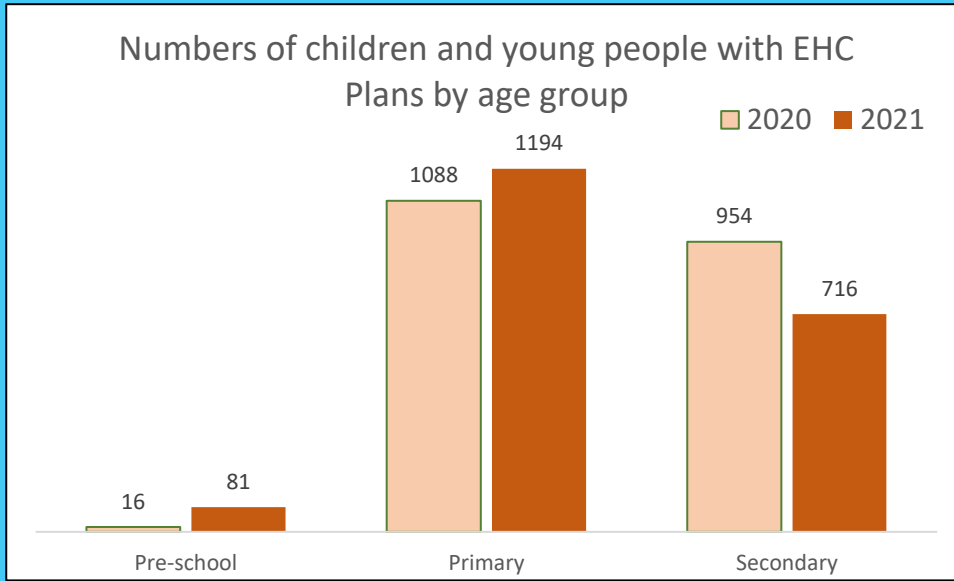
Number of children with special educational needs and disabilities

Children with special education needs and disabilities (SEND) are entitled to support with childcare up to the age of 19 (age 14 for children who do not have a special need or disability). The number of children with an Education, Health and Care (EHC) plan in our local authority is:

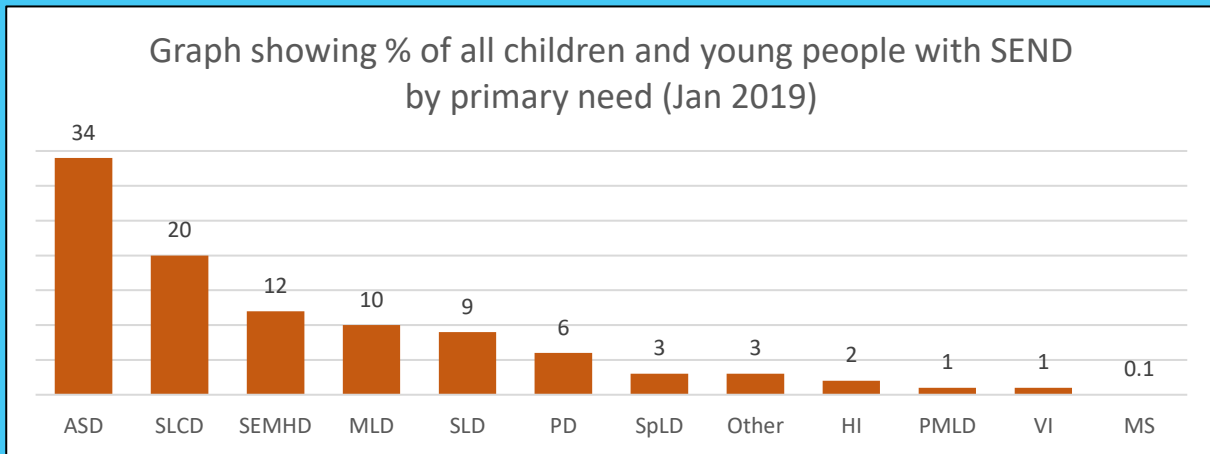
Age	Number of children
Birth to school age	81
Primary school (reception to year six)	1,194
Secondary school (year seven to thirteen)	716

³ Data from <https://www.croydonobservatory.org/wp-content/uploads/2021/09/SEND-Profile-August-2021.pdf>

The number of children and young people requiring an EHC plan in 2021 has increased overall since 2020, with numbers rising significantly in the pre-school and secondary age groups.⁴



Children’s needs change over time and are identified at different ages. Among the youngest children, SEND may only be identified when they start in childcare or school, and it can take some time from problems being identified to an EHC plan being issued. It is therefore possible that the number of children with SEND aged 0-4 is an underestimate. Some children have SEN but do not have an EHC plan.



Key:

- ASD – Autistic Spectrum Disorder
- SLCD – Speech, Language & Communication Needs
- SEMHD – Social, Emotional, Mental Health Difficulty
- MLD – Moderate Learning Difficulty
- SLD – Severe Learning Difficulty
- PD – Physical Disability
- SpLD – Specific Learning Disability (Dyslexia)
- HI – Hearing Impairment
- PMLD – Profound & Multiple Learning Disability
- VI – Visual Impairment
- MS – Multi Sensory Impairment

Croydon has 3 specialist provision school nursery classes, each providing 12 part-time places. St Giles caters for children with complex physical disabilities, medical needs, speech and language difficulties and a range of associated learning difficulties; Willow

⁴ <https://www.croydonobservatory.org/wp-content/uploads/2021/09/SEND-Profile-August-2021.pdf>

Tree caters for children with severe learning difficulties and autism; and Winterbourne caters for children with social communication difficulties

3 Supply of childcare

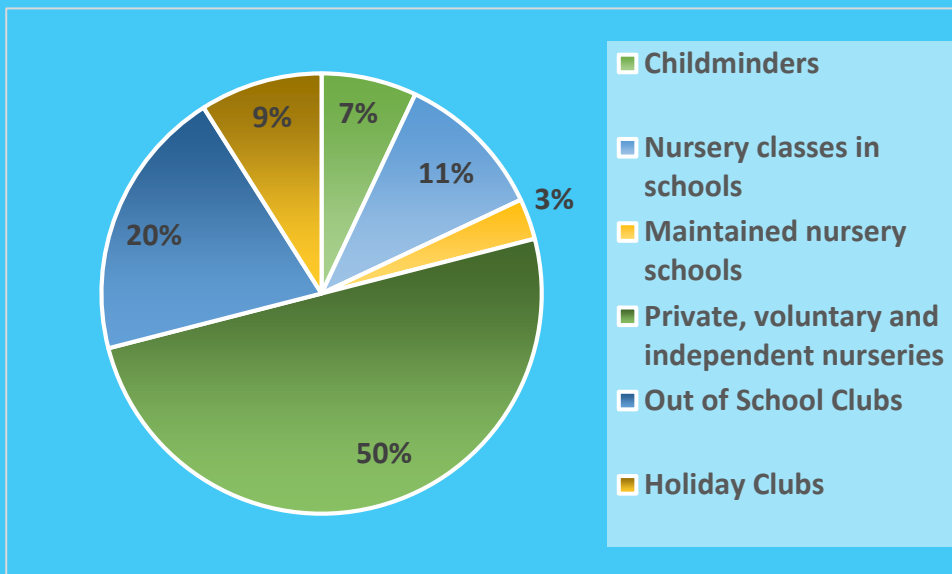
For the purpose of this assessment the supply of formal childcare includes private day nurseries, pre-schools, schools with nursery provision, maintained nursery schools, childminders, out of school clubs and holiday clubs.

Number of early years providers and places

In total, there are 739 childcare providers in our local authority, offering 14,667 childcare places.

Type of provision	Number of providers	Number of registered places
Childminders*	396	990
Nursery classes in schools	44	1,562
Maintained nursery schools	5	379
Private, voluntary and independent nurseries	162	7,398
Out of School Clubs	67	2,949
Holiday Clubs	22	1,389
Total	696	14,667

The data in this table is correct as of 17.11.2021



For private, voluntary and independent nurseries and childminders, the number of registered places represents the maximum number of children who can be on the premises at any given time. In practice, many providers choose to operate below their number of registered places.

Children may attend childcare full time or part time. This table records places for children who are attending full time, or for as many hours as the setting is open. In some cases, two or more children attending part time may use one full time equivalent place. For example, one child may attend in the morning and one child may attend in the afternoon.

Although we ask providers to report vacancies to us so we can help promote them. Not all choose to do this. In general, vacancy rates are higher in the autumn, when children move to school.

Early years atypical hours

Childcare is most commonly delivered during the typical working day – between 8am and 6pm on weekdays. Some parents require childcare outside these times in order to fit with their work or other responsibilities.

65 childcare providers in Croydon offer atypical hours on weekdays. These are all from the private, voluntary & independent (PVI) sector. It is unknown how many childminders offer childcare outside of the typical hours or at weekends.

Number of school age providers and places

In total, there are 58 providers of childcare for school age children during term time, and 21 providers of childcare for school age children during the holidays. There are also 396 childminders who may provide care for school age children

Tracking supply of childcare for school age children is difficult because not all of this type of provision is registered with Ofsted. It is possible that we have under-counted the provision of breakfast and afterschool clubs and holiday clubs. Parents may also use provision which is not considered ‘childcare’, for example sports or arts clubs after school or in the holidays.

School age atypical

49 providers offer atypical hours (before 8am and/or after 6pm) during the week for families. These are all out of school clubs. Childminders may also offer atypical hours for school aged children, including weekend hours.

4 Funded early education

All children aged 3 and 4 are entitled to 15 hours per week over 38 weeks (570 hours) until they start reception class in school. This is known as the ‘universal offer’. Parents can access this universal offer over a longer period of time, with less hours per week, depending of each setting’s offer. This is known as a ‘stretched offer’.

Children aged 3 and 4, where both parents are working, or from lone parent families where that parent is working, are **entitled** to 30 hours per week until they start reception class in school⁵

Children aged 2 whose families receive certain benefits (including low income families in receipt of in-work benefits), or those who meet additional non-economic **criteria**, are entitled to 15 hours per week. Nationally, about 40% of 2 year olds are entitled to this offer, but the proportion varies by area.

⁵ Available to families where each parent (or one parent in a single adult household) are earning the equivalent of working sixteen hours per week on the minimum wage to a maximum of £100,000 each.

Take up of funded early education

The take up of funded places is shown in the tables below:

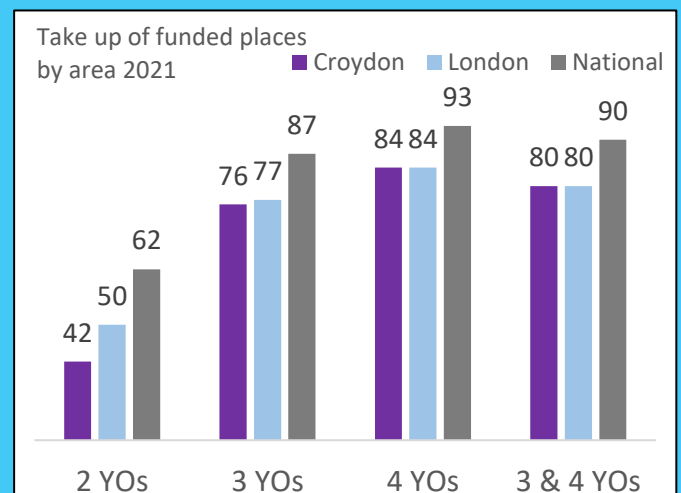
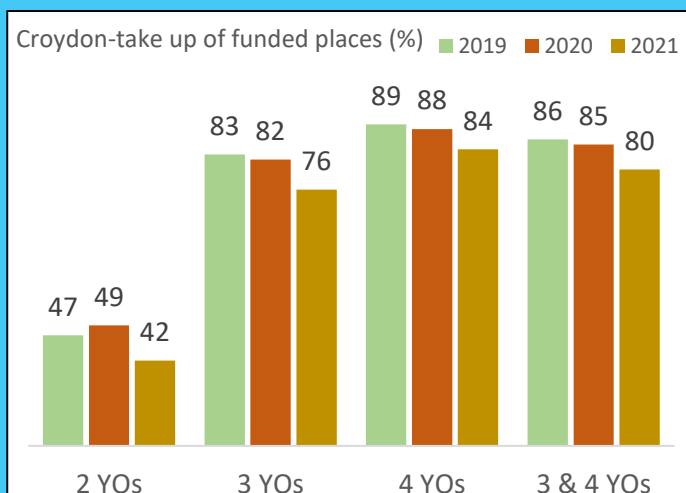
3 & 4 year olds take up:

	Number 3 & 4 YOs Croydon	Take up % Croydon	Take up % London	Take up % National
2018	9,409	85	85	94
2019	9,507	86	85	93
2020	9,624	85	84	93
2021	8,935	80	80	90

2 year olds take up:

	Number 2 YOs Croydon	Take up % Croydon	Take up % London	Take up % National
2018	1,127	82	61	72
2019	1,021	47	56	68
2020	1,014	49	59	69
2021	761	42	50	62

<https://explore-education-statistics.service.gov.uk/data-catalogue/education-provision-children-under-5>



The Department for Education published figures show that the proportion of eligible children taking up their funded place has dropped significantly since 2020.

<https://explore-education-statistics.service.gov.uk/data-tables/education-provision-children-under-5>

Early Years Pupil Premium (EYPP)

Children are eligible for EYPP if they are receiving their early years' entitlement and meet the benefits related criteria for free school meals or are in/have left the care of the local authority. In Croydon, the setting where the child is receives £0.53 per hour EYPP plus a deprivation uplift of £1.02, resulting in an additional payment of £1.55 per hour. In January 2021, 453 children received EYPP funding.

5 Prices

Prices of early school years childcare

For early years childcare outside the funded entitlements, we report on average prices per hour, reported to us by settings. There may be variations to prices based on the number of hours a family uses, with reductions for longer hours, or discounts for sibling groups. There may be additional payments for additional services, e.g. lunch and other meals which are not included in these prices.

Average fees charged per hour as of August 2021	Private, voluntary and independent nurseries	School and maintained nursery schools which make charges to parents	Childminders
0 and 1 year olds	£6.20	N/A	£6.20*
2 year olds	£5.90	N/A	£6.20
3 and 4 year olds	£5.40	£5.50	£6.20

*based on fees of funded CMs only

Prices of school age childcare

The cost of childcare for school aged children varies greatly. The costs detailed below are for a daily sessions. (Please note that the daily sessions vary in length)

Fees charged as of August 2021	Highest price	Lowest price	Average price
Breakfast club per day	£11.00	£1.00	£4.88
After-school club per day	£20.25	£6.00	£12.80
Holiday club per day	£55.00	£12.00	£31.50

6 Quality of childcare in Croydon

Ofsted inspection grades

All childcare providers must register with and be inspected by Ofsted, who give them an overall grade for the quality of their provision. Childminders and private and voluntary providers are on the Early Years Register, and schools and standalone maintained nursery schools are on the Schools register. The grades for both registers are equivalent. Schools with nurseries have an overall inspection grade for the whole school and most also have a separate early years grade.

Both schools and early years providers have four possible Ofsted grades: 'outstanding', 'good', 'requires improvement', and 'inadequate'.⁶ Some providers are still awaiting their first full inspection. These providers are excluded from our calculation.

⁶ For more information see <https://reports.ofsted.gov.uk/about-our-inspection-reports>

Nursery classes in independent schools do not generally have an Ofsted grade.

The table below shows the Ofsted judgements by type of provision and inspection grade

	Outstanding		Good		Requires Improvement		Inadequate		Awaiting	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Day nursery	6	5%	77	65%	3	2.5%	6	5%	27	23%
Pre-school	7	16%	27	63%	0	0%	1	2%	8	19%
School nursery*	4	8%	33	66%	3	6%	0	0%	10	20%

* early years grade if available, otherwise overall school grade

When providers do not have any children on site at the time of their first inspection, they are given an Ofsted grade of 'met' or 'not met'. This shows whether they are meeting the requirements for Ofsted registration, and usually happens when new providers are being set up.

	Outstanding		Good		Requires Improvement		Inadequate		Met		Not Met		Awaiting	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Childminder	31	8%	154	39%	4	1%	1	0%	72	18%	18	5%	116	29%
Out of School	6	9%	27	40%	1	1%	0	0%	3	5%	2	3%	28	42%
Holiday Club	1	5%	5	22%	0	0%	0	0%	6	27%	3	14%	7	32%

Data from Croydon Early Years Sufficiency and Marketing Team

7 Parents and providers views of sufficiency in our local area

This year we did not complete a parental questionnaire. These are usually carried out during the summer term, but due to the uncertainties around the pandemic, we did not feel it appropriate.

Feedback from providers shows us that, currently we have ample childcare in Croydon. A few day nurseries are reporting low numbers of children returning post-Covid restrictions and we will monitor the situation with them. Many settings are reporting issues with staffing. This appears to be a London wide issue as settings struggle to engage qualified staff.

Other formats and languages

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1. Introduction

1.1 Purpose of Equality Analysis

The council has an important role in creating a fair society through the services we provide, the people we employ and the money we spend. Equality is integral to everything the council does. We are committed to making Croydon a stronger, fairer borough where no community or individual is held back.

Undertaking an Equality Analysis helps to determine whether a proposed change will have a positive, negative, or no impact on groups that share a protected characteristic. Conclusions drawn from Equality Analyses helps us to better understand the needs of all our communities, enable us to target services and budgets more effectively and also helps us to comply with the Equality Act 2010.

An equality analysis must be completed as early as possible during the planning stages of any proposed change to ensure information gained from the process is incorporated in any decisions made.

In practice, the term '**proposed change**' broadly covers the following:-

- Policies, strategies and plans;
- Projects and programmes;
- Commissioning (including re-commissioning and de-commissioning);
- Service review;
- Budget allocation/analysis;
- Staff restructures (including outsourcing);
- Business transformation programmes;
- Organisational change programmes;
- Processes (for example thresholds, eligibility, entitlements, and access criteria).

2. Proposed change

Directorate	Children, Families and Education
Title of proposed change	Education Estates Strategy / School Admission Arrangements
Name of Officer carrying out Equality Analysis	Denise Bushay

2.1 Purpose of proposed change (see 1.1 above for examples of proposed changes)

Briefly summarise the proposed change and why it is being considered. Please also state if it is an amendment to an existing arrangement or a new proposal.

The proposed Education Estates Strategy will ensure that the Council is compliant with its statutory requirements relating to school place sufficiency duties across three stages of education: early years, primary, and secondary and in relation to special school provision. The Strategy includes:

School Place Planning - Early Years; Alternative Provision / Pupil Referral Unit (PRU); Special Educational Needs and Disability (SEND);

School Admissions - proposed Admission Arrangements for Croydon's community schools for the 2021/22 academic year and adoption of the proposed Pan London co-ordination arrangements;

School Maintenance and Compliance - proposed Schools' Maintenance Plan for 2020/21 including asbestos management; and fire safety works in Croydon community schools.

All of the proposed changes are amendments to existing arrangements.

The Strategy is submitted/approved by Cabinet, and full Council in relation to Admission Arrangements on an annual basis. An update report is submitted to Cabinet in July.

School Place Planning

In accordance with the Education and Inspections Act 2006, the Council has a statutory duty to "secure that sufficient schools for providing— (a) primary education, and (b) [secondary] education are available for their area" as well as to "secure diversity and increase opportunities for parental choice when planning the provision of school places" in the borough. The strategy aims to ensure that there are sufficient and suitable school places available for all of Croydon's children; admission arrangements and policies are fair and lawful; the education estate is maintained to a good standard and comply with our duties under equalities and health and safety legislation and compliance with statutory safety legislation and mandatory fire safety requirements.

Early Years

Local authorities are required by legislation - Childcare Act 2006 and Children and Families Act 2014 - to secure early education places for three and four year olds, as well as disadvantaged two year olds Early Years, until the child reaches compulsory school age. Croydon has a wide range of provision offering funded places ranging from day nursery, preschool; schools with nursery places and funded childminders. Cabinet has been asked to note the information contained in the Education Estates Strategy report. There are no proposed changes.

Alternative Provision / Pupil Referral Unit (PRU)

Under Section 19 of the Education Act 1996 Local Authorities have a statutory duty to arrange suitable education for permanently excluded pupils, and for pupils who – because of illness or other reasons – would not receive suitable education without such provision. Education outside of school, when it is arranged by Local Authorities or schools is called alternative provision. There are no immediate proposed changes.

Special Educational Needs and Disability (SEND)

Nationally and in Croydon, about 97% of children are educated in the state-funded school system without the need for help or support beyond that which a mainstream school can provide. Of these children between 11-12% need some additional support at some stage to address a learning need for varying

periods of time. The Council as an education authority has specific duties in relation to provision of education for children with special educational needs (SEN). The main duties include: to identify whether a child for whom they are responsible has SEN; and to assess a child who in their opinion has SEN. If the assessment shows that it is necessary, to make an EHC Plan: determining the child's needs and the educational provision required and to ensure the specific provision set out in the Plan is provided. The proposed strategy / changes, include change of provider of Rainbow nursery from September 20120 with a related consultation on the extension of the age range for St Giles School. This change will contribute to improved care, and early years educational outcomes and life chances for all children with Special Educational Needs and/or Disabilities. Consultation will be undertaken on a proposal to extend the age range of St Giles Special School to provide specialist education for children with learning difficulties from 3 - 4 years old, to enable Croydon's offer of early education to be provided effectively for all children.

The Council is undertaking feasibility studies and suitability/quality survey of a number of special schools (Red Gates; Priory and St Giles Schools) to inform options for the development of the Education Estate, specifically to ensure equality of opportunity to access good or outstanding special education provision in the Borough for children and young people with a wide range of special educational needs and disabilities.

School Admissions

In line with the Schools Admission Code, 2014, Admission Authorities, including Local Authorities are responsible for ensuring that admission arrangements are compliant with the School Admissions Code. This includes consulting on proposed changes to admission arrangements annually and at least every 7 years where there have been no changes.

School Maintenance

The Council is the employer for community schools, community special schools, maintained nursery schools and pupil referral units and is responsible for larger condition and maintenance works. It has a duty to ensure that appropriate arrangements are in place to monitor and review any preventative and protective measures that have been implemented. The programme of works / maintenance plan will ensure that schools are properly maintained and remain open and supports educational performance and the health & safety of pupils, staff and school community.

3. Impact of the proposed change

Important Note: It is necessary to determine how each of the protected groups could be impacted by the proposed change. If there is insufficient information or evidence to reach a decision you will need to gather appropriate quantitative and qualitative information from a range of sources e.g. Croydon Observatory a useful source of information such as Borough Strategies and Plans, Borough and Ward Profiles, Joint Strategic Health Needs Assessments <http://www.croydonobservatory.org/> Other sources include performance monitoring reports, complaints, survey data, audit reports, inspection reports, national research and feedback gained through engagement with service users, voluntary and community organisations and contractors.

3.1 Additional information needed to determine impact of proposed change

Table 1 – Additional information needed to determine impact of proposed change

If you need to undertake further research and data gathering to help determine the likely impact of the proposed change, outline the information needed in this table.

Additional information needed	Information source	Date for completion
Croydon has a diverse range of educational provision, as outlined below:		

For guidance and support with consultation and engagement visit <https://intranet.croydon.gov.uk/working-croydon/communications/consultation-and-engagement/starting-engagement-or-consultation>

3.2 Deciding whether the potential impact is positive or negative

Table 2 – Positive/Negative impact

<p>For each protected characteristic group show whether the impact of the proposed change on service users and/or staff is positive or negative by briefly outlining the nature of the impact in the appropriate column. . If it is decided that analysis is not relevant to some groups, this should be recorded and explained. In all circumstances you should list the source of the evidence used to make this judgement where possible.</p>			
<p>The primary aim of the Education Estates Strategy is to ensure that as an education authority the Council fulfils its statutory duties relating to school place planning, school admission and school maintenance. Local authorities are required to meet their statutory duty by providing a school place for every child that requires one, regardless of race, ethnicity, gender or disability and the other protected characteristics. Admission arrangements for all Croydon community schools must be determined annually. All schools are required by law to have oversubscription criteria for admissions, which are used to determine the offer of places if a school receives more applications than there are places available. The criteria must be clear, fair and objective in line with the School Admission Code, Equality Act and other relevant legislations, promoting equality and inclusiveness for residents.</p>			
<p>One of the key aims of the Education Estates Strategy is to improve diversity and choice of schools, the right amount of and different types of schools to improve parental choice. This will help to ensure that all pupils have equitable access to school and ensure that the Council’s duty to provide sufficient school places for pupils of statutory school age is fulfilled.</p>			
<p>The Council is the employer for community schools, community special schools, maintained nursery schools and pupil referral units and is responsible for larger condition and maintenance works ensuring that school buildings meet minimum standards.</p>			
Protected characteristic group(s)	Positive impact	Negative impact	Source of evidence
Age	In line with the School Admissions Code, school places are allocated using the		

	<p>agreed/published admissions criteria. The proposed changes relate to children and young people of statutory school age. Admissions to schools are a function that operates within a statutory framework. Croydon is the admission authority for community schools and there are arrangements and criteria for the admission of pupils to nursery, primary and secondary mainstream schools.</p>		
Disability	<p>Children and young people with special educational needs and/or disability are given priority in the admissions criteria or attend special schools. All schools are required to admit a child if their Education and Health Care Plan names the school. The proposed extension of the age range for St Giles School is a re-provision of specialist nursery places at a mainstream nursery school.</p> <p><u>Equality & Diversity Monitoring</u> As part of the consultation process on the proposed change relating to the extension of the age range at St Giles Special School, respondents will be asked to complete an equality and diversity questionnaire, looking at Gender, Age, Ethnicity and Disability. The information collected will help to identify any special requirements; promote equality; and improve choice and diversity.</p>		
Gender	<p>As above, children allocated school place in line with Admissions Code. The proposed changes are not gender specific. The admission arrangements do not contain criteria that impact differently on people with a particular gender.</p>		
Gender Reassignment	<p>As above.</p>		
Marriage or Civil Partnership	<p>N/A</p>		

Religion or belief	The admission arrangements for voluntary aided school could contain a denominational criterion within the policy, to enable priority for children whose parents are active members of the C of E and who request admission to a church school on denominational grounds. However, all applications, including those with no faith basis for applying, are considered applying the published arrangements.	The admission criteria is based on determined admission arrangements compliant with the relevant legislation and is unlikely to discriminate unlawfully.	
Race	The Admission Criteria, based on the Admissions Code, are used to allocate school places and do not include ethnicity or race as criteria. The proposed changes are not intended to have any negative impact on pupils from different ethnic groups		
Sexual Orientation	As above		
Pregnancy or Maternity	As above.		

Important note: You must act to eliminate any potential negative impact which, if it occurred would breach the Equality Act 2010. In some situations this could mean abandoning your proposed change as you may not be able to take action to mitigate all negative impacts.

When you act to reduce any negative impact or maximise any positive impact, you must ensure that this does not create a negative impact on service users and/or staff belonging to groups that share protected characteristics.

3.3 Impact scores

Example

If we are going to reduce parking provision in a particular location, officers will need to assess the equality impact as follows;

1. Determine the Likelihood of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the likelihood of impact score is 2 (likely to impact)
2. Determine the Severity of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the Severity of impact score is also 2 (likely to impact)
3. Calculate the equality impact score using table 4 below and the formula **Likelihood x Severity** and record it in table 5, for the purpose of this example - **Likelihood (2) x Severity (2) = 4**

Table 4 – Equality Impact Score

Severity of Impact	3	3	6	9
	2	2	4	6
	1	1	2	3
		1	2	3
	Likelihood of Impact			

Key

Risk Index	Risk Magnitude
6 – 9	High
3 – 5	Medium
1 – 3	Low

Table 5 – Impact scores

<p>Column 1</p> <p>PROTECTED GROUP</p>	<p>Column 2</p> <p>LIKELIHOOD OF IMPACT SCORE</p> <p>Use the key below to score the likelihood of the proposed change impacting each of the protected groups, by inserting either 1, 2, or 3 against each protected group.</p> <p>1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact</p>	<p>Column 3</p> <p>SEVERITY OF IMPACT SCORE</p> <p>Use the key below to score the severity of impact of the proposed change on each of the protected groups, by inserting either 1, 2, or 3 against each protected group.</p> <p>1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact</p>	<p>Column 4</p> <p>EQUALITY IMPACT SCORE</p> <p>Calculate the equality impact score for each protected group by multiplying scores in column 2 by scores in column 3. Enter the results below against each protected group.</p> <p>Equality impact score = likelihood of impact score x severity of impact score.</p>
Age	1	1	1
Disability	1	1	1
Gender	1	1	1
Gender reassignment	1	1	1
Marriage / Civil Partnership	1	1	1
Race	1	1	1
Religion or belief	1	1	1
Sexual Orientation	1	1	1
Pregnancy or Maternity	1	1	1

4. Statutory duties

4.1 Public Sector Duties

Tick the relevant box(es) to indicate whether the proposed change will adversely impact the Council's ability to meet any of the Public Sector Duties in the Equality Act 2010 set out below.

Advancing equality of opportunity between people who belong to protected groups x

Eliminating unlawful discrimination, harassment and victimisation x

Fostering good relations between people who belong to protected characteristic groups x

Important note: If the proposed change adversely impacts the Council's ability to meet any of the Public Sector Duties set out above, mitigating actions must be outlined in the Action Plan in section 5 below.

5. Action Plan to mitigate negative impacts of proposed change

Table 5 – Action Plan to mitigate negative impacts

Complete this table to show any negative impacts identified for service users and/or staff from protected groups, and planned actions mitigate them.				
Protected characteristic	Negative impact	Mitigating action(s)	Action owner	Date for completion
Disability	N/A			
Race	N/A			
Sex (gender)	N/A			
Gender reassignment	N/A			
Sexual orientation	N/A			
Age	N/A			
Religion or belief	N/A			
Pregnancy or maternity	N/A			
Marriage/civil partnership	N/A			

Equality Analysis

6. Decision on the proposed change

Based on the information outlined in this Equality Analysis enter X in column 3 (Conclusion) alongside the relevant statement to show your conclusion.		
Decision	Definition	Conclusion - Mark 'X' below
No major change	Our analysis demonstrates that the policy is robust. The evidence shows no potential for discrimination and we have taken all opportunities to advance equality and foster good relations, subject to continuing monitoring and review. If you reach this conclusion, state your reasons and briefly outline the evidence used to support your decision.	X
Adjust the proposed change	We will take steps to lessen the impact of the proposed change should it adversely impact the Council's ability to meet any of the Public Sector Duties set out under section 4 above, remove barriers or better promote equality. We are going to take action to ensure these opportunities are realised. If you reach this conclusion, you must outline the actions you will take in Action Plan in section 5 of the Equality Analysis form	
Continue the proposed change	We will adopt or continue with the change, despite potential for adverse impact or opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through the change. However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned. If you reach this conclusion, you should clearly set out the justifications for doing this and it must be in line with the duty to have due regard and how you reached this decision.	
Stop or amend the proposed change	Our change would have adverse effects on one or more protected groups that are not justified and cannot be mitigated. Our proposed change must be stopped or amended.	
Will this decision be considered at a scheduled meeting? e.g. Contracts and Commissioning Board (CCB) / Cabinet		Meeting title: Date:

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7. Sign-Off

Equality Analysis

Officers that must approve this decision	
Equality lead	Name: _____ Date: _____ Position: _____
Director	Name: _____ Date: _____ Position: Director of Education

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REPORT TO:	Cabinet 24 January 2022
SUBJECT:	Updated 2021/22 and Forecast General Fund Capital Programme 2022/23 to 2024/25
LEAD OFFICER:	Richard Ennis, Corporate Director of Resources (S151 Officer)
CABINET MEMBER:	Councillor Hamida Ali, Leader of the Council Councillor Stuart King, Cabinet Member for Croydon Renewal Councillor Callton Young, Cabinet Member for Resources & Financial Governance

SUMMARY OF REPORT:

This report is the second of four Cabinet reports that form part of the budget setting process of the Council ahead of full Council on 28th February.

The report sets out the capital investment the Council will make in the borough over this and the next three years. In addition the report demonstrably shows that the Council is taking ownership of its financial issues by recommending utilisation of the Council's own capital receipts to fund much of its own investment programme (and specifically the capitalisation direction recommended for approval by the Improvement Panel and subject to agreement by the Secretary of State) in order to reduce the forecast levels of additional Council borrowing. This means the Council will not be adding to the national borrowing position from the capitalisation direction.

The report sets out the priority areas of investment in the borough and the improvements planned through the Capital Board to drive and monitor delivery of the capital programme.

This report sets out the latest forecasts and requests for capital expenditure and its financing requirements for the remainder of the current financial year and the following three years of the new Medium Term Financial Strategy [MTFS] planning horizon.

FINANCIAL IMPACT

The net cost of the proposed capital programme (net of grants and contributions) and use of CIL and s106 funding is £202m over the four years, and in itself would incur additional annual revenue borrowing costs of c£11m by the end of the MTFS period.

However, the asset disposal strategy has begun to deliver capital receipts, and together with planned receipts from capital loan repayments and investments is expected to generate capital receipts of £212m over the four year period. The report sets out the Council's overall borrowing at the end of the four year period, coupled with Minimum Revenue Provision charges being set aside annually to also reduce debt. It is expected that net borrowing (the Capital Financing Requirement [CFR]) will fall by £80m rather than increase. The revenue saving implications of this net position have been incorporated into

the planning assumptions contained in the Council's MTFS that will be presented to Cabinet later in February.

As part of the Council's transformation agenda, £65.8m was charged as a capitalisation direction for 2020/21, with further assumptions of £50m for the current year (and £25m in 2022/23 and £5m in 2023/24). These values are included in the Council's borrowing levels brought forward and future capital spend assumptions. By prioritising the use of capital receipts to repay these capitalisation direction costs, the Council minimises the revenue impact and allows the Council over the three years to fully finance the cost of capitalisation directions from its own resources, without impacting the level of public sector debt.

1. RECOMMENDATIONS

The Leader has delegated authority to Cabinet to make the following decisions:

- 1.1 Approve the revised General Fund Capital Programme updated for 2021/22 and the future years 2022/23 to 2024/25 as summarised in this report and detailed in Appendix 1;
- 1.2 Note the strategy for the use of capital receipts which prioritises their use first for Transformation Funding costs (Flexible Use of Capital Receipts), then to finance the costs relating to the Capitalisation Direction, and finally to repay historic capital borrowing costs;
- 1.3 Note that any further revisions to the General Fund Capital Programme that emerge prior to the February Cabinet meeting will be reported as part of the Council Tax and Medium Term Financial Strategy report;
- 1.4 Note that progress on updating the Council's Capital Strategy will be reported alongside the Treasury Management Strategy and Minimum Revenue Provision in the February Cabinet report;
- 1.5 Note that subject to approval by Cabinet of the overall capital programme below, officers will work up the detailed project plans for schemes and these will be validated by CB before final commitment to spend; and
- 1.6 Note that the Housing Revenue Account Capital Programme will be reported separately to a subsequent meeting alongside, Revenue Budget and Rent-Setting Policy or Housing Business Plan.

2. EXECUTIVE SUMMARY

- 2.1. This report sets out the latest forecast for the General Fund Capital Programme for 2021/22 as well as updated proposals for capital spending over the future

three years. The planning horizon has been extended by an additional year from that last considered in March 2021 to mirror the timeframe in the new Medium Term Financial Strategy being developed for the revenue budget.

- 2.2. The proposals as set out in this report would see gross capital investment in the Council's priorities increase by £78m over the new four year planning horizon (£41m of which is new for 2024/25 and £37m additional across the existing planning horizon), whilst by utilising expected capital receipts in the most efficient manner see overall borrowing levels fall by £80m.

3 GENERAL FUND CAPITAL PROGRAMME

3.1 The Approved Three Year Capital Programme

- 3.2 The 2021/22 General Fund Capital Programme was approved in March 2021 as part of the overall Council Tax and MTFS approval. That approved budget is summarised in the table below:

Table 1 – Original Approved Capital Programme 2021/22 to 2023/24

	2021/22		2022/23		2023/24		3-Year Total (£,000's)
	Spend (£,000's)	Funding (£,000's)	Spend (£,000's)	Funding (£,000's)	Spend (£,000's)	Funding (£,000's)	
Health, Wellbeing & Adults	3,965	(2,400)	2,400	(2,400)	2,400	(2,400)	1,565
Children, Families & Education	13,677	(11,346)	3,730	(3,730)	3,555	(3,555)	2,331
Place	31,171	(1,885)	9,848	(761)	477	(74)	38,776
Resources	13,715	-	8,200	-	11,919	-	33,834
Corporate	-	(6,400)	-	(6,600)	-	(6,600)	(19,600)
Capitalisation Direction	50,000	-	25,000	-	5,000	-	80,000
	112,528	(22,031)	49,178	(13,491)	23,351	(12,629)	136,906
		Net		Net		Net	
Being: Gross Spend		112,528		49,178		23,351	185,057
CIL/s106 Funding		(7,571)		(6,800)		(6,800)	(21,171)
Grant Funding		(14,460)		(6,691)		(5,829)	(26,980)
Borrowing		90,497		35,687		10,722	136,906

- 3.3 Further in-year changes to the approved budget have taken place during the course of the year, in particular the approval of 2020/21 underspends rolled forward as part of the outturn report and approved by Cabinet in July 2021. The current approved budget taking into account those changes is summarised in the following table:

Table 2 – Current Approved Capital Programme 2021/22 to 2023/24

	2021/22		2022/23		2023/24		3-Year Total (£,000's)
	Spend (£,000's)	Funding (£,000's)	Spend (£,000's)	Funding (£,000's)	Spend (£,000's)	Funding (£,000's)	
Adult Social Care & Health	1,726	-	-	-	-	-	1,726
Children, Young People & Education	26,078	(11,346)	3,730	(3,730)	3,555	(3,555)	14,732
Housing	4,773	(4,373)	2,400	(2,400)	2,400	(2,400)	400
Sustainable Communities, Regeneration & Economic Renewal	76,597	(2,043)	9,848	(761)	477	(74)	84,044
Assistant Chief Executive Resources	20,625	-	6,200	-	9,919	-	36,744
Corporate	9,047	-	2,000	-	2,000	-	13,047
Capitalisation Direction	1,893	(8,293)	-	(6,600)	-	(6,600)	(19,600)
	50,000	-	25,000	-	5,000	-	80,000
	190,739	(26,055)	49,178	(13,491)	23,351	(12,629)	211,093
		Net	Net	Net			
Being:	Gross Spend	190,581	49,178	23,351			263,110
	CIL/s106 Funding	(7,571)	(6,800)	(6,800)			(21,171)
	Grant Funding	(16,433)	(6,691)	(5,829)			(28,953)
	Capital Receipts	(1,893)	-	-			(1,893)
	Borrowing	164,684	35,687	10,722			211,093

3.4 Revised and Extended Capital Programme

3.5 In line with refreshing and extending the General Fund Revenue Medium Term Financial Strategy, requests from service departments have been received to update their capital spend and funding forecast requirements over the existing MTFS planning horizon (2021/22 to 2023/24) and to extend it into the additional new MTFS year 2024/25.

3.6 A process has been put into place to collate those submissions and has been subject to initial officer review and then a “Star Chamber” challenge session including Cabinet members. That process, and taking into account current year forecast spend as included in the Period 8 monitoring report, has seen a revised forecast for 2021/22 and a request to re-phase part of that quantum as well as future year spend as summarised in the table below, and set out in more detail in Appendix 1.

Table 3 – Revised Capital Programme Proposals 2021/22 to 2024/25

	2021/22		2022/23		2023/24		2024/25		4-Year Total (£,000's)
	Spend (£,000's)	Funding (£,000's)	Spend (£,000's)	Funding (£,000's)	Spend (£,000's)	Funding (£,000's)	Spend (£,000's)	Funding (£,000's)	
Adult Social Care & Health	68	-	1,707	-	269	-	-	-	2,044
Children, Young People & Education	15,451	(12,649)	15,964	(15,964)	6,057	(6,057)	-	-	2,802
Housing	3,393	(2,993)	3,493	(2,993)	2,993	(2,993)	2,993	(2,993)	900
Sustainable Communities, Regeneration & Economic Renewal	45,427	(13,529)	45,064	(18,249)	28,386	(14,672)	29,496	(15,444)	86,479
Assistant Chief Executive Resources	11,867	-	14,028	-	7,271	-	6,276	-	39,442
Corporate	3,456	(168)	4,631	(404)	2,687	(34)	-	-	10,167
Capitalisation Direction	2,393	(8,793)	2,500	(9,100)	2,500	(9,100)	2,500	(2,500)	(19,600)
	50,000	-	25,000	-	5,000	-	-	-	80,000
	132,055	(38,132)	112,387	(46,710)	55,162	(32,856)	41,265	(20,937)	202,234
		Net	Net	Net	Net	Net	Net		
Being:	Gross Spend	131,897	112,387	55,162	41,265				340,711
	CIL/s106 Funding	(12,630)	(10,462)	(7,220)	(226)				(30,538)
	Grant Funding	(22,951)	(33,747)	(23,136)	(18,211)				(98,045)
	Capital Receipts	(2,393)	(2,500)	(2,500)	(2,500)				(9,893)
	Borrowing	93,923	65,677	22,307	20,328				202,234

3.7 As can be seen by comparing the approved capital programme as set out in Table 2 to the current proposals as set out in Table 3, gross capital spend has increased from £263.1m to £340.7m – an increase of £77.601m investing in the borough and Council’s priorities, with only £41.265m of this being due to the additional year in the programme. In essence there is an additional £36.336m being invested by the Council in the borough.

3.8 At the same time the approved borrowing requirement (before application of capital receipts other than to fund Transformation Funding) has decreased from £211.1m to £202.2m – a reduction of £8.9m, despite including an additional year (2024/25) in the programme. This is the result of further grant funding being utilised and application of Community Infrastructure Levy [CIL] and s106 Planning Receipts being applied.

3.9 Whereas the current approved capital programme only assumed capital receipts would be applied to fund the 2021/22 Transformation costs (£1.9m), the net borrowing set out in Table 3 (£202.2m over the four years) includes provision for £10.0m of Transformation expenditure over the four years. This will support and drive the delivery of the transformation of the Council and delivery of the significant efficiencies programme. It helps to align delivery resources to the programme.

3.10 The Council has been implementing a capital disposal strategy to generate further capital receipts from the disposal of surplus properties and in addition is seeing loans and investments previously given for capital purposes be repaid (these are accounted for as capital receipts) or expected to be repaid over the four years of the new MTFs period. These receipts are able to be used to be set aside for the repayment of debt or to fund new borrowing costs.

3.11 The Council aims to apply those capital receipts in the most economic manner to minimise capital financing costs, and the general strategy is to apply those receipts in the following order

- a) Transformation Expenditure – freedoms to charge revenue transformation costs against capital receipts is given under the Flexible Use of Capital Receipts Regulations and can only be so financed by capital receipts;
- b) Capitalisation Direction Borrowing – approval by the Secretary of State to capitalise revenue expenditure as the Council transforms is given subject to the maximum period of twenty years borrowing. As this is less than the average period for other capital borrowing a bigger annual revenue saving is achieved by prioritising the repayment or financing of this category of capital borrowing. In addition, an additional 1% premium of borrowing from the Public Works Loans Board [*PWLB*] is chargeable on borrowing not repaid by capital receipts as a condition of the Capitalisation Direction.

The Council is committed to fund the capitalisation direction costs from its own capital receipts for the above reason and to demonstrate that it has managed to balance its finances within its own resources

- c) Other Capital Borrowing – the Minimum Revenue Provision [*MRP*] charges against revenue for historic capital borrowing are calculated on an annuity basis – that is they are lower in early years and increase in latter years. All other things being equal, a bigger revenue saving is made by using capital receipts to set-aside to repay historic borrowing rather than to finance new expenditure.

3.12 The Corporate Director of Resources will continue to review the capital financing position and apply capital receipts in the most revenue efficient manner as capital receipts allow.

3.13 Forecast capital receipts over the four year MTFS planning horizon and how they may be applied to reduce borrowing are summarised in the table below:

Table 4 – Capital Financing Requirement [CFR] (Borrowing)

	Mar 21	Mar 22	Mar 23	Mar 24
	(£m's)	(£m's)	(£m's)	(£m's)
Capital Financing Requirement b/f	1,274.5	1,297.0	1,255.4	1,204.2
Net Capital Proposal Borrowing	96.3	68.2	24.8	22.8
Less Capital Receipts Applied				
Asset Disposals	(48.2)	(30.2)	(2.9)	-
Investment & Loan Repayments	(7.0)	(58.6)	(53.0)	(12.1)
Less MRP Set-Aside	(18.7)	(21.0)	(20.1)	(20.2)
Capital Financing Requirement c/f	1,297.0	1,255.4	1,204.2	1,194.7

- 3.14 Based on the assumptions as to future net capital spend and capital receipts, despite investing £212m funded from “borrowing”, the Council would in fact be able to reduce its CFR by £80m rather than increase it.
- 3.15 The Council continues to develop its capital strategy and has begun the process of reviewing all of its fixed asset holdings, the costs and benefits of owning and operating from them and the investment required to maintain them as fit for purpose. A Capital Strategy is in the process of being updated and will be further reported on to February Cabinet alongside the Treasury Management Strategy and Minimum Revenue Provision Policy.
- 3.16 Whilst Cabinet is requested to approve the overall General Fund capital programme, as detailed in this report, prior to any individual proposal commencing approval to proceed will additionally be required from the officer-led Capital Board. This additional approval gateway will ensure all appropriate due diligence and programme planning/delivery considerations have been undertaken on a scheme by scheme basis prior to any spend being committed.
- 3.17 Under the regulations governing the use of Flexible Capital Receipts, Full Council approval is required for transformation costs funded by flexible capital receipts. The February Council Tax and Budget Report will include a full schedule of transformation fund projects for consideration and will thereafter follow on to the February Full Council meeting for approval.
- 3.18 Any further changes that emerge to the capital programme over the next month will also be provided as an update in that report.

4 FINANCIAL CONSIDERATIONS

- 4.1 As contained in the body of this report.

5 LEGAL CONSIDERATIONS

- 5.1 The Head of Litigation and Corporate Law comments on behalf of the interim Director of Law and Governance that the Council is under a statutory duty, as set out in Section 31A of the Local Government Finance Act 1992, to ensure that it maintains a balanced budget and to take any remedial action as required in year.
- 5.2 The Council is required by section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs. The Council's Chief Finance Officer has established financial procedures to ensure the Council's proper financial administration. These include procedures for budgetary control. It is consistent with these arrangements for Cabinet to receive information about the revenue and capital budgets.
- 5.3 The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 (as amended) made pursuant to the Local Government Act 2003 requires the Council to have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities ("The Prudential Code"). Regulations 23 and 24 provide respectively that capital receipts may only be used for specified purposes and that in carrying out its capital finance functions, a local authority must have regard to the code of practice in "Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (2017 Edition)" ("The Treasury Code") issued by CIPFA.
- 5.4 Statutory Guidance on the Flexible Use of Capital Receipts has been issued by the Secretary of State pursuant to Section 15(1) of the Local Government Act 2003 and the Council is required to have regard to this guidance in exercising its functions in this regard. The Statutory guidance defines qualifying expenditure and also provides that the Council should prepare and adopt a Strategy on the Flexible Use of receipts ("the Strategy"). This need not be a separate strategy and may for example be approved as part of the Annual Budget documents.
- 5.5 As a minimum, the Strategy should list each project that plans to make use of the capital receipts flexibility and that on a project by project basis details of the expected savings/service transformation are provided. The Strategy should report the impact on the local authority's Prudential Indicators for the forthcoming year and subsequent years. The Strategy should contain details on projects approved in previous years, including a commentary on whether the planned savings or service transformation have been/are being realised in line with the initial analysis. This strategy is required to be approved by Full Council.
- 5.6 Two codes of practice issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) contain guidance on capital receipts and local authority accounting that complement the statutory guidance. These publications are: The Prudential Code for Capital Finance in Local Authorities and the Code of Practice on Local Authority Accounting

Approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Interim Director of Law and Governance and Deputy Monitoring Officer.

6 HUMAN RESOURCES IMPACT

6.1 No direct Human Resources impacts in this report

7 EQUALITIES IMPACT

7.1 No direct Equalities impacts in this report

8 ENVIRONMENTAL IMPACT

8.1 No direct Environmental impacts in this report

9 CRIME AND DISORDER REDUCTION IMPACT

9.1 No direct Crime and Disorder Reduction impacts in this report

10 DATA PROTECTION IMPLICATIONS

10.1 No Data Protection Implications in this report

REPORT AUTHOR: Matthew Davis, Interim Director of Finance
(Deputy S151 Officer)

APPENDICES: Appendix 1 – Detailed General Fund Capital Programme

BACKGROUND DOCUMENTS:
Approved 2021/22 Budget and Three Year MTFs – Council 8th Mar 21 (Item 18/21)
Outturn Report & Capital Roll-Forward – Cabinet 12th July 2021 (Item 100/21)

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APPENDIX 1 - CAPITAL PROGRAMME

			APPROVED BUDGETS			REQUESTED CHANGES				PROPOSED CAPITAL PROGRAMME			
			2021/22 (£,000's)	2022/23 (£,000's)	2023/24 (£,000's)	2021/22 (£,000's)	2022/23 (£,000's)	2023/24 (£,000's)	2024/25 (£,000's)	2021/22 (£,000's)	2022/23 (£,000's)	2023/24 (£,000's)	2024/25 (£,000's)
GF CAP 04	Disabled Facilities Grant	Spend	4,373	2,400	2,400	(1,380)	593	593	2,993	2,993	2,993	2,993	2,993
GF CAP 04	Disabled Facilities Grant	Grant	(4,373)	(2,400)	(2,400)	1,380	(593)	(593)	(2,993)	(2,993)	(2,993)	(2,993)	(2,993)
GF CAP 05	Empty Homes Grants	Spend	400	-	-	-	500	-	-	400	500	-	-
HOUSING			400	-	-	-	500	-	-	400	500	-	-
GF CAP 01	Adults ICT	Spend	284	-	-	(220)	110	110	-	64	110	110	-
GF CAP 02	Adult Social Care Provision	Spend	4	-	-	-	-	-	-	4	-	-	-
GF CAP 06	Provider Services - Extra Care	Spend	500	-	-	(500)	500	-	-	-	500	-	-
GF CAP 07	Sheltered Housing	Spend	938	-	-	(938)	938	-	-	-	938	-	-
GF CAP 72	Capital investment in Garden Centre	Spend	-	-	-	-	159	159	-	-	159	159	-
ADULTS			1,726	-	-	(1,658)	1,707	269	-	68	1,707	269	-
GF CAP 03	Bereavement Services	Spend	1,711	-	-	(911)	1,000	-	-	800	1,000	-	-
GF CAP 20	Community Ward Budgets	Spend	1,616	-	-	(1,616)	-	-	-	-	-	-	-
GF CAP 63	Finance and HR system	Spend	598	-	-	(100)	500	250	-	498	500	250	-
GF CAP 64	ICT Refresh & Transformation	Spend	9,185	6,200	6,200	(2,755)	2,755	-	6,200	6,430	8,955	6,200	6,200
GF CAP 65	People ICT	Spend	7,515	-	-	(4,015)	3,000	-	-	3,500	3,000	-	-
GF CAP 66	Uniform ICT Upgrade	Spend	-	-	3,719	140	-	(3,719)	-	140	-	-	-
GF CAP 74	Members Enquiries Transformation Bid	Spend	-	-	-	29	43	11	11	29	43	11	11
GF CAP 75	Core Contract Procurement Transformation	Spend	-	-	-	470	530	810	65	470	530	810	65
ASSISTANT CHIEF EXECUTIVE			20,625	6,200	9,919	(8,758)	7,828	(2,648)	6,276	11,867	14,028	7,271	6,276
GF CAP 08	Education – Fire Safety Works	Spend	2,057	300	-	(1,607)	602	-	-	450	902	-	-
GF CAP 08	Education – Fire Safety Works	Grant	(1,200)	(300)	-	750	(602)	-	-	(450)	(902)	-	-
GF CAP 09	Education - Fixed Term Expansions	Spend	2,124	34	-	(2,055)	3,209	2,993	-	69	3,243	2,993	-
GF CAP 09	Education - Fixed Term Expansions	Grant	(260)	(34)	-	191	(3,209)	(2,993)	-	(69)	(3,243)	(2,993)	-
GF CAP 10	Education - Major Maintenance	Spend	7,523	3,000	3,000	(4,578)	6,549	(442)	(3,000)	2,945	9,549	2,558	-
GF CAP 10	Education - Major Maintenance	Grant	(2,945)	(3,000)	(3,000)	-	(6,549)	442	3,000	(2,945)	(9,549)	(2,558)	-
GF CAP 11	Kenley School Modular Replacement Works	Spend	821	-	-	(455)	-	-	-	366	-	-	-
GF CAP 11	Kenley School Modular Replacement Works	Grant	(200)	-	-	(166)	-	-	-	(366)	-	-	-
GF CAP 12	Education - Permanent Expansion	Spend	403	44	-	22	-	-	-	425	44	-	-
GF CAP 12	Education - Permanent Expansion	Grant	(180)	(44)	-	(245)	-	-	-	(425)	(44)	-	-
GF CAP 13	Education - Secondary Estate	Spend	134	-	-	(46)	-	-	-	88	-	-	-
GF CAP 13	Education - Secondary Estate	Grant	-	-	-	(88)	-	-	-	(88)	-	-	-
GF CAP 14	Education - SEN	Spend	13,016	352	555	(1,908)	1,874	(49)	-	11,108	2,226	506	-
GF CAP 14	Education - SEN	Grant	(5,900)	(152)	(355)	(1,866)	(1,747)	209	-	(7,766)	(1,899)	(146)	-
GF CAP 14	Education - SEN	CIL	(300)	(200)	(200)	-	(127)	(160)	-	(300)	(327)	(360)	-
GF CAP 14	Education - SEN	s106	(361)	-	-	121	-	-	-	(240)	-	-	-
CHILDREN'S, FAMILIES & EDUCATION			14,732	-	-	(11,930)	-	-	-	2,802	-	-	-
GF CAP 15	Allotments	Spend	309	-	-	(209)	200	-	-	100	200	-	-

APPENDIX 1 - CAPITAL PROGRAMME

			APPROVED BUDGETS			REQUESTED CHANGES				PROPOSED CAPITAL PROGRAMME			
			2021/22	2022/23	2023/24	2021/22	2022/23	2023/24	2024/25	2021/22	2022/23	2023/24	2024/25
			(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)
GF CAP 16	Asset management ICT database	Spend	-	-	-	-	-	-	-	-	-	-	-
GF CAP 17	Brick by Brick programme	Spend	20,000	-	-	(16,203)	6,203	-	-	3,797	6,203	-	-
GF CAP 18	Fairfield	Spend	-	-	-	4,000	1,000	1,000	1,000	4,000	1,000	1,000	1,000
GF CAP 73	Fixtures & Fittings FFH	Spend	-	-	-	574	-	-	-	574	-	-	-
GF CAP 19	CALAT Transformation	Spend	396	-	-	(390)	390	-	-	6	390	-	-
GF CAP 21	Devolution initiatives	Spend	-	-	-	-	-	-	-	-	-	-	-
GF CAP 22	Electric Vehicle Charging Points	Spend	1,700	-	-	(1,700)	500	500	700	-	500	500	700
GF CAP 22	Electric Vehicle Charging Points	CIL	(100)	-	-	100	-	-	-	-	-	-	-
GF CAP 22	Electric Vehicle Charging Points	s106	-	-	-	-	(100)	-	-	-	(100)	-	-
GF CAP 22	Electric Vehicle Charging Points	Grant	(300)	-	-	300	(300)	-	-	-	(300)	-	-
GF CAP 23	Capitalised Feasibility Fund	Spend	505	330	330	-	-	-	-	505	330	330	-
GF CAP 24	Fieldway Cluster (Timebridge Community Centre)	Spend	3,023	-	-	(2,723)	-	-	-	300	-	-	-
GF CAP 25	Growth Zone	Spend	8,210	-	-	(5,710)	4,000	4,000	4,000	2,500	4,000	4,000	4,000
GF CAP 25	Growth Zone	Grant	-	-	-	(2,500)	(4,000)	(4,000)	(4,000)	(2,500)	(4,000)	(4,000)	(4,000)
GF CAP 26	Grounds Maintenance Insourced Equipment	Spend	1,200	-	-	(200)	200	-	-	1,000	200	-	-
GF CAP 27	Highways - maintenance programme	Spend	17,531	8,051	-	(4,057)	567	8,618	8,618	13,474	8,618	8,618	8,618
GF CAP 28	Highways - maintenance programme (staff recharge)	Spend	567	-	-	(567)	-	-	-	-	-	-	-
GF CAP 29	Highways – flood water management	Spend	286	-	-	790	435	435	435	1,076	435	435	435
GF CAP 30	Highways – bridges and highways structures	Spend	141	-	-	998	3,403	2,000	3,000	1,139	3,403	2,000	3,000
GF CAP 30	Highways – bridges and highways structures	Grant	-	-	-	(350)	(3,000)	(1,800)	(2,000)	(350)	(3,000)	(1,800)	(2,000)
GF CAP 31	Highways - Tree works	Spend	-	-	-	89	56	56	56	89	56	56	56
GF CAP 31	Highways - Tree works	Grant	-	-	-	(89)	(56)	(56)	(56)	(89)	(56)	(56)	(56)
GF CAP 32	Mitigate unauthorised access to parks and open sp	Spend	73	73	73	-	-	-	-	73	73	73	-
GF CAP 33	Leisure centres equipment upgrade	Spend	628	70	-	-	-	-	-	628	70	-	-
GF CAP 33	Leisure centres equipment upgrade	Reserves	-	-	-	(208)	(70)	-	-	(208)	(70)	-	-
GF CAP 34	Libraries Investment - General	Spend	1,914	-	-	(1,614)	1,614	-	-	300	1,614	-	-
GF CAP 35	Libraries investment – South Norwood library	Spend	512	-	-	(412)	412	-	-	100	412	-	-
GF CAP 36	Museum Archives	Spend	100	-	-	(100)	75	-	-	-	75	-	-
GF CAP 37	Neighbourhood Support Safety Measures	Spend	50	-	-	-	-	-	-	50	-	-	-
GF CAP 38	New Addington wellbeing centre	Spend	979	-	-	(979)	-	-	-	-	-	-	-
GF CAP 39	Parking	Spend	3,401	475	-	(1,666)	1,666	1,922	1,662	1,735	2,141	1,922	1,662
GF CAP 40	Park Life	Spend	381	-	-	(381)	-	-	-	-	-	-	-
GF CAP 40	Park Life	s106	(58)	-	-	58	-	-	-	-	-	-	-
GF CAP 40	Park Life	Grant	(250)	(250)	-	250	250	-	-	-	-	-	-
GF CAP 41	Play Equipment	Spend	1,522	-	-	(802)	380	-	-	720	380	-	-
GF CAP 41	Play Equipment	s106	(310)	-	-	-	-	-	-	(310)	-	-	-
GF CAP 43	Safety - digital upgrade of CCTV	Spend	1,559	-	-	(1,539)	1,539	-	-	20	1,539	-	-
GF CAP 44	Section 106 Schemes	Spend	4,674	-	-	-	-	-	-	4,674	-	-	-

APPENDIX 1 - CAPITAL PROGRAMME

			APPROVED BUDGETS			REQUESTED CHANGES				PROPOSED CAPITAL PROGRAMME			
			2021/22	2022/23	2023/24	2021/22	2022/23	2023/24	2024/25	2021/22	2022/23	2023/24	2024/25
			(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)
GF CAP 44	Section 106 Schemes	s106	-	-	-	(4,674)	-	-	-	(4,674)	-	-	-
GF CAP 45	SEN Transport	Spend	1,289	-	-	(1,289)	-	-	-	-	-	-	-
GF CAP 46	Signage	Spend	137	-	-	-	137	137	137	137	137	137	137
GF CAP 47	South Norwood Regeneration	Spend	5	849	74	807	183	43	-	812	1,032	117	-
GF CAP 47	South Norwood Regeneration	s106	(42)	-	-	42	(45)	-	-	-	(45)	-	-
GF CAP 47	South Norwood Regeneration	Grant	(825)	(511)	(74)	13	(476)	(44)	-	(812)	(987)	(118)	-
GF CAP 48	Connected Kenley	Spend	-	-	-	545	425	-	-	545	425	-	-
GF CAP 48	Connected Kenley	s106	-	-	-	-	(140)	-	-	-	(140)	-	-
GF CAP 48	Connected Kenley	Grant	-	-	-	(545)	(285)	-	-	(545)	(285)	-	-
GF CAP 49	Sustainability Programme	Spend	625	-	-	(565)	565	-	-	60	565	-	-
GF CAP 49	Sustainability Programme	CIL	-	-	-	-	(500)	-	-	-	(500)	-	-
GF CAP 50	TFL - LIP	Spend	392	-	-	3,492	9,266	9,198	9,888	3,884	9,266	9,198	9,888
GF CAP 50	TFL - LIP	s106	-	-	-	(330)	(2,276)	(226)	(226)	(330)	(2,276)	(226)	(226)
GF CAP 50	TFL - LIP	Grant	-	-	-	(3,554)	(6,489)	(8,472)	(9,162)	(3,554)	(6,489)	(8,472)	(9,162)
GF CAP 51	Unsuitable Housing Fund	Spend	14	-	-	-	-	-	-	14	-	-	-
GF CAP 52	Walking and cycling strategy	Spend	-	-	-	-	-	-	-	-	-	-	-
GF CAP 53	Waste and Recycling Investment	Spend	3,116	-	-	(1,558)	1,000	-	-	1,558	1,000	-	-
GF CAP 54	Waste and Recycling – Don't Mess with Croydon	Spend	1,358	-	-	200	1,000	-	-	1,558	1,000	-	-
GF CAP 55	Schemes with completion date prior to 2020/21	Spend	(158)	-	-	-	-	-	-	(158)	-	-	-
SUSTAINABLE COMMUNITIES, REGEN & ECONOMIC DVLPT			74,554	9,087	403	(42,656)	17,728	13,311	14,052	31,898	26,815	13,714	14,052
GF CAP 56	Asset Strategy - Stubbs Mead	Spend	3,298	-	-	(3,048)	700	-	-	250	700	-	-
GF CAP 57	Asset Strategy Programme	Spend	770	-	-	(748)	225	153	-	23	225	153	-
GF CAP 58	Asset Acquisition Fund	Spend	415	-	-	(390)	390	-	-	25	390	-	-
GF CAP 59	Clocktower Chillers	Spend	462	-	-	(412)	412	-	-	50	412	-	-
GF CAP 60	Corporate Property Programme	Spend	4,248	2,000	2,000	(1,454)	500	500	-	2,794	2,500	2,500	-
GF CAP 61	Crossfield (relocation of CES)	Spend	(146)	-	-	292	-	-	-	146	-	-	-
GF CAP 71	Croydon Healthy Homes	Spend	-	-	-	168	404	34	-	168	404	34	-
GF CAP 71	Croydon Healthy Homes	s106	-	-	-	(168)	(404)	(34)	-	(168)	(404)	(34)	-
RESOURCES			9,047	2,000	2,000	(5,760)	2,227	653	-	3,288	4,227	2,653	-
GF CAP 68	Capitalisation Direction	Spend	50,000	25,000	5,000	-	-	-	-	50,000	25,000	5,000	-
GF CAP 69	Transformation Spend (Flexible Capital Receipts)	Spend	1,893	-	-	500	2,500	2,500	2,500	2,393	2,500	2,500	2,500
GF CAP 69	Transformation Spend (Flexible Capital Receipts)	Cap Rcp	(1,893)	-	-	(500)	(2,500)	(2,500)	(2,500)	(2,393)	(2,500)	(2,500)	(2,500)
GF CAP 70	Further CIL (to be allocated)	CIL	(6,400)	(6,600)	(6,600)	-	-	-	-	(6,400)	(6,600)	(6,600)	-
CORPORATE			43,600	18,400	(1,600)	-	-	-	-	43,600	18,400	(1,600)	-
TOTAL - GENERAL FUND CAPITAL			164,684	35,687	10,722	(70,761)	29,990	11,585	20,328	93,923	65,677	22,307	20,328

Spend	190,581	49,178	23,351	(58,684)	63,209	31,811	38,265	131,897	112,387	55,162	41,265
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APPENDIX 1 - CAPITAL PROGRAMME

	APPROVED BUDGETS			REQUESTED CHANGES				PROPOSED CAPITAL PROGRAMME			
	2021/22 (£,000's)	2022/23 (£,000's)	2023/24 (£,000's)	2021/22 (£,000's)	2022/23 (£,000's)	2023/24 (£,000's)	2024/25 (£,000's)	2021/22 (£,000's)	2022/23 (£,000's)	2023/24 (£,000's)	2024/25 (£,000's)
CIL	(6,800)	(6,800)	(6,800)	100	(627)	(160)	-	(6,700)	(7,427)	(6,960)	-
s106	(771)	-	-	(4,951)	(2,965)	(260)	(226)	(5,722)	(2,965)	(260)	(226)
Reserves	-	-	-	(208)	(70)	-	-	(208)	(70)	-	-
Grant	(16,433)	(6,691)	(5,829)	(6,518)	(27,056)	(17,307)	(15,211)	(22,951)	(33,747)	(23,136)	(18,211)
Cap Rcp	(1,893)	-	-	(500)	(2,500)	(2,500)	(2,500)	(2,393)	(2,500)	(2,500)	(2,500)
	164,684	35,687	10,722	(70,761)	29,990	11,585	20,328	93,923	65,677	22,307	20,328

REPORT TO:	Cabinet 24 January 2022
SUBJECT:	Medium Term Financial Strategy 2022/23 to 2024/25 Update on Position
LEAD OFFICER:	Richard Ennis, Corporate Director of Resources (S151 Officer)
CABINET MEMBER:	Councillor Hamida Ali, Leader of the Council Councillor Stuart King, Cabinet Member for Croydon Renewal Councillor Callton Young, Cabinet Member for Resources & Financial Governance

SUMMARY OF REPORT:

This report updates Cabinet on progress in delivering a balanced budget for 2022/23 and the Medium Term Financial Strategy [MTFS] over the next three years.

The Council continues to make good progress towards achieving a balanced and robust budget that takes account of delivery risk and the need to improve further the overall reserves position of the Council to give a more solid financial base on which to improve the Council's services to residents and businesses.

The report sets out the changes to the position last reported to Cabinet on 6th December 2021 and takes into account the implications following the announcement of the Provisional Local Government Finance Settlement [LGFS] announced on 16th December 2021 as well as other changes in assumptions occurring after that last Cabinet report.

A 2022/23 remaining gap of £13.151m was reported at the beginning of December, and that gap has reduced to £4.337m now – a reduction in the gap of £8.814m.

However, there are pressures relating to expected contract inflation and future pay awards, as well as emerging uncertainty around achievability of delivering on a number of savings proposals and is likely to further increase this latest gap. The Council will take a robust, constructive and appropriate approach in these respects. Emerging opportunities to reduce overall capital financing costs in part mitigate these emerging pressures, but taken collectively would, if they materialise, see the gap grow back to £11.337m. These budget de-risking items are work in progress and subject to further work and will be reported again to the February Cabinet committee ahead of full Council for budget setting in February.

Given the positive continuing delivery of the 2021/22 budget there will be a review of the Council's general un-earmarked and earmarked reserves position that will be reported and considered through both the Scrutiny and Overview and General Purposes and Audit Committees on route to Cabinet and then full Council in February.

FINANCIAL IMPACT

The remaining budget gap of £11.337m could be contained within the already approved provision for contribution to General Reserves in 2022/23 and thus the 2022/23 Budget can be balanced. Work continues to mitigate growth requests and to identify further savings opportunities / de-risk existing proposals which has the potential to close the gap still further. Any such improvement will allow the rebuilding of earmarked reserves to add further resilience to meet unforeseen future budget pressures.

1. RECOMMENDATIONS

The Leader has delegated authority to Cabinet to make the following decisions:

- 1.1 Note the latest projected MTFS Gap for the 2022/23 General Fund Revenue Budget of £4.3m, but that further pressures are likely to increase that towards £11m, but is pending further review to reduce that gap;
- 1.2 Note the positive grant settlement against the budget set out in paragraphs 3.3 to paragraph 3.23.
- 1.3 Note that the Council is appropriately on route to balancing its budget for 2022/23.

2. EXECUTIVE SUMMARY

- 2.1. The Council set out a three year Medium Term Financial Strategy in March 2021, which delivered a balanced budget for 2021/22, but still had a £38m gap to be bridged in 2022/23. This gap included capitalisation direction approvals of £50m and £25m in 2021/22 and 2022/23 respectively.
- 2.2. The last report to Cabinet on the MTFS set out a latest position at that point in time of £13m. Since that report we have seen a number of further changes to the MTFS position, and in particular takes into account the outcome of the Provisional Local Government Finance Settlement. The MTFS Gap (before any further risks or opportunities) reduces for 2022/23 to £4m.
- 2.3. However, recent movements in expected inflationary pressures, the delivery risk around a number of specific savings or anticipated funding streams and interest earnings forecasts would increase the gap back to £11m.
- 2.4. Whilst this remaining gap could be bridged by re-allocating the £15m in the 2022/23 Budget to build General Reserves, we continue to work on mitigating growth pressures and de-risk the savings delivery contingency. We would wish to attempt to reduce the net remaining gap to around £8m so the remaining contribution to reserves could be used to further build resilience in

earmarked reserves. This will be subject to a risk based reports through various committees.

3 GENERAL FUND MEDIUM TERM FINANCIAL STRATEGY

3.1 Previously Reported Position

3.2 Cabinet considered a report on 6th December that provided an update on progress in identifying savings (and recognising additional growth pressures) in order to bridge the future gaps in the Council’s revenue budget over the period 2022/23 to 2023/24, whilst extending the MTFS planning horizon to include the new third year 2024/25. The position then reported is summarised in the table below:

Table 1 – Previously Reported MTFS Position

	<--- Incremental Changes --->			<--- Cumulative Changes --->		
	2022/23 (£,000's)	2023/24 (£,000's)	2024/25 (£,000's)	2022/23 (£,000's)	2023/24 (£,000's)	2024/25 (£,000's)
Original Gap - Approved Mar 21	38,378	22,133	-	38,378	60,511	60,511
Further Growth Requests	23,284	2,195	11,787	23,284	25,479	37,266
Cessation of Capitalisation Direction	-	-	5,000	-	-	5,000
	61,662	24,328	16,787	61,662	85,990	102,777
New Savings Proposals	(57,332)	(10,840)	(17,926)	(57,332)	(68,172)	(86,098)
Less Savings Delivery Contingency	8,821	2,168	3,585	8,821	10,989	14,574
	(48,511)	(8,672)	(14,341)	(48,511)	(57,183)	(71,524)
Overall Net Remaining Gap	13,151	15,656	2,446	13,151	28,807	31,253

3.3 The Provisional Local Government Finance Settlement [LGFS]

3.4 The Provisional Local Government Finance Settlement was announced on 16th December, and whilst still only provisional, we are not expecting to see any significant change when the Final LGFS is confirmed later in January. A number of the changes had already been anticipated in either the original MTFS Gap (established in March 2021, or in subsequent growth and savings proposals developed over recent months and was incorporated into the previously reported £13.151m gap.

3.5 Our analysis of the outcome of the Provisional LGFS is summarised in the following:

3.6 Nationally, the Settlement set out extra cash funding for local government of £3.5bn – a 6.9% increase. Within that overall increase is included the following:

- Council Tax increases for single tier local authorities was confirmed at 2.99% before being subject to Referendum criteria (being 1.99% general increase plus an additional 1.00% as a Social Care Precept);

- Included in the overall cash increase was £1bn for social care pressures (Improved Better Care [iBCF]; Social Care Grant; and Market Sustainability and Fair Cost of Care Grant);
- Whilst reform of the New Homes Bonus grant was announced as part of the 2021/22 LGFS, delays in implementing changes have seen a further one-year award for 2022/23 – nationally this grant falls by £68m – 10.9%;
- A new, but one-off, 2022/23 Services Grant of £822m. Planned reform to the Settlement Funding Assessment [SFA] basis of allocation has again been delayed and still awaits the outcome of the Fair Funding Review. Whilst some form of transitional damping is promised with any future allocation, this grant is specifically excluded from any such future damping;
- Revenue Support Grant [RSG] rises by £51m – 3.1%;
- With the national Business Rate Multiplier being frozen, councils see no increases to their Baseline Funding levels (locally retained business rates) or Tariff/Top-Up payments, but an additional £375m is made available as compensation to local authorities for this freeze.

Table 2 – Summary of National LGFS Changes

	2021/22	2022/23	Change	
	(£m's)	(£m's)	(£m's)	(%age)
Settlement Funding Assessment [SFA]	14,810	14,882	72	0.49%
Compensation for under-indexing the business rates multiplier	650	1,025	375	57.69%
Council Tax Requirement excluding parish precepts	30,327	31,728	1,402	4.62%
Improved Better Care Fund	2,077	2,140	63	3.02%
New Homes Bonus	622	554	(68)	(10.89%)
Rural Services Delivery Grant	85	85	-	-
Social Care Grant	1,710	2,346	636	37.21%
Market Sustainability and Fair Cost of Care Fund	-	162	162	n/a
Lower Tier Services Grant	111	111	0	0.00%
2022/23 Services Grant	-	822	822	n/a
	50,392	53,856	3,464	6.88%

3.7 Our overall review of the national LGFS announcement included the following observations:

- The Settlement has again been announced later than local government would have liked in order to effectively plan and we would again call on the Department for Levelling Up, Housing and Communities [DLUHC] to make future announcements in a more timely manner;
- The Settlement is again for one year only and as such does not facilitate longer term planning over a multi-year financial horizon as we

are required to do under best practice and the CIPFA Financial Management Code;

- The Chancellor's Autumn Budget Statement (27th October 2021) referred at that point to a "real terms" increase in local government funding for next year of 3%. However with latest inflation rates reported at 5.1%, the cash increase of 6.9% falls below this real terms increase;
- The increases assumed in the LGFS assume that business rate receipts continue unchanged from levels determined and subsequently indexed since the localised business rate regime was introduced in 2013/14. As such the forecasts take no account of changes that may arise to overall yield as a result of business failure brought about by the Covid pandemic; and
- Of the £3.5bn additional cash available to local authorities in 2022/23, over half is raised locally from Council Tax or business rates retention.

3.8 Whilst the above sets out the national picture of the implications of the Provisional LGFS, each individual local authority has its own unique circumstances and will be impacted slightly differently. The following summarises the particular position for Croydon Council.

Settlement Funding Assessment

- 3.9 Settlement Funding Assessment [*SFA*] consists of retained business rates (both the target share to be collected and a Top-Up grant) and Revenue Support Grant [*RSG*]. Whilst we had assumed a 2% increase in our forward planning contained in the March 2021/22 MTFs, the freezing of the business rate multiplier in fact sees no increase to this allocation (although this is compensated for by a separate grant detailed below). Whilst we had assumed a similar increase in RSG, the allocation of 3% is greater than that assumed.
- 3.10 As mentioned in the previous paragraph, whilst there is no change in the NNDR multiplier compensation for previous indexation has been increased to compensate for this.
- 3.11 The delay in updating the Settlement Funding Assessment through the Fair Funding Review is disappointing as it further delays receiving formula funding to match our underlying needs. When last set in 2013/14, the Council had £10m top-sliced from its assessed grant need to support other authorities damping grant where their assessed SFA fell substantially – this damping cost has remained since and all other things being equal will have seen the Council receive £100m less funding over the last ten years than the needs assessment suggested the Council required.

Council Tax Requirement

- 3.12 The LGFS in calculating a local authority's Core Spending Power [*CSP*] assumes every Council increases its Band D charge by the maximum under

the Referendum (Excessive Council Tax Demand) regulations. As a single-tier local authority this is a 1.99% general increase plus 1.00% as a Social Care Premium. This increase had already been assumed in our MTFS position.

Improved Better Care Fund

- 3.13 The Improved Better Care Fund [*iBCF*] grant has increased by £293k (3.02%) but was not assumed in our MTFS planning prior to the LGFS announcement.

New Homes Bonus

- 3.14 The New Homes Bonus [*NHB*] was first introduced as both an incentive for local authorities to promote new homes and to compensate for delays in government formula funding allocations matching growth in underlying pressures. Originally, each year's bonus was to be retained for six years but has gradually been reduced to only retaining the 2021/22 grant into 2022/23.
- 3.15 Whilst a fundamental review of NHB was announced a year ago, we made an assumption during the autumn that the scheme would roll forward by another year. The LGFS announcement vindicated that assumption and we only see an £80k variance to the previously assumed MTFS gap.

Table 3 – New Homes Bonus Allocations

2011/12 (£,000's)	2012/13 (£,000's)	2013/14 (£,000's)	2014/15 (£,000's)	2015/16 (£,000's)	2016/17 (£,000's)	2017/18 (£,000's)	2018/19 (£,000's)	2019/20 (£,000's)	2020/21 (£,000's)	2021/22 (£,000's)	2022/23 (£,000's)
2,202	2,202	2,202	2,202	2,202	2,202	2,023	1,215	2,873	1,338	2,101	991
	2,023	2,023	2,023	2,023	2,023	2,023	1,215	2,873	1,338	2,101	991
		1,215	1,215	1,215	1,215	1,215	1,215	2,873	1,338	2,101	991
			2,873	2,873	2,873	2,873	2,873	2,873	1,338	2,101	991
				1,338	1,338	1,338	1,338	1,338	1,338	2,101	991
					2,101	2,101	2,101	2,101	2,101	2,101	991
						991	991	991	991	991	991
							1,825	1,825	1,825	1,825	1,825
								1,768	1,768	1,768	1,768
									2,745	2,745	2,745
										1,575	1,575
2,202	4,225	5,440	8,313	9,651	11,752	8,518	6,255	6,685	7,329	6,145	4,115
						Reduction due to NHB Period being reduced from 6 Years					
						(2,023)	(4,088)	(4,211)	(3,439)	(4,860)	(7,136)

- 3.16 It should be noted that in 2022/23, the Council will receive £7.1m less in NHB funding than if the grant had been retained for the full six years as promised in the original scheme. This is particularly disappointing as our Settlement Funding Assessment has not been updated for underlying spending need caused by housing growth since 2013/14.

Social Care Grant

- 3.17 The Social Care Grant of £7,837k in 2021/22 is to rise by £3,283k (42%) to £11,120k in 2022/23.

Market Sustainability & Fair Cost of Care Fund

- 3.18 New and additional funding has been provided within the Provisional LGFS for a Market Sustainability and Fair Cost of Care Fund and represents £946k for Croydon. This grant is to support local authorities as they prepare their markets for adult social care reform and to help move towards paying a fair cost of care. As a new grant, and not previously forecast in the MTFS Gap, this funding improves the overall Gap.

Lower Tier Services Grant

- 3.19 Although the Lower Tier Services Grant (first introduced in 2021/22) remains unaltered at the national level, changes in the distribution methodology sees a £34k (5.3%) rise in Croydon's allocation.

2022/23 Services Grant

- 3.20 Another new grant was announced in the LGFS as the 2022/23 Services Grant. As a newly announced grant, this was not planned for in the current MTFS Gap assumptions and represents an improvement in that position.
- 3.21 As part of the 2022/23 Provisional LGFS announcement, further proposals are promised to be put forward for consultation on changing the determination of funding – the long-awaited Fair Funding Formula Review. Note is made of any change to future formula funding being subject to transitional damping arrangements to allow time for local authorities to adjust to any revised funding levels (typically net neutral overall costs with funding for councils seeing falls being offset by top-slicing against increases for other authorities). Specific mention is made in the LGFS that the benefits from this grant would be dis-regarded in calculating any damping arrangements. As previously mentioned, the Council received £10m less in funding in 2013/14 against its assessed needs and has remained in that position ever since as the Baseline has remained unaltered

Other Grants

- 3.22 A number of grants awarded for 2021/22 remain to be announced or be confirmed they have ceased. Amongst those which may not be continued in 2022/23 and comprise the Local Council Tax Income Guarantee Grant (£1,512k) and a DLUHC New Burdens Grant (£790k).
- 3.23 Taken collectively, the overall impact of the Provisional LGFS announcement is set out in the table below:

Table 4 – Overall Impact on MTFS Gap of Provisional LGFS

		22/23 Gap (£,000's)	
Budget Gap (Cabinet 6th December)		13,151	
Settlement Funding Assessment	Revenue Support Grant	(157)	
	Retained Business Rates	1,481	
		<u>1,324</u>	
Compensation for Business Rate Under-Indexation		(825)	
			499
Improved Better Care Fund		(293)	
New Homes Bonus		80	
Social Care Grant		(3,283)	
Market Sustainability and Fair Cost of Care Fund		(946)	
Lower Tier Services Grant		(34)	
2022/23 Services Grant		(5,104)	
Other Grants		<u>2,302</u>	
			(6,779)
Revised Budget Gap (Including LFS Changes)			<u>6,372</u>

3.24 Other Changes to the MTFS Gap

3.25 As well as the changes to the previously reported £13,151k gap for 2022/23 resulting from the Provisional Local Government Finance Settlement (set out above), other changes have arisen as services continue to identify savings opportunities to close the gap. Set out below is a summary of other changes that have materialised:

Table 5 – Other Changes to the 2022/23 MTFS Gap

	Savings (£,000's)	Growth (£,000's)	Net (£,000's)
Revised Budget Gap (Including LGFS Changes)			6,372
NHS Funding to Support Joint Care Outcomes	77		77
Children Looked After Placements Demographic Pressures		(85)	(85)
New commissioning for targetted youth provision		(200)	(200)
Reduction in Budget for By-Election Costs	(147)		(147)
Contrib to Borough-Wide Election Cost Reserve		(250)	(250)
TfL Freedom Pass Costs	(4,210)		(4,210)
Staff Resourcing in Committee Services		90	90
Cost of Care Growth above Corporate Inflation		1,043	1,043
Resident Engagement & Tenancy Services	(100)		(100)
Tenancy Services		100	100
Invest to Save in Carers Support		(70)	(70)
Financial Assessment Improvements		250	250
Market Sustainability / Fair Cost of Care		946	946
Savings from Further Asset Disposals	1,000		1,000
Local Council Tax Reduction Scheme Support Review	564		564
Change in Savings Delivery Risk Provision	(1,043)		(1,043)
	<u>(3,859)</u>	1,824	<u>(2,035)</u>
Latest Budget Gap			<u>4,337</u>

- 3.26 The above latest 2022/23 MTFFS Gap of £4.3m does not take into account a number of further emerging pressures or opportunities that have the potential to impact on that gap.
- 3.27 Contract inflation allowed for in the MTFFS gap allows for only 3% inflationary pressures, but with current levels being experienced (and further likely increases to come) the Council could be facing a further 2% pressure on those levels as well as a further 1% pay award pressure. These additional pressures could add a further £9m to the gap.
- 3.28 A number of specific savings or additional funding assumptions have yet to be finalised and have the potential to add a further £4m to the gap if they are not delivered in full.
- 3.29 A review of the accounting treatment and expected wind down of the Council's Property Development Company has however offered up an opportunity to increase the expected level of interest receipts in 2022/23 which partially offsets the above additional pressures.
- 3.30 Taken collectively, and including the aforementioned additional net pressures, the remaining gap would increase from £4.3m to £11.3m.

Table 6 – Latest Budget Gap Including Risks and Opportunities

	22/23 Gap (£,000's)
Latest Budget Gap	4,337
Further Inflation and Pay Award Pressures	9,000
Other Savings Delivery Risks	4,000
Interest Earnings and Capital Financing Opportunity	(6,000)
Remaining Budget Gap (Including Further Risks and Opportunities)	11,337

- 3.31 The Council has included in its Base Budget Assumptions a £15m contribution to further bolster General Reserves. Whilst general reserves brought forward of £27m had been improved, the need to replenish earmarked reserves remains and ideally that budget should be re-allocated to build earmarked reserves. Our target remains to further bring down the above £11.3m gap by reviewing all savings and growth proposals (including delivery risk assumptions) prior to the final Budget Setting report to Cabinet in February.

4 FINANCIAL CONSIDERATIONS

- 4.1 As contained in the body of this report.

5 LEGAL CONSIDERATIONS

- 5.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that the recommendations within this report do not give rise to any direct legal implications as they are merely to note, however the Local Government Act 1972 (Section 151) requires that every local authority make arrangements for the proper administration of their financial affairs. In addition the Council must have a balanced and robust budget for the forthcoming financial year and also a 'medium term financial strategy (MTFS). This projects forward likely income and expenditure over at least three years. The MTFS ought to be consistent with the council's work plans and strategies.
- 5.2 The procedure to be followed in developing the budget proposals are set out in the Budget and Policy Framework Procedure Rules provided in Part 4.C of the Council's Constitution.
- 5.3 No legal advice has been provided in relation to legal implications of the contents of the appendices to this report as part of the report approval process. Members need to be aware that in order to deliver some of the budget proposals, action may be required to comply with relevant statutory processes which apply to the area in question which may include compliance with legal pre-requisites and requirements for consultation, notification, publication, data protection impact assessments and assessment of equality impacts of proposals. In relation to the latter requirement, Members are directed to the Equalities Impact section of this report.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer.

6 HUMAN RESOURCES IMPACT

- 6.1 No direct Human Resources impacts contained in this report

7 EQUALITIES IMPACT

- 7.1 No direct Equalities Impacts contained in this report

8 ENVIRONMENTAL IMPACT

- 8.1 No direct Environmental impacts contained in this report

9 CRIME AND DISORDER REDUCTION IMPACT

- 9.1 No direct Crime and Disorder Reduction impacts contained in this report

10 DATA PROTECTION IMPLICATIONS

10.1 No direct Data Protection implications contained in this report

REPORT AUTHOR: Matthew Davis, Interim Director of Finance
(Deputy S151 Officer)

BACKGROUND DOCUMENTS:

Council Tax and Budget Report – Full Council 8th March 2021

2022/23 Budget and Three-Year Medium Term Financial Strategy – Cabinet 6th
December 2021

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REPORT TO:	Cabinet 24 January 2022
SUBJECT:	Financial Performance Report – Month 8 (November 2021)
LEAD OFFICER:	Richard Ennis, Interim Corporate Director of Resources (Section 151)
CABINET MEMBER:	Councillor Callton Young OBE Cabinet Member for Resources and Financial Governance Councillor Stuart King, Deputy Leader (Statutory) and Cabinet Member for Croydon Renewal

SUMMARY OF REPORT:

This report provides the Council's annual forecast as at Month 8 (November 2021) for the Council's General Fund (GF), Housing Revenue Account (HRA) and the capital programme. The report forms part of the Council's financial management process of publically reporting financial performance against its budgets on a monthly basis.

FINANCIAL IMPACT

The Month 8 position is currently indicating a net underspend of £1.248m against budget – this represents a £0.828m favourable movement against the Month 7 forecast. This is before taking into account further risks and risk mitigations. In total, £12.257m (Month 7 £11.777m) of further risks (of which £6.584m relates to approved MTFs savings risks) are identified but there are £11.452m (Month 7 £11.259m) of potential opportunities to mitigate the risk, these are set out in the body of the report. Section 3 details these risks and risk mitigations and further discusses the impact on the General Fund if these were to materialise.

The HRA is indicating an over spend of £1.634m (Month 7 £0.786m) against budget. This overspend is further detailed within Section 5 of the report.

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

1. RECOMMENDATIONS

The Cabinet is recommended to

- 1.1 Note the General Fund is projecting a net favourable movement of £0.828m from Month 7. Service directorates are indicating a £2.203m overspend (Month 7 £3.030m) with this being netted off as in the past seven months against the release of a one off Covid Grant (£3.451m released = 31% of the grant) confirmed to Croydon Council for 21/22 by DLUHC as part of the Local Government Finance Settlement;

- 1.2 Note that a further number of risks and compensating opportunities may materialise which would see the forecast year-end variance change and these are reported within Section 3 of this report.
- 1.3 Note the Housing Revenue Account (HRA) is projecting a £1.634m (Month 7 £0.786m) overspend for 2021/22. If no further mitigations are found to reduce this overspend the HRA will need to drawdown reserves from HRA balances. There are sufficient balances to cover this expenditure.
- 1.4 Note the capital spend to date for the General Fund of £13.271m (against a budget of £190.581m) and for the HRA of £8.128m (against a budget of £183.209m), with a projected forecast variance of £58.683m on the General Fund against budget and £110.570m forecast variance against budget for the Housing Revenue Account;
- 1.5 Note, the above figures are predicated on forecasts from Month 8 to the year end and therefore could be subject to change as forecasts are refined and new and updated information is provided on a monthly basis. Forecasts are made based on the best available information at this time.
- 1.6 Note that whilst the Section 114 notice has formally been lifted, the internal controls established as part of the S114, such as the Spend Control Panel and Social Care Placement Panels remain. Restrictions have been lifted for ring-fenced accounts such as the Pension Fund, Housing Revenue Account and Coroner's Expenditure as these are directly outside of the General Fund's control. The Spending Control Panel which was set up at the beginning of November 2020 continues to meet on a twice daily basis.
- 1.7 Note that, Croydon Borough has taken on c1000 asylum seekers who have been placed in eight hotels by the Home Office without consultation with the Council. The hotel costs are funded by the Home Office, however the Council is be responsible for further ancillary services particularly around safeguarding, public health, children & youth provision and broader community support. These additional costs, which are currently being calculated have been flagged within the unquantified risks section of this report, and could clearly result in further financial pressures for the Council.
- 1.8 Note the Council has now renegotiated a revised loan agreement with Boxpark Croydon Ltd and to date Boxpark have ensured that they have paid the Council according to the terms of the revised agreement. The Council continues to monitor this repayment and will take necessary actions in the event of delays.

2. EXECUTIVE SUMMARY

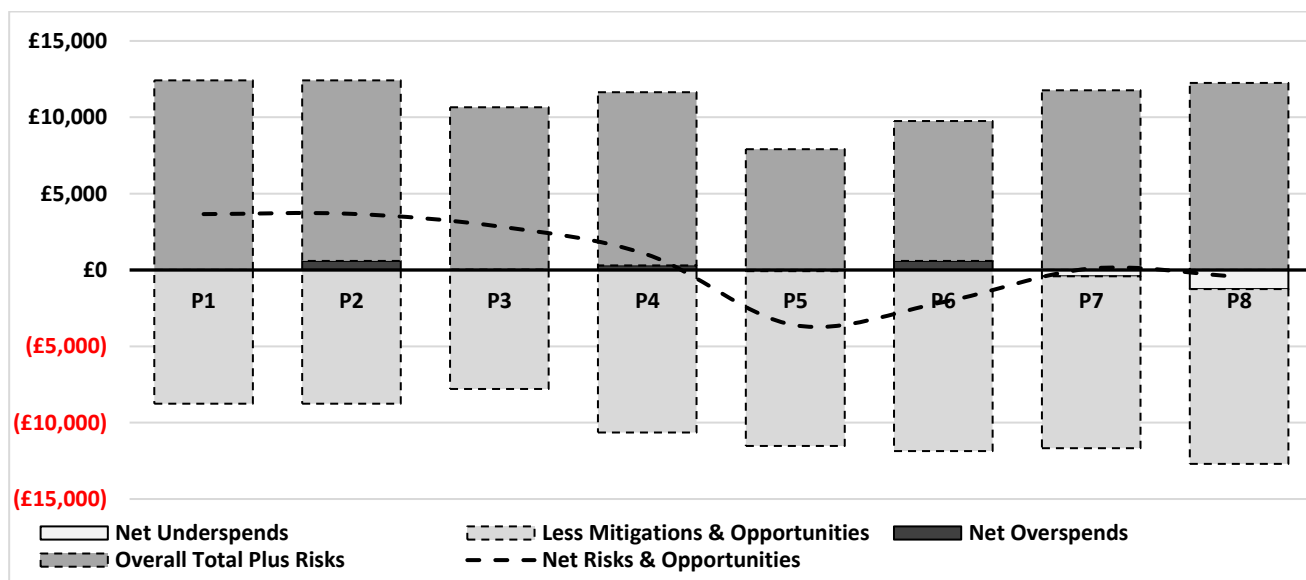
- 2.1. The Financial Performance Report (FPR) is presented to each Cabinet meeting and provides a detailed breakdown of the Council's financial position and the

challenges it faces. It covers the GF, HRA and capital programme and ensures there is transparency in our financial position, enables scrutiny by both members and the public, and offers reassurance regards to the commitment by chief officers to more effective financial management and disciplines.

2.2. The General Fund revenue projected outturn forecast has improved by £0.828m from a forecast underspend position of £0.421m in Month 7. There are a further set of risks and opportunities, which indicate a net cost of £0.805m (risks £12.257m and opportunities of £11.452m), but not yet sufficiently developed to be included in the outturn forecast. Should these materialise it will have a negative impact on the forecast.

2.3. The chart below illustrates the trend in the monthly monitoring reports and shows both the forecast as well as quantum of risks and opportunities together with the impact should all risks and opportunities fully materialise (dashed line). The trend indicates the Council will deliver within its budget plan.

Monthly Forecast, Risk & Opportunity Tracker



2.4. The Housing Revenue Account is forecasting an overspend of £1.634m (an increase of £0.848m on the Month 7 forecast of £0.786m). This projected variance impacts on HRA reserves rather than GF reserves.

2.5. The capital programme for both the General Fund and HRA is reporting expenditure to date of £21.399m against overall budget of £373.790m, with a forecast underspend of £169.253m.

2.6. The 2020/21 financial year was a very difficult year for the Council. The Council issued two Section 114 notices as the Council had insufficient resources to meet it's in year expenditure pressures.

- 2.7. Since 8th March 2021 the S114 notice has been lifted as the Council received confirmation of a Capitalisation Direction from MHCLG of up to £70m for 2020/21 and MHCLG (Now DLUHC) were minded to fund £50m for 2021/22. The latter allowed the 2021/22 budget to be set.
- 2.8. The Council has had the benefit of a number of recommendations from various stakeholders and scrutiny panels such as the external auditor's Report in the Public Interest and the Non-statutory Rapid Review by MHCLG. Their recommendations have been taken on board and the Croydon Renewal Plan has been developed which will over the medium term financial strategy period restore the Council's finances, improve culture and practices and develop a more effective system of internal control amongst other improvements to the Council.
- 2.9. This report forms part of the reporting framework on the delivery of the Croydon Renewal Plan by ensuring the delivery of the council's budget is reported monthly and transparently.
- 2.10. The Council is still working with the external auditors on finalising the 2019/2020 audit of accounts. However the 2020/2021 Outturn has now been presented to Cabinet on 12th July 2021 based around their findings and the draft accounts have also been published for 2020/2021.

3. FINANCIAL POSITION

- 3.1. The FPR shows that the Council is forecast to have a General Fund net underspend variance of £1.248m (after drawing down on £3.451m of covid-related grant monies) – a favourable movement of £0.828m on the net forecast reported at Month 7.
- 3.2. Directorate Teams and Finance colleagues meet monthly to review the forecast position for each area and including risks to reduce any overspends and identify further options to mitigate these. A list of Risks and Opportunities are provided within various tables within this section.
- 3.3. The forecast outturn position of the General Fund is shown below in Table 1.

Table 1 – Month 8 Projection per Directorate

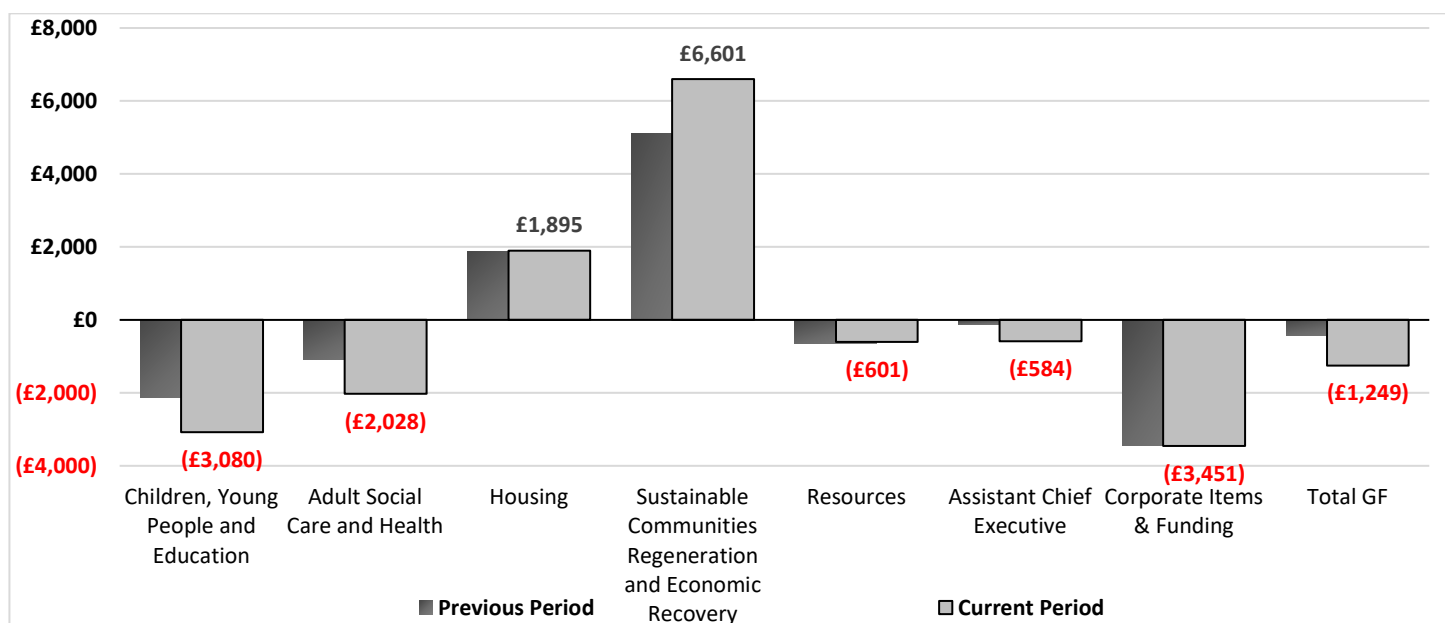
	Month 8	Month 7			
	Forecast Variance	Forecast Variance From Previous month	Change from previous month	Savings Non-Delivery	Other Pressures
	(£,000's)	(£,000's)	(£,000's)	(£,000's)	(£,000's)

Children, Young People and Education	(3,080)	(2,127)	(953)	-	(3,080)
Adult Social Care and Health	(2,028)	(1,088)	(940)	-	(2,028)
Housing	1,895	1,881	14	-	1,895
Sustainable Communities Regen & Economic Recovery	6,601	5,122	1,479	3,000	3,601
Resources	(601)	(636)	35	-	(601)
Assistant Chief Executive	(584)	(121)	(463)	-	(584)
Departmental Total	2,203	3,030	(828)	3,000	(797)
Corporate Items & Funding	(3,451)	(3,451)	-	-	(3,451)
Total General Fund	(1,248)	(421)	(828)	3,000	(4,248)

3.4. Net overspends and underspends within the service budgets are presented as forecast variance (as per Table 1), and are additionally classified as either non-delivery of agreed savings or other pressures. Non-delivery of savings relates to the non-achievement of the approved MTFs savings whilst other pressures are as a result of new and external pressures not previously provided for within the Council's 2021/2022 Budget. Further explanations of these overspends are provided within Section 4 of this report.

3.5. The chart below shows the forecast by service department for both the current and previous month:

Change in forecast position Month 8



3.6. The main areas of movement from Month 7 are as follows:

- Adult Social Care and Health £0.940m **favourable** movement due to a underspend on re-ablement cost due the continuation of the NHS Hospital Discharge Programme for Covid, improvement in needing provisions to cover legal challenge against Dorset in relation to Ordinary Residence assessment and underspends due to vacancies;
- Sustainable Communities, Regeneration and Economic Recovery **adverse** movement of £1.479m due to reported lower than expected income. There continues to be work to improve budget monitoring and reporting within the service.
- Resources £0.035m **adverse** movement, principally related to minor overspends in staffing costs across various teams.
- Housing £0.014m **adverse** movement due to slight increase in Temporary Accommodation spend.
- Children Young People and Education indicating an overall £0.953m **favourable** movement due to further reductions within the placement spend as part of the ongoing work to reduce costs without impacting on service delivery to clients.

Further details can be found in section 4 of this report.

Risks and Risk mitigations

- 3.7. As mentioned within paragraph 3.1 the forecast has been reported excluding further potential risks and risk mitigations. Risks and risk mitigations are split into quantified and unquantified items.
- 3.8. As with the forecast set out in Table 1 risks are separately reported for those elements that relate to potential under-delivery of approved savings, and those that are new and not directly related to agreed savings plans.
- 3.9. Table 2a below provides for details of MTFs savings at risk with a brief commentary of the projects that are at risk of delivery and Table 2b provides a list of quantified and unquantified other risks. The savings are subject to a separate assurance process involving both the Chief Executive and the Corporate Director of Resources (Section 151) meeting with the directorates and the Director of policy and programmes. The most recent of these was in early December.
- 3.10. These meetings identify savings at risk and mitigations for both the current and future years. Where risks are quantified currently, these are based on high level information and directorate experiences of the service. Parking Savings continue to be an issue due to further considerations of the March Budget

decisions and therefore with 8 months of the year now passed it is likely these specific savings will not be delivered in full.

- 3.11. The rest of the services are sufficiently confident in being able to manage or mitigate these risks that they are not included as part of the present forecast year-end position. However, the figure has been provided to indicate to Cabinet the likely financial impact on the budget and therefore the need to take action to deal with the risk should they materialise.

Table 2a – MTFS Savings Risk

MTFS Savings Ref	MTFS Savings Description	Savings at risk (£,000's)	Savings at risk (£,000's)	Change From Prior Month (£,000's)
CFE Sav 09a	Review Children's Centres Delivery Model	359	165	194
CFE Sav 12	Early Learning Collaboration Contract	0	82	(82)
Children, Young People and Education Total		359	247	112
Adult Social Care and Health Total		0	0	0
Housing Total		0	0	0
PLA Sav 24	Parking charges increase 30p/30min	2,000	2,000	0
PLA Sav 10	ANPR camera enforcement	3,135	2,025	1,110
Sustainable Communities Regen & Economic Recovery Total		5,135	4,025	1,110
Resources Total		0	0	0
COR Sav 17	Fees and Charges Reviews	1,000	1,000	0
Corporate Items & Funding Total		1,000	1,000	0
RES SAV 23	CDS Extensions or procurements of core IT contracts	80	0	80
RES SAV 24	CDS Reduction in IT contract costs due to LBC smaller workforce	10	0	10
Assistant Chief Executive Total		90	0	90
Total Savings at Risk		6,584	5,272	1,312

Data above taken from Savings Tracker 20th December 2021

- 3.12. Table 2a indicates that there are potential £5.673m worth of MTFs savings (£6.505m in Month 7) that may not be achieved, however services are currently carrying out further work to ensure these can be delivered or otherwise be mitigated. So far no specific mitigations have been fully identified. Large proportion of the £5.673m risk relates to non-achievement of additional parking income due to demand for parking spaces still being impacted by changed resident behaviour following Covid-19, and downward pressures on demand for a range of services where the Council anticipated further income from increasing fees and charges.
- 3.13. These savings are reviewed on a monthly basis. If these savings are deemed to be definitely non-deliverable they will be factored into the monthly forecast and incorporated into the forecast outturn position provided in Table 1. The services have been instructed to find mitigations for all savings that cannot be delivered to meet their budgetary total per directorate.
- 3.14. The main cause of the movement is fees and charges across all services. As a result of Covid, demand levels for services have continued to remain low and the planned increase in fees and charges will not lead to the level of income anticipated in year.
- 3.15. Section 4 gives details of all the movements between Month 8 and Month 7 and identifies any movements in delivery of MTFs savings, risks and mitigating items that are factored into the forecast assumptions.

Table 2b – Other quantifiable and unquantifiable risks

Quantified Risks	P8 £'000	P7 £'000	Details of Risk
Children, Young People and Education	160	160	£160k - Education service for schools (Covid impact on income generation)
Adult Social Care and Health	3,050	3,050	£550k - Transitions - value of late prior year payments based on 20/21 £2.5m - Adult social care operational risks
Housing	396	396	£96k - Demand for Emergency/Temporary Accommodation likely to increase.
			£300k Bad debt costs - Current arrears are increasing in 2020/21 due to lower collection rates in the first part of the year (Covid related). When this debt becomes 'former' as tenants move on then recovery rates drop to between 5% and 30%. Potential additional debt costs of £300k-£800k beyond total presented based on current calculation methods.

Sustainable Communities, Regen & Economic Recovery	1,977	2,899	£1.699m - Additional risk to income due to compliance in high ticket yield areas has increased and so put more income at risk than previously stated. A new Parking Model has been devised which has highlighted this issue and the service is using this improved model to explore any mitigation factors that can be implemented to keep the financial risk to a minimum.
			£118k – Additional historic VAT liability within Building Control due to re-calculation of Building Control income.
			£160k - Potential payment to BoxPark for their 5 th and 6 th year grant contributions. However, Council currently reviewing legal position due to default clauses within the grant agreement which the Council believes have been triggered.
Resources	90	-	There is £90k confiscation budget within corporate anti-fraud team, although there are live cases where there is a recovery prospect in excess of £90k but there is a real risk due to delays in the court system associated with COVID 19 that these amounts are not recovered in 2021/22.
Assistant Chief Executive	-	-	
Total Quantified Risks	5,673	6,505	

Un-Quantified Risks	P8 £'000	P7 £'000	Details of Risk
Children, Families and Education	-	-	Croydon Borough has taken on c1000 asylum seekers who have been placed in eight hotels by the Home Office. The hotel costs are funded by the Home Office, however the Council will be responsible for further ancillary services particularly around safeguarding, public health, children & youth provision and broader community support. These additional costs, which are being worked out and have been flagged within unquantified risks, could result in further pressures for the Council. The Council is modelling the potential impact and will report the position in P9.
Adults, Health and Social Care	-	-	TBC - Impact of long Covid which will create additional placement pressures
	-	-	TBC - Potential impact of cold and flu pressures in the winter.

	-	-	<p>TBC - Care sector pressures - The pressures in the social care sector nationally are well known. There are high levels of vacancies within the service and difficulty recruiting to the posts. This may result in providers not being able to provide care safely or within their financial envelope. Increasing utility costs is also a financial pressure. These additional pressures may lead to provider failure and the need to re-provision care with other providers which usually results in higher costs.</p>
Housing	-	-	<p>NRPF (No Recourse to Public Funds) Service is demand led. Brexit - EA Nationals in Croydon need to confirm their status and apply for the correct legislation to continue to receive benefit payments, if this is not actioned they will revert to NRPF</p> <p>NRPF (No Recourse to Public Funds) Service is demand led. Mental Health/CCG - expensive care placements, due to some cases having a criminal element it takes longer for the HO to make a decision resulting in a longer placement</p>
	-	-	<p>Bad debt provision to cover risks of non-payment of outstanding rents is included within the current forecast for Temporary accommodation however COVID impact may increase the % levels of bad debt</p>
	-	-	<p>SEN PRESSURE Travel Training was suspended until September 2021 due to Covid, and we are currently working through the backlog of students who would otherwise have transitioned off traditional home to school transport, onto being able to travel independently.</p> <p>Addington Valley Academy additional students, Single students attending schools, Changes to contractors providing services in year, due to performance issues</p> <p>In addition pressures related to a national shortage of drivers and covid related staff shortages are putting additional pressure on the budget.</p>
Sustainable Communities Regen & Economic Recovery	-	-	<p>TBC - Waste Collection and Street Cleansing Contract - Income Risk to Commercial Waste Income Collection in 20/21 due to COVID & 21/22 - under commercial dialogue with Veolia</p>

Resources	-	-	Insurance and Risk - forecast to budget on basis that schools income pressure can be mitigated by reduction in premiums and claims.
	-	-	Revs and Ben Income - There are streams of income budget across this service such as Land charges, Court cost and Bailiff - current forecast are based on the assumption that the trend of income received to date continues or in the case of Land charges that it's income which is mostly based on the number of new build registered with the council etc. continue as it is in the last 2 months. There is the possibility that these trends could change there by resulting in risk/ opportunities.
	-	-	Legal Recharges. Risk that legal internal recharges forecast is too high. This is currently being followed up and investigated. Risk that internal legal recharges income does not match the legal recharges expenditure forecast by services charged
	-	-	Unreconciled holding accounts for BIDS, HR Staff Loans and P-Cards. Risk that holding accounts will not be able to be reconciled and some balances transferred as pressures into forecast
	-	-	TBC - Further commercial tenants are not able to pay rental income and will need to be written off, or will give notice on leases
	-	-	Risk that utilities in - year costs will be higher than forecast. Also risk that schools utilities debts will not be recovered and covered by bad debt provision
Corporate Items & Funding			None
Assistant Chief Executive	-	-	CDS - There is the risk of increased contract cost due to delays in receiving actual invoices and there are also outstanding contractual queries around End user service volumes as they are not reducing as anticipated.
	-	-	Coroners - risk that Croydon's contribution to the Coroners service will increase beyond the current forecast
Total Un-Quantified Risks			

3.16. Table 3 provides a list of quantified and unquantified risk mitigations. These are potential risk mitigations that will require further assurance to be included within the forecast. Services managers have identified these as potential mitigations to the risks identified Tables 2a and 2b. Any additional risk mitigations also help the overall financial position of the Council as these would help generate a

larger underspend that can be put away into reserves to support future MTFS gaps.

Table 3 - Quantifiable and unquantifiable opportunities

Quantified Opportunities	P8 £'000	P7 £'000	Details of Opportunities
Children, Young People and Education	(1,307)	(1,307)	Transformation funding approved for a number of MTFS savings programme projects, these include: 1. Reconfiguration of Early Help Services 2. Review of Children with Disabilities Care Packages 3. Reduction in the Numbers of Children in Care 4. Improve Practice System Efficiency Potential for further reductions within Placement Costs due to ongoing review of in year and historic costs.
Adult Social Care and Health	(1,377)	(1,307)	Positive impact of health funding and Scheme 4 Covid funding on care packages. This is part of continuation of Hospital Discharge Programme funding until March 22 from NHS.
Housing	(396)	(396)	Property acquisition coming into HRA portfolio will allow tenants in nightly paid accommodation to move onto Assured Shorthold Tenancies and reduce the impact of rising demand. This addresses the £210k of risk from homelessness demand shown but will be unlikely to impact the forecast as shown.
Sustainable Communities Regen & Economic Recovery	0	0	None
Resources	(200)	(200)	£200k - FIR - There is the probability that the court cost income raised could be higher than what is currently being forecast.
Assistant Chief Executive	(373)	(250)	£250k - CDS - Opportunity of greater under budget from Digital Advertising Income.
			£123k - CDS - Opportunity of reduction in payment to key contractors.
Corporate Items & Funding	(7,799)	(7,799)	Potential reduced spend against the Covid Grant
Total Quantified Opportunities	(11,452)	(11,259)	

Un-Quantified Opportunities	P8 £'000	P7 £'000	Details of Opportunities
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Children, Young People and Education	-	-	TBC - Corporate distribution of contract inflation and staffing budget deficits for 0.75% 2020/21 pay award and pension employer contribution
	-	-	WIP - Placement costs – validation of growth approved currently being completed
	-	-	WIP - CSC establishment review coming to a conclusion and is expected to realise sufficient savings to mitigate against savings at risk due to delay in completion of the respective MTFS delivery plans
	-	-	WIP - Transformation funding approved for a number of MTFS savings programme projects
Adult Social Care and Health	-	-	None
Housing	-	-	TBC - Leases – renegotiate the lease. Need to confirm the numbers due to expire this financial year
	-	-	TBC - Review of under occupied tenancy
Sustainable Communities Regen & Economic Recovery	-	-	None
Resources	-	-	None
Assistant Chief Executive	-	-	The council has received Control Outbreak Management Fund grant. Council have carried out work on the conditions of the grant and have understood how this can be applied. Further work will done to allocate funding to meet the grant conditions.
Corporate Items & Funding	-	-	None
Total Un-Quantified Opportunities			

3.17. As at Month 8, if all risks and risk mitigations were to materialise, along with the forecast reported in Table 1 the General Fund would overspend by £0.308m (Table 4), however some of the risks and mitigations will need further refining

and validating to confirm the likelihood of them materialising. The situation will be clarified as the year progresses and the monthly budget reports show more detail on the patterns of income and expenditure and the longer term impact of Covid on Council services becomes clearer. Service managers have been instructed to identify and implement mitigations to spend within their approved funding envelopes. As such compensating measures are developed the impact of the net risks is expected to decline. Successful examples of this are the reduced risks and increased opportunities.

- 3.18. A number of the projected variances or risks relate to the continued impact of the Covid pandemic which we hope would ease towards the back end of the financial year. In particular parking and traffic income continues to be affected for which part grant compensation is only receivable for the first quarter of 2021/22. Other pressures such as SEN costs (with no grant funding) have been impacted in delays in delivering travel training to clients thus impacting on transport cost pressures.
- 3.19. There are however areas where budgets will need to be reviewed with a view to being rebased as they were not adjusted as part of the right sizing of budgets in the 2021/2022 budget setting. Two significant areas that will need to be reviewed before budget setting in 2022/2023 are SEN transport costs, and costs relating to Emergency and Temporary accommodation. Additional costs arising will need to be funded from within the existing Council wide budget envelope.

4. SERVICE VARIANCE DETAIL

4.1. Children, Young People and Education (CYPE)

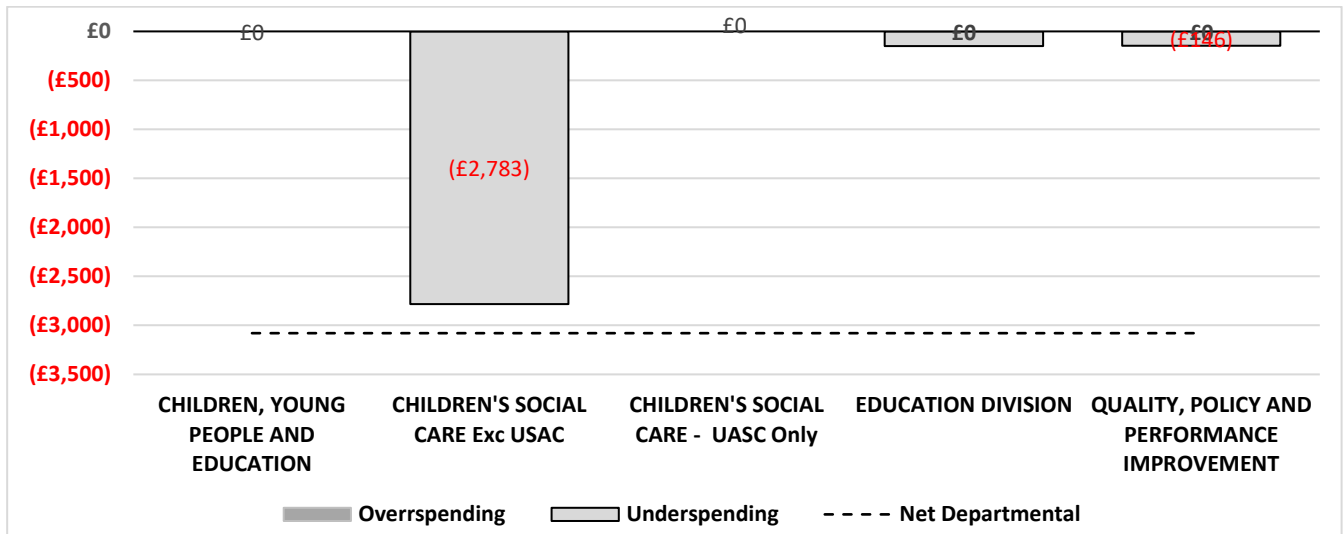
The CYPE directorate is forecasting a £3.080m underspend for Month 8 (favorable movement of £2.127m from Month 7) within the directorate.

The main cause of this is due to underspends in relation to under 18 placements and 18+ leaving care placement which have been realised as part of the recent review, and underspend on staffing within social care.

There are £0.359m of MTFS Savings at risk at Month 8. There are opportunities identified of £1.307m.

The following chart illustrates the divisional forecast variances within Children young People and Education:

Divisional View of Children Young People & Education Forecasts



4.2 Adults Social Care and Health Social Care (ASCH)

The ASCH directorate are forecasting an under spend of £2.028m (a favourable movement of £0.940m from Month 7).

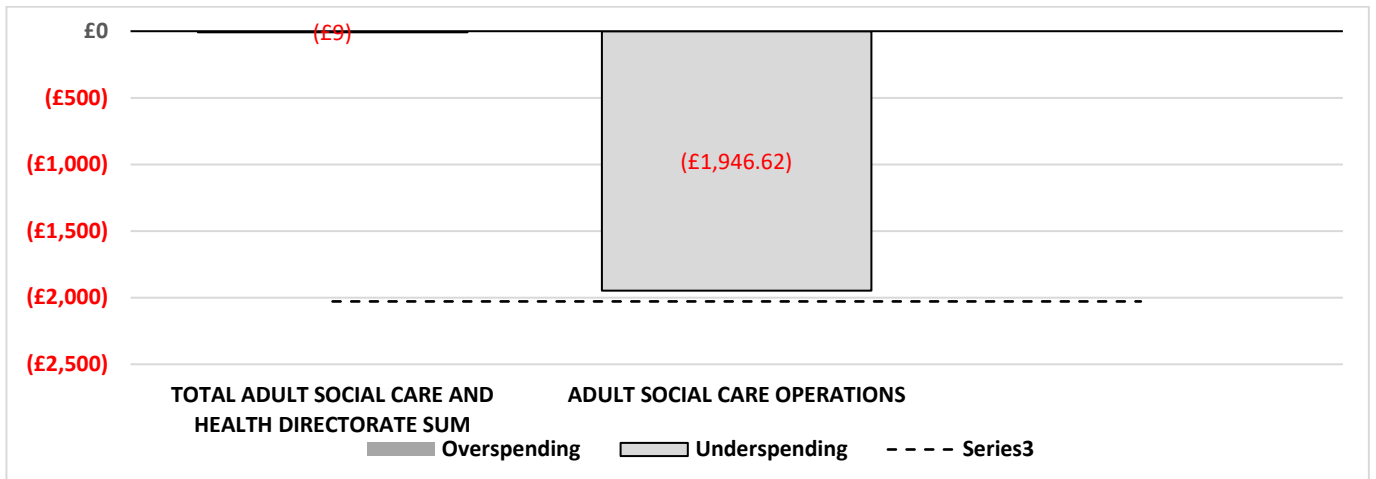
Last month we reported that the main cause of this favourable movement is due to an under spend on re-ablement costs due to the continuation of the NHS Hospital Discharge Programme for covid (£0.513m) and underspends due to vacancies. This has continued and in further improvements have been generated, however the largest item that has resulted in the significant improvement to Month 7 is the reduction of legal liability provision in relation to an ordinary resident case.

Whilst the directorate is showing an under spend, Table 2b identifies a further £3.050m of potential additional risks. Of the risks identified £0.550m that relate to transitions of children social care clients to adult services have not moved since the last report and still remain the same and new risks of Adult social care operational risks have also been identified.

There are no MTFS savings at risk of delivery, however further unquantified risks due to long Covid have been identified at Month 8. There are opportunities identified of £1.377m, an improvement of £0.070m.

The following chart illustrates the divisional service forecast variances within Health, Wellbeing and Adults:

Divisional View of Adult Social Care and Health Forecasts



4.3 Housing

Housing Directorate is forecasting an over spend of £1.895m. This is an adverse movement of £0.014m to the projection reported at Month 7.

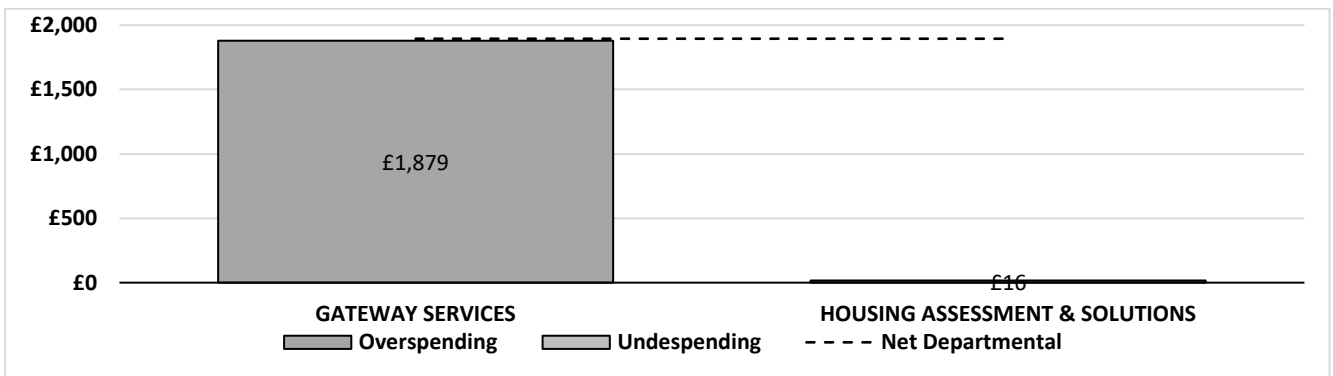
The main cause of this movement relates to projected cost and demand increases within the Emergency and Temporary Accommodation services. Demand for Emergency Accommodation is assumed to increase due to the negative economic after effects of Covid-19. Furthermore, this is also likely to impact the need to maintain a sufficient level of bad debt provision to cover risks of non-payment of outstanding rents which have accumulated over past 18 months.

Furthermore the service has identified £0.396m of other risks relating to potential further temporary accommodation pressures emerging. Further work will be done to ensure the bad debt risks are minimised and that the risk does not materialise.

There are no MTFS savings at risk of delivery, however further unquantified risks due to housing demand pressures and income collections risks have been identified. There are opportunities identified of £0.396m. Additional grant funding of £1.51m has been received from Government to tackle homelessness through prevention work. This grant comes with significant conditions in terms of its usage and the service are working to apply the grant as per the conditions and whether it can be applied towards reducing in year pressures. However, due to the time taken to mobilise prevention work it is felt that this funding will not benefit the Council in the current year but will support future year homelessness costs.

The following chart illustrates the divisional forecasts within the department:

Divisional View of Housing Forecast



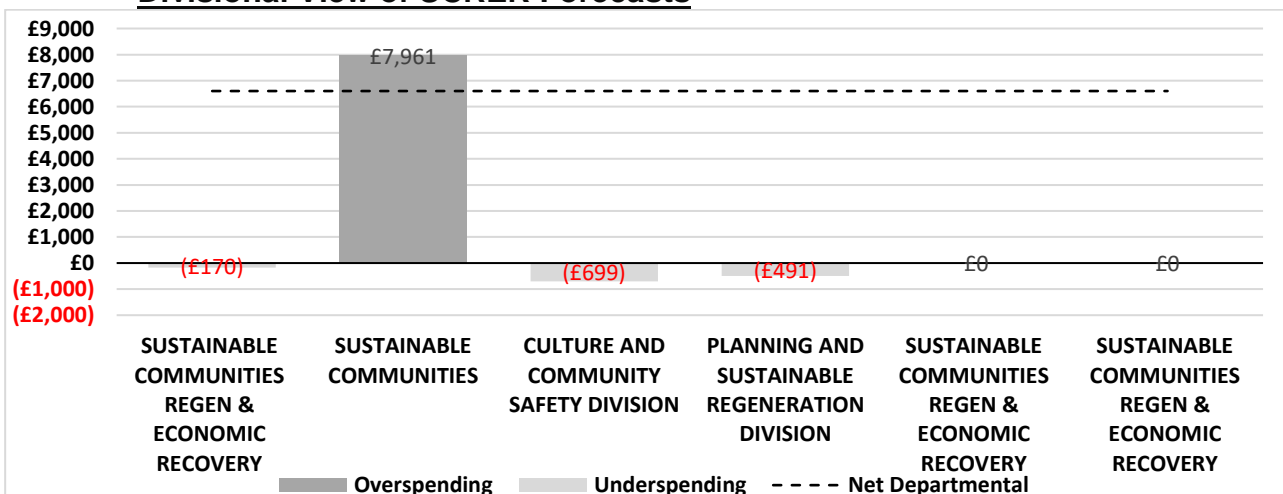
4.4 Sustainable Communities Regeneration & Economic Recovery (SCRER)

The SCREC directorate is forecasting a net overspend of £6.601m (an **adverse** movement of £1.479m from Month 7). The pressures continue to be around Highways (including Parking Services), SEN Transport and Environmental services.

In addition to the forecasted overspend with the SCRER directorate have provided for further risks as indicated in Table 2a and 2b. These risks include £5.135m of MTFS Savings risks and £1.977m for other risks. MTFS savings risks relate to the fall in Pay & Display parking income and income generated from new and existing ANPR Camera enforcement activity. Additional, risks have been identified mainly around loss of parking income and compliance in high risk yield areas and a potential claim in relation to the waste disposal contract.

There are no further opportunities identified by the SCRER directorate. The following chart illustrates the nature of the overall SCRER Directorate forecast position by Division:

Divisional View of SCRER Forecasts



4.5 Resources

The Resources directorate is forecasting a underspend position of £0.601m (underspend £0.636m in Month 7). This is a net position after factoring all budgeted income and expenditure within the directorate.

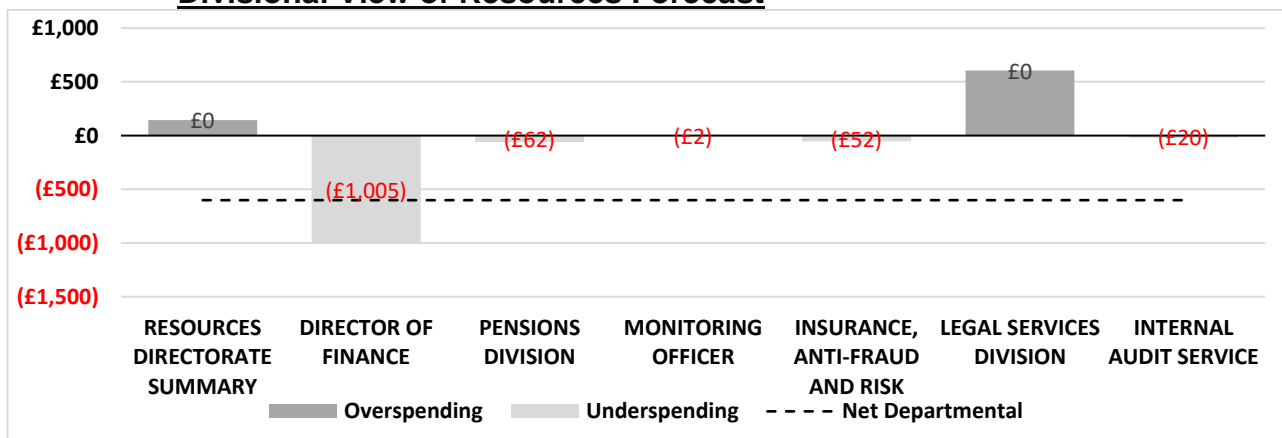
The main reasons for this underspend relate to better than projected collection of court cost income in relation to Revenue & Benefits activities and various staffing related underspends. Main causes of staff related underspends are for vacancies not being filled.

Further work on unquantified risks that had been identified is ongoing and whilst they may still materialise work is ongoing to try and work to mitigate these as we progress through the financial year.

Resources have identified further £0.200m of opportunities which would arise from recoupment of court costs in relation to our Revenues and Benefits service.

The following illustrates the split of the overall departmental forecast at a divisional level:

Divisional View of Resources Forecast



4.6 Assistant Chief Executive

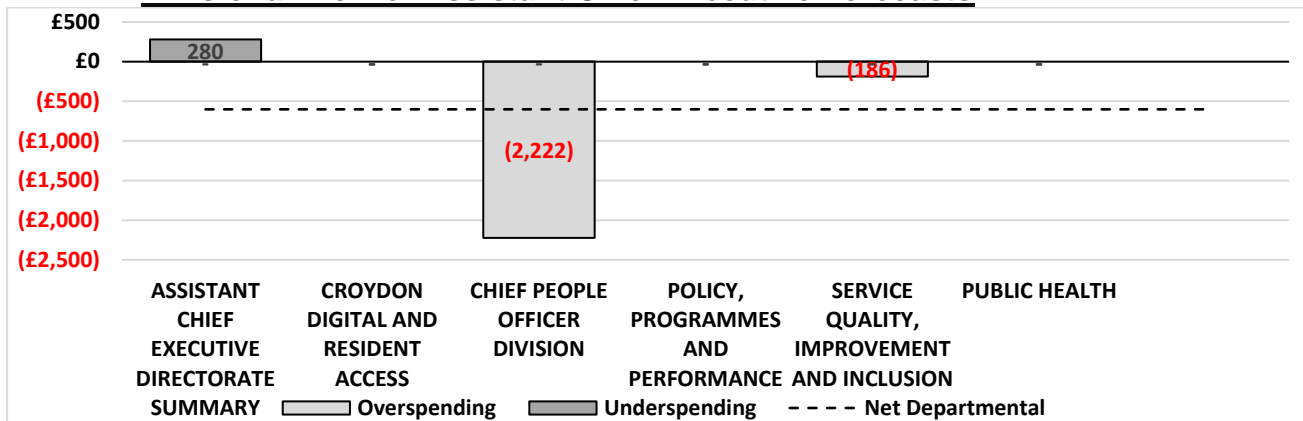
The ACE directorate is forecasting a underspend position of £0.584m (underspend £0.121m in Month 7), an improvement of £0.463m. This is a net position after factoring all budgeted income and expenditure within the directorate.

The main reasons for this underspend relate to various staffing related underspends and identification of grant monies that can be applied within the current financial year. These grants includes usage of Brexit funding and drawdown of Community Fund grants. Main causes of staff related underspends are for vacancies not being filled.

The directorate however now expects that £0.090m of IT contract related MTFS Savings will now not be achieved, however ACE have identified further £0.373m (£0.250m in Month 7) of opportunities which would arise from increased income from digital advertising.

The following illustrates the split of the overall departmental forecast at a divisional level

Divisional View of Assistant Chief Executive Forecasts



4.7 Corporate

The Council received a non-fenced grant of £11.250m from Central Government in relation to additional costs that may be incurred in the current financial year as a result of Covid 19 and was announced in the December Local Government Finance Settlement. Any costs incurred by directorates are expected to be met from existing service budgets and the grant is available to meet any additional service costs over expenditure. Where practicable additional costs including lost income arising from Covid will be identified and reported separately in future reports. The forecast General Fund variance of £2.203m is currently offset by utilizing £3.451m of this grant.

Currently all pressures within services have been identified within the forecast and risks and therefore we believe that the remaining of the £11.250m of Covid funding, which is £7.799m will be used to offset the additional risks.

The cost of financing the capital programme is retained corporately. This is still being reviewed and an updated position will be provided in Month 9, however we do not anticipate any pressures to arise from these budgets.

MTFS savings of £1m relating to fees and charges have been identified. As a result of Covid, demand levels for services have continued to remain low and the planned increase in fees and charges will not lead to the level of income anticipated in year.

4.8 Table 4 below summaries the overall positions:

Table 4 – Summary – Month 8 with Month 7 Comparator

	Month 8	Month 7	Variance
	(£,000's)	(£,000's)	(£,000's)
Table 1 - Forecast	(1,248)	(421)	(828)
Table 2a - MTFs Savings Risk	6,584	5,272	1,312
Table 2b - Quantifiable Risks	5,673	6,505	(832)
Table 3 - Quantifiable Opportunities	(11,452)	(11,259)	(193)
Total	(443)	97	(541)

5 Housing Revenue Account (HRA)

5.1 Table 5 provides a summary of the HRA Month 8 monitor, which is currently indicating a £1.634m overspend (Month 7 £0.786m). The HRA is a self-financing ring-fenced account and will need to ensure it remains within the resources available, taking into account levels of HRA reserves. The adverse movement from the Month 7 forecast is largely due to a reassessment of likely disrepair liabilities, but there are also pressures in relation to responsive repair costs and large numbers of garage voids.

5.2 The Housing account has incurred significant disrepair settlement costs over the past month and due to legislative change and staff constraints these costs are projected to increase. The new forecast is based on an assessment of likely case settlement during the remainder of this financial year. In addition, the HRA continues to experience loss of income from garage rent along with increased demand for responsive repairs. The forecast overspend reported in Table 5 can be contained within HRA reserves provisionally forecast at £27.6m as at 31st March 2021.

Table 5 – Housing Revenue Account (HRA) at Month 8

SERVICES	Projected Variance For Month	Variance For Previous Month	Change From Previous Month	Explanation of Variance
	£'000	£'000	£'000	
Responsive Repairs and Safety	1,391	492	899	Increase in Legal & compensation payments by £518k in the period forecast due to disrepair claims. This is coupled with additional demand for responsive repairs on occupied and void properties.
Asset Planning and Capital Delivery	(857)	(697)	(161)	Vacancies within the service which has resulted in less expenditure than budgeted.

Allocations Lettings and Income Collection	469	289	180	Due to disrepair, garages remain void and this is impacting on income achievable from renting them.
Tenancy and Resident Engagement	55	124	(69)	Review of outstanding Purchase Order commitments on systems has resulted in some commitments being closed off as no longer needed.
Homelessness and Assessments	250	250	(0)	Overspend on costs combined with a high level of voids based on 20/21 outturn
Directorate & Centralised costs	327	327	(0)	Overspend on senior management budget due to additional resources needed to resolve various HRA delivery issues.
	1,634	786	848	

5.3 Further work in taking place within the Housing and Legal service to address the number of outstanding disrepair claims. This could have a further impact on the HRA budget in 22/23 if it transpires that additional compensation and legal costs are due to tenants.

6 Capital Programme as Month 8

6.1 The General Fund and HRA capital programmes have currently spent a gross £54.73m to the end of the month 8 against approved budgets of £373.790m. Forecast spend is £204.536m resulting in a forecast variance of £169.254m. Actuals to date are still impacted by accruals brought forward from 2020/2021 which have yet to be invoiced and do not take into account accruals for works so far completed due to delays in when suppliers send in their payment requests.

6.2 The table below summarises the capital spend to date by directorate with further details of individual schemes provided in Appendix 2.

Table 6 – Capital Programme

Department	Revised Budget 2021/22 (including approved slippage from 2020/21)	Actuals 2021/22 as at Month 8	Forecasts 2021/22 as at Month 8	Variance
	£'000	£'000	£'000	£'000
HOUSING	4,773	356	3,393	(1,380)
ADULT SOCIAL CARE AND HEALTH	1,726	4	68	(1,658)
ASSISTANT CHIEF EXECUTIVE	20,625	1,068	11,867	(8,758)

CHILDREN, YOUNG PEOPLE AND EDUCATION	26,078	10,020	15,451	(10,627)
SUSTAINABLE COMMUNITIES REGEN & ECONOMIC RECOVERY	76,439	1,703	45,269	(31,170)
RESOURCES	9,047	119	3,456	(5,592)
CORPORATE ITEMS & FUNDING	51,893	0	52,393	500
General Fund Total	190,581	13,271	131,898	(58,683)
HOUSING REVENUE ACCOUNT	183,209	8,128	72,639	(110,570)
LBC CAPITAL PROGRAMME TOTAL	373,790	21,399	204,536	(169,254)

6.3 The variance column is projected to be slipped into the new financial year, subject to Cabinet approval at year end. Further work will be done over the coming months to review the budget provision for 2021/2022 and the review will focus on ensuring the capital budgets are properly profiled to reflect the actual delivery of various projects.

6.4 The significant slippage within the HRA Capital Programme relates to the properties that will be purchased by the Council from Brick by Brick. The Council is working with Brick by Brick and the legal team to re-assess the acquisition of the properties with the intention to review if they can be purchased in the current financial year. This will be updated in Month 9 report.

7 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

7.1 Finance comments have been provided throughout this report.

Approved: Richard Ennis – Corporate Director of Resources

8 LEGAL CONSIDERATIONS

8.1 The Council is under a statutory duty to ensure that it maintains a balanced budget and to take any remedial action as required in year.

8.2 The Council is required by section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs. The Council's Chief Finance Officer has established financial procedures to ensure the Council's proper financial administration. These include procedures for budgetary control. It is consistent with these arrangements for Cabinet to receive information about the revenue and capital budgets as set out in this report.

8.3 The monitoring of financial information is also a significant contributor to meeting the Council's Best Value legal duty and therefore this report also complies with that legal duty.

Approved by: Sandra Herbert on behalf of the interim Director of Legal Services & Deputy Monitoring Officer

9 HUMAN RESOURCES IMPACT

9.1 There are no immediate workforce implications as a result of the recommendations in this report. Any mitigation on budget implications that may have effect on direct staffing will be managed in accordance with relevant human resources policies and where necessary consultation with recognised trade unions.

Approved by: Gillian Bevan Head of Human Resources (Res and CEO)

10 EQUALITIES IMPACT

10.1 There are no specific equalities issues set out in this report.

10.2 The Council has a statutory duty to comply with the provisions set out in the Sec 149 Equality Act 2010. The Council must therefore have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.3 In setting the Council's budget for 2021/2022, all savings proposals were required to complete an Equality Impact Assessment. As Officers deliver against the approved budget, including the savings within it, they will continue to monitor for any unanticipated equality impacts.

10.4 The Council's core priority is to tackle ingrained inequality and poverty and tackling the underlying causes of inequality and hardship, like structural racism, environmental injustice and economic injustice. The budget should take due regard to this objective in relation to each protected characteristic. The Borough's responsibility to asylum seekers, young people, and disabled people and families is key to this regard.

Approved by: Denise McCausland, Equalities Programme Manager, Policy Programmes and Performance

11 ENVIRONMENTAL IMPACT

11.1 There are no specific environmental impacts set out in this report

12 CRIME AND DISORDER REDUCTION IMPACT

12.1 There are no specific crime and disorder impacts set out in this report

13 DATA PROTECTION IMPLICATIONS

13.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

NO

13.2 **HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?**

NO, as the report contains no sensitive/personal data

Approved by Nish Popat – Interim Head of Corporate Finance

REPORT AUTHOR: Nish Popat, Interim Head of Corporate Finance

APPENDICES: Appendix 1 – Service Budgets and Forecasts
Month 8
Appendix 2 – Capital Programme Month 8

BACKGROUND DOCUMENTS: None

APPENDIX 1 – SERVICE BUDGETS AND FORECASTS MONTH 8

	Approved Budget (£,000's)	Current Actuals (£,000's)	Full-Yr Forecast (£,000's)	Projected Variance (£,000's)
C1410E : ADULT SOCIAL CARE OPERATIONS	114,242	71,352	112,295	(1,947)
C1405E : TOTAL ADULT SOCIAL CARE AND HEALTH DIRECTORATE SUMMARY	7,697	(1,139)	7,688	(9)
C1420E : ADULT SOCIAL CARE POLICY AND IMPROVEMENT	5,412	(2,272)	5,341	(72)
TOTAL ADULTS	127,351	67,941	125,324	(2,028)
C1305E : RESIDENT ENGAGEMENT AND ALLOCATIONS	14,253	3,873	16,132	1,879
C1310E : ESTATES AND IMPROVEMENT	66	234	82	16
TOTAL HOUSING	14,319	4,106	16,214	1,895
C1110E : SUSTAINABLE COMMUNITIES REGEN & ECONOMIC RECOVERY DIRECTORATE SUMMARY	(167)	721	(337)	(170)
C1120E : SUSTAINABLE COMMUNITIES	37,911	24,770	45,872	7,961
C1130E : CULTURE AND COMMUNITY SAFETY DIVISION	12,005	2,575	11,306	(699)
C1140E : PLANNING AND SUSTAINABLE REGENERATION DIVISION	2,482	1,514	1,991	(491)
TOTAL SUSTAINABLE COMMUNITIES REGEN & ECONOMIC RECOVERY	52,231	29,580	58,832	6,601
C1205E : CHILDREN, YOUNG PEOPLE AND EDUCATION	10,265	333	10,265	-
C1210E : CHILDREN'S SOCIAL CARE	78,490	38,232	74,097	(4,393)
UNACCOMPANIED ASYLUM SEEKING CHILDREN (UASC) AND CARE LEAVERS	994	2,977	2,604	1,610
C1220E : EDUCATION DIVISION - exc DSG	12,533	25,563	12,383	(150)
C1230E : QUALITY, POLICY AND PERFORMANCE IMPROVEMENT	4,935	2,519	4,789	(146)
TOTAL CHILDRENS, FAMILIES AND EDUCATION	107,217	69,624	104,137	(3,080)
C1605E : RESOURCES DIRECTORATE SUMMARY	145	275	290	145
C1610E : DIRECTOR OF FINANCE	11,272	79,776	10,267	(1,005)
C1620E : PENSIONS DIVISION	1	321	(61)	(62)
C1625E : MONITORING OFFICER	3,801	1,334	3,799	(2)
C1630E : INSURANCE, ANTI-FRAUD AND RISK	32	2,439	(20)	(52)
C1640E : LEGAL SERVICES DIVISION	766	(427)	1,371	605
C1650E : INTERNAL AUDIT SERVICE	8	72	(12)	(20)
C1690E : COMMERCIAL INVESTMENT AND CAPITAL DIVISION	19,050	4,382	18,840	(210)
TOTAL RESOURCES	35,075	88,171	34,474	(601)
C1505E : ASSISTANT CHIEF EXECUTIVE DIRECTORATE SUMMARY	(56)	505	224	280
C1510E : CROYDON DIGITAL AND RESIDENT ACCESS	13,809	17,067	13,811	2
C1520E : CHIEF PEOPLE OFFICER DIVISION	5	2,406	(218)	(223)
C1530E : POLICY, PROGRAMMES AND PERFORMANCE	7,208	5,613	6,751	(457)
C1540E : PUBLIC HEALTH	-	(3,521)	0	(0)
C1550E : SERVICE QUALITY, IMPROVEMENT AND INCLUSION	181	993	(5)	(186)
TOTAL ASSISTANT CHIEF EXECUTIVE	21,147	23,063	20,563	(584)

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Appendix 2 – Capital Programme Month 8

CAPITAL BUDGETS, MONITORING AND FORECASTS - PERIOD 6	Approved Budget	Actual to Date	Forecast for Year	Variance for Year
Scheme Name	2021/22	2021/22	2021/22	2021/22
	(£,000's)	(£,000's)	(£,000's)	(£,000's)
Adults ICT	284	-	64	-220
Adult Social Care Provision	4	4	4	0
Provider Services - Extra Care	500	-	0	-500
ADULT SOCIAL CARE & HEALTH	788	4	68	-720
Disabled Facilities Grant	4,373	635	2,993	-1,380
Empty Homes Grants	400	(279)	400	0
Sheltered Housing	938			-938
HOUSING	5,711	356	3,393	-2,318
Bereavement Services	1,711	25	800	-911
Community Ward Budgets	1,616		0	-1,616
Finance and HR system	598	128	498	-100
ICT Refresh & Transformation	9,185	207	6,430	-2,755
People ICT	7,515	660	3,500	-4,015
Uniform ICT Upgrade	0	48	140	140
Members Enquiries Transformation Bid	0	0	29	29
Core Contract Procurement Transformation	0	0	470	470
ASSISTANT CHIEF EXECUTIVE	20,625	1,068	11,867	-8,758
Education – Fire Safety Works	2,057		450	-1,607
Education - Fixed Term Expansions	2,124	69	69	-2,055
Education - Major Maintenance	7,523	2,672	2,945	-4,578
Education - Miscellaneous	821	295	366	-455
Education - Permanent Expansion	403	117	425	22
Education - Secondary Estate	134	48	88	-46
Education - SEN	13,016	6,819	11,108	-1,908
CHILDREN YOUNG PEOPLE & EDUCATION	26,078	10,020	15,451	-10,627
Allotments	309		100	-209
Asset management ICT database				0
Brick by Brick programme	20,000		3,797	-16,203
Brick by Brick - Fairfield			4,000	4,000
Fixtures & Fittings FFH			574	574
CALAT Transformation	396	1	6	-390
Devolution initiatives				0
Electric Vehicle Charging Points	1,700			-1,700
Feasibility Fund	505	13	505	0

Fieldway Cluster (Timebridge Community Centre)	3,023	-121	300	-2,723
Growth Zone	8,210	25	2,500	-5,710
Grounds Maintenance Insourced Equipment	1,200		1,000	-200
Highways - maintenance programme	17,531	1,672	13,474	-4,057
Highways - maintenance programme (staff recharges)	567		0	-567
Highways – flood water management	286	85	1,076	790
Highways – bridges and highways structures	141	323	1,139	998
Highways - Tree works	0	7	89	89
Measures to mitigate travellers in parks and open spaces	73		73	0
Leisure centres equipment upgrade	628	7	628	0
Libraries Investment - General	1,914	69	300	-1,614
Libraries investment – South Norwood library	512		100	-412
Museum Archives	100			-100
Neighbourhood Support Safety Measures	50		50	0
New Addington wellbeing centre	979			-979
Parking	3,401		1,735	-1,666
Park Life	381			-381
Play Equipment	1,522		720	-802
Safety - digital upgrade of CCTV	1,559		20	-1,539
Section 106 Schemes	4,674	61	4,674	0
SEN Transport	1,289			-1,289
Signage	137		137	0
South Norwood	5	78	812	807
Kenley Good Growth			545	545
Sustainability Programme	625		60	-565
TFL - LIP	392	-516	3,884	3,492
Unsuitable Housing Fund	14		14	0
Walking and cycling strategy				0
Waste and Recycling Investment	3,116		1,558	-1,558
Waste and Recycling – Don't Mess with Croydon	1,358		1,558	200
Schemes with completion date prior to 2020/21	-158		-158	0
SUSTAINABLE COMMUNITIES, REGENERATION & ECONOMIC RECOVERY	76,439	1,704	45,270	-31,169
Asset Strategy - Stubbs Mead	3,298		250	-3,048
Asset Strategy Programme	770		23	-747
Asset Acquisition Fund	415		25	-390
Clocktower Chillers	462		50	-412
Corporate Property Programme	4,248	111	2,794	-1,454
Crossfield (relocation of CES)	-146	8	146	292
Emergency Generator (Data Centre)				0

MHCLG Code Sharing Project		-	168	168
Croydon Healthy Homes (Project code 800156)				0
RESOURCES	9,047	119	3,456	-5,591
Corporate	50,000	0	50,000	0
Transformation Spend (Flexible Capital Receipts)	1,893		2,393	500
NET GENERAL FUND TOTAL	190,581	13,271	131,898	-58,683
Asset management ICT database	155	0	372	217
Fire safety programme	5,555	307	5,555	0
Larger Homes	1,339		1,339	0
Major Repairs and Improvements Programme	35,306	7,806	28,122	-7,184
Affordable Housing Programme	31,932	15	30,051	-1,881
BBB Properties part funded by GLA and HRA RTB	108,120		0	-108,120
Special Transfer Payments	802	0	0	-802
BBB Land Transfers as Winding Up			7,200	7,200
Contribution From Revenue				0
Contribution From Reserves				0
HOUSING REVENUE ACCOUNT CAPITAL	183,209	8,128	72,639	-110,570
GROSS CAPITAL PROGRAMME	373,790	21,399	204,536	-169,253

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REPORT TO:	Cabinet 24 January 2022
SUBJECT:	Report in the Public Interest October 2020 – Quarter 3 Update
LEAD OFFICER:	Richard Ennis, Interim Corporate Director of Resources (Section 151)
CABINET MEMBER:	Cllr Hamida Ali, Leader of the Council
WARDS:	All

SUMMARY OF REPORT:

The report provides an update in response to the Council's Report in the Public Interest October 2020. Of 37 recommendations remaining open at quarter two, 7 have moved to complete, pending evidence.

Subsequent to feedback from the Scrutiny and Overview Committee, recommendations will not be moved to complete until embedded in the organisation as 'business as usual'. Therefore, 4 recommendations have reverted to in-progress.

34 recommendations remain open at quarter three, however, 14 relate to training which is either planned or underway.

Updates have been supplied by the relevant Senior Accountable Officer (SAO), against every recommendation.

This report will be presented to Full Council on 31st January, to General Purposes and Audit Committee on 3rd February and Scrutiny and Overview Committee on 8th February.

COUNCIL PRIORITIES 2020-2024

This covering report provides an overview of the work that has been progressed to achieve the recommendations as set out in the Report in the Public Interest October 2020. It focuses on the actions that have been progressed since the update that went to Cabinet on the 18th October 2021.

The Action Plan for the Report in the Public Interest October 2020 has been incorporated into the Croydon Renewal Plans and represents one of the 11 programmes of work being delivered.

The action plan covers a wide range of areas including financial management, governance, staff training, assets and budget development all of which are core elements of any strategy to ensure services are delivered responsively with a focus on value for money for our residents.

FEEDBACK FROM SCRUTINY AND OVERVIEW COMMITTEE

In relation to Quarter 2 report to 18 October Cabinet, Scrutiny and Overview Committee expressed concern that some items in the reporting framework were marked as complete, when they still needed to be embedded in the organisation as 'business as usual'. In response to the concerns raised officers have taken steps to strengthen the challenge to officers across the organisation who provide updates on delivery progress, including seeking evidence from them that can confirm delivery.

FEEDBACK FROM GENERAL PURPOSES AND AUDIT COMMITTEE

In relation to the Quarter 2 report to 18 October Cabinet the Committee requested the following:

Transformation Funding –The report on the review of schemes previously funded from Transformation funds is presented to the meeting of the General Purposes and Audit Committee in October 2021.

The Council used c£29m of capital receipts to fund transformation spending in 2019/20. As part of the 2019/20 audit external auditors raised concerns in relation to the accuracy of the application of the capital receipts to fund transformation projects. Concerns raised included poor business case production coupled with lack of rigour in testing if the transformation spend met the criteria for applying capital receipts to fund revenue projects. A total of £7.49m of transformation spend was classified as misstated as the Council was not able to produce relevant supporting evidence to indicate accurate use of capital receipts. This was flagged at the October 2021 GPAC meeting and going forward Council officers will ensure robust business cases are developed and the expenditure is accurately tested to ensure it meets the criteria for using capital receipts.

Transformation Funding is scheduled for General Purposes and Audit Committee agenda February 03rd 2022.

CareCubed tool – That a briefing on the effectiveness of the CareCubed tool in procuring and managing delivery of specialist care placements in line with projected costs is provided to the meeting of the General Purposes and Audit Committee in October 2021

Officers have reviewed October and November GPAC agenda and have found no mention of this item. Democratic Services have been asked to confirm this request is outstanding.

At the 6 December 2021 Disabilities Joint Commissioning Board, it was minuted the Board would inherit oversight and continued decision making on the tool/future procurement options beyond year two of the contract.

Croydon Park Hotel – The report on lessons learned from the purchase of Croydon Park Hotel is presented to General Purposes and Audit Committee in November 2021.

A paper is being presented to the Cabinet Member for Croydon Renewal and the Cabinet Member lead for Resources on 21 December 2021. The objective is that this paper is progressed to General Purposes and Audit Committee at the earliest opportunity. The focus of the paper is:

- Review of lessons learned from the acquisition of Croydon Park Hotel with a view to strengthen due diligence and governance arrangements going forward.
- Property Investment Performance - in particular focussing on the performance of Colonades, Vulcan Way & Imperial Way, as well as reflection on why L.B. Croydon investment performance might differ from private sector investment performance. This will include matters such as the imposition on our operators of London Living Wage, selection of occupiers aligned to corporate objectives and administration.
- Update on emerging Asset Strategy, which shall update and continue the work from the Interim Asset Disposal Strategy (Feb 2021).

FINANCIAL IMPACT:

This report will have no direct financial impact on the borough as its focus is on updating against the recommendations as accepted by the Council in November 2020. Some of the recommendations implemented will have an attached financial cost. This will be included in the costs of the overall improvement plan being developed for the Council.

Any costs incurred previously or in the future to deliver the action plan have or will have gone through the Council's existing controls to ensure the expenditure is essential and represents good value for Croydon. Any costs will need to be contained within the existing approved budget for 2021/2022 to ensure Members are sighted.

The external auditor's costs have totalled £98,275 to 30 September 2021.

KEY DECISION REFERENCE NO.: Not a key decision

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

1. RECOMMENDATIONS:

- 1.1 Note and agree on the progress the Council has made in regard to achieving the recommendations set out by external auditor in the Report in the Public Interest October 2020 with 65 out of 99 actions complete;

- 1.2 Note the outcome of internal audit of actions delivered to properly evidence what has been achieved so far, in order to provide full assurance to members and residents on the changes achieved;
- 1.3 Agree the refreshed Action Plan including actions marked complete, progress updates against open actions and identification of actions to be embedded going forward as business as usual.

2. EXECUTIVE SUMMARY

- 2.1 On 23rd October 2020 the Council's external auditor, Grant Thornton, issued a Report in the Public Interest October 2020 (RIPI) concerning the Council's financial position and related governance arrangements. In line with the statutory framework for the RIPI, the Council held an Extraordinary Council meeting on 19th November 2020 to discuss the report and the proposed action plan to address it.
- 2.2 The April 12th update, approved by Cabinet, provided a comprehensive progress update across all recommendations and also agreed the refreshed RIPI Action Plan having incorporated views from both the Scrutiny and Overview Committee (SOC) and General Purposes and Audit Committee (GPAC). This was then updated with the first quarterly update which went to Cabinet on the 7th June, GPAC on the 10th June and SOC on the 15th June. This report noted that the Council had completed 55/99 actions in the RIPI Action Plan and provided progress updates against all remaining actions.
- 2.3 This covering report represents the third quarterly update on the RIPI response based on activity this financial year. It focuses on actions that were set to be complete by close of September, October and November 2021 as well as well as updating against actions set to be delivered by the end of December 2021. It also updates progress on 4 actions that were marked as complete in 12 April 2021 Cabinet update, however following internal audit of actions marked as complete, it was recommended that further steps were needed to fully embed these actions in the organisation as 'business as usual'.
- 2.5 Section 5 of this report provides feedback on the outcome of internal audit of RIPI actions marked as complete.

3. HIGH-LEVEL UPDATE ON THE ACTION PLAN

- 3.1 Tabled immediately below is data on the delivery progress of the 99 RIPI actions, including results from internal audit.

1	2	3	4	5	6
Period	Number of actions marked complete	Actions audited	Actions confirmed complete by Internal Audit	Actions flagged by Internal Audit for further work	Actions outstanding (total of columns 5 & 6)
Q4-Apr 21	35 of 99	-	-	-	64
Q1-Jun 21	55 of 99	-	-	-	44
Q2-Oct 21	62 of 99	35	31	4	41
Q3-Jan 22	65 of 99				34

- 3.2 The Council has delivered a total of 65 actions to date, 7 of which have been reported as complete since the Quarter 2 update to 18th October Cabinet.
- 3.3 The Action Plan recognises that not every action can be marked “complete” and left. In some cases, actions will need to be embedded into business as usual (BAU) processes before being marked complete. Additionally, a number of the actions are representative of aspects of systemic and cultural shifts that will need to be continued going forward to embed sustained positive change and good practice. Some of these actions will remain open as the Council acknowledges that achieving the desired outcome will be a long-term process (e.g. co-creating a working environment that respects and values all our staff and take positive action to ensure that this is the case” LBC 4 – iv). The Council is therefore committed to providing updates in further quarterly reports against these.
- 3.4 Appendix 1a updates progress against the 41 actions that were outstanding at 18 October 2021 Cabinet. Appendix 1b lists all actions reported as complete at 31 December 2021.
- 3.5 The Council recognises it must continue to push to deliver and progress the 41 outstanding actions to ensure momentum is not lost and that the Council’s response to the RIPI achieves the critical organisational change necessary.
- 3.6 The table below sets out the actions identified as high priority by the external auditor with a RAG rating.

High Priority Action	Actions Completed/Total Actions	Rag
R1a Children’s Social Care	5/5	

	Marked complete in 7 th June Quarter 1 Update	
R1b Adult Social Care	9/9 (was 8/9 per Q1 Update)	The outstanding action on training on the ASC Budget has now been completed. This was handled via a briefing to Members of the Health & Social Care Sub-Committee in June 2021.
R2 Adequacy of Council Reserves	4/4 for Q3 (tbc) (was 2 of 4 at Q2)	<p><u>Member training</u> - The Local Government Association delivered training to Scrutiny and Overview Committee on 27th October 2021 and to General Purposes and Audit Committee on 22 November 2021.</p> <p>The training offer will be refreshed annually and continually offered to members as BAU going forward. A member induction programme planned for May 2022 will be informed by the RIPI recommendations.</p> <p><u>Assurance to Scrutiny and Overview Committee on budget delivery</u> - Monthly reports are taken to Cabinet and to Scrutiny and Overview Committee. Officers will continue to take monthly in year financial reporting monitor to each meeting of Scrutiny and Overview Committee.</p>
R3 Use of Transformation Funding	2/2 for Q3 (tbc) (was 1 of 2 at Q2)	<p>Training on transformation funding is covered in the training provided for members by the Local Government Association (see comment in row immediately above).</p> <p>Budget reports in January / February will include a section on transformation funding to ensure members have a full understanding.</p>

R9 Budget Challenge/Rigour	5/5 – Marked complete in 12 th April Update	
R12 Revolving Investment Fund	3/3 – Marked complete in 12 th April Update	
R14 Treasury Management	2/2– Marked complete in 12 th April Update	
R18 Ongoing investment in Brick by Brick	1/1– Marked complete in 12 th April Update	
R20 Governance of subsidiaries	4/9 (was 0/9 in June Quarter 1 Update)	<p>Following Cabinet approval of the July 26th “Governance of Croydon Council Companies” Paper, The Croydon Companies’ Supervision and Monitoring Panel (CCSMP) has been set up. Its role is to ensure the Council’s strategic and good governance objectives are met across the Council’s subsidiaries.</p> <p>Through the introduction of this Panel, several actions have been completed that relate to ensuring good governance mechanisms to monitor and regulate the handling of Council companies have been introduced. The group will continue to deliver against these actions as BAU.</p> <p>The outstanding actions related to constitutional changes and training have been progressed, details of which can be seen in Appendix 1 and in section 4 below.</p> <p>The first CCSMP report is expected to be presented to Cabinet in February 2022.</p>

- 3.7 To ensure alignment with the wider Croydon Renewal Plan activities the following criteria were utilised as developed by the PMO Steering Group.

Rag Definitions used:

Green - no known challenges to delivery

Amber - Challenges to delivery identified with mitigations in place/planned

Red - Challenges to delivery identified with no resolution identified

4. KEY MILESTONES ACHIEVED THIS UPDATE

- 4.1 A comprehensive summary of actions taken to date across all recommendations is contained within the refreshed action plan in appendix 1a (outstanding actions) and appendix 1b (completed actions). This section provides some additional information on key achievements delivered since the Quarter 2 Update to 18th October 2021 Cabinet.
- 4.2 Governance of Council subsidiaries - Mandatory training for Councillors and Officers representing the Council's interests on the boards of subsidiaries will take place in early 2022. The training will be supported by the Council's external legal partners. The training will be embedded and delivered annually as business as usual. Changes to the Council's constitution to reflect the revised arrangements will be considered as part of the wider changes to be implemented for the constitution. The Council Companies Supervision and Monitoring Panel (CCSMP) will liaise with the working group dealing with the Council's constitution changes on this issue.
- 4.3 Improvement to Scrutiny function - The Local Government Association delivered training to Scrutiny and Overview Committee on 27th October 2021 and to General Purposes and Audit Committee on 22 November 2021. The training offer will be refreshed annually and continually offered to members as BAU going forward. A member induction programme planned for May 2022 will be informed by the RIPI recommendations.
- 4.4 In order to strengthen member oversight of progress in delivering the Council's budget, monthly reports are taken to Cabinet, and Scrutiny and Overview Committee. Officers will continue to take monthly in year financial reporting monitor to each meeting of Scrutiny and Overview Committee.
- 4.5 Brick by Brick - Currently there are 23 sites being developed out by Brick by Brick and are subject to monthly monitoring (see November 21 Cabinet). A further 5 sites are on the market (no development underway). Approximately 40 additional sites that were considered by Brick by Brick are now being evaluated by the Council.
- 4.6 Risk Management - Risk factors are being incorporated into monthly monitoring reports and throughout budget setting process. The level of risk and appetite is being assessed and is being incorporated into the strategy of rebuilding general and earmarked reserves. All new projects will take into account level of all risks and appetite.

- 4.7 The Corporate Risk register has been further developed with monthly review of all corporately rated red risks/financial risks taking place at CMT to ensure top level leadership. All financial risks associated with budget changes are scrutinised via Star Chamber budget setting process. Financial and other risks are outlined in Cabinet reports.
- 4.8 Further LGA led training for Members of GPAC committee took place on 22 November 2021. One to one risk management refreshers and access to the JCAD risk management system are being provided to every Director and Corporate Director with the target of completing these by 31 December.
- 4.9 Organisational redesign - The restructure proposals approved by Full Council on 5th July 2021 went live on 2nd November 2021. This organisational redesign is fundamental to the council and will help us to improve how we do things, operate within our budget and to create an inclusive culture that supports delivery of the best possible affordable service we can provide to our residents. Senior recruitment drive is well underway with interview dates set.

5. PROGRESS UPDATE ON INTERNAL AUDIT

- 5.1 To provide additional assurance on the delivery of the RIPI Action Plan as reported, internal audit review completed actions to confirm they have been actioned as reported and that, where appropriate, these now form part of the Council's governance framework (see appendix 2). The table at paragraph 3.1 above provide summary data on the outcome of audit investigations to date.
- 5.2 Internal Audit assurance was obtained through a combination of corroborative enquiry, examination of relevant documents (including meeting minutes) and interrogation of computer applications.

6. FUTURE UPDATES ON THE REPORT IN THE PUBLIC INTEREST OCTOBER 2020

- 6.1 The RIPI action plan has been incorporated into the wider Croydon Renewal Plan and forms 1 of the 11 programmes of work aiming to support the Council's financial recovery, improve governance arrangements and drive operational improvement. The Croydon Renewal Plan currently consists of nearly 400 recommendations which are to be delivered within the next 4-5 years.
- 6.2 Per the action plan (appendix 1a and appendix 1b), quarterly RIPI updates are to be provided to GPAC, SOC, Council and Cabinet. This update will be presented to Full Council on 31st January, to General Purposes and Audit Committee on 3rd February and Scrutiny and Overview Committee on 8th February.
- 6.3 The dates for the remaining updates this financial year are in the table shown below

RIPI Update Report	SOC	Cabinet Date	Full Council	GPAC
Q.3 Update	8 th February	24 th January	31 st January	3 rd Feb
Q.4 Update	29 th March	21 st March	28 th March	3 rd March

7. CONSULTATION

- 7.1 The action plan has been previously reviewed by both GPAC and the SOC who made recommendations to enhance what was being progressed. These changes were approved by Cabinet on 12th April 2021. Services have been directly engaged with to ensure updates were recorded accurately and contained the most up to date information.

8. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 8.1 At 30 September 2021 external auditor's costs totalled £98,275. This is an increase of £33,275 on the amount (£65,000) reported in April 12 Cabinet paper and June Quarter 1 update. The Council agreed a fee of £0.065m with the external auditor in October 2020. Since then there has been further work done by the auditor which will result in additional fees for the Council. These fees are yet to be confirmed and the Council will be doing so before financial year end.
- 8.2 The Council is working to deliver the overarching improvement plan, of which the RIPI action plan forms a key part. Costs will be incurred delivering many of the actions contained within the plan and these will be presented to Members as the Council's Improvement Journey progresses. Any costs will need to be contained within existing budget provisions.
- 8.3 As indicated some of these recommendations have progressed well and the Council has already benefited from improved financial position from these. The reserves balance has improved since start of 2020/21 and as part of our recent monthly financial performance monitor reports we have seen reductions in children and adults social care spend. The Council has a better grip on its finances with Brick by Brick and a large amount of previously Revolving Investment Fund investment is also better managed.

Approved by: Nish Popat, Interim Head of Corporate Finance

9. LEGAL CONSIDERATIONS

- 9.1 The Head of Litigation and Corporate Law comments on behalf of the interim Director of Legal Services that the Report in the Public Interest October 2020 ("the Report") dated 23 October 2020 was issued under the provisions of the

Local Audit and Accountability Act 2014 ("the Act"). The Council must comply with the requirements of the Act in responding to the Report.

- 9.2 Under the provisions of paragraph 5(5) and (6) of Schedule 7 to the Act, the Council must decide within one month whether the Report requires the authority to take any action or whether the recommendations are to be accepted. It must also decide what, if any, action is to be taken in response to the Report and its recommendations. The Report was considered at the Council meeting on 19 November when all of the Report's recommendations R1 – R20 and additional recommendations LBC1 – LBC3 was agreed together with an Action Plan in response to each of the recommendations. A further recommendation LBC4 was added following additional consultation. Paragraph 7 goes on to provide that the authority's functions under paragraph 5 are not to be the responsibility of the executive.
- 9.3 Paragraph 10(1) of the Act provides that after considering the Report and its response to it, the Council must notify the external auditor of its decisions, and publish a notice on its website containing a summary of those decisions which has been approved by the external auditor.
- 9.4 At the time of writing this report, all of the relevant requirements of the Act have been complied with.
- 9.5 Any additional legal considerations arising from individual workstreams will be assessed as projects and actions come forward.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law Deputy Monitoring Officer on behalf of the interim Director of Legal Services and Deputy Monitoring Officer.

10. HUMAN RESOURCES IMPACT

- 10.1 There are no immediate human resource impacts arising directly from the recommendations in this report. However, there will be impacts associated with the delivery of the improvement plan. The improvement plan is part of a range of measures relating to improving the Council's financial position and it is inevitable that this will ultimately impact on the Council's workforce when the Council's agreed Human Resources policies and procedures will be followed.
- 10.2 Human resources impacts will be appropriately reported to the relevant decision-making bodies and the Council's recognised trade unions will be consulted in the usual way before any individual actions from the plan are implemented.

Approved by: Gillian Bevan, Head of HR, Resources and Assistant Chief Executives

11. EQUALITIES IMPACT

- 11.1 There are no equality impacts arising directly from the recommendations in this report. As such, an equality analysis has not been undertaken following the initial response to the external auditor's report. However, there will be impacts associated with the delivery of the improvement plan. The improvement plan is part of a range of measures relating to improving the Council's financial position and it is inevitable that this will ultimately impact on the Council's workforce and the communities it serves.
- 11.2 Consideration will be given as each of the individual actions included in the Action Plan are implemented as to whether they are relevant to equalities and will require an equalities impact assessment undertaken to ascertain the potential impact on vulnerable groups and groups that share protected characteristics.
- 11.3 Any improvements to governance that arise from the implementation of the recommendations in the action must pay due regard to ensuring that all residents in Croydon are able to understand the actions the Council takes in their name, the decisions it makes to spend resources on their behalf, and who is accountable for that action.
- 11.4 Close attention will need to be paid to ensure the Council is as transparent as possible and is as open and engaging with all its local communities through this process of improvement and afterwards in the new governance practices that are established.

Approved by: Denise McCausland, Equalities Manager

14. ENVIRONMENTAL IMPACT

- 14.1 There are no positive or negative impacts on the environment as a result of any of the recommendations of this report.

15. CRIME AND DISORDER REDUCTION IMPACT

- 15.1 There are no implications in this report that would have an impact on crime prevention or reduction.

16. DATA PROTECTION IMPLICATIONS

- 16.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

NO

- 16.2 **HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN**

COMPLETED?

NO, as the report contains no sensitive/personal data

Approved by Richard Ennis; Interim Corporate Director of Resources (Section 151)

CONTACT OFFICER: Anthony Thacker, Business Improvement Manager, Policy Programmes and Performance

APPENDICES TO THIS REPORT: Appendix 1a – Outstanding RIPI Actions
Appendix 1b – Completed RIPI Actions
Appendix 2 – Internal Audit Results

BACKGROUND DOCUMENTS: None

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**APPENDIX 1a - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – OUTSTANDING ACTIONS AT QUARTER 3,
JANUARY 2022**

1. The Council has fully accepted all recommendations made by the external auditor (R1-R20)
2. The Council has added additional recommendations LBC1-4.
3. There are 9 high priority recommendations from the external auditor for the Council to urgently address:
4. Actions marked as “GPAC/SOC” recommendation came from their input following consultation carried out in Dec 2020/Jan 2021

High Priority Actions	High Priority Actions
R1a Children’s Social Care	R12 Revolving Investment Fund
R1b Adult Social Care	R14 Treasury Management
R2 Adequacy of Council Reserves	R18 Ongoing investment in Brick by Brick
R3 Use of Transformation Funding	R20 Governance of subsidiaries
R9 Budget Challenge/Rigour	

A note has been made against actions that do not represent “one-off” measures but instead represent actions, principles and values that should be continually delivered or established as repeating tasks. These actions will be marked as Business as Usual (BAU) in the “Status/Updated Deadline” column.

**APPENDIX 1a - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – OUTSTANDING ACTIONS AT QUARTER 3,
JANUARY 2022**

Overall accountability for the action plan rests with the Chief Executive

Recommendation 2 – HIGH PRIORITY

The Council (including Cabinet and Scrutiny and Overview Committee) should challenge the adequacy of the reserves assessment which should include a risk assessment before approving the budget.

Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal

Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
iii) Training to be delivered to relevant members to raise understanding of reserves	GPAC/SOC Recommendation	<p>The Local Government Association delivered training to Scrutiny and Overview Committee on 27th October 2021 and to General Purposes and Audit Committee on 22 November 2021.</p> <p>Training delivered to members in Autumn 2021 and will be repeated annually.</p> <p>The training offer will be refreshed annually and continually offered to members as BAU going forward. A member induction programme planned for May 2022 will be informed by the RIPI recommendations.</p>	COMPLETE – Q3	Interim Corporate Director of Resources (Section 151)
iv) Council to identify the most appropriate mechanism for the Scrutiny & Overview Committee to monitor and assess progress made against delivering the budget throughout the year. As a part of this any update would need to provide reassurance that effective budget controls are in place to mitigate against potential pressures.	GPAC/SOC Recommendation	<p>Monthly reports are taken to Cabinet and to Scrutiny and Overview Committee. Officers will continue to take monthly in year financial reporting monitor to each meeting of Scrutiny and Overview Committee.</p>	COMPLETE – Q3	Interim Corporate Director of Resources (Section 151)

**APPENDIX 1a - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – OUTSTANDING ACTIONS AT QUARTER 3,
JANUARY 2022**

Furthermore, the Council is to consider approach to providing reassurance to Members that effective budget controls were in place to mitigate against potential risks to the delivery of the budget.				
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Recommendation 3 – HIGH PRIORITY
The Chief Executive should oversee a review of the outcomes achieved from the use of transformation funding to demonstrate that the funding has been applied in accordance with the aim of the scheme.

Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal

Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
ii) Training to be delivered to relevant members on transformation funding to raise understanding.	GPAC/SOC Recommendation	Training on transformation funding is covered in the overall training referenced in recommendation 2(iii) above. Budget reports in January / February 22 will include a section on transformation funding to ensure members have a full understanding.	In-progress	Interim Corporate Director of Resources (Section 151)

Recommendation 4
The s151 Officer should set out the strategy for applying capital receipts for transformation annually as part of the budget setting process.

Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal

Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
iii) There will be an annual report to the Scrutiny & Overview Committee and GPAC on the use of transformation funding and the delivery of schemes. A corporate strategy needs to be developed to assess future transformation projects prior to funding. This should include a	December 2021 updated deadline June 2022	A report was taken to Council in July 21 detailing a list of transformation projects with intended savings to the Council. The July 2021 Council paper indicated that the Council's capital receipts may be used to fund the Transformation schemes, as allowed	In-progress	Interim Corporate Director of Resources (Section 151)

APPENDIX 1a - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – OUTSTANDING ACTIONS AT QUARTER 3, JANUARY 2022

<p>requirement to identify the intended outcomes, risk exposure, ongoing affordability, how success will be measured, how progress will be tracked, and any interdependencies with other projects and any wider benefits.</p>		<p>under the Flexible Use of Capital Receipts legislation.</p> <p>Based on the capital receipts the Council will receive in 21/22 further bids for transformation funding is being considered and information gathered to test the need for this funding to deliver further savings.</p> <p>Transformation Funding is scheduled for General Purposes and Audit Committee agenda February 3rd 2022.</p> <p>Report will be done on an annual basis with the first one due in June 2022.</p>		
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Recommendation 5
 The General Purposes and Audit Committee should receive reports on the actions being taken to address the Dedicated Schools Grant deficit and challenge whether sufficient progress is being made.

Cabinet Member Accountability: Councillor Flemming, Cabinet Member for Children, Young People and Learning

Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
<p>iv) Implement the 'New Approach to Special Educational Needs delivery' strategy working with schools to ensure that more of our Special Educational Needs pupils are educated in mainstream provision to include:</p> <ul style="list-style-type: none"> Developing more capacity within the post-16 provision 	<p>Early adopter Locality areas from September 2020</p> <p>Ongoing discussions with current provider (Croydon College) for 2020/21 academic year Opened September 2020 in temporary location and from</p>	<p>Project widened to include further two locality areas.</p> <p>Model being incorporated into SEND Governance Model</p> <p>Further modelling on this being a borough wide model is in progress</p>	<p>In-progress</p>	<p>Interim Director of Education</p>

APPENDIX 1a - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – OUTSTANDING ACTIONS AT QUARTER 3, JANUARY 2022

<ul style="list-style-type: none"> Opening of new Special Educational Needs free schools 	September 2021 in substantive location			
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Recommendation 6
 The Executive Director Children, Families and Education needs to review the services provided to UASC and to identify options to meet their needs within the grant funding provided by the Home Office.

Cabinet Member Accountability: Councillor Flemming, Cabinet Member for Children, Young People and Learning

Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
ii) Negotiate with the Home Office and Department for Education to secure the same financial support provided to other port of entry authorities such as Kent and Portsmouth to cover the exceptional overhead costs caused by the volume of unaccompanied asylum seeking children received in the Borough. <ul style="list-style-type: none"> Full cost recovery for exceptional overheads provided by Croydon such as age assessments, the social care duty service at Lunar House and legal fees. Due to volumes in the Borough from its port of entry position, these cannot be absorbed within normal overhead cost as per all other local authorities. Increased funding for children cared for over and above the voluntary national rate to match the funding of Croydon's children in care. 	Initial meeting had in November 2020	Confirmation of grant funding of £2.35 million received from the Home Office and DfE at the end of August for the current financial year in recognition of the exceptional additional costs to Croydon. Further representations planned to address the projected shortfall in 2022/23 and 2023/24	In-progress	Interim Corporate Director, Children Families and Education

**APPENDIX 1a - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – OUTSTANDING ACTIONS AT QUARTER 3,
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Recommendation 8
The Cabinet reports on the financial position need to improve the transparency of reporting of any remedial action taken to address in year overspends.

Cabinet Member Accountability: Councillor Young, Cabinet Member for Resources and Financial Governance and Councillor King, Cabinet Member for Croydon Renewal

Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
iii) A review of the capacity within the Finance Team to ensure there is adequate support for departmental cost centre managers to fulfil their responsibilities as budget holders.	November 2020	<p>Additional capacity provided through £1m budget increase approved in March budget – currently funding extra capacity using agency staff</p> <p>Agency staff covering posts at present will remain in position until permanent / fixed term staff is recruited.</p> <p>Role of Executive Director has been advertised and is now closed</p> <p>Restructure proposals being put together for consultation for January advertising campaign</p>	COMPLETE – Q3	<p>Interim Corporate Director of Resources (Section 151)</p> <p>Interim Director of Finance (Deputy S.151)</p>

Recommendation 10
The General Purposes and Audit Committee must challenge officers on the progress in implementing the Financial Consultant’s recommendations to improve the budget setting, monitoring and reporting process and actions to address the Head of Internal Audit’s concerns on internal controls.

Member Accountability: Councillor Karen Jewitt, Chair of General Purposes and Audit Committee

Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
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**APPENDIX 1a - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – OUTSTANDING ACTIONS AT QUARTER 3,
JANUARY 2022**

<p>i) Delivery of the Financial Consultant's recommendations and the Head of Internal Audit's concerns will be reported to the General Purposes and Audit Committee and to the Improvement Board as part of the Croydon Renewal Plan.</p>	<p>October 2020</p> <p>Actions should be embedded into regular cycle by March 22</p>	<p>As Reported to General Purposes and Audit Committee (16th Sep 2021), 48 of the recommendations have been embedded into business as usual or completed as required one-off tasks. This includes all the priority 1 to 3 tasks</p> <p>27 tasks remain to be fully completed or embedded and are designated as amber risk as they remain to be completed</p> <p>These remaining tasks largely relate to activities that take place once a year as part of budget setting or year-end work and are thus pending.</p> <p>An update is scheduled for GPAC in the new year.</p>	<p>In-progress</p>	<p>Interim Corporate Director of Resources (Section 151)</p> <p>Interim Director of Finance (Deputy S.151)</p>
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Recommendation 11
The s151 officer needs to revisit the Growth Zone assumptions following the pandemic and make recommendations to Cabinet and Council for the continued investment in the scheme.

Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal

Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
<p>ii) Revised financial model profile to be presented alongside budget review in February 2021 to Cabinet, General Purposes and Audit Committee and the Scrutiny and Overview Committee.</p>	<p>February 2021</p>	<p>Budget report for 6th December sets out the current progress in bridging the £38m gap for 2022/23 and set out many of the risks the Council faces.</p> <p>Further reports on the budget in January and February will build on that position and fully address points raised in this item.</p>	<p>COMPLETE – Q3</p>	<p>Interim Director of Finance (Deputy S.151)</p>

**APPENDIX 1a - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – OUTSTANDING ACTIONS AT QUARTER 3,
JANUARY 2022**

		<p>Tracker on budget proposals adopted and is tracking progress with an audit log to identify changes to proposals and remaining gap.</p> <p>Monthly monitoring report full details of risks and opportunities alongside forecast in-year position.</p>		
iv) The Council needs a mechanism in place to review projects to use the learning to inform any future work. This should be extended across all areas of the Council, with learning retained centrally as a corporate resources.	March 2022	<p>Project closure process in place as part of the governance of all projects. Monthly Steering Group meetings continue to review and draw out lessons learned across Renewing Croydon programme.</p> <p>The Programme Management Framework has been developed and published on the intranet and shared with the Community of Practice. Further work is needed to embed the process across the organisation.</p> <p>Internal Audit have flagged the process put in place as not fully embedded. Status has been moved from complete to in-progress.</p>	In-progress	Director of Policy, Programmes and Performance
<p>Recommendation 12 – HIGH PRIORITY The s151 officer should review the financial rationale and associated risks and make recommendations to Cabinet and Council on whether the Revolving Investment Fund should continue.</p>				
<p>Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal</p>				
Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
ii) Recommendations to be presented alongside budget review in Feb 2021 to Cabinet, General Purposes and Audit Committee and Scrutiny and Overview	February 2021	As requested, budget position and proposals / risks will be presented to GPAC.	In-progress	Interim Director of Finance (Deputy S.151)

**APPENDIX 1a - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – OUTSTANDING ACTIONS AT QUARTER 3,
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		Internal Audit have flagged the process put in place as not fully embedded. Status has been moved from complete to in-progress.		
Recommendation 13				
The s151 officer should review the purchase of Croydon Park Hotel to identify lessons learned to strengthen future due diligence arrangements.				
Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal				
Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
ii) Recommendations, including lessons learned, will inform changes required to governance arrangements and training/development that might be required. These recommendations to be presented alongside budget review in February 2021 to Cabinet, General Purposes and Audit Committee and Scrutiny and Overview.	January 2021	<p>A paper is being presented to the Cabinet Member for Croydon Renewal and the Cabinet Member lead for Resources on 21 December 2021. The objective is that this paper is progressed to General Purposes and Audit Committee at the earliest opportunity. The focus of the paper is:</p> <ul style="list-style-type: none"> • Review of lessons learned from the acquisition of Croydon Park Hotel with a view to strengthen due diligence and governance arrangements going forward. • Property Investment Performance - in particular focussing on the performance of Colonades, Vulcan Way & Imperial Way, as well as reflection on why L.B. Croydon investment performance might differ from private sector investment performance. This will include matters such as the imposition on our operators of London Living Wage, 	In-progress	Interim Director of Commercial Investment

APPENDIX 1a - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – OUTSTANDING ACTIONS AT QUARTER 3, JANUARY 2022

		<p>selection of occupiers aligned to corporate objectives and administration.</p> <ul style="list-style-type: none"> Update on emerging Asset Strategy, which shall update and continue the work from the Interim Asset Disposal Strategy (Feb 2021). 		
iii) Review and re-write the asset investment strategy that was approved by Cabinet in October 2018 incorporating advice from each of the Strategic Reviews. The review will explicitly consider best practice from the sector and lessons learned from other local authorities, the external auditor and the National Audit Office on effective investment practice.	<p>March 2021</p> <p>Updated deadline March 2022</p>	A consultant has been appointed and progress is being made. However there will be an 8 week delay in taking the strategy to Cabinet. The strategy is now scheduled to go to March 22 Cabinet.	In-progress	Interim Director of Commercial Investment

Recommendation 16

The s151 officer should revisit the Minimum Revenue Provision policy to demonstrate that a prudent approach is being taken.

Cabinet Member Accountability: Councillor King Cabinet Member for Croydon Renewal

Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
i) Link Asset Management has been commissioned to carry out a review of the Minimum Revenue Position policy. The report with recommendations will be discussed with General Purposes and Audit Committee and then on to Cabinet.	December 2020	<p>Minimum Revenue Provision being re-calculated and forecast based on capital proposals and likely capital receipts and is being determined in accordance with regulations pertaining to MRP and policy.</p> <p>Work in progress (MRP policy) – Update to Cabinet is scheduled for February 22.</p>	In-progress	Interim Director of Finance (Deputy S.151)

APPENDIX 1a - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – OUTSTANDING ACTIONS AT QUARTER 3, JANUARY 2022

Recommendation 17
The Cabinet and Council should reconsider the financial business case for continuing to invest in Brick by Brick before agreeing any further borrowing.

Cabinet Member Accountability: Councillor Hamida Ali, Leader of the Council

Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
i) PwC has been commissioned to undertake a strategic review of Brick by Brick with completion expected in November 2020. The report with recommendations regarding the financial business case will be reviewed by the Scrutiny and Overview Committee prior to being presented to Cabinet.	December 2020	5 sites are on the market (no development underway); 23 sites are being developed out by BBB and subject to monthly monitoring (November 2021 Cabinet refers). Approximately 40 additional sites that were considered by BBB are now being evaluated by L.B. Croydon.	In-progress	Chief Executive Officer Interim Director of Commercial Investment

Recommendation 20 – HIGH PRIORITY
The Cabinet and Council should review its arrangements to govern its interest in subsidiaries, how the subsidiaries are linked, and the long-term impact of the subsidiaries on the Council’s financial position and how the Council’s and taxpayers’ interest is safeguarded.

Cabinet Member Accountability: Councillor Young, Cabinet Member for Resources and Financial Governance

Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
v) Essential mandatory training will be undertaken on an annual basis and the retention of the director role for each Councillor and Council official will rely on completion of the recommended training.	March 2021	The first training session with the Council’s external legal partners has been agreed and will take place in early 2022 at a time and date most convenient for key directors. Responsibility to continue as BAU. The first CCSMP report is expected to be presented to Cabinet in February 2022.	In-progress	Interim Corporate Director of Resources (Section 151) Interim Director of Commercial Investment

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vi) The impact of these changes will need to be reflected in the Council's Constitution and relevant protocols.	March 2021	Changes to the constitution will be considered as part of the wider changes to be implemented for the constitution. CCSMP will liaise with the relevant working group dealing with the Council's constitution changes.	In-progress	Interim Corporate Director of Resources (Section 151) Interim Director of Commercial Investment
vii) Support for the effective governance of the Council's subsidiaries and retaining a corporate overview of activity of individual companies and the whole group of companies is to be developed.	March 2021	Responsibility to continue as BAU. The first CCSMP report is expected to be presented to Cabinet in February 2022. CCSMP will meet monthly to retain overview over subsidiaries.	In-progress	Interim Corporate Director of Resources (Section 151) Interim Director of Commercial Investment
viii) Raise awareness of the timing of the Annual General Meetings of subsidiaries amongst Members.	GPAC/SOC Recommendation	Responsibility to continue as BAU. The first CCSMP report is expected to be presented to Cabinet in February 2022.	In-progress	Interim Corporate Director of Resources (Section 151) Interim Director of Commercial Investment
ix) Cost effective mechanism to publish Board membership of Council subsidiaries to be investigated	GPAC/SOC Recommendation	Responsibility to continue as BAU. The first CCSMP report is expected to be presented to Cabinet in February 2022.	In-progress	Interim Corporate Director of Resources (Section 151) Interim Director of Commercial Investment

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LBC Recommendation 1				
Given the challenges ahead there will need to be improvement of the Council's approach to risk management to enable a satisfactory turnaround of the financial position.				
Cabinet Member Accountability: Councillor King Cabinet Member for Croydon Renewal				
Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
i) An externally led review of the Council's appetite for risk needs to be undertaken with Members and Officers to ensure that the council's financial capacity for managing risk is fully understood.	January 2021	<p>The Council has undertaken benchmarking in relation to ear-marked and General Fund reserves and our general reserves compare favourably to outer London Boroughs.</p> <p>An external review will be undertaken at a future date once we've fully completed internal reviews.</p> <p>Risk factors are being incorporated into monthly monitoring reports and throughout budget setting process.</p> <p>Level of risk and appetite is being assessed and is being incorporated into the strategy of rebuilding general and earmarked reserves accordingly.</p>	In-progress	Interim Director of Finance (Deputy Section 151)
iii) Risk considerations to be made at the outset of all new decisions will ensure the Council has capacity, capability and financial resources needed to deliver. The assessment of risk is on the individual decision and its impact on the whole of the Council.	November 2020	<p>Corporate Risk register has been further developed with monthly review of all corporately rated red risks/financial risks taking place at CMT to ensure top level leadership.</p> <p>All new projects will take into account level of all risks and appetite.</p>	In-progress	<p>Interim Director of Finance (Deputy Section 151)</p> <p>Head of Insurance, Anti-Fraud & Risk</p>

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		All financial risks associated with budget changes are scrutinised via Star Chamber budget setting process. Financial and other risks are outlined in Cabinet reports.		
iv)	Develop training for Members and Officers to understand effective risk management.	January 2021 (updated to May 2021)	Further LGA lead training for Members of GPAC committee took place on 22 November 2021. One to one risk management refreshers and access to the JCAD risk management system are being provided to every Director and Corporate Director with the target of completing these by 31 December.	In-progress Interim Corporate Director of Resources (Section 151) Head of Insurance, Anti-Fraud & Risk
v)	The Council to review the terms of reference in regards the General Purposes and Audit Committee and Scrutiny & Overview Committee with regards to risk management to ensure there are no gaps in governance, to remove silo thinking and that both committees have a clear understanding of their responsibilities. This will include new guidance and joint training	March 2021	Joint training for Scrutiny and Overview Committee and General Purposes and Audit Committee is being scheduled for January 22 (dates to be confirmed). The training will be delivered by Centre for Governance and Scrutiny.	In-progress Interim Corporate Director of Resources (Section 151)
LBC Recommendation 2 Clarifying member and officer roles to support good governance arrangements				
Cabinet Member Accountability: Councillor Young Cabinet Member for Resources and Financial Governance				
Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
i)	The Council will need to undertake a review to consider its operating model to ensure it has capacity and specialist skills required to deliver the financial and	February 2021	The restructure proposals approved by Full Council on 5 th July 2021 went live on 2 nd November 2021. This organisational redesign is fundamental to the council and will help us	COMPLETE – Q3 Chief Executive Officer

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operational improvements that are needed to deliver.		to improve how we do things, operate within our budget and to create an inclusive culture that supports delivery of the best possible affordable service we can provide to our residents. Senior recruitment drive is well underway with interview dates set.		Interim Assistant Chief Executive
ii) The Member/Officer protocol is to be reviewed to ensure that it gives clarity on the respective roles and responsibilities for both Members and officers. The protocol should also explicitly place the seven principles of public life, known as the Nolan principles, at its heart. https://www.gov.uk/government/publications/the-7-principles-of-public-life . Training will be held for all Councillors and senior officers to develop good practice.	March 2021	A proposed approach to the revision of the Member/Officer Protocol will be considered by Ethics Committee 9 December. The proposal is to take a revised protocol to full Council for approval in March 2022.	In-progress	Interim Corporate Director of Resources (Section 151) Head of Democratic Services & Scrutiny (Deputy MO)
iii) A review of the member and officer Codes of Conduct will be undertaken to incorporate any learning from recent events and to ensure that they explicitly include the seven principles of public life, known as the Nolan principles, as the basis of the ethical standards expected of elected and appointed public office holders.	March 2021	A new member code of conduct based upon the LGA model code was adopted at a meeting of Council on 11 October 21. Training sessions on the implications of the new code was delivered to members on 4 October.	COMPLETE – Q3	Interim Corporate Director of Resources (Section 151)
iv) Development sessions for Members and officers to better understand each other's respective roles.	March 2021	Training to be developed subject to ratification of Protocol (See LBC rec 2 (ii)). Training will be part of the Member Induction Programme for May 2022.	In-progress	Interim Corporate Director of Resources (Section 151)

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				Head of Democratic Services & Scrutiny (Deputy MO)
v) Review the level of support and advice Scrutiny & Overview Committee and the General Purposes and Audit Committee receives from the Head of Paid Services, Section 151 Officer and Monitoring Officer to ensure that the advice is in line with their statutory responsibilities. With this include clarification on the ability and process for members to request information.	March 2021	<p>The role of statutory chief officers attending Scrutiny and General Purposes and Audit Committee meetings has been clarified and there is now clearer water between the roles of officers and members advising those meetings.</p> <p>A training programme has been agreed by the Member Learning & Development Panel that includes additional sessions for members of both committees.</p> <p>The work programmes for both committees has also been embedded in the new corporate forward planning processes and officers are currently working with members with the aspiration of the corporate forward plan being routinely presented to the Scrutiny Committee.</p> <p>The draft access to information protocol has been presented to members for comment and is due to be formally considered by the Ethics Committee at its December meeting.</p>	In-progress	Monitoring Officer Head of Democratic Services & Scrutiny (Deputy MO)
vi) Review the capacity of the organisation to support the Scrutiny & Overview Committee and the General Purposes and Audit Committee so that activity is prioritised	Commenced October 2020	The need for additional resources has been identified, though funding for those resources has not yet been obtained.	In-progress	Monitoring Officer Head of Democratic

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within the financial resources for these functions.		Partners from the LGA are due to support the Council from January 2022 in reviewing and developing proposals to enhance the Council's decision making governance, including support to these two committees.		Services & Scrutiny (Deputy MO)

LBC Recommendation 3
Ensuring that Members are appropriately trained across all aspects of the Council's financial duties and responsibilities

Cabinet Member Accountability: Councillor Young, Cabinet Member for Resources and Financial Governance

Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
A detailed training and development programme is being designed to enable all Members to fulfil their roles in regard to their role with sufficient rigour. The programme being developed will cover: <ul style="list-style-type: none"> Financial management to include the importance of effective budget setting, a robust Medium Term Financial Strategy and rigorous budget monitoring (Add reserves) Understanding funding sources, eg general fund, housing revenue account and direct schools grant The role of Audit and the external auditor 	December 2020	Some training on Finance, Treasury Management and Risk was delivered in the latter part of 2020/early 2021. A training programme aligned with the actions in the RIPI action plan has been developed, costed and approved by Members Learning and Development Panel and Ethics Committee. Delivery commenced in October 2021. A member's induction programme for May 2022 will be informed by the RIPI recommendations.	In-progress	Chief Executive Officer Head of Democratic Services & Scrutiny (Deputy MO)

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<ul style="list-style-type: none"> • Treasury management and capital strategies and the Council’s approach to subsidiaries • Risk assessment • Commercial Investment • Mentoring • Commissioning and Procurement Process • ASC Budget • Transformation Funding • Statutory and non-statutory services 		<p>The training offer will be refreshed annually and continually offered to members as BAU going forward.</p> <p>The Council will ensure training attendance is recorded on Mod.gov.</p>		
<p>iii) Target support to be provided for Cabinet Members, Scrutiny & Overview Committee Members and General Purposes and Audit Committee Members to strengthen the approach to reviewing the emerging plans, actions and risks that are being developed as part of the Croydon Renewal Plan, Financial recovery and progress against the Report in the Public Interest October 2020. In particular the training will include:</p> <ul style="list-style-type: none"> • The role of Scrutiny and Overview in relation to finance and General Purposes and Audit Committee • Developing an effective culture of scrutiny and key questioning skills • Maintaining a ‘big picture’ view of the financial pressures affecting the council • Assessing effectively budget and financial plans, budget monitoring, reserves approach 	<p>December 2020</p>	<p>This needs to be considered in conjunction with LBC Recommendations 2(v) and 3(i).</p> <p>The full training programme has been presented to both the Member Learning and Development Panel and the Ethics Committee.</p> <p>The revised draft Access to Information protocol is due to be considered by the Ethics Committee in December 2021.</p>	<p>In-progress</p>	<p>Monitoring Officer</p> <p>Head of Democratic Services & Scrutiny (Deputy MO)</p>

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<ul style="list-style-type: none"> • Challenging how resources are allocated • Scrutinising partnership arrangements • Key finance issues for Scrutiny and Overview Committee to consider 				
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LBC Recommendation 4
The Council develops an improvement programme that has the necessary elements for it to function effectively and within its financial resource.

Cabinet Member Accountability: Councillor Hamida Ali, Leader of the Council

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Action	Original Deadline	Progress made to December 2021 (Quarter 3)	Status/Updated Deadline	Accountability
(i) Implement new Council management arrangements that ensure: <ul style="list-style-type: none"> • the delivery of high quality statutory services • finances are appropriately managed and controlled • a sound understanding of risk management is at the heart of the organisation 	April 2021	The restructure proposals approved by Full Council on 5 th July 2021 went live on 2 nd November. Senior recruitment drive is well underway and ongoing. Interim Assets Strategy in implementation stage with a number of assets targeted to be disposed by end of financial year. Corporate Risk register has been further developed with monthly review of all corporately rated red risks/financial risks taking place at CMT to ensure top level leadership. All new projects will take into account level of all risks and appetite.	In-progress	Chief Executive Officer Interim Assistant Chief Executive

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		<p>All financial risks associated with budget changes are scrutinised via Star Chamber budget setting process. Financial and other risks are outlined in Cabinet reports.</p> <p>Monthly monitoring is now embedded and is reported to DMTs, CMTs and Cabinet. Monitoring includes analysis of forecast position, risks and opportunities as well as progress in savings delivery. In addition challenge sessions chaired by the Chief Executive Officer review financial forecasts and risk on a regular cycle.</p> <p>Monthly performance report taken to Cabinet and other Committee meetings.</p>		
<p>ii) Working with local residents, rebuild the trust with their local Council by focussing on effective delivery of core services, responding promptly and appropriately to queries and complaints and learning from good practice as well as failures and from each other.</p>	<p>April 2021</p>	<p>The Council is utilising feedback, gained via ad-hoc and planned engagement activities with residents to inform development of a range of solutions to better meet current and future needs. This include looking at skills gaps that exists and ways to involve residents in the training of our staff to ensure their voice is reflected in our actions.</p> <p>Sessions with residents have taken place in relation to Regina Road to open up direct communication links between officers and people impacted.</p> <p>Rebuilding trust with residents will be an ongoing process as we improve our culture and systems in order to be the Council our residents need. An update will continue to be</p>	<p>In-progress</p>	<p>Director of Policy, Programmes and Performance</p> <p>Head of Learning & Organisational Development</p>

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		provided against this action for the foreseeable future.		
iii)	Introduce a new system of internal control focussed on finance, performance and risk to manage financial expenditure, risk management, service performance and the delivery of Council priorities. This will follow a monthly cycle of Departmental Leadership Teams, Executive Leadership Team, Cabinet and Scrutiny & Overview as appropriate.	April 2021	<p>Monthly monitoring is now embedded and is reported to DMTs, CMTs and Cabinet.</p> <p>Monitoring includes analysis of forecast position, risks and opportunities as well as progress in savings delivery.</p> <p>In addition challenge sessions chaired by the Chief Executive Officer review financial forecasts and risk on a regular cycle.</p>	<p>In-progress</p> <p>Chief Executive Officer</p> <p>Interim Corporate Director of Resources (Section 151)</p>
iv)	Building on the work done to date and listening to staff concerns about equality and diversity in the workplace, co-create a working environment that respects and values all our staff and take positive action to ensure that this is the case.	April 2021	<p>We continue tea talk conversations and by the end of December all staff networks would have had an opportunity to challenge CMT with their top issues. We are currently responding to each of the issues that staff have asked that we attend to and formal responses, solutions are being shared with the respective networks and where appropriate all staff. The staff survey results will also be ready for review by the 2nd week of December and will provide some more vital information on actions we need to take as a council to create a more equitable and diverse workforce.</p>	<p>In-progress</p> <p>Interim Assistant Chief Executive</p> <p>Head of Learning & Organisational Development</p>
v)	Create a new system of staff performance appraisal, co-created with staff and agreed with the trade unions.	April 2021	<p>The appraisal system has been revised and updated to:</p> <p>1) Make it a more user friendly online system with updated e-learning guidance for completing appraisal</p> <p>2) Make it more focussed on 1 to 1 and performance conversations throughout the</p>	<p>In-progress</p> <p>Interim Assistant Chief Executive</p> <p>Head of Learning & Organisational Development</p>

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		<p>year, rather than ratings. The process considers the health and wellbeing of the appraisee as well as their performance</p> <p>3) Incorporate into managers appraisal a requirement that all staff be given opportunities for development</p> <p>4) Include Nolan principles</p> <p>5) Require all heads of service and above to complete a 360 degree feedback as part of performance appraisal.</p>		
vi)	By working with Council staff, co-create an environment that is open to listening, free from fear, built on trust and openness and reflects the diverse borough that we serve.	Commenced with appointment of Chief Executive	<p>A provider for Culture Change Programme has been selected and appointed via competitive process. The successful provider is BBS who met with the Chief Executive and the Improvement Panel week commencing 22 November. The provider is due to facilitate a CMT Away-day on 10 December to initiate a programme of work.</p> <p>Development and implementation of the Culture Change programme will potentially take 12 months.</p>	<p>In-progress</p> <p>Interim Assistant Chief Executive</p> <p>Interim Chief People Officer</p>
vii)	Agree a training programme for Council staff that includes finance for non-financial managers, Business Case Development, understanding risk, project management and the Council's own governance processes.	January 2021	Training programme to be developed based on assessment of training required. Target is to deliver training in Quarter 4, 2021/22 and/or Quarter 1, 2022/23.	<p>In-progress</p> <p>Interim Assistant Chief Executive</p> <p>Head of Learning & Organisational Development</p>
x)	Work needs to be undertaken as a priority to understand the future model of the Council, which would inform the direction of travel in the improvement journey.	GPAC/SOC Recommendation	The restructure proposals approved by Full Council on 5 th July 2021 went live on 2 nd November 2021.	<p>COMPLETE – Q3</p> <p>Chief Executive Officer</p> <p>Interim Assistant Chief Executive</p>

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<p>xi) Council is to provide appropriate officer support is given to Scrutiny in order that it can fulfil its role.</p>	<p>GPAC/SOC Recommendation</p>	<p>Please note the actions in response to recommendation 2(v).</p> <p>While it is recognised that additional resource is required, it has not as yet been possible to obtain the necessary funding.</p>	<p>In-progress</p>	<p>Monitoring Officer</p> <p>Head of Democratic Services & Scrutiny (Deputy MO)</p>
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**APPENDIX 1b - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – COMPLETED ACTIONS AT QUARTER 3,
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1. The Council has fully accepted all recommendations made by the external auditor (R1-R20)
2. The Council has added additional recommendations LBC1-4.
3. There are 9 high priority recommendations from the external auditor for the Council to urgently address:
4. Actions marked as “GPAC/SOC” recommendation came from their input following consultation carried out in Dec 2020/Jan 2021

High Priority Actions	High Priority Actions
R1a Children’s Social Care	R12 Revolving Investment Fund
R1b Adult Social Care	R14 Treasury Management
R2 Adequacy of Council Reserves	R18 Ongoing investment in Brick by Brick
R3 Use of Transformation Funding	R20 Governance of subsidiaries
R9 Budget Challenge/Rigour	

A note has been made against actions that do not represent “one-off” measures but instead represent actions, principles and values that should be continually delivered or established as repeating tasks. These actions will be marked as Business as Usual (BAU) in the “Status/Updated Deadline” column.

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Overall accountability for the action plan rests with the Chief Executive

Recommendation 1a – HIGH PRIORITY
The Executive Director Children Families and Education needs to address the underlying causes of social care overspends in children’s social care and take effective action to manage both the demand and the resulting cost pressures.

Cabinet Member Accountability: Councillor Flemming, Cabinet Member for Children, Young People and Learning

Action	Progress made to date	Status/Updated Deadline	Accountability
i) Develop a strategy for managing demand and expected impact / outcome and set up panels to manage activity and cost: - Weekly care panel to divert children from care - Bi-weekly Children Looked After review panel to identify children who can be supported to be reunited with families from care, and to systematically review higher cost placements	The Care Panel was established in February 2021. Outcomes from the care panel & new entries to care are monitored weekly at DLT. To build on this work further process maps are being refreshed to formalise challenge, authorisation and decision making for children in care or at risk of care. A scoping workshop to enhance multi-agency partnership provision has also been delivered in March 2021.	COMPLETE	Interim Director, Early Help and Children’s Social Care
ii) Develop a monthly Corporate Finance, Performance and Risk report to progress, track and measure activity. Specifically for Children’s social care, this will monitor the effectiveness of actions to reduce the number of local children in care. This progress report will bring together data on the monthly movement in numbers of children in care, the achievement of care outcomes, the financial impact including full year forecast, and benchmarking against best practice.	The June 7 th Corporate Finance, performance & Risk report iteration will provide a final set of CRP measures, and targets set to date, as well as a further update on the work streams in place to produce a full set of corporate performance reports by September 2021 Cabinet. The monthly reports will develop over time as recommendations are progressed.	COMPLETE	Interim Corporate Director, Children Families and Education to ensure accurate data incorporated into monthly Performance reporting.

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<p>iii) The progress report will be routinely presented to the Children’s Improvement Board, Executive Leadership Team, Cabinet, General Purposes and Audit Committee and Scrutiny & Overview Committee which will bring a greater level of control and transparency (see Recommendation 5 which will also be incorporated into this process). The first report to members will be accompanied by detail outlining the statutory and non-statutory areas of service and the impact of demand management across the service.</p>	<p>The Corporate Finance, Performance and Risk report will provide an update on improvement actions across the Council including Children’s. (1a-ii)</p> <p>Training will be offered to members on the nature of statutory and non-statutory service (See LBC3-i)</p>	<p>COMPLETE</p>	<p>Interim Corporate Director, Children Families and Education to ensure accurate data incorporated into monthly Performance reporting.</p>
<p>iv) Secure independent external challenge through the Partners in Practice programme to enable valid judgements to be made about the correct level of funding to meet the needs of Croydon’s children in care.</p>	<p>Report from LB Camden received under Partners in Practice Programme – December 2020</p> <p>Independent Financial Adviser commissioned by the DFE to provide expert challenge and support commenced on 22/2/21 for a period of 9 months.</p> <p>Ongoing support until November 2021</p>	<p>COMPLETE</p>	<p>Interim Corporate Director, Children Families and Education</p>
<p>v) Data set used to inform progress report to be collated, updated and shared with GPAC to allow members to monitor progress on managing demand within social care.</p>	<p>Dataset developed and being progressed further.</p> <p>The Corporate Finance, Performance and Risk report draws upon this data and provides GPAC with the relevant information per this action.</p>	<p>COMPLETE</p>	<p>Interim Corporate Director, Children Families and Education</p>

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Recommendation 1b – HIGH PRIORITY			
The Executive Director Health, Wellbeing and Adults needs to address the underlying causes of social care overspends in adults social care and take effective action to manage both the demand and the resulting cost pressures.			
Cabinet Member Accountability: Councillor Campbell, Cabinet Member for Families, Health and Social Care			
Action	Progress made to date	Status/Updated Deadline	Accountability
i) Commission a diagnostic of spend and opportunities to be carried out by the Local Government Association (LGA) National Care & Health Improvement Adviser Finance and Risks to inform future shape of transformation opportunities.	This was carried out and used during November 2020 to inform development of the Adult Social Care Improvement Plan	COMPLETE	Interim Corporate Director Adult Social Care and Health
ii) Review the current service delivery models of adult social care and gateway services to right size the budget and delivery model to benchmark with comparator Councils in relation to population and service outcomes.	Data has been collected which provides benchmarking of Croydon ASC care spend vs other Councils, this was factored in to the Adult Social Care Improvement Plan. Budget modelling has been agreed for ASC for 21/22 budget. Service modelling forms part of adult's improvement plan.	COMPLETE	Interim Corporate Director Adult Social Care and Health
iii) To create a placements board to challenge the Council on current cost of placements, managing demand for new placements and ensuring value for money in procurement of placements	Placements boards have been implemented in the Council to challenge placements and reduce expenditure. Daily challenge panel has been in place since S114 Notice. All spend is then promoted to the Spend Control Panel, as agreed with then S151 Officer.	COMPLETE	Interim Corporate Director Adult Social Care and Health

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	Placements programme is in place with an agreed scope. Funding also agreed for Care Cubed placements tool agreed at ELT on 8 March 21.		
iv) Use the output from the diagnostic review to remodel financial implications to help shape the Medium Term Financial Strategy (MTFS)	<p>Diagnostic review and benchmarking data has been used to shape the Adult Social Care Improvement plan.</p> <p>Croydon Adults Improvement plan has been fully developed and aligned to budget as signed off at March Cabinet. LBC delivery tracker being updated fortnightly.</p>	COMPLETE	Interim Director of Finance (Deputy S151)
v) Develop a monthly Corporate Finance, Performance and Risk report to progress, track and measure activity. This will include monitoring of the new service delivery model to track progress and challenge effectiveness of the plan.	<p>The June 7th Corporate Finance, performance & Risk report iteration will provide a final set of CRP measures, and targets set to date, as well as a further update on the work streams in place to produce a full set of corporate performance reports by September 2021 Cabinet.</p> <p>The monthly reports will develop over time as recommendations are progressed.</p>	COMPLETE	Interim Corporate Director Adult Social Care and Health to ensure accurate data incorporated into monthly Performance reporting.
vi) Progress will be governed by reporting to the Executive Leadership Team, Cabinet, General Purposes and Audit Committee and Scrutiny & Overview Committee which will bring a greater level of control and transparency. The first report to members will be accompanied by detail outlining the statutory and non-statutory areas of service and the impact of demand management across the service.	<p>The Corporate Finance, Performance and Risk report will provide an update on improvement actions across the Council including HWA's (1b-v).</p> <p>Training will be offered to members on the nature of statutory and non-statutory service (See LBC3 – i)</p> <p>.</p>	COMPLETE	Interim Corporate Director Adult Social Care and Health to ensure accurate data incorporated into monthly Performance reporting.

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<p>vii) Ensure that cost of care tool is used effectively to track all case expenditure to improve financial control, identify areas of focus for further improvement and to enable better decision making.</p>	<p>The Cost of Care tool referred to in has been utilised to help accurately forecast its spend to support budget setting, improve financial management and identify opportunities for further savings.</p> <p>A separate tool called CareCubed is in the process of being acquired. It is a benchmarking tool that allows adult social care to acquire an indicative cost of placing an individual aligned with their assessed care and support needs. This indicative amount is then used to aid contract negotiations with providers.</p> <p>The tool has successfully enabled savings in other Council's and will be tested in Croydon over the next 12 months. Training for staff to use tool is in planning.</p>	<p align="center">COMPLETE</p>	<p>Interim Corporate Director Adult Social Care and Health</p>
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<p>viii) Training to be provided to members to understand the budget for Adult Social Care and share rationale for persistent overspend in service. Training to also inform members on the complex health and care landscape in the borough.</p>	<p>A Training offer has been developed for all members including where appropriate, specific training for committee members. This was approved by the Members Learning & Development Panel on July 13th 2021. It has been aligned with the actions in the RIPI action plan to ensure all aspects covered.</p> <p>Training on the Adult Social Care Budget was completed via a briefing to members of the Health & Social Care Sub-committee in June 2021.</p> <p>Training for members will continue to be offered on annual basis as BAU. Consideration will be taken in the future about how and when best to inform on matters relevant to ASC.</p>	<p align="center">COMPLETE</p>	<p>Interim Corporate Director of Resources (Section 151)</p>
<p>ix) Data set used to inform progress report to be collated, updated and shared with GPAC to allow members to monitor progress on managing demand within social care</p>	<p>A finance and performance workstream has been established and meets fortnightly. The key objectives for this workstream are to ensure dashboards are developed to enable the senior management team to track activity against the benchmarking forecasts set out in the adults improvement plan; and against the move towards both London (younger adults) and England (older adults) averages.</p> <p>Bettergov have been commissioned to help finalise dashboard and benchmarking modelling. 2 dashboards are to be utilised one focused on activity which is complete and another on finances which is in development.</p>	<p align="center">COMPLETE</p>	<p>Interim Corporate Director Adult Social Care and Health to ensure accurate data incorporated into monthly Performance reporting.</p>

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	<p>The MTFS tracker is currently updated weekly.</p> <p>The Corporate Finance, Performance and Risk report draws upon this data and provides GPAC with the relevant information per this action.</p>		
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Recommendation 2 – HIGH PRIORITY

The Council (including Cabinet and Scrutiny and Overview Committee) should challenge the adequacy of the reserves assessment which should include a risk assessment before approving the budget.

Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal

Action	Progress made to date	Status/Updated Deadline	Accountability
<p>i) Develop a reserves strategy as part of the Medium Term Financial Strategy (MTFS) and present it for approval with the Budget reports to Cabinet and Full Council. This needs to incorporate a clear assessment of risks and liabilities that demonstrate all current and future exposure has been thought through and factored into the recommendations. Strategy to map the financial governance process around agreeing additions to reserves to be included to reduce risk of duplication and that there were no gaps in approach.</p>	<p>The MTFS and 21/22 Budget agreed on 8th March contains a clear strategy for growing the reserves base up to a level which by 23/24 would give a general fund reserve in excess of £60 million</p>	<p>COMPLETE</p>	<p>Interim Director of Finance (Deputy S151)</p>

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<p>ii) In considering future budget reports, Cabinet will assure itself that all risks and liabilities have been properly considered by requesting that the Scrutiny & Overview Committee and the General Purposes and Audit Committee review the adequacy of the strategy and its relationship to the MTFS prior to Cabinet taking a decision.</p>	<p>From April 2021 Financial Monitoring reports will be provided to Cabinet on a monthly basis to ensure Members have increased oversight on any emerging pressures or movements.</p> <p>The 21/22 Budget was reported to Scrutiny on 16th February 2021 and comments were verbally reported to cabinet on 8th March 2021.</p> <p>Future year's timescales will need to include time for both this and reference to GPAC and Scrutiny</p>	<p align="center">COMPLETE</p>	<p>Interim Director of Finance (Deputy S151)</p>
<p>iii) Training to be delivered to relevant members to raise understanding of reserves</p>	<p>The Local Government Association delivered training to Scrutiny and Overview Committee on 27th October 2021 and to General Purposes and Audit Committee on 22 November 2021.</p> <p>The training offer will be refreshed annually and continually offered to members as BAU going forward. A member induction programme planned for May 2022 will be informed by the RIPI recommendations.</p>	<p align="center">COMPLETE Q3 (pending evidence)</p>	<p>Interim Corporate Director of Resources (Section 151)</p> <p>Head of Democratic Services</p>
<p>iv) Council to identify the most appropriate mechanism for the Scrutiny & Overview Committee to monitor and assess progress made against delivering the budget throughout the year. As a part of this any</p>	<p>Monthly reports are taken to Cabinet and to Scrutiny and Overview Committee. Officers will continue to take monthly in year financial reporting monitor to each meeting of Scrutiny and Overview Committee.</p>	<p align="center">COMPLETE Q3 (pending evidence)</p>	<p>Interim Director of Finance (Deputy S151)</p>

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<p>update would need to provide reassurance that effective budget controls are in place to mitigate against potential pressures.</p> <p>Furthermore, the Council is to consider approach to providing reassurance to Members that effective budget controls were in place to mitigate against potential risks to the delivery of the budget</p>			
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Recommendation 3 – HIGH PRIORITY

The Chief Executive should oversee a review of the outcomes achieved from the use of transformation funding to demonstrate that the funding has been applied in accordance with the aim of the scheme.

Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal

Action	Progress made to date	Status/Updated Deadline	Accountability
<p>i) A review of all schemes previously funded from transformation capital receipts be undertaken and a report produced that assesses whether the funding has been applied in accordance with the scheme.</p>	<p>This work is completed following discussions with the external auditor. An update will be made to GPAC as part of the report on the 2019/20 accounts.</p>	<p>COMPLETE</p>	<p>Interim Director of Finance (Deputy S151)</p>

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Recommendation 4			
The s151 officer should set out the strategy for applying capital receipts for transformation annually as part of the budget setting process.			
Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal			
Action	Progress made to date	Status/Updated Deadline	Accountability
i) A strategy for funding transformation to be incorporated into the budget setting process using the current Ministry of Housing, Communities and Local Government (MHCLG) Flexible Use of Capital Receipts Scheme.	Following extension of the Flexible Use of capital receipts scheme. Proposals for the use of up to £5 million of capital receipts, subject to availability of receipts will be drafted and agreed by ELT. This should be received in w/c 7 th June. Incorporated into budget setting going forward.	COMPLETE	Interim Director of Finance (Deputy S151)
ii) In the absence of any national capital receipts for transformation scheme, the strategy for funding transformation will set out how future schemes will be funded using invest to save principles using rolling investment that is set aside and supported by business cases that demonstrate return. Any business case will have to demonstrate governance of the programme to assure the section 151 officer and Cabinet that the deliverables are being met. All schemes approved for funding under this strategy will be assessed individually and against the overarching risk exposure and affordability for the Council.	See 4i above.	COMPLETE	Interim Director of Finance (Deputy S151)

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Recommendation 5			
The General Purposes and Audit Committee should receive reports on the actions being taken to address the Dedicated Schools Grant deficit and challenge whether sufficient progress is being made.			
Cabinet Member Accountability: Councillor Flemming, Cabinet Member for Children, Young People and Learning			
Action	Progress made to date	Status/Updated Deadline	Accountability
i) The Dedicated Schools Grant recovery plan should be presented to General Purposes and Audit Committee and Scrutiny and Overview Committee for review and agreement to ensure that it is adequate to meet objectives and timelines that have been set.	Reviewed at GPAC 4 March 2021	COMPLETE	Interim Director of Education
ii) Special Educational Needs Finance Board to be established and chaired by the interim Director of Education to oversee the delivery of the Dedicated Schools Grant recovery plan.	Initial meetings held with further meetings to be scheduled to update on the progress of the DSG recovery plan.	COMPLETE	Interim Director of Education
iii) Training to be provided to members to ensure the committee possess a working understand of education funding and budgets	DSG training has been delivered to members of Scrutiny Committee, Labour Group and Conservative Group	COMPLETE	Interim Director of Education / Head of Learning &OD
v) Progress against the recovery plan to be included in the monthly budget monitoring report to Children’s, Families and Education Department Leadership Team, the Executive Leadership Team, the Children’s Improvement Board and the quarterly Cabinet, General Purposes and Audit	Progress update included in the monthly budget monitoring to Education SLT and CFE DLT.	COMPLETE	Interim Corporate Director, Children Families and Education / Interim Head of Finance - CFE

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Committee and Scrutiny & Overview Committee which will bring a greater level of control and transparency.			
vi) Progress on Dedicated Schools Grant recovery plan to be reported to the Schools' Forum on a termly basis	Included in the forward plan of agenda items for Schools' Forum	COMPLETE	Interim Head of Finance, Children, Families and Education

Recommendation 6

The Executive Director Children, Families and Education needs to review the services provided to UASC and to identify options to meet their needs within the grant funding provided by the Home Office.

Cabinet Member Accountability: Councillor Flemming, Cabinet Member for Children, Young People and Learning

Action	Progress made to date	Status/Updated Deadline	Accountability
i) Complete a forensic review of grant income against the total expenditure for unaccompanied asylum seeking children and care leavers over the past 3 years, including the co-ordination of pan-London arrangements	Review completed and is informing Council's approach to UASC support offer.	COMPLETE	Interim Head of Finance, Children, Families and Education
iii) Work with London local authorities to safely transfer responsibility for an agreed number of children in Croydon's care to reduce disproportionate burden on Croydon.	Since the previous quarter update there have been no further transfers of children placed out of borough agreed. 24 have been confirmed and work is underway between Croydon and the relevant boroughs to complete the transfers.	COMPLETE	Interim Corporate Director, Children Families and Education
iv) Introduce a needs based approach to withdrawing services to young people whose	A planned programme of Human Rights Assessments (HRAs) to inform the decision to	COMPLETE	Director Early Help and Children's Social Care

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<p>appeal rights are exhausted alongside earlier, robust triple planning as part of their pathway at 16 plus. This will assist and support a planned, safe voluntary return when all legal routes to remain have been exhausted and avoid a forced detention and removal when young people have no recourse to public funds, limited access to NHS and education and cannot work legally in UK.</p>	<p>safely withdraw services is underway. There are currently 15 young people whose appeal rights are exhausted. All will have an HRA by mid-August.</p>		
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Recommendation 7

The Executive Director Children, Families and Education needs to identify the capacity threshold for the numbers of UASC that it has the capacity to deliver safe UASC services to.

Cabinet Member Accountability: Councillor Flemming, Cabinet Member for Children, Young People and Learning

Action	Progress made to date	Status/Updated Deadline	Accountability
<p>i) Draw on the analysis and review at 6 (i) to develop options to establish a capacity threshold for Croydon for unaccompanied asylum seeking children that is commensurate with other Local Authorities and in line with the nationally agreed standards and funding.</p>	<p>The voluntary national rate is the equivalent of 0.07% of the child population. In Croydon that equates to 66 children. This underpins the forensic review and modelling completed in 6i</p>	COMPLETE	<p>Interim Corporate Director, Children Families and Education</p>
<p>ii) Present options for the Council to deliver safe services within the capacity threshold to the Children’s Improvement Board, Cabinet and General Purposes and Audit Committee and</p>	<p>A Cabinet paper on the Council’s approach to caring for UASC will be presented on June 7th 2021.</p>	COMPLETE	<p>Interim Corporate Director, Children Families and Education</p>

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Scrutiny & Overview Committee to increase levels of control and improve transparency.			
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Recommendation 8

The Cabinet reports on the financial position need to improve the transparency of reporting of any remedial action taken to address in year overspends.

Cabinet Member Accountability: Councillor Young, Cabinet Member for Resources and Financial Governance and Councillor King, Cabinet Member for Croydon Renewal

Action	Progress made to date	Status/Updated Deadline	Accountability
<p>i) A review of financial reporting best practice is to be undertaken and the results used to design reports and a system of reporting that will improve its approach to managing finance, performance and risk to introduce a greater level of transparency and better grip of expenditure. All departments will be required to report against their budgets to the Departmental and Executive Leadership Teams on a monthly basis.</p>	<p>A process for monthly reporting is being developed with the period 1 report to come to Cabinet June 7th 2021. These reports will develop iteratively over the coming months.</p> <p>See recommendation 8 – ii for further information on performance monitoring.</p>	COMPLETE	Interim Director of Finance (Deputy S151)
<p>ii) The Council will develop a new corporate framework for monthly reporting that includes finance, performance and risk. This will report to the Executive Leadership Team, Cabinet, General Purposes and Audit Committee and Scrutiny and Overview Committee as appropriate.</p> <p>The new framework will include progress against service delivery, departmental actions plans, savings opportunities and actions contained within the Croydon Renewal Plan. All actions will be assigned to accountable</p>	<p>The Council has developed a new Corporate framework to deliver monthly Corporate Finance, Performance and Risk update reports. These monitor implementation of improvement actions across the Council (including those contained in the RIPI and as part of the CRP) and set out KPIs and accountable officers.</p> <p>The PMO presented an approach to monthly Corporate, Finance, Performance Risk Reporting to Cabinet on April 12th.</p>	COMPLETE	Chief Executive

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<p>people (including relevant cabinet member) and will be tracked through a central reporting team to ensure that the process is joined up, consistent and timely. This will be a recognised Programme Management Office function using savings and actions trackers</p>	<p>The June 7th Corporate Finance, performance & Risk report iteration will provide a final set of CRP measures, and targets set to date, as well as a further update on the work streams in place to produce a full set of corporate performance reports by September 2021 Cabinet.</p> <p>The monthly reports will develop over time as recommendations are progressed.</p>		
<p>iii) A review of the capacity within the Finance Team to ensure there is adequate support for departmental cost centre managers to fulfil their responsibilities as budget holders.</p>	<p>Additional capacity provided through £1m budget increase approved in March budget – currently funding extra capacity using agency staff</p> <p>Role of Executive Director has been advertised and is now closed</p> <p>Restructure proposals being put together for consultation for January advertising campaign</p>	<p>COMPLETE Q3 (pending evidence)</p>	<p>Interim Director of Finance (Deputy S151)</p>

Recommendation 9 – HIGH PRIORITY

The Council (including Cabinet and Scrutiny and Overview Committee) need to show greater rigor in challenging underlying assumptions before approving the budget including understanding the track record of savings delivery.

Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal/ Callton Young, Cabinet Member for Resources and Financial Governance

Action	Progress made to date	Status/ Updated Deadline	Accountability
<p>i) To support the Annual Budget setting process Budget Development Meetings will be held for each department and will be attended by Executive Directors, Corporate</p>	<p>Proposals were provided to members with a formal decision in November Cabinet. Saving opportunities for 21/22 were set out across all</p>	<p>COMPLETE</p>	<p>Interim Director of Finance (Deputy S151)</p>

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<p>Leadership Team and Members with accountability for their service area and staff who are responsible for service delivery that understand what impact growth and savings plans will have on the services. To support this process Members will be provided with a clear set of proposals that demonstrate cost pressures (growth) and savings opportunities with narrative and comparators on budget and outcomes delivered to describe the impact of the decisions that are required to be taken.</p>	<p>services and have been incorporated into delivery of Croydon Renewal Plan.</p> <p>The Council recognises further savings will be necessary to achieve a sustainable budget in the long term. Discussions for further savings next year will be scheduled starting from April 2021.</p>		
<p>ii) To support the budget exercise the Council will seek external support to test the draft budget proposals, seek ideas and good practice and will take the same approach by seeking support for the scrutiny process.</p>	<p>Various support from external sources has been utilised to date to offer capacity and advice. This includes the LGA, Centre for Governance and Scrutiny, Council peers and CIPFA. The Council will continue to use such opportunities moving forward.</p>	COMPLETE	<p>Interim Director of Finance (Deputy S151)</p> <p>Interim Corporate Director of Resources (Section 151)</p>
<p>iii) Develop a budget savings tracker that profiles savings by month to enable Members to track that savings are on target. This will need to correlate with the finance, performance and risk reporting that Council will introduce.</p>	<p>An in year savings tracker has been developed to monitor identified savings and escalate any delivery challenges. In year savings are rag rated based on confidence in delivery.</p>	COMPLETE	<p>Interim Director of Finance (Deputy S151)</p>
<p>iv) To increase understanding of the choices Cabinet Members are making with regards to the emerging budget and to effectively challenge budget assumptions, Scrutiny and Overview Committee Members to receive regular briefings on the progress of budget setting.</p>	<p>Budget Discussions were conducted across January and February 2021. This included focused discussion on the 21/22 budget for specific directorates. Discussion took place at Children and Young People Sub-Committee, Health & Social Care Sub-Committee, at Scrutiny, Streets,</p>	COMPLETE	<p>Interim Director of Finance (Deputy S151)</p>

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	<p>Environment & Homes sub-committee and finally the Scrutiny & Overview Committee.</p> <p>The Council will continue to brief Scrutiny committees on budget matters. Work is ongoing to further develop the process for budget scrutiny with conversations ongoing with Scrutiny Chairs. A date is held in the Forward Plan to ensure SOC has the chance to challenge the proposed budget for 2022/23.</p>		
<p>v) To review the budget setting-timetable to ensure that the Scrutiny & Overview Committee has the time to digest and review the budget proposals and underlying assumptions and for Cabinet to respond fully to any challenge or comments and for Cabinet to be able to consider changing its proposals.</p>	<p>The Council is taking action to ensure budget discussions happen at an earlier date and more opportunities are offered to members to offer input into the budget and review its management. These actions include finalisation of Council meetings forward plan up until April 2022 with dates marked for policy discussions and monthly financial performance updates at Cabinet.</p> <p>Additionally, budget developments meetings will begin in Spring 2021 as opposed to Autumn meaning savings will be identified and shared with members earlier in year. An MTFS update is scheduled for Cabinet in October.</p> <p>The Council will continue to brief Scrutiny committees on budget matters. Work is ongoing to further develop the process for budget scrutiny with conversations ongoing with Scrutiny Chairs. A date is held in the Forward Plan to ensure SOC has the chance to challenge the proposed budget for 2022/23.</p>	<p>COMPLETE</p>	<p>Interim Director of Finance (Deputy S151)</p>

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Recommendation 10			
The General Purposes and Audit Committee must challenge officers on the progress in implementing the Financial Consultant’s recommendations to improve the budget setting, monitoring and reporting process and actions to address the Head of Internal Audit’s concerns on internal controls.			
Member Accountability: Councillor Karen Jewitt, Chair of General Purposes and Audit Committee			
Action	Progress made to date	Status/Updated Deadline	Accountability
i) That a piece of work be undertaken to clarify the roles of GPAC and Scrutiny to reduce duplication and ensure right things are being reviewed at the right time	<p>Updates on phase 1 of the Finance Review are currently scheduled on the GPAC work plan up until September including updates on phase 1. It is suggested that it remain this way but Scrutiny call in as they feel appropriate to ensure correct level of challenge. The next update will be received at GPAC in September 2021 with a further update provisionally scheduled for February 2022.</p> <p>Phase 2 and 3 of the finance review have been paused to prioritise other pieces of work.</p> <p>The respective roles of GPAC and Scrutiny will be clarified as part of the wider review of the Constitution. (see LBC Recommendation 1)</p>	COMPLETE	<p>Interim Corporate Director of Resources (Section 151)</p> <p>Interim Director of Finance (Deputy S151)</p>

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Recommendation 11			
The s151 officer needs to revisit the Growth Zone assumptions following the pandemic and make recommendations to Cabinet and Council for the continued investment in the scheme.			
Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal			
Action	Progress made to date	Status/Updated Deadline	Accountability
i) The Council have commissioned PwC to undertake a strategic review of the Growth Zone with completion expected November 2020. The report with recommendations on a way forward will be discussed with Cabinet and agreed by Members.	PwC report to cabinet made recommendations on future of Growth Zone. These are now being implemented	COMPLETE	Interim Director of Finance (Deputy S151)
ii) Revised financial model profile to be presented alongside budget review in February 2021 to Cabinet, General Purposes and Audit Committee and the Scrutiny and Overview Committee.	<p>Budget report for 6th December sets out the current progress in bridging the £38m gap for 2022/23 and set out many of the risks the Council faces.</p> <p>Further reports on the budget in January and February will build on that position and fully address points raised in this item.</p> <p>Tracker on budget proposals adopted and is tracking progress with an audit log to identify changes to proposals and remaining gap.</p> <p>Monthly monitoring report full details of risks and opportunities alongside forecast in-year position.</p>	COMPLETE Q3 (pending evidence)	Interim Director of Finance (Deputy S151)
iii) Cabinet paper with revised profile and recommendations to be issued March 2021.	See 11ii	COMPLETE	Interim Director of Finance (Deputy S151)

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Recommendation 12 – HIGH PRIORITY
The s151 officer should review the financial rationale and associated risks and make recommendations to Cabinet and Council on whether the Revolving Investment Fund should continue.

Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal

Action	Progress made to date	Status/Updated Deadline	Accountability
i) The Council have commissioned PwC to undertake a strategic review of the Revolving Investment Fund with completion expected in November 2020. The report with recommendations on a way forward will be discussed with Cabinet and agreed by Members.	Report by PwC on governance & strategic review delivered in November 2020 to Cabinet. Treasury Management strategy updated 1st March 2021 limits new lending under the RIF to BBB working capital loans only	COMPLETE	Interim Director of Finance (Deputy S151)
ii) Cabinet paper with recommendations to be issued March 2021.	See recommendation 12i	COMPLETE	Interim Director of Finance (Deputy S151)

Recommendation 13
The s151 officer should review the purchase of Croydon Park Hotel to identify lessons learned to strengthen future due diligence arrangements.

Cabinet Member Accountability: Councillor King, Cabinet Member for Croydon Renewal

Action	Progress made to date	Status/Updated Deadline	Accountability
i) The Council have commissioned PwC to undertake a strategic review of assets that have been purchased with completion expected in November 2020. The report with recommendations on a way forward will be discussed with Cabinet and agreed by Members.	On February 18 th Cabinet agreed the approach set out in the Interim Assets Strategy. This included, in the appendices, options for an approach on the future of Croydon Park Hotel. An update with a decision on the future of Croydon Park Hotel is provisionally scheduled for September 2021.	COMPLETE	Interim Director of Finance (Deputy S151)

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iv) Cabinet paper with recommendations to be issued March 2021. Update to be provided at Scrutiny on 9 th February	The Interim Assets Disposal Strategy, was discussed at both Cabinet and Scrutiny & Overview Committee in February.	COMPLETE	Interim Director of Finance (Deputy S151)

Recommendation 14 – HIGH PRIORITY

The Cabinet and Council needs to re-consider the Treasury Management Strategy for ongoing affordability of the borrowing strategy, the associated risks and identify whether alternative options can reduce the financial burden.

Cabinet Member Accountability: Councillor Young, Cabinet Member for Resources and Financial Governance and Councillor King, Cabinet Member for Croydon Renewal

Action	Progress made to date	Status/Updated Deadline	Accountability
i) The Treasury Management Strategy will be reviewed as part of the budget setting for 2021/22 and will take into consideration the outcome of the strategic reviews to factor in the overall financial position and best practice from other local authorities. The report with recommendations on a way forward will be discussed with Cabinet and agreed by Members.	Treasury Management strategy updated and agreed by Council on 8 th March 2021	COMPLETE	Interim Director of Finance (Deputy S151)
ii) The outcome of the strategic reviews that the Council have commissioned will inform the Treasury Management Strategy for 21/22 onwards and any changes in governance that may be required.	See recommendation 14i	COMPLETE	Interim Director of Finance (Deputy S151)

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Recommendation 15			
The Chief Executive should arrange detailed Treasury Management training to assist Members to better understand and challenge the long-term financial implications of matters reported within the Treasury Management Strategy.			
Cabinet Member Accountability: Councillor Young Cabinet Member for Resources and Financial Governance			
Action	Progress made to date	Status/Updated Deadline	Accountability
i) Members to attend training sessions facilitated by the Local Government Association to cover treasury management to enable better and effective financial leadership.	Treasury management training was offered to all members on the 3 rd March 2021. Session was recorded and will be distributed to all Members and all budget managers.	COMPLETE	Chief Executive

Recommendation 17			
The Cabinet and Council should reconsider the financial business case for continuing to invest in Brick by Brick before agreeing any further borrowing.			
Cabinet Member Accountability: Councillor Hamida Ali, Leader of the Council			
Action	Progress made to date	Status/Updated Deadline	Accountability
ii) Council to review the risks relating to Brick by Brick to ensure they are appropriately listed on the risk register	The Risks for Brick by Brick have been reviewed and are as follows per the Corporate Risk Register: 1. Investigation or ownership taken on all activities that the Council undertakes by the Executive Leadership Team, Cabinet and all Scrutiny Committees (including GPAC). 2. There is no effective challenge, review, investigation or ownership taken on all activities that the Council undertakes by the Executive Leadership Team, Cabinet and all	COMPLETE	Interim Director of Finance (Deputy S151)

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	<p align="center">Scrutiny Committees (including GPAC).</p> <p>**These risks specifically relate to financial strategy, treasury management strategy (including borrowing), capital investment strategies and appropriateness of continuing investment and association with BBB**</p> <p>The Corporate Red Risk Register is reviewed monthly at ELT to review and update risks where necessary.</p>		
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Recommendation 18 – HIGH PRIORITY

The Cabinet and Council should review and reconsider the ongoing financial rationale for the Council in the equity investment arrangement with Brick by Brick.

Cabinet Member Accountability: Councillor King Cabinet Member for Croydon Renewal

Action	Progress made to date	Status/Updated Deadline	Accountability
<p>i) PwC has been commissioned to undertake a strategic review of Brick by Brick. The report and recommendations will consider the ongoing financial rationale and equity invested and will detail options for the Council that will be considered by the Scrutiny & Overview Committee Cabinet prior to being presented to Cabinet.</p>	<p>This paper went to Scrutiny & Overview Committee and Cabinet in February 2021.</p> <p>The Cabinet paper noted that the Council has never made any equity payments, as planned, and is not in the financial position to do so. It was noted BBB sales proceeds were meant to be placed in an account for the Council to apply interest repayment and, if excess, to substantive loan repayment. Unfortunately, this process has not occurred and instead sale proceeds were retained by BBB effectively replacing the Council's equity share.</p>	<p>COMPLETE</p>	<p>Chief Executive</p>

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	<p>The Council needs to review existing arrangement, change the current agreements or replace it with fresh loans.</p> <p>It is recommended that the current arrangements continue but in a modified way to give Brick by Brick capacity to have working capital to ensure that funds are available to build out units on site</p>		
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Recommendation 19

The s151 officer and monitoring officer should monitor compliance with loan covenants with Brick by Brick and report any breaches to Members.

Cabinet Member Accountability: Councillor King Cabinet Member for Croydon Renewal

Action	Progress made to date	Status/Updated Deadline	Accountability
<p>i) Loan covenants are within scope of the PwC strategic review and will be considered as part of the overall recommendations.</p> <p>A review of the existing loan covenants and their governance is to be undertaken. Learning from this review, a new system of control for all loan agreements entered into by the Council will be presented to Members and this will form part of the new Corporate Finance, Performance and Risk reporting system.</p> <p>The review and the proposed new system for loan covenants will be presented to GPAC &</p>	<p>Loan agreements to be redrafted to provide a comprehensive single agreement</p> <p>The February Cabinet report agreed that detail of the revised loan scheme be delegated to the Chief Executive after consultation with the leader and appropriate lead members.</p>	COMPLETE	<p>Interim Corporate Director of Resources (Section 151)</p> <p>Interim Director of Finance (Deputy S151)</p>

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Scrutiny and Overview Committee prior to being presented to Cabinet for approval.			
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Recommendation 20 – HIGH PRIORITY

The Cabinet and Council should review its arrangements to govern its interest in subsidiaries, how the subsidiaries are linked, and the long-term impact of the subsidiaries on the Council’s financial position and how the Council’s and taxpayers’ interest is safeguarded.

Cabinet Member Accountability: Councillor Young, Cabinet Member for Resources and Financial Governance

Action	Progress made to date	Status/Updated Deadline	Accountability
i) An audit of the Council’s approach to membership of each subsidiary board will be undertaken. The audit will involve officers of the Council and any Chairs/Members of company boards.	<p>A working group was established to work through the existing list of companies that the Council has an interest in. Relevant officers and Directors of company boards were invited to present a paper at each of the working group meetings to discuss the company/companies they are involved with.</p> <p>These informed renewed governance arrangements which were approved by Cabinet on 26th July 2021, establishing the Croydon Companies’ Supervision and Monitoring Panel (CCSMP) and approving its terms of reference.</p> <p>As part of a refreshed approach to membership the S151 Officer in consultation with the Chief Executive, has delegated authority to appoint and remove nominated Directors from the board of Group entities.</p>	COMPLETE	Interim Corporate Director of Resources (Section 151) Interim Director of Finance (Deputy S151)

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<p>ii) As part of this review the membership balance of the boards will be considered in aggregate in regard to best practice for achieving diversity, skill set, sectoral knowledge and Croydon Council representation.</p>	<p>The terms of reference for CCSMP includes the following: <i>“In fulfilling its responsibilities the CCSMP will: Evaluate effectiveness of Group entity board governance structure and processes and recommend changes as required, including with a view to achieving diversity, skill set, sectoral knowledge and appropriate representation.”</i></p> <p>This measure will help ensure diversity, equality and inclusion aspects will be considered in all future decisions on membership.</p>	<p>COMPLETE</p>	<p>Interim Corporate Director of Resources (Section 151)</p> <p>Interim Director of Finance (Deputy S151)</p>
<p>iii) External guidance on best practice will be sought. Roles, responsibilities and legal requirements for local authority company directors and guidance on skill set will be sought and this will include the best way to assess the competence of Members and Chief Officers for these roles.</p>	<p>Principles of Good Governance have been embedded within the terms of reference for CCSMP. These principles consider best practice at other local authorities including Nottingham City Council, Birmingham City Council, Ealing Council and Wirral Council.</p> <p>Furthermore, the terms of reference include the following: <i>“In fulfilling its responsibilities the CCSMP will: Receive updates and training in respect of best practice for company governance and associated matters”</i></p> <p>External guidance will be continually sought as BAU.</p>	<p>COMPLETE</p>	<p>Interim Corporate Director of Resources (Section 151)</p> <p>Interim Director of Finance (Deputy S151)</p>
<p>iv) Process for identifying gaps in knowledge and or experience will be brought forward to include training considerations. If necessary</p>		<p>COMPLETE</p>	<p>Interim Corporate Director of Resources (Section 151)</p>

APPENDIX 1b - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – COMPLETED ACTIONS AT QUARTER 3, JANUARY 2022

<p>interim arrangements will be made to remove risks and ensure effective governance.</p>	<p>The Principles of Good Governance, which are embedded within the terms of reference for CCSMP, include the following:</p> <ul style="list-style-type: none"> • <i>“Directors of the Group entity must act for the entity, declaring and avoiding any actual or apparent conflict of interest. The Group entity should have skills appropriate to the sector and roles. To ensure this is achieved the Board should have mandatory training including induction, an annual training programme and guidance notes. An annual skills audit and triennial independent review should be used to support the entity Board and identify appropriate external expertise</i> • <i>Council nominated directors and member representatives to receive mandatory training on an annual basis and appropriate indemnity arrangements to be ensured”</i> <p>As explained above (20i), the ability to appoint and remove Directors has also been delegated</p>		<p>Interim Director of Finance (Deputy S151)</p>
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<p>LBC Recommendation 1 Given the challenges ahead there will need to be improvement of the Council’s approach to risk management to enable a satisfactory turnaround of the financial position.</p>			
<p>Cabinet Member Accountability: Councillor King Cabinet Member for Croydon Renewal</p>			
Action	Progress made to date	Status/Updated Deadline	Accountability
<p>ii) Corporate Finance, Performance and Risk management to be combined into one reporting function to remove silo thinking</p>	<p>PMO developing initial Corporate Finance, Performance and Risk report.</p>	<p>COMPLETE</p>	

**APPENDIX 1b - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – COMPLETED ACTIONS AT QUARTER 3,
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<p>and increase the rigour to enable delivery of services, savings plans and the overarching Improvement Plan. This will require one new unified system of corporate reporting.</p>	<p>These reports will be developed monthly and will provide updates from across the Council on key KPIs. A Cabinet report on the process of reporting was provided on April 12th 2021.</p> <p>The June 7th Corporate Finance, performance & Risk report iteration will provide a final set of CRP measures, and targets set to date, as well as a further update on the work streams in place to produce a full set of corporate performance reports by September 2021 Cabinet.</p> <p>The monthly reports will develop over time as recommendations are progressed.</p>		<p>Interim Corporate Director of Resources (Section 151)</p>
<p>vi) Councillors to be provided overview of Council risk function and how risks are constantly monitored and updated in the organisation</p>	<p>Cabinet training workshop took place in January 2021.</p> <p>Officers will look at opportunities to provide key learning to members through refreshed work programme for 2022. (see LBC 3- i)</p>	<p>COMPLETE</p>	<p>Interim Corporate Director of Resources (Section 151)</p>

LBC Recommendation 2

Clarifying member and officer roles to support good governance arrangements

Cabinet Member Accountability: Councillor Young Cabinet Member for Resources and Financial Governance

Action	Progress made to date	Status/Updated Deadline	Accountability
<p>i) The Council will need to undertake a review to consider its operating model to ensure it has capacity and specialist skills required to</p>	<p>The restructure proposals approved by Full Council on 5th July 2021 went live on 2nd November 2021. This organisational redesign is fundamental to the</p>	<p>COMPLETE Q3 (pending evidence)</p>	<p>Chief Executive Officer</p>

APPENDIX 1b - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – COMPLETED ACTIONS AT QUARTER 3, JANUARY 2022

<p>deliver the financial and operational improvements that are needed to deliver.</p>	<p>council and will help us to improve how we do things, operate within our budget and to create an inclusive culture that supports delivery of the best possible affordable service we can provide to our residents.</p> <p>Senior recruitment drive is well underway with interview dates set.</p>	<p>Original deadline February 2021</p>	<p>Interim Assistant Chief Executive</p>
<p>iii) A review of the member and officer Codes of Conduct will be undertaken to incorporate any learning from recent events and to ensure that they explicitly include the seven principles of public life, known as the Nolan principles, as the basis of the ethical standards expected of elected and appointed public office holders.</p>	<p>A new member code of conduct based upon the LGA model code was adopted at a meeting of Council on 09 December 21. Training sessions on the implications of the new code was delivered to members on 4 October.</p> <p>This is linked to LBC2 - ii.</p> <p>Following the Council meeting, all Members were invited to raise queries or comments on the guidance and were offered the opportunity to attend a further training session on the subject. At the time of writing the minutes, no responses had been received. It is proposed, in line with the approach recommended by the LGA, that the Ethics Committee review the Code of Conduct annually ongoing.</p>	<p>COMPLETE Q3 (pending evidence)</p>	<p>Interim Corporate Director of Resources (Section 151)</p>

LBC Recommendation 3

Ensuring that Members are appropriately trained across all aspects of the Council's financial duties and responsibilities

Cabinet Member Accountability: Councillor Young, Cabinet Member for Resources and Financial Governance

**APPENDIX 1b - ACTION PLAN IN RESPONSE TO THE REPORT IN PUBLIC INTEREST – COMPLETED ACTIONS AT QUARTER 3,
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Action	Progress made to date	Status/Updated Deadline	Accountability
i) Further work on Cabinet development will be undertaken to support members to explore priorities for the new Cabinet, agree how the Members will work together to make the most of shared skills and consider individual and collective leadership styles and ways of working.	LGA have carried out a facilitated session for Cabinet members	COMPLETE	Interim Corporate Director of Resources (Section 151)

LBC Recommendation 4

The Council develops an improvement programme that has the necessary elements for it to function effectively and within its financial resource.

Cabinet Member Accountability: Councillor Hamida Ali, Leader of the Council

Action	Progress made to date	Status/ Updated Deadline	Accountability
ii) Ensure the actions contained in this plan are supported by a corporate programme office that can provide assurance to Members.	A PMO office has been established dedicated to coordinating and supporting the delivery of key improvement actions across the Council. This includes recommendations in the MHCLG Rapid Review, the RIPI and the Croydon Renewal Plan.	COMPLETE	Interim Corporate Director of Resources (Section 151)
iii) Corporate level sponsorship to be allocated to all projects to ensure clarity of responsibility for delivery.	ELT members already allocated across all actions. Further project managers to be identified to deliver the recommendations.	COMPLETE	Chief Executive
x) Work needs to be undertaken as a priority to understand the future model of the Council, which would inform the direction of travel in the improvement journey.	The restructure proposals approved by Full Council on 5 th July 2021 went live on 2 nd November 2021.	COMPLETE Q3 (pending evidence)	Chief Executive Officer Interim Assistant Chief Executive

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Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Key:

	Action fully completed and, where appropriate, now part of Council's governance framework.		Action substantially completed.		Action still in progress		No action taken
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Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
1a(i)	The Executive Director Children Families and Education needs to address the underlying causes of social care overspends in children's social care and take effective action to manage both the demand and the resulting cost pressures.	Develop a strategy for managing demand and expected impact / outcome and set up panels to manage activity and cost: <ul style="list-style-type: none"> - Weekly care panel to divert children from care - Bi-weekly Children Looked After review panel to identify children who can be supported to be reunited with families from care, and to systematically review higher cost placements. 	The Care Panel was established in February 2021. Outcomes from the care panel & new entries to care are monitored weekly at DLT. To build on this work further process maps are being refreshed to formalise challenge, authorisation and decision making for children in care or at risk of care. A scoping workshop to enhance multi-agency partnership provision has also been delivered in March 2021.	COMPLETE	The CFE Delivery plan was agreed in February 2021 following review and challenge at the Children's Continuous Improvement Board (CCIB) and CYP Scrutiny Sub-Committee. Examination of CFE Delivery plan confirmed that this sets out the approach to continuing to manage demand and reduce costs to achieve the MTFs savings across the directorate. Examination of Continuous Improvement Plan (CCIP) established that MTFs for Early Help and Children's Social Care had been embedded in CCIP 2021-2024. The CCIP plan was also reviewed and challenged at the CCIB and CYP Scrutiny in July 2021 before being finalised. Children Looked After Review Panel terms of Reference confirmed that the CARE panel was established to support children who have become looked after to be reunited with their. The CARE panel meets weekly chaired by a Head of Service. Actions are minuted and reviewed at each meeting. It was confirmed that the funding protocol process map for CARE Panel and Children Looked After (CLA) were established.

Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
1a(ii)	The Executive Director Children Families and Education needs to address the underlying causes of social care overspends in children's social care and take effective action to manage both the demand and the resulting cost pressures.	Develop a monthly Corporate Finance, Performance and Risk report to progress, track and measure activity. Specifically for Children's social care, this will monitor the effectiveness of actions to reduce the number of local children in care. This progress report will bring together data on the monthly movement in numbers of children in care, the achievement of care outcomes, the financial impact including full year forecast, and benchmarking against best practice.	The June 7 th Corporate Finance, performance & Risk report iteration will provide a final set of CRP measures, and targets set to date, as well as a further update on the work streams in place to produce a full set of corporate performance reports by September 2021 Cabinet. The monthly reports will develop over time as recommendations are progressed.	COMPLETE – first iteration of report now developed and shared. updates are scheduled to come to Cabinet monthly	Examination of the 'Corporate Finance, Performance & Risk' reports to the October and November 2021 Cabinet meetings confirmed that this included data on the monthly movement in numbers of children in care, the achievement of care outcomes, the financial impact and benchmarking against best practice.
1a(iii)	The Executive Director Children Families and Education needs to address the underlying causes of social care overspends in children's social care and take effective action to manage both the demand and the	The progress report will be routinely presented to the Children's Improvement Board, Executive Leadership Team, Cabinet, General Purposes and Audit Committee and Scrutiny & Overview Committee which will bring a greater level of control and transparency (see	The Corporate Finance, Performance and Risk report will provide an update on improvement actions across the Council including Children's. (1a-ii) Training will be offered to members on the nature of statutory and non-statutory service (See LBC3 – i)	COMPLETE – first iteration of report now developed and shared. updates are scheduled to come to Cabinet monthly	Examination of the 'Windows into Practice' document confirms that the CSC Monthly Dashboard provided rolling monthly statistics on Key Performance Indicators (KPI), detailing that <i>'the dataset includes a 12-month performance summary for key indicators and activity as well as year-on-year local authority comparative data to map performance trends. Benchmarking data for England average and statistical neighbours are included where this information is publicly available'</i> . Examination of the CSC Performance spreadsheet confirmed that 129 numeric indicators were being tracked monthly and examination of the Croydon Children's

Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
	resulting cost pressures.	Recommendation 5 which will also be incorporated into this process). The first report to members will be accompanied by detail outlining the statutory and non-statutory areas of service and the impact of demand management across the service.		Training offer to be picked up under Recommendation LBC-3	<p>Continuous Improvement Board (CCIB) meeting minutes and accompanying papers confirmed these indicators were reported to these meetings.</p> <p>Examination of the Executive Leadership Team (ELT) /Corporate Management Team (CMT) forward planner confirmed that the 'Corporate Finance, Performance and Risk' report was a monthly agenda item, being reported at the 4th meeting each month.</p> <p>Examination of the October and November 2021 Cabinet meetings minutes confirmed that 'Corporate Finance, Performance & Risk' reports were reported to these meetings.</p> <p>Examination of General Purpose Audit Committee (GPAC) meeting minutes and the 'GPAC Work Programme' established that the 'Corporate Finance, Performance and Risk' report had not been reported to GPAC and was not on the 'Work Programme'.</p> <p>Although reported to the 15 June Overview and Scrutiny Committee, the 'Corporate Finance, Performance & Risk' was not reported to subsequent Committee meetings and was not on the Committee's 'Work Programme'.</p>
1a(v)	The Executive Director Children Families and Education needs to address the underlying causes of social care overspends in children's social care and take effective action to manage both the demand and the	Data set used to inform progress report to be collated, updated and shared with GPAC to allow members to monitor progress on managing demand within social care.	Dataset developed and being progressed further. The Corporate Finance, Performance and Risk report draws upon this data and provides GPAC with the relevant information per this action.	COMPLETE - first iteration of report now developed and shared. updates are scheduled to come to Cabinet monthly.	<p>Examination of General Purpose Audit Committee (GPAC) meeting minutes and the 'GPAC Work Programme' was unable to locate any instances of the 'Corporate Finance, Performance and Risk' report being reported to GPAC.</p> <p>It is acknowledged, as detailed in 1(a) (iv) above, that this data was initially provided to the Overview and Scrutiny Committee and regularly to Cabinet.</p>

Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
	resulting cost pressures.				
1b(v)	The Executive Director Health, Wellbeing and Adults needs to address the underlying causes of social care overspends in adults social care and take effective action to manage both the demand and the resulting cost pressures.	Develop a monthly Corporate Finance, Performance and Risk report to progress, track and measure activity. This will include monitoring of the new service delivery model to track progress and challenge effectiveness of the plan.	The June 7 th Corporate Finance, performance & Risk report iteration will provide a final set of CRP measures, and targets set to date, as well as a further update on the work streams in place to produce a full set of corporate performance reports by September 2021 Cabinet. The monthly reports will develop over time as recommendations are progressed.	COMPLETE – First iteration of report now developed and shared. updates are scheduled to come to Cabinet monthly.	Initially reported to the June 2021 Overview and Scrutiny Committee and Cabinet meetings, the development of the 'Corporate Finance, Performance & Risk' has been an iterative progress. Examination of the 'Corporate Finance, Performance & Risk' reports to the October and November 2021 Cabinet meetings confirmed that full reports had been presented at these meetings.
1b(vi)	The Executive Director Health, Wellbeing and Adults needs to address the underlying causes of social care overspends in adults social care and take effective action to manage both the demand and the resulting cost pressures.	Progress will be governed by reporting to the Executive Leadership Team, Cabinet, General Purposes and Audit Committee and Scrutiny & Overview Committee which will bring a greater level of control and transparency. The first report to members will be accompanied by detail outlining the statutory and non-statutory areas of service and the impact	The Corporate Finance, Performance and Risk report will provide an update on improvement actions across the Council including HWA's (1b-v). Training will be offered to members on the nature of statutory and non-statutory service (See LBC3 – i)	COMPLETE – First iteration of report now developed and shared. updates are scheduled to come to Cabinet monthly.	Examination of the October 2021 'Corporate Performance and Finance Report confirmed that this included the improvement actions for Health Wellbeing and Adult (HWA). Examination of the Executive Leadership Team (ELT) /Corporate Management Team (CMT) forward planner confirmed that the 'Corporate Finance, Performance and Risk' report was a monthly agenda item, being reported at the 4 th meeting each month. Examination of the October and November 2021 Cabinet meetings minutes confirmed that 'Corporate Finance, Performance & Risk' reports were reported to these meetings. Examination of General Purpose Audit Committee (GPAC) meeting minutes and the 'GPAC Work Programme' established that the 'Corporate Finance,

Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
		of demand management across the service.			Performance and Risk' report had not been reported to GPAC and was not on the 'Work Programme'. Although reported to the 15 June Overview and Scrutiny Committee, the 'Corporate Finance, Performance & Risk' was not reported to subsequent Committee meetings and was not on the Committee's 'Work Programme.'
1b(vii)	The Executive Director Health, Wellbeing and Adults needs to address the underlying causes of social care overspends in adults social care and take effective action to manage both the demand and the resulting cost pressures.	Ensure that cost of care tool is used effectively to track all case expenditure to improve financial control, identify areas of focus for further improvement and to enable better decision making.	<p>The Cost of Care tool referred to in has been utilised to help accurately forecast its spend to support budget setting, improve financial management and identify opportunities for further savings.</p> <p>A separate tool called called CareCubed is in the process of being acquired. It is a benchmarking tool that allows adult social care to acquire an indicative cost of placing an individual aligned with their assessed care and support needs. This indicative amount is then used to aid contract negotiations with providers.</p> <p>The tool has successfully enabled savings in other Council's and will be tested in Croydon over the next 12 months. Training for staff to use tool is in planning.</p>	COMPLETE	<p>The '2021/22 Adult Social Care Budget Proposals' report to the Health and Social Care Sub-Committee in January 2021 confirmed that a 'cost of Care' tool had 'been developed to build a zero based adult social care budget and set a baseline for current activity and cost from which then to reduce to bring in line with the average level of spending in London or England as appropriate.'</p> <p>The 'Overview Of The 2021-22 Adult Social Care Financial Performance' report provided to the Scrutiny Health & Social Care Sub-Committee at the meeting held on 29 June 2021 confirms that, 'A further £0.026m transformation investment was agreed in Feb 21 for the purchase of a tool called Care Cubed. This allows the service to benchmark placements costs with other councils, enabling stronger provider negotiations.'</p> <p>The copy of the Care Cubed contract provided, confirms that, 'iESE will provide Licensee with access to CareCubed for one year from 1st April 2021 and ending on 31st March 2022' with the option to extend this.</p> <p>As evidenced by the Care Cubed Implementation Plan, the CareCubed tool was implemented as of 18th June 2021.</p> <p>A training plan for use of the tool has been established and distributed to social workers and brokerage staff.</p> <p>Examination of the CareCubed Project Board Meeting Report, dated 17th November 2021, demonstrated that</p>

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Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
					outcomes from the testing of the CareCubed tool were being reported.
1b(ix)	The Executive Director Health, Wellbeing and Adults needs to address the underlying causes of social care overspends in adults social care and take effective action to manage both the demand and the resulting cost pressures.	Data set used to inform progress report to be collated, updated and shared with GPAC to allow members to monitor progress on managing demand within social care	<p>A finance and performance workstream has been established and meets fortnightly. The key objectives for this workstream are to ensure dashboards are developed to enable the senior management team to track activity against the benchmarking forecasts set out in the adults improvement plan; and against the move towards both London (younger adults) and England (older adults) averages.</p> <p>Bettergov have been commissioned to help finalise dashboard and benchmarking modelling. 2 dashboards are to be utilised one focused on activity which is complete and another on finances which is in development.</p> <p>The MTFS tracker is currently updated weekly.</p> <p>The Corporate Finance, Performance and Risk report draws upon this data and provides GPAC with the relevant information per this action.</p>	COMPLETE	<p>It was confirmed that a Finance, Performance and Risk report has been developed to inform on the progress of Services against identified measures. The report is provided to the CMT monthly. It is also provided to Cabinet monthly but is expected to be received by Cabinet on a bi-monthly basis from January 2022.</p> <p>However, as detailed in previous actions, this has not been provided to the General Purpose and Audit Committee (GPAC).</p>

Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
3(i)	The Chief Executive should oversee a review of the outcomes achieved from the use of transformation funding to demonstrate that the funding has been applied in accordance with the aim of the scheme.	A review of all schemes previously funded from transformation capital receipts be undertaken and a report produced that assesses whether the funding has been applied in accordance with the scheme.	This work is completed following discussions with the external auditor. An update will be made to GPAC as part of the report on the 2019/20 accounts.	COMPLETE	This action has not been reported publicly and nor has Internal Audit been provided with evidence of this being completed.
4(i)	The s151 officer should set out the strategy for applying capital receipts for transformation annually as part of the budget setting process.	A strategy for funding transformation to be incorporated into the budget setting process using the current Ministry of Housing, Communities and Local Government (MHCLG) Flexible Use of Capital Receipts Scheme.	Following extension of the Flexible Use of capital receipts scheme. Proposals for the use of up to £5 million of capital receipts, subject to availability of receipts will be drafted and agreed by ELT. This should be received in w/c 7 th June.	COMPLETE	The 'Transformation Funding Strategy & 2021/22 Usage' report to full Council on 5 th July 2021 detailed that, 'The Council's MTFS assumed up to £5 million of capital receipts could be utilised for transformation funding. The Council's strategy for use of flexible capital receipts is to ensure that such use remains affordable to the revenue account, taking into account the opportunity cost of otherwise funding the capital programme; ensuring such usage conforms to the requirements set out in the regulations; and delivers a positive and rapid rate of return in the level of savings delivered.' Examination of the report established that a total of 12 proposals were included.
4(ii)	The s151 officer should set out the strategy for applying capital receipts for transformation annually as part of the budget setting process.	In the absence of any national capital receipts for transformation scheme, the strategy for funding transformation will set out how future schemes will be funded using invest to save principles using rolling investment	See 4i above.	COMPLETE	See (4) i above. The 'Transformation Funding Strategy & 2021/22 Usage' report to full Council on 5 th July 2021 required that full Council: <i>'1.2 Approve the strategy as outlined in Section 3 to use capital receipts to support the delivery of ongoing savings where such proposals meet the requirements of the Flexible Capital Receipts Regulations, deliver positive payback, and are affordable;</i>

Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
		<p>that is set aside and supported by business cases that demonstrate return. Any business case will have to demonstrate governance of the programme to assure the section 151 officer and Cabinet that the deliverables are being met.</p> <p>All schemes approved for funding under this strategy will be assessed individually and against the overarching risk exposure and affordability for the Council.</p>			<p><i>1.3 Approve the specific list of transformation funding schemes as set out in the body of this report and summarised in Table 1; each proposed scheme be individually approved.'</i></p>
5(v)	The General Purposes and Audit Committee should receive reports on the actions being taken to address the Dedicated Schools Grant deficit and challenge whether sufficient progress is being made.	Progress against the recovery plan to be included in the monthly budget monitoring report to Children's, Families and Education Department Leadership Team, the Executive Leadership Team, the Children's Improvement Board and the quarterly Cabinet, General Purposes and Audit Committee and	Progress update included in the monthly budget monitoring to Education SLT and CFE DLT.	COMPLETE	<p>Examination of the '2021-22 -P02 CFE Directorate' spreadsheet confirms that monthly budget monitoring occurs. This includes the Dedicated Schools Grant (DSG), High Needs and Education Monitoring, where the financial position is recorded alongside an explanation of items such as anticipated overspend, financial pressures and underspends.</p> <p>Examination of the meeting minutes dated 19th May 2021 confirmed that the budget position was being reported to the High Needs Working Group. It was also confirmed that the meeting in July involved a review of the Quarter</p>

Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
		Scrutiny & Overview Committee which will bring a greater level of control and transparency.			<p>2 outturn, but the minutes of this meeting were not yet available.</p> <p>Examination of the Cabinet meeting minutes since March 2021 did not identify any specific presentations on the DSG recovery plan, although regular 'financial performance reports' were provided.</p> <p>Examination of the meeting minutes of the General Purposes and Audit Committee confirmed that an update on the DSG recovery plan was presented to the 4 March and 25 November 2021 meetings. A further update was also noted to be scheduled for the January 2022 meeting.</p> <p>Examination of the Children & Young People Sub-Committee minutes since March 2021 did not identify any specific presentations on the DSG recovery plan, although regular 'Service Impact and Budget update' reports were provided.</p>
5(vi)	The General Purposes and Audit Committee should receive reports on the actions being taken to address the Dedicated Schools Grant deficit and challenge whether sufficient progress is being made.	Progress on Dedicated Schools Grant recovery plan to be reported to the Schools' Forum on a termly basis	Included in the forward plan of agenda items for Schools' Forum	Complete and ongoing	Examination of the minutes of Schools' Forum meetings held in 2020/21 confirmed that Dedicated Schools Grant (DSG) Recovery Plan was presented to the meeting held on 26 April 2021 and examination of the forward plan (appended to the minutes of the meeting held on 8 November 2021) for the schools forum noted that this is next due to be presented at the meeting to be held on 6 December 2021, 17 January 2022 and 7 March 2022.
7(ii)	The Executive Director Children, Families and Education needs to identify the capacity threshold for the numbers of UASC that	Present options for the Council to deliver safe services within the capacity threshold to the Children's Improvement Board, Cabinet and General	A Cabinet paper on the Council's approach to caring for UASC will be presented on June 7 th 2021.	COMPLETE	<p>Correspondence with the Executive Officer for Children, Families and Education confirmed that the Council's approach to caring for UASC were presented to Cabinet on June 7th 2021.</p> <p>Examination of the report presented confirmed that this detailed the options for the Council to deliver safe</p>

Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
	it has the capacity to deliver safe UASC services to.	Purposes and Audit Committee and Scrutiny & Overview Committee to increase levels of control and improve transparency.			<p>services to UASC within the capacity threshold and confirms that the capacity threshold for numbers of UASC is 66 but that Croydon was caring for 205 UASCs. The report further detailed that if the Council were to accept no new UASCs for two years whilst reducing 40 current UASCs, the number of UASC would be within capacity threshold by 2023/24. It was identified that this would result in a budget shortfall of £13m over the next three years.</p> <p>An 'Accompanied Asylum Seeking Children Update' was subsequently provided to the 13 September 2021 Cabinet meeting.</p> <p>A paper 'Update on support for Asylum Seekers in Croydon' was presented to the 17 November 2021 Croydon Children's Continuous Improvement Board.</p> <p>No papers on UASC were noted as being presented to the Overview and Scrutiny Committee or the Children & Young People Sub-Committee during 2021.</p> <p>Although a presentation on UASC and the corresponding risk register entry was made in February 2021, no papers on UASC were noted as being presented to the General Purposes and Audit Committee during 2021.</p>
8(i)	The Cabinet reports on the financial position need to improve the transparency of reporting of any remedial action taken to address in year overspends.	A review of financial reporting best practice is to be undertaken and the results used to design reports and a system of reporting that will improve its approach to managing finance, performance and risk to introduce a greater level of transparency and better	A process for monthly reporting is being developed with the period 1 report to come to Cabinet June 7 th 2021. These reports will develop iteratively over the coming months. See recommendation 8 – ii for further information on performance monitoring.	COMPLETE	The 'Croydon Renewal and Improvement Plan - Performance Reporting Framework & Measures; report initially on 12 th April 2021 and then the subsequent updates to Cabinet on 7 th June and 26 July 2021 provided, 'an update on the implementation of the Council's Corporate Performance Action Plan and development of the associated performance reports as agreed at Cabinet on the 12 April 2021. The performance, finance and risk report (appendix A) will improve the corporate performance offer by providing timely and accurate performance data on programme / project status, performance against Corporate Renewal Plan

Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
		grip of expenditure. All departments will be required to report against their budgets to the Departmental and Executive Leadership Teams on a monthly basis.			<p>KPI's, and progress against the delivery of financial savings.'</p> <p>It is noted that the development of the report is an iterative process, with a report detailing the four areas of programmes, finance and risk expected to become available in September 2021.</p> <p>This was in addition to the regular 'Financial Performance Report' being provided to Cabinet.</p>
8(ii)	The Cabinet reports on the financial position need to improve the transparency of reporting of any remedial action taken to address in year overspends.	<p>The Council will develop a new corporate framework for monthly reporting that includes finance, performance and risk. This will report to the Executive Leadership Team, Cabinet, General Purposes and Audit Committee and Scrutiny and Overview Committee as appropriate.</p> <p>The new framework will include progress against service delivery, departmental actions plans, savings opportunities and actions contained within the Croydon Renewal Plan. All actions will be assigned to accountable people (including relevant</p>	<p>The Council has developed a new Corporate framework to deliver monthly Corporate Finance, Performance and Risk update reports. These monitor implementation of improvement actions across the Council (including those contained in the RIPI and as part of the CRP) and set out KPIs and accountable officers.</p> <p>The PMO presented an approach to monthly Corporate, Finance, Performance Risk Reporting to Cabinet on April 12th.</p> <p>The June 7th Corporate Finance, performance & Risk report iteration will provide a final set of CRP measures, and targets set to date, as well as a further update on the work streams in place to produce a full set of corporate</p>	<p>COMPLETE – first iteration of report now developed and shared. updates are scheduled to come to Cabinet monthly</p>	<p>Examination of the Executive Leadership Team (ELT) /Corporate Management Team (CMT) forward planner confirmed that the 'Corporate Finance, Performance and Risk' report was a monthly agenda item, being reported at the 4th meeting each month.</p> <p>In addition to the updates to the 12th April, 7th June and 26 July 2021 Cabinet meetings, 'Corporate Finance, Performance & Risk' reports were confirmed to be reported to the October and November 2021 Cabinet meetings.</p>

Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
		cabinet member) and will be tracked through a central reporting team to ensure that the process is joined up, consistent and timely. This will be a recognised Programme Management Office function using savings and actions trackers.	performance reports by September 2021 Cabinet. The monthly reports will develop over time as recommendations are progressed.		
19(i)	The s151 officer and monitoring officer should monitor compliance with loan covenants with Brick by Brick and report any breaches to Members.	<p>Loan covenants are within scope of the PwC strategic review and will be considered as part of the overall recommendations.</p> <p>A review of the existing loan covenants and their governance is to be undertaken.</p> <p>Learning from this review, a new system of control for all loan agreements entered into by the Council will be presented to Members and this will form part of the new Corporate Finance, Performance and Risk reporting system.</p> <p>The review and the proposed new system for loan covenants will</p>	<p>Loan agreements to be redrafted to provide a comprehensive single agreement.</p> <p>The February Cabinet report agreed that detail of the revised loan scheme be delegated to the Chief Executive after consultation with the leader and appropriate lead members.</p>	COMPLETE	<p>The 'Treasury Management Strategy Statement, Capital Strategy, Minimum Revenue Provision Policy Statement and Annual Investment Strategy 2021/2022' presented to the February 2021 Cabinet meeting detailed that, '<i>The RIF [Revolving Investment Fund] also acted as a funder to the Council's Housing Development Company Brick by Brick, enabling the development of homes in the Borough. The Council has commissioned a review of the RIF which was reported to the Cabinet in November 2020. No new investments other than a loan for working capital to Brick by Brick will be made in 2021/22.</i>'</p> <p>There is no evidence of the review and proposed new system for loan covenants being presented to GPAC & Overview Committee prior to being presented to Cabinet for approval.</p> <p>No clear metrics have been provided for the proposed system governing loan covenants as forming part of the new Corporate, Finance, Performance and Risk reporting system.</p>

Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
		be presented to GPAC & Scrutiny and Overview Committee prior to being presented to Cabinet for approval.			
LBC1 (i)	Given the challenges ahead there will need to be improvement of the Council's approach to risk management to enable a satisfactory turnaround of the financial position.	Corporate Finance, Performance and Risk management to be combined into one reporting function to remove silo thinking and increase the rigour to enable delivery of services, savings plans and the overarching Improvement Plan. This will require one new unified system of corporate reporting.	<p>PMO developing initial Corporate Finance, Performance and Risk report. These reports will be developed monthly and will provide updates from across the Council on key KPIs. A Cabinet report on the process of reporting was provided on April 12th 2021.</p> <p>The June 7th Corporate Finance, performance & Risk report iteration will provide a final set of CRP measures, and targets set to date, as well as a further update on the work streams in place to produce a full set of corporate performance reports by September 2021 Cabinet.</p> <p>The monthly reports will develop over time as recommendations are progressed.</p>	COMPLETE	<p>Please also refer to 8(i) above.</p> <p>The 'Croydon Renewal and Improvement Plan - Performance Reporting Framework & Measures; report initially on 12th April 2021 and then the subsequent updates to Cabinet on 7th June and 26 July 2021 provided, 'an update on the implementation of the Council's Corporate Performance Action Plan and development of the associated performance reports as agreed at Cabinet on the 12 April 2021. The performance, finance and risk report (appendix A) will improve the corporate performance offer by providing timely and accurate performance data on programme / project status, performance against Corporate Renewal Plan KPI's, and progress against the delivery of financial savings.'</p> <p>It is noted that the development of the report is an iterative process, with a report detailing the four areas of programmes, finance and risk expected to become available in September 2021.</p> <p>This was in addition to the regular 'Financial Performance Report' being provided to Cabinet. The progress of developing Corporate Finance, Performance and Risk report (FPR) and a draft copy of FPR is reported in the Cabinet meeting on 12th April 2021 and 7th June 2021.</p> <p>Complete 'Corporate Finance, Performance & Risk' reports were confirmed to be reported to the October and November 2021 Cabinet meetings.</p>

Appendix 2 - Internal Audit of RIPI Actions reported as completed in June 2021

Extract from June 2021 update report					Summary of Internal Audit work - Evidence obtained and seen
Ref	Recommendation	Action	Progress made to date	Updated Deadline	
LBC1 (vii)	Given the challenges ahead there will need to be improvement of the Council's approach to risk management to enable a satisfactory turnaround of the financial position.	vi) Councillors to be provided overview of Council risk function and how risks are constantly monitored and updated in the organisation	Cabinet training workshop took place in January 2021. The action is complete therefore but will need to be developed further to ensure that proper attention to changing financial position is considered throughout the year. Officers will look at opportunities to provide key learning to members through refreshed work programme for 2022.	COMPLETE	The Head of Fraud, Risk & Insurance confirmed that a risk management training session was provided for joint political Cabinet and ELT on the evening of 20 of January 2021. He explained that this session gave an overview of the risk management framework at Croydon and the risk register itself.
LBC2 (ii)	Clarifying member and officer roles to support good governance arrangements	A review of the member and officer Codes of Conduct will be undertaken to incorporate any learning from recent events and to ensure that they explicitly include the seven principles of public life, known as the Nolan principles, as the basis of the ethical standards expected of elected and appointed public office holders.	The Local Government Association Code of Conduct 2020 was reported into Ethics Committee in February 2021. Members asked for a gap analysis to come back to the committee in April to inform any potential future changes. This Gaps Analysis was provided to Councillors at the May 26 th Ethics Committee. This is linked to LBC2 - ii.	COMPLETE	Examination of the minutes of the Ethics Committee meeting held on 11 th February 2021 confirmed that LGA's new model Code of Conduct was presented at the meeting and that members asked for a gap analysis to come back to the committee in April to inform any potential future changes. Examination of the minutes of the subsequent Ethics Committee meeting held on 26 th May 2021 confirmed that the completed gap analysis was reported. The member Code of Conduct was then approved at the 11 October 2021 full Council meeting. The officer Code of Conduct is yet to be approved.

REPORT TO:	CABINET 24 January 2022
SUBJECT:	Finance, Performance & Risk performance report (Croydon Renewal and Improvement Plan) -
LEAD OFFICER:	Gavin Handford, Director of Policy, Programmes & Performance Caroline Bruce, Head of Business Intelligence & Performance
CABINET MEMBER:	Councillor Hamida Ali, Leader of the Council
WARDS:	All

SUMMARY OF REPORT

The Finance Performance & Risk report in Appendix A, provides timely and accurate performance data on

- programme / project status
- performance against Corporate Renewal Plan measures
- progress against the delivery of financial savings
- any risks associated with these deliverables, as well as the impact to corporate risks.

In addition, it reports progress and issues related to the delivery of the Croydon Renewal Plan, and associated performance reports as agreed at Cabinet on the 12 April 2021. The report, in appendix A of this report, reviews performance based on latest available data as of 31 October 2021. It should be noted that the 31 October is a snapshot in time and that not all data will relate to this time period due to time lags on data availability etc.

As agreed at the 15 November Cabinet meeting, the frequency of reporting to Cabinet will take place bi-monthly, this is the first report applying this reporting frequency. The report is produced and presented a monthly basis to Departmental and Corporate Leadership, and Cabinet Members to allow check and challenge of performance. .

FINANCIAL IMPACT

There are no direct financial implications arising from this report.

FORWARD PLAN KEY DECISION REFERENCE NO.: This is not a key decision

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

1. RECOMMENDATIONS

- 1.1 Review the Finance, Performance & Risk report (appendix A) as of 31 October 2021 (unless otherwise stated) with regard to overall performance against the Croydon Renewal Plan. Note areas of good performance and those of concern.

- | | |
|-----|---|
| 1.2 | Note the progress made, and areas of concern, against programmes and projects in relation to milestones, deliverables and issues. |
| 1.3 | Note the progress made, and areas of concern against savings and growth targets as identified in the Croydon Renewal Plan. More detail on this area can be found in Table 2a of the Financial Monitoring Report also being presented at this Cabinet meeting. |
| 1.4 | That Cabinet identify areas of performance within the FPR report (appendix A) where they require deeper analysis to be presented at a future Cabinet for discussion and action. |

2. EXECUTIVE SUMMARY

- 2.1 The Croydon Renewal Plan, sets out how the Council will respond to the various reviews and recommendations that have highlighted substantial need for improvements. The Improvement Plan has also identified key areas of focus which are essential to changing the overall culture of the Council to one that is evidence led, manages resources well, and is open and transparent with stakeholders.
- 2.2 The Finance, Performance & Risk report detailed in appendix A of this report, reviews the areas of project and programme delivery, and the measures used to monitor delivery of the actions detailed within the CRP plan, as well as monitoring the performance of the organisation as a whole. The report reviews the period up to and including 31 October 2021. It should be noted that where measures are subject to a reporting time lag the latest available data has been included; this may not correspond with the reported time period.

3. Background

- 3.1 Cabinet and Council agreed in September 2020 to the development of the Croydon Renewal and Improvement Plan (CRP) which incorporates a financial recovery plan, the submission to MHCLG to secure the necessary capitalisation direction as part of that financial recovery, a corporate Improvement Plan to deliver the required changes to ensure the financial investment and rebalancing of the budget is sustainable.
- 3.2 On 12 April 2021 a report was presented to, and approved by cabinet, detailing a suite of indicators and a range of actions to create a corporate performance framework. This reporting mechanism ensures that what the data is telling us is visible to everyone and open to challenge.
- 3.3 At the Cabinet meeting on the 15 November 2021 it was agreed that the frequency of reporting would change from monthly to bi-monthly.

4. Corporate Finance, Performance & Risk (FPR) report (appendix A)

- 4.1 This report reviews our performance against the delivery of the actions within the CRP providing Members, the Executive Leadership Team, Directors, Overview & Scrutiny and Residents with information on the status of major programmes and projects, delivery of financial savings, progress of against performance indicators and risks associated to non delivery.
- 4.2 **Performance Indicators (PI's)** - Regular review and monitoring against the agreed performance measures. Impact performance will have against finance, risk and programme deliverables.
- 4.2.1 There are currently 116 PI's which form the framework for the CRP. The performance report in appendix A, gives an overview of current performance, areas doing well and those which require more attention. In addition, for reference, the back of the report details all 116 measures within the framework, with service commentary (where supplied) as to the actions in place to address under performance. These are listed by department and division for ease of reference. PI's which are at, or above target will receive a green status, those within 10% of target an amber status and those which are operating below target a red status. Where a measure has no target, either because it is not appropriate to set one or we are still benchmarking the measures, the RAG status will be shown as grey. Where a measure has no data or target at the moment, the RAG status will be shown as black.
- 4.2.2 **Project & Programmes** - Monitoring of milestones, deliverables and issues
- 4.2.3 Details of each individual project are collated within "LBC Delivery Tracker", with corresponding MS Teams cards to track progress at a granular task level. The tracker allows for centralised, regular, monitoring of both progress and confidence in delivering the projects that make up the programmes of the CRP.
- 4.2.4 **Three year Croydon Renewal Plan - April 2021 to March 2023**
Within the tracker, there are now 476 actions, representing the three year plan, this includes the nine recommendations from the ARK report linked to Croydon's Housing Improvement Plan.
- 4.2.5 **Action status across full three year programme as of 14 October 2021:**
To date 154 Renewing Croydon Programme actions are marked as complete, 116 relate to the medium term Financial Strategy Programme. Please refer to the Financial Performance Report also presented at this Cabinet.
- 80.8% of all actions are in progress (385 of 476)
 - Actions not yet underway have defined start dates across the full three years of the programme.
- 4.2.6 Appendix A of this report provides an overview update against each of the programmes.

- 4.2.7 **Financial savings** - Savings and growth targets, as identified within the MTFS project of the Croydon Renewal Plan, are £82.563m and £132.563m respectively. Breakdown of the savings and risk were previously provided to Cabinet in March 2021 under Appendix A.
- 4.2.8 The Financial Monitoring Report for period 9 of the 2021/22 financial year, being presented to Cabinet on 24th January 2022, details projects that are at risk of delivery. Table 2a of the Financial Monitoring Report provides full details of MTFS savings risks with a brief commentary of the projects that are at risk of delivery. To date, there are potential £6.584m worth of savings (£5.272m in Month 7) that may not be achieved. Services are currently carrying out further work to ensure these can be delivered or otherwise mitigated. So far, no specific mitigations have been fully identified. Directorates are working up proposals to bring these savings at risk back on track. This represents c8% of the total savings that had been identified as part of the 2021/22 budget setting exercise. If these savings are deemed to be definitely non-deliverable they will be factored into the monthly forecast and incorporated into the forecast outturn position.
- 4.2.9 **Risk** - This report will monitor the risk to the delivery of the CRP actions and savings and the potential impact against corporate risks and mitigation in place. There are currently 137 risks on the strategic risk register. These are cross referenced monthly against the PMO risk register monitoring the risk to delivery of projects and the impact against these strategic risks.
- 4.2.10 **Analysis and Benchmarking** - As detailed in previous reports to Cabinet, the FPR report will seek to provide further analysis and benchmarking into areas where Cabinet requires more focus on areas within the report noted as underperforming in order to allow the necessary check and challenge. Cabinet is asked to review the report and identify the area/s they wish to review as part of the September FPR report which will be presented to Cabinet.
- 5. Departmental and statutory performance reporting** – These reports continue to be presented to all Departmental Leadership Team meetings with the latest review taking place on the 15 December 2021. This process continues on a monthly basis. Executive Directors / Directors are responsible for discussing the contents of departmental and statutory performance reports with the relevant Cabinet Member to ensure line of sight and accountability.
- 6. Reporting for 2022/23**
- 6.1 Work has begun to review the current PI's within the FPR report (appendix A) to ensure that the existing performance measures within the CRP framework continue to be fit for purpose in ensuring that the correct outputs are being met and actions delivered on. In addition, it is important that measures reflect the Council's priorities for the coming year.
- 6.2 The next report to Cabinet scheduled for the 21 March, aims to detail the

proposed amendments with the intention to start reporting on the suite of refreshed measures with effect from 1 April 2022.

7. Business as Usual

7.1 In addition to the work taking place to deliver against the Corporate Renewal Plan (CRP) departments across the council, on a daily basis, continue to deliver services to residents. This report sights Cabinet on metrics on service delivery that are being supported by the budget in development for 22/23.

7.2 Sustainable Communities

- 24, 551 fly tips collected total YTD (01 Jan – 30 Nov)
- 1.4 million individual collections from households across all our waste collection services (average monthly)
- 16,753 tonnes of household waste sent for reuse recycling and composting In (Q1 2021/22)
- 29,469 lighting assets which include lamp columns, wall lights, sign posts and bollards maintained across the borough
- 39 Food hygiene inspections completed (In Q2 2021/22)
- 1191 park patrols carried out in October 2021
- 35,697 book issues at Croydon Libraries in September 2021
- 1598 children and young people provided with SEN travel assistance for this financial year

7.3 Children social care services (metrics for 4 May to 3 November 2021)

- 9,521 Contacts
- 769 Early Help assessments completed
- 2,522 Referrals
- 3,168 Social Care assessments completed
- 848 S47 Enquiries
- 320 Initial child protection conferences (started from a S47 enquiry)
- 3,393 Total Children in Need (CIN)
- 616 Total Child Protection Plans (CPP)
 - 325 started
 - 225 ceased
 - 391 current
- 766 total Children Looked After (CLA)
 - 107 Started
 - 177 Ceased
 - 589 Current
- 663 Care Leavers (in receipt of leaving care services)
- 106 children adopted, waiting to be adopted, or had an adoption decision reversed
 - 10 children adopted in the last 12 months
 - 48 children waiting to be adopted
- 3553 children and young people with an EHCP (Oct 21)

7.4 Adult social care services (Metrics for April – October 202)

- 815 carer's surveys sent out
- 3,624 Adult Social Care surveys due to be sent out in January
- 553 Adult Safeguarding concerns were investigated and resolved (Section 42)
- 3022 requests for Support being reviewed by Adult Social care
- 2828 Assessments of need completed
- Supporting 1,865 residents with tailored care packages
- 720 Residents managing their own care needs with Direct Payments
- Almost 200, reablement packages completed

7.5 **Housing department**

- 3,000 homeless households helped
- 1,000 homelessness preventions
- 2,200 homeless households supported in temporary accommodation

7.6 **Assistant Chief Executive office and Resources department**

- 314,904 website visits (October 2021)
- 1,101 Freedom of Information (FOI) requests received (October 2021)
- 22,745 followers on Twitter
- 5,308 followers on Facebook
- 26,402 Community Equipment Service CES delivery / collection / maintenance / repairs carried out (November 2021)
- 157,837 resident calls to the contact centre (September 2021)

8. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 8.1 It is essential that the Council takes steps to ensure that a robust performance management plan and framework are in place, alongside the work of the Programme Management Office, Finance and Risk. Delivery against the actions in the CRIP and sustainable improvements in services are unlikely to happen without it.

9. OPTIONS CONSIDERED AND REJECTED

- 9.1 None.

10. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 10.1 There are no direct financial implications arising from this report. There will be financial implications associated with the delivery of the projects and actions within the Croydon Renewal and Improvement Plan which have been factored into the Medium Term Financial Strategy. The delivery of these projects and actions, and the resulting savings is essential. It is therefore critical that effective monitoring and reporting is in place.

Approved by: Matthew Davis, Head of Finance, (Deputy S151 Officer)

11. LEGAL CONSIDERATIONS

- 11.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Legal Services that section 3(1) of the Local Government Act 1999 requires the council as a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Monitoring of performance information and acting on the findings are an important way in which that obligation can be supported.
- 11.2 For the purpose of deciding how to fulfil the duty arising under subsection (1) an authority must consult—
- (a) representatives of persons liable to pay any tax, precept, or levy to or in respect of the authority,
 - (b) representatives of persons liable to pay non-domestic rates in respect of any area within which the authority carries out functions,
 - (c) representatives of persons who use or are likely to use services provided by the authority, and
 - (d) representatives of persons appearing to the authority to have an interest in any area within which the authority carries out functions.
- 11.3 In deciding how to fulfil the duty arising under section 3 (1), who to consult under section 3 (2), or the form, content, and timing of consultations under that subsection, an authority must have regard to any guidance issued by the Secretary of State. The most recent version of this guidance was published in March 2015:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418505/Revised_Best_Value_Statutory_Guidance_final.pdf
- 11.4 Any legal implications arising in relation to individual actions will need to be dealt with as projects and decisions come forward for approval.

Approved by: Sandra Herbert Head of Litigation and Corporate Law for and on behalf of the interim Director of Legal Services and Deputy Monitoring Officer.

12. HUMAN RESOURCES IMPACT

- 12.1 Key to delivery of the Croydon renewal and Improvement Plan will be to retain and invest in a skilled workforce, who are enabled and engaged through a positive organisational culture. The council's workforce strategy is aligned to the Croydon Renewal & Improvement Plan and supports building the workforce skills and capacity for the future.
- 12.2 Any planned service changes through informed review, will be subject to the council's organisational change procedure and consultation with staff and trade unions.

Approved by: Elaine Jackson, Interim Assistant Chief Executive.

13. EQUALITIES IMPACT

- 13.1 In April 2011 the Equality Act (2010) introduced the public sector duty which extends the protected characteristics covered by the public sector equality duty to include age, sexual orientation, pregnancy and maternity, and religion or belief.
- 13.2 Section 149 Equality Act 2010 requires public bodies to have due regard to the need to:
- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - foster good relations between people who share a protected characteristic and people who do not share it.
- 13.3 Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that decision makers must be able to evidence that they have taken into account any impact of the proposals under consideration on people who share the protected characteristics before decisions are taken. Equalities impact assessments will be a key part of our governance framework for the Improvement Board, with direct input from the Council's Equality & inclusion Manager.

Approved by: Gavin Handford, Director of Policy, Programmes & Performance

14. DATA PROTECTION IMPLICATIONS - WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

- 14.1 **NO** - The Director of Policy, Partnership comments that there are no data protection implications arising from the contents of this report

Approved by: Gavin Handford, Director of Policy & Partnership.

15. REASONS FOR RECOMMENDATIONS/ PROPOSED DECISION

- 15.1 It is essential that the Council takes steps to address the necessary improvements required to enable Croydon Council to be a financially sustainable council delivering value for money efficient and effective services.

CONTACT OFFICERS:

Caroline Bruce, Head of Business Intelligence, Performance and Improvement
Craig Ferguson, Business Insight Manager

APPENDICES TO THIS REPORT:

Appendix A – Finance Performance and Risk report – Latest available data as of 31 October 2021

BACKGROUND PAPERS:

Croydon Renewal and Improvement Plan

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Finance, Performance & Risk report



Contents

1. Report summary
2. Croydon Renewal Plan – *performance measures*
3. Croydon Renewal Plan – *projects & programmes*
4. Croydon Renewal Plan – *savings*
5. Organisational Health
6. Risk
7. Croydon renewal plan performance measures – All (*for reference in departmental order*)

1. Report summary

- Overall performance of corporate renewal plan indicators shows that 61% of measures monitored are on track (green) or just below (amber). Performance has remained stable since the last reporting period (September 2021).
- Performance continues to be reviewed, checked and challenged by Departmental Management Teams and the Corporate Management Team on a monthly basis. The last review took place on 15 and 21 December respectively.
- Three projects within the savings programmes are identified as red. This is an increase of two projects PLA Sav 10: ANPR camera enforcement: and PLA Sav 24: Parking charges increase. All three projects sit within the Sustainable Communities department with a risk to the reduction of planned income.
- Cabinet are advised to review those projects currently showing as Amber to ensure there are sufficient actions plans in place to mitigate any further risks to delivery.

Report summary cont.

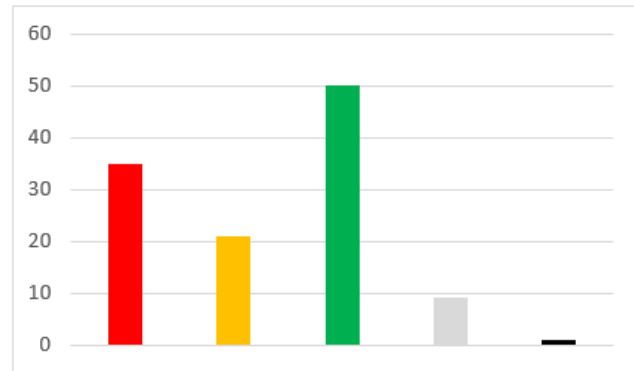
- % of residents who are very or fairly satisfied that Housing services are easy to deal with has dropped since the last reporting period. Currently at 51% against a target of 65%, this has seen a reduction of 12.43% from the previous 63.43% reported.
- % of response repairs on time for urgent, routine and major have all seen a drop in performance since the last reporting period. Urgent has dropped by 2.5%, routine by 5.6% and major 7.5%. In addition, all are below target by between 25-44%.
- The number of sick days per FTE in the rolling year to October 2021 has decreased to 6.47 days from the previous peak of 6.8 in the rolling year to September 2021. The London average position is currently 7.7 days.
- Numbers of Freedom of Information (FOI) requests responded within target continues to under perform. Performance has improved by 35% since the last reporting period, current performance is 59% against a target set by the ICO of 90%. Approximately 27% of the 151 requests received in July are still open, the vast majority of these are overdue. Subject Access Request's (SAR responses continue to underperform.

2. Croydon Renewal Plan – performance

Performance measures – RAG status overall

CROYDON CORPORATE PERFORMANCE FRAMEWORK

CROYDON TOTAL October 2021

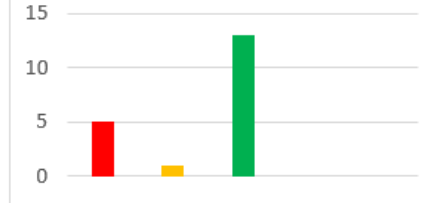


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RAG Status key

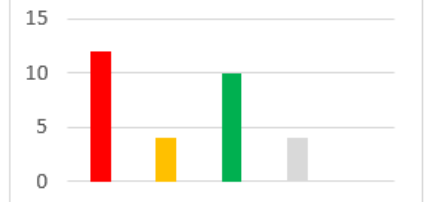
RED (R)	<ul style="list-style-type: none"> Performance has not met target Performance differs from comparators (benchmarking) over 10%
AMBER (A)	<ul style="list-style-type: none"> Performance has not met target but is within 10% of target Performance differs from comparators (benchmarking) within 10%
GREEN (G)	<ul style="list-style-type: none"> Performance has met or exceeded target Performance has matched one or more comparators (benchmarking)
GREY (GY)	<ul style="list-style-type: none"> Data submitted, no target has been set (where required to)
BLACK	<ul style="list-style-type: none"> No data has been submitted

SUSTAINABLE COMMUNITIES



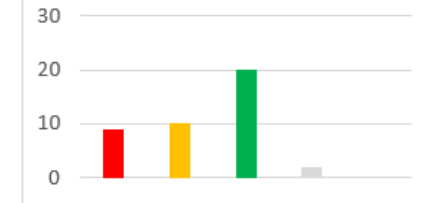
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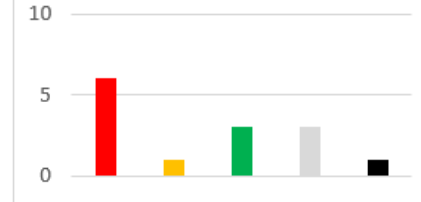
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HOUSING



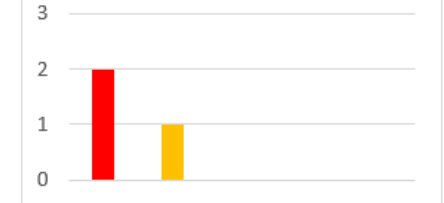
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CYP & E



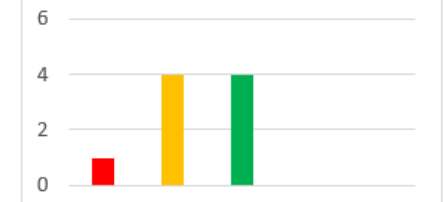
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RESOURCES



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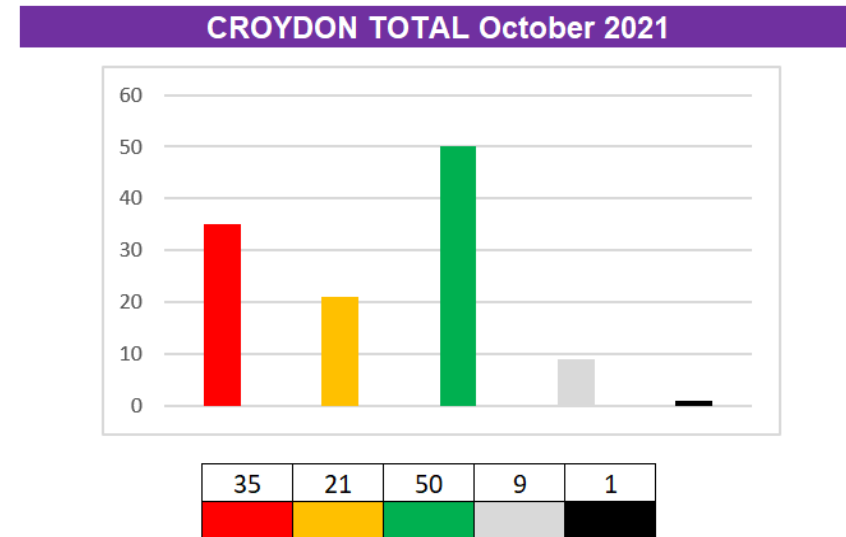
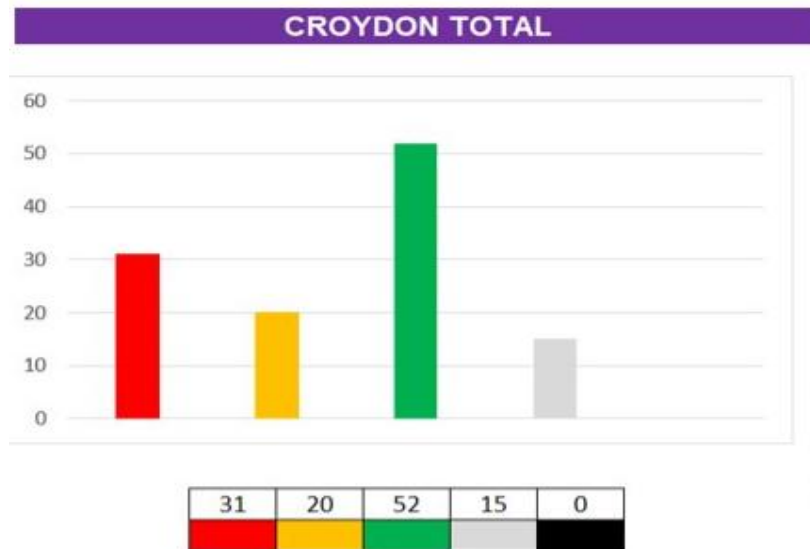
ASC & H



1	4	4	0	0
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Performance measures – RAG status overall

- The number of measures where there is no target or data was not submitted, has improved when compared to the previous reporting period (September 2021)
- Whilst the data for October performance shows an increase on the number of measures under performing by four, and those measures achieving or exceeding target by one, these changes are due to the fact that we are now able to RAG an additional six measures due to either targets being set, data submitted on time or both.
- The overall number of measures has reduced by two as per approval at the November cabinet meeting.



Performance – Organisational overview

RED, Performance has not met target / performance differs from comparators by more than 10%

- Recycling performance is now 42.32% this is an improvement against the last reported period which was 38.8%. Performance is above the London average, and below the target set for Croydon of 50%.
- Percentage of Early Help cases that were stepped up to Children Social Care (CSC) have seen a 6% increase to 20% from 14% at the last reporting period against a target of 15%. This has seen performance go from a green to red RAG rating.
- Major applications continues to perform below target (40% against 60%) target. This has seen an improvement of 15% since the last reporting period where performance was at 25%.
- Minor planning application targets are not being met (55% and target is 65%). There has been a 5% improvement on performance since the last reporting period.
- Other planning application targets are not being met (71% and target is 80%). There has been an improvement of 4% on performance and the number of applications received has also risen.
- Missed bins per 100K – performance has deteriorated since the last reporting period (138) to 169

Performance – organisational overview

AMBER, Performance has not met target, remains within 10% / performance differs from comparators by 10% or less

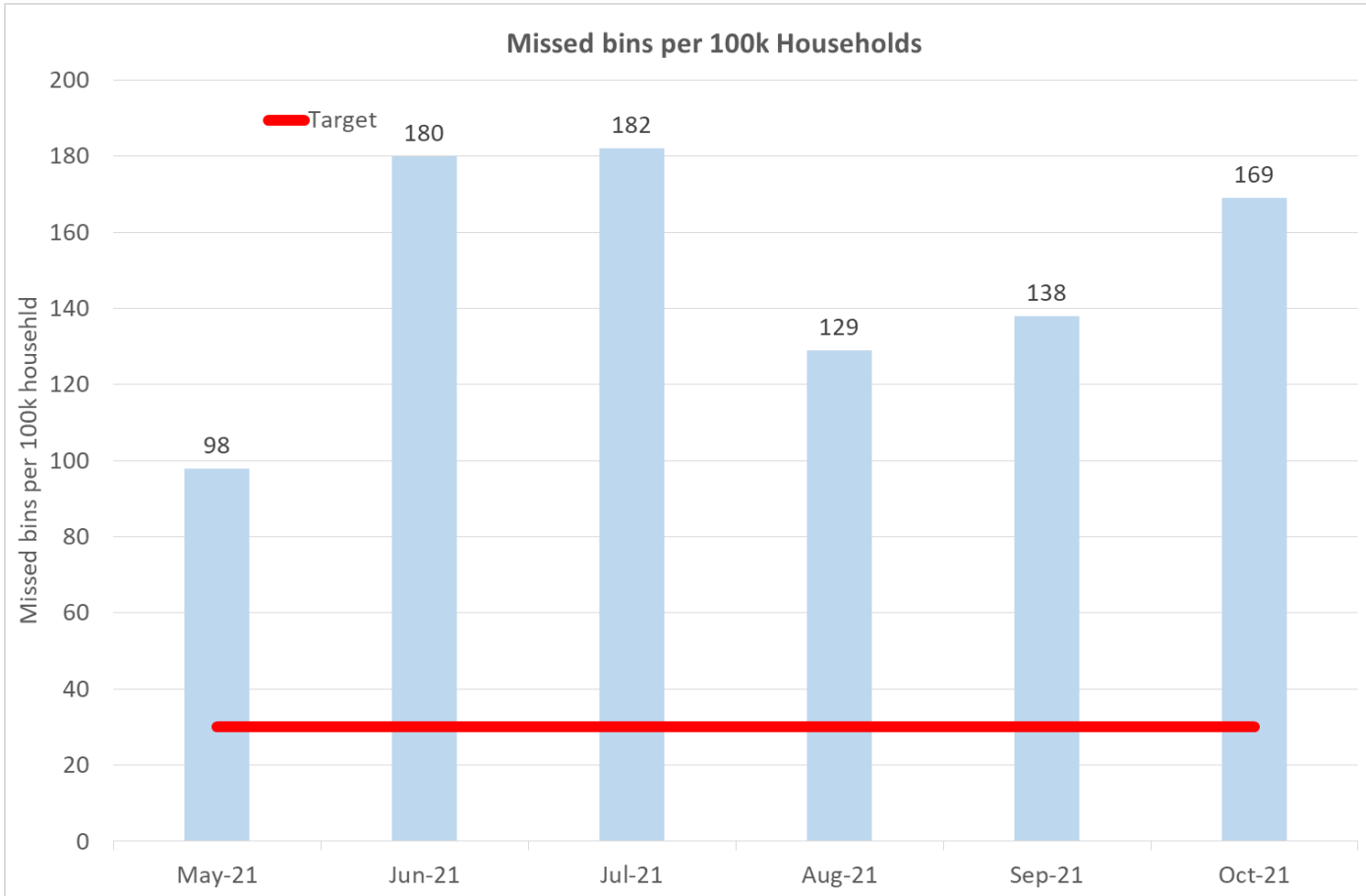
- EA/TA – total debt collection rate – performance has deteriorated since last reporting period.
- NRPF (HOU18)– total cases supported budget spend to date – performance has deteriorated since last reporting period, it is 3% over year end target which equates to £26,000
- Gross Current Tenant Arrears (£) – arrears have increased since last reporting period. Performance 3% over target which equates to £135,000

Performance – organisational overview

GREEN, Performance has met or exceed target / performance has matched one or more comparators

- CCS Percentage of re-referrals within 12 months of the previous referral - Performance has improved since last reporting period with a reduction of 7%, measure is now exceeding target.
- HOU 03 – HOU 06 these measures have seen an improvement in performance since the last reporting period.
- NRPF (HOU17) total cases supported – Cases have increased by seven cases since last reporting period. Note that over 85 cases will affect budget.
- Major Planning applications determined in time over a rolling 2 year period – above target performance has decreased by 4% since last reporting period. This is being impacted by Major Applications performance (PL PS 03)
- Non- Major Planning applications determined in time over a rolling 2 year period - above target performance has decreased by 2% since last reporting period. This is being impacted by Minor / Other Applications performance (PL PS 06 & 09)

Missed Bins

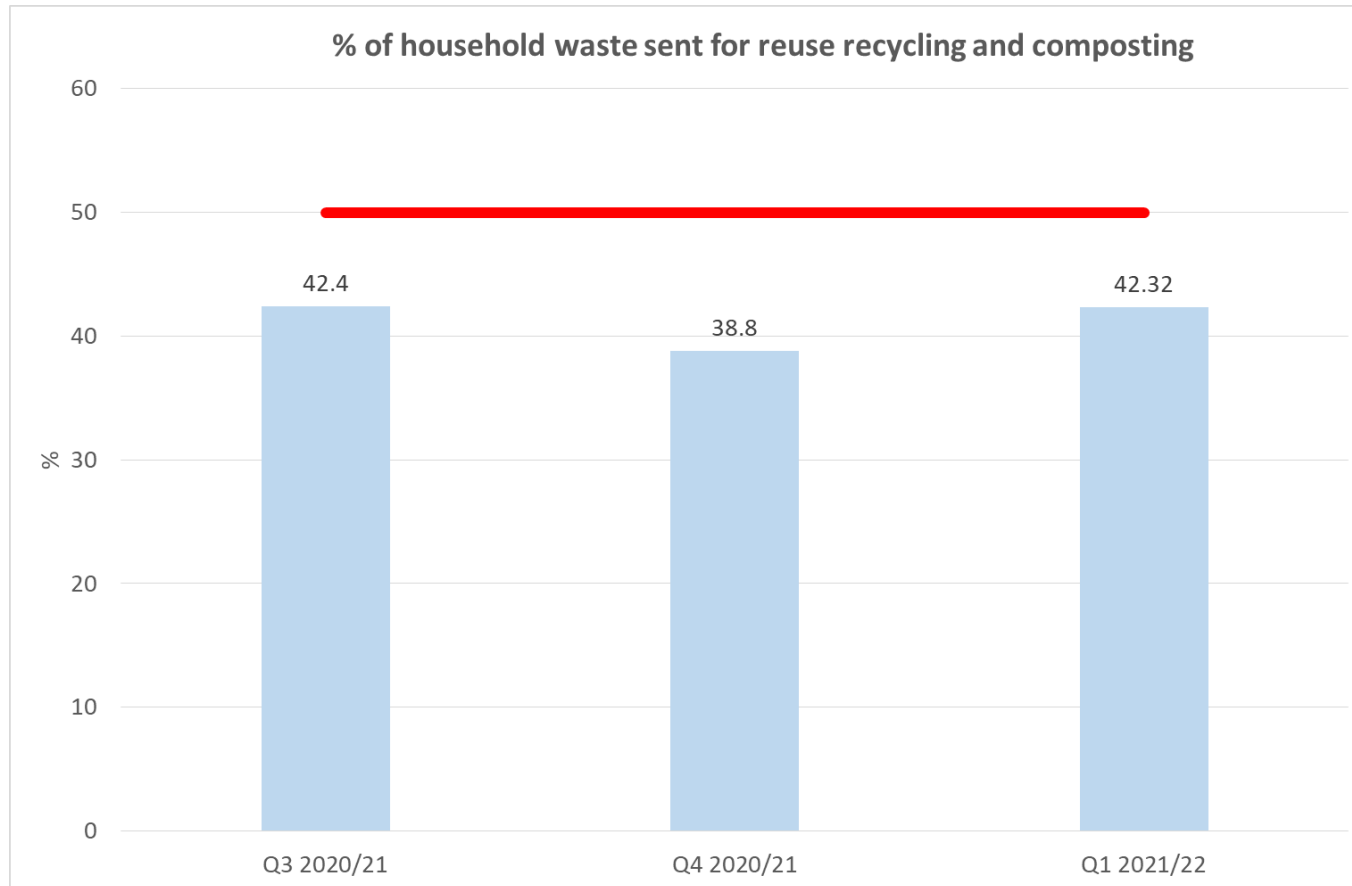


In June and July the missed bins rate per 100k nearly doubled compared to May and is above the target of 30 missed bins per 100k households. In August the rate reduced. There has been a steady increase in September and October.

Service Commentary

It should be noted that the increase in missed bins per 100k reported in June to October 2021 follows a period of significant improvement and can be explained by the ongoing LGV driver shortage and Covid isolation requirements

Recycling rates

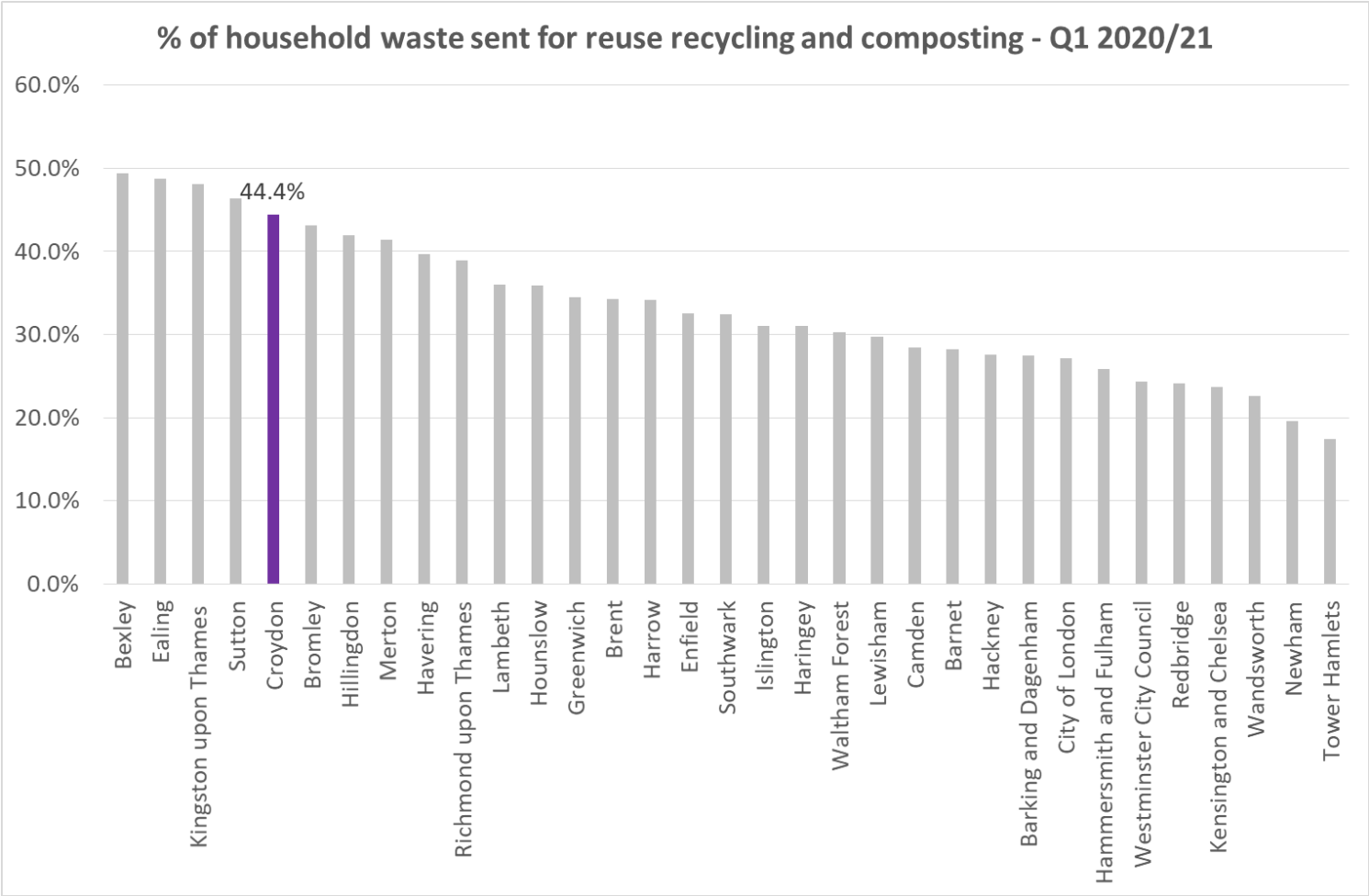


In the previous 3 quarters the % of household waste sent for reuse, recycling and composting was below target.

Service Commentary

- Target is 50% as it was a manifesto commitment.
- The 42.32% for Q1 21/22 is still above the Q1 20/21 London average of 33.8%

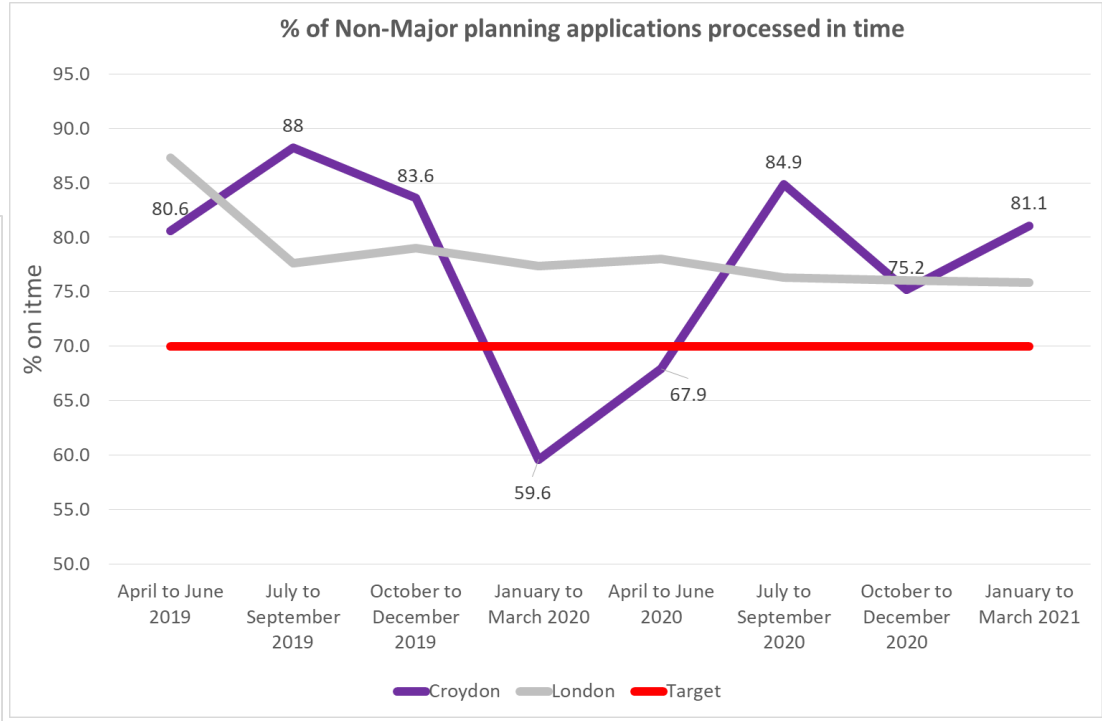
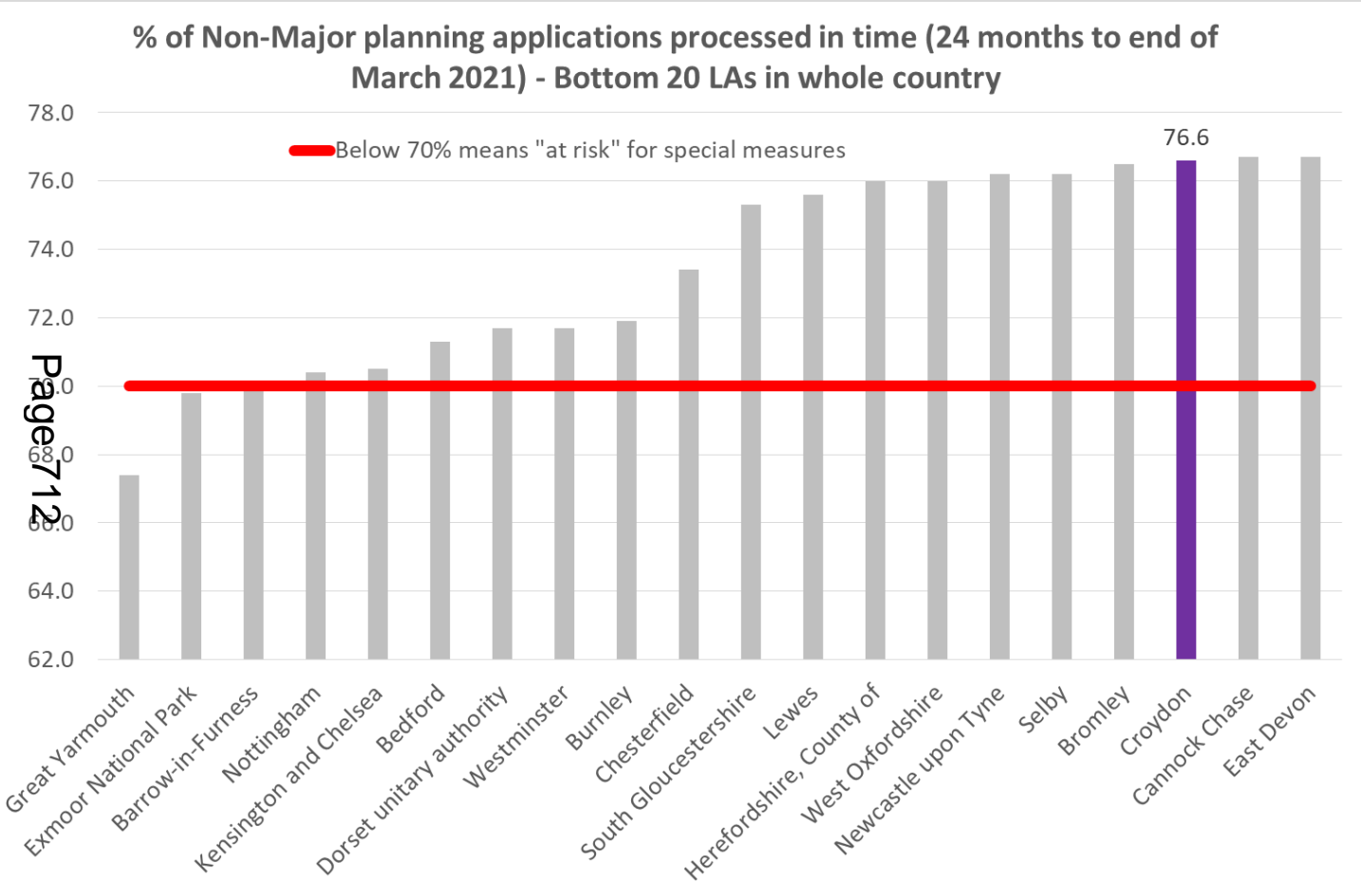
Recycling rates



In Q1 20/21 the % of household waste sent for reuse, recycling and composting was 44.4%. This is below the LBC target of 50%.

Benchmarking shows that for this period, no London borough achieved a 50% reuse, recycling and compost rate.

Planning applications – non major

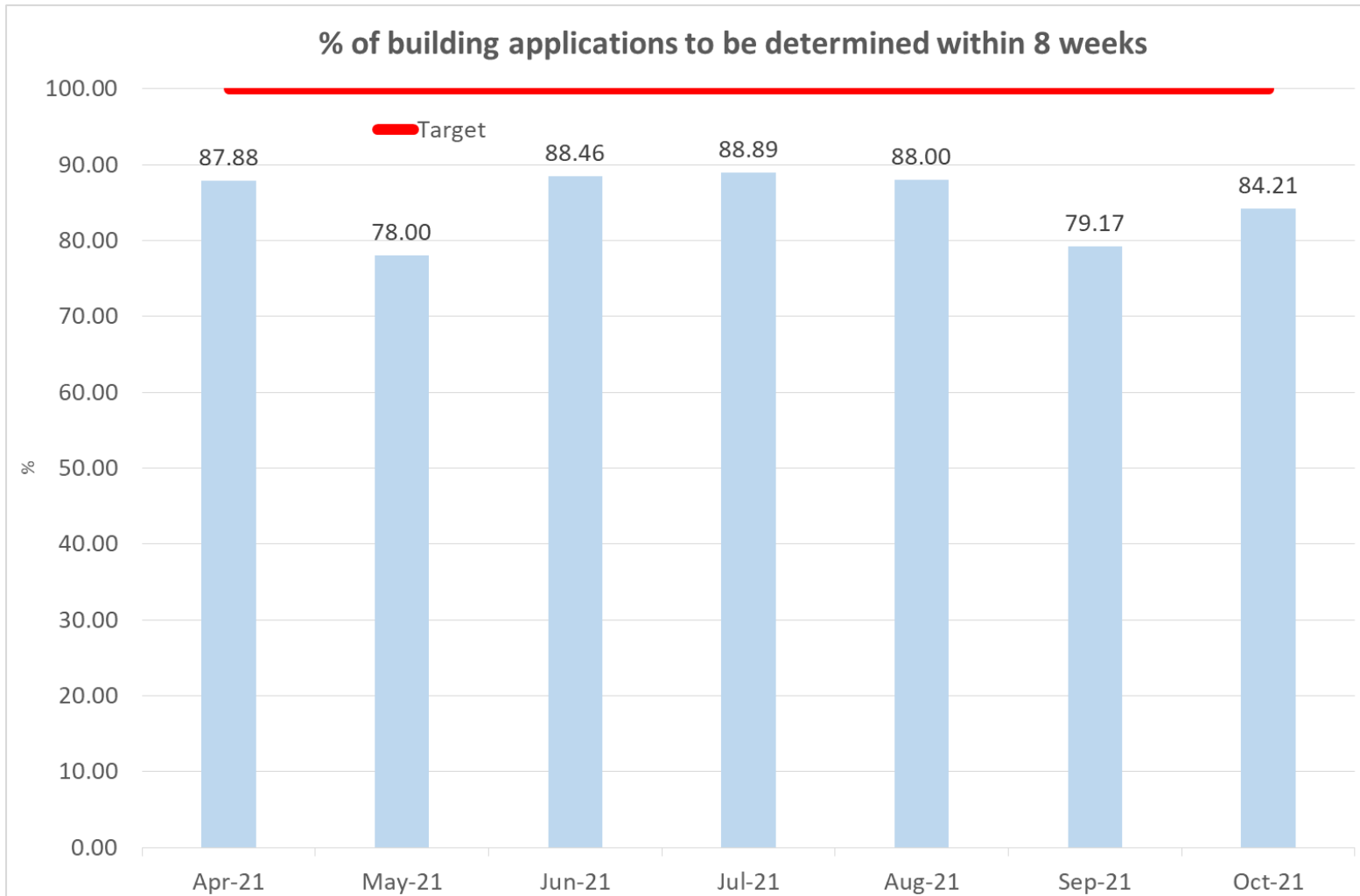


In the 24 months to end of March 2021 76.6% of Croydon non-major planning applications (this includes minor and “other”) were processed on time. This is the 18th lowest in the country.

Historically the % of non-major planning applications processed in time has been above the London average

Falling below 70% will mean Croydon is at risk of going into special measures

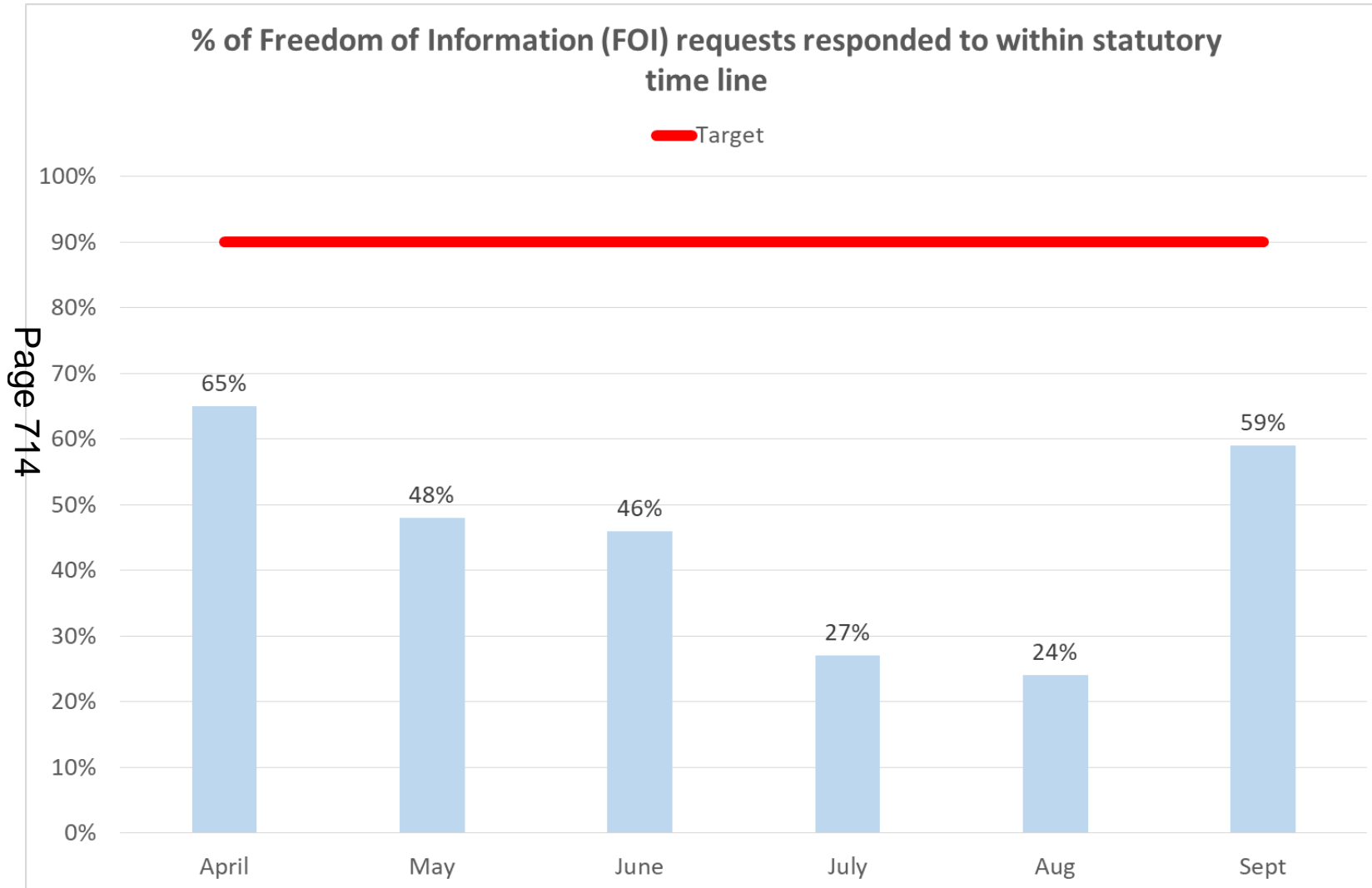
Building applications to be determined within 8 weeks



In October 84.21% of building applications to be determined within 8 weeks was achieved.

This is below the 100% target and the 7th month in a row that the target has been missed

Freedom of Information (FOI) requests

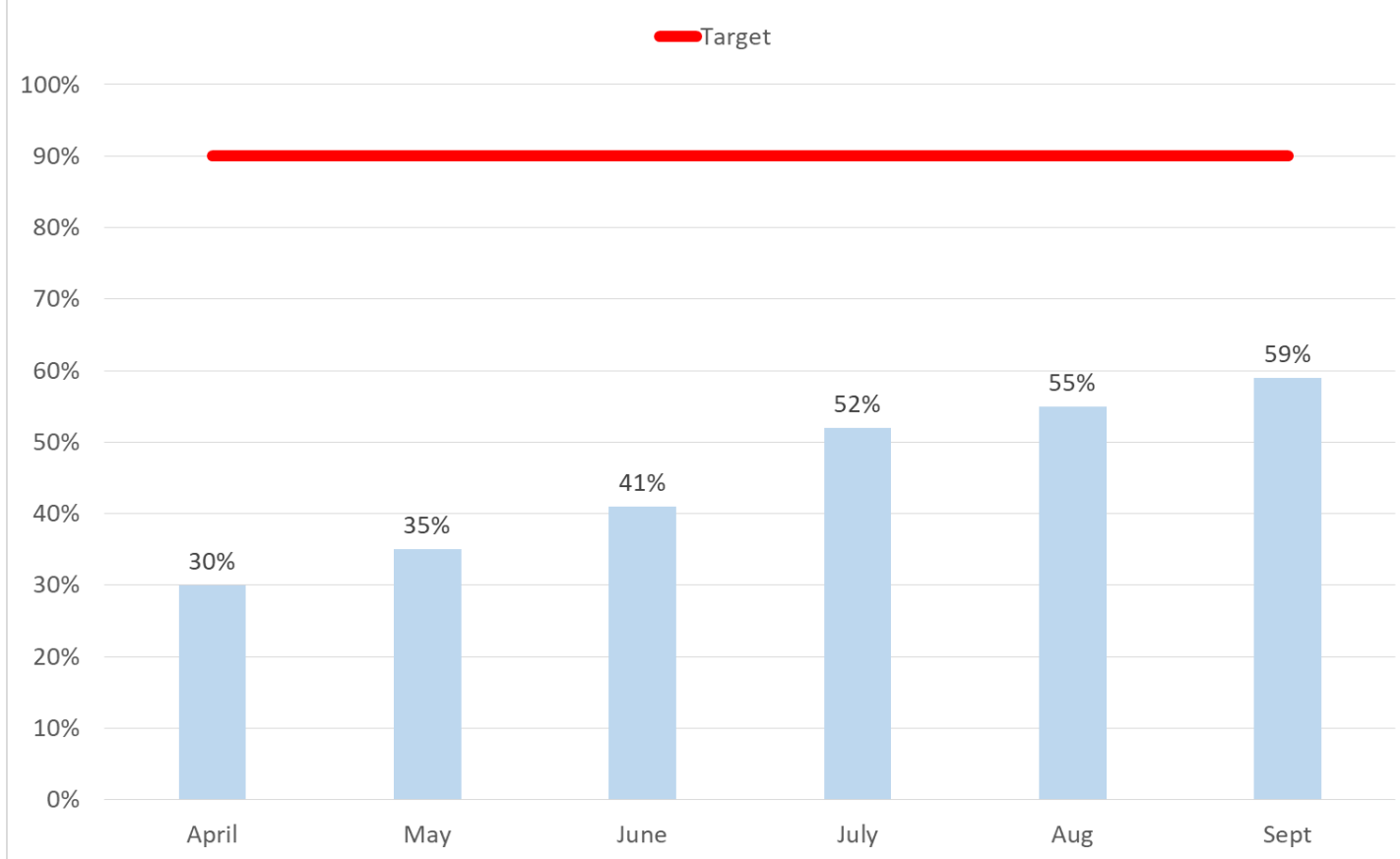


In September, 89 out of 151 (59%) of Freedom of Information (FOI) requests were responded to within statutory time line.

This is below the target of 90% for the 6th month in a row.

Subject Access Requests (SAR)

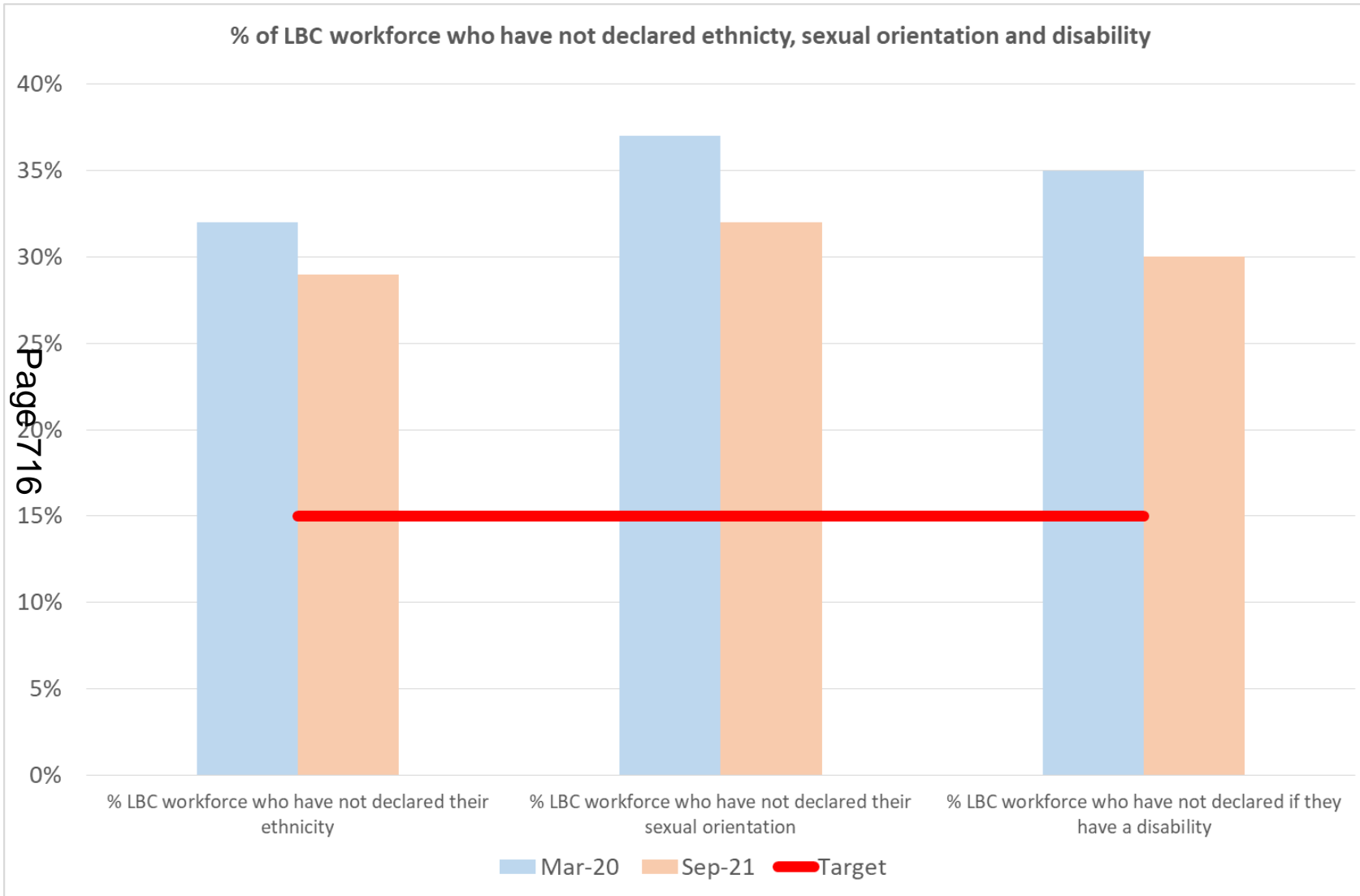
% of Subject Access Requests (SAR) responded to within statutory timeline



In September, 19 out of 32 (59%) Subject Access Requests (SAR) were responded to within statutory time line.

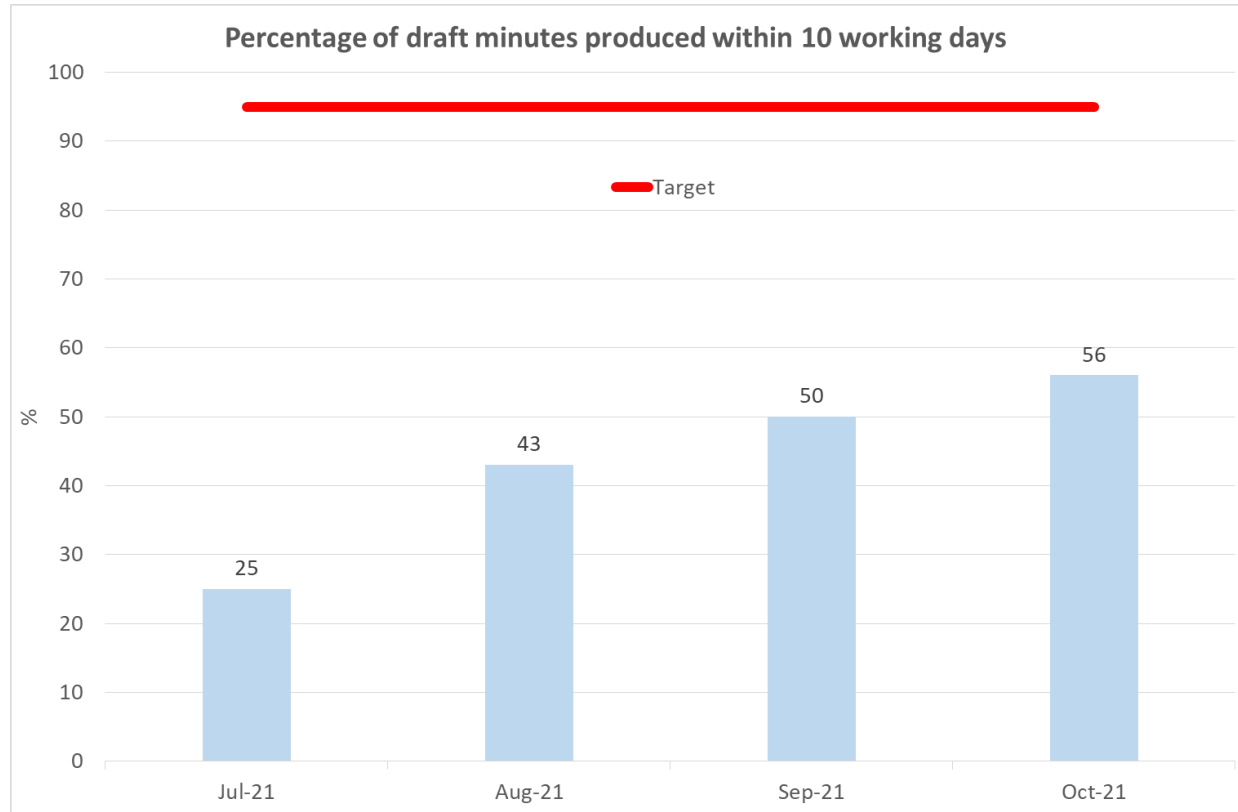
This is below the target of 90% for the 6th month in a row.

Declaration of ethnicity, sexual orientation and disability



% of workforce who have not declared ethnicity, sexual orientation and disability in Croydon is higher than the target and previous year. The target has been static for the last three years. Consideration needs to be given to action plans in place and how these are to improve performance with a profiled target to enable the review of progress over a longer period of time.

Percentage of draft minutes produced within 10 working days (Democratic Services)



In October, 56% of draft minutes were produced within 10 working days. This is below the target of 95%.

Service Commentary

Due to increased demand the service has been unable to meet the statutory requirement for minutes since December 2020.

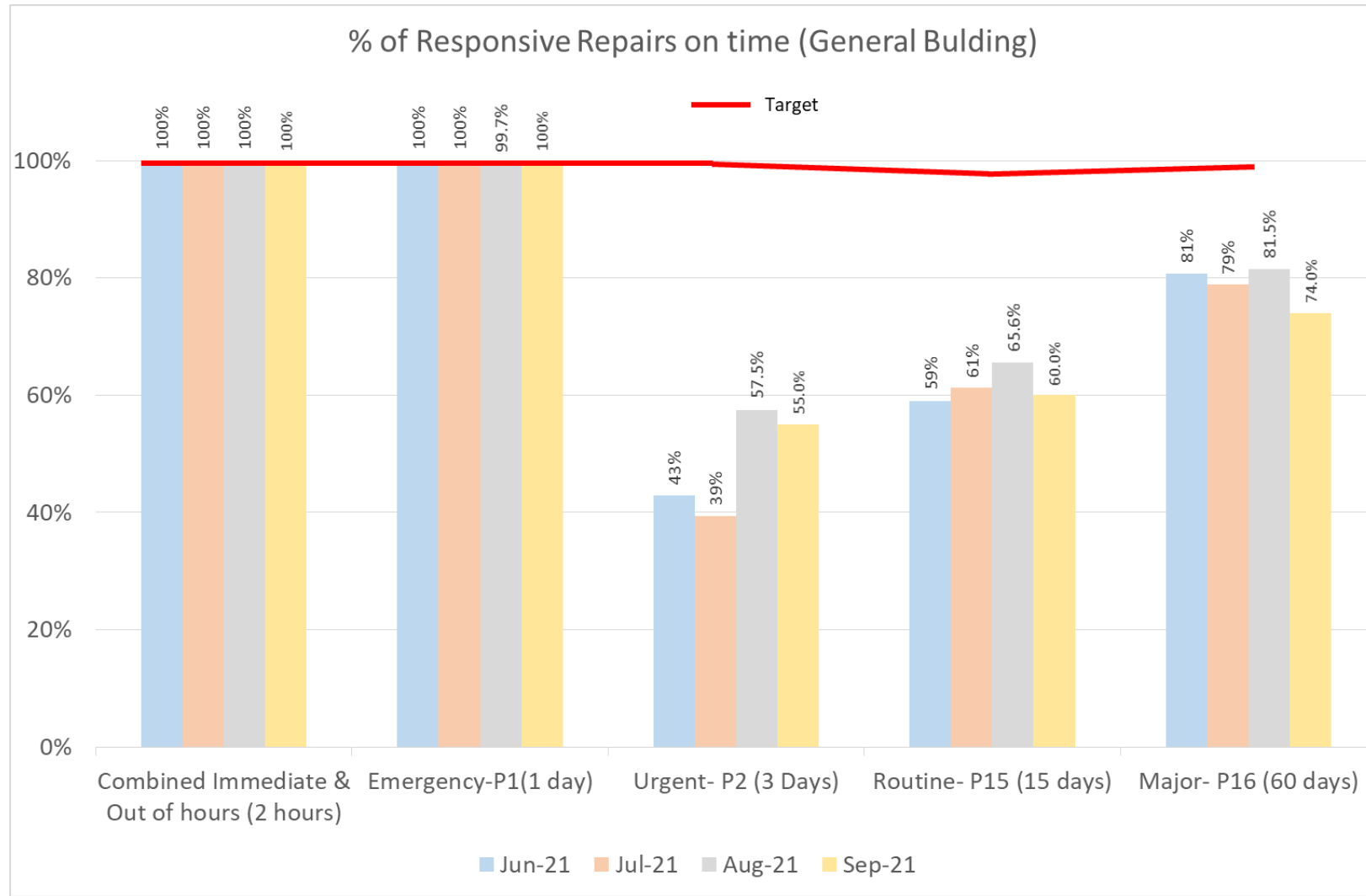
Number of reports published after the statutory deadline (Democratic Services)



Since July 30 reports have been published after the statutory deadline.

The target is for 0 reports to be published late. Whilst performance has improved since July 2021, it has deteriorated month by month over August to October 2021.

% of responsive general building repairs on time



Performance for immediate and emergency responsive general building repairs have been met across the four months June to September 2021.

Across the same period, for urgent, routine and major repairs the target has not been met with urgent repairs having the weakest performance of the three.

3. Croydon Renewal Plan – Programmes and Projects

CRP – Programmes & Projects overview

Red*

- PLA Sav 10: ANPR camera enforcement: Delays to the implementation of new ANPR schemes has put the income target for this project at risk.
- PLA Sav 12: Revised Landlord Licensing scheme: Secretary of State declined the scheme in July 2021. Report to Cabinet (16th August) to confirm this decision and agreement reached that the council takes steps to review its position to the known issues in respect of conditions and anti-social behaviour in the borough's private rented sector.
- PLA Sav 24: Parking charges increase: Covid continues to have a significant impact on Pay & Display transactions, whilst the lock down has been lifted transactions are recovering, there remains a projected shortfall.

** Red - Projects that are not on target to deliver milestones as and when expected*

CRP – Programmes & Projects overview

Amber*

- Medium Term Financial Strategy Health Well-being & Adults 22/23 and 23/24 assurance less well defined, work is being completed to provide this detail, and was a topic for discussion at the recent Star Chamber.
- Medium Term Financial Strategy Resources, 22/23 and 23/24 assurance continue to be less well defined due to future unknowns, however focus has now turned to 22/23, which was discussed at the Resources & ACE Star Chambers.
- Medium Term Financial Strategy Children, Young People & Education there are two savings at risk in the division for P7, mitigating actions are being actioned.
- Governance review: Delivery of a range of governance improvement projects arising from the RIPI, governance review and scrutiny is continuing. Establishment of the appropriate internal control board is required to confirm the scope of the improvement programme and number of projects within it.
- Centre for Scrutiny and Governance (CfGS): Scrutiny and Overview Committee on 7 September 2021 agreed a new approach to the management and delivery of scrutiny which will deliver the short term actions recommended by the review.
- Review of Council Companies: Croydon Affordable Homes projects are awaiting confirmation of replacement Senior Officer - overdue an update, this has been escalated.

**Amber - Projects from a strong position, performance is beginning to deteriorate, to enable decision makers to make informed choices as to how to manage / improve performance in a timely manner*

CRP – Programmes & Projects overview

GREEN*

- Medium Term Financial Strategy in Adult Social Care & Health 21/22 savings are on-track to deliver and the directorate is on budget. This includes transitions which came into ASC&H with £1.6m overspend and £700k risk. Adult Social Care is behind on some savings, these efficiencies have been found elsewhere across the directorate and ASC remains within budget at this stage.
- Medium Term Financial Strategy Resources, all 21/22 savings on track to deliver full amount. Focus is extending to 22/23 delivery, and identification of further savings as part of the new MTFS.
- First meeting of Croydon Companies Supervision and Monitoring Panel has happened with the next scheduled for 16/12.
- Medium Term Financial Strategy Corporate Finance, all 21/22 savings on track to deliver full amount
- Report in the Public Interest: At 12 November 2021 a total 62 of the 99 tasks identified in the RIPI Action Plan have been completed. Work is progressing to deliver the remaining tasks by Q4 21/22.
- Croydon Finance Review 38/75 recommendations complete and embedded

**Green - Projects that have made an improvement in terms of delivery, compared to past performance*

CRP – Programmes & Projects overview

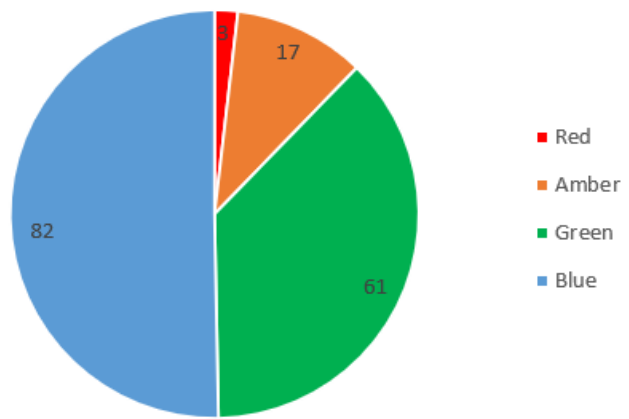
Programme	Update	No. of complete projects
Organisation Improvement Plan	On hold pending results of Ecosystem/Restructure/Transition Plan	TBC
MHCLG Rapid review	The outstanding work across the eleven recommendations is expected to move across to the appropriate Governance Board(s) in late October/November, at this point implementation is anticipated to become BAU and the programme disbanded.	1/1
Croydon Finance Review	Work is ongoing across a variety of workstreams. In particular the internal Capital Board is monitoring the completion of the Capital Strategy.	38/75
Review of Council Companies	Work is ongoing, the S151 has been introduced to the programme of work, and updated re: the outgoing task and finish group, which has completed it's expansion of the original scope provided by PwC, so that this programme now includes all Council Companies. The new Croydon Companies Monitoring and Supervision Panel chaired by the S151 held it's first meeting on 04/11, a follow-up has been booked for 16/12, and the group will be presenting a cabinet report giving a progress update for January 2022.	9/25
Medium Term Financial Strategy	P6 Assurance meetings focused on a new format agenda: 1) Review 21/22 MTFS savings, 2) Review 22/23 & 23/24 MTFS savings, 3) Review opportunities/Bid forms for new MTFS, 4) Review matters arising from Star Chamber not already covered, 5) Review current spend against budget.	116/241
Cultural Transformation	On hold pending confirmation of scope, governance, and measurable outcomes.	0/5

Programme	Update	No. of complete projects
<p>Governance Review</p>	<p>Delivery of a range of governance improvement projects arising from the RIPI, governance review and scrutiny is continuing. Progress includes:</p> <ul style="list-style-type: none"> • Detailed schedule of member development developed and delivery underway, including sessions to build member understanding of council finances. • Training for General Purposes and Audit Committee members on 22 November. • Annual Governance Statement draft and action plan to be reviewed by General Purposes and Audit Committee 25 November. • Guidance to the Member Code of Conduct to be reviewed further by Ethics Committee 1 December. • Access to information protocol to be reviewed further by Ethics Committee 1 December. • Establishment of a programme of work to review the constitution in preparation for implementation of the mayoral model in May 2022, ensuring that governance improvements are embedded and that members and staff are appropriately trained. <p>Establishment of the appropriate internal control board is required to confirm the scope of the improvement programme, the number of projects within it and the resource to deliver it.</p>	TBC
<p>Report in the Public Interest</p>	<p>At 15 October 2021 a total 62 of the 99 tasks identified in the RIPI Action Plan have been completed. Work is progressing to deliver the remaining tasks by the end of March 2022.</p>	10/25
<p>Scrutiny Review (CFGS)</p>	<p>Scrutiny and Overview Committee on 7 September 2021 agreed a new approach to the management and delivery of scrutiny which will deliver the short term actions recommended by the review.</p> <p>The new approach is now in operation:</p> <ol style="list-style-type: none"> a) Scrutiny Coordination Group has been established and reviewed the prioritised Scrutiny work-plan. The information digest is available and will be taken to the next meeting of the coordination group scheduled for 26 November. b) Prioritised Scrutiny work-plan agreed, focused on Croydon Renewal Plan c) Introduction to scrutiny development session for all members delivered 13 October 2021, budget scrutiny development session delivered 20 October and a second session is scheduled to take place on 22 November. <p>In development:</p> <ol style="list-style-type: none"> d) Information for use by scrutiny chairs in work planning, including regular updates on CRP delivery has been drafted and will be presented to Scrutiny on 26 November and at regular intervals thereafter. 	4/13

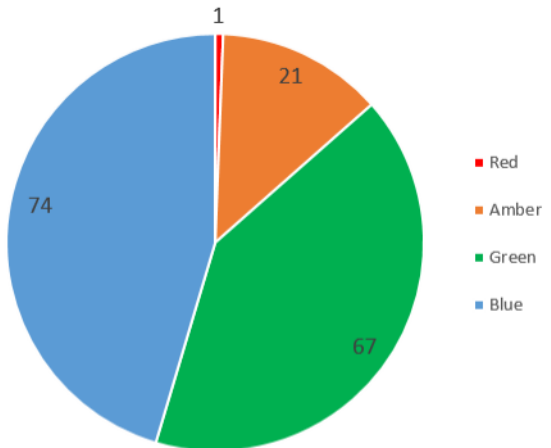
CRP – MTFS P6 Projects overview

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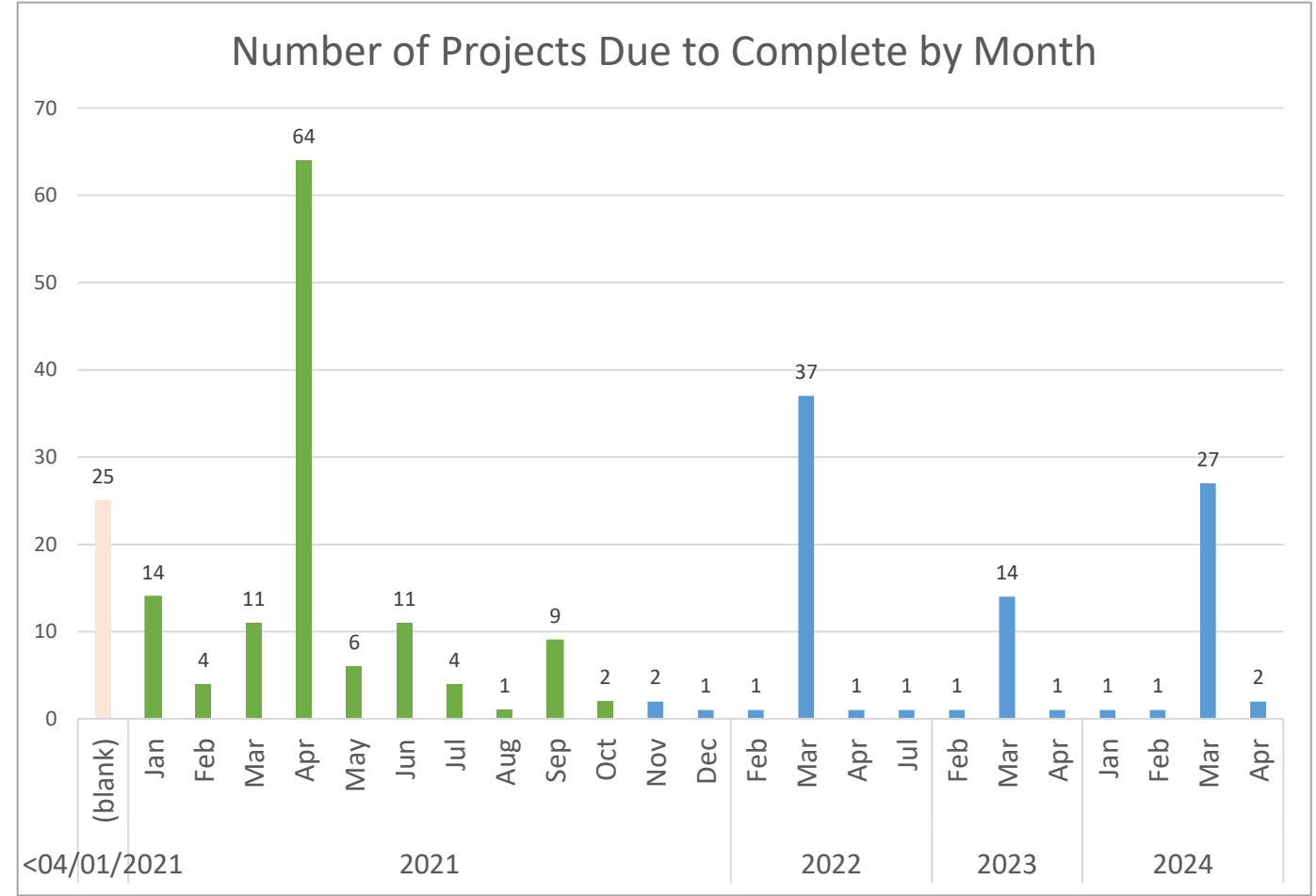
RAG Status October



RAG Status September



Number of Projects Due to Complete by Month



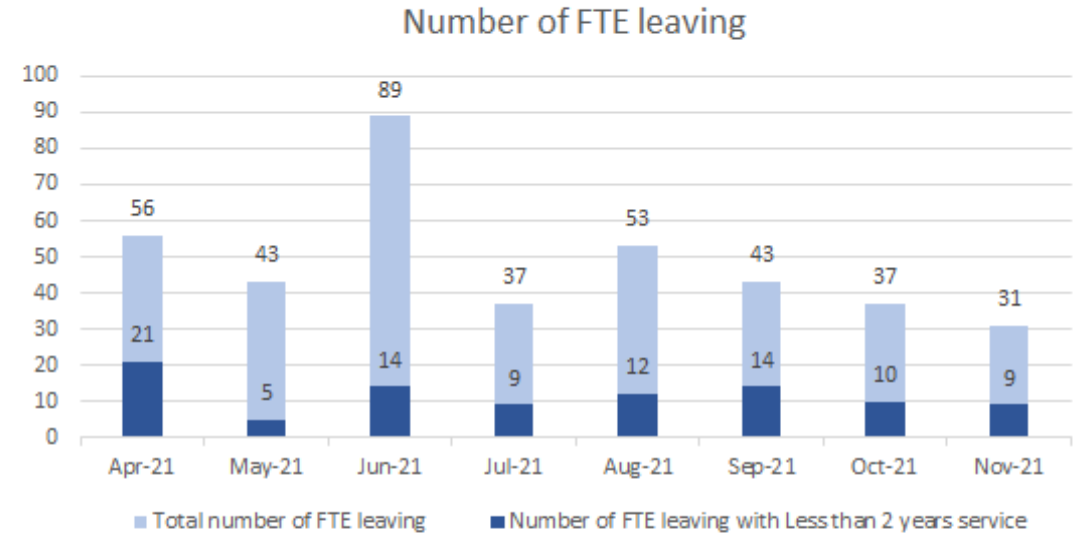
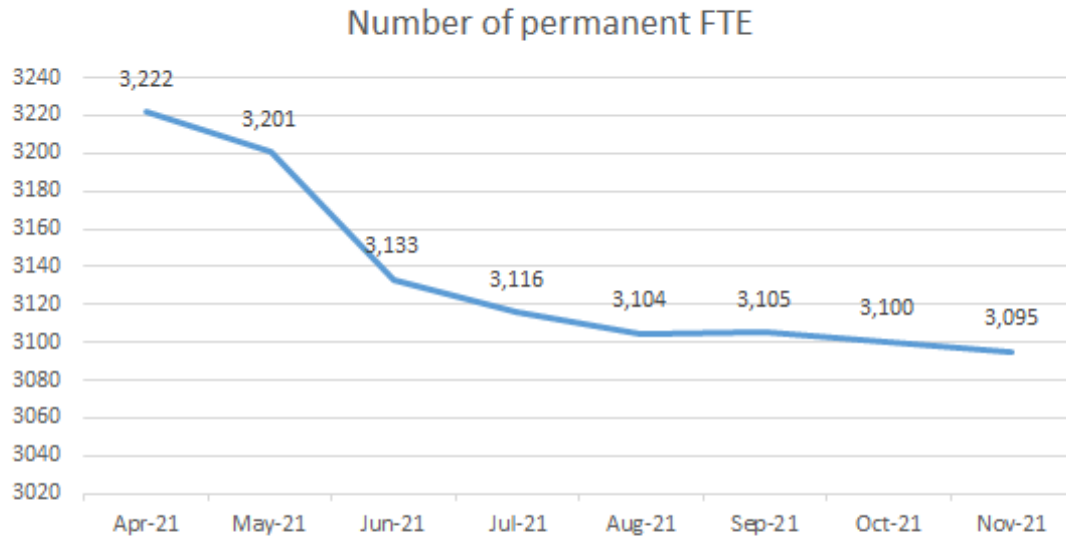
4. Croydon Renewal Plan – savings

Financial Savings

- Savings and growth targets, as identified within the MTFs project of the Croydon Renewal Plan, are £82.563m and £132.563m respectively.
- Total savings at risk are £6.584m. This is an increase against the £5.272m figure reported as part of the month 7 reporting presented to the December 2021 Cabinet meeting. If these savings are deemed to be definitely non-deliverable they will be factored into the monthly forecast and incorporated into the forecast outturn position
- Table 2a of the Financial Monitoring Report provides full details of MTFs savings risks with a brief commentary of the projects that are at risk of delivery.

5. Organisational Health

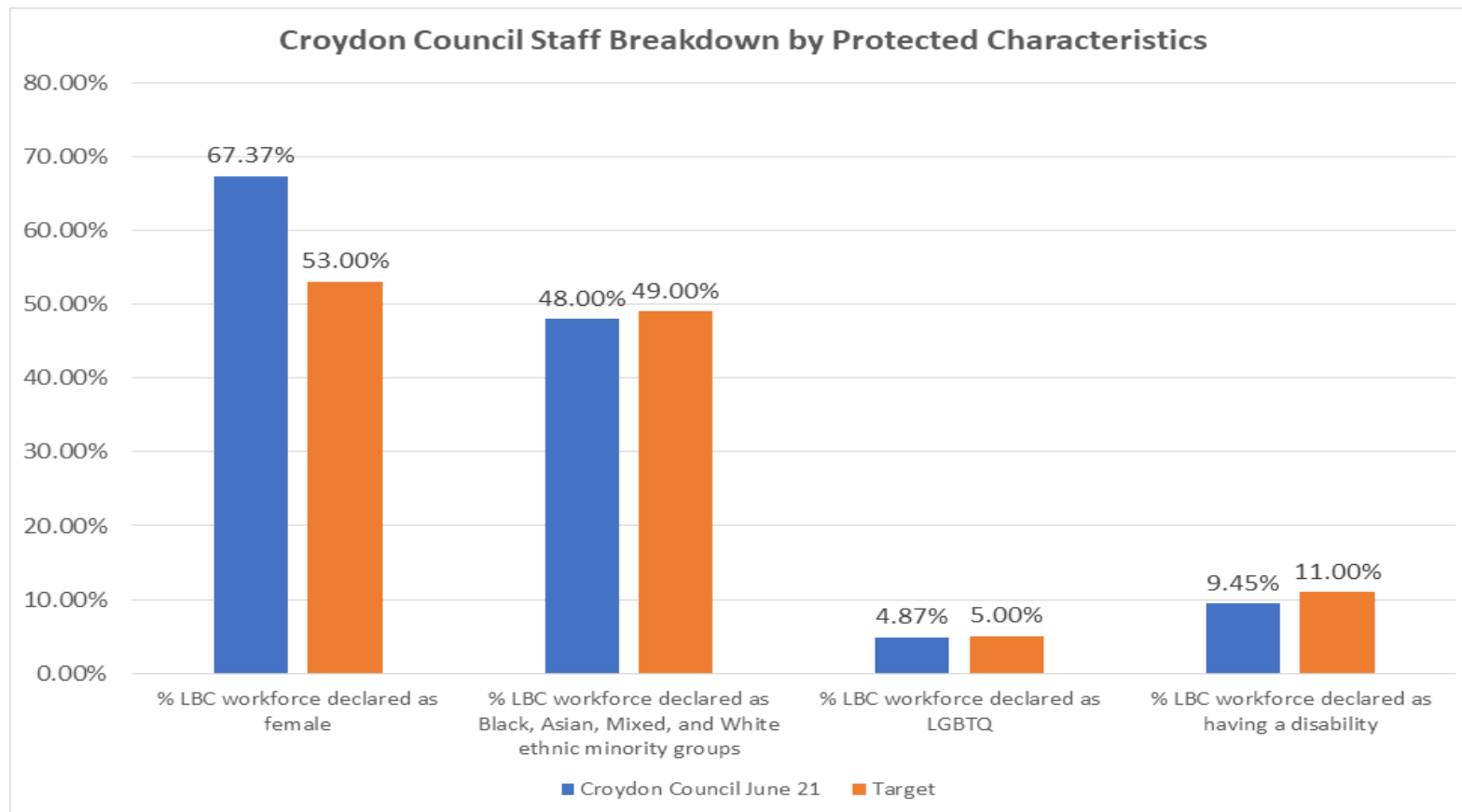
Workforce – staff turnover



The number of permanent FTE continued to drop slightly between October and November, to the lowest value this year, however the number of FTE staff leaving has also dropped.

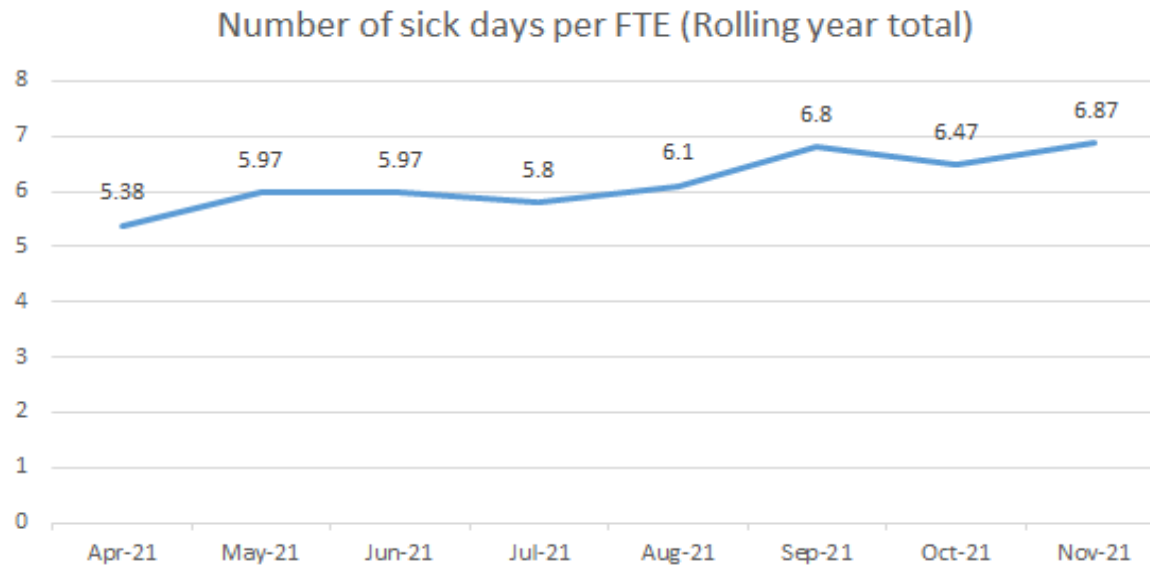
The number of staff leaving with less than 2 years' service is in the minority, although in April it did reach 37.5% of total leavers. This dropped to a low of 12% in May, and in November accounted for 29% of all leavers.

Workforce – protected characteristics



Croydon council staff characteristics strive to be proportionately representative of the Croydon population. 67.37% of Croydon staff are currently female (June 21). This is much higher than Croydon as a whole.

Workforce - sickness

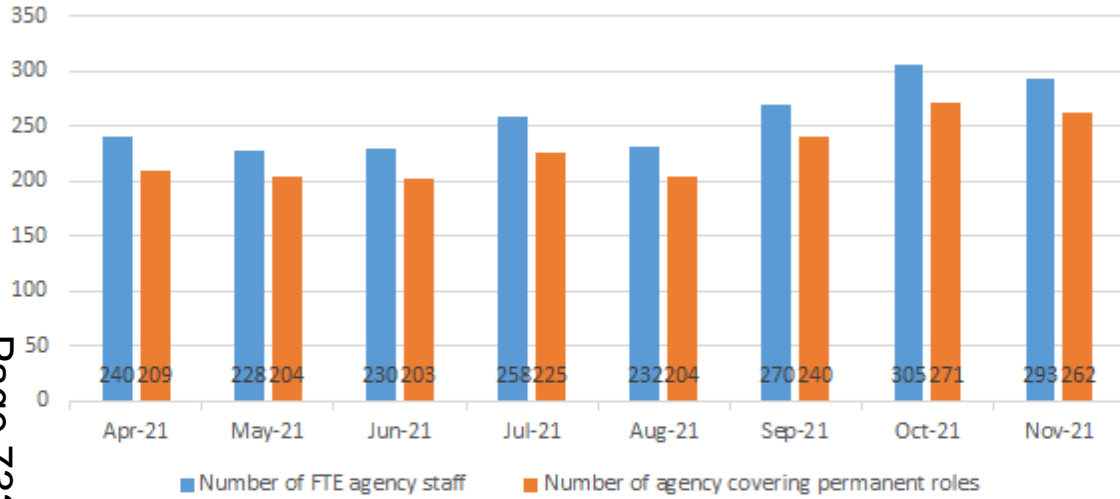


The number of sick days per FTE in the rolling year to November 2021 has increased significantly from 6.47 for the rolling year to October 21 to a peak of 6.87 .

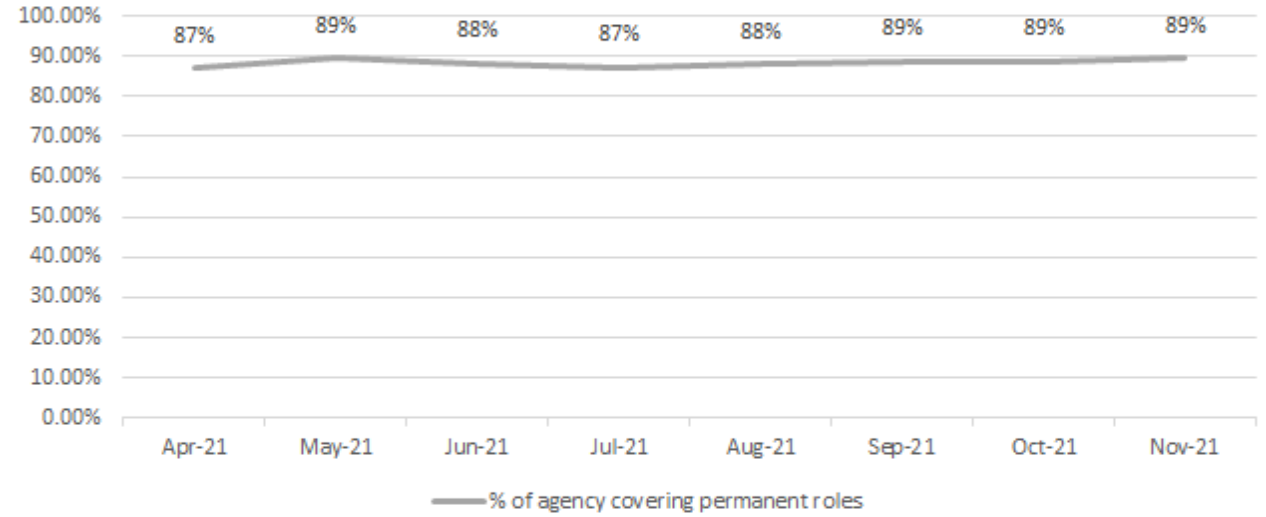
N.B. Measure has changed from showing number of sick days per FTE for the current month to showing a rolling total for the year to date. This is as the previous figures reported excluded currently open sickness and therefore a rolling total gives a more accurate representation of the sickness figures.

Agency – number of staff

Numbers of FTE agency staff



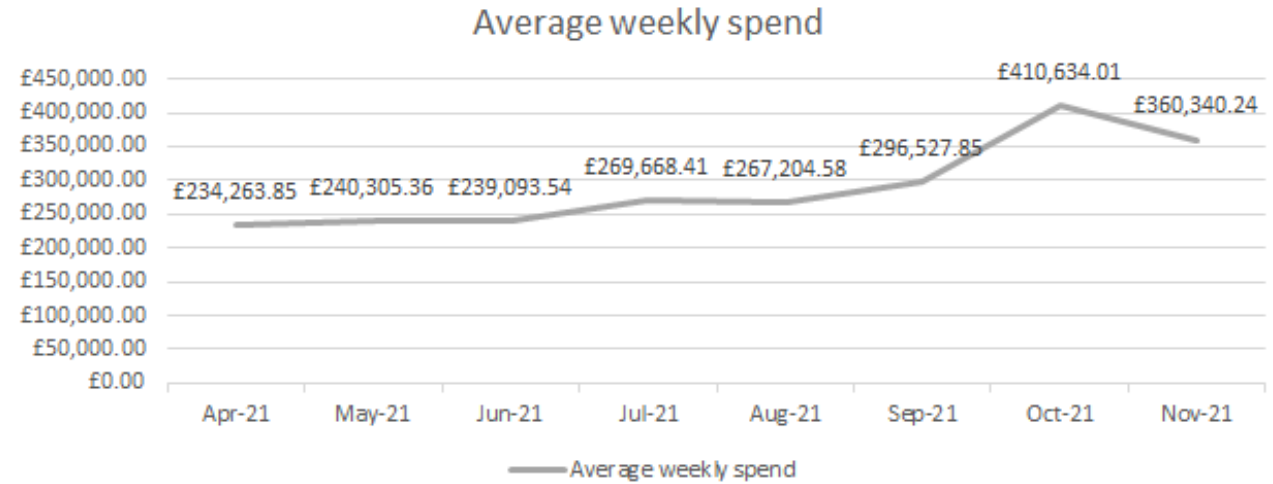
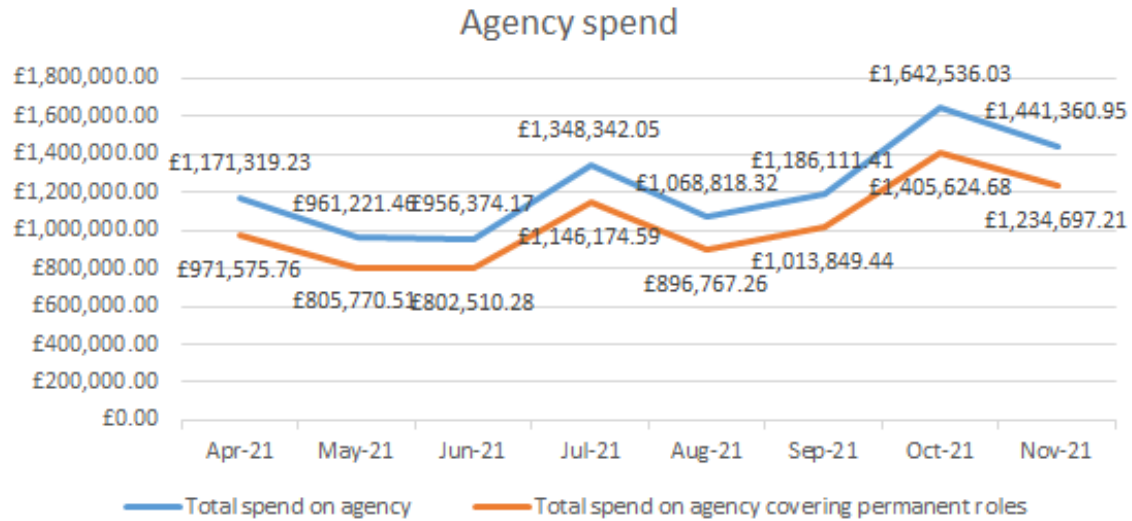
% of FTE agency staff covering permanent roles



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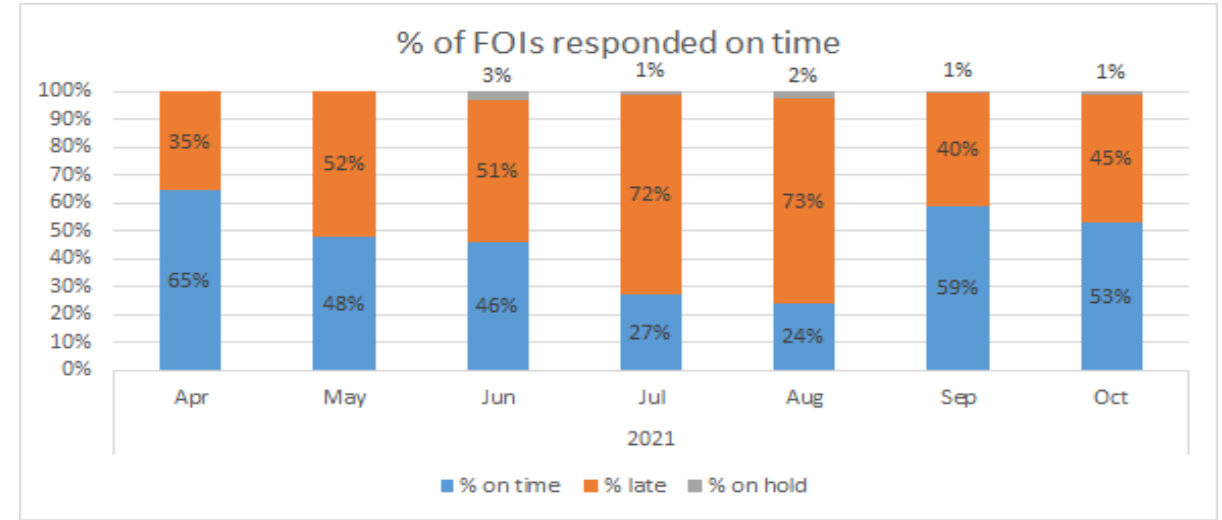
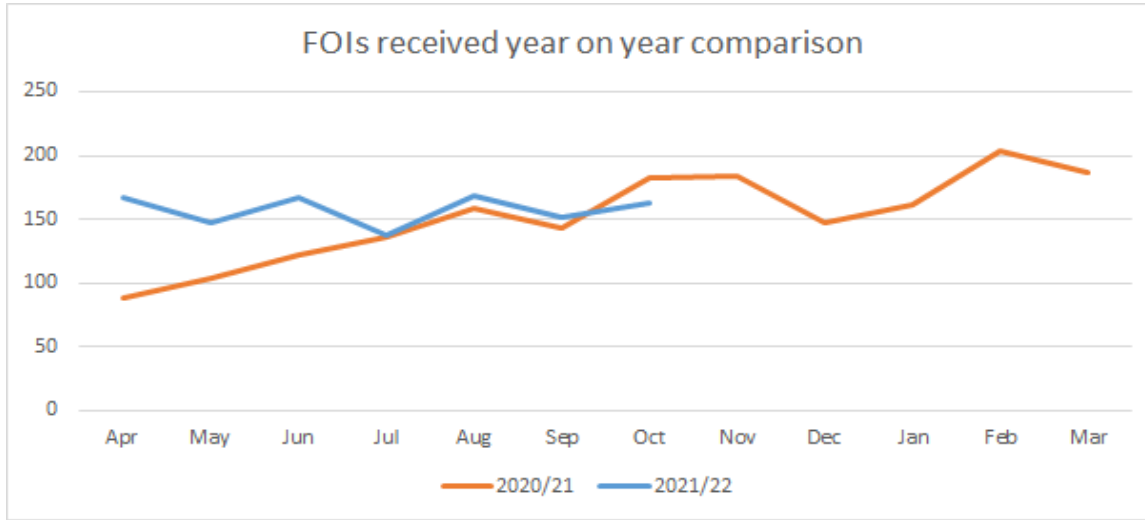
The numbers of agency staff and those covering permanent roles has decreased slightly (approx. 4% lower) from October, but still remain higher than any month from April-September. The percentage of agency staff covering permanent roles has stayed mostly consistent since the start of the financial year.

Agency - expenditure



The amount spent on agency staff has decreased (by approx. 7%) from October to November, but remains higher than any month from April-September. The average weekly spend also reflects this. Approximately 85% of all agency spend is allocated to staff covering permanent roles. The average spend per agency staff has decreased to £4,919 per member of agency staff for the month of November from a high of £5,385 per member of agency staff for the month of October.

Freedom of Information (FOI) requests

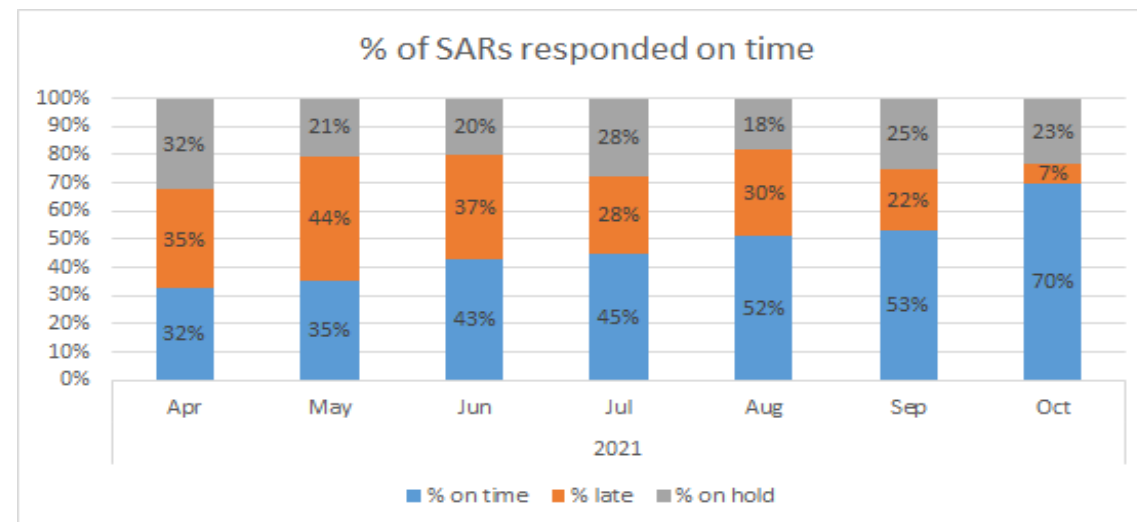
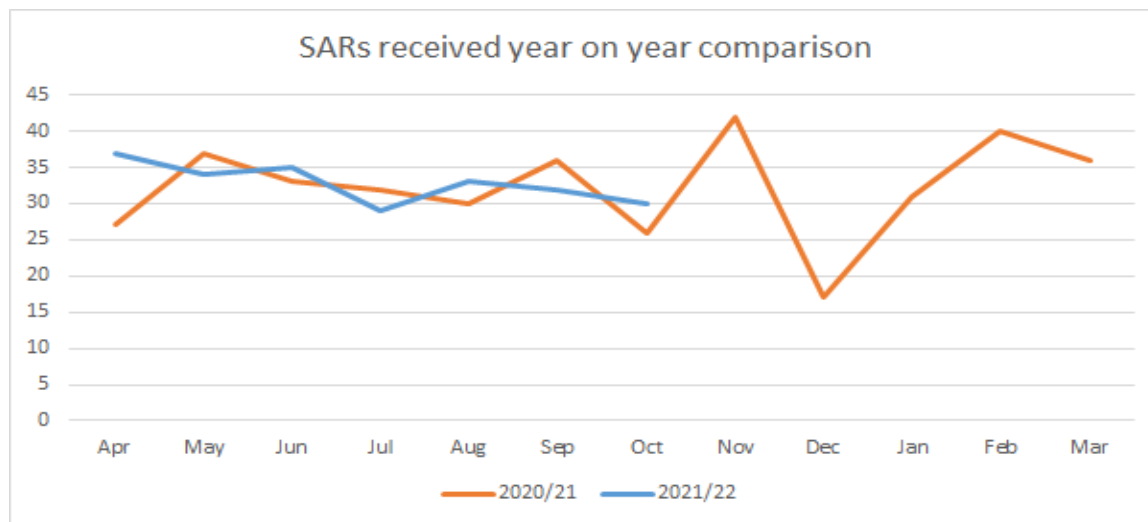


For the first time since the start of the year, numbers of FOI requests for the month of October 2021/22 have dropped below the corresponding figures for the previous year.

Numbers of FOI requests within target have dropped slightly from 59% in September to 53% in October, however this is still significantly higher than the low of 24% in August. Approximately 21% of the 163 requests received in October are still open, the vast majority of these are overdue.

N.B: The FOI responded within target chart includes data for currently open cases. November requests are not shown as most these requests are still open, with a target response date in December.

Subject Access Requests (SARs)



Numbers of SARs received have fallen slightly from September to October 2021. Numbers of SARs responded to on time / currently on target have increased to a high of 70% in October, however unlike FOIs most requests for April-October are still open (approx. 53% of total requests) and some of these have a target date in the future (approx. 6% of total requests). Many requests are also on hold awaiting further information (approx. 24% of total requests), so these figures are subject to change.

N.B: Data for SARs on time includes currently open cases within timescales.

Complaints

Current stage*	Number of open complaints
Adults Social Care Stage 1	19
Childrens Social Care Stage 1	8
Childrens Social Care Stage 2	5
Childrens Social Care Stage 3	1
Corporate Complaints Stage 1	431
Corporate Complaints Stage 2	22
LGO	3
Praise	1
Other	1
Grand Total	491

*Complaints data correct as at 14.12.21

Complaints Data

The Complaints team have identified approximately 600 changes needed, mostly to dates, and are working with the supplier to enable these changes to be made. Once complete, accurate reports on all the complaints data held in Infreemation should be available.

6. Risk

Strategic risk V Programme / project risk

- There are currently 137 risks on the strategic risk register. This remains the same as the last reporting period.
- These are cross referenced monthly against the PMO risk register monitoring the risk to delivery of projects and the impact against these strategic risks.
- Where a link has been identified these are monitored by the PMO together with the Lead for corporate risk.
- Of the 137 strategic risks reviewed for this reporting period, no detrimental impact has been identified from potential programme / project risks

REF.	INDICATOR	LATEST DATA							PREVIOUS DATA		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
		Bigger or Smaller is better	Frequency	Timeframe	Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	

Sustainable Communities, Regeneration & Economic Recovery

PUBLIC REALM

PL PR 19	Number of Park Patrols	Bigger is better	Monthly	Oct-21	350	1191	↑		Sep-21	927		No comparable data available	
PL PR 20	Number of District Centre Patrols	Bigger is better	Monthly	Oct-21	150	840	↑		Sep-21	650		No comparable data available	
PL PR 23	% of household waste sent for reuse recycling and composting	Bigger is better	Quarterly	Q1 2021/22	50%	42.32%	↑		Q4 2020/21	38.80%	Q4 2019/20	32.9%	In the previous 3 quarters the % of household waste sent for reuse, recycling and composting was below target. The 42.32% for Q1 21/22 remains above the Q1 20/21 London average of 33.8%. Benchmarking shows that for this period, no London borough achieved a 50% reuse, recycling and compost rate.
PL PR 25	Missed Bins per 100k	Smaller is better	Monthly	Oct-21	30	169	↓		Sep-21	138		No comparable data available	In June and July the missed bins rate per 100k nearly doubled compared to May and is above the target of 30 missed bins per 100k households. In August the rate reduced. There has been a steady increase in September and October. It should be noted that the increase in missed bins per 100k reported in June to October 2021 follows a period of significant improvement and can be explained by the ongoing LGV driver shortage and Covid isolation requirements
PL PR 28	% of Streets below grade rectified in time	Smaller is better	Monthly	Oct-21	100%	99.6%	↓		Sep-21	98.8%		No comparable data available	
PL PR 32	Parks and open space volunteer days per month	Bigger is better	Quarterly	Q2 2021/22	535	980	↑		Q1 2021/22	750		No comparable data available	
PL PR 33	Street champion volunteering days per month	Bigger is better	Monthly	Oct-21	600	647	↑		Sep-21	636		No comparable data available	
PL PR 53	% of Licence applications requiring to be processed within statutory timescales that are processed within stat. timescales	Bigger is better	Quarterly	Q1 2021/22	100%	100%						No comparable data available	
PL PR 56	% of applications with representations are referred to licensing sub committee within statutory timescales	Bigger is better	Quarterly	Q2 2021/22	100%	100%	↔		Q1 2021/22	100%		No comparable data available	
PL PR 59	% of contaminated land assessments are conducted within service standards/statutory timescales	Bigger is better	Quarterly	Q2 2021/22	100%	100%	↔		Q1 2021/22	100%		No comparable data available	
PL PR 30	Street lighting performance and maintenance (% of lights in light)	Bigger is better	Monthly	Oct-21	99%	99.56%	↓		Sep-21	99.61%		No comparable data available	

PLANNING AND STRATEGIC SUPPORT

PL PS 03	% of Major applications processed in time (13 weeks)	Bigger is better	Monthly	Oct-21	60%	40%	↑		Sep-21	25%		No London data available	A combination of different staffing and workload pressures are causing challenges in the planning service, these are both internal and external. Many planning authorities have seen an increase in workload and staff shortages during the pandemic. Agency staff were cut in response to the financial challenges in Croydon. Additional staff are now being recruited but turnover remains high. The team are using a variety of approaches, working longer hours, including evenings and weekends, reducing negotiation on applications to a minimum, reducing interface with applicants and objectors to a minimum, seeking enhanced digital and technical solutions, use of Extensions in Time and commissioning a Peer Review (Planning Advisory Service) to provide support on any additional efficiencies and improvements to process and external advise on staffing levels. With the required resources in place, performance will improve over a 12 month period. With current resources any improvement will take longer.
PL PS 06	% of Minor planning applications processed in time	Bigger is better	Monthly	Oct-21	65%	55%	↑		Sep-21	50%		No London data available	
PL PS 09	% of Other planning applications processed in time	Bigger is better	Monthly	Oct-21	80%	71%	↑		Sep-21	67.04%		No London data available	

REF.	INDICATOR	LATEST DATA							PREVIOUS DATA		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
		Bigger or Smaller is better	Frequency	Timeframe	Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
PL PS 10	Major Planning applications determined in time over a rolling 2 year period	Bigger is better	Monthly	October 19 - September 21	60%	79.27%	↓		September 19 - August 21	83.16%		No London data available	
PL PS 11	Non- Major Planning applications determined in time over a rolling 2 year period	Bigger is better	Monthly	October 19 - September 21	70%	72.55%	↓		September 19 - August 21	74.65%		No London data available	

CULTURE

PL CUL 01	Footfall in libraries	Bigger is better	Monthly	Sep-21	27,500	29,904	↑		Aug-21	21,476		No comparable data available	
PL CUL 02	Book issues in Libraries	Bigger is better	Monthly	Sep-21	33,000	35,697	↑		Aug-21	32,104		No comparable data available	
PL CUL 03	Digital issues in Libraries	Bigger is better	Monthly	Sep-21	15,500	16,603	↑		Aug-21	15,138		No comparable data available	

Assistant Chief Executive

CROYDON DIGITAL SERVICE

RE CDS 01	Number of major incidents (P1 and P2)	Smaller is better	Monthly	Sep-21	5	8	↓		Aug-21	7		No comparable data available	CDS Major incidents: Increasingly frequent outages of legacy eBase software used for majority of forms on the council website. Plan is to retire this legacy software asap and rebuild the forms in low code, subject to Capital/Transformation funding for forms project (see CDS 08 below)
RE CDS 02	Suppliers within SLA for major incidents (P1 and P2)	Bigger is better	Monthly	Sep-21	100%	10%	↓		Aug-21	60%		No comparable data available	Multiple issues with Telephony system and a power issue at Strand house meant that most SLA's were not met during Sept.
RE CDS 03	% of issues first time fix (IT Service Desk)	Bigger is better	Monthly	Sep-21	80%	98%	↑		Aug-21	100%		No comparable data available	
RE CDS 04	Average website uptime	Bigger is better	Monthly	Oct-21	100%	100%	↔		Sep-21	100%		No comparable data available	
RE CDS 05	Number of total website visits	Bigger is better	Monthly	Oct-21	44,300	45,717	↓		Sep-21	47,556		No comparable data available	
RE CDS 06	Number of active MyAccount users	Bigger is better	Monthly	Last 4 weeks (5 October- 2 November)	25,000	24,339	↓		Last 4 weeks (7 September - 5 October)	31,560		No comparable data available	19082 Success and 5257 failures for last 4 weeks. Failures due to incorrect log-ins
RE CDS 07	Number of projects in Delivery	Bigger is better	Quarterly	Oct-21	≥ projects queued	84	↓		Sep-21	88		No comparable data available	Additional capacity is needed in order to meet project demand. Situation now critical resulting in multiple resignations in CDS, risk to savings and statutory services, and frustrated stakeholders. ACE conducting rapid review to agree funding and resourcing approach for priority pipeline.

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REF.	INDICATOR	LATEST DATA							PREVIOUS DATA		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
		Bigger or Smaller is better	Frequency	Timeframe	Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
RE CDS 08	Number of projects Queued	Smaller is better	Quarterly	Oct-21	≤ projects in delivery	105	↓		Sep-21	101		No comparable data available	CDS Projects: Work in progress led by ACE and new interim Director to strike lower priority projects from the backlog and allocate Capital/Transformation funding resource to progress highest priority projects.
RE CDS 09	Total number of Freedom of Information (FOI) requests	N/A	Monthly	Sep-21	N/A	151		N/A	Aug-21	169		No comparable data available	
RE CDS 10	Total number of Freedom of Information (FOI) requests responded to with statutory time line	N/A	Monthly	Sep-21	N/A	89		N/A	Aug-21	41		No comparable data available	
RE CDS 11	% of Freedom of Information (FOI) requests responded to within statutory time line	Bigger is better	Monthly	Sep-21	90%	59%	↑		Aug-21	24%		No comparable data available	Urgent action in progress to bolster team, clear backlog and reshape it within new Digital & Resident Access division.
RE CDS 12	Total number of Subject Access Requests (SAR)	N/A	Monthly	Sep-21	N/A	32		N/A	Aug-21	33		No comparable data available	
RE CDS 13	Total number of Subject Access Requests (SAR) responded to within statutory timeline	N/A	Monthly	Sep-21	N/A	19		N/A	Aug-21	18		No comparable data available	
RE CDS 14	% of Subject Access Requests (SAR) responded to within statutory timeline	Bigger is better	Monthly	Sep-21	90%	59%	↑		Aug-21	55%		No comparable data available	Urgent action in progress to bolster team, clear backlog and reshape it within new Digital & Resident Access division.

HUMAN RESOURCES

RE HR 02	Recruitment process - % people appointed declared as female	Representative of Croydon Population is better	Quarterly	Q1 2021/22		60.42%						No comparable data available	HR are currently working to extract the data for the Line of Business system, Taleo. Unfortunately the system does not currently have inbuilt reports that meet our requirements to report on these measures fully. The CoP is working with inhouse resource and HR to see if these reports can be developed. In the longer term the Council will need to review a replacement ATS for Taleo which includes a full reporting suite, including key EDI data analysis
RE HR 04	Recruitment process - % people appointed declared as Black, Asian, Mixed, and White ethnic minority groups	Representative of Croydon Population is better	Quarterly	Q1 2021/22		48.65%						No comparable data available	HR are currently working to extract the data for the Line of Business system, Taleo. Unfortunately the system does not currently have inbuilt reports that meet our requirements to report on these measures fully. The CoP is working with inhouse resource and HR to see if these reports can be developed.
RE HR 06	Recruitment process - % people appointed declared as LGBT	Representative of Croydon Population is better	Quarterly	Q1 2021/22		0.00%						No comparable data available	HR are currently working to extract the data for the Line of Business system, Taleo. Unfortunately the system does not currently have inbuilt reports that meet our requirements to report on these measures fully. The CoP is working with inhouse resource and HR to see if these reports can be developed. In the longer term the Council will need to review a replacement ATS for Taleo which includes a full reporting suite, including key EDI data analysis
RE HR 08	Recruitment process - % people appointed declared as disabled	Representative of Croydon Population is better	Quarterly	Q2 2021/22		2.78%						No comparable data available	HR are currently working to extract the data for the Line of Business system, Taleo. Unfortunately the system does not currently have inbuilt reports that meet our requirements to report on these measures fully. The CoP is working with inhouse resource and HR to see if these reports can be developed. In the longer term the Council will need to review a replacement ATS for Taleo which includes a full reporting suite, including key EDI data analysis
RE HR 09	Percentage of staff who are agency	Smaller is better	Monthly	Sep-21	15%	7%	↑		Aug-21	10%		No comparable data available	
RE HR 15	% LBC workforce declared as female	Representative of Croydon Population is better	Annual	Sep-21	53.00%	67.53%	↓		Jun-21	67.37%	March 2020	61.70%	A higher population of female staff is not unique to Croydon. Across Local Government, there is a higher female workforce population in local government. This may also in part be attributed to the very flexible nature of work. It is common, that in boroughs where there is a larger male population, the work force population of the council is higher for females. The CoP will review the data for Croydon workforce over a number of years to see if there has been any variance.

REF.	INDICATOR	Bigger or Smaller is better	LATEST DATA						PREVIOUS DATA		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
			Frequency	Timeframe	Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
RE HR 16	% LBC workforce declared as Black, Asian, Mixed, and White ethnic minority groups	Representative of Croydon Population is better	Annual	Sep-21	49.00%	46.87%	↑	Amber	Jun-21	48.00%	March 2020	45%	
RE HR 17	% LBC workforce declared as LGBTQ	Representative of Croydon Population is better	Annual	Sep-21	5.00%	4.78%	↓	Amber	Jun-21	4.87%		No comparable data available	The CoP is currently reviewing these measures in order to work with internal comms and staff network chairs to encourage staff to disclose information with regard to these protected characteristics.
RE HR 18	% LBC workforce declared as Disabled	Representative of Croydon Population is better	Annual	Sep-21	11.00%	9.39%	↑	Red	Jun-21	9.45%	March 2020	6.30%	The CoP is currently reviewing these measures in order to work with internal comms and staff network chairs to encourage staff to disclose information with regard to these protected characteristics.
RE HR 19	% LBC workforce who have declared their gender	Representative of Croydon Population is better	Annual	Sep-21	100%	100%	↔	Green	Jun-21	100%		No comparable data available	
RE HR 20	% LBC workforce who have not declared their ethnicity	Representative of Croydon Population is better	Annual	Sep-21	15%	29%	↑	Red	Jun-21	31%	March 2020	12.20%	The CoP is currently reviewing these measures in order to work with internal comms and staff network chairs to encourage staff to disclose information with regard to these characteristics. There is also a variation between departments around disclosure and this will also be reviewed further.
RE HR 21	% LBC workforce who have not declared their sexual orientation	Representative of Croydon Population is better	Annual	Sep-21	15%	32%	↑	Red	Jun-21	33%		No comparable data available	The CoP is currently reviewing these measures in order to work with internal comms and staff network chairs to encourage staff to disclose information with regard to these characteristics. There is also a variation between departments around disclosure and this will also be reviewed further.
RE HR 22	% LBC workforce who have not declared if they have a disability	Representative of Croydon Population is better	Annual	Sep-21	15%	30%	↑	Red	Jun-21	31%		No comparable data available	The CoP is currently reviewing these measures in order to work with internal comms and staff network chairs to encourage staff to disclose information with regard to these characteristics. There is also a variation between departments around disclosure and this will also be reviewed further.
RE HR 23	Number of sick days per FTE	Smaller is better	Monthly	Rolling Year to Oct 21	5.6	6.47	↑	Red	Rolling Year to Sept 21	6.8	Rolling Year to Mar 21	7.7 (approximate)	Performance has 'improved' against last month where the cumulative figure has reduced. Actions in place for HR business partners to offer additional support to managers with regard to implementing sickness policy. In addition, HR will pinpoint areas of higher rates of sickness (such as Croydon Equipment Service) to ensure the correct procedures and support for staff are in place. Also to ensure referrals to OH and use of EAP as necessary.

COMMUNICATIONS

RE CM 01	Intranet page views (all of intranet)	Bigger is better	Monthly	Oct-21	200,000	183,747	↓	Amber	Sep-21	194,495		No comparable data available	October half-term (and resulting staff absence) contributed to reduced users
RE CM 04	Increase in subscribers to YC Weekly e-bulletin from previous month	Bigger is better	Monthly	Oct-21	100	1,807	↑	Green	Sep-21	424		No comparable data available	Up from 88,074 in September to 89,881 in October. Figure may fluctuate due to reasons beyond our control - i.e. if delivery fails as a result of an individual's mailbox rejecting delivery. Figure also currently includes addresses registered on My account which were added as part of emergency Covid communications. Subscribers will therefore reduce significantly when these addresses are removed when emergency Covid communications cease.
RE CM 06	Increase in followers of corporate social media accounts from previous month – Facebook @ilovecroydon	Bigger is better	Monthly	Oct-21	To increase	33	↔	Green	Sep-21	33		No comparable data available	
RE CM 08	Increase in followers of corporate social media accounts from previous month – Twitter @yourcroydon	Bigger is better	Monthly	Oct-21	To increase	146	↑	Green	Sep-21	95		No comparable data available	
RE CM 10	Increase in followers of corporate social media accounts from previous month – Instagram @yourcroydon	Bigger is better	Monthly	Oct-21	To increase	70	↑	Green	Sep-21	36		No comparable data available	
RE CM 15	Digital news hub – visits to site	Bigger is better	Monthly	Oct-21	25,000	37,712	↑	Green	Sep-21	13,401		No comparable data available	Top three stories visited: 1) Governance referendum results; 2) Leader's message; 3) Closure of Purley Pool

Resources

DEMOCRATIC SERVICES

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REF.	INDICATOR	LATEST DATA							PREVIOUS DATA		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
		Bigger or Smaller is better	Frequency	Timeframe	Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
RE DS 01	Percentage of draft minutes produced within 10 working days;	Bigger is better	Monthly	Oct-21	95%	56%	↑	■	Sep-21	50%		No comparable data available	External support is being put in place to reduce the current backlog of council and committee minutes. It is anticipated that the council will return to meeting minimum statutory requirements in March 2022.
RE DS 02	Number of reports published after the statutory deadline	Smaller is better	Monthly	Oct-21	0	7	↓	■	Sep-21	6		No comparable data available	A new process is currently being embedded, requiring the publication of any late reports to be approved by the Monitoring Officer. This new process has been shared with all Directors and is anticipated to significantly reduce the number of late reports.
RE DS 03	Percentage of information requests from the Scrutiny Committee responded to within the statutory timescale	Bigger is better	Monthly	Oct-21	100%	No requests made in the period.		N/A	Sep-21	N/A		No comparable data available	

COMMUNITY EQUIPMENT SERVICE

RE CES 03	% of Croydon Equipment Service delivery / collection / maintenance / repairs within the agreed timeframe	Bigger is better	Monthly	Sep-21	95%	94.1%	↓	■	Aug-21	94.2%		No comparable data available	
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Children, Young People & Education

EARLY HELP AND CHILDREN'S SOCIAL CARE

CFE CSC 02	Percentage of Early Help cases that were stepped up to Children Social Care (CSC)	Smaller is better	Monthly	Oct-21	15%	20%	↓	■	Sep-21	14%		No comparable data available	There has been an increase in need due to Covid impact raising demand for Children Social Care support. A review of threshold decision making to test the performance concluded that thresholds had been appropriately applied. Practice development work to improve safety planning is underway and professional challenge between Early Help (EH)/Single Point of Contact (SPOC)/Croydon Supporting Families (CSF) supporting the robust application of thresholds to ensure children and families are supported within the most appropriate part of the CSC system. Improvement is anticipated over the following 3 months however Covid impact remains.
CFE CSC 03	Percentage of CSC referrals that were stepped down from CSC into Early Help	Bigger is better	Monthly	Oct-21	5%	3%	↑	■	Sep-21	2%		No comparable data available	After a period of statutory intervention, some families would benefit from an additional period of support. The main reason noted for not stepping down to Early Help (EH) is lack of parental consent therefore focused work between Social Work with Families (SWwF) teams and EH teams is taking place to identify opportunities for joint work to increase effective step down which is also likely to decrease re-referral rates. It is anticipated that performance will improve over the last quarter of the year.
CFE CSC 04	Percentage of re-referrals within 12 months of the previous referral	Smaller is better	Monthly	Oct-21	22%	18%	↑	■	Sep-21	25%	2020/21	19%	
CFE CSC 08	Percentage of Children in Need (CIN) for who had review on time (those allocated to CWD teams)	Bigger is better	Monthly	Oct-21	95%	76%	↑	■	Sep-21	73%		No comparable data available	Recruitment challenges as well as the ability to accurately identify children with disability in the Child in Need pathway have impacted performance measure. Management information is currently being reviewed to ensure accurate identification of children with disabilities who have a Child in Need (CIN) pathway of intervention; this review will increase the performance combined with continuous focus on completion of CIN reviews in timescale. There is active recruitment activity ongoing with the new permanent Service Manager starting in post on 6th December. Staff sickness has also impacted on capacity to complete and record the reviews in timescale. Improvements will be gradual over the forthcoming 6 months.
CFE CSC 10	Net current expenditure per child on Children Looked After (CLA) placements	Smaller is better	Monthly	Oct-21	£52,000	£49,735		■	Sep-21	£45,291		No comparable data available	
CFE CSC 12	Rate of local CLA per 10,000 under 18 years population	Smaller is better	Monthly	Oct-21	47.2	47.3	↑	■	Sep-21	48.0	2020/21	40.8	

Latest Update:
OCTOBER 2021

KEY

- Red
- Amber
- Green
- Data but no target
- No data
- ↑ Getting better
- ↓ Getting worse
- ↔ Same

REF.	INDICATOR	LATEST DATA							PREVIOUS DATA		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
		Bigger or Smaller is better	Frequency	Timeframe	Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
CFE CSC 13	Number of Unaccompanied Asylum Seeking Children (UASC) CLA	Smaller is better	Monthly	Oct-21	66	138	↓	Red	Sep-21	137		No comparable data available	Croydon continues to accept Unaccompanied Asylum Seeking Children (UASC) outside of the National Transfer Scheme (NTS) i.e. those who present disputing the age assessment undertaken, particularly those who have been placed in Hotels by the Home Office. A reduction in the number of UASC Croydon is responsible for occurs gradually as children turn 18, and as the NTS redirects responsibility for children who present at Luna House. Current modelling indicates that the 0.07% will be achieved by March 2024 however this is dependent upon the continuation of the new NTS. 0.07% is the national threshold (66 children)
CFE CSC 14	Percentage of the under 18 years population who are UASC	Smaller is better	Monthly	Oct-21	0.07%	0.14%	↔	Red	Sep-21	0.14%	2020/21	0.06%	London position for LAs in the pan London rota. See above for commentary for CFE CSC 13
CFE CSC 16	Percentage of care leaver population formerly UASC	N/A	Monthly	Oct-21	Monitoring indicator (see comment for rationale)	62%		N/A	Sep-21	63%		No comparable data available	There is no target because this is a monitoring indicator to follow the progress in delivering CFE CSC 14.
CFE CSC 21	Average Caseload per allocated Social Worker in Children's Social Care	Smaller is better	Monthly	Oct-21	17.0	15.1	↑	Green	Sep-21	15.4		No comparable data available	
CFE CSC 23	Number of qualified social workers in post in Croydon after 3 years as a percentage of the establishment of qualified social workers							No data				No comparable data available	The performance team are finalising the measure with HR / service.
CFE CSC 25	Percentage of Child Protection Children subject to a plan for a second or subsequent time	Smaller is better	Monthly	Oct-21	18%	25%	↑	Red	Sep-21	27%	2020/21	18%	The number of children who are the subject a child protection (CP) plan are increasing. We have reviewed all children who have had a repeat plan in the last 2 years (62 children) and are taking the learning to our teams and Child Protection Chairs (to review each CP plan). Some of the children in the cohort have plans older than two years, (37 children) and it is harder to consider those children due to time that has passed since the last plan. However we are now undertaking reviews of children who return into CP framework within the 2 years and consider legal actions where necessary. Given the duration of CP planning and the proportion of the overall cohort the timescale for change is 6mths or more.

EDUCATION

CFE E 02	Number of children under 5 attending children's centre	Data will be available from December when the new model is in place.							N/A			No comparable data available	Data will be available from December when the new model is in place.
CFE E 10	Percentage of children with an EHCP educated in-borough mainstream schools	Bigger is better	Monthly	Oct-21	Performance team are working with the service to agree	29%		N/A	Sep-21	29%		No comparable data available	The performance team are working with the service to agree a target.
CFE E 11	Average caseload per Special Educational Needs caseworker	Smaller is better	Monthly	Oct-21	Performance team are working with the service to agree	185		N/A	Sep-21	186		No comparable data available	The performance team are working with the service to agree target.
CFE E 13	Number of Education Health & Care Plans issued (excluding exceptions)	N/A	Monthly	Oct-21	N/A	42		N/A	Sep-21	20			

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Latest Update: OCTOBER 2021		KEY		CROYDON CORPORATE PERFORMANCE FRAMEWORK					CROYDON www.croydon.gov.uk						
		Red	Amber	Green	Data but no target	No data	↑	↓	↔	Getting better	Getting worse	Same			
REF.	INDICATOR	Bigger or Smaller is better	Frequency	Timeframe	Target	LATEST DATA			PREVIOUS DATA		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE		
						Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position			
CFE E 14	Percentage of Education Health & Care Plans issued within 20 weeks (excluding exceptions)	Bigger is better	Monthly	Oct-21	Performance team are working with the service to agree	14%			Sep-21	50%	2020	62%			

Adult Social Care & Health

HWA 1	Total Hours of Home Care (18-64)		Monthly	Oct-21	6,586	6,822.33	↑	Amber	Sep-21	7,027		No comparable data available	
HWA 2	Total Hours of Home Care (65+)		Monthly	Oct-21	17,097	16,949.75	↑	Green	Sep-21	17,054		No comparable data available	
HWA 3	Total Number of People in Home Care (18-64)		Monthly	Oct-21	642	659	↑	Amber	Sep-21	669		No comparable data available	
HWA 4	Total Number of People in Home Care (65+)		Monthly	Oct-21	1,341	1,299	↑	Green	Sep-21	1,318		No comparable data available	
HWA 5	Average Hours in Care Package (18-64)		Monthly	Oct-21	11	10.40	↑	Green	Sep-21	11		No comparable data available	
HWA 6	Average Hours in Care Package (65+)		Monthly	Oct-21	13	13.05	↓	Amber	Sep-21	13		No comparable data available	
HWA 11	Number of People in Residential & Nursing Care (18-64)		Monthly	Oct-21	481	473	↔	Green	Sep-21	473		No comparable data available	
HWA 12	Number of People in Residential & Nursing Care (65+)		Monthly	Oct-21	668	670	↓	Amber	Sep-21	668		No comparable data available	
HWA 15	Conversion rate of Contact to Support		Monthly	Oct-21	15%	10%	↓	Green	Sep-21	13%		No comparable data available	

Housing

HOMELESSNESS

HOU 01	Number of Homeless Applications Made	N/A	Monthly	Oct-21	N/A	249		N/A	Sep-21	225		No comparable data available	
HOU 02	Percent of homelessness cases prevented	Bigger is better	Monthly	Oct-21	25.0%	42.0%	↔	Green	Sep-21	42.0%		No comparable data available	
HOU 03	Percent of homelessness cases relieved	Bigger is better	Monthly	Oct-21	25.0%	29.0%	↑	Green	Sep-21	28.5%		No comparable data available	

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Latest Update: **OCTOBER 2021**

REF.	INDICATOR	Bigger or Smaller is better	Frequency	LATEST DATA					PREVIOUS DATA		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
				Timeframe	Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
HOU 04	Number of homelessness cases assisted by intervention	Bigger is better	Monthly	Oct-21	10	14	↑	Green	Sep-21	13		No comparable data available	
HOU 06	Total households in Temporary accommodation	Smaller is better	Monthly	Oct-21	2,400	2,128	↑	Green	Sep-21	2,161		No comparable data available	
HOU 13	DHP – no. of residents supports	Bigger is better	Monthly	Oct-21	333	601	↑	Green	Sep-21	526		No comparable data available	
HOU 14	Amount of cost avoidance on homeless prevention achieved	Bigger is better	Monthly	YTD Oct-21	£1,666,667	£2,983,500	↑	Green	YTD Sept-21	£2,578,500		No comparable data available	
HOU 15	EA/TA – total debt collected	Bigger is better	Monthly	YTD Oct-21		£16,204,429	↑	Grey	YTD Sept-21	£13,570,640		No comparable data available	
HOU 16	EA/TA – total debt collection rate	Bigger is better	Monthly	YTD Oct-21	95%	91.4%	↓	Amber	YTD Sept-21	92%		No comparable data available	Rent accounts not being opened on timely basis and the issue with Care leavers and their benefits being stopped for not replying to review forms. Deep dive on high value cases in train
HOU 17	NRPF – total cases supported	Smaller is better (Below 85 will keep us to budget)	Monthly	YTD Oct-21	85	79	↓	Green	YTD Sept-21	72		No comparable data available	
HOU 18	NRPF – total cases supported budget spend to date	Smaller is better	Monthly	YTD Oct-21	£873,000	£898,936	↓	Amber	YTD Sept-21	£814,192		No comparable data available	

COUNCIL RESIDENT SATISFACTION SURVEY

HOU 19	% who are very or fairly satisfied with the overall quality of your home	Bigger is better	Quarterly	Q3 2021/22	68.94%	71.00%	↑	Green	Q3 2020/21	66.48%	Q3 2021/22	68.94%	
HOU 20	% who are very or fairly satisfied with the way Croydon Council deals with repairs and maintenance	Bigger is better	Quarterly	Q3 2021/22	60.32%	55.00%	↓	Amber	Q3 2020/21	62.29%	Q3 2021/22	60.32%	
HOU 21	% who are very or fairly satisfied that Housing services are easy to deal with	Bigger is better	Quarterly	Q3 2021/22	65.00%	51.00%	↓	Red	Q3 2020/21	63.43%	Q3 2021/22	65.00%	We have recently re-commenced sampling for this indicator. Previous data is from Q3 20/21. The fall during this period is concerning. Benchmarking shows that many landlords have experienced falls in this indicator over this period, presumably due to pandemic-related changes in management and services. However, there are also likely to be Croydon-specific factors at play and further work will be done to explore these.
HOU 22	% who are very or fairly satisfied that Croydon Council listens to your views and acts upon them	Bigger is better	Quarterly	Q3 2021/22	52.57%	53.00%	↓	Green	Q3 2020/21	53.64%	Q3 2021/22	52.57%	
HOU 23	% who are very or fairly satisfied that Housing services gives you the opportunity to make your views known	Bigger is better	Quarterly	Q3 2021/22	48.00%	47.00%	↓	Amber	Q3 2020/21	50.15%	Q3 2021/22	48.00%	

REPAIRS

HOU 24	Number of lift entrapments	Smaller is better	Monthly	Oct-21	0	2	↓	Red	Sep-21	1		No comparable data available	No passenger in lifts, both lifts out of service. Low incoming supply on distribution board. Motor room - there is no power coming out the main isolator. Electrician to revisit to reinstate power to main isolator. 19/10/21 follow up requested to attend site and meet electrician tested supply and reset both tested operation left in service.
HOU 25	Lifts - compliancy rate (statutory insurance inspections)	Bigger is better	Monthly	Oct-21	100%	100%	↔	Green	Sep-21	100%		No comparable data available	All Annual inspections completed in date
HOU 26	Lifts - compliancy with statutory inspection regime (category A)	Bigger is better	Monthly	Oct-21	100%	100%	↔	Green	Sep-21	100%		No comparable data available	All 101 monthly inspections conducted in October

Latest Update: OCTOBER 2021		KEY		CROYDON CORPORATE PERFORMANCE FRAMEWORK					CROYDON www.croydon.gov.uk		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
		Red	Amber	Green	Data but no target	No data	↑ Getting better	↓ Getting worse	↔ Same	LATEST DATA	PREVIOUS DATA	Timeframe	
REF.	INDICATOR	Bigger or Smaller is better	Frequency	Timeframe	Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
HOU 50	Number of domestic properties	N/A	Monthly	Oct-21	N/A	13,673		N/A	Sep-21	13,347		No comparable data available	Additional properties added to portfolio this month
HOU 27	Number of domestic properties without valid LGSR (1-4 amber)	N/A	Monthly	Oct-21	N/A	24		N/A	Sep-21	52		No comparable data available	Gas Servicing Overdue Forced Entry Appointments booked 14 Gas Servicing Overdue Voids 2 Gas Servicing Overdue with Appointments booked 18 Gas Servicing Overdue with warrant applications 5
HOU 28	% Domestic properties with valid Landlords Gas Safety Certificate (LGSR)	Bigger is better	Monthly	Oct-21	100%	99.8%	↑	Amber	Sep-21	99.6		No comparable data available	As above
HOU 29	Number of communal properties without valid LGSR	N/A	Monthly	Oct-21	N/A	0		N/A	Sep-21	0		No comparable data available	All communal assets have in date LGSRs
HOU 30	% Communal properties with valid Landlords Gas Safety Certificate (LGSR)	Bigger is better	Monthly	Oct-21	100%	100%	↔	Green	Sep-21	100%		No comparable data available	As above
HOU 31	Water Hygiene inspections completed	N/A	Monthly	Oct-21	N/A	0		N/A	Sep-21	27		No comparable data available	Annual inspection cycle starts in November, none due in October
HOU 32	Water Hygiene inspection, % completed in target	Bigger is better	Monthly	Oct-21	100%	100	↔	Green	Sep-21	100%		No comparable data available	Annual inspection cycle starts in November, none due in October
HOU 36	Fire Risk Assessment (FRA) required	N/A	Monthly	Oct-21	N/A	754		N/A	Sep-21	753		No comparable data available	One additional property added to portfolio
HOU 37	Number of FRA completed	N/A	Monthly	Oct-21	N/A	752		N/A	Sep-21	751		No comparable data available	2 Outstanding FRAs are complete on site, awaiting reports.
HOU 38	% FRA completed in target	Bigger is better	Monthly	Oct-21	100%	99.70%	↓	Amber	Sep-21	99.73%		No comparable data available	As above
HOU 39	Responsive repairs logged in month	N/A	Monthly	Sep-21	N/A	8,661		N/A	Aug-21	4,845		No comparable data available	There is no target for this as job raised varies month to month based on tenant's demand
HOU 40	Responsive repairs completed in month	N/A	Monthly	Sep-21	N/A	3,993		N/A	Aug-21	3,802		No comparable data available	Same as above- not monitored and no target
HOU 41a	% of Responsive Repairs on time (GB) Combined Immediate & Out of hours - P0 & P00 (2 hours)	Bigger is better	Monthly	Sep-21	100%	100%	↔	Green	Aug-21	100%		No comparable data available	
HOU 41b	% of Responsive Repairs on time (GB) Emergency- P1 (1 day)	Bigger is better	Monthly	Sep-21	100%	100%	↑	Green	Aug-21	99.7%		No comparable data available	
HOU 41c	% of Responsive Repairs on time (GB) Urgent- P2 (3 Days)	Bigger is better	Monthly	Sep-21	99%	55.0%	↓	Red	Aug-21	57.5%		No comparable data available	
HOU 41d	% of Responsive Repairs on time (GB) Routine- P15 (15 days)	Bigger is better	Monthly	Sep-21	98%	60.0%	↓	Red	Aug-21	65.6%		No comparable data available	
HOU 41e	% of Responsive Repairs on time (GB) Major- P16 (60 days)	Bigger is better	Monthly	Sep-21	99%	74.0%	↓	Red	Aug-21	81.5%		No comparable data available	Performance across these three indicators has remained below target for several months. Poor performance has been affected by a number of factors, primarily contractor resources. Contract review meetings review the contractors action plan to increase contract resourcing, which has improved over the past two months. Actions are in place to continue to increase resourcing which is assessed on a weekly basis. The context of labour shortages caused by Brexit and the pandemic are exacerbating the current challenges. Currently, the number of urgent and emergency jobs being raised are higher than usual, which is drawing resources away, which is also affecting performance.
HOU 41f	% repairs (GB) completed on First visit	Bigger is better	Monthly	Sep-21	94%	93.1%	↓	Amber	Aug-21	95.2%		No comparable data available	

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Latest Update: OCTOBER 2021	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 10px; background-color: red;"></td> <td>Red</td> </tr> <tr> <td style="width: 20px; height: 10px; background-color: orange;"></td> <td>Amber</td> </tr> <tr> <td style="width: 20px; height: 10px; background-color: green;"></td> <td>Green</td> </tr> <tr> <td style="width: 20px; height: 10px; background-color: grey;"></td> <td>Data but no target</td> </tr> <tr> <td style="width: 20px; height: 10px; background-color: black;"></td> <td>No data</td> </tr> </table>		Red		Amber		Green		Data but no target		No data	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 10px; text-align: center;">↑</td> <td>Getting better</td> </tr> <tr> <td style="width: 20px; height: 10px; text-align: center;">↓</td> <td>Getting worse</td> </tr> <tr> <td style="width: 20px; height: 10px; text-align: center;">↔</td> <td>Same</td> </tr> </table>	↑	Getting better	↓	Getting worse	↔	Same	
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REF.	INDICATOR	LATEST DATA							PREVIOUS DATA		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
		Bigger or Smaller is better	Frequency	Timeframe	Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
HOU 42a	% of Responsive Repairs on time (GAS) Combined Immediate & Out of hours - P0 & P00 (2 hours)	Bigger is better	Monthly	Sep-21	100%	100%	↔		Aug-21	100%		No comparable data available	
HOU 42b	% of Responsive Repairs on time (GAS) Emergency-P1 (1 day)	Bigger is better	Monthly	Sep-21	100%	100%	↔		Aug-21	100%		No comparable data available	
HOU 42c	% of Responsive Repairs on time (GAS) Urgent- P2 (3 Days)	Bigger is better	Monthly	Sep-21	100%	100%	↑		Aug-21	98.9%		No comparable data available	
HOU 42d	% of Responsive Repairs on time (GAS) Routine- P15 (15 days)	Bigger is better	Monthly	Sep-21	100%	100%	↔		Aug-21	100%		No comparable data available	
HOU 42e	% of Responsive Repairs on time (GAS) Major- P16 (60 days)	Bigger is better	Monthly	Sep-21	100%	N/A			Aug-21	N/A		No comparable data available	
HOU 42f	% repairs (GAS) completed on First visit	Bigger is better	Monthly	Sep-21	96%	98.6%	↑		Aug-21	90.7%		No comparable data available	
HOU 45	Number of incoming calls received to Customer Contact Centre	N/A	Monthly	Sep-21	N/A	9,988			Aug-21	9,128		No comparable data available	
HOU 46	% calls answered by Axis Contact Centre	Bigger is better	Monthly	Sep-21	95%	86.0%	↓		Aug-21	93.4%		No comparable data available	Performance in this area has not achieved target for a number of months. As a result through the contract meeting an action plan is place. Resources in the contact centre has increased from 9 to 12 operatives (repairs and gas), with further recruitment ongoing. The intention is to bring staffing levels up to 15 although this is not likely to be achieved until the new year. In addition, the contact centre has now been co-located within BWH alongside the Council's repairs team to create greater synergies to improve services to residents. Whilst this indicator reports on the contact centre performance, focus through the contract meetings has been placed upon routes for contact including for example email contacts. As a result, performance has improved with faster response times, which in turn should reduce the number of repeat contacts across all channels.
HOU 47	Number of Voids Repairs completed in month	N/A	Monthly	Sep-21	N/A	53			Aug-21	38		No comparable data available	
HOU 48	Average Time taken (Days) to complete Void Repairs (FROM handed over to Axis TO PI pass date for qualifying voids)	Smaller is better	Monthly	Sep-21	10	25.25	↓		Aug-21	25		No comparable data available	Performance in this area has been below target for sometime. As a result an action plan has been developed to improve performance. Currently the number of properties becoming empty is higher than usual and the amount of works required much greater. Together this has created a slower turn around time for those properties. To address this, the council is looking for alternative delivery routes to increase capacity.
HOU 49	Volume of leaks	Smaller is better	Monthly	Sep-21		615			Jul-21	675		No comparable data available	

HOUSING INCOME

HOU 49	Total rent due (Inc. arrears brought forward)	N/A	Monthly	April-October 21	N/A	49,745,078			Apr-Sept 21	41,453,489		No comparable data available	Reasons for increase - Tenancy Team cases (e.g. death, succession, disrepair) that we cannot progress currently represent £357,000 of our current debt. Staff shortages (1 x vacancy, increase in stock -e.g. Malcolm Wick House & Longheath Gardens new builds), Universal Credit £20 reduction, fuel increases. Covid reasons e.g. court closures, eviction suspended, notice periods extended delay our action during lockdown. EUSS Settlement outstanding applications.
HOU 51	Total rent collected (Inc. arrears brought forward)	N/A	Monthly	April-October 21	N/A	46,416,573			Apr-Sept 21	38,456,780		No comparable data available	
HOU 52	Rent collected as a % rent due (Inc. arrears brought forward)	Bigger is better	Monthly	April-October 21	97%	93.3%	↑		Apr-Sept 21	92.8%		No comparable data available	
HOU 53	Gross Current Tenant Arrears (£)	Smaller is better	Monthly	Oct-21	4,875,772	5,011,225	↓		Sep-21	4,889,378		No comparable data available	Income Team aiming to reduce the current arrears by 5% in 2021-22

Latest Update: OCTOBER 2021		KEY		CROYDON CORPORATE PERFORMANCE FRAMEWORK					CROYDON www.croydon.gov.uk		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
		Red	Amber	Green	Data but no target	No data	↑ Getting better	↓ Getting worse	↔ Same	LATEST DATA		PREVIOUS DATA	
REF.	INDICATOR	Bigger or Smaller is better	Frequency	Timeframe	Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
HOU 54	Number of Households receiving Universal Credit (Active Only)	N/A	Monthly	Oct-21	N/A	13,227		N/A	Sep-21	13,164		No comparable data available	
HOU 55	Number of tenancies	N/A	Monthly	Oct-21	N/A	1,677		N/A	Sep-21	1,587		No comparable data available	
HOU 56	% of tenancies with arrears of more than 7 weeks rent	Smaller is better	Monthly	Oct-21	8%	12%	↔		Sep-21	12%		No comparable data available	Benchmarking shows that the pandemic period has led to a significant increase in rent arrears across the social housing sector. The Income Team is aiming to reduce the current level of rent arrears by 5% by the end of the financial year. If this is achieved, it should also bring this indicator closer to target.
HOU 57	Number of tenancies with arrears of more than 7 weeks rent	N/A	Monthly	Oct-21	N/A	4,061		N/A	Sep-21	3,988		No comparable data available	
HOU 58	Number of tenancies with arrears of more than 10 weeks rent (UC households only)	N/A	Monthly	Oct-21	N/A	720		N/A	Sep-21	694		No comparable data available	
HOU 59	% of tenancies with arrears of more than 10 weeks rent (UC households only)	Smaller is better	Monthly	Oct-21	12%	17.7%	↓		Sep-21	17.4%		No comparable data available	750 tenants recorded as being affected by the pandemic have been added to the UC count. For some it was their first time applying for welfare benefits. New UC claimants often experience delays in receiving funds leading to an increase in arrears. We apply for direct payments of UC housing costs for arrears over £1,000.
HOU 60	Number of households paying direct debit	N/A	Monthly	Oct-21	N/A	1,591		N/A	Sep-21	1,589		No comparable data available	
HOU 61	% of households paying direct debit	Bigger is better	Monthly	Oct-21	15%	12%	↔		Sep-21	12%		No comparable data available	Currently approx. 1589 DD payers equivalent of 12% - tentatively put forward an increase of 3% (up to 15%) on to DD by end of financial year. BARRIER to progress is that tenants in arrears cannot go on DD as the calculation will take the whole debt into account instead of in instalments.

REPORT TO:	CABINET 24th JANUARY 2022
SUBJECT:	INVESTING IN OUR BOROUGH
LEAD OFFICER:	PETER MITCHELL, INTERIM DIRECTOR OF COMMERCIAL INVESTMENT
	RICHARD ENNIS, INTERIM S151 OFFICER & CORPORATE DIRECTOR OF RESOURCES
CABINET MEMBER:	COUNCILLOR CALLTON YOUNG CABINET MEMBER FOR RESOURCES AND FINANCIAL GOVERNANCE
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT	
<p>Effective outcome based commissioning and prudent financial transactions contribute to all corporate priorities.</p> <p>The Council's Commissioning Framework (2019 – 2023) sets out the approach to commissioning and procurement and puts delivery of outcomes at the heart of the decision making process. As the Council develops more diverse service delivery models, it is important to ensure that our contractual and partnership relationships are not only aligned to our corporate priorities but also represent value for money for citizens and taxpayers.</p>	
FINANCIAL SUMMARY: Financial implications are set out in each individual report.	
KEY DECISION REFERENCE NO.:	
There are key decisions mentioned in this report, but approval of the Recommendations would not constitute a key decision.	

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

1 RECOMMENDATIONS

1.1 The Cabinet is requested to note:

- 1.1.1 The request for approval of the strategy and contract extension for Supported housing provision for people with a mental health diagnosis as set out at agenda item 15a and section 5.1.1.
- 1.1.2 The request for approval of the contract variation for Covid Recovery for BH Live as set out at agenda item 15b and section 5.1.1.
- 1.1.3 The request for approval of the procurement strategy for Microsoft Enterprise Subscription as set out at agenda item 15c and section 5.1.1.

- 1.1.4 Revenue and capital consequences of contract award decisions taken by the Leader as set out in section 5.2.1.
- 1.1.5 The contracts between £500,000 and £5,000,000 anticipated to be awarded under delegated authority from the Leader by the nominated Cabinet Member, in consultation with the Cabinet Member for Resources and Financial Governance and with the Leader in certain circumstances, before the next meeting of Cabinet, as set out in section 5.3.1.
- 1.1.6 The list of delegated award decisions made by the Director of Commercial Investment since the last meeting of Cabinet, as set out in section 5.4.1.
- 1.1.7 Property lettings, acquisitions and disposals to be agreed by the Cabinet Member for Resources and Financial Governance in consultation with the Leader since the last meeting of Cabinet, as set out in section 5.5.1.

2 EXECUTIVE SUMMARY

2.1 This is a standing report which is presented to the Cabinet, for information, at every scheduled Cabinet meeting to update Members on:

- Contract awards and strategies to be agreed by the Cabinet at this meeting which are the subject of a separate agenda item;
- Revenue and capital consequences of contract award decisions taken by the Leader due to decisions required prior to the January Cabinet meeting;
- Contracts between £500,000 and £5,000,000 anticipated to be awarded under delegated authority from the Leader by the nominated Cabinet Member, in consultation with the Cabinet Member for Resources and Financial Governance and with the Leader in certain circumstances, before the next meeting of Cabinet;
- Delegated contract award decisions made by the Director of Commercial Investment since the last meeting of Cabinet;
- Property lettings, acquisitions and disposals to be agreed by the Cabinet Member for Resources and Financial Governance in consultation with the Leader since the last meeting of Cabinet;
- Partnership arrangements to be agreed by the Cabinet at this meeting which are the subject of a separate agenda item.
[As at the date of this report there are none]

3 DETAIL

- 3.1 Section 5.1.1 of this report lists those contract and procurement strategies that are anticipated to be awarded or approved by the Cabinet.
- 3.2 Section 5.2.1 of this report lists those contract award decisions taken by the Leader due to decisions required prior to the January Cabinet meeting.
- 3.3 Section 5.3.1 of this report lists those contracts that are anticipated to be awarded by the nominated Cabinet Member
- 3.4 Section 5.4.1 of this report lists the delegated award decisions made by the Director of Commercial Investment since the last meeting of Cabinet.
- 3.5 Section 5.5.1 of this report lists the property acquisitions and disposals to be agreed by the Cabinet Member for Resources & Financial Governance in consultation with the Leader since the last meeting of Cabinet.
- 3.6 The Council's Procurement Strategy and Tender & Contracts Regulations are accessible under the Freedom of Information Act 2000 as part of the Council's Publication Scheme. Information requested under that Act about a specific procurement exercise or contract held internally or supplied by external organisations, will be accessible subject to legal advice as to its commercial confidentiality, or other applicable exemption, and whether or not it is in the public interest to do so.

4 PRE-DECISION SCRUTINY

- 4.1 This report does not require pre-decision as all the reports listed below are compliant with the Council's Tender & Contracts Regulations.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 Proposed Strategy and Award approvals

- 5.1.1 Procurement strategies and awards for the purchase of goods, services and works with a possible contract value over £5 million decisions to be taken by Cabinet which are agenda items 15a, 15b and 15c.

Award/Strategy	Contract Revenue Budget	Contract Capital Budget	Annual Spend	Dept/Cabinet Member
Supported housing provision for people with a mental health diagnosis strategy and contract extension	£711,333 (value of extension) £5,670,827 (total aggregated spend) £5,630,000 (Anticipated new contract value)		£711,333 £1,126,000 (Anticipated new annual spend)	Family, Health and Social Care/Homes/Resources and Financial Governance/ Cllr Campbell/ Cllr Hay-Justice/Cllr Young
Covid Recovery for BH Live contract variation	£1,291,000 (value of extension) £181,291,000 (total aggregated spend)		Annual spend is not a regular amount	Culture & Regeneration/Cllr Lewis
Microsoft Enterprise Subscription procurement strategy	£5,500,000 (contract length 3 years)		£1,833,333 (this is an average over the 3 year period)	Resources and Financial Governance/Cllr Young

5.2 Contract Award decisions taken by the leader

5.2.1 Revenue and capital consequences of contract award decisions taken by the Leader due to decisions required prior to the January Cabinet meeting.

Contract Title	Contract Revenue Budget	Contract Capital Budget	Annual Spend	Dept/Cabinet Member
Child Development and School Readiness Services delivered through the South Locality Children's Centres	£202,000 (value of 5 month extension) £11,822,000 (Total aggregated spend)		£202,000	Children, Families & Education/Cllr Flemming
Income Management, Cash Receipting and Electronic Payment processing system contract variation	£3,709,741 (value of 7 year extension) £4,789,741 (total aggregated spend over the 10 year term of the contract)		£478,974 (this is an average over the 10 year period)	Croydon Renewal/Cllr King

5.3 Contract Awards

5.3.1 Revenue and Capital consequences of contract award decisions to be made between £500,000 and £5,000,000 by the nominated Cabinet Member in consultation with the Cabinet Member for Resources & Financial Governance or, where the nominated Cabinet Member is the Cabinet Member for Resources & Financial Governance, in consultation with the Leader.

Contract Title	Contract Revenue Budget	Contract Capital Budget	Annual Spend	Dept/Cabinet Member
Streets IT system contract award	£549,456 (Contract length 4 years)		£137,364	Sustainable Croydon/Cllr Muhammad Ali
New Burial Land – Greenlawn Memorial Park	£1,794,589 (total aggregated spend)		£1,794,589	Culture and Regeneration/ Cllr Lewis

5.4 Strategy and Contract Awards

5.4.1 Revenue and Capital consequences of delegated decisions made by the Director of Commercial Investment for procurement strategies up to £5 million, contract awards (Regs. 11, 28.4 a & b) between £100,000 and £500,000 and contract extension(s) previously approved as part of the original contract award recommendation (Reg. 28.4 d) and contract variations (Reg.30).

Contract Title	Contract Revenue Budget	Contract Capital Budget	Annual Spend	Dept
PMO Consultant contract award	£150,000 (contract length 1 year)		£150,000	ACEX

5.5 Strategy and Contract Awards

5.5.1 Revenue and Capital consequences of property acquisitions and disposals over £500,000 to be agreed by the Cabinet Member for Resources and Financial Governance in consultation with the Leader.

Contract Title	Disposals	Acquisitions	Dept/Cabinet Member
Property Disposal Update as part of the Interim Asset Disposal Strategy	<ul style="list-style-type: none"> • Peter Sylvester House • Kempfield, Reedham Park Avenue • 2 Godstone Road, Kenley 		Resources and Financial Governance/Cllr Young

Approved by: Matthew Davis, Interim Director of Finance, on behalf of Richard Ennis, Interim S151 Officer & Corporate Director of Resources

6 LEGAL CONSIDERATIONS

- 6.1 The information contained within this report in relation to contracts is required to be reported to Members in accordance with Appendix B of the Council's Tenders Contracts Regulations and, in relation to the acquisition or disposal of assets, Regulation 9.3 of the Council's Financial Regulations. which states 'Recommendations on acquisitions or disposals valued between £500k and up to £5m must also be approved by the Cabinet Member for Finance and Resources in consultation with the Leader of the Council, subject to the intention to do so having been reported to a previous meeting of Cabinet and in accordance with the Leader's Scheme of Delegation. Recommendations on acquisitions or disposals valued over £5m will be reported for approval to Cabinet.'

Approved by: Kiri Bailey, Interim Head of Commercial & Property Law, on behalf of the Interim Director of Legal Services

7 HUMAN RESOURCES IMPACT

- 7.1 There are no immediate HR issues that arise from the strategic recommendations in this report for LBC employees and staff. Any specific contracts that arise as a result of this report should have their HR implications independently assessed by a senior HR professional.

Approved by: Gillian Bevan, Head of Human Resources - Resources
 Jenny Sankar, Head of Human Resources - Place
 Debbie Calliste, Head of Human Resources – Health, Wellbeing and Adults and Children, Families and Education

8 EQUALITY IMPACT

- 8.1 An Equality Analysis process has been used to assess the actual or likely impact of the decisions related to contracts mentioned in this report and mitigating actions have been defined where appropriate.
- 8.2 The equality analysis for the contracts mentioned in this report will enable the Council to ensure that it meets the statutory obligation in the exercise of its functions to address the Public Sector Equality Duty (PSED). This requires public bodies to ensure due regard to the need to advance equality of opportunity; foster good relations between people who share a “protected characteristic” and those who do not and take action to eliminate the potential of discrimination in the provision of services.
- 8.3 Any issues identified through the equality analysis will be given full consideration and agreed mitigating actions will be delivered through the standard contract delivery and reporting mechanisms.

9 ENVIRONMENTAL IMPACT

- 9.1 Any issues emerging in reports to the relevant Cabinet Member will require these considerations to be included as part of the standard reporting requirements, and will not proceed without full consideration of any issues identified.

10 CRIME AND DISORDER REDUCTION IMPACT

- 10.1 Any issues emerging in reports to the relevant Cabinet Member will require these considerations to be included as part of the standard reporting requirements, and will not proceed without full consideration of any issues identified.

11 DATA PROTECTION IMPLICATIONS

- 11.1 Will the subject of the report involve the processing of ‘personal data’?

NO

- 11.2 Has a Data Protection Impact Assessment (DPIA) been completed?

NO

Data Protection Impact Assessments have been used to assess the actual or likely impact of the decisions related to contracts mentioned in this report and mitigating actions have been defined where appropriate.

Approved by: Peter Mitchell, Interim Director of Commercial Investment
and Scott Funnell, Head of Strategic Procurement and Governance

CONTACT OFFICER:

Name:	Scott Funnell
Post title:	Head of Strategic Procurement and Governance
Telephone no:	07510 585090

BACKGROUND DOCUMENTS:

- Streets IT system contract award
- Income Management, Cash Receipting and Electronic Payment processing system contract variation
- Child Development and School Readiness Services
- New Burial Land – Greenlawn Memorial Park Extension
- Property Disposals as part of the Interim Asset Disposal Strategy

For Publication

For General Release

REPORT TO:	Cabinet – 24 January 2022
SUBJECT:	Supported Housing for People with a Mental Health Diagnosis – Strategy & Extension
LEAD OFFICER:	Bianca Byrne, Interim Director of Commissioning and Procurement
CABINET MEMBER:	Cllr Janet Campbell - Cabinet Member for Families, Health and Social Care Cllr Hay-Justice - Cabinet Member for Homes Councillor Callton Young - Cabinet Member for Resources & Financial Governance
WARDS:	ALL
<p>COUNCIL PRIORITY/POLICY CONTEXT</p> <p>A change in the way we commission supported housing services for people with a mental health diagnosis supports the following Croydon Renewal Plan priorities:</p> <ul style="list-style-type: none"> • We will live within our means, balance the books and provide value for money for our residents. • We will focus on providing the best quality core service we can afford. First and foremost, providing social care services that keep our most vulnerable residents safe and healthy. <p>The commissioning exercise and implementation of the proposed supported housing model and corresponding pathways will ensure that the services are provided in accordance with the:</p> <ul style="list-style-type: none"> • Care Act 2014 • Homelessness Reduction Act 2017 	
<p>FINANCIAL IMPACT</p> <p>We are exploring joint funding arrangements with South West London Health & Care Partnership colleagues in recognition of the system impact of these services on admissions avoidance, reducing lengths of stay and delayed discharges, and minimising use of emergency Bed & Breakfast for people in recovery. There is agreement in principle for health partners to support the future procurement strategy, and ongoing efforts are made to identify appropriate funding. An anticipated decision is expected in December 2021. With the additional funding made available from health partners the service would develop to deliver additional hours above the current contract. This would include the additional cost of delivering the service in line with an inflation increase on the current cost per hour. Current hourly cost is £15.36, expected hourly cost is £19.00 - £20.00 (in line with recent commissioning for similar services)</p>	

For Publication

An options appraisal was undertaken in accordance with the level of funding available, with additional health funding we will be able to increase provision to meet an increase in demand. If no additional funding is made available we will commission a reduced service on the basis of the local authority budget of £776,000.

The recommendation is to approve the strategy to commission a supported housing contract for people with a mental health condition for a period of up to 5 years. The anticipated local authority annual spend will be £776,000, with an aggregate spend of £3,888,000 over 5 years.

A £25,000 savings has been achieved in 2021/22 to contribute to the ASCH MTFs RES SAV 12 savings plan.

To allow for the conclusion of funding discussions with health colleagues, and in order to undertake the required engagement with people using services and market shaping activity, we are seeking an extension to the current contract providing supported housing services for people with a mental health diagnosis.

The previous intention was to recommission support from September 2021. The timeline was impacted by the need to develop the options appraisal regarding the housing provider, leasing arrangements, to ensure appropriate housing stock was available to meet current and future needs. Through engagement with the current housing provider and other potential providers to secure the best options for the future service.

With the ongoing impact of the COVID-19 pandemic and in light of the restructuring within the authority and significant staff vacancies within the Commissioning and Procurement Division this was delayed until appropriate staffing resources were in place.

The recommissioning process sought to ensure there was robust engagement with the active users of the services and relevant stakeholder engagement in the design of future services to best meet the needs of the service users in providing appropriate support for those with mental health needs and potential homelessness.

FORWARD PLAN KEY DECISION REFERENCE NO. 5221CAB

The notice of the decision will specify that the decision may not be implemented until after 13.00 hours on the 6th working day following the day on which the decision was taken unless referred to the Scrutiny and Overview Committee.

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

1. RECOMMENDATIONS

The Cabinet is recommended to:

- 1.1 Approve the strategy detailed in this report for the procurement of a contract for the delivery of supported housing for people with a mental health diagnosis for a period of five years for the period 2 August 2022 to 31 July 2027. The total

annual value is estimated to be £1,126,000 (subject to confirmation of health funding) which results in a total aggregated value of £5,630,000 (subject to health funding) for the maximum 5 years. The local authority contribution will be £776,000 per annum (£3,880,000 in aggregate).

- 1.2 Approve the extension and variation of the contract for the provision of supported housing services for people with a mental health diagnosis with Look Ahead in accordance with Regulation 30 of the Tenders and Contracts Regulations until 2 August 2022 resulting in an aggregate value of £5,670,827. This will ensure there is no gap in provision whilst the recommissioning takes place and discussions with health colleagues regarding future funding conclude.

2. EXECUTIVE SUMMARY

- 2.1 The purpose of this report is to seek approval to tender for supported housing services for people with a mental health diagnosis to enable the council to meet its statutory requirements, and to seek permission to extend the current contract for such services whilst the recommissioning work takes place.
- 2.2 Discussions with health partners are underway to explore joint funding arrangements in light of the system impact that this type of provision supports in respect of admissions avoidance, facilitating hospital discharge, step down from high cost residential, and avoiding placing people experiencing mental health issues in emergency B&B. In addition, and in line with national and local evidence, demand for such services has increased following the COVID-19 pandemic.
- 2.3 Discussions are underway with the main landlord providing accommodation to people receiving the service due to the restructuring of leasing arrangements that is underway. A decision from the housing provider is expected in December 2021 with regard to the housing arrangements. Discussion is also underway with other housing providers to explore alternate accommodation within the borough for the service.
- 2.4 Whilst the performance of the existing service is good, there are a number of issues across the pathway meaning the opportunities for people stepping down from high cost and high support services are limited and a review of the pathway is required to deliver the best outcomes for people using the service and for the public pound.
- 2.5 Transformation funding was agreed by Cabinet to provide additional experienced commissioning capacity to support the review. This capacity is now in place and the review has commenced.
- 2.6 As a result, Cabinet is asked to approve the recommissioning of the service and the corresponding extension to the existing contract to ensure there is no gap in provision.

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- 2.7 The content of this report has been recommended by the Contracts and Commissioning Board.

CCB ref. number	CCB Approval Date
CCB1718/21-22	06.01.2022

3. DETAIL

Background and context

- 3.1 Supported housing is any housing scheme where housing, support and sometimes care services are provided as an integrated package. Some schemes are long-term, designed for people who need ongoing support to live independently, others are short-term, designed to help people develop the emotional and practical skills needed to move into more mainstream housing. This can include support with health needs, including mental health, drug and alcohol use, managing benefits and debt, developing daily living skills and accessing education, training and employment. At any one time, over 600,000 people in England¹ rely on supported housing to provide a secure place to live and to offer appropriate care and support.
- 3.2 In Croydon, there are currently 184 people receiving supported housing services commissioned by the local authority to support people with a mental health diagnosis. Across all health and care services we are seeing an increase in the numbers of people experiencing mental health issues and receiving a mental health diagnosis.
- 3.3 Centre for Mental Health² modelling (2020) suggests that up to ten million people will require new or additional mental health support as a result of the pandemic – a third of them with new conditions. The majority are expected to have moderate to severe anxiety or depression, with many also experiencing trauma-related symptoms, all of which are prominent risk factors for suicide.
- 3.4 There is similar evidence at the regional level. Thrive London's³ review of the impact of COVID-19 on the mental health and wellbeing of Londoner's (updated Feb 2021) reports that Londoners with lived experiences of marginalisation and social disadvantage who were already experiencing poorer social, economic and health outcomes have been disproportionately affected by the pandemic. People with the poorest mental health prior to the pandemic experienced the largest deterioration in mental health during the initial lockdown and are likely to be isolated and lacking support as restrictions continue to be put in place and the full effects of the pandemic are felt.

¹ www.homeless.org.uk

² Mental Health & COVID-19: Evidence Summary, February 2021, Public Health Croydon

³ *ibid*

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- 3.5 Supported housing services deliver a vital component within the overall pathway for people living with a mental health diagnosis and recovery from mental health episodes. The spectrum of support delivered ranges from 24 hour high intensity support, to enable an individual to be discharged from hospital or step down from intensive and high cost residential placements, to floating support in someone's own tenancy to avoid a hospital admission or a breakdown in tenancy arrangements.
- 3.6 Croydon Council currently commissions two supported housing services for people with a mental diagnosis (and one for people with a learning disability). These supported housing services:
- Support people to continue to live independently in their own tenancies
 - Ensure that people engage with specialist services where required
 - Ensure that people take responsibility for their health needs, and avoid subsequent A&E presentations and admissions to hospital
 - Where admissions to hospital do occur, work in partnership with statutory and non-statutory organisations, families and key persons in reducing the length of stay
 - Prevent or delay admission to long term residential care.
- 3.7 There is a need to review the entire pathway for people with a mental health diagnosis to ensure that it is delivering the best possible outcomes for people, increasing independence and supporting recovery, and enabling people to step-down from higher levels of support to maintain their own wellbeing and tenancy with little or no ongoing intervention.
- 3.8 Feedback from professionals, providers and people using services indicates there are issues across the pathway, resulting in a lack of step down and move on opportunities from accommodation based services and meaning that people are staying in more expensive or inappropriate settings for longer. This is by no means a local phenomenon - according to Homeless Link's 2016 Annual Review⁴, 30% of clients were ready to move on from supported housing services but were not able to do so. There are a number of external factors creating pressure – high rental costs, low LHA rates and lack of resettlement support can all present barriers.
- 3.9 In light of the system impact of such services, and the close working relationship with South London and Maudsley (SLaM) to support people to step down from hospital and health funded high cost residential provision, discussions have started with health colleagues regarding additional funding to increase capacity in our commissioned supported housing services and provide additional system flow. A decision is anticipated in December which will materially inform the design of the future service and subsequent commissioning and procurement strategy. Demand modelling and an options appraisal was undertaken based on the possible scenarios. If no additional funding is agreed, in order to meet the inflationary pressure of an increase in hourly rate since the award of the existing contract in 2015 we will need to

⁴ www.homeless.org.uk

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commission a reduction in the current commissioned capacity. This would maintain the higher level, twenty four hour support and reduce the floating and outreach support hours available in the transition to independent living.

- 3.10 Landlord arrangements for the accommodation currently being utilised for supported housing services are complex, and one of the largest landlords currently providing accommodation for supported housing services in Croydon is seeking to restructure their existing leasing arrangement for their buildings. In order to preserve the council's current nomination rights to this property supply and crucial housing stock for the residents of Croydon, an options appraisal is currently underway to ascertain the most viable option to maintain provision within the financial envelope.
- 3.11 In light of the above, the timeline for discussions to conclude with health partners and the remodelling required regarding the pathway, referral routes and the leasing arrangements, an extension is also requested to the existing contract for the provision of supported housing service for people with a mental health diagnosis whilst the commissioning team concludes the work required.
- 3.12 Through social value the Council will utilise the procurement exercise to achieve better outcomes for service users considering their long term wellbeing and in supporting their transition in to the community. Potential providers will outline how they will best support individuals in accessing community resources in working with voluntary organisations and other agencies in enabling service users to access opportunities to support the recovery of local communities and economy through re-training, volunteering and employment by developing new ways of working and supporting those most impacted by the COVID-19 pandemic.
- 3.13 Potential providers will be required to outline how they will support the redevelopment, recovery and growth in the community through social value following the pandemic. With a focus on supporting access to employment for local residents through training to support the recovery of the economy and providing opportunities for previous users of services to retrain and access employment. Services will be focussed on being sustainable with forward planning to manage potential legislative challenges including air pollution management and, linking in to Croydon's green agenda should The Ultra-Low Emission Zone (ULEZ) expand further to include Croydon, impacting on how people travel around the borough and access employment and their community.

Providers will be innovative in how services are delivered to make best use of resources and deliver better outcomes for the users of their services. The COVID-19 pandemic has provided opportunity for learning and what good social value looks like in practice with communities working together to support individuals and this procurement project would seek to expand further on that as we come out of the pandemic to a new normal.

Aims and objectives of the new service, and recommissioning timeline

- 3.14 The purpose of the proposed new supported housing service for people with a mental health diagnosis will be to deliver the best outcomes for people as they are supported in their recovery and to maximise their independence. The specification for the new supported living service will be outcomes-based and holistic, working with people using the service to address the wider causes of homelessness and support them in their mental health recovery in partnership with statutory services. We will engage with people using the services, the voluntary sector and with the market to co-design the new service.
- 3.15 Subject to agreement from health regarding additional funding, the specification for the new service will balance both admissions avoidance and hospital discharge and provide additional capacity to meet increased demand.
- 3.16 The new service will support the Adults Mental Health Outcomes Framework, specifically:
- Improvement in people's rating of their own mental health
 - Increase in the number of people able to live independently
 - Reduction in the number of people reaching crisis point and people who are in a crisis receive prompt and appropriate support
 - Improvement in the physical health of people with mental health issues
 - Increase in awareness of available support
 - Service users, families and carers feel important and able to contribute and influence decisions around their care and support
 - Increase in the number of people living in stable and appropriate accommodation
 - Increase in the number of people in education, training, volunteering or employment
 - Increase in the number of people with strong, supportive social networks
- 3.17 The new service will deliver a spectrum of support from high-intensity accommodation based provision to floating support for people to support them to live independently in their own accommodation. Subject to agreement from health regarding additional funding, it will also provide crisis intervention to avoid a breakdown in tenancy arrangements and hospital admission.
- 3.18 The eventual implementation (as a result of the recommissioning and procurement outlined within this strategy) will enable the local authority to fulfil its statutory duties as per the legislation identified within this report.
- 3.19 An indicative timeline for delivering the new service is as follows:
- Co-design of service specification – November 2021 to January 2022
 - Confirmation of budget subject to health agreement – January 2022
 - Tender period – February to April 2022
 - Award of contract – May 2022

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- Mobilisation of new service – May to July 2022
- Start date of new contract – 02 August 2022

- 3.20 The recommissioning will be a call off from the Dynamic Purchasing System (DPS) for Health and Social Care LOT 2 – Housing Related Support. The award of DPS 3 was approved via Cabinet on 12 December 2019. For the proposed call off a mini competition will be undertaken. This process is used when the Council needs to commission and procure a service that involves inviting all admitted providers on DPS 3 Lot 2 to tender. All providers will be invited via the Councils eTendering portal to complete a detailed method statement and pricing schedule against a detailed specification for the services required. In line with the Councils DPS governance having already been evaluated on the Councils standard 60% quality 40% price therefore the Council can award based on this ration according to price.
- 3.21 Providers who were admitted to the DPS were subject to completing a full SQ and some additional method statement questions which are listed in the table below which includes compliance with London Living Wage, Social Value, data protection and equality analysis, providers had to receive a minimum pass score of 36% out of the full 60% weighting for quality.

	Weighting of
Contract Examples – two relevant examples	Pass/Fail
Sub-contracting arrangements	Pass/Fail
Safeguarding	Pass/Fail
Equalities and Diversity	Pass/Fail
Business Continuity Plan and Disaster Recovery	Pass/Fail
GDPR	Pass/Fail
CQC Registration	Pass/Fail
Organisational Structure and Resource Levels	FIO
Registered Locations	FIO
Training Matrix	FIO
Contract Management	4%
Continuous Improvement and Innovation	4%
Customer Satisfaction	2%
Environmental, Economic and Social Value	6%
Training	2%
Premier Supply Programme	2%
Service Delivery Model	10%
Delivering Services in Croydon	10%
Service Categories	15%
Day Opportunities	5%
Total	60%

- 3.22 The evaluation process will be undertaken online by a panel of at least 3 evaluators, consisting of various stakeholders including commissioners, people accessing services, and service experts. The evaluation panel will score the received tenders individually using the councils standard 0-5 scoring, the evaluators will then come together and moderate resulting in a consensus score.
- 3.23 A minimum quality score of at least '2' fair for each method statement will be required, a score of 1 or less will result in a tenderer failing the process. This

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will be detailed in the instructions to tender document and is in line with the process that was undertaken to admit providers to the DPS.

- 3.24 A price cap will also be applied to the pricing element of evaluation to ensure that the contract achieves savings in line with Croydon Renewal Plan.
- 3.25 In line with the DPS governance as signed off within the Leaders Delegated Authority reference number 3220LR this contract will be awarded via the financial scheme of delegation.
- 3.26 In order to ensure that this service is re-procured in time for the end of the extension there is a very tight procurement timeline. The proposed timeline is as follows:

Activity	Proposed Date
Issue of Tender	7 th February 2022
Tender Response Deadline	9 th March 2022
Evaluation & Moderation Period	11 th March 2022 – 24 th March 2022
Delegated Decision	By 1 st April 2022
Notify Tenderers of Outcome	26 th April 2022
Standstill Period	26 th April – 6 th May 2022
Service Implementation Period	9 th May – 29 th July 2022
Service Start Date	2nd August 2022

3.27 TUPE

The incumbent provider will be contacted to provide information on whether they deem TUPE to apply and to provide details.

3.28 Risks

Risk	Mitigation
Re-commissioning and procurement timetable is delayed meaning a service is not ready for the service start date of 1 st August 2022 which would require another extension of the current contract.	The Call off process from the DPS is quicker than a full open procedure and is with a set number of providers ensuring there will be a maximum number of bids to evaluate. A detailed procurement plan has been drawn up to ensure delivery of the procurement.
Poor performance from incumbent supplier once awareness that this service will be open to competition.	Engagement with incumbent provider has taken place and they are fully informed of the need to recommission the contract. The provider are an admitted provider on the DPS and therefore will be able to tender for the new contract if they so wish.
Look Ahead (incumbent provider) agreed to continue delivering the service until July 2022, subject to agreement by Cabinet.	Reprocurement of services awaiting approval from Cabinet to commence February 2022. Contract extension was required due to the COVID-19 pandemic and the recommissioning plan for services was delayed on that basis.

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The extension may be the subject of a procurement challenge	The extension falls outside of the 'safe harbours' provided by the Public Procurement Regulations, however the risk of procurement challenge is considered to be relatively low in light of the short term of the extension being sought pending re-procurement of the services.
The current housing provider withdraws from the market	Option to work with other housing providers within the borough. Scoping work is underway to discuss with alternate providers about housing stock. Potential bidders hold existing housing stock within the borough to deliver provision from.
Potential providers on the DPS decline to submit bids or exceed the expected annual value of the contract.	In the case of only one response, proceed to re-tender through the DPS, award the contract to the single bidder or proceed to open tender.
A change to the care and support offer to residents and tenants in the service for the duration of a future contract.	Appropriate needs analysis undertaken prior to tender stage to ensure best understanding of needs within the contract.
TUPE staff decline to transfer to new employer putting provision at risk of continuing in the short and medium term while recruitment is undertaken.	Potential providers to include as part of risk management in their submission to provide appropriate staffing for the contract on the basis TUPE staff may not transfer. Costs for agency staffing to be managed within the contract price not impacting on the Council.
The care market does not return to pre-COVID-19 levels by the end of 2023 as predicted while demand continues at current levels as 96%.	The service continues at existing levels based on provision during the pandemic and would not increase capacity.
If additional health funding were not made available the Council would not seek to meet an increase in demand.	Commission a reduced service on the basis of the available Council budget.

3.29 Current contractual position, service performance and requested extension

In 2015 Look Ahead was awarded a contract for 3+1+1 years to provide a supported housing service for adults with a mental health diagnosis. The contract was awarded following a call off from the Integrated Framework Agreement and commenced on 01 April 2015. The original award amount was for a block contract of 800 hours per week for £640,731 per annum (£3,203,655 over five years). The contract was subsequently increased to 1000 hrs p/w at a value of £800,732 per annum (£4,003,660) in response to the level of demand.

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- 3.30 The services have continued to be provided since March 2020 without formal governance approval. The ongoing delay in recommissioning was a result of the COVID-19 pandemic, the work required to review the current pathway for people with a mental health diagnosis, in order to develop the options appraisal regarding leasing arrangements in light of the restructuring being undertaken by the existing landlord. The restructuring being undertaken and significant staff vacancies in the Commissioning & Procurement Division. To enable robust engagement with the active users of the services and in the design of future services to best meet the needs of the service users in providing appropriate support for those with mental health needs and potential homelessness.

To support this work an accommodation and pathway commissioner to carry out a full review and develop a pathway for people with a mental health diagnosis to ensure the best outcomes are delivered for people and for the public purse. This appointment was made in September 2021 and the post holder is in place to provide the necessary capacity for this review.

- 3.31 The current service delivers units of 24 hour wrap around support with accommodation alongside a floating support service. There is a consistent and increasing referral rate into the service with a waiting list in operation.
- 3.32 The service has typically operated at around 96% of its contracted capacity which is considered to be good for this type of service. The service is able to flex to respond to the needs of the clients with most of the service focussed on the 33% of people with high and/or complex needs.
- 3.33 To support the 2021/22 MTFS savings targets, a reduction in contract value of £25,000 was agreed with the current provider resulting in a decrease in outreach provision. Work continues to deliver mitigations to support the client cohort that would have received this support.

4. CONSULTATION

- 4.1 Engagement with people using these services, professionals, voluntary sector partners, and the market will be undertaken to support the development and co-design of the new service. As set out in points 9.4, 9.5 and 9.6.
- 4.2 The extension of the service is being recommended on the basis of there being no change to the care and support offer to residents and tenants in the service for the duration of the contract and therefore no consultation is required.

5. PRE-DECISION SCRUTINY

- 5.1 This report was not presented to the Council's Scrutiny and Overview Committee prior to being brought to Cabinet but is subject to referral by the requisite number of Councillors.

6. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 6.1 The anticipated local authority spend for the new service is £776,000 per annum. Should additional health funding be agreed to support the increase in demand, then the overall anticipated contract value will be £1,126,000 per annum for a period of 5 years.
- 6.2 The contract extension value for the period from September 2021 to August 2022 is £711,333. This factors in the budget saving to support MTFs savings requirements of £25,000. The total annual budget for this contract for 21/22 is £775,732. Should the extension be agreed, the total value of the contract over the period will be £5,670,827. The proposal is to extend the existing service contract to 2 August 2022 at a cost of £452,667 in 2021/2022 (01/10/21-31/03/22) and £258,666 in 2022/23 (01/04/22 – 02/08/22). There is sufficient Adult Social Care budget to meet this expenditure with the budget held across two years.

	Extension to contract to avoid gap from September 2021 to July 2022 (11 months)		
	Sep 2021 - Mar 2022	Apr 2022 - July 2022	Total for 11 months
Revenue Budget available	£452,667	£258,666	£711,333

Revenue and Capital consequences of report recommendations

	Medium Term Financial Strategy – 5 year forecast (August 2022 - July 2027)						
	2022/23	2023/24	2024/25	2025/26	2026/27	5 Year Total	
	£'000	£'000	£'000	£'000	£'000	£'000	
Revenue Budget available	£776	£776	£776	£776	£776	£3,880	

The effect of the decision

- 6.3 The recommissioning of this service and requested extension to the existing contract enables the council to deliver its statutory duty under the Homelessness Reduction Act 2017, and meet Care Act duties, to provide advice and support to vulnerable adults who are ordinary residents of the Borough and who are at risk of being made homeless due to a mental health condition. This service provides a large element of support provision for Croydon's mental health cohort.

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Risks

6.4 Risks are outlined in the table above at point 3.26

Options

6.5 Several options have been considered for the extension to this service as detailed below:-

Option Summary	Pros	Cons
<p>Extend the contract for a short period – until end of July 2022</p> <p>Preferred option</p>	<p>Service already in place and no need to change current contractual arrangements</p> <p>Allows for the pathway review and recommissioning to be carried out.</p> <p>Ensures no gap in service provision.</p> <p>Low risk of challenge over a greater risk of extending for a longer period as set out in 3.28</p>	<p>Staff potentially subject to TUPE will effectively be in “limbo” until a new service can be commissioned.</p>
<p>Extend the contract for a longer period of time- 12/18 months</p>	<p>Would allow for longer transition period</p> <p>Would allow for a more detailed review of the current pathway to be carried out</p>	<p>The current provider and staff are subject to ongoing uncertainty.</p> <p>The longer the extension the higher the risk of challenge.</p> <p>The provider reported they are unable to continue past July 2022 as the funding rate is no longer financially viable.</p>
<p>Do nothing (i.e. – Decommission the service)</p>	<p>Short term financial gain</p>	<p>The service helps the Council to meet its statutory responsibilities and there is significant need for this in Croydon.</p> <p>It would put significant pressure on other, more expensive, services (i.e. residential and clinical services).</p> <p>Any short term financial benefit would quickly see increased costs in other areas of the Council.</p>

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6.6 Several options have been considered for the reprocurement of this service as detailed below:-

Option Summary	Pros	Cons
Insourcing of services (in house provision)	Retain control over service provision.	Administration costs, lack of expertise, there is no capacity with staffing. Potential loss of innovation in service delivery lack of co-production. Loss of potential partner working, with voluntary organisations, external agencies and partners.
Open market tender over DPS (DPS is preferred option)	Wider reaching access to providers on the open market.	<p>The DPS option is quicker as providers are pre-approved for quality and cost.</p> <p>The tender open on the DPS will be allocated by LOT with pre-approved providers able to support the MH/accommodation services. An open tender would lead to potential bids from providers without experience in similar service provision</p>
Do nothing (i.e. – Decommission the service)	Short term financial gain.	<p>The service helps the Council to meet its statutory responsibilities and there is significant need for this in Croydon.</p> <p>It would put significant pressure on other, more expensive, services (i.e. residential and clinical services).</p> <p>Any short term financial benefit would quickly see increased costs in other areas of the Council.</p>

6.7 Future savings/efficiencies

The proposal delivered £25,000 to support MTFS savings requirements for 21/22. The current service is experiencing an increase in demand in line with the increase in people requiring mental health support following the pandemic. Discussions are underway with health colleagues to explore joint funding in light of the system efficiencies this service delivers.

Approved by: Paul Clistlands, Finance – Adult Social Care & Health

7 LEGAL IMPLICATIONS

7.1 The Council is under a general Duty of Best Value to make arrangements to

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secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness (Section 3 of the Local Government Act 1999 (as amended by s137 of the Local Government & Public Involvement in Health Act 2007)

- 7.2 The Cabinet is empowered to make the decision in accordance with the recommendations pursuant to the Tenders and Contracts Regulations, which form part of the Council's Constitution

Approved by Kiri Bailey, Interim Head of Commercial and Property Law on behalf of the Director of Legal Services.

8 HUMAN RESOURCES IMPACT

- 8.1 The staffing for the current service are employed directly by Look Ahead. As this report recommends an extension to the current contract of to 1 August 2022 there are no staffing or human resources impact from the proposed extension.
- 8.2 In respect of the proposed future service, as a London Living Wage borough, the future service will include the requirement to pay the London Living Wage.
- 8.3 There may be TUPE implications if the incumbent provider is not successful in tendering for the new service.

Approved by: Debbie Calliste, Head of HR for Adult Social Care & Health on behalf of the Director of Human Resources

9 EQUALITIES IMPACT

- 9.1 A full Equalities Impact Assessment was carried out as part of the original award. An additional Equality Analysis will not be required for the proposed extension to the contract for the existing service – no change is being made to the current service and as such there will be no impact on groups that share protected characteristics.
- 9.2 The Council will take steps to ensure equality clauses/requirements are monitored as part of the contract monitoring process and the provide supports the Council to meet its Public Sector Equality Duty via its Equality policy, collecting equality information and providing appropriate training.
- 9.3 An Equalities Impact Assessment will be undertaken as part of the recommissioning process to ascertain the potential impact on groups that share a protected characteristic.
- 9.4 The current provider was asked to support achieving significant engagement from current service users, utilising various methods of communication to best support feedback. It was reported service users declined to engage in face to

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face meetings (COVID-19 restrictions aside) and also with online meetings due to limited access to Wi-Fi and not wishing to use data through their mobile phone contract. There was no response to the anonymised questions about their experience and the provider was asked to support service users through key work sessions to increase their confidence in sharing their experience. This was offered for service users to respond to LBC by email with their responses if they preferred not to discuss their responses with provider staff. The questions related to their experience of the step down programme, challenges and potential hurdles in reaching their best level of independence and if they wished to provide any ideas in how future services may best support them going forward. There were no questions relating to the monitoring of current services and they were reminded it was about future service design and not contract monitoring of existing services.

- 9.5 Service users and lived by experience users were invited to join the tender evaluation panel for the proposed tender from 7 February 2022 for the recommissioning of services from 2 August 2022. The team will continue to support the process ahead of the evaluation process during March 2022. Service users will be offered relevant training in supporting their engagement in the evaluation and contract award process.
- 9.6 To support engagement from service users, health partners are supporting attending community based and ward meetings with the discharge team and service users as well as engaging with other providers offering floating support within the MH supported living provision as well as lived by experience from those living independently in the community following their move on from the step down provision.

Approved by: Denise McCausland - Equalities Manager

10 ENVIRONMENTAL IMPACT

- 10.1 An environmental and design impact assessment is not required for this report.

11 CRIME AND DISORDER REDUCTION IMPACT

- 11.1 There are no crime and disorder considerations arising from this report.

12 REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 12.1 It is recommended to extend the current contract in accordance with the recommendations.

- 12.2 The reasons for this recommendation are:-

- To allow the council to undertake a full review of the current pathway to

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inform the specification of the new service.

- The current quality of care and contract performance is at good levels.
- To allow the council to undertake an options appraisal regarding the future leasing arrangements.

12.3 It is also recommended to undertake the recommissioning of supported housing services to enable the council to meet its statutory requirements and provide support to people with a mental health diagnosis.

13 OPTIONS CONSIDERED AND REJECTED

13. See 6.4 above

14 DATA PROTECTION IMPLICATIONS

14.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

YES

14.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

Not at this time

The existing contract already contains safeguards around the management of personal data and as there is no change being requested to the way personal data is to be used or the service is delivered.

A new DPIA will be undertaken in respect of the proposed new service.

Approved by: Stephen Hopkins, Head of Children's & Adults Placement & Brokerage on behalf of the Director of Operations, Adult Social Care

CONTACT OFFICER: Karen Wren, Strategic Commissioning Manager,
Accommodation & Pathway Management

BACKGROUND PAPERS: None

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For General Release

REPORT TO:	CABINET 24 JANUARY 2022
SUBJECT:	Covid-19 Recovery for BH Live
LEAD OFFICER:	<p>Sarah Hayward, Acting Corporate Director for Sustainable Communities, Regeneration & Economic Recovery</p> <p>Kristian Aspinall, Interim Director of Culture & Community Safety</p>
CABINET MEMBER:	Councillor Oliver Lewis, Cabinet Member for Culture & Regeneration
WARDS:	All
<p>COUNCIL PRIORITIES 2020-2024</p> <p>The Council is committed to living within our means, balancing our books and providing value for money for our residents. This paper will ensure that an operator for Fairfield Halls can deliver cultural events and activities to residents, without the Council becoming liable for business rate payments, and providing value for money for our investment.</p>	
<p>FINANCIAL IMPACT</p> <p>Financial support has been provided to BH Live through the Additional Restrictions Grant (ARG) Town Centre Recovery Grant in 2021/22. BH Live have had an application approved for £250,000 in November 2021 and envisage applying for a further £200,000 in January 2022 (total £450,000) to support initial recovery from Covid. This is a government grant and is at no cost to Croydon. The ARG is subject to a separate decision making process.</p> <p>A management fee of £193,000 in 2022/23 and £74,000 in 2023/24 is required to provide continued support, as the venue and cultural sector recover and audiences regain confidence in a post-Covid cultural environment. These costs are not in current budgets but are significantly lower than the cost of potentially paying the business rate liability should BH Live cease trading.</p> <p>A contract variation will establish a profit sharing arrangement between Croydon and BH Live for the next two years. At the end of this period any profit will be split 90% Croydon: 10% BH Live. The operator will be liable for all losses.</p> <p>Croydon will also purchase physical assets necessary for the running of the venue from BH Live at the depreciated rate, to safeguard future venue operations. This is valued at £574,000. BH Live will be given permission to use these assets for the duration of the contract.</p> <p>Providing a short term management fee and purchasing key operating assets is a cheaper alternative to taking on responsibility for paying business rates (circa £700,000/year) and hibernating the building (circa £25,000/month). This option provides better value for money to residents.</p>	

FORWARD PLAN KEY DECISION REFERENCE NO.: 4921CAB

The notice of the decision will specify that the decision may not be implemented until after 13.00 hours on the 6th working day following the day on which the decision was taken unless referred to the Scrutiny and Overview Committee.

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

1. RECOMMENDATIONS

Cabinet is recommended to:

- 1.1 Agree, in accordance with Regulation 30.3 of the Council's Tenders and Contracts Regulations, to vary the existing contract with the operator of Fairfield Halls, BH Live, to a value of £841,000 (resulting in a total aggregated variation value of £1,291,000 and a total maximum aggregated contract value of £181,291,000) by:
 - (i) Agreeing to include a management fee arrangement of £193,000 in 2022/23 and £74,000 in 2023/24, with a profit sharing arrangement of 90% Croydon : 10% BH Live; and
 - (ii) Agreeing to the early purchase of physical assets within Fairfield Halls from BH Live, to the value of £574,000 (subject to a confirmed valuation), which could have otherwise occurred at the exit of the contract.

2. EXECUTIVE SUMMARY

- 2.1 A concessions contract was awarded to BH Live to operate Fairfield Halls for a period of ten years, with the option to extend by a further five (decision reference CCB1215/16-17). The contract commenced in July 2019.
- 2.2 The cultural sector has been significantly impacted by the Covid pandemic and national lock downs. Fairfield Halls was forced to close between March 2020 and March 2021. The flagship venue requires financial support to ensure continued operation while the cultural sector recovers.
- 2.3 A management fee in 2022/23 and 2023/24 will support the operator, BH Live, in their recovery. It will also provide a venue around which the evening and night time economy can regrow.
- 2.4 The purchase of assets from BH Live that are key for operating the venue will positively impact the operating position of the contract, while providing the Council with essential equipment to continue operations should the contract end. Owning these assets will strengthen the Council's procurement position should it need to source a new operator. Due diligence has been undertaken to confirm the ownership of the assets, the original purchase value, and the Net Book Value as per the terms of the contract.

- 2.5 Providing a short term management fee and purchasing key operating assets is a cheaper alternative to taking on responsibility for paying business rates (circa £700,000/year) and hibernating the building (circa £25,000/month). This option provides better value for money to residents.

3. BACKGROUND

- 3.1 BHLive is a registered Charity, limited by guarantee and independent of any local authority. They have long term contracts with Bournemouth, Christchurch & Poole Council, Portsmouth City Council and London Borough of Croydon.

BH Live re-opened the refurbished Fairfield Halls in September 2019. The venue was operational for six months before the impact of the Covid pandemic forced all entertainment and leisure venues to close in March 2020. Supplier relief of £200,000 was provided by the Council for losses incurred from March 2020 to June 2020 (endorsed by GOLD group 18/05/2020). A decision was taken by GOLD group, an officer led group chaired by the Chief Executive, to hibernate the building until March 2021, with the Council covering maintenance costs during this time at a cost of £250,000.

- 3.2 Fairfield Halls reopened in April 2021 following the easing of government social distancing guidelines. Events and activities have been held in the venue from June 2021, rebuilding audience and promoter confidence. The resident companies (TALAWA, Savvy, and London Mozart Players) have returned to Fairfield Halls to rehearse and perform shows, and deliver workshops.
- 3.3 The cultural sector, however, is still struggling following the impact of the Covid pandemic. It will take time to rebuild audience and supply chain confidence, however, there are signs of recovery. Fairfield Halls hosted a sold out performance by Nick Cave in September 2021. In December, Stormzy hosted A Very Merky Christmas, a free event for young people in the borough which was well received and gained local and national press. Fairfield Halls also hosted the Beauty & the Beast pantomime with Dick & Dom during December and early January. This forms part of a full and varied programme of events taking place in the venue.
- 3.4 Despite these early signs of growth there is still a risk of a deficit in the financial forecast due to the impact of Covid. The financial forecast is included in Part B. It is anticipated that financial support will be needed for three financial years to get the venue back to a self-sustaining operating model.
- 3.5 BH Live have applied for the Additional Restrictions Grant (ARG) Town Centre Recover Grant to support the business in Croydon in 2021/22. This grant is to support anchor organisations within the town centre to recover from the impact of the Covid pandemic, and to provide economic benefit to other organisations and business in the borough. As a flagship cultural venue, a successful Fairfield Halls will support the cultural sector, evening and night time economy, and wider economy of the borough. The decisions in respect of ARG applications are subject to a separate governance process, in accordance with the Cabinet decision of 16th August 2021 for the Corporate Director of Sustainable Communities, Regeneration and Economic Recovery to agree grants with

delegated authority, and will need to be in accordance with the guidance issued by the Department for Business, Energy and Industrial Strategy. BH Live have successfully applied for £250,000 of the ARG Town Centre Recovery grant in November 2021, with a further application for £200,000 envisaged in January 2022. The awarding of this grant does not lessen the need for a management fee in 2022/23 and 2023/24.

- 3.6 The financial model forecasts that there will be a decreasing financial gap in 2022/23 and 2023/24. Support of £193,000 is estimated for 2022/23, and £74,000 for 2023/24. This will ensure that the venue is able to continue operating, providing cultural events and activities ranging from international artists to local community group performances. These forecasts are based on BH Live receiving £450,000 of the ARG, should their application be unsuccessful or partially unsuccessful, and the level of support would need to be increased accordingly.
- 3.7 To support the operator during the period of recovery from Covid, a management fee is being proposed for 2022/23 and 2023/24. A fee of £193,000 in 2022/23 and £74,000 in 2023/24 is suggested to cover 90% of the forecasted operating deficit in each year. The remaining 10% will need to be covered from increased income or efficiencies made by the operator.
- 3.8 If a surplus is generated over this period then a profit sharing arrangement will be in place, with open book accounting to ensure financial transparency. Profit will be shared at the end of the two year period on a 90% Council: 10% Operator basis. The profit would be split at the end of 2023/24, being held in trust until that time to mitigate against unforeseen losses. The operator will be liable for any losses incurred at the end of the period.

A profit sharing arrangement will compensate the Council for the financial support provided through the management fee, should there be a surplus. The 10% proportion for BH Live allows the operator to rebuild their reserves and incentivises good performance.

- 3.9 It is forecast that there will be sufficient recovery in the cultural sector by 2024/25 that no management fee arrangement will be necessary.
- 3.10 Without financial support through a short term management fee arrangement it is likely that the operator will not be able to generate sufficient income to cover costs. As a charitable organisation they cannot operate in a deficit and would have to terminate the contract.
- 3.11 If the contract were to be terminated by BH Live, the Council would be liable for the payment of circa £700,000 business rates per year whether the building was open or closed, plus ongoing maintenance and hibernation costs. During lock down these costs averaged £25,000 per month. The payment of the management fee is a cheaper alternative to taking back responsibility for the venue, avoiding higher costs for the Council.
- 3.12 It is also recommended that the Council purchase essential operational assets from BH Live, should the operator terminate the contract, recognising that recovery in this sector is still uncertain. This will enable the Council to continue

operations while a new operator is procured, and make the tender more appealing to prospective operators. In addition, purchasing these assets will reduce the budget line for depreciated assets on the operator's budget forecast. This decreases the likelihood of an operational deficit in year.

- 3.13 The assets selected for purchase include ICT infrastructure, point of sales equipment, furniture and lighting at a value of £574,000, details available in Part B. Due diligence has been undertaken to ensure that the Council have not previously purchased the assets, that receipts are available for proof of purchase, and that depreciation rates have been applied as per the terms of the contract.
- 3.14 A further contract variation will be agreed to amend the contract to reflect the purchase of the assets in 2021/22, rather than the original transfer at the end of the contract. BH Live will be licenced to use the assets to the end of the contract.

The current terms of the operator agreement specify that upon termination of the contract the operator must return any equipment that belongs to the authority. This equipment is recorded on the Asset Register. In addition, the authority has the option to purchase Transferrable Assets at the Net Book Value at the end of the contract. The Net Book Value anticipates a straight line depreciation rate over 10 years, and so the transfer value would be zero at the planned end of the contract. If the contract was terminated early then a proportionate amount of the Net Book Value would be paid for the Transferrable Assets.

- 3.15 External legal advice has been sought from Browne Jacobson to assure the Council that the contract variations implementing the asset purchase and management fee arrangements are within subsidy control (previously state aid) rules and procurement regulations. Further details are provided in Part B.
- 3.16 The advice received confirms that the Council could rely on the market economy operator principle (MEOP) on the basis that an "ordinary" market operator in the same position as the Council would enter into the proposed variation arrangements in similar circumstances. Only private considerations (which will primarily focus on financial considerations, but it is also possible to include long term strategic considerations) are taken into consideration. There are a number of "commercial" reasons for the Council to amend the contract as recommended, such as taxation benefits through national non-domestic rates return available to BH Live as operator.
- 3.17 Given the genuine commercial benefits explained in this report (against the disadvantages the Contract being terminated), the Council considers that a market operator in similar circumstances would decide that a variation to the Contract as proposed would be more economically sensible than the alternative consequences and so there would be no specific economic advantage to BH Live and thus no subsidy to BH Live.
- 3.18 The consideration of changes to the contract with BH Live for the operation of Fairfield Halls have also been reviewed from a procurement and tendering perspective following advice received from Browne Jacobson.

- 3.19 The Contract was awarded under an open procurement process, and above the minimum threshold and was therefore procured and established under the Concession Contract Regulations 2016 (“CCR”).
- 3.20 The proposal presented before Cabinet is to seek approval for a contract variation permitted under Regulation 43(1)(c)- Unforeseen Circumstances of the CCR.

Regulation 43(1)(c)- Unforeseen Circumstances:

A modification will be permitted under Regulation 43(1)(c) when it could not have been foreseen by a reasonably diligent contracting authority and it does not alter the overall nature of the concession contract. In addition, the increase in value must not exceed 50% of the value of the original concession contract.

- 3.21 The Council is seeking to rely on this regulation to permit the proposed modification because of the direct impact COVID-19 has had, and continues to have, on the performance of this contract. There was no indication that COVID-19 would occur and the effects of COVID-19 across the arts sector, and therefore BH Live’s financial standing, was not known. The proposed amendments do not exceed 50% of the value of the original concessions contract.

4. CONSULTATION

- 4.1 Significant consultation has been undertaken with BH Live. In the immediate aftermath of the Covid pandemic, conversations between the Council and BH Live focused upon the immediate issues faced with the closing down of the building for the first national lock down, immediate financial support and longer term hibernation of Fairfield Halls.
- 4.2 Conversations commenced on the short and medium term implications of the Covid pandemic once clarity was provided by Government on the relaxing of the third national lockdown and the re-opening of cultural and entertainment venues from June 2021. At this stage the venue was passed back to BH Live to commence remobilisation.
- 4.3 Financial forecasts provided by BH Live identified that there would be a medium term impact on the performance of the contract brought about as a direct impact of the Covid pandemic. The whole cultural sector was significantly impacted by the loss of economic activity over the 15 months of enforced closure.

- 4.4 Initial conversations discussed opportunities to mutually terminate the contract over a protracted period to limit the impact on both the Council and BH Live. In this scenario there would be no opportunity for BH Live to recover sunk costs. The Council would be liable for the payment of business rate at the venue at a value of circa £700,000 per annum plus hibernation costs of £25,000 per month until a new operator could be procured. It was recognised that in the current economic climate that another suitable operator may not be found.
- 4.5 Through discussion it was realised that both parties believed that continuing the contract with a management fee arrangement over the medium term would provide best value for both parties. This would also ensure no loss of provision to the residents of Croydon in the build up to London Borough of Culture 2023.

5 PRE-DECISION SCRUTINY

- 5.1 This recommendation has not been to pre-decision Scrutiny.

6 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 6.1 The introduction of a management fee arrangement and the purchase of assets meets the following essential spend criteria:
- expenditure necessary to achieve value for money and / or mitigate additional in year costs.
 - To prevent the situation that led to the report being issued from getting worse
- 6.2 There is no existing budget allocation for the management of Fairfield Halls. The arrangement with BH Live is a concessions contract and was envisaged to be at no cost to the Council. However, the impact of Covid on the cultural sector has put the future of the contract in jeopardy.
- 6.3 A growth request, as part of the Medium Term Financial Strategy, has been submitted to increase the budget for 2022/23 by £193,000 and 2023/24 by £74,000. This growth request is included in the 2022/23 and 2023/24 budget proposal to be approved separately by Council.
- 6.4 A capital request has been submitted for the purchase of physical assets of £574,000, described above, which will reduce the depreciation value in the financial forecast. This creates a small contingency in the bottom line, which will be used to protect the Council against in-year losses.

Due diligence is has been undertaken to ensure that all assets have been fully receipted, and that correct depreciation rates have been calculated. The valuation has been undertaken in accordance with the purchase option (at exit) within the existing concessions contract with BH Live and shall represent the Net Book Value. These assets are the property of BH Live and have not been paid for previously by the Council.

6.5 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2021/22	2022/23	2023/24	2024/25
	£'000	£'000	£'000	£'000
Revenue Budget available	£0	£0	£0	£0
Expenditure	£0	£0	£0	£0
Income	£0	£0	£0	£0
Effect of decision from report	£0	-£193	-£74	£0
Expenditure	£0	-£193	-£74	£0
Income	£0	£0	£0	£0
Remaining budget	£0	-£193	-£74	£0
Capital Budget available	£0	£0	£0	£0
Expenditure	£574	£0	£0	£0
Effect of decision from report	-£574	£0	£0	£0
Expenditure	£574	£0	£0	£0
Remaining budget	-£574	£0	£0	£0

6.6 The effect of the decision

The capital investment and a revenue management fee will support the operator through the post-Covid recovery period. This will keep the venue open, supporting the wider local economy, safeguard the councils liability to pay business rates and providing jobs to residents.

This is a cheaper alternative to terminating the contract and hibernating the building, as detailed above, and provides better value for money to residents.

6.7 Risks

- 6.7.1 If no support was provided then it is likely that BH Live will not be able to generate sufficient income to cover costs. As a registered charity BH Live are unable to operate in a financial deficit and so will be forced to terminate the contract.
- 6.7.2 If the contract was terminated then the Council would be liable to pay the annual business rates of circa £700,000. In addition, the building maintenance and hibernation costs would be taken on by the Council. During the recent hibernation period during lock down this was circa £25,000/month.
- 6.7.3 Due to the difficult situation faced within the cultural sector post-Covid there is no guarantee that a suitable operator would be found to take on management of the venue, and unlikely to be found without a level of management fee from the Council.

- 6.7.4 There is likely to be significant reputational damage to the Council if Fairfield Halls was to remain in hibernation for a significant period of time, especially leading up to and including London Borough of Culture.
- 6.7.5 There is a small risk of legal challenge regarding the proposals, however the Council has taken external legal advice and is satisfied that there are reasonable grounds to rely on the MEOP principles and to rely on the permitted modification Regulation 43 of the CCR.
- 6.7.5 There is a risk that BH Live's application to receive the ARG (total £450,000) could be unsuccessful. Given BH Live's financial forecasts are based on the ARG being provided, there is a risk that further additional contract variations would be required accordingly. This risk is considered to be low but is the subject of separate decision making.

6.8 Options

- Do nothing – no financial support to the operator via a management fee or asset purchase. It is likely that this will prove to be financially unviable for the operator, who will terminate the contract.
- Management fee only – support the operator via a management fee in 2022/23 and 2023/24, totalling £267,000. There would be no purchase of assets, reducing contingency in the profit/loss account.
- Asset purchase only – support the operator via the purchase of the physical assets, totaling £574,000, but no management fee. It is likely that this will prove to be financially unviable for the operator, who will terminate the contract.
- Management fee and asset purchase – support the operator via a management fee, totaling £267,000, and asset purchase, totaling £574,000.

6.9 Future savings/efficiencies

- 6.9.1 The management fee is a short term solution to ensure the longer term viability of the Fairfield Halls venue. There are no plans for financial support in 2024/25 or beyond.
- 6.9.2 A thriving cultural and entertainment venue will attract footfall, new business and jobs to the town centre, aiding economic recovery.

Approved by Matt Davis, Interim Director of Finance (Deputy S151)

7. LEGAL CONSIDERATIONS

- 7.1 The Interim Head of Commercial & Property Law comments on behalf of the Interim Director of Legal Services that external legal advice has been sought and the legal considerations in respect of both procurement risks and subsidy control are set out within this report and within the Part B report.

- 7.2 In accordance with Regulation 30.3 of the Council's Tenders and Contracts Regulations, Cabinet is empowered to make the decisions set out in this report.

Approved by Nigel Channer, Interim Head of Commercial & Property Law on behalf of the Interim Director of Legal Services & Deputy Monitoring Officer

8. HUMAN RESOURCES IMPACT

- 8.1 There is no human resources impact from this decision. If any should arise these will be managed under the Council's policies and procedures.

Approved by Jennifer Sankar, Head of HR Place & Housing for and on behalf of the Human Resources Department

9. EQUALITIES IMPACT

- 9.1 Fairfield Hall have historically provided cultural entertainment to the diverse communities in Croydon supporting the Council in fulfilling the requirements of S149 Equality Act 2010. The continuance of the venue providing diverse entertainment will support the Council in addressing inequality and fostering good community relations between groups.

- 9.2 The operator BH Live may offer local employment to the diverse residents in the Borough, thus helping to tackle inequality in employment.

- 9.3 The operator BH Live should be requested to sign up to forthcoming Equality Pledges /standards of the Council.

Approved by Denise McCausland, Equality Programme Manager

10. ENVIRONMENT AND CLIMATE CHANGE IMPACT

- 10.1 There is no environmental impact from this decision.

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 There is no crime and disorder impact from this report.

12. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 12.1 It is recommended that the option to support the operator with a management fee in 2022/23 and 2023/24, and the purchase of assets, is approved by Cabinet.

- 12.2 This will ensure the medium term viability of Fairfield Halls to recover from the impact of the Covid pandemic. This time will allow the operator to rebuild the

audience numbers, increasing cash flow, and to generate a profit, which will be shared with the Council.

- 12.3 A successful Fairfield Halls will contribute to local economic recovery, particularly in the town centre and evening and night time economies. It will also support the local cultural supply chain, small and medium cultural organisations, and create permanent and casual jobs in the venue.
- 12.4 This option avoids higher costs that the council would be liable for should the operator terminate the contract.

13. OPTIONS CONSIDERED AND REJECTED

- 13.1 Do nothing – no financial support to the operator via a management fee or asset purchase. It is likely that this will prove to be financially unviable for the operator, who will terminate the contract.
- 13.2 Management fee only – support the operator via a management fee in 2022/23 and 2023/24, totalling £267,000. There would be no purchase of assets, reducing contingency in the profit/loss account.
- 13.3 Asset purchase only – support the operator via the purchase of the physical assets, totaling £574,000, but no management fee. It is likely that this will prove to be financially unviable for the operator, who will terminate the contract.

14. DATA PROTECTION IMPLICATIONS

14.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

14.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

NO

CONTACT OFFICER:

Robert Hunt, Acting Head of Culture, Leisure & Libraries, 0208 726 6000 ext. 63309

BACKGROUND PAPERS:

Included in Part B

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REPORT TO:	CABNET 24 JANUARY 2022
SUBJECT:	Microsoft Enterprise Subscription Procurement Strategy
LEAD OFFICER:	Elaine Jackson Assistant Chief Executive Neil Williams Chief Digital Officer & Director of Resident Access
CABINET MEMBER:	Cllr Young Cabinet Member for Resources and Financial Governance
WARDS:	ALL
COUNCIL PRIORITIES	
<p>The strategy supports the Croydon Renewal plan by ensuring the continued provision of corporate software licenses which are critical for every aspect of the council's work.</p> <p>The Microsoft Enterprise Subscription includes software licenses for core Microsoft products all council staff rely upon for their jobs, such as Office 365 and MS Teams. As well as being business critical for the functioning of the council, this software supports remote and flexible working and enables the council to implement modern ways of working to support efficiency savings.</p>	
FINANCIAL IMPACT	
<p>Contract expenditure estimated at £5.5m total for the proposed 3 year contract term.</p> <p>The contract will be funded from existing revenue budget held within the Digital and Resident Access division in the Assistant Chief Executive directorate, as set out in section 6 of this report.</p> <p>There are no capital implications.</p>	
FORWARD PLAN KEY DECISION REFERENCE NO.: Not a key decision	

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

1. RECOMMENDATIONS

- 1.1 Cabinet is recommended by the Contracts and Commissioning Board to approve the procurement strategy detailed in this report for the procurement of Microsoft Enterprise Subscription which will lead to a 3 year contract with an estimated value of £5.5m

2. EXECUTIVE SUMMARY

- 2.1 This procurement strategy is proposed to reprocur Microsoft software licensing. The Council currently licences Microsoft software under an Enterprise Agreement with a specialist software reseller (Insight Direct UK). The contract was let in 2019 (CCB ref: CCB1495/19-20, Decision ref 2119FR).

Commissioning outcomes required

- 2.2 There is a strategy to continue using Microsoft software products, therefore a new Enterprise Subscription is needed, as our current agreement expires in June 2022. These applications and services are critical to deliver key services across the organisation for Croydon residents. The cloud based software has been vital in supporting Council activities during the disruption caused by the pandemic and will further enable efficiencies and improved ways of working which are key to support the council's financial strategy.
- 2.3 Failure to have entered into a new agreement before the current agreement ends will result in the Council being unable to access Office 365 which includes Outlook email and Teams, Word, and Excel, files in OneDrive and other online Azure hosted back-office systems, such as Microsoft InTune, SQL server which is a database used by many of our IT systems, and Enterprise Mobility Suite.
- 2.4 The proposed duration of the subscription based licence enterprise agreement is for 3 years which is the maximum allowable under Microsoft licence terms. This timeframe will enable the Council to continue to fully utilise the benefits of a subscription model, and review products over time. Should usage numbers decrease there is flexibility annually to reduce licence numbers and costs. The flexibility also provides for an increase in licences due to staff recruitment over the 3 year term.
- 2.5 The 3 year term is fixed by Microsoft and there are no options to extend. The expected start date for the new enterprise subscription is 1 July 2022.
- 2.6 Note that the Council has enjoyed subscription prices which were achieved from the 2019 contract. Since 2019 Microsoft Licence charges have increased. When we go out to tender, we will be charged the latest Microsoft pricing which is higher than our current contract pricing.
- 2.7 The contract will be managed by the Croydon Digital Services Contracts Management team to ensure on-going compliance and value for money.

Further analysis

- 2.8 The following issues have been considered:

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Question	Response
Can we extend current arrangement or enter into a new term which is not fixed for 3 years eg 1 + 1 or a 1 + 1 + 1?	Unfortunately, no because the framework does not allow it. The current 3 year agreement expires in June 2022, and so the only way to extend would be to enter into a brand new 3 year agreement. This would be based on new Microsoft pricing, with the understanding that this would only be with our current provider for year 1 and then we would need to hold a tender for year 2 and 3.
How will CDS manage demand for licence types and volumes to reduce costs?	<p>CDS will continue to manage demand through completing quarterly reviews on licence numbers and reviewing the licence type required when a new starter form is received.</p> <p>Leaver reports are also actioned monthly, and licences are harvested to be reassigned accordingly.</p> <p>It is important to note that CDS reduced the licence requirements to accommodate latest staff changes, saving LBC approx. £80K due.</p> <p>* Further info below</p>
Can we consider moving away from O365	<p>Yes, this is a feasible option, however, our recommendation is that this is assessed in a full business case, looking at:</p> <ul style="list-style-type: none"> • Feasibility financial impact; • Risk; • Potential for innovation; and • An overall level of success. <p>However, due to the short timeframe, we do feel there is insufficient time to complete this by May 2022.</p> <p>** Further info below</p>

*

The Council manages various licence types for LBC staff. We currently utilise lower cost basic functionality Exchange Online only licences, 'standard' E3 licences and some higher cost feature rich E5 licences where appropriate. The majority of our LBC staff are assigned E3 licences.

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CDS Service Operations review all E3 & E5 licensing quarterly to ensure any licenses not being used are recovered. Work is also underway to establish if the software asset management solution we use (called SNOW) can automatically do this for us as part of its functionality, but for now, we are managing to recover licenses manually, reducing additional expenditure.

Where we struggle is with some shared network accounts, where they require an E3 license due to the volume of emails received and need to be stored for a certain period of time. (A standard shared network account only allows for 50GB storage which cannot be increased, so relies on the owners of the mailbox to keep it clean and tidy). Also, get forecast info from HR on new starters.

In terms of E3 vs low cost Exchange Online only licences, the main difference is that Exchange online will provide the users with access to Outlook online email only with no other applications such as Excel or Word. This might be feasible for some users but for the majority they would need an E3 license.

There are other variants of O365 licences, such as F3 (online only) licences, that are available, however, they come with certain limitations listed below. Significant analysis will need to be done, to be able to consider if business needs could be met from these lower cost licences.

Limitations of lower cost online only licences:

- Only 2GB mailbox, currently 50GB;
- Only 2GB One Drive, currently 1TB.
- Power Automate resources are further limited, so will need to buy more to support current needs (This is part of the Office365 Service that's used to manage and automate workflows between Apps and services (such as automatically move files around, run tasks based on emails received, etc)).
- Individual user needs and usage would need tracking and managing at the micro level where there is a hybrid of online licences and standard E3 licences.

There will always be a need for some LBC staff to have a mix of Exchange Online, E3 or E5 licences, - with approvals based on individual user justification to have just an exchange mailbox, and F3, E3 or E5 version of O365.

Q: At what point does resource costs to manage these outweigh any potential savings.

The Microsoft licences are managed by CDS staff where monthly leaver reports are checked and licences are harvested and reassigned accordingly. Starter requests are checked with line managers for requirements, and the lower cost basic E1 Exchange Online licences are assigned where relevant. Other Microsoft licences such as Visio and Project are only approved once a valid business case has been provided and approved by our Service Delivery Managers.

**

If the Council considers switching to an alternative product i.e. non Microsoft, the following points would need to be taken into consideration:

- There are compatibility challenges with older documents, which may not surface until the time of need.
- Assessment of all line of business Applications will need to be done against alternative Office products, as some applications may require Microsoft Office.
- Citrix will need multiple Desktops images to cater for MS Office and other Office products.
- User training and impact of cost of training and user error during the upskilling period, shouldn't be underestimated.
- Different storage solutions (E.g.: One Drive vs Google Docs) data migration and management challenges.
- Different Authentication model between Google Cloud and Azure Cloud Directories, which will impact the strategy for Single Sign-On, and involve significant and costly re-design.
- Littlefish and Capita support costs may likely increase.
- The time spent to migrate to Azure would be reset if this exercise would need to be completed again to a non-Microsoft cloud environment.
- The new telephony system is currently tailored and integrated to our Microsoft set up, which would then need to be integrated again to our new product.

Migrating away from Microsoft would be a very significant change project for the Council that could take 3-5 years and cost millions of pounds. There would be considerable user impact (including a major training exercise in desktop products, for example, to replace Excel) as well as massive technology change. It is likely that we would need to have a hybrid estate of Microsoft and non-Microsoft for many years and incur duplicate costs. There would be additional costs from suppliers of support services, for example, Littlefish, as well application providers.

It is important to note that Google licences are also not free, and although there are other licences such as Redhat licences which are free, the support element would not be free.

3 DETAIL

3.1 Proposed Procurement Route

- 3.3.1 The recommendation is to run a further competition using Crown Commercial Services framework RM6068 Technology Products & Associated Services Lot 3: Software and Associated Services (Expires: 09/12/2023)

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- 3.3.2 The framework offers public sector buyers a compliant route to market for technology product needs (hardware and software) and all associated services.
- 3.3.3 Access to large value add resellers, there are 29 suppliers containing many of the main Microsoft accredited software resellers for Microsoft products. Microsoft sell through resellers for enterprise licencing agreements.
- 3.3.4 Access to government pricing via CCS memorandum of understanding (MOU) – we will get the benefit of discounts compared to running an independent procurement against pricing not subject to the MOU.
- 3.3.5 The framework is a Public Contract Regulations compliant route to market.
- 3.3.6 The Council can buy under this agreement by running one of the following further competitions:
- Option 1: run a further competition (inclusive of price and quality weightings)
Option 2: run a simplified further competition (price only weightings)
- 3.3.7 Option 1 is recommended in order to allow for social value to be included and the option to join the council Premier Supplier Programme.

Note other procurement options considered are set out in Section 13.

Interdependencies

- 3.3.8 No interdependencies have been identified.

Compliance with TCRs & PCR

- 3.3.9 A waiver has been requested from the Chair of CCB for a departure from the ratio set out in the tenders and contracts regulations. The proposed approach for bidder evaluation is Cost x Quality and the weighting criteria will be measured at 30% Quality and 70% Cost (this is allowable under the framework). As this is a departure from the Council standard of 60% Quality and 40% cost approval was sought from the Chair of CCB as part of recommending this strategy by means of a waiver to regulation 22.4 of the tenders and contracts regulations.

Any quality issues or VFM

- 3.3.10 The agreement financial value is comprised mostly of the cost of the software licences. This is essentially commodity procurement. The resellers can add a limited amount of additional “value add” to the agreement in the form of offers of additional training days, briefings and workshops or discounts for other products or services. All resellers offer agreement administration and regular product briefings as this is part of their requirements for them to receive Microsoft accreditation. Therefore, there is little to choose between the suppliers for this type of agreement in respect of the Quality criteria.

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3.3.11 The main differentiator is with the margin resellers are able to offer against the “buy price” from Microsoft and how well they can meet Social Value requirements which will form 25% of the Quality criteria.

Social Value

3.3.12 Social value will form 25% of the quality evaluation criteria.

London Living Wage

3.3.13 Bidders will be required to commit to the London Living Wage for London based staff they employ and the Living Wage for non-London based staff as part of the tender requirements. It should be noted that the companies in this market usually all pay higher than the Living Wage.

PSP

3.3.14 Bidders will be invited to join the Premier Supplier Scheme which will form 2% of Quality evaluation criteria.

Statutory Requirements

3.3.15 The use of Microsoft licences is not in itself a statutory requirement however the Microsoft software and services used by the Council support every council Member, every officer, team, department, division and directorate across the entire Council responsible for and engaged in the delivery of statutory services.

3.2 Contract Terms and Conditions

There are framework and call off terms – legal support will be engaged to prepare the contract and ensure Croydon specific requirements required by the Tenders and Contract regulations are met.

3.3 Evaluation

3.3.1 Tender Evaluation

The tender process will be conducted to ensure that tenders are evaluated fairly to ascertain the most economically advantageous tender. The opportunity shall be advertised via the London Tenders Portal and will be managed by the Resources Category Manager and CDS Contracts team.

A further competition will be run under the CCS framework RM6068. The bidders will be evaluated with cost and quality ratios set at 70% cost and 30% quality. This ratio is allowed under the framework.

The tenders will be returned electronically via the e-tendering portal. An evaluation panel (Category Manager, CDS Contracts Manager, CDS Finance Manager and Technical Architecture Manager) will assess each submission and will be evaluated in accordance with the Tenders and Contracts Regulations and Corporate Evaluation Guidance to ensure probity, value for money and that the most economically advantageous contractor is chosen.

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Award criteria questions in the Service Specification are designed to assess potential Providers' ability to meet the needs of The Council and, unless marked Pass/Fail, will be marked on the council standard zero to five (0-5) scale.

Criteria will be scored Mandatory (Pass / Fail), highly Desirable and Desirable. Bidders must pass all Mandatory (Pass / Fail sections). Highly Desirable and Desirable (used in the Service Specification only) items will be evaluated using a scoring system from 0 to 5. Should two or more Bidders achieve the same score; scores in Highly Desirable categories will carry greater weight than those in Desirable categories.

Score	Rating	Details
0	Inadequate	Applies when a Bidder has clearly not understood the Council's requirement, or to instances where no response is offered.
1	Poor	Applies when the response indicates deficiencies or limitations that indicate that the proposal only partially meets the Council's requirements.
2	Adequate	Applies when the response indicates minor deficiencies or limitations that indicate that the proposal is inflexible, despite meeting the Council's minimum requirements, or only partially meets the Council's detailed requirements.
3	Compliant	Applies when the response is fully compliant and acceptable as meeting the Council's requirements.
4	Good	Applies when the response not only meets the Council's requirements, but offers additional benefits e.g. in terms of functionality, scalability or level of Bidder support.
5	Excellent - Adding Value	Applies when the response meets the Council's requirements and provides significant additional benefits e.g. in terms of functionality, Bidder support and a demonstrated ability to accommodate future developments with minimal effort and cost.

Although not fully determined, quality sub criteria will include:

- Service Management & Account Administration and Enterprise Agreement Administration and Support (60%)
- Value add Services (13%)
- Social Value (25%)
- PSP (2%)

All bidders will be asked to join the Premier Supplier Programme; responses will be evaluated as part of the Quality scores.

All bidders will be required to commit to payment of the London Living Wage.

3.3.2 Financial evaluation

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The council will undertake a financial health check of the preferred bidder to be assured of their current stability.

3.4 Procurement Timeline

Activity	Proposed Date
Engagement with Corporate Procurement	September 2021
Pre-tender activity	September 2021
CCB RP2	December 2021
Strategy approved by Cabinet	January 2022
Finalise Tender documentation	January 2022
Issue tenders under framework	End January 2022
Tender close	End February 2022
Tender evaluation	March 2022
CCB RP3	April 2022
Cabinet meeting	May 2022
Standstill	May 2022
Contract award	June 2022
Contract commencement	July 2022

3.5 Risks

The key risks in connection with this procurement and their mitigations are outlined in the table below;

Ref	RISK SCENARIO		RISK RATING			RISK MITIGATION
	RISK	Impact	Impact {1-5}	Likelihood {1-5}	Total	Mitigation
1	Not meeting the procurement timescales before current agreement ends	<p>Non-compliant and out of support.</p> <p>Not able to use cloud services</p> <p>Failure to have entered into a new agreement before the current agreement ends will result in the Council being unable to access Office 365 which includes Outlook email and</p>	5	4	20	<p>This is a high risk and is very likely to occur given reduced staffing levels and competing priorities.</p> <p>The timetable for procurement needs to be adhered to and project actively managed</p> <p>A project group has been established and tasks and responsibilities are being finalised.</p> <p>Capacity is an issue</p>

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		Teams, Word, and Excel, files in OneDrive and online Azure hosted back office systems.				There will be regular reporting to the project sponsor
2	Challenge from potential other suppliers.	Halt to procurement process so unable to meet timescales as above	2	2	4	Risk is low as compliant procurement to take place Project will be managed in line with the Council's tenders & contract regulations.
3	Declining standard of service from incumbent supplier.	Poor performance from incumbent supplier once there is awareness that this service will be open to competition.	2	2	4	The current contract management arrangements will continue to monitor supplier performance to ensure that service levels are maintained. To date there has been no decline in performance from the incumbent supplier.
	No bids	Will lead to absence of license agreement & consequent risks	5	1	5	Unlikely as market has been approached and feedback suggests there is interest
	Only 1 bid received	May not achieve best value	2	1	2	Unlikely to occur. Apply MEAT criteria to lone bid to ensure value for money achieved

Finance issues: None identified at this time. Finance to comment.

Legal issues: None identified to date; however, this may be subject to legal approval to the framework schedules and terms and conditions.

3.6 Performance Monitoring

The contract will be managed by the Croydon Digital Services Contracts Management team to ensure on-going compliance and value for money. A contract management plan will be implemented.

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- a) Overall contract management, service delivery, approvals and payments will be managed through the contract management team via the Commercial Contracts Manager.
- b) Managing the MS EA benefits such as roaming usage rights, training vouchers, E-learning, 24x7 problem resolution support.
- c) Regular review meetings between Croydon and the supplier.

4. CONSULTATION

- 4.1 Consultation will be undertaken with stakeholders from Finance, Legal, Croydon Digital Services, Equalities, Procurement, HR and information Management. Their feedback will be incorporated into the report.

5 PRE-DECISION SCRUTINY

- 5.1 As part of the new Scrutiny Work Programming process, the proposed decision set out in this report was reviewed by the Chair of the Scrutiny & Overview Committee, Councillor Fitzsimons, to consider whether it would be scheduled for scrutiny at a meeting of the Committee.
- 5.2 Having met with officers to discuss the report it was concluded that no further scrutiny was required at this stage, as the proposed decision outlined in the report was logical on both commercial and organisational grounds.
- 5.3 Using the Crown Commercial Services Framework would allow the Council to achieve value for money and it was recognised that an alternative solution to Microsoft could not be introduced without significant capital investment, which would outweigh any potential savings that could be realised. Given the position of Microsoft in the market, there was also reassurance that the continued use of this provider would support the Council's ongoing service improvement work streams.

6 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

6.1 Essential Spend Criteria

- 6.6.1 The proposed contract resulting from this strategy is considered to meet essential spend criteria as:

expenditure required to deliver the councils statutory services at a minimum possible level.

- 6.6.2 The use of Microsoft software and services facilitates and supports every statutory service across the Council.
- 6.6.3 The costs within this report are indicative, and more detailed costs will be available once the initial procurement exercise is underway. We expect that

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the costs will be fully funded from within the CDS budgets with any shortfalls being met from surplus revenue and expect no additional net revenue costs to the Council overall.

6.2 Revenue and Capital consequences of report recommendations

	Current year 2021/22	Medium Term Financial Strategy – 3 year forecast		
		2022/23	2023/24	2024/25
	£'000	£'000	£'000	£'000
Revenue Budget available				
Expenditure – (C14141) <u>Microsoft Licenses</u> <i>(Increase in cost due to inflation)</i>	1.025	1,100	1,100	1,100
Expenditure – (C14127) <u>Microsoft Azure</u>	672	700	735	772
Income	-	-	-	-
Effect of decision from report				
Expenditure	-	-	-	-
Income	-	-	-	-
Estimated Cost	<u>1,697</u>	<u>1,800</u>	<u>1,835</u>	<u>1,872</u>
Capital Budget available				
Expenditure	N/A	N/A	N/A	N/A
Effect of decision from report				
Expenditure	N/A	N/A	N/A	N/A
Estimated Cost	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

6.3 The effect of the decision

6.3.1 Microsoft license budget is £1.1m pa. There is a one off underspend on the budget this year due to the profiling of the budget.

6.3.2 Budget for the Azure costs will be funded from the budget assigned to the Sungard data centre contract.

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- 6.3.3 The resulting contract from this strategy will commit the Council to contract expenditure estimated at £5.5m total for the proposed 3 year contract term. The contract charges are split as £1.1m for Microsoft licences and £0.7m for Microsoft Azure spend per year. As shown in the above table.
- 6.3.4 We are expecting Azure spend to increase year on year at an estimate of 5% per year, which is included within the £5.5m total above, due to the potential for more data being added to the cloud.(Azure cloud services are paid in arrears and based on usage, the higher the usage of data, the higher the cost to the service.)
- 6.3.5 It is anticipated that cost increases from increased usage of Azure services will be funded from the budget for the expired SunGard data centre contract (C14076) which ended in May 2021.

6.4 Risks

A financial health check will be performed on the winning bidder. If the re-procurement is not completed in time to renew the licences, London Borough of Croydon run the risk of facing legal action or compliance audits from Microsoft, and the use of Azure cloud services may not be possible. As Azure cloud services is paid in arrears, the higher the usage of Azure and data within Azure, the higher the costs. This will be managed by constant and regular review of the costs and spend on Azure.

6.5 Options

No other options are considered viable as the Council requires Microsoft licensing to operate. The options have been listed below in Section 13.

6.6 Future savings/efficiencies

The subscription model allows the council (once a year) to reduce the number of licences being paid for annually if the number of users declines. The provision of a Microsoft Enterprise Subscription is vital to LBC as it enables to deliver key services across the Council for Croydon residents. The cloud based software has been vital in supporting Council activities during the disruption caused by the pandemic will further enable efficiencies and improved ways of working which are key to support the council's financial strategy.

Approved by Paul Cliftlands, Finance Manager on 06/12/2021

7. LEGAL CONSIDERATIONS

- 7.1 The Interim Director of Legal Services comments that the Council is under a general Duty of Best Value to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness (Section 3 of the Local Government Act 1999 (as amended by s137 of the Local Government & Public Involvement in Health Act 2007)

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- 7.2 The Cabinet is empowered to make the decision in accordance with the recommendations pursuant to the Tenders and Contracts Regulations, which form part of the Council's Constitution

Approved by: Kiri Bailey, Interim head of Commercial and Property Law on behalf of the Interim Director of Legal Services

8. HUMAN RESOURCES IMPACT

- 8.1 There is no immediate HR impact arising from this paper, if any should arise these will be managed under the Council's policies and procedures.

Approved by Gillian Bevan, Head of HR

9. EQUALITIES IMPACT

- 9.1 An initial equality analysis has been undertaken. There is no adverse impact on protected groups.

Approved by Denise McCausland, Equalities Manager on 09/11/2021

10. ENVIRONMENTAL IMPACT

- 10.1 The procurement of software licences does not have a negative environmental impact. The ability to facilitate remote and home working has a positive impact reducing vehicle usage by council officers, with consequent benefits associated with air quality and reduced vehicle congestion.

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 There are no crime and disorder considerations arising from this report

12. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 12.1 The recommendation is to run a further competition using Crown Commercial Services framework RM6068 Technology Products & Associated Services Lot 3: Software and Associated Services (Expires: 09/12/2023)

- 12.2 The framework offers public sector buyers:

- A compliant route to market for technology product needs (hardware and software) and all associated services
- Access to large value add resellers, there are 29 suppliers containing many of the main Microsoft accredited software resellers for Microsoft

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products. Microsoft sell through resellers for enterprise licencing agreements.

- Access to government pricing via a CCS memorandum of understanding (MOU) – we will get the benefit of discounts compared to running an independent procurement against pricing not subject to the MOU.

13. OPTIONS CONSIDERED AND REJECTED

Options			
No.	Options	Pros	Cons
1.	Do nothing	This is not an option there are no positive attributes.	Doing nothing will result in LBC using licenses which are unsupported and out of date. LBC run the risk of facing legal action or compliance audits from Microsoft. Use of Microsoft cloud services not possible.
2.	In house	This is not an option there are no positive attributes.	The Council is not a Microsoft licensed reseller and cannot grant licenses which must come from Microsoft. All the 'do nothing' cons also apply
3.	Direct Award to Microsoft	Microsoft set the base pricing irrespective of who we purchase from	Would require exception to tenders and contract regs Over PCR thresholds and very likely subject to challenge. There are resellers who provide for competition Value add reseller benefits not available with this model Microsoft have indicated an unwillingness to contract direct.
4.	PCR open tender	Access to large resellers More potential for competition Additional support and training offers from resellers	Timeframe to complete would run very close to current contract end date. Higher internal costs to run PCR process as more complex than framework mini competition.

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5.	Let contract end, cease use of Microsoft and migrate to free software	Could reduce some (but not all) licence costs.	Impossible to move away from Microsoft as most major back office systems hosted on Microsoft Azure and use supplier dictated underlying Microsoft databases. Would be a major and expensive migration requiring extensive data migration, other licences to be procured and staff re training. Free software does not have the functionality offered by the paid for products.
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14. DATA PROTECTION IMPLICATIONS

14.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

14.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

NO

The Chief Digital Officer & Director of Resident Access, Neil Williams comments that due to no sharing of personal data, the Information Management team have confirmed that there is no requirement for a DPIA to be completed.

Approved by: Jon Mellor on behalf of the Chief Digital Officer & Director of Resident Access.

CONTACT OFFICER: Fahid Ahmad, Commercial Contracts Manager (interim)

BACKGROUND PAPERS: Equalities Analysis

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

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