

MINUTES of the **MEETING** of the **CABINET** held on Wednesday, 7 December 2022 at 6.30pm in the Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

Present: Executive Mayor Jason Perry (Chair);
Councillors Jason Cummings, Maria Gatland, Lynne Hale, Yvette Hopley, Ola Kolade, Scott Roche and Andy Stranack

Also Present: Councillors Mike Bonello, Janet Campbell, Richard Chatterjee, Chris Clark, Mario Creatura, Rowenna Davis (online), Nina Degradis (online), Stuart King, Chrishni Reshekaron, Alasdair Stewart and Callton Young OBE

Apologies: Councillor Jeet Bains

PART A

1/22 **Disclosure of Interests**

Executive Mayor Perry declared a personal interest in relation to Agenda Item No.9 (Report on the results of informal public consultation 13 Healthy School Streets) by virtue of the fact he lived near to one of the streets, withdrew from the meeting and took no part in the discussion or decision taken thereon.

2/22 **Urgent Business (If any)**

Executive Mayor Perry advised that he had received notice of one urgent additional item of business from the Housing Scrutiny Sub-Committee, which had been published earlier today and which he would consider as the first substantive item.

3/22 **Appointments**

Executive Mayor Perry announced that this would be a standing item on Cabinet agendas to ensure any appointments to executive external bodies were publicly reported.

In line with this and at the request of the Mitcham Common CONSERVATORS, the Executive Mayor appointed John Cheetham as the fourth non-Councillor appointment.

4/22

Urgent Item - Scrutiny Committee Stage 1 Recommendations

With reference to Minute No.103/22, Cabinet considered a report, which detailed conclusions and recommendations in respect of updating the Council's Homelessness and Rough Sleeping Strategy and Distribution of the Household Support Fund Grant.

Councillor Rowenna Davis, Chair of the Council's Scrutiny and Overview Committee, addressed Cabinet to which, Councillor Lynne Hale (Deputy (Statutory) Executive Mayor and Cabinet Member for Homes) responded.

The Executive Mayor thanked the Scrutiny Committee for its recommendations on the two reports on the agenda tonight. He said that, as usual, Cabinet would ensure responses were provided to each of the recommendations in due course, but he did not feel that any of the reflections of the Committee would require delay to the decisions before Cabinet tonight.

5/22

Distribution of Household Support Fund Grant

Cabinet considered a report, which concerned the distribution of £3,013,689.49, a sum which was entirely grant funded by the Department of Work & Pensions (DWP) and therefore had no direct impact on existing Council budgets.

The Executive Mayor said that this new Household Support funding from Government would ensure the Council was able to reach those in most need through the winter months and, on that basis, he was happy to agree the recommendations and welcome that this new money would mean more than £3m going to local people struggling with the rising cost of living this winter.

Accordingly, the Executive Mayor, in Cabinet, **RESOLVED** that:

1. The Department for Work and Pension Household Support Fund (HSF) allocation of £3,013,689.49, as set out in this report, be accepted and that associated budget adjustments be made.
2. The proposed allocation of the HSF in line with Appendix A to this report, and the administration of the fund, be approved (*this covered a local eligibility framework, an approach to enabling access to grant funding that supports households most in need, and the development of a local delivery approach.*)
3. The proposed phased roll out approach, as set out in paragraph 7 of the report, be approved.

6/22

Adopting the Residents' Charter

Cabinet considered a report, which provided an update on the development of the Resident's Charter following engagement sessions held with residents between August and September 2022. It also presented the Residents' Charter and detailed the Council's plans to embed the Charter's principles within the Housing directorate.

The Executive Mayor said he was pleased to receive this update report. He said the transformation of the Council's Housing Service would not happen overnight but as the reports on the agenda tonight set out, the Council was committed to making the changes necessary to build back trust and improve the service the Council offered its residents.

The Executive Mayor went on to say that this Residents' Charter enshrined that commitment and clearly set out what the Borough's residents should be able to expect from their housing provider and he was happy to agree the recommendations in the Report.

Accordingly, the Executive Mayor, in Cabinet, **RESOLVED** that:

1. The Residents' Charter (Appendix 1 to the report) be agreed.
2. The Council's plans to embed the Charter's principles within the Council's Housing Directorate, be noted.

7/22

Update on the Housing Transformation Programme

Cabinet considered a report, which provided an update on the revised Housing Transformation Programme (previously referred to as Housing Improvement Plan).

It was reported that the Housing Improvement Plan, as presented to Cabinet in March 2022, had received criticism for not commanding the confidence of the Housing Improvement Board and tenants. Accordingly, a number of key recommendations were made, which the Housing Directorate had sought to address in the new Transformation Programme, having conducted further research into underlying challenges within the directorate.

This report detailed the development of the Housing Transformation Programme, including the programme's high-level workstreams, future governance and next steps.

Martin Wheatley (Chair of the Housing Improvement Board) and Yaw Boateng (Housing Improvement Board Member) addressed Cabinet.

The Executive Mayor said that, beyond Croydon's financial challenges, the improvement of its Housing service had been a core priority for his Administration.

He said that this new Transformation Programme was a major step forward for that work and he was happy to agree the recommendations before Cabinet this evening.

The Executive Mayor wanted to recognise the massive amount of work which had gone into shaping this new Transformation Programme and on behalf of the Borough's residents, he wanted to thank everyone who had a hand in getting it to this stage, including the independent Housing Improvement Board.

Accordingly, the Executive Mayor, in Cabinet **RESOLVED** that:

1. The Housing Transformation Programme, including the Programme's high-level workstreams, future governance and next steps be noted and approved.
2. The Member-led Transformation Steering Board, be noted.

8/22

Updating the Homelessness and Rough Sleeping Strategy

Cabinet considered a report, which was being presented to Cabinet since the production of a Homelessness and Rough Sleeping Strategy was a statutory requirement for local authorities.

The report set out the Council's approach to revising the existing Homelessness and Rough Sleeping Action Plan for 2023/2024, following guidance from the Department for Levelling Up, Housing and Communities (DLUHC) and for undertaking a comprehensive review of homelessness in the Borough in developing a three-year strategy from 2024/2025.

It was reported that the revised action plan strengthened the Council's approach to rough sleeping and would ensure the Council's homelessness services were focused on early intervention and prevention.

The report also provided an update to Cabinet on the key actions that were proposed to be taken by the Council and its partners to help prevent and address homelessness in 2023/2024.

The revised Action Plan built on progress to date and sought to entrench activities already underway in this area, while also seeking to be more ambitious in key areas to further improve outcomes during 2023/24.

The Executive Mayor said that the Council was committed to supporting Croydon families faced with homelessness and that this Strategy update would lay the groundwork for improvements in the Council's homelessness and rough sleeping service ahead of a more detailed review over the coming months, which would return to Cabinet next year.

He said that this work would result in fewer people losing their homes and better support for those sleeping rough on Croydon's streets and he was happy to agree the recommendations.

Accordingly, the Executive Mayor, in Cabinet, **RESOLVED** that:

1. The updated draft 2023/24 Homelessness and Rough Sleeping Strategy Action Plan (Appendix 1) be noted and approved.
2. The Housing Directorate's plan to develop a revised Homelessness and Rough Sleeping Strategy, following a comprehensive review of homelessness in the Borough, which would set out the strategic direction for service delivery for 2024-2027, be noted and approved.

9/22

Report on the Results of Informal Public Consultation 13 Healthy School Streets

With reference to Minute No. 102/22 above, Executive Mayor Perry had declared a personal interest in respect of this matter, left the meeting and took no part in the discussion or voting thereon.

Whilst the Executive Mayor did not have a pecuniary conflict of interest, he had removed himself from any decision-making role in it to avoid the perception of bias and therefore delegated to the Deputy (Statutory) Executive Mayor, authority to take this decision on his behalf as she saw fit.

Deputy (Statutory) Executive Mayor, Councillor Lynne Hale (Vice-Chair, in the Chair)

Cabinet considered a report, which presented the results of the informal consultation, which sought the public's view on the possible introduction of 13 new Healthy School Streets under Experimental Traffic Management Orders (ETMOs) for a maximum period of 18 months.

It was noted that the consultation had been carried out between 28 September and 19 October 2022 and the report contained a table, which provided a summary of the number of schools, streets and wards affected.

It was reported that the informal consultation had been undertaken across multiple channels, including distribution of 10,645 letters and messaging on the Council's website and social media channels however, the Council received a low return rate, with only 1,020 responses received from those within the consultation area (representing a 9.6% response rate).

The importance of community feedback was recognised and to ensure the Council was listening to the community, the recommendation was that the proposed schemes be taken forward as experiments to allow the community to assess the "real" impacts of the schemes.

Although, the Council had consulted on 13 Healthy School Street schemes, officers were recommending to the Executive Mayor that only 10 Healthy School Street schemes be taken forward for implementation (with amendments made to two schemes), with three schemes not being taken forward, as listed in the tables in the report.

This recommendation was being made following comprehensive analysis of the consultation responses received, together with the Council's assessment on the anticipated benefits of the schemes.

The Deputy (Statutory) Executive Mayor said the report set out a clear rationale for progressing with these ten schemes on an experimental basis and that the Council would continue to monitor resident responses during the implementation and amend as needed.

As Deputy Executive Mayor, and on the basis set out in the report, she was happy to agree the recommendations on the Executive Mayor's behalf.

Accordingly, the Deputy (Statutory) Executive Mayor, in Cabinet, **RESOLVED** that:

1. The following 10 Healthy School Street schemes be agreed for implementation under ETMOs, with proposed amendments to HSS 17 and HSS 20 schemes as detailed in this report:

Reference:	Scheme Name
HSS14	Elmwood Schools (Infant & Junior)
HSS15	Harris Academy Crystal Palace
HSS16	Harris Academy Invictus
HSS17	Harris Academy South Norwood, Beulah Hill Campus (as amended)
HSS18	Kensington Primary & Norbury High
HSS19	Minster Schools
HSS20	Oasis Academy Byron (as amended)
HSS21	Rockmount Primary
HSS22	St. James the Great Primary
HSS24	St. Peter's Primary

2. The Council's Road Space Manager, Sustainable Communities Division, be authorised to make the required ETMOs, which would be valid for a maximum period of 18 months (*the first six months would serve as the statutory objection period.*)
3. Officers be authorised to implement relevant parking, waiting and/or loading restrictions required to support the successful operation of the experimental school street schemes.

4. Officers be authorised to install the relevant equipment that allowed the collection of traffic and air quality data for the 10 School Street sites.

10/22

Report by the Monitoring Officer under Section 5A of the Local Government and Housing Act 1989 - Finding of Fault with Maladministration and Injustice

Cabinet considered a report, which documented that, on 19 April 2022, the LGSCO had written to the Council's Chief Executive, Katherine Kerswell, to confirm that after consideration of a complaint it had received, it had decided to issue its findings as a public interest report.

It was reported that the LGSCO considered the following six criteria when deciding whether to issue a public interest report:

- i) Recurrent faults (for example, the organisation keeps making similar mistakes)
- ii) Significant fault, injustice or remedy (by scale or the number of people affected)
- iii) Non-compliance with an Ombudsman's recommendation (it has not agreed or has not carried out their recommendations)
- iv) A high volume of complaints about a subject
- v) A significant topical issue
- vi) Systemic problems and/or wider lessons (for example, problems with how the organisation does things that if not put right are likely to affect others, and this is an opportunity for others to learn).

In the case before Cabinet this evening, the reasons for issuing the report were:

- i) The significance of the fault, injustice or remedy
- ii) A significant topical issue
- iii) Systemic problems and/or wider lessons (for example, problems with how the organisation did things that if not put right were likely to affect others, and that this was an opportunity for others to learn).

It was reported that the complainant, referred to as Miss X, had complained that the Council had failed to provide her with suitable accommodation after it had accepted a duty to house her in 2014 and had not given her the correct priority under its housing allocation scheme.

Miss X said that the Council should have found permanent accommodation for her by now and that the temporary accommodation it had provided was not suitable as she was living in overcrowded housing and this was affecting her mental health.

The report also contained the statutory report of the Council's Monitoring Officer, which was triggered as a result of the contents of the LGSCO report and outlined the Council's statutory response required.

The Executive Mayor said that this was yet another example of the challenges facing the Council's housing service following the maladministration of the previous Administration. He said that, despite many staff doing their best to support families, adequate processes were not in place to prevent this kind of situation developing.

He agreed the recommendations in the report and, in addition, apologised to Miss X on behalf of the Council for the situation she and her children were left in.

Accordingly, having considered the public interest report dated 23 June 2022 and the recommendations made by the Local Government and Social Care Ombudsman (LGSCO) in relation to Croydon Council, as set out in Appendix 1 to the report (the full list of recommendations could be found in Section 6 to the report), the Executive Mayor, in Cabinet **RESOLVED** that:

1. The findings be accepted, and the recommendations be agreed, as set out in the public interest report.
2. The actions taken by the Council be endorsed and the steps, progress and timeline to implement the recommendations, as set out in Section 7 to the report, be noted.
3. The report be adopted as the Council's formal response under Section 31 of the Local Government Act 1974, to be communicated to the Ombudsman.
4. The report be adopted as the Executive's formal response as required by Section 5A of the Local Government and Housing Act 1989 for distribution to all Members and the Monitoring Officer.

11/22

Refinancing of Streetlighting PFI

Cabinet considered a report, which sought delegation from the Executive Mayor to the Corporate Director of Resources and Section 151 Officer to review the potential gain achieved by the refinancing work that had been conducted on the Council's Streetlighting PFI contract (Agreement).

The refinancing gain to be achieved for Croydon was being reviewed but was expected to generate a gain of over £0.500m to the Council and

could lead to a potential reduction in annual contractual sum to the contractor.

The new senior lender to the Special Purpose Vehicle (SPV) in connection with the Agreement, would be Aviva, which would be the sole lender to the scheme at the time of the refinancing. Aviva replaced a syndicate of lenders (Lloyds Bank (17%), SEB (33%), NIBC (25%) and SEK (25%)) and the refinancing would not result in any changes to operation of the streetlights, or to other terms of the Agreement unconnected with the refinancing.

The refinancing supported the work to seek opportunities to generate income and identify savings to meet the financial challenges faced by the Council. The key risk to the Council, which arose from the refinancing, was an increase in breakage costs should the Agreement be terminated early. These costs could exceed £90m. However, the likelihood of an early voluntary termination of the Agreement was very slim and the Council would require Treasury approval to make a decision to terminate.

The Executive Mayor said that this was a technical adjustment to the financing arrangement, and he wanted to reassure residents that it would not have any impact on the actual operation or maintenance of the Borough's streetlights but could save the Council almost half a million pounds.

Accordingly, the Executive Mayor, in Cabinet **RESOLVED** that:

1. The Corporate Director of Resources and Section 151 Officer, in consultation with Monitoring Officer and Cabinet Member for Finance, be authorised to accept or reject the final outcome of the refinancing offer subject to due diligence.
2. The Corporate Director of Resources and Section 151 Officer, in consultation with Monitoring Officer and Cabinet Member for Finance, be authorised to consider taking an upfront gain through a cash receipt or a reduced Unitary Charge payment in future.
3. The Corporate Director of Resources and Section 151 Officer, in consultation with Monitoring Officer and Cabinet Member for Finance, be authorised to consider receiving the gain for Department of Transport (DfT) in return for reduced PFI credits over time.
4. The Corporate Director of Resources and Section 151 Officer, in consultation with Monitoring Officer and Cabinet Member for Finance, be authorised to vary the Project Agreement should the refinancing require commercial adjustment to be made to the agreements.

12/22

Exclusion of the Press and Public

This was not required.