

LONDON BOROUGH OF CROYDON

To: All Member of Council
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STATEMENT OF EXECUTIVE DECISIONS MADE BY EXECUTIVE MAYOR AT CABINET ON 25 JANUARY 2023

This statement is produced in accordance with Regulation 12 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Further to the associated public notice of Key Decisions no scrutiny call-in has been received, and therefore the following decisions can be implemented.

The following apply to the decisions listed below:

Reasons for these decisions:

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

Other options considered and rejected:

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

Details of Conflicts of Interest declared by the Decision Maker: None

Note of dispensation granted by the head of paid service in relation to a declared conflict of interest by that Decision Maker: None

The Executive Mayor has made the executive decisions noted out below:

Key Decision no.: N/A

Decision Title: SCRUTINY STAGES 1 AND 2

Details of decision:

Having carefully read and considered the Part A report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED: To

1. Receive the recommendations arising from the meetings of the Children & Young People Sub-Committee held on 27 September 2022 (Appendices 1 & 2); Streets & Environment Sub-Committee held on 4 October 2022 (Appendices 3 & 4); Streets & Environment Sub-Committee held on 8 November 2022 (Appendices 5 & 6); Health and Social Care Sub-Committee held on 18 October 2022 (Appendix 7); and Scrutiny & Overview Committee on 6 December 2022 (Appendix 8).

2. To provide a substantive response to the recommendations (a Scrutiny Stage 2 Report) within two months (i.e. at the Cabinet meeting on 22nd March 2023).

Key Decision no.: N/A

Decision Title: PERIOD 7 FINANCIAL PERFORMANCE REPORT

Details of decision:

Having carefully read and considered the Part A report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED: To

- 1.1. Note the General Fund is forecast to be balanced at Month 7. Service directorates are indicating a £20.656m overspend. This is offset by £4.769m corporate underspend, £4m use of earmarked inflation reserves, £5m use of the general contingency budget and the budgeted £6.8m contribution to General Fund Balances being released.
- 1.2. Note the forecast elimination of the planned contribution to General Fund Reserves of £6.9m for 2022/23.
- 1.3. Note that a further number of risks and compensating opportunities may materialise which would see the forecast change.
- 1.4. Note the actions being taken through the Deficit Recovery plan. Further details are in paragraph 2.16.
- 1.5. To approve the non-delivery of the MTFs savings as indicated within Table 5 and detailed in Appendix 3.
- 1.6. Note the Housing Revenue Account (HRA) is projecting a £4.586m overspend, due to inflation, disrepair costs and void rents.
- 1.7. To approve the capital slippage related to expenditure and financing from 2021/22 of £20.261m as advised in section 6 (Table 6 and 7), and to approve the net reprofiling and additions of £37.505m resulting in a revised capital programme of £118.851m for 2022/23.
- 1.8. Note the Capital Programme spend to date for the General Fund of £16.084m (against a budget of £93.236m) with a projected forecast underspend of £12.165m for the end of the year.

- 1.9. Note the Housing Revenue Account Capital Programme spend to date of £9.318m (against a budget of £25.165m), with a projected forecast underspend of £4.145m for the end of the year.
- 1.10. 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 made based on the best available information at this time.
- 1.11. Note, the Council continues to operate a Spend Control Panel to ensure that tight financial control and assurance oversight are maintained. A new financial management culture is being implemented across the organisation through increased scrutiny, such as the monthly assurance meetings, improved communication and budget manager training from CIPFA.

Key Decision no.: N/A

Decision Title: REVIEW OF COUNCIL TAX SUPPORT SCHEME 2023-2024

Details of decision:

Having carefully read and considered the Part A report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED: to recommend to Council

1. To agree 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 2023
2. To agree to remove the minimum income floor for disabled working claimants, change the amount the income bands are to be increased to match the increase in Council Tax and to introduce non-dependant deductions for disabled not working claimants, excluding cases where the non-dependant is in receipt of carers allowance for the claimant.
3. To agree The Councils Council Tax Support Scheme is amended subject to the changes made following the consultation, from 1 April 2023
4. To agree that Cabinet annually review the CTS Scheme, the principles of the income banded scheme and the addition of a hardship fund in August 2023 and then annually.

Key Decision no.: 8822EM

Decision Title: HRA RENT-SETTING 2023-2024

Details of decision:

Having carefully read and considered the Part A report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED:

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

Key Decision no.: 5822EM

Decision Title: INVESTMENT IN RESONANCE PROPERTY FUND - REAL LETTINGS PROPERTY FUND 1

Details of decision:

Having carefully read and considered the Part A report, the associated confidential part B report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED: To

1. Consider the options and approve proceeding with option 2: divestment and withdrawal from RLPF1, using the funds received to reduce the future debt refinancing needs, subsequently supporting lower interest costs.

2. Note that the value for money and financial case indicates that, over the 15 year period used as the basis of assessment the better return for the Council will be through re-investing (Option 1). However this does not meet the more immediate need for the Council to seek cash to avoid future borrowing costs. As detailed in paragraph 2.27 to 2.29 due to current and short-term challenging financial circumstances the Council will need to forgo the longer-term gain in return for immediate financial support and in order to deliver its core services.
3. Note that the final value of the investment returned will depend on the values achieved at the point of exit as it depends on house price achieved from the disposal of properties. The valuation as at end of September 2022 (when the last valuation was conducted by Resonance) indicated £36m return to the Council.
4. Approve that the Council agrees to a managed exit, as this will provide the Council with sufficient time to assess and identify suitable and cost-effective accommodation for Temporary Accommodation households who will be impacted from the exit.
5. Delegate to the Deputy Section 151 Officer, in consultation with Cabinet Member of Finance and Monitoring Officer, authority to agree relevant documentation (including any special resolutions required under the LPA, and a Deed of Variation to the LPA (DoV)) required in order to effect Option2.
6. Note that exiting the investment, and agreeing such documentation, will be subject to appropriate legal and financial advice and due diligence.
7. Note that the Council will continue to be an investor in RPLF1 until all its investment balance has been paid.

Key Decision no.: N/A

Decision Title: PEOPLE AND CULTURAL TRANSFORMATION STRATEGY 2022-26

Details of decision:

Having carefully read and considered the Part A report and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED:

To agree the People Strategy 2022-2026 and its implementation, as set out in the appendix to this report.

Key Decision no.: 7022EM

Decision Title: LOCAL IMPLEMENTATION PLAN HEALTHY STREETS FUNDING 2022-23 TO 2024-25

Details of decision:

Having carefully read and considered the Part A report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED:

1. To agree the Healthy Streets delivery programme for 2022/23 including: - Healthy Neighbourhoods (£574,000) -School Streets (£249,000) -Road Safety (£125,000) -Active Travel (£3,150,000) -Bus Priority (£508,000) -Transport Strategy (£30,000) -Station Capacity Improvements (£90,000) -Cycle Training (£56,000) -Cycle Parking (£34,000) set out at Appendix 1 of this report and forming the LIP Healthy Streets Delivery Plan for 2022/23 made up of TfL LIP/Healthy Streets Funding and other funding.
2. To agree the programme at appendix 2 as the basis of a draft LIP Healthy Streets Delivery Plan 2023/24-2024/25 made up of TfL LIP/Healthy Streets Funding and other funding.
3. To agree that the Corporate Director, Sustainable Communities, Regeneration and Economic Recovery (in consultation with the Mayor and the Cabinet Member for Streets and Environment) finalise and approve the LIP Healthy Streets Delivery Plan 2023/24-2024/25 for submission to TfL, in order to release 2023/24 LIP Healthy Streets Funding, making any necessary adjustments to the programme prior to and post submission, without incurring additional expenditure commitments for the Council.
4. To agree the expenditure in 2023/24 set out in this report and appendix 2, subject to funds having been confirmed and allocated by external funders and Council funding agreed by Budget Council.

Key Decision no.: 5922EM

Decision Title: WHITGIFT INDEMNITY AND LAND TRANSFER AGREEMENT (ILTA) REMEDY

Details of decision:

Having carefully read and considered the Part A report, the associated confidential part B report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED: To

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

Key Decision no.: N/A

Decision Title: LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN REPORT - FINDING OF FAULT WITH MALADMINISTRATION AND INJUSTICE

Details of decision:

Having carefully read and considered the Part A report, and the requirements of the Council’s public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED: To

- 1.1. Consider the public interest report dated 16 June 2022 and the recommendations made by the Local Government & Social Care Ombudsman (LGSCO) in relation to Croydon Council set out in Appendix 1;
- 1.2. Adopt the report 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;
- 1.3. Adopt the report as the Council's formal response under section 31 of the Local Government Act 1974 to be communicated to the Ombudsman;
- 1.4. Accept the findings and agree the recommendations set out in the public interest report;

- 1.5. Endorse the actions taken by the Council and note the steps, progress and timeline to implement the recommendations set out in section 7 of this report; and,
- 1.6. Note the chronology, that substantive concerns for the LGO were in the main for the period 2017 to 2020.

Key Decision no.: N/A

Decision Title: EXECUTIVE MAYOR'S BUSINESS PLAN 2022-2026 - TRANSITIONAL PERFORMANCE REPORT

Details of decision:

Having carefully read and considered the Part A report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED: To

1. Note the transitional performance report (Appendix A) with latest data available on 30 November 2022 (unless otherwise stated) regarding overall council performance.
2. Note that this is a transitional performance report using existing measures previously used as part of the Corporate and Departmental priority performance reporting, which have, for the purpose of this report, been aligned to the five objectives within the Mayors Plan 2022-26.
3. Note that work is currently under way to create a full set of both Council and Place measures to fully reflect the ambitions within the Mayors Business Plan which will replace this transitional reporting going forward once this work has been completed and adopted.
4. The complete set of measures and targets as detailed in point 1.4 of this report will be brought to a future meeting of Cabinet for sign off.

Key Decision no.: 8122EM

Decision Title: DEDICATED SCHOOLS GRANT (DSG) SCHOOLS FUNDING 2023-2024 FORMULA FACTORS

Details of decision:

Having carefully read and considered the Part A report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED: To

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

Key Decision no.: 8922EM

Decision Title: EDUCATION ESTATES STRATEGY

Details of decision:

Having carefully read and considered the Part A report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED: To

School Admissions:

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

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

School Place Planning

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

1.4 School Maintenance and Compliance

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

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

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

School Place Planning

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

1.8 Managing Surplus School Places

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

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

Academy Conversion

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

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

1.10 Early Years

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

1.11 Special Educational Needs and Disability (SEND)

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

1.12 Alternative Provision / Pupil Referral Unit (PRU)

- We have received from the DfE the Academy Order for the proposed conversion to an academy of Saffron Valley Collegiate (SVC) Pupil Referral Unit. The intended date of conversion is the 1st April 2023.
- Additional demand for Alternative Provision places is met by commissioning suitable places via our Approved Alternative Provision Provider List.

Key Decision no.: N/A

Decision Title: EDUCATION STANDARDS 2022

Details of decision:

Having carefully read and considered the Part A report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED: To

1. Note this report, and commend the continued actions being taken by all partners to secure improvement in pupil educational outcomes
2. Note that pupil attainment/school outcome data has not yet been fully published for the 2021/22 academic year
3. Note our activities, planned and underway, to improve pupil and school outcomes as set out within this report

Key Decision no.: 8322EM

Decision Title: SECURE CHILDREN'S HOME FOR LONDON AND PAN-LONDON COMMISSIONING VEHICLE

Details of decision:

Having carefully read and considered the Part A report, and the requirements of the Council's public sector duty in relation to the issues detailed in the body of the reports, the Executive Mayor in Cabinet

RESOLVED:

To agree that the council:

1. Becomes a member of a not-for-profit company, limited by guarantee, provisionally to be known as the Pan London Vehicle, to:
 - develop and then oversee the running of London's secure children's home provision for a five-year period from 1st April 2023 to 31st March 2028, with a

break-point after three years once the refreshed business case has been developed to include service pricing structure, commissioning approach, practice model and location. Once the provision has launched – which will be after the break-point – membership will be at a fixed annual cost of £20,000 (subject to inflation adjustment), unless an alternative model for funding the PLV is agreed by members during the development phase and

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

Signed: Monitoring Officer

Notice date: 02 February 2023