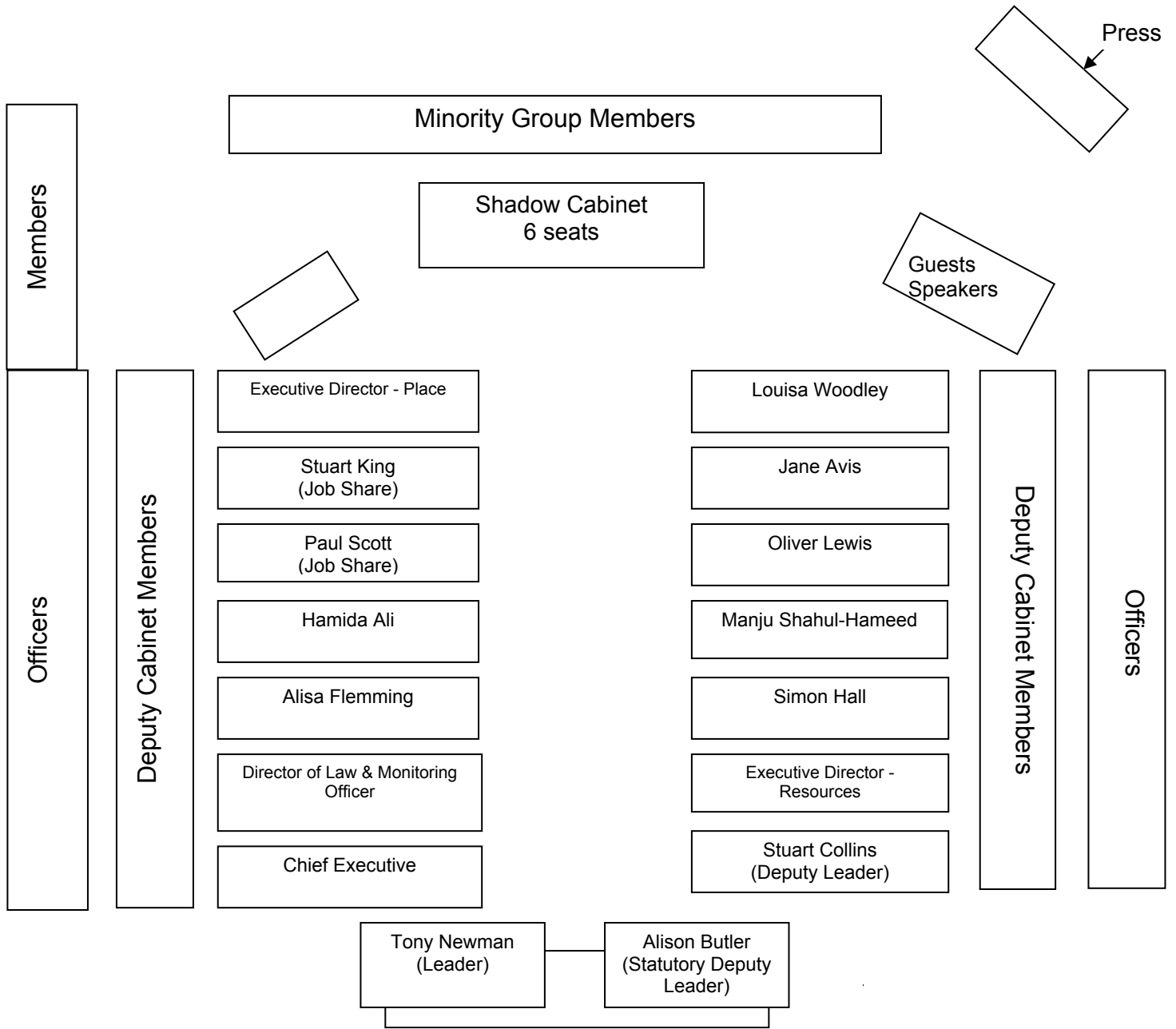




**CABINET  
AGENDA**  
for the meeting  
on  
11 June 2018 at  
6.30 pm

# CABINET SEATING PLAN

MEMBERS SEATING – UNDER THE PUBLIC GALLERY (20 MAX)



**To: Croydon Cabinet Members:**

Councillor Tony Newman, Leader of the Council - Budget and Strategic Policy

Councillor Alison Butler, Deputy Leader (Statutory) and Cabinet Member for Homes & Gateway Services

Councillor Stuart Collins, Deputy Leader and Cabinet Member for Clean Green Croydon

Councillor Hamida Ali, Cabinet Member for Safer Croydon & Communities

Councillor Jane Avis, Cabinet Member for Families, Health & Social Care

Councillor Alisa Flemming, Cabinet Member for Children, Young People & Learning

Councillor Simon Hall, Cabinet Member for Finance & Resources

Councillor Stuart King, Cabinet Member for Environment, Transport & Regeneration (Job Share)

Councillor Oliver Lewis, Cabinet Member for Culture, Leisure & Sport

Councillor Paul Scott, Cabinet Member for Environment, Transport & Regeneration (Job Share)

Councillor Manju Shahul-Hameed, Cabinet Member for Economy and Jobs

Invited participants:

Councillor Louisa Woodley, Chair of the Health & Wellbeing Board

All other Members of the Council

A meeting of the **CABINET** which you are hereby summoned to attend, will be held on **Monday, 11 June 2018** at **6.30 pm** in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

JACQUELINE HARRIS-BAKER  
Director of Law and Monitoring Officer  
London Borough of Croydon  
Bernard Weatherill House  
8 Mint Walk, Croydon CR0 1EA

Victoria Lower  
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victoria.lower@croydon.gov.uk  
www.croydon.gov.uk/meetings  
1 June 2018

Members of the public are welcome to attend this meeting. If you require any assistance, please contact officer as detailed above.

The meeting webcast can be viewed here: <http://www.croydon-public-i.tv/core/portal/home>

The agenda papers are available on the Council website  
[www.croydon.gov.uk/meetings](http://www.croydon.gov.uk/meetings)

## **AGENDA – PART A**

**1. Apologies for Absence**

**2. Minutes of the previous meeting (Pages 7 - 14)**

To approve the minutes of the meeting held on 19 March 2018 as an accurate record.

**3. Disclosure of Interests**

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

**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.

**Cabinet Member: Leader of the Council (Councillor Tony Newman)**

**5. Ambitious for Croydon 2018 to 2022 (Pages 15 - 32)**

Officer: Julian Ellerby  
Key decision: no

**Cabinet Member: Cabinet Member for Culture, Leisure & Sport (Councillor Oliver Lewis)**

**6. Cultural Plan Update (Pages 33 - 40)**

Officer: Paula Murray  
Key decision: no



**Cabinet Member: Leader of the Council (Councillor Tony Newman)**

7. **Delivering Westfield** (Pages 41 - 104)  
Officer: Heather Cheesbrough  
Key decision: yes

**Cabinet Member: Cabinet Member for Children, Young People & Learning  
(Councillor Alisa Flemming)**

8. **Children's Services (Ofsted and Camden Arrangements) Update**  
(Pages 105 - 124)  
Officer: Kerry Crichlow  
Key decision: no

**Cabinet Member: Cabinet Member for Finance & Resources (Councillor Simon Hall)**

9. **Ambitious for Croydon (end of year)** (Pages 125 - 166)  
Officer: Sarah Warman  
Key decision: no

**Cabinet Member: All Cabinet Members**

10. **Stage 2 Response to Recommendations arising from the Health and Social Care Scrutiny Sub-Committee 16 January 2018 and the Streets, Environment and Homes Scrutiny Sub-Committee 23 January 2018** (Pages 167 - 176)  
Officer: Jo Negrini  
Key decision: no

**Cabinet Member: Cabinet Member for Finance & Resources (Councillor Simon Hall)**

11. **Investing in our Borough** (Pages 177 – 186)  
Officer: Sarah Warman  
Key decision: no

**Cabinet Member: Cabinet Member for Environment, Transport & Regeneration  
(Job Share) (Councillor Stuart King)**

- 11a) **New Generation Highways Maintenance and Improvement Works Provision Contract Award** (Pages 187 - 200)  
Officer: Rowland Gordon  
Key decision: yes

**Cabinet Member: Cabinet Member for Families, Health & Social Care  
(Councillor Jane Avis)**

11b) **Community Equipment Service Dynamic Purchasing Systems  
(DPS) Procurement Strategy** (Pages 201 - 214)

Officer: Sarah Warman

Key decision: no

**12. 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**

**Cabinet Member: Leader of the Council (Councillor Tony Newman)**

**13. Delivering Westfield** (Pages 215 - 248)

Officer: Heather Cheesbrough

Key decision: yes

**Cabinet Member: Cabinet Member for Environment, Transport & Regeneration  
(Job Share) (Councillor Stuart King)**

**14. Next Generation Highways Maintenance and Improvement Works  
Provision Contract Award** (Pages 249 - 260)

Officer: Rowland Gordon

Key decision: yes

## Cabinet

Meeting of held on Monday, 19 March 2018 at 6.30 pm in Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

### MINUTES

**Present:** Councillor Tony Newman (Chair);  
Councillor Alison Butler, Deputy Leader (Statutory) (Vice-Chair);  
Councillor Stuart Collins, Alisa Flemming, Hamida Ali, Simon Hall,  
Stuart King, Manju Shahul-Hameed and Louisa Woodley

**Also Present:** Councillors Jan Buttinger, Robert Canning, Sherwan Chowdhury, Mario Creatura, Patsy Cummings, Sean Fitzsimons, Maria Gatland, Yvette Hopley, Humayun Kabir, Bernadette Khan, Shafi Khan, Steve O'Connell, Jason Perry, Tim Pollard, Pat Ryan, Paul Scott, Mark Watson and David Wood

**Apologies:** Councillors Timothy Godfrey, Lynne Hale, Helen Pollard and Wayne Trakas-Lawlor

### PART A

24/18 **Minutes of the previous meeting**

The minutes of the Cabinet meeting held on 26 February 2018 were agreed as an accurate record. The Leader of the Council signed the minutes as an accurate record.

25/18 **Disclosure of Interests**

There were none.

26/18 **Urgent Business (If any)**

The Leader provided the Cabinet with an update on the gas leak in Waddon which had occurred after a car collided with an energy plant on the evening of Sunday 18 March. Members were informed that 300 residents had been evacuated overnight and placed in emergency rest centres at the Salvation Army Citadel centre and Waddon Leisure Centre. The Leader thanked all involved for the fantastic response to the emergency and all the work that had been undertaken to secure the area, assist residents and fix the gas leak; including emergency services, council officers, community groups and local businesses.

The Chief Executive updated Members that electricity had been restored to the area shortly before the meeting had begun and work was

continuing to return gas supplies to the area. All those involved in the incident were thanked for their tireless work.

The Leader of the Opposition also thanked all those involved in the incident and was pleased to hear that progress was being made to reinstate energy supplies to the area. The Leader confirmed that updates following the incident would continue to be provided.

On Thursday 15 March Croydon elected its first Young Mayor and over 12,000 ballots were cast. William Awomoyi, from the The Cedars School, was elected as Young Mayor and Shea Williams, from Harris Academy South Norwood, was elected as Deputy Young Mayor. The Leader congratulated the Young Mayor and Deputy Young Mayor on their successful campaigns and election.

The Young Mayor informed Members that his campaign had focussed on violent crime and he had a two point plan to tackle the issue which included increasing Police patrols in Croydon to tackle the disconnect between the Police and young people, and increasing opportunities for young people.

The Deputy Young Mayor stated her campaign had focussed on increasing employment opportunities for young people, and her plan included introducing workshops to raise awareness of the different opportunities available.

27/18

### **Coast to Capital Presentation**

A presentation was provided by Jonathan Sharrock, Chief Executive of Coast to Capital, for this agenda item, which is available on the meeting webcast.

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

**RESOLVED** to note the presentation.

28/18

### **Community Fund programme - One year on**

Ima Miah from the Asian Resource Centre congratulated the Council for improving the process of distributing the funds and the management of the funding. It was felt that the Community Fund had dealt with the issues faced by the organisations in previous years and it had allowed smaller groups to access funding enabling greater community cohesion.

Yuliana Topazly from My OutSpace stated the funding had enabled the organisation to grow within the community and had enabled smaller groups to create partnership groups. Members were informed that it was felt that applying for the Community Fund had been a transparent process

and enabled capacity building with My OutSpace being able to access further funding.

Chris Hennis from Play Place informed Members that two projects were being funded through the Community Fund which had enabled the local community to be involved in the projects through training volunteers and working with existing community groups. Since receiving £70,000 of funding through the Community Fund, Play Place had been able to secure a further £80,000 of funding from other sources.

Representatives from Reaching Higher spoke on the projects delivered, including Summer Blitz, which was an early intervention programme to engage young people in the community, and the Full Circle programme to assist those in the process of transitioning out of the care system through mentoring and workshops to assist young people to become independent.

Adina Bennett from Palace for Life Foundation informed Members that the Community Fund had increased the reach of the Foundation and had enabled them to deliver on the local agenda. Issue based workshops were being delivered through the Community Fund which were youth led. It was further noted that the process for funding had been simple and the feedback was qualitative which enabled the Foundation to get to know their young people better.

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

**RESOLVED** to note the progress on the annual milestones outlined in the annual impact report, at appendix 1, due to be formally published in March.

29/18

### **Delivering Culture in Croydon**

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

**RESOLVED** to:

1. Endorse the direction of travel for the major elements of Croydon's cultural programme as outlined in the report.
2. Delegate authority to the Executive Director of Place to establish a Collections Trust for the purposes of Museum Accreditation as detailed in paragraph 3.2 of the report.

30/18

### **Education Quality and Standards**

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

**RESOLVED to**

1. Note the report, commend the continued improvement in the percentage of schools judged good or better by OFSTED, and the actions being taken to secure further improvement.
2. Agree the framework for the revised School Improvement Plan as set out in Appendix 7 of the report.

31/18

**Croydon Carers' Strategy 2018-2022**

Nicky Selwyn, a parent carer and Chair of CASSUP, spoke and stated that the Strategy was the best example of co-production with carers feeling that they were being listened to and so there was real buy-in for the new Strategy.

Pat Knight, a carer member of the Carers' Partnership, welcomed the report, recommendations, and action plan. Mrs Knight thanked the carers who took part in building the Strategy.

Members were given an outline of the work of Help for Carers' Croydon from Lisa Taylor, including the assessment undertaken for carers. In the production of the Strategy the centre signposted carers to the workshops and also attended sessions. It was stated that during the process carers' felt that their voices had been heard and were reflected within the Strategy.

The young adult carers' project, Time to be Me, was raised by Helen Carter. Young carers from the age of 7 were supported by Off the Record by working holistically with the whole family to reduce the caring responsibility on the young carer and reduce isolation.

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

**RESOLVED** to approve the draft Joint (Croydon Council & NHS Croydon CCG) Carers Strategy 2018 – 2022, attached at Appendix A of the report, which has been co-produced by carers and key stakeholders in Croydon.

32/18

**Safety Enforcement Policy**

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

**RESOLVED to**

1. Note the extent of the enforcement work carried out within the Safety Division and formally adopt the new Safety Enforcement Policy;

2. Agree the new charge for Fixed Penalty Notices (FPN) for litter offences with effect from 2 April 2018, which is to increase from £80 to £150 with a reduction to £100 if the FPN is paid within two weeks of receipt;
3. Agree to increase the charge for Fixed Penalty Notices (FPN) for fly posting from £75 to £100, breach of a Community Protection Notice from £80 to £100 and Trade Waste receptacle offences (S47) from £100 to £110 with effect from 2 April 2018;
4. Delegate to the Executive Director of Place the ability to update the Safety Enforcement Policy in conjunction with the relevant Cabinet Member where such changes are necessitated by changes to legislation or government guidance.

33/18

### **Implementation of the General Data Protection Regulation (GDPR)**

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

#### **RESOLVED to**

1. Note the impact arising from the introduction of the General Data Protection Regulation.
2. Note the proposed actions by the Council to meet the new statutory duties.

34/18

### **Equality and Inclusion Annual Report 2017**

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

#### **RESOLVED to**

1. Approve the draft Equality and Inclusion Annual Report 2017 attached at Appendix 1 of the report.
2. To note progress on meeting the equality objectives and the information required to be published in accordance with the Equality Act 2010.

35/18

### **Croydon Healthy Homes**

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

**RESOLVED** to note the scheme, its purpose and outcomes.

36/18

**Stage 2 Response to Recommendations arising from: Streets, Environment and Homes Sub-Committee 7 November 2017 and the Children and Young People Scrutiny Sub-Committee 28 November 2017**

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

**RESOLVED** to approve the response and action plans at Appendix A of the report and that these be reported to the Scrutiny and Overview Committee or relevant Sub-Committees.

37/18

**Investing in our Borough**

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

**RESOLVED**

1. To note the contracts over £500,000 in value anticipated to be awarded by the nominated Cabinet Member, in consultation with the Cabinet Member for Finance and Treasury or, where the nominated Cabinet Member is the Cabinet Member for Finance and Treasury, in consultation with the Leader.
2. To note the list of delegated award decisions made by the Director of Commissioning and Improvement, between 18/01/2018 – 14/02/2018.
3. To note the property acquisitions and disposals to be agreed by the Cabinet Member for Finance and Treasury before the next meeting of Cabinet.
4. That the Cabinet agrees that prior to the next meeting of Cabinet in June, in respect of any contracts valued over £500k and that have not previously been notified or reported to Cabinet, the nominated Cabinet Member in consultation with the Cabinet Member for Finance and Treasury or, where the nominated member is the Cabinet Member for Finance and Treasury in consultation with the Leader, be authorised to agree the award of such contracts.
5. To note that any awards made under this delegation will be notified in the standard contracts report to the next meeting of Cabinet.

38/18

**Exclusion of the Press and Public**

The item was not required.



The meeting ended at 9.00 pm

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**For General Release**

<b>REPORT TO:</b>	<b>CABINET JUNE 2018</b>
<b>SUBJECT:</b>	<b>AMBITIOUS FOR CROYDON 2018-22</b>
<b>LEAD OFFICER:</b>	<b>JO NEGRINI, CHIEF EXECUTIVE JULIAN ELLERBY, DIRECTOR OF STRATEGY AND PARTNERSHIPS</b>
<b>CABINET MEMBER:</b>	<b>COUNCILLOR TONY NEWMAN – LEADER OF THE COUNCIL</b>
<b>WARDS:</b>	<b>ALL</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</b>	
<p>This report sets out the overarching ambitions of the administration for the term of office 2018-2022. It reflects on the work to be done and the priorities that will be the core focus for Croydon. It sets out the ambitions against these themes and how they will be achieved. This references the overarching timetable for delivery. The paper is in support of all the corporate priorities.</p>	
<b>FINANCIAL IMPACT</b> There are no financial impacts arising directly from this report. There may be financial implications from the implementation of some of the priorities and these will be costed in detail as each is implemented.	
<b>KEY DECISION REFERENCE NO.:</b> 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**

The Cabinet is recommended to:

- 1.1 Note and endorse the ambitions of the administration for 2018-22
- 1.2 Note and endorse the delivery of a new Corporate Plan

**2. EXECUTIVE SUMMARY**

- 2.1 The local elections on May 3<sup>rd</sup> returned a Labour administration to serve the borough of Croydon. The ambitions for the borough were described during the election and in many cases were advanced during the previous administration from 2014-18. This paper sets out the areas that will be progressed, initiated and implemented over the next 4 years and describes the ways in which we will support and enable communities right across the borough.
- 2.2 The commitments on which the Labour administration were returned will become the basis for the organisational delivery programme. This requires that

policy decisions, resource allocations and financial management will be aligned. The organisation in September 2018 will set out its Corporate Plan detailing the outcomes that the organisation will be measured against. This plan will also establish the ways in which we will look to achieve and deliver with our residents and working closely with partners.

- 2.3 The performance management of the council will be aligned to the Corporate Plan and we will develop closer collaborative working with the voluntary sector, public sector partners and business in order to manage and maintain progress. Where there are suitable opportunities for cross-party working we will pursue this when it is to the advantage of Croydon. In turn we expect to be held to account through scrutiny, political debate and directly by our residents.

### 3. DETAIL

- 3.1 **We have an ambitious vision for our borough: We are London's growth borough where everyone has the opportunity to benefit.** This is based on the huge potential that is being realised right across Croydon. Croydon is rightfully London's growth borough with excellent transport connections, sizeable inward investment and the development of a fantastic cultural quarter and offer. There is a significant opportunity for Croydon to use this growth to address some of the real challenges including inequality, housing provision shortages and a rapidly growing population with many with increasing needs. Set out below is the progress we have made to date, our priorities going forward and the reasons why we need to focus our efforts on particular issues relevant to Croydon.
- 3.2 We are all rightfully proud of being part of Croydon. We want it to succeed and we want to use this success for the benefit of all people who live and work here. Our ambition is that Croydon becomes a destination that people choose whether it is to invest, move here or work here. We have the potential to meet the needs of our hugely diverse population through growing jobs, increasing our housing offer, creating a dynamic cultural and retail offer and spreading this success right across the borough so that all parts are benefiting and contributing to the success of Croydon.
- 3.3 The programme for the organisation will be set out in an up to date 4 year Corporate Plan to be launched in September. This will reflect our vision for the borough, the priorities we will focus on and the ways in which we will achieve progress. The Corporate Plan will be complemented by a performance framework that is aligned to the outcomes in the plan.
- 3.4 The Corporate Plan will be built around a set of key themes. Against these will be progress already achieved, an understanding of the current context we are now working in, and the ways in which we seek to achieve impact. With a plan like this it is dependent on factors beyond the organisation that we will seek to influence. This includes the development of a strong Local Strategic Partnership; a shared approach to developing our voluntary sector; collaboration with key strategic bodies like Coast to Capital and the South London Partnership; and crucially very close working with our residents.
- 3.5 In order to take our ambitions and convert them into a meaningful coordinated

plan we will be setting out a set of policy positions through cabinet over the coming months. This will provide an opportunity to set out a clear agenda but also to ensure it is understood, scrutinised and tested. Against all of these we will look to apply an evidence led approach using data and insight; reflect on how we can take actions to prevent issues and address issues relevant to local needs as well as borough-wide needs.

- 3.6 We have huge capacity across Croydon that we need to develop and grow. We also have considerable amounts of data and insight about our borough that we can draw on to create better solutions. It allows us to develop policies that prevent issues and lets us intervene earlier on; it also allows us to recognise the differing needs across the borough and create localised and bespoke responses. We see this as the opportunity to create a modern, agile organisation creating solutions in partnership with residents to ensure that issues do not become problems. Our ambition is that the whole borough can benefit from this approach and in turn the whole borough will have a major role to play in this success.
- 4.0 There are a range of key themes that we are committed to impacting on and these are set out below

**Key theme: Creating jobs and growing the economy**

- 4.1 The borough is home to nearly 400,000 residents and a thriving business sector with many organisations setting up their headquarters alongside a strong tech sector and a huge number of start-up businesses. The potential for us to build our economy will have many benefits to people who already call Croydon home but also for the large numbers who are moving here. Our priority is to make sure that our growth benefits everyone.
- 4.2 **Our progress:** we have made positive steps forward around the growth agenda and ensured it is done in a fair and inclusive way. We have made our council a London living wage council and introduced the Croydon Good Employer Charter to encourage the supply of high quality jobs in the borough.
- 4.3 The Croydon Works programme, our jobs brokerage scheme, has enabled over 500 people to secure employment. The Value Croydon programme supports local businesses and residents to get access to contracts with the authority. We are proud that Tomorrow (TMRW) a workspace hub has opened just opposite the revitalised Surrey Street. All of these are indicators of our commitment to a modern and attractive working environment at the heart of Croydon.
- 4.4 The Growth Zone provides us with the opportunity to develop a truly successful Croydon centre and importantly to use this success to invest and support our district centres. We recognise that we have to ensure the benefits are felt right across Croydon.
- 4.5 **Our way forward:** We will promote a theme of 'Croydon is open' as a way of demonstrating that Croydon is open for business and we are inclusive and supportive of all our residents. We will also work to ensure we create a fair environment for being in work and finding work. The redevelopment of Croydon town centre, including Westfield will be a major part of the next four years and will provide new jobs, homes and investment into the heart of Croydon.

4.6 We will continue to focus on District Centre Regeneration working with residents and businesses to create healthy and vibrant high streets and surrounding areas. This will include strong partnership working with business through BIDs and business forums.

4.7 So that the growing economy of Croydon benefits both residents and local businesses, we will maintain a strong focus on high quality skills provision, including extending the university offer, and increasing the apprenticeship opportunities in the borough.

We will support new businesses to come to Croydon and we will develop our existing business base extending the Good Employer charter to increase the number of good jobs in the borough, ones that make a positive impact on the lives and prosperity of our residents. We will also develop a childcare deposit loan scheme to support people to have the opportunity to work.

4.8 We recognise that there are inequalities in the employment opportunities for the most vulnerable groups, including care leavers and people with disabilities. We will work hard to ensure that more adults with learning disabilities are in employment.

4.9 We want to develop the evening and night time economy and beyond the town centre we want to have local economic development plans as well as a new small business hub, support services for small and medium enterprises, encouraging small businesses to bid for our contracts and our larger contractors to sub-contract with local suppliers where ever possible and bring empty properties back into use. It is important that our plans for a healthy and fair economy considers the whole borough.

4.10 The infrastructure to ensure success includes supporting our credit unions, strengthening the Croydon Enterprise Loan Fund, having proper broadband, and investing in our culture through creative spaces and working towards a university campus. We will provide the space, the advice and the environment for success and do this in a way that understands how people live their lives. This is because we want a modern, inclusive economy that gives everyone an opportunity to succeed.

### **Key theme: Education and Learning**

5.1 Croydon is home to the largest youth population in London and this will soon exceed 100,000. We want to work towards a borough that can provide every young person the best possible start and recognises the different needs and challenges that they all face. Our schools are strong and we have managed to keep pace with provision requirements. Although the way schools are organised has changed it is still important that we have the right plans in place.

5.2 **Our progress:** Over 95% of our schools are above the national average for achievement and over the last few years we have managed to develop 6 new primary schools and 2 new secondary schools.

5.3 In New Addington we are opening a school to cater for children with special needs from age 2 to 19. As well as our commitment to school places we have started a council apprenticeship scheme as we look to find pathways for

Croydon young people to develop themselves within the borough. The Onside Youth Zone will be a great place for young people to enjoy but is also a place where new skills can be learnt.

- 5.4 We are also committed to hearing the voice of young people and knowing their concerns. We are proud to have a Young Mayor and Deputy Young Mayor. We held a large Youth Congress in 2017 and our Local Strategic Partnership has committed to supporting young people as its core ambition.
- 5.5 **Our way forward:** We know that education is crucial for everyone's success and we will support a culture of lifelong learning in the borough. The benefits from collaboration means that we will encourage sixth forms to work more closely and for business and tech industries to be education partners so that young people can learn and find pathways into work.
- 5.6 The environment in which young people grow means we need to improve the air quality around our schools and reduce car pollution. We will continue to provide a supportive place for everyone to learn so that we can reduce exclusions. We will work with our schools to ensure they are inclusive places for all, including those with Special Educational Needs and Disabilities. Beyond this we will work to reduce youth unemployment.
- 5.7 All of these ambitions are dependent on having good schools and colleges. We will protect school playing fields and continue to plan and provide the school places that we need.
- 5.8 Parents, young people and communities need to feel confident that the educational environment is one that adds real value and is run well. The benefits from this will be felt right across the borough and importantly will give our young people the best possible opportunity to achieve their ambitions.
- 5.9 We will continue our work on Healthy Schools, promoting Sugar Smart and the daily mile to support the positive development of physical and mental wellbeing.

**Key theme: Providing decent and safe homes for all**

- 6.1 The demand and cost of housing is something that we are all acutely aware of. The population of Croydon will exceed 400,000 in the next few years and in the last year alone approximately 5,000 more residents have moved in to the area around East Croydon. We also know that circumstances vary hugely for our residents and the answer to our housing issues is complex. We have taken a wide range of actions to date and are committed to a Croydon where everyone has a decent and safe home to live in.
- 6.2 **Our progress:** With the establishment of Brick by Brick we have a wide variety of schemes across the borough that are being developed. These schemes will supply properties in a range of tenures and ensure there is a supply of affordable properties. An important aspect of these schemes is that they give people from Croydon priority.
- 6.3 An important theme is fairness. People need to know they will be protected which is why we introduced the Landlord Licensing scheme. It is also why we agreed to fit sprinklers into our taller blocks and it is why we are taking action to

address homelessness working with a variety of partners.

- 6.4 One of the most important pieces of work has been through our Gateway Services. It has taken action to support people dealing with debt or coping with welfare reform and ensuring that they can stay in their homes. This is a real example of preventing issues before they become problems and as a model it is one we want to see grow right across the council.
- 6.5 There are a number of other initiatives we have developed including FairBnB to match spare rooms to those needing emergency accommodation; the Social Letting Agency pilot to help people find suitable property and get them good terms; Croydon Choice – our choice based lettings scheme; and the development of Croydon first Community Land Trust (CLT). All these schemes and initiatives are giving every person in Croydon a chance of a decent and safe home but it is an area we will need to keep a strong focus on over the next four years.
- 6.6 **Our way forward:** Our ambition is to deliver properties, support people based on their circumstances and make sure that people and communities already established are considered as part of any future plans. We will make sure that people can get advice, feel confident that they are protected and have the best possible opportunity to stay in a decent home once they are in it.
- 6.7 We are committed to building 2,000 homes and to give Croydon residents priority for them. We will also ensure that there is local resident engagement that can help us determine how schemes should be developed and implemented. We will also look to buy 250 homes to give relief to those needing an affordable property and to return 100 vacant houses to use in the private sector to further increase supply.
- 6.8 One of the challenges we have with a changing borough is ensuring that we are looking at how it impacts on local areas. That is why we will introduce a borough-wide Article 4 Direction on Houses in Multiple Occupation (HMOs). We will also look at giving local people a voice through improving support for tenants in the private sector and regeneration ballots for residents where homes may be demolished.
- 6.9 A really important part of our approach is making sure we respond to individual needs. That is why we will reintroduce wardens into our sheltered accommodation; it is why we will support key workers find property; it is why we will support those from the Armed and Reserve forces find social housing; and it is why we will grow our Social Lettings Agency.

**Key theme: A cleaner, greener Croydon**

- 7.1 Our Don't Mess With Croydon, Take Pride campaign is important for setting out our ambitions for how we expect Croydon to be. It shows that where we need to take action we will, with over 200 prosecutions for fly-tipping, alongside supporting the community through the Street Champions and community clean-ups. We know that residents and business have to be our partners in tackling the issues we have with litter and fly-tipping and this will be a major priority for us going forward.



- 7.2 **Our progress:** We have taken major steps to address our household collection services through a new waste contract and have invested an additional £1.3million which has allowed us to invest in new on-street equipment as well as introduce two free bulky waste collections and an electrical goods collection. Fly-tipping clearance is higher than ever with over 87% cleared within 48 hours. Our garden waste collection is now all year round. We have also introduced tighter monitoring of our contract so that more residents can feel reassured about the service they receive.
- 7.3 The need to make sure all our neighbourhood and high streets are clean and accessible is important for the wellbeing of local people and the success of our local economy. We have nearly 350 street champions who have taken part in 150 community clean ups right across the borough. We have strong enforcement procedures and we also have good relationships with the Business Improvement Districts so that they in turn are helping us to keep Croydon cleaner.
- 7.4 **Our way forward:** The major emphasis for us over the next four years is to forge a really strong relationship with residents and business to make a step change in how we deal with waste. This means we have to do our part well and place real emphasis on getting the waste contract right so that we can set out our expectations of others.
- 7.5 We are going to set ourselves the target of exceeding 50% for recycling as a borough. The benefits on savings with landfill will be very positive but importantly it is the right thing to do. That is why we will also work to make major reductions in our use of plastics and are going to call on all businesses to do their part.
- 7.6 We will continue to take tough action on those who are not willing to do their part and will increase the number of enforcement officers. We will also continue to remove fly-tips quickly and continue to raise the profile of a clean borough through our campaigning. This is about a borough where everyone can enjoy living in a well-kept environment and everyone can do their part.

### **Key theme: Transport and environment**

- 8.1 Croydon is one of the largest London boroughs with connections via road and rail down to the coast or up into the centre of London. It is a busy working place where people expect to be able to move about freely and quickly. The Croydon tram is a fantastic part of our infrastructure and we want to invest in it further as well as our cycling network. Our overall view is that we can make decisions that will improve the environment, reduce the use of short car journeys and make our roads truly safe.
- 8.2 **Our progress:** We have delivered 20 MPH speed limits across residential areas and put in 3 pedestrian pilot schemes around local schools. We also developed Play Streets as a way for local communities to be able to use their area in a safe and protected way. We have replaced all our street lighting, agreed an air quality action plan and looked at introducing community energy schemes helping local people to generate zero carbon energy. All these initiatives have been about making our area safer and better environmentally. We know air pollution is a big issue for the capital and Croydon is taking action to address this.

- 8.3 The work we do to support people getting out and about is important for how people interact and feel. That is why we have ensured that over 8,300 blue badges, taxi cards and freedom passes have been approved.
- 8.4 The accessibility of Croydon is a key part of why we are the growth borough of London. Having excellent infrastructure is essential for businesses moving here and also enabling 1,000s of people to commute up into the capital each day. The visible improvements to the transport hubs at East and West Croydon are essential as part of this and we will continue to invest right across the borough to ensure people and business can continue to move here and invest here.
- 8.5 **Our way forward:** As with all the major themes reflected here we want to see benefits across all of Croydon and for all residents. That means we have a hugely ambitious programme to make a real change to our local environment. Many of the challenges are not specific to Croydon so as a council we will have to persuade both regional and national government to step up and take positive steps to help us.
- 8.6 Our streets should feel safe and we want residents to feel they can enjoy all of Croydon as a place to live well. This means encouraging people to stop short car journeys; it means huge investment in cycle routes; it means making our train stations truly accessible; and it means encouraging people to change their cars by investing in 400 electric vehicle points over the next 4 years.
- 8.7 The work we do to address air quality must go further and we will provide air quality monitoring systems to schools; explore and test the pedestrian zones to reduce traffic congestion around schools; and look to expand our 20 MPH zones across other residential areas. Our commitment is not only to improve and address air quality but it is also about improving our environment, which is why we will plant 3,500 new trees and continue to promote and enable community energy schemes.
- 8.8 The progress we can make will need others to do their part. As a council we need to press for a better rail franchise and to see investment in our rail hubs. We also want the tram to be extended up to Crystal Palace and to see real policy development around reducing plastics. A lot has improved already and we can be proud of the attitudes of our younger people towards the environment. It is our responsibility to make sure Croydon is a great place now as well as in the future.

**Key theme: One borough – many places**

- 9.1 As we set out plans for the next four years we are also looking at how we can implement ideas in a way that are relevant to the areas they impact. Ultimately we know people have a strong loyalty to where they live and want to see their own neighbourhoods improved and protected. Some areas have difficult issues to address and we want to be able to provide bespoke responses to these issues. This is set alongside our broad vision of developing a truly successful borough where benefits are felt by everyone.

- 9.2 **Our progress:** The Local Plan sets out in detail our ambitions for the borough and its many areas. The plan is now approved and will be a major driver for the way we develop the borough. The approach we want to build on is around the enabling of local communities to have a real say in how their areas develop. With the use of ward budgets we have enabled local councillors to support hundreds of local initiatives and the devolution pilots have helped us to properly test how we can empower both councillors and communities.
- 9.3 We have made real investment into many of our district centres including nearly £3million of improvements to Thornton Heath. Surrey Street has been revitalised and we have supported a number of community markets. Alongside these investments we have brought in rules to protect our local pubs and restricted the use of fast-food takeaways.
- 9.4 **Our way forward:** Having successful local districts with busy high streets gives a real lift and allows for a strong local economy. We intend to take action to tackle the problem of empty premises by taking tough action on landlords who allow this but also to work with community groups to give them opportunities to take them over. We will also reintroduce town centre managers because we know they can be a really effective link between local needs and the work of the council.
- 9.5 There is an opportunity for us to provide space for local communities, for new businesses but also for council services. We want to create a network of hubs that support local initiatives and meet local needs. Using our Community Fund and other forms of revenue and grants we can give our local voluntary sector the support it needs to make a real difference.
- 9.6 We will match this with local economic development plans so that we have a clear idea about how each area needs to grow and develop. The cumulative benefit of this approach is to make all of Croydon stronger now and into the future.

**Key theme: our cultural offer**

- 10.1 We know that a successful cultural offering is an important part of a healthy borough and a great driver for the economy. The talent of our young people whether stepping forward to be Youth Mayor, leading the annual Youth Takeover Festival or performing at the Brit School are all expressions of their ambitions and talent. We want to see this diverse and excellent cultural offer grow and for everyone to be able to benefit.
- 10.2 **Our progress:** The cultural offer in Croydon is growing and being invested in. Our role is to make sure we create an environment where all forms of culture can continue to grow, from the amazing street art to the home grown talent like Stormzy to integrated dance and theatre and stand out original spoken word and poetry. That is why we are investing £30million into Fairfield Halls but also ensuring as a future venue it will offer something to everyone.

- 10.3 An area that we have started to make real progress in is around our library service. With the service coming back in house we have used it as an opportunity to review and develop our offering. This is complemented by the work we have done with the community around Upper Norwood library and the investment into South Norwood library. Alongside this we have an established Museum, Gallery and Archive Service with plans to expand and regain formal accreditation. These are all important as showing our commitment to our history particularly as we will be celebrating the centenary of the Armistice this year.
- 10.4 Croydon is vibrant and we have an increasing number of events and celebrations taking place including our annual Mela and our annual Pride-fest. This is all part of celebrating our people and place. We also know that working with our venues and in our public spaces, we have the opportunity to revitalise our night time economy based around culture.
- 10.5 **Our way forward:** For us our cultural offer will be a major part of the growth in Croydon. It will be a reason for people to come to Croydon as well as be an opportunity for those already here. Croydon's annual programme of events will continue to grow, working with local, national and international partners; taking successful events like the Mela and Pride-fest from strength to strength and shaping commissioned programmes to support the night time economy.
- 10.6 The groundwork we have put in will now start to be realised. The Fairfield Halls opening in 2019 will provide a unique venue for the borough and we want to see an ambitious programme delivered across all art forms, in particular we will work with a range of partners including Fairfield to support new theatre production for Croydon.
- 10.7 We will invest in our libraries and grow the Book Fund. We will also work with a wide range of partners to develop Croydon's heritage offer as well as develop the role and use of the Croydon Clocktower including the David Lean cinema. Our ambition is to celebrate our cultural offer right across the borough and to encourage all ages to really benefit from it.

### **Key theme: Parks, Leisure and sports**

- 11.1 Our parks and open spaces are beautiful and important for the wellbeing and health of our residents. Along with our leisure and sports facilities we have a great environment here in Croydon. We need to ensure we make the most of all of this working with our new contractor for Leisure, GLL, and ensuring that all our open spaces are protected with a commitment not to build on them.
- 11.2 **Our progress:** We have made a commitment to ensure all our parks and open spaces are protected and will not be built on. We also founded the Friends of Parks and Open Spaces so that we can work with local communities to look after these spaces. This has involved pilot schemes across 6 areas to look at how we can use our spaces well.
- 11.3 The new contract with GLL allows us to improve the way our sports and leisure centres operate. We want to really encourage more people to make use of what is available and with the imminent opening of a new leisure centre in New Addington we have real provision right across Croydon. The free swimming for under 16s over the summer is all part of supporting young people to be active.

- 11.4 We also work closely with our sporting partners to help the local communities. The work of the Crystal Palace foundation is important for supporting the work we do with young people and tackling serious issues like knife crime. We are really proud to see a premiership football club in our borough and working with us to help local people.
- 11.5 **Our way forward:** We want to get more people using and enjoying what is available to them. This means thinking about the different opportunities and working with local residents, contractors and partners to make it a real success. To help with this we will provide coordinated oversight for all our parks and will look to bring parks maintenance back in house.
- 11.6 Our allotments are one of our best kept secrets and we want to make sure we support them and even expand them. We will work with the Federation of Allotment Societies to look at how they are run and see if there is space to provide more.
- 11.7 Supporting people being healthy means we are going to establish the Croydon marathon. We will also develop the Croydon Arena and establish 2 centres for football. The old Sainsbury's down at Purley needs attention so that it can be a really good leisure and sports centre and this will be a priority over the next 4 years. And we want to see more Active Outdoor Space Gyms. Overall it is an ambitious programme but it is an important part of developing a healthy and happy place where residents can be active in welcoming safe spaces.

### **Key theme: Our Young People**

- 12.1 We have nearly a 100,000 young people in Croydon. They are a massive part of Croydon and we have a huge responsibility to give them the best possible start in life. This can be about early years, supporting parent and carers during the pre-school years, good schools, opportunities to get into work, a safe and caring environment and hearing from them about their ambitions and concerns.
- 12.2 **Our progress:** The Ofsted judgement in 2017 was disappointing and we knew that we needed to respond positively and collectively. The work we have done in setting up the Children's Improvement Board and establishing a peer mentoring relationship with Camden has enabled us to positively impact on children's services. We know there is more to be done but the recent announcement from DfE recognised the work we are doing and has backed us to continue our improvement journey.
- 12.3 An important theme for us over the last year has been about giving young people a voice. We ran the Youth Congress last summer to hear about the issues that matter to young people and have since seen the election of our first Youth Mayor and Deputy Youth Mayor. With our campaign, Choose Your Future, we have a strong story about young people choosing positive options and a way for them to tell their own stories.
- 12.4 **Our way forward:** The work we are doing to improve our Children's services will continue and we will work with peers, partners, staff and our young people to make the service truly effective and responsive.

- 12.5 There needs to be a balance between celebrating the talent and achievements of our young people whilst continuing to address some of our major issues such as youth violence. The Local Strategic Partnership has agreed that young people will be the core priority of the partnership and over the coming year will be taking this work forward.
- 12.6 As an authority we have corporate parenting responsibilities and as part of this we will publish details about how we support our care leavers. This is about the way we look after everyone in our care and give them the best possible future.
- 12.7 We will create a series of opportunities to hear more from our young people and give them more ways to implement their ambitions. We will hold an annual youth congress, a youth festival and let young people develop their own Croydon manifesto on the back of the leadership of the Youth Mayor. We will look to devolve responsibilities and monies where appropriate as well.
- 12.8 Although we may recognise that young people have specific issues we also know that across all our themes they have a vital role to play. From successful schools to a better environment they can help shape both the current borough but also the future one. So as we develop and implement our programme we will consider young people and the part they can play against all our themes.

**Key theme: Keeping Croydon safe**

- 13.1 We read too often about the latest violent incident and hear of too many tragic stories. However the borough is a wonderful, diverse, inclusive and active borough full of people living busy lives and with many people giving of their time to make it a great place. It is in this context that our ambition must be to make people feel safer but celebrate our great successes as well. The level of commitment that we all witness working to solve and reduce serious youth violence reveals a genuine commitment to make Croydon the safest London borough for young people and we will continue to prioritise this issue.
- 13.2 **Our progress:** We have approved a Community Safety strategy for Croydon which sets out our ambitions to impact on a range of key safety concerns. Through the Safer Croydon Board we have established a new Serious Youth Violence and Gangs Working Group which has direct oversight over the partnership activity currently at work to tackle the issue. We are working closely with all our key partners such as the police, health, voluntary sector and schools, whilst also ensuring that young people are involved in the work to solve the problem.
- 13.3 There have been a number of important programmes that we have supported including becoming a White Ribbon Borough and we have put in a Public Space Protection Order in the town centre. Along with CCTV investment and a huge 23,000 streetlights replaced there are many practical pieces in place to make things safer.

- 13.4 We have made our concerns clear about police numbers. However we recognise that addressing issues like knife crime and serious youth violence is incredibly complex. Croydon's Strategic Partnership, made up of leaders across all sectors, has made young people their sole priority for the next two years – focused on their interests and opportunities. As part of that work we have developed an important campaign called Choose Your Future highlighting the positive choices available to our young people. However this can only have an impact through the work we do with our many communities and voluntary groups to get to the heart of the issues. Only working together with communities will we beat this and break the cycle of violence taking place.
- 13.5 **Our way forward:** The resources we need to address violence and safety issues means we must continue to advocate for more. We need funding into services and to ensure our voluntary sector is strong as well as seek more police. When we can address concerns within localities through proper engagement and preventative methods we can be more successful.
- 13.6 As part of our approach we will tackle youth violence as a public health issue. This means bringing together many partners, communities and individuals to work through the issues involved and developing a long term preventative approach. We will establish a Youth Community Fund and a fund to tackle mental health issues for under 25s. We will establish a borough-wide mentoring scheme and increase the number of apprenticeships. We will also have a safe haven scheme across our district centres to help make the borough a safe place for all.
- 13.7 As well as a major focus on serious youth violence and knife crime we will continue to address domestic and sexual abuse; to support the White Ribbon commitment; to tackle FGM and all forms of harmful practices; and to fight modern day slavery. It is not only about identifying the issues that matter but being clear about how we will respond. We will focus on prevention to tackle issues before they become problems and seek to really understand our communities and localities so that we can take our approach closer to where people live.

### **Key theme: A fairer Croydon**

- 14.1 As a local authority we are able to have a great impact on how services are delivered and how we respond to local needs. The way we do this is a reflection of the values that all of us represent and it is important that we can work in a way that meets the high standards our residents expect. We want to be able to demonstrate this through how we award contracts to local suppliers; the diversity of our workforce; the running of services in-house; and a modern and agile organisation.
- 14.2 **Our progress:** We are a London Living Wage authority and have established an apprenticeship programme. We have run the Go On digital programme to tackle digital exclusion. We have webcast our meetings to make them accessible and we are investing over £6million in our voluntary sector through the Community Fund. 14.3 There are many good aspects already in place around our contact centre; our online access; our work to communicate with residents through Your Croydon magazine and online. The challenge is to take all of these elements further.

- 14.3 **Our way forward:** There is a huge opportunity to use our digital capacity to really help the borough. We have a Smart City programme that will be part of driving improvements to the infrastructure of the borough and this in turn can be used to facilitate greater civic involvement, which will be linked to the community empowerment and devolution work. We will work with businesses to recycle computers, give more IT training to residents, provide more Open Data, set up tech zones in our libraries and leisure centres and offer simple apps to access information and complete transactions.
- 14.4 There are many ways in which we intend to demonstrate our values and commitment to equalities. This includes seeking external recognition for providing services and a workplace that are truly inclusive to everyone, through the Equalities Framework for Local Government. We will continue to keep council tax low; ensure our pension investments are ethical; ensure a diverse workforce; continue to ensure that all new contracts awarded include London Living Wage and ensure our current contractors are paying the London Living Wage through effective contract management; increase civic participation; and provide a welcome pack to new residents whilst supporting those from EU countries potentially impacted by our leaving the EU.
- 14.5 The Opportunity and Fairness Commission provides much that we must still pursue including a commitment to equality of access to education and jobs. We also need to look at how we provide the best possible opportunities for all our communities and celebrate our diversity. We will do this through continued investment in our voluntary sector through the Community Fund in line with the recommendations of the Opportunity and Fairness Commission.
- 14.6 The way we work with local people will be about focusing on prevention and early intervention and addressing needs closer to where they are identified. This will mean a more agile organisation with officers working across the borough and a strong move to basing decisions on evidence, insight and data.

### **Key theme – Managing within means**

- 15.1 We know from our data that Croydon has areas of considerable deprivation. There are many households in fuel poverty and we have worked hard to address the pressures on households so that we can prevent people becoming homeless or getting caught with pay day loan companies.
- 15.2 **Our progress:** The Gateway programme has been a major part of the way we have helped our residents as they face financial pressures. Alongside this we have seen a 19% reduction of households in emergency accommodation and our programmes to help rough sleepers are having real impact. The Community Connect programme and the New Addington and Fieldway Food Stop are making a real difference to a number of families.
- 15.3 **Our way forward:** Being able to help people through tough times is something that is reflected in many of the themes. The key is that we want to work with individuals and families to address their concerns and ensure they are not losing their home or finding it hard to live well. We are supporting our Credit Unions and want to make sure affordable banking is close to every community. We have committed to make sure our bereavement services are sympathetic to people's circumstances.



15.4 What we have learnt is that an individual's challenge is an issue that all of us have a stake in. There is the emotional and real costs involved in someone struggling and there is the community cost when we have to help those in need. That is why our efforts in partnership with residents and others will be about prevention and helping people closer to where they live.

**Key theme: A healthier Croydon**

- 16.1 Croydon's population continues to grow and there is a real pressure to ensure we have the right levels of infrastructure in place to cope. This includes having high quality health provision and an environment that promotes healthy living. Our Just Be campaign encourages and supports people to make good choices and we have invested in a range of programme to support our residents.
- 16.2 **Our Progress:** One of the most important developments has been the establishment of the One Croydon Alliance. This brings together the hospital, primary care, mental health, and social services to support the over 65s keeping them out of hospital or making sure things are ready for when they are discharged. It is a proper partnership programmes based on the idea of preventing issues.
- 16.3 We have signed up as a Sugar Smart Borough and developed a programme called Shared Lives to support adults to live in the community. The Live Well Croydon programme is about supporting people to live healthier lives and we are now accredited as a Flagship Food borough. Our Best Start programme supports from pregnancy until the age of five. All these programmes and commitments are about supporting, enabling and encouraging people to live happy and healthy lives.
- 16.4 **Our way forward:** The way we care for our residents needs to be of high quality and give people confidence. We want make sure all our special sheltered blocks and care homes meet these standards and will look to manage them in house. We will also ensure all our care support contractors are working to high standards.
- 16.5 We can see the benefit of expanding the remit of the One Croydon Alliance and looking at an all age approach. Alongside this we intend to invest in young person's mental health services. A theme that comes through many of our priorities is the ability of people to live in decent and safe homes. As part of this we will push for new-builds to be 'life-time' homes so that they are usable throughout someone's life as their health changes.
- 16.6 The way we support people to be able to work is important. We will introduce a child care deposit loan scheme. This will make it easier for parents looking to manage work and costs and we will also develop a child care cooperative to enable staff a fair living and for parents and families to be able to contribute and use the services.

## **Conclusion**

- 17.1 We have a bold programme for the next 4 years building on the work already in place. We will set this out in our Corporate Plan in September but we will not wait to begin the hard work to see Croydon improve further. We will work together to make this difference and realise the benefits for all our residents and the work begins now.

## **18. CONSULTATION**

- 18.1 The Croydon Corporate Plan will be developed over the coming months. There will be an opportunity to engage and consult with staff, partners, business, councillors and residents in order to create a meaningful plan that has measures and a delivery timetable against it. No consultation is required for this report.

## **19 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 19.1 There are no direct financial considerations arising from this report. As the priorities are further developed and implemented any financial implications will need to be considered.

(Approved by: Lisa Taylor, Director of Finance, Investment and Risk and deputy s151 officer)

## **20. COMMENTS OF THE BOROUGH SOLICITOR AND MONITORING OFFICER**

- 20.1 The Solicitor to the Council comments that there are no direct legal implications arising from the recommendations within this report.

(Approved by: Jacqueline Harris-Baker, Council Solicitor and Monitoring Officer)

## **21. HUMAN RESOURCES IMPACT**

- 21.1 There are no immediate HR considerations that arise from the outcome of this report.

(Approved by: Sue Moorman, Director of Human Resources)

## **22. EQUALITIES IMPACT**

- 22.1 An equalities impact assessment will be required for the new corporate plan.

## **23. ENVIRONMENTAL IMPACT**

- 23.1 There is no environmental impact arising directly from this report.

**24. CRIME AND DISORDER REDUCTION IMPACT**

24.1 There is no specific crime and disorder impact arising from this report.

**25. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

25.1 This report sets out the programme and intentions for the Administration and outlines the priority themes against which the work will be delivered.

**26. OPTIONS CONSIDERED AND REJECTED**

26.1 This report is for noting with no options for consideration.

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**CONTACT OFFICER:** Julian Ellerby, Director of Strategy and Partnerships.

**BACKGROUND PAPERS:** None

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**For General Release**

<b>REPORT TO:</b>	<b>CABINET – 11 June 2018</b>
<b>SUBJECT:</b>	<b>Cultural Plan Update</b>
<b>LEAD OFFICER:</b>	<b>Shifa Mustafa, Executive Director - Place Paula Murray, Creative Director</b>
<b>CABINET MEMBER:</b>	<b>Cllr Oliver Lewis, Cabinet Member for Culture, Leisure and Sport</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</b>	
<p>The services, programmes and plans outlined in this report deliver on all three of the corporate priorities.</p> <p>Growth: culture makes a significant contribution to the successful growth agenda through improving the case for inward investment and the Fairfield Halls specifically will be an engine for growth in Croydon’s economy.</p> <p>Independence: many of the cultural projects supported through the partnership fund create supportive and educational opportunities for our residents. Initiatives supporting young people in terms of life chances, routes to employment and wellbeing are also supported.</p> <p>Liveability: Croydon’s cultural offer is an increasingly important part of improving the borough as a place to live, work, study in and visit.</p>	
<b>FINANCIAL IMPACT</b>	
There are no additional financial considerations arising from this report.	
<b>KEY DECISION REFERENCE NO.</b>	
This is 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:</p> <p><b>1. RECOMMENDATIONS</b></p> <p>The Cabinet is recommended to:</p> <p>1.1 Note the direction of travel for the major elements of Croydon’s cultural programme as outlined in the report and to Delegate authority to the Executive Director of Place to initiate an engagement exercise on a Cultural Strategy for the Borough and following on from the outcome of the engagement, to develop a draft Cultural Strategy for presentation to Cabinet for consideration in advance of a consultation exercise on the Cultural Strategy for the Borough.</p>	

## 2. EXECUTIVE SUMMARY

- 2.1 There is a critical mass of cultural activity in Croydon both planned and in the pipeline, a galvanised and enthusiastic sector and resources in place to support a growing range of programmes and events. Croydon is well placed to realise some larger scale ambitions, following through on the strengths and potential in the borough such as the music industry. This report presents the main elements of that activity currently underway, outlines some areas for future development and proposes the development of a Cultural Strategy for the borough to draw this together.

## 3 DETAIL

### 3.1 Croydon's Cultural Sector

- 3.1.1 Croydon's cultural sector is continuing to develop in strength and diversity. It is made up of a range of organisations based across the borough from unique venues such as Stanley Halls to community arts partnerships such as CR7 in Thornton Heath to regular festivals such as Croydonites Festival of new theatre or annual events like Croydon Rocks. The sector's diversity is one of its strengths and there are several events that exemplify Croydon's different communities such as our annual Pridefest and the Croydon International Mela.
- 3.1.2 In the first year of establishing Croydon's **Cultural Partnership Fund**, which provides some matching funding for external funding bids, the council fund of £100,000 levered in an additional £250,000 for Croydon projects and programmes. In its second year of operation at £110,000, the fund brought in £390,000. The number of successful applications to the Arts Council and other funders has increased and there is improvement in both quantity and quality.
- 3.1.3 Croydon's **Culture Network**, a legacy of the process of bidding for the London Borough of Culture, is now a regular meeting of around 50 people individuals and organisations. The purpose of the sessions is for networking, keeping up to date with current initiatives and opportunities and it takes place monthly in different cultural venues around the borough. This provides both a channel into the sector and a collective voice of the sector.

### 3.2 Cultural Calendar

- 3.2.1 The Borough's cultural calendar has several established events now throughout the year and the range of content is increasing in its diversity. We will continue to work with national and international partners, for example, Remarkable Productions on the Croydon International Mela in July and Dance Umbrella. Dance Umbrella are this year bringing 'Everything that Rises Must Dance' to Croydon Boxpark in October, which is an event involving over 200 female dancers from across London.
- 3.2.2 Other events are consolidating and developing include:
- Following the success of Warhol Croydon, a large scale outdoor exhibition of temporary pieces inspired by the work of Andy Warhol which attracted 8,000 participants,

- Rise Gallery will be following up with another outdoor exhibition building on what is now known informally as 'The Croydon Collection' of permanent street art works. Due to take place in September this year, this will bring us one step closer to the claim of having the largest street art collection in the UK.
- Pride moves to a larger site this year in Wandle Park with an additional dance tent and a larger programme.
- Croydonites, the festival of new theatre, took place last month with audiences up to 50% on the figures from last year's festival and over 100,000 online contacts.
- The London Mozart Players will be bringing another LMP on the Move project building audiences across the borough.

3.2.3 This year will also see some firsts in new events for Croydon: The Festival of Peace taking place in the second half of June with a week long programme of events culminating in a festival finale day in Parkhill on Saturday 23<sup>rd</sup> June. July sees the first wholly Croydon version of Tempting Failure, a unique biennial festival of performance art and in September we have our first spoken word and poetry festival led by the Thornton Heath based Well Versed Ink, called LIP: Living in Poetry.

### **3.3 Public Realm**

3.3.1 A number of public realm locations have been identified both as part of the Growth Zone funded programme of change and through a focus on supporting the night time economy as locations for cultural activity. College Square has been populated with special street furniture and will see a programme of small scale events and activity launching over the summer, this is a project that has been designed in collaboration with students from Central St Martins College of Art and Croydon College. A programme with local promoters, our Music and Arts Service and the Croydon Central BID (Business Improvement Districts) of live music and street theatre will feature in the temporarily pedestrianised area of the High St this summer; a targeted range of events aiming to change the way our public spaces are viewed and experienced particularly in the evening. Working with the Brit School we will also support pop up performances across the Borough later in the year.

### **3.4 Youth Arts**

3.4.1 Additional funding of £100,000 has been allocated as part of Croydon's cultural funds specifically to support youth arts activity in the Borough. We will be working alongside the Croydon Youth Arts Collective and through the newly appointed Youth Mayor amongst other partners in the allocation of this and aiming to double the fund. Croydon has the highest percentage of under 25s of any London Borough and this is a key priority for cultural activity through all areas in addition to this targeted fund.

### **3.5 Creative Enterprise Zone**

3.5.1 Croydon has been successful alongside 10 other local authorities in gaining some funding to research and create a plan for a Creative Enterprise Zone. In summary, this is a programme that puts measures in place to support cultural and creative organisations, particularly in terms of production, in a designated

area. This is currently at the research stage with an audit into the cultural and creative sector; looking at what provision currently exists and what is in the pipeline.

- 3.5.2 Key elements of the proposition would include the development of the Artist Studio Collective 100+ studio collective in the Grafton Quarter, gallery spaces – building on the success of organisations like Rise Gallery and TURF Gallery with the Croydon Art Store, their latest venture in the Whitgift Centre, other small scale venues planned for the town centre and Fairfield Halls. One of the sectors emerging strongly so far is music i.e. live music production and performance. Another key strand is the development of a programme of creative internships for young people. The area being focussed on in particular is part of the town centre as well as some district centre clusters.
- 3.5.3 The full plan will be submitted to the GLA by the end of July to compete for further funding in the region of £1million for delivery. Decisions will be made on this in October this year. Whatever the outcome of the funding bid, the plans and research developed as part of this process are helpful in creating a blueprint for making sure there is a significant cultural component in the regeneration in Croydon's key developments. The work developed will also feed directly into our Cultural Strategy which will be produced later this year.

### **3.6 Fairfield Halls (operational)**

- 3.6.1 A detailed update on the development was given in a report to Cabinet in March of this year. To add to that, the new venue director, Neil Chandler, has made significant progress in establishing relationships across the Borough in particular. Partnerships with two Croydon companies have been set up with Savvy Theatre and with SlIDE Dance Company. Both companies are exemplars in integrated disability arts practice and have had successful performance dates in Croydon in recent weeks and months. Their presence and work in Fairfield will have a positive impact for Croydon.
- 3.6.2 On a separate note, Neil Chandler has been appointed as the new Chair of Croydon BID. Having a chair from the one of the borough's major cultural organisations will be of major benefit to the development of the BID.

### **3.7 Croydon Cultural Partners**

- 3.7.1 Building on the level of commitment to the development of Croydon's Borough of Culture bid, **Croydon Cultural Partners** is a scheme to bring together much of the cultural activity in the borough and present it in a single programme. The purpose of this is to have a single proposal that really captures the range and diversity of what is happening in our borough to present to potential supporters and sponsors. The sponsorship pledges received for the Borough of Culture bid were a reflection of the willingness of local businesses to support local activity events and organisations.
- 3.7.2 **Croydon Cultural Partners** offers a way to capture this; there are opportunities to support Croydon's annual programme of flagship events, to support work with and by young people and invest in neighbourhood initiatives. This will launch formally in July and run for 2 years, aiming to achieve an additional £100,000 into culture in Croydon with four corporate partners already on board.



### **3.8 Future Cultural Ambitions**

- 3.8.1 As noted above, the importance of the music sector in Croydon is something that has been identified in the early stages of the work on the Creative Enterprise Zone, this is in terms of both production and performance. Croydon also has a strong Music and Arts Service supporting the development of our young musicians and its music heritage is also well known. In developing our plans and activities for Croydon, one of the models we might want to look at is the Music City model where a location builds proactively on all aspects of its music sector to create a vibrant economic engine of activity. This would include the development of venues, music production, performance opportunities, festivals, education and training and secondary industries. London as a whole is considered a music city, as is the likes of Nashville, Ontario and Cologne. As a further development of the creative enterprise zone work, it would be worth scoping this for Croydon to see how it might be delivered and resourced and what the benefits could be. Croydon has already been identified as an opportunity area in terms of music industry growth in the GLA cultural infrastructure audit.
- 3.8.2 In the nearer future, development work on a significant range of lighting interventions for both the town centre and some district areas is underway. Croydon-Lit will be a series of lighting pieces – some temporary and some permanent, to appear in key locations across the Borough and in the town centre. Pulled together in a strategy that includes elements of route marking and celebration of particular times or particular places or buildings, this will be developed over the next 6-12 month period. It will build on the success of projects such as the Thornton Heath Lighting Festival done in partnership with London Lumiere which attracted over 5,000 people to Trumble Gardens for a magical evening as well as focussing on major new routes and desire lines being created in the town centre as new developments take shape.

### **3.9 Cultural Strategy**

- 3.9.1 Croydon is now in a position where it would be helpful to develop a Cultural Strategy for the borough for a number of reasons:
- There is a groundswell of activity and a very active and engaged sector to work with
  - A strategy will be the place to bring together the range of initiatives and drivers for culture
  - The GLA is currently consulting on its overall Cultural Strategy for London and producing its cultural infrastructure plan for London – both of which provide useful and timely context for a strategy for Croydon.
  - More immediately, Croydon council will be developing its next Corporate Plan and we are at the start of a new administration
- 3.9.2 The proposed timescale for this would be to have a 3 year strategy in place for the start of the next financial year: Accordingly a delegation is sought to the Executive Director of Place to initiate an engagement exercise and following on from the outcome of the engagement, to develop a draft strategy for presentation to Cabinet for consideration prior to any consultation exercise which may be undertaken.

3.9.3 A proposed timetable for such work is set out below:

Produce draft for engagement and consultation	July 2018
Engagement and consultation period	August – end of October 2018
Finalise strategy for publication	November 2018
Ratification at Cabinet	December 2018
Launch of Strategy	January 2019

#### **4. CONSULTATION**

4.1 The Croydon Culture Network offers an ongoing engagement and consultation opportunity both on a formal and informal basis. The development of a Cultural Strategy for Croydon will build a consultation period in to the process.

#### **5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

5.1 The majority of activity identified in this report will be funded from within existing budget. Additional funding will be brought in both directly through the Cultural Partners scheme and indirectly via the support given to third party organisations making bids for external funding to contribute to the activity in Croydon.

5.2 Funding for full delivery of the Creative Enterprise Zone plan would be subject to the competitive bid process. Decisions are made on this in October of this year. The full plan would not be delivered in the planned timescale if funding was not forthcoming.

5.3 Additional funding for progressing on the larger initiatives described at 3.8 would be sought from other sources such as the Growth Zone.

Approved by: Lisa Taylor, Director of Finance, Investment and Risk

#### **6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

6.1 There are no additional legal implications arising from the recommendations within the report within the report as any future strategy will need to be presented to Members for further consideration.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law, for and on behalf of Jacqueline Harris-Baker, Director of Law and Monitoring Officer

#### **7. HUMAN RESOURCES IMPACT**

7.1 There are no direct implications for staff at LBC in this report. However a strong and vibrant cultural offer enhances the reputation of Croydon and supports the employer brand of Croydon for both attraction and retention.

Approved by: Sue Moorman, Director of Human Resources

## **8. EQUALITIES IMPACT**

- 8.1 Much of the cultural work supported has a targeted impact in terms of equalities work. The partnerships outlined above between Fairfield Halls and two companies in Croydon who specialise in disability arts work will have significant positive impacts in these areas in terms of role modelling and integrated practice in particular.

## **9. ENVIRONMENTAL IMPACT**

- 9.1 The environmental impact of events is considered as part of the event management planning. Initiatives that improve the public realm will have a beneficial impact in terms of how those public spaces are then cared for by the public.

## **10. CRIME AND DISORDER REDUCTION IMPACT**

- 10.1 As outlined above in 3.3, targeted elements of Croydon's cultural programme are designed to support the development of a safe and diverse night time economy; increasing footfall, creating lighting projects, broadening the offer for example. Other parts of the programme are designed to take place in particular areas of the public realm that are in need of improvement and change. The ambition to develop Croydon as a Music City type destination, would have a beneficial impact on the night time economy as well.

## **11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

- 11.1 The plans outlined above are grounded in needs analysis and consultation and work with partners who are well connected to their communities, they address issues and challenges in Croydon and will create positive impacts in all areas.

## **12. OPTIONS CONSIDERED AND REJECTED**

- 12.1 The option not to apply for the Creative Enterprise Zone was considered, however, the aims of the programme are very much in line with Croydon's ambitions and priorities.

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**CONTACT OFFICER:** Paula Murray, Creative Director, Tel: 02086047117

**BACKGROUND DOCUMENTS:** None.

**APPENDICES TO THIS REPORT** None.

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<b>REPORT TO:</b>	<b>CABINET – 11 June 2018</b>
<b>SUBJECT:</b>	<b>Delivering the Whitgift Redevelopment – Proposed revisions to the CPO Indemnity and Land Transfer Agreement &amp; Pre-conditions to Drawdown of Land</b>
<b>LEAD OFFICER:</b>	<b>Shifa Mustafa Executive Director of Place</b>
<b>CABINET MEMBER:</b>	<b>Councillor Tony Newman, The Leader of the Council</b>
<b>WARDS:</b>	<b>All Wards</b>

**CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:**

Croydon's Sustainable Community Strategy 2013 – 2018

- Developing and maintaining Croydon as an attractive place in which to live, work, visit, socialise and invest
- Improving Croydon's town centre by development of the retail realm, encouraging a stronger retail offer and a mixed economy, including a night time economy
- Ensuring a choice of housing
- Increasing opportunities for skills training and jobs
- Protecting vulnerable people

**FINANCIAL IMPACT:**

Under the CPO Indemnity and Land Transfer Agreement ("**ILTA**") the Council is indemnified against liabilities for costs and compensation associated with the compulsory purchase order for the Whitgift Centre and surrounding land.

In accordance with section 233 of the Town and Country Planning Act 1990, the Council is to receive best consideration reasonably obtainable for the disposal of land within the proposed redevelopment site.

Implementation of the scheme would contribute to the promotion of the economic, social and environmental well-being of the Council's area and would be likely to bring indirect financial benefits in terms of business rates, council tax and New Homes Bonus. It will also trigger implementation of the Growth Zone in Croydon, based on retention by the Council of the uplift in business rates in the designated Growth Zone area.

**KEY DECISION REFERENCE NO. 0718CAB:**

This report contains Key Decisions as defined in the Council's Constitution and encompassed under Key Decision Reference No: 0718CAB "Delivering Westfield".

The decision may be implemented from 1300 hours on the 6th working day after the decision is made, unless the decision is referred to the Scrutiny & Overview Committee by the requisite number of Councillors.

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 Subject to consideration of representations made by third party landowners and other matters set out in Parts 1 and 3 of this report, Cabinet is recommended to resolve that the Executive Director of Place, acting in consultation with the Director of Law & Monitoring Officer, be authorised on behalf of the Council to enter into a further supplementary agreement to the CPO Indemnity and Land Transfer Agreement ("**ILTA**") with Croydon Limited Partnership, Westfield Corporation Limited, Hammerson UK Properties Plc and Whitgift Limited Partnership to give effect to the amendments to the ILTA referred to in section 5 of this report.

If Cabinet approves the recommendation in paragraph 1.1, Cabinet is asked to consider the evidence supplied by the Developer and the advice in relation to satisfaction of the pre-conditions to drawdown of third party land pursuant to the ILTA (as proposed to be amended) contained in Part 2 of this report and in the exempt report in Part B of the agenda for this meeting, together with the matters set out in Part 3 of this report AND

1.2 Subject to:

- i. Members being satisfied that the necessary pre-conditions to drawdown have been met;
- ii. completion of the further supplemental agreement to amend the ILTA; and
- iii. Drawdown Notice and RFD Notice having been served on the Council on behalf of the Developer in full compliance with the terms of the ILTA (as amended);

Cabinet is recommended to resolve that the Executive Director of Place, acting in consultation with the Director of Law & Monitoring Officer be authorised to:

- a. take all necessary steps to implement the The London Borough of Croydon (Whitgift Centre and Surrounding Land bounded by and including parts of Poplar Walk, Wellesley Road, George Street and North End) Compulsory Purchase Order 2014 ("**the CPO**") including the execution of one or more General Vesting Declarations and the service of Notices to Treat and Notices of Entry in respect of interests and rights within the Order Land specified in the the Drawdown Notice;
- b. take all necessary steps in relation to the acquisition of land and new rights and settlement of compensation and any other claims or disputes including legal proceedings relating to the implementation of the CPO, defending or settling claims made to the Lands Chamber of the Upper Tribunal and/or any applications made to the Courts and any appeals;
- c. in the event that a valid Call Option Notice is served on the Council on behalf of the Developer in accordance with the terms of the ILTA (as

amended):

- 1) to appropriate the Council's land interests referred to in paragraph 10.1 for planning purposes pursuant to section 122 of the Local Government Act 1972; and
  - 2) to arrange for the transfer to the Developer of the Council owned land within the redevelopment site identified in paragraphs 10.1 and 10.13; and
- d. take all other necessary steps in relation to the implementation of the CPO and in relation to the Council's obligations under the ILTA.

## 2. EXECUTIVE SUMMARY

- 2.1 The London Borough of Croydon (Whitgift Centre and Surrounding Land bounded by and including parts of Poplar Walk, Wellesley Road, George Street and North End) Compulsory Purchase Order 2014 ("**the CPO**") was confirmed by the Secretary of State on 15 September 2015.
- 2.2 Shortly before the CPO was made on 15 April 2014 the Council entered into a "CPO Indemnity and Land Transfer Agreement" ("**ILTA**") with the Developer to make provision for the assembly of land needed to undertake the Whitgift redevelopment and for the Developer to indemnify the Council in respect of CPO and other associated costs.
- 2.3 Planning consents for the redevelopment of the Whitgift Centre and surrounding land were granted by the Council in 2014 (references 12/02542/P, 12/02543CA and 14/02824/P). These three consents are together referred to below as the "**2014 Permission**" and the development authorised by them is referred to as the "**2014 Scheme**".
- 2.4 On 20 October 2016 the Developer applied to the Council for planning permission for an updated redevelopment scheme (reference 16/05418/OUT) ("**2018 Scheme**"). Outline planning permission for the 2018 Scheme was issued by the Council on 20 April 2018 ("**2018 Permission**").
- 2.5 The Developer has informed the Council that it intends to implement the 2018 Permission, rather than the 2014 Permission.
- 2.6 The Whitgift redevelopment provides the opportunity for the long-awaited step change in the town centre, through the provision of new shops, restaurants and leisure that will make a significant contribution towards Croydon being the premier destination in South London for shopping, business and cultural activities. The significant accompanying residential offer will also provide much needed new homes in a variety of tenures to continue the growth of a thriving town centre residential population. The development will deliver:
- Up to 173,684sqm of retail and leisure floorspace including a new John Lewis store and a modern replacement Mark & Spencer store to anchor the scheme in the south and north respectively
  - Up to 1,053sqm of community use

- Up to 3,895sqm of office space
- Up to 100,000sqm of car parking with up to 3,140 car parking spaces in main car park
- 626-967 residential units in a Build to Rent scheme, of which 20% of units would be affordable in the form of Discounted Market Units. Of the affordable units (with an indicative quantum of 125-193 units), 60% of them would be at 80% of market rent and 40% of them at London Living Rent.
- Estimated between 6,720 to 7,048 full time equivalent jobs created in the town centre, once the development is operational.
- During the construction of Phase 1, construction employment fluctuating between an average of 250-2,850 jobs on-site and during Phase 2, between 100-200 jobs on-site.
- Significant investment in targeted training and employment support initiatives during both the construction and retail phases
- Targeted programmes to support and engage local young people
- Significant public realm benefits
- Net increase of up to around £20m per year in business rates (50% of which can be retained locally through the Growth Zone)
- CIL contributions
- £8.9m in New Homes Bonus
- A step-free 24hour East-West pedestrian route and transformation of the northern end of the site including the opening up of Poplar Walk with additional public realm
- Total investment of over £1.4 billion within the town centre

2.7 By the time of the new retail centre's anticipated opening in 2023, Croydon town centre will be a vibrant metropolitan centre. The newly refurbished Fairfield Halls will be a centre of cultural activity showcasing international performance as well as home-grown talent. The currently on-site residential development of 101 George Street consisting of twin 44 and 38 storey towers will have brought 24 hour life to the cultural quarter and the historic town centre park of Queens Gardens will have benefited from major investment arising from the adjacent Taberner House mixed use development. Underpinning all of this development is the Growth Zone, which will be transforming the environment of the town centre through a comprehensive programme of infrastructure improvements to public realm, public art, public transport and social amenities.

2.8 The Developer has made very substantial progress in preparing for implementation of the new development. Since the public inquiry in 2015 it has acquired a number of major land interests in the site from former objectors and has reached agreement for the relocation of 9 occupiers of the Whitgift Centre to Centrale and with the affected statutory undertakers. The Developer has agreed heads of terms with an operator for a multiscreen cinema and has made demonstrable progress in securing both the proposed anchor store tenants (John Lewis and Marks & Spencer), each to be full-line quality stores with an internal area in excess of 100,000 square feet. On the 31 May 2018



John Lewis and Waitrose announced that a new 165,000 square foot John Lewis shop incorporating a Waitrose store on the ground floor would form part of the redevelopment. Appendix 5 includes the Developer's Summary Indicative Programme for implementation of the scheme showing anticipated dates of September 2019 for works to start on site, opening for trade of the new retail centre in Quarter 2 2023 and occupation of the residential accommodation in the first half of 2024.

2.9 Following a summary of the background to the scheme and progress in assembling land and rights by agreement since confirmation of the CPO, Part 1 of this report deals with the need to amend the ILTA to take account of the 2018 Scheme. In the event that Members approve the recommendation to amend the ILTA, Part 2 of this report addresses the pre-conditions to drawdown of land under the ILTA (as amended) leading to implementation of the CPO and matters relating to the proposed transfer of Council owned land within the redevelopment site. Part 3 contains information relevant to both Parts 1 and 2.

2.10 Part 1 of this report which concerns the proposed amendments to the ILTA:

- a. describes the nature of the revisions to the redevelopment proposed under the 2018 Scheme;
- b. explains the need for revisions to the ILTA to take account of the 2018 Scheme;
- c. includes a description of the purpose and effects of the proposed revisions to the ILTA;
- d. describes the potential implications of development of the extended site area for the 2018 Scheme (in particular, to include the site of Green Park House) for neighbouring third party landowners and occupiers and the effects of sections 203 -205 of the Housing and Planning Act 2016; and
- e. refers to representations made by third parties whose rights could potentially be affected by the 2018 Scheme and other matters for consideration by Cabinet before a decision on the recommendation in paragraph 1.1 is reached.

2.11 Part 2 of this report which concerns the pre-conditions to drawdown of land under the ILTA:

- a. describes the contractual arrangements under the ILTA for assembling land to enable the redevelopment of the Whitgift Centre and surrounding land;
- b. describes the "Reasonable Prospect of Delivery Pre-condition" ("RPD Pre-condition") and its significance;
- c. summarises the conclusion of officers and the Council's external advisers, based on the evidence the Developer has provided in support of satisfaction of the RPD Pre-condition, that it would be reasonable for Members to determine that the Pre-condition is satisfied (to be considered in association with the exempt report in Part B);

- d. describes the steps which would follow the service on the Council by the Developer of a Drawdown Notice ("**DD Notice**") specifying the third party interests in respect of which the Developer requests the Council to exercise compulsory purchase powers;
  - e. identifies Council owned land within the redevelopment site which may be the subject of a Call Option Notice served on the Council by the Developer leading to the transfer of that land to the Developer and identifies part of that land which officers recommend should be appropriated for planning purposes prior to transfer to the Developer;
  - f. leads to the recommendation in paragraph 1.2 that authority be delegated to officers to take all necessary steps to complete the land assembly arrangements under the ILTA, including the exercise of CPO powers, the appropriation of Council land and the transfer of land to the Developer.
- 2.12 Part 3 of this report includes further information and advice relevant to both Parts 1 and 2, including the human rights, equalities and financial implications.
- 2.13 In this report Croydon Limited Partnership ("**CLP**") and its participant and associated entities are referred to as "the Developer" unless otherwise stated.

### **3. BACKGROUND**

#### **Background to the CPO**

- 3.1 In 2011 a company in the Westfield Group entered into exclusive arrangements with the Whitgift Foundation, the freehold owner of the Whitgift Centre and much of the surrounding land, in respect of a potential redevelopment scheme for the Whitgift Centre. In January 2013 Westfield Shoppingtowns Limited (as it was then called) and Hammerson UK Properties Plc formed CLP and related entities as a joint venture to take forward proposals for the redevelopment of the Whitgift Centre and surrounding land.
- 3.2 On the 5 February 2014 the Council granted outline planning permission and conservation area consent to the Developer for the redevelopment of the Whitgift Centre and surrounding land with a retail-led mixed use scheme including housing, leisure, community, office and car parking uses (references 12/02542/P and 12/02543CA) and on 24 December 2014 further permission was granted for the demolition of buildings at Chapel Walk and the creation of a new entrance (reference 14/02824/P) i.e. together, the "2014 Permission" for the "2014 Scheme".
- 3.3 At its meeting on 7 April 2014, Cabinet resolved to make the CPO to enable comprehensive redevelopment of the Whitgift Centre and surrounding land. The ILTA was entered into and the CPO was made by the Council on 15 April 2014.
- 3.4 A public inquiry in respect of the CPO was held in February and March of 2015 and on 15 September 2015 the Secretary of State notified the Council of his decision to confirm the CPO. Notice of confirmation was first published on

25 September 2015. The powers to acquire land and new rights under the CPO may be exercised at any time up to 25 September 2018.

- 3.5 The purposes of the CPO are expressed in broad terms, namely:
- a. facilitating the carrying out of development, redevelopment or improvement on or in relation to the land comprising the demolition of existing buildings the erection of new buildings and structures to provide a comprehensive retail led mixed use scheme comprising a mix of town centre uses including retail, leisure, residential, community facilities and other complementary uses, new and improved publicly accessible access routes, public realm, car parking and associated servicing and infrastructure which is likely to contribute to the achievement of the promotion or improvement of the economic social or environmental well-being of the acquiring authority's area; and
  - b. executing works to facilitate the development or use of the land.
- 3.6 At the time of the public inquiry it was envisaged that it might be necessary to make amendments to the 2014 Scheme, for example to permit a new store for Marks & Spencer rather than the refurbishment of their existing store. The Inspector did not consider that this would create any impediment to delivery of the scheme.
- 3.7 In confirming the CPO the Secretary of State agreed with his Inspector's conclusions that the purpose for which the land was being acquired not only fitted with the adopted planning framework for the area but that the proposed purpose of the CPO would significantly contribute to the achievement of promotion or improvement of the economic, social and environmental well-being of the area. The Secretary of State was satisfied that there was a compelling case in the public interest to justify sufficiently the interference with the human rights of those with an interest in the land affected.
- 3.8 As noted, the purposes of the CPO are expressed in wide terms. It is considered that the 2018 Scheme referred to below is entirely consistent with the purposes for which the CPO was made and that the overall effect of the scheme changes would be to achieve an equally good if not better result within the same purposes as those for which the CPO was made and confirmed (see further section 4).

### **Stopping up orders**

- 3.9 A public inquiry to consider objections to a stopping up order ("**SUO**") in respect of Dingwall Avenue was held concurrently with the CPO inquiry in 2015. In his report to the Council (17 July 2015) the Inspector concluded that the SUO was necessary to enable planning permission to be carried out in accordance with the outline planning permission for the scheme (reference 12/02542/P), subject to certain amendments to introduce conditions to prevent the stopping up taking effect before certain third party land interests had been acquired and to require the completion of an "Access Management and Maintenance Agreement" ("**AMM Agreement**") between the Council and the Developer to secure continuity of access arrangements for properties around Dingwall Avenue which would not be acquired under the CPO and for the management and maintenance of a new area of public realm on part of the

Dingwall Avenue land after stopping up and transfer of the land to the Developer. The SUO in respect of Dingwall Avenue, incorporating the required conditions, was made by the Council on 16 December 2015.

- 3.10 However, as this SUO relates specifically to development under permission reference 12/02542/P, it has been necessary for the Developer to apply for a fresh SUO in respect of Dingwall Avenue to enable implementation of permission for the 2018 Scheme. In addition, the Developer has applied for a stopping up order in respect of a small area of land in Poplar Walk. These proposed SUOs are referred to further in paragraphs 4.5 and 4.6 below.

### **Progress since the public inquiry and confirmation of the CPO**

- 3.11 Since the CPO Inquiry, the Developer has continued its efforts to acquire land within the CPO site by agreement and to address concerns of affected land owners and occupiers.
- 3.12 Land interests within the CPO site which have been acquired by the Developer by agreement since confirmation of the order include:
- a. a long leasehold interest in the Whitgift Centre formerly held by the Whitgift Trust (the Developer having previously acquired the superior leasehold interest in the Centre);
  - b. long leasehold interests in the Allders and Whitgift car parks formerly held by Bouwfonds European Real Estate Parking Fund Croydon;
  - c. long leasehold interests in Green Park House, Poplar Walk, formerly held by Paintfirst Limited;
  - d. freehold interests in:
    - Link House, 9 Dingwall Avenue; and
    - numbers 20-30, 60, 82-84, 86, 96 – 98, 100 and 106 North End;
  - e. leasehold interests in certain properties in North End and individual units within the Whitgift Centre.
- 3.13 Overall, the Developer has reached settlement with the majority of major land owners with interests in the redevelopment site and with statutory undertakers and telecommunication code operators. It has also made good progress in arranging for the relocation or acquisition of the interests of occupiers.
- 3.14 The Developer is continuing to engage with parties with outstanding interests in the CPO site. These include Minerva (Finance) Limited and Minerva (Stores) Limited (in respect of their land interests in the former Allders store), Legal & General Assurance Limited (in relation to acquisition of its interests and the creation of new rights over properties in North End and certain units within the Whitgift Centre) and a number of occupiers within the Whitgift Centre.
- 3.15 Green Park House was included in the CPO as "blue land" to enable the creation and acquisition of new rights needed to implement the 2014 Permission, but not for outright acquisition. The leasehold interests in Green Park House which the Developer has now acquired by agreement enable this

land to be incorporated in the redevelopment scheme, thereby extending the comprehensive approach to redevelopment of the Retail Core. This allowed the Developer to redesign the Northern section of the scheme so as to include a fifth residential tower and provide a new anchor store, proposed as the new Marks & Spencer's store, repositioned in Poplar Walk, replacing and upgrading their existing store (as contemplated at the time of the CPO public inquiry).

- 3.16 On 18 October 2016 the Developer applied for outline planning permission for an updated scheme with the site boundary extended to include the Green Park House land (i.e. the 2018 Scheme). On 14 November 2017 Planning Committee resolved to grant planning permission subject to completion of a section 106 agreement. On 8 January 2018 the Mayor notified the Council that he did not intend to direct a refusal or take over the determination of the application and on 10 January 2018 the Secretary of State confirmed that he did not intend to call in the planning application for his own determination. The section 106 agreement was completed and the 2018 Permission was issued on 20 April 2018. The changes inherent in the 2018 Scheme are summarised in section 4 below.

#### **Proposals affecting Westfield**

- 3.17 In December 2017 Westfield Corporation Limited ("**Westfield**") and Unibail-Rodamco SE ("**Unibail**") agreed terms for the acquisition by Unibail of Westfield Corporation including Westfield's interests in Croydon and its 50% holding in Croydon Limited Partnership (CLP) and related entities. Unibail is the developer and operator of a network of retail centres across Europe. The transaction is expected to be completed in the second quarter of 2018.
- 3.18 So far as the Whitgift scheme is concerned, Westfield has confirmed that it is continuing to progress the scheme towards delivery (including the necessary steps for implementation of the CPO) on a "business as usual" basis and that the proposed Unibail deal does not alter that objective.
- 3.19 Both Westfield and Hammerson have commented that their "business as usual" commitment in respect of the Whitgift scheme is demonstrated by the significant ongoing commercial, planning and land assembly progress being made by CLP.

#### **Need to amend the ILTA – Part 1 of this report**

- 3.20 As a result of the updated redevelopment proposals there is a need to revise the contractual arrangements between the Council and the Developer under the ILTA. The ILTA includes provisions governing the Developer's entitlement to call for land to be drawn down, subject to satisfaction of specified pre-conditions. Land drawdown would lead to the exercise by the Council of CPO powers and consideration of appropriation for planning purposes of Council owned land interests within the redevelopment site prior to their transfer to the Developer.
- 3.21 The necessary amendments to the ILTA are explained in section 5 below. The implications for the rights of third parties of including the Green Park House land in the redevelopment site are described in section 6. Part 3 of this report includes the human rights, equalities and financial implications.

## **Pre-conditions to drawdown of land under the ILTA (as proposed to be amended) – Part 2 of this report**

- 3.22 The Developer has confirmed that it intends to proceed with the development, with start on site anticipated in September 2019 and opening of the retail component anticipated in Spring 2023. It has given the Council and its external advisers access to information (including commercially sensitive confidential information) in order to demonstrate that the RPD Pre-condition is satisfied. That confidential information and the related advice of the Council's external advisers, Deloitte, is reported in the exempt report in Part B of the agenda for this meeting and the key conclusions are summarised in section 8 below.
- 3.23 A Summary Indicative Programme for implementation of the Whitgift redevelopment is included in Appendix 5.

### **Need for regeneration of Croydon town centre and action to address it**

- 3.24 Evidence of the longstanding need to regenerate Croydon town, its failure to fulfil its function as Metropolitan Centre and the need for significant investment to address its decline was considered at the public inquiry into the CPO in February and March 2015. The Inspector noted that there had been no substantial dispute as to the pressing need for major regeneration in Croydon town centre, in order to meet long-term policy objectives.
- 3.25 Since the CPO inquiry, vacancy rates in Croydon Metropolitan Centre remain high. For the 2016/2017 monitoring year, 37% of office floor space in the Metropolitan Centre is vacant, which is reflective of a decline in the demand for available offices and an indication that the office market is underperforming. There continues to be a high level of vacancy in the retail core. In November 2017 the vacancy rate for retailing in the centre was 11% of Class A floor space, up from 9% in 2016.
- 3.26 There has been no significant additional investment in the town centre retail offer since the CPO inquiry and the town centre continues to suffer from a poor physical environment, a lack of investment in infrastructure and the image of the town centre remains poor (due to crime or the fear of crime). There is a legacy of outdated buildings that are no longer fit for purpose. There has been little change in the retail offer since the inquiry and the Metropolitan Centre still does not have the range of retailers that are offered by its competing centres and other centres of a similar size. There is a particular lack in more upmarket retailers and the breadth and range found in other Metropolitan Centres. There is also a lack of range of retail units to fulfil the needs of modern retailers. Leisure provision in the town centre remains lacking and there is a need for more family suitable food and beverage provision within the retail core. Although the introduction of Boxpark has increased the range of A3 provision available in Croydon, it is somewhat distant from the retail core. Whilst the Council has been carrying out a programme of public realm improvement works, these are limited in scope. There remains a requirement for significant investment in infrastructure. In short, the town centre continues to fail to fulfil its role as a Metropolitan Centre and there remains a pressing need for its regeneration.

## **PART 1**

(This Part relates to recommendation 1.1)

### **4. THE UPDATED SCHEME**

4.1 The changes inherent in the development authorised by the 2018 Permission in comparison with that authorised by the 2014 Permission include:

- the incorporation of the Green Park House land into the scheme. The increased site area, along with the demolition of the Whitgift Car Park (which was to have been refurbished under the original proposals), is proposed to enable Marks & Spencer to relocate into a new modern store rather than remaining in the outmoded current store which would have been difficult to integrate with the remainder of the scheme. The revised scheme would therefore provide for two new anchor stores;
- an improved interface between the scheme and Poplar Walk as a result of reconfiguration of the northern end of scheme;
- revised mall layout to enable a three level retail scheme;
- separation of the residential towers from the retail superstructure. In the original scheme the residential towers sat above the retail component. In the 2018 Scheme they sit beside the main retail component. This change should improve buildability of the residential element of the scheme;
- an increase in the indicative number of dwellings – from between 400 and 600 residential units under the 2014 Permission to between 626 and 967 residential units in the 2018 Scheme;
- the residential component comprising exclusively build for rent properties including affordable housing, rather than build for sale units plus affordable housing for rent;
- revised access arrangements so that access for the retail car park and servicing access is entirely from Wellesley Road and is no longer taken from Poplar Walk;
- a step-free 24 hour East-West pedestrian route (the route in the 2014 Permission accommodated a level change within this route);
- increase in the number of full time equivalent jobs created in the town centre, estimated to be between 6,720 to 7,048 once the development is operational. This is compared to an estimate 3,320 full time equivalents in connection with the 2014 Permission;
- potential for the inclusion of an element of student accommodation or hotel use (not provided for under the 2014 Permission); and
- increases in the estimated amounts of CIL, New Homes Bonus and Business Rates in comparison with the development authorised by the 2014 Permission.

- 4.2 The revisions to the scheme including the incorporation of the Green Park House land and the potential introduction of an element of student accommodation or a hotel in the 2018 Scheme (which were not provided for under the 2014 Scheme) were considered by Planning Committee to be acceptable in planning terms when resolving to grant the 2018 Permission in November 2017. The possible inclusion of an element of student accommodation or a hotel is considered to be consistent with the broad purposes of the CPO.
- 4.3 Appendix 1 contains two plans showing the red line site boundary for the 2018 Permission and for comparison, the red line boundary of the 2014 Permission.
- 4.4 Although the 2014 Permission is still capable of implementation, the Developer has informed the Council that it is no longer its intention to implement those consents and all discussions with prospective anchor tenants and key occupiers are predicated on implementation of the 2018 Scheme. Formal notice to this effect is to be given to the Council by the Developer.
- 4.5 As noted above, the Developer has applied for a SUO in respect of Dingwall Avenue on equivalent terms to those in the SUO made in December 2015. No objections have been received in respect of the "new" Dingwall Avenue SUO which can be made by the Council now that planning permission for the 2018 Scheme has been granted. The AMM Agreement referred to in paragraph 3.9 above in relation to access, management and maintenance of the new area of public realm to be provided on part of the Dingwall Avenue land is to be entered into concurrently with the relevant land interests being transferred to the Developer pursuant to the ILTA.
- 4.6 In addition, on 21 March 2018, the Developer applied for a SUO in respect of a small area of land in Poplar Walk (shown on the indicative plan in Appendix 7) in order to enable a new area of public realm to be created adjacent to the entrance of the new Marks & Spencer Store. This new area of public realm is intended to be under the management and control of the Developer, but subject to a planning condition which requires the public to have access to it, save in prescribed circumstances.

## **5. NEED FOR REVISIONS TO THE CPO INDEMNITY AND LAND TRANSFER AGREEMENT ("ILTA")**

- 5.1 The ILTA which was entered into by the Council, the Developer and related parties shortly before the CPO was made on 15 April 2014 records the parties' objectives in relation to securing the comprehensive development of the proposed redevelopment site, regulates the manner in which those objectives are to be achieved and provides for the Council to be indemnified for costs and other liabilities associated with the compulsory purchase process.
- 5.2 The ILTA has been previously subject to some revisions on one occasion, through a supplemental and novation agreement completed on 4 February 2015, in order to take account of changes to the Westfield company group structure and to make provision for the AMM Agreement to be entered into between the Developer and the Council in respect of Dingwall Avenue at the appropriate time.



- 5.3 Whilst the ILTA allows for the possibility that there might be subsequent amendments to the development site and the planning permission, at the time it was entered into it was envisaged that the scheme authorised by the 2014 Permission would be implemented and that the related section 106 agreement would apply. Some provisions in the ILTA relate to specific physical features of the 2014 Scheme such as the construction of the residential component on a specially created plinth to be provided *above* the retail component (rather than the residential towers being "ground based" and sitting beside the main retail component as in the 2018 Scheme) and the provision of only one new anchor store (in the south east quadrant of the site) in the 2014 Scheme rather than two new anchor stores in the 2018 Scheme. There is also a change in the tenure of the residential component in the 2018 Scheme which would now be exclusively build for rent properties, including discounted market rent lettings to meet affordable housing requirements. Some of the terms of the original ILTA are linked to provisions of the section 106 agreement related to the 2014 Permission and the ILTA does not provide for that section 106 agreement to be replaced in the event of a new planning permission.
- 5.4 There is therefore a need for a further supplemental agreement to the ILTA to be entered into between the Council and the Developer to accommodate the changes to the scheme and to make various consequential technical amendments, including provisions to ensure that there is clarity as to which of the two planning permissions is to be implemented. A table summarising the main substantive amendments to the ILTA which are proposed appears at Appendix 2.
- 5.5 Minor consequential amendments are also required in respect of the draft AMM Agreement to take account of the 2018 Permission.
- 5.6 The form of the amendments to ILTA have been agreed between the Council and the Developer and the further supplemental agreement to the ILTA can be completed on Tuesday 19 June 2018 if Cabinet agrees the recommendations in paragraph 1.1 of this report.

## **6. IMPLICATIONS OF THE INCLUSION OF THE GREEN PARK HOUSE LAND IN THE LAND ASSEMBLY PROVISIONS OF THE ILTA – THIRD PARTY RIGHTS**

### **The land assembly arrangements under the ILTA**

- 6.1 The structure of the land transactions to assemble the land interests in the development site which are provided for in the ILTA is illustrated in the chart which appears as Appendix 3.
- 6.2 In broad outline, subject to the satisfaction of specified pre-conditions and requirements, and following the exercise of the CPO powers by the Council, all the land acquired by the Council from third parties pursuant to the CPO and the Council owned land identified in section 10 below, is to be transferred to the Developer. The Developer may only acquire third party land and Council land within the site with the intention of enabling the development to proceed. In the case of the Council land, generally, its transfer to the Developer is not to

take place until immediately before the grant of the New Headlease by the Whitgift Foundation referred to below.

6.3 Immediately before the New Headlease is granted, the Developer is to transfer (or surrender) all the land within the site which has been acquired from:

- a. third parties under the CPO;
- b. third parties by agreement; and
- c. the Council

to the Whitgift Foundation, the freehold owner of the major part of the site. This enables the Foundation to grant a single unified lease of the entire site to the Developer (the "**New Headlease**").

6.4 The Developer is then required to grant a lease of the land to the Council (the "**Council Lease**"), which the Council is to acquire under the planning powers in section 227 of the 1990 Act. The Council then grants the development lease to the Developer under the power in section 233 of the 1990 Act to dispose of land held for planning purposes ("**Developer Leaseback**").

6.5 The various land transactions, starting with the transfer of land to the Whitgift Foundation, are to take place sequentially, immediately after one another. The land assembly process is referred to further in Part 2 of this report.

#### **Implications for third party rights – sections 203 and 204 Housing and Planning Act 2016**

6.6 One effect of the land assembly arrangements under the ILTA is to enable certain statutory provisions to apply which authorise building works and subsequent use of the proposed development site for the scheme even if it would involve interference with private third party rights and interests, but subject to the payment of statutory compensation to any affected third parties who suffer loss in terms of a reduction in the value of their land. In effect, the development is rendered immune from private law proceedings, for example a claim for damages or an injunction, but an injured third party whose rights are overridden is instead entitled to receive statutory compensation. The third party rights are not extinguished, but they are rendered unenforceable against the development, so that neither an injunction nor damages can be obtained.

6.7 It is fairly common practice, where land is being assembled for a major redevelopment scheme, for these statutory provisions to be relied on to ensure that a scheme which is desirable in the public interest is not inhibited or prevented from coming forward by the existence of private third party rights and that any third party who suffers a relevant loss is entitled to claim statutory compensation.

6.8 At the time the CPO was made, the relevant statutory provisions on overriding third party rights and the payment of statutory compensation were contained in section 237 of the 1990 Act. The relevant provisions are now contained in sections 203 – 205 of the Housing and Planning Act 2016 ("**2016 Act**").

### *Type of right and interests which may be overridden under section 203*

- 6.9 The type of third party rights and interests that may be overridden under section 203 of the 2016 Act include easements such as rights to light or private rights of way, natural rights to support and a range of other rights annexed to land, as well as contractual restrictions on the use of land including restrictive covenants (e.g. prohibiting the sale of certain goods or particular uses of the land). Certain protected rights of statutory undertakers and electronic communications code operators and the National Trust cannot be overridden under section 203.
- 6.10 In the context of this scheme, any relevant third party rights and interests would mainly benefit land surrounding the development site, rather than land within the site. The main potential for such interference relates to rights to light and possibly ancient restrictive covenants on parts of the land. However, with a site of this complexity it is conceivable that there may be other third party rights which might otherwise inhibit development and the application of section 203 is considered to be important to provide certainty that any such rights would not prevent the development proceeding.

### *Application of section 203*

- 6.11 Section 203 applies, among other cases, where a local authority acquires land or appropriates land it already owns "for planning purposes". There are four basic requirements in section 203, all of which must be satisfied if the overriding provisions are to apply to a development:
- a. There must be planning permission for the development (i.e. the building or maintenance works and/or the use) that causes the interference with or breach of third party rights.
  - b. The development must be undertaken on land that has either been:
    - appropriated by the local authority "for planning purposes"; or
    - acquired by the local authority for planning or certain other purposes.
  - c. The local authority could (at least in principle, see below) acquire the land compulsorily for the purposes of the development.
  - d. The development must be related to the purposes for which the local authority acquired or appropriated the land.
- 6.12 Provided the four criteria in section 203 are met, it is irrelevant who carries out the development. The overriding provisions in section 203 would therefore apply to development undertaken by a purchaser or transferee of land from the local authority.

### *"Planning purposes" in relation to Section 203*

- 6.13 "Planning purposes" are defined (in section 246(1) of the 1990 Act) to include land which is acquired compulsorily under section 226 of the 1990 Act or by agreement under section 227 of that Act, or has been appropriated for purposes for which land could be acquired under those sections. ("Appropriation" of Council land is referred to in section 10 of this report.) The

criteria for the application of the powers to acquire land under section 226 and section 227 are contained in section 226. First, under s226(1):

- (a) that the authority thinks that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land; or
- (b) that the land is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

6.14 In the present case 226(1)(a) would apply. (This is the power under which the CPO was made.) Section 226(1A) stipulates that a local authority must not exercise the power under section 226(1)(a) unless it also thinks that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects:

- (a) the promotion or improvement of the economic well-being of their area;
- (b) the promotion or improvement of the social well-being of their area;
- (c) the promotion or improvement of the environmental well-being of their area.

6.15 In the present case it is relatively straight forward to see that criteria in subparagraphs 6.11 a., b. and d. above for the application of section 203 would be met:

- a. there is planning permission for 2018 Scheme;
- b. the relevant land will have been acquired by the Council under planning powers (initially section 226 in relation to the CPO land and section 227 in relation to all the land comprised in the Council Lease);
- d. the purposes for which the Council is to acquire the land are to enable the Whitgift development to be carried out. The purposes of the works and uses which have the potential to interfere with third party rights will be to carry out that development. The purpose of the works/uses and the purposes of acquisition of the land are clearly related.

6.16 Criterion c. in paragraph 6.11, which stipulates that the Council "could acquire the land compulsorily" for the purposes of the development, would also be satisfied in the present circumstances.

6.17 The Council has a power to acquire land compulsorily for planning purposes under section 226(1)(a) of the 1990 Act and the exercise of that power in respect of the CPO land has been confirmed in the CPO. In relation to the Green Park House land (which was not included in the land to be acquired under the CPO), it is considered that the requirements for the application of section 226(1)(a) (described in paragraphs 6.13 and 6.14) would also be met. This land is to be acquired by the Council under the Council Lease in order to facilitate comprehensive redevelopment of the Whitgift Centre and surrounding land. It is considered that there are clear grounds for the Council to conclude that the inclusion of the Green Park House land in the 2018

Scheme would contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of its area in the light of the widely acknowledged, longstanding need to secure the regeneration of Croydon town centre (summarised in the background section of this report) and as part of the comprehensive regeneration of the town centre.

#### *Third parties compensation*

- 6.18 Section 204 of the 2016 Act provides for compensation to be paid for any interference with a relevant right or interest or breach of a restrictive covenant which is authorised by section 203. That compensation is calculated on the same basis as compensation under sections 7 and 10 of the Compulsory Purchase Act 1965, namely, based on the reduction in the value of the owner's land.
- 6.19 In the present case, the Developer would be liable to pay the compensation, but if it fails to do so, the Council must make the payment. The ILTA includes provisions under which the Developer indemnifies the Council in respect of any compensation the Council is required to pay as a result any infringement of a third party right.

#### **Implications of the inclusion of the Green Park House land and other revisions to the redevelopment proposals implicit in the 2018 Scheme**

- 6.20 As noted above, the site of Green Park House was included in the CPO as "blue land" for the acquisition of new rights such as access and oversailing with cranes, but not for outright acquisition of the land. The Developer has however acquired sufficient land interests in the Green Park House land to enable it to be incorporated in the site and redeveloped. This provided the basis for the improved layout of the 2018 Scheme for which planning permission has been granted.
- 6.21 When the CPO was made it was known that the owners (including lessees and tenants) of certain properties surrounding the proposed redevelopment site could potentially be affected by interference with their rights or interests, for example rights to light or the benefit of restrictive covenants on use of the proposed redevelopment site.
- 6.22 As a consequence of the land assembly arrangements under the ILTA, sections 203 and 204 of the 2016 Act would generally apply without further decisions on the part of the Council, as all the requirements of section 203 would be met as summarised above. In respect of the (comparatively limited) land interests within the site which are currently in Council ownership, the ILTA provides for these land interests to be appropriated by the Council for planning purposes prior to their transfer to the Developer, which would in itself have the effect of engaging sections 203 and 204 of the 2016 Act to override any affected third party rights and interests, subject to payment of compensation (see further section 10 below regarding the appropriation of Council land interests within the site).
- 6.23 The 2014 Permission and the 2018 Permission are outline permissions based on maximum and minimum parameters. The extent of any properties which may be affected by interference with rights to light as a result of the redevelopment under either scheme is largely dependent on the height and

configuration of the buildings which are approved for planning purposes at reserved matters stage. Consequently, it is not possible at this stage to make a fully precise assessment of the potential impact of the development on surrounding properties, particularly with regard to any interference with rights to light.

- 6.24 As a precautionary measure, however, all known landowners whose rights or interests might *potentially* have been affected by development in accordance with the 2014 Permission were identified in the schedule which formed part of the CPO and were given formal notification when the CPO was made and when it was confirmed. This included giving notice to more than 500 parties as owners or occupiers of properties where rights to light might potentially be affected based on an assessment of the maximum parameters of the 2014 Permission. In total some 30 objections from these parties were received.
- 6.25 Further analysis has been undertaken by the Developer's consultant team to identify any parties whose rights to light might potentially be affected by development in accordance with the 2018 Scheme. This was necessary, in particular, given the inclusion of the Green Park House land within the redevelopment site (which was not included in the CPO for acquisition) and the reconfiguration of the residential towers under the new permission. As explained above it is not possible to fully assess the precise impact of the development on any individual properties at this stage, as this will largely depend on the height and configuration of the towers approved at reserved matters stage. For the purpose of identifying properties as potentially affected by the development it was assumed that the 2018 Scheme including all five towers would be built to their maximum heights (although this is unlikely to be the case).
- 6.26 The Developer has indicated that given the need to fully identify in due course the parties (a) who hold the benefit of rights to light and (b) who would suffer any interference (or the extent of any such interference) as a result of the finally approved and developed scheme it has not yet been possible to carry out any meaningful negotiations with individuals for the release of their rights by agreement. However, the Developer has stated that following finalisation of the form of the development and as matters progress towards delivery, it will be able to enter into detailed discussions with any owners or occupiers who may be entitled to statutory compensation.
- 6.27 The analysis undertaken by the Developer based on the maximum parameters of the 2018 Scheme identified a further 20 properties, in relation to which there may be a new or greater impact of significance in comparison with the assessment undertaken in respect of development pursuant to the 2014 Permission. In order to give early notification to the potentially affected parties and to enable them to comment at this stage, on 24 January 2018 the letter attached at Appendix 4 was sent by the Council to all known owners and occupiers of the 20 properties listed in the schedule which is also included in Appendix 4. The 20 properties are predominantly commercial premises but they also include some dwellings and residential buildings which comprise a number of flats. The list of addressees was prepared on a comprehensive basis to include all known owners and occupiers of the relevant properties, even though it cannot be ascertained at this stage how many of the recipients would have the benefit of a right to light or whether any such right might be

interfered with by the development. For example some of these parties may own or occupy a property which would experience no change in the amount of light received as a result of the development. In addition, in some cases any right to light may have been expressly excluded, for example through the terms of a lease or tenancy agreement. A total of 203 letters were sent to owners and occupiers of the 20 properties (including 35 letters sent to parties outside the UK).

6.28 The letter explained the effects of sections 203 and 204 of the 2016 Act and that at this stage it could not be ascertained with precision whether the recipient's property would be affected or the extent of any effects. It invited recipients to discuss the position with the Council's advisers, Deloitte and/or to make comments should they wish to do so. In response, the Council has received written responses from only three parties and Deloitte has received telephone enquiries from two parties. The written responses comprised:

- a. a letter on behalf of the company which owns Lunar House in Wellesley Road to express disappointment that the Developer had not consulted them on the preliminary redevelopment scheme to enable them to gauge the right to light impact on their property. The Council has responded to explain that any potential impact on their property cannot be assessed at present (for the reasons given above). The Developer's contact details and those of Deloitte were included in the response so that the company could discuss the position further should they wish to do so;
- b. an email from the owners of Alhambra House requesting an extension of time to respond, to which the Council agreed. This was followed by a further email from the owners requesting an assessment of the impact on their property once the proposals are developed. Officers have responded explaining that the Council will not be undertaking assessments of individual properties, but that the Developer will be responsible for considering the approach to assessing the extent of any impacts when the relevant part of the development comes forward. The officers' response also reiterates that, in the event that the owners have a right to light which is materially interfered with by the completed development they would be entitled to claim statutory compensation from the Developer, and states that at that stage the Developer will consider meeting reasonable professional costs in connection with such a claim; and
- c. a letter from agents acting on behalf of St Michael's church who support the regenerative nature of the proposed development but are concerned about the potential right to light impact on the church and have indicated that they are keen to explore design options, if significant design changes are possible. They conclude:

*In the event that this situation cannot be resolved via the design process to respect the Rights to Light enjoyed by the Church, evidently the proposals will proceed via the statutory provisions you have outlined. We believe it would be appropriate for the reasonable costs of their Rights to Light and Neighbourly Matters consultant, [ ] of Rapleys LLP, to be paid for to provide them with an independent review.*

A response has been sent to the agents explaining that as the planning application was based on maximum and minimum parameters there is some flexibility within those parameters as to the final massing and detailed design of the scheme. It reiterated that whilst at this stage it is not possible to fully assess the extent of potential impact on rights to light to individual properties, the Developer has confirmed that in the event that the owners of the Church have a right to light which is materially interfered with by the completed development, at that stage the Developer will consider meeting reasonable professional costs in connection with any claim.

- 6.29 The telephone queries to Deloitte comprised a call from an owner to clarify which property the Council's letter of 24 January 2018 related to and a call on behalf of the Land Registry (an occupier of Trafalgar House) to ask about procedure and whether it was necessary to take any immediate action to protect their position in respect of any claim. Both enquiries have been satisfactorily addressed by Deloitte.

#### *Restrictive covenants*

- 6.30 In addition to the rights to light issues described above, there is a restrictive covenant created by a conveyance in 1922 affecting part of the Green Park House site which (if enforceable) would prevent any building constructed on the land being used "for the manufacture or sale of any kind of intoxicating liquors". The covenant was imposed by the owners of the former Ruskin House who at the relevant time were associated with the temperance movement. Part of this land may be used for the development of the new Marks & Spencer store which could, among other things, sell alcohol.
- 6.31 Despite investigations, neither the Developer nor the Council have been able to locate the original or any copy of the 1922 conveyance in order to identify the extent of the land which benefits from this restrictive covenant. It is considered doubtful that there is now any party with the ability to enforce this ancient restrictive covenant, even if it is breached by the development.
- 6.32 In addition, a conveyance to the Council of part of the Green Park House land in 1967 contained a restrictive covenant on using the property for a printing business. Whilst this covenant might have been intended to benefit other land in the neighbourhood owned by the seller (HR Grubb Limited), the extract of the conveyance at the Land Registry does not identify the benefitting land and neither the Developer nor the Council have been able to do so. It is therefore not possible to identify whether there is now any party who holds the benefit of this restrictive covenant. Research at Companies House indicates that HR Grubb Limited changed its name in 1976 and the company was subsequently dissolved in 1998.
- 6.33 As explained above, the land assembly provisions under the ILTA once amended would trigger the application of section 203 of the 2016 Act so as to render the restrictive covenants unenforceable against the development, subject to payment of compensation to any third party who suffers loss as a result of being unable to enforce the restrictive covenants, should any such party exist. Again, this is necessary to ensure that the development is not inhibited by any such third party rights.



## **Summary - implications of the 2018 Scheme for third party rights and the inclusion of the Green Park House land and issues for consideration**

- 6.34 The further assessment undertaken by the Developer indicates that implementation of the 2018 Scheme would have some additional implications for third party rights in comparison with the development authorised by the 2014 Permission (based on maximum parameters for the development).
- 6.35 All known landowners and occupiers whose rights or interests might potentially have been affected by development in accordance with the 2014 Permission were given formal notification in connection with the CPO. Some 30 objections were received and were taken into account before the Secretary of State's decision was made to confirm the CPO.
- 6.36 The Developer has identified a further 20 properties around the site in relation to which there is the potential for a new or greater impact of significance on rights to light in consequence of development of the 2018 Scheme. There are also two ancient restrictive covenants which, if enforceable, might be breached by the proposed development (including the use) of the Green Park House land. In so far as it has been possible to identify the potentially affected third parties, they have been notified by the Council and given the opportunity to comment.
- 6.37 If Members approve the recommendations in this report regarding amendment of the ILTA to facilitate the 2018 Scheme and the land assembly provisions of the amended ILTA are put into effect, the criteria for the application of section 203 of the 2016 Act would be met. The effect of section 203 would be to override private third party rights when development of the land comprised in the 2018 Scheme, including the Green Park House land, is carried out and require statutory compensation under section 204 to be paid to any party who suffers a relevant loss.
- 6.38 Given the effects on third parties of the land assembly provisions in the ILTA and the application of section 203, Members will wish to be satisfied that the public interest in the development proceeding is sufficient to justify the interference with the rights of third parties and that reliance on statutory powers to override their rights is proportionate (as is referred to further in section 11 below regarding human rights). Whilst both the Council and the Secretary of State were satisfied that this was the case in relation to the making and confirmation of the CPO (which in itself involved engaging the former provisions on overriding third party rights), given the updated redevelopment proposals and the inclusion of the Green Park House land in the redevelopment site it is necessary for Members to consider the revised implications for third parties which are described in paragraphs 6.20 to 6.33 above.
- 6.39 Over 200 letters were sent by the Council to potentially affected third parties on 24 January 2018 in relation to potential impacts on rights to light in respect of the 2018 Scheme, to which written responses from three parties and two enquiries have been received which are reported at paragraphs 6.28 and 6.29.
- 6.40 In deciding whether to agree the recommendation in paragraph 1.1 on the amendment of the ILTA to facilitate the 2018 Scheme the potential affects of

that development on third party rights and the responses to the Council's letter of 24 January 2018 are clearly important considerations. Other relevant matters include:

- a. as demonstrated by the grant of the 2018 Permission, the 2018 Scheme is acceptable in planning terms;
- b. there is a widely acknowledged, long standing need to secure the regeneration of Croydon town centre. The public benefits of the 2018 Scheme are considered by officers to be at least equal, if not greater than those of those which would result from implementation of the 2014 Permission and would be entirely consistent with the purposes of the CPO. In officers' view, implementation of the 2018 Scheme would be desirable in the public interest and would bring significant benefits in terms of promoting the economic, social and environmental well-being of the area;
- c. although the full extent of the impact of the finally approved development on third party rights cannot be assessed with precision at this stage, it is possible that implementation of the 2018 Scheme could be inhibited or prevented by the existence of third party rights or interests over the land;
- d. reliance on statutory powers to override any such rights is considered to be necessary because:
  - i) given the town centre location of the proposed redevelopment and the scale of development needed to meet the regeneration objectives, interference with third party rights and/or interests cannot reasonably be avoided;
  - ii) any such third party rights or interests cannot reasonably be released by agreement with affected owners or satisfactorily addressed by other means within a reasonable timescale, particularly given the uncertainty at this stage as to the precise impact on individual properties;
  - iii) the Developer has indicated that the proposed development is unlikely to proceed unless statutory powers to override the third party rights or interests are engaged to provide certainty;
- e. any third party who suffers loss as a result of interference with or breach of their rights would be entitled to statutory compensation.

6.41 Whilst it is a matter for consideration by Members, it is officers' view that the public interest in the development proceeding is sufficient to justify the interference with the rights of third parties and that reliance on statutory powers under section 203 of the 2016 Act to facilitate the 2018 Scheme, subject to payment of compensation under section 204 where applicable, would be proportionate.

## PART 2

(This Part relates to recommendation 1.2)

### 7. ARRANGEMENTS FOR LAND ASSEMBLY UNDER THE ILTA

#### *Overall structure of the land assembly provisions*

- 7.1 Before the Developer is entitled to serve a Drawdown Notice ("DD Notice") requesting the Council to acquire land under the CPO or to serve a Call Option Notice calling for the Council to transfer its land within the site to the Developer, certain pre-conditions and other requirements must be satisfied which are described in paragraphs 7.8 - 7.19 below.
- 7.2 The DD Notice will request that the Council makes one or more general vesting declarations ("**GVD**") and notices to treat ("**NTT**") in order to exercise the CPO powers in relation to outstanding third party interests specified in the DD Notice. In addition, the Developer may serve one or more Call Option Notices on the Council requiring the Council to transfer specified Council land interests within the redevelopment site to the Developer.
- 7.3 The Developer has confirmed that it intends to serve a DD Notice in respect of all the outstanding land interests subject to the CPO in one tranche and subsequently to acquire all of the Council's land interests in the development site pursuant to a single Call Option Notice. Subject to approval of the recommendations in this report, the Developer intends to serve the DD Notice on the Council on or around 19 June 2018 and the Call Option Notice in August 2019.
- 7.4 Following the service of a valid DD Notice and the subsequent acquisition by the Council of land under the CPO and thereafter the exercise of the Call Option by the Developer in respect of the Council land:
- a. all the: (i) land acquired by the Council under the CPO is to be transferred to the Developer and (ii) the Council land subject to a Call Option Notice is to be transferred to the Developer (as noted, the Developer may only request a transfer of the Council land with the intention of enabling the development to proceed);
  - b. before commencing development the Developer must transfer all that land, together with the land within the site that it has acquired by agreement, to the Whitgift Foundation (the owner of the freehold of the major part of the redevelopment site);
  - c. immediately thereafter the Foundation is to grant a "**New Headlease**" to the Developer: a single unified lease in respect of all of the redevelopment site;
  - d. the Developer is then required to grant a lease of all the land to the Council (the "**Council Lease**"), which the Council is to acquire under the planning powers in section 227 of the Town and Country Planning Act ("**1990 Act**").
  - e. the Council then grants the development lease to the Developer under the power in section 233 of the 1990 Act to dispose of land held for planning purposes ("**Developer Leaseback**").

These steps would take place sequentially, with steps b. - e. taking place immediately after one another. The structure chart at Appendix 3 illustrates these arrangements.

7.5 The Developer has confirmed that its contractual arrangements with the Whitgift Foundation remain in place and will be exercised at the appropriate time, such that the New Headlease to the Developer can be granted immediately following assembly of the required land. The Developer has confirmed that the land proposed to be demised by these leases is sufficient to enable development pursuant to the 2018 Permission to be implemented.

7.6 Clauses 4 - 7 of the ILTA deal with drawdown of the third party land, exercise of the Call Option(s) for Council Land, best consideration for land disposals and the further steps the Developer must take to prepare for development. The relevant terms of the ILTA are described below taking into account the amendments proposed in Part 1 of this report and on the assumptions of a single DD Notice and a single Call Option Notice.

*Service of a Drawdown Notice (clause 4 ILTA)*

7.7 Although the ILTA would allow for a series of DD Notices to be served on the Council, as noted, the Developer has confirmed its intention to serve a single DD Notice. The following summarises the key provisions in such a case.

7.8 Before the Developer can serve a DD Notice on the Council:

- a. the three pre-conditions described below must all be satisfied; and
- b. the Developer must have served notice on the Council stating whether it intends to implement the 2014 Permission or the 2018 Permission;

7.9 The Developer may not acquire any third party interests specified in a DD Notice unless:

- a. the DD Notice includes all the third party land interests required to carry out the Development (unless other criteria in the ILTA are met);
- b. the Developer serves notice confirming that the third party land interests specified in the DD Notice are required for the purposes of the development, providing reasons why they are required at that date (a "**RFD Notice**");
- c. there are no sums due but outstanding in respect of invoices issued by the Council in relation to the Developer's obligations to meet the costs of CPO land acquisition or otherwise to indemnify the Council (except where there is a bona fide dispute);
- d. the third party interest is not identified in the Acquisitions Schedule as being excluded.

7.10 The three pre-conditions which must all be satisfied before a DD Notice can be served are:

1. **Planning Pre-condition:** that planning permission has been obtained and the judicial review period has expired without challenge or any

challenge has been determined or the parties agree to an earlier date for discharge of the condition;

2. **CPO Pre-condition:** that a satisfactory CPO has become operative and the challenge period has expired without challenge or any challenge has been determined. This condition was satisfied on 23 February 2016, seven days after a claim by Bouwfonds, the former owners of the Whitgift and Allders car parks, was withdrawn;
3. **Reasonable Prospect of Delivery Pre-condition:** i.e. the condition referred to in this report as the "RPD Pre-condition" - that the Council, acting reasonably, is satisfied that there is a reasonable prospect of delivery of the whole of the development (comprising the retail component and the residential component) within a "Reasonable Timescale", defined to mean:
  - a. substantial start on site of the retail component within five years of the "Confirmation Date" (which is deemed to be 23 February 2016) - the "Retail Commencement Target Date";
  - b. practical completion of the retail component within nine years of the Confirmation Date or if earlier, 4 years from the programmed date for substantial start on site of the retail component (ignoring certain agreed demolition) - the "Retail Completion Target Date";
  - c. disposal or substantial start on site of the residential component within ten years of the Confirmation Date – the "Residential Commencement Longstop Date"; and
  - d. practical completion of the residential component within twenty years of the Confirmation Date the "Residential Completion Longstop Date".

7.11 The RPD Pre-condition is the main subject of this Part of the report.

7.12 The ILTA requires the Developer to provide a statement and supporting evidence covering specified matters to assist the Council in determining whether the RPD Pre-condition is satisfied. These matters are summarised in section 8 of this report together with a non-confidential summary of the advice of officers and the Council's external advisers in respect each of the points. Although information about these particular matters is intended to assist the Council in reaching a decision on the RPD Pre-condition, it does not comprise an exhaustive or definitive list of the matters the Council can or should take into account. The overall question is whether, acting reasonably, the Council is satisfied that there is a reasonable prospect of delivery of the whole Development, comprising the Retail Component and the Residential Component, within a Reasonable Timescale (as defined above).

7.13 The ILTA specifies the information which must be set out in the DD Notice. This includes identifying the third party land and new rights to be acquired, the method by which the Developer proposes that each interest is to be acquired (GVD or NTT) and the timeframe for making the GVD or serving NTT.

*Exercise of the Call Option in respect of the Council land (clause 5 ILTA)*

- 7.14 The ILTA includes the grant of an option to the Developer to purchase specified Council land interests within the site at any time after the three pre-conditions for drawdown of third party land described in paragraph 7.10 have been satisfied and prior to the "Retail Commencement Target Date" (i.e. 23 February 2021). As noted, the Developer has confirmed that it envisages serving a single Call Option Notice in August 2019 in respect of all the relevant Council interests.
- 7.15 The relevant Council land interests comprise the Council's interests in the Allders and Whitgift car parks and the subsoil of a small area of land in Poplar Walk and are described in paragraphs 10.1 and 10.13 and are shown in the indicative plans at Appendices 6 and 7. If the recommendations in paragraph 1.2 are approved, the Executive Director of Place, acting in consultation with the Director of Law & Monitoring officer, will be given delegated authority to appropriate the Council interests in the two car parks for planning purposes in the event that a valid Call Option Notice is served on the Council.
- 7.16 Following satisfaction of the pre-conditions for drawdown the Developer may serve a Call Option Notice on the Council to trigger the transfer of the specified Council land interests to the Developer.
- 7.17 To exercise the Call Option the Developer must serve a Call Option Notice in a prescribed form, together with two further notices:
- a. a RFD Notice confirming that the Council's land interests are required for the development; and
  - b. a DP Notice (unless such a notice has been served in the preceding 6 months). This notice must include confirmation that the level of return demonstrated by the appraisal of the Retail Component is sufficient to proceed with that Component and that the Developer intends to commence and complete the Retail Component within the timescales indicated in the most recent iteration of the Anticipated Delivery Programme.
- 7.18 The Developer may not serve notice to exercise the Call Option if a "COP Notice" has been served by the Council and the Developer has not complied with that notice. A "COP Notice" is a notice requesting the Developer to confirm progress in preparing for commencement of development. To date, no such notice has been served by the Council.
- 7.19 As noted, the Developer may only take a transfer of the Council land with the intention of enabling the development to proceed. In general, completion of the transfer of the Council land pursuant to the Call Option is to take place immediately before the date on which the New Headlease is to be granted to the Developer by the Whitgift Foundation (although in the case of the Council's interest in the Allders car park, transfer may take place at an earlier date if this is necessary to facilitate its demolition).

*Best consideration for land disposals by the Council (clause 6 ILTA)*

- 7.20 The ILTA specifies that the consideration to be paid by the Developer to the Council for the land interests in the redevelopment site (including those to be acquired from third parties under the CPO and those currently owned by the

Council) must accord with section 233 of the 1990 Act. That section requires the Council to obtain the best consideration that can reasonably be obtained (unless the consent of the Secretary of State is obtained or a short lease granted). It is generally acknowledged that in assessing "best consideration" for the purpose section 233, the manner of the disposal and the conditions the Council has imposed in order to secure the planning objectives of the disposal can be taken into account. The ILTA includes an appendix setting out a "Best Consideration Mechanism", prepared by the Council's advisers, Deloitte, which describes in greater detail how the calculations of best consideration are to be undertaken. The calculation of best consideration is to be undertaken at the time of transfer to the Developer of third party interests and Council land interests.

**8. DEVELOPER'S EVIDENCE IN SUPPORT OF THE "REASONABLE PROSPECT OF DELIVERY PRE-CONDITION"**

- 8.1 Clause 4.2 of the ILTA sets out the information which the Developer is required to provide to assist the Council in determining whether the RPD Pre-condition is satisfied.
- 8.2 The Developer has provided information to the Council and its external advisers in a confidential data site hosted by its solicitors. The Developer considered this necessary in order to protect its commercially sensitive confidential information.
- 8.3 The Developer's Summary Indicative Programme for implementation of the scheme is contained in Appendix 5. It envisages that permission for the 2018 Scheme (rather than the 2014 Permission) will be implemented and that the retail component would open for trade in the the Spring of 2023, with first occupation of the residential component in the last quarter of 2024.
- 8.4 The table below summarises the requirements of clause 4.2 of the ILTA (taking account of the amendments proposed in Part 1) and the items supplied by the Developer in each respect. The exempt report in Part B includes a fuller analysis.

<b>Sub-clause 4.2 ILTA</b>	<b>Requirement</b>	<b>Supplied by Developer</b>
(a)	Updated Anticipated Delivery Programme	The Developer has provided two programmes showing key milestones for the development. Together these constitute the Anticipated Delivery Programme.
(b)	Anticipated Drawdown Programme	The Developer has provided a summary of the key dates for the the sequencing for transfer of Third Party Interests, gaining of vacant possession, and anticipated date of the grant of the Council lease  It has also provided a schedule showing the

		target dates for possession for each interest in the Order Land.
(c)	Statement and supporting evidence showing progress to date and anticipated future steps in preparing for commencement of the Retail Component to meet the "Retail Commencement Target Date" the "Retail Completion Target Date" (see paragraph 4.7) including the points listed as (i) – (viii) below	
(i)	Detailed planning and design including programme for reserved matters approval	The Developer has provided a set of documents in relation to the size of the scheme and layout of the scheme, and programmes for the discharge of planning conditions and for reserved matters.
(ii)	Leasing (including a leasing strategy for the development and any parts of the existing Whitgift Centre during phasing of the development)	The Developer has provided a "Pre-Letting Strategy" which sets out the proposed tenant mix, timetable for leasing, and the marketing approach.  It has also provided agreed Heads of Terms with a cinema operator.
(iii)	Procuring a building contractor and negotiation of constructions contracts for the Retail Component including a programme	The building contract has not yet been entered into, but other material has been provided to explain the way in which this is to proceed.
(iv)	Continued design of the Retail Component	The Developer has provided design information up to RIBA Stage 2 and also explained the timetable for proceeding to RIBA Stage 3.
(v)	The anticipated funding position for the Retail Component (including internal and external funding)	The Developer has provided the Council's advisers with a funding statement, which identifies the sources of funds necessary to carry out the development. This has been confirmed by the respective parent companies.
(vi)	Confirmation that (A) the level of return demonstrated by the appraisal of the Retail Component is sufficient to	The Developer has provided the Council's advisers with a funding statement, which confirms that the level of return demonstrated by the appraisal of the Retail Component is sufficient to proceed with that Component and that the Developer intends to commence and complete the Retail Component. This



	proceed with that Component and (B) that the Developer intends to commence and complete the Retail Component	has been confirmed by the respective parent companies.  In support of the level of return that the Developer has confirmed is sufficient to proceed, it has provided viability information to the Council's advisers
(vii)	Progress with pre-letting the new anchor store in the South East quadrant of the Site	The Developer has provided agreed Heads of Terms for a new anchor store in the south east quadrant of the site, which have received the board approval of the anchor store and of the Developer.
(viii)	Progress with pre-letting the new Marks & Spencer store in the Northern section of the Site	The Developer has provided Heads of Terms that have been agreed for the letting of the new Marks & Spencer store in the Northern section of the site, which received the board approval of Marks & Spencers and of the Developer. The Developer has updated the Council that in the course of negotiations, there have been changes to the terms that were agreed, which will require additional board approvals from Marks & Spencer.
(d)	Written notice of which Planning Permission it intends to implement	The Developer has informed the Council that it intends to implement the 2018 Permission, formal notice is to follow shortly.

8.5 In addition to the specified information required by clause 4.2 to the ILTA set out above, the Council and its external advisers have requested other material that is relevant to the RPD Pre-Condition.

8.6 In reviewing all of the documents and information supplied by the Developer in respect of the specific items referred to in the ILTA and the additional matters, officers and the Council's advisers have considered four key areas which contribute to the consideration of the RPD Pre-Condition. The conclusions reached by officers and the Council's advisers is summarised under the following headings:

- Programme and Procurement: The programmes provided show the commencement and completion of the Development within the timescales required by the ILTA. Given the overall timetable, the absence of a building contract is understandable. The overall position is satisfactory.
- Funding and Finance: The information provided and an analysis of the Developer's financial statements is sufficient to demonstrate that the

Developer (through its joint venture partners) has a reasonable propensity to fund the Croydon development. The overall position is satisfactory.

- Leasing and Anchor Stores: The Developer has made demonstrable progress in advancing agreements with its two proposed anchor stores and assuming that agreement with those parties can be finalised, the wider leasing strategy is considered to be broadly reasonable. The joint press release issued by CLP and John Lewis Partnership on 31 May 2018 indicates that John Lewis Partnership is confident that it will proceed to open a store in the new scheme.
- Development Appraisal and Viability: the scheme can be considered to be at the margins of what is deemed viable, however the position on viability supports the view that there is a reasonable prospect of delivery.

8.7 Officers and the Council's external advisers have given careful consideration to all of the documents and information supplied by the Developer in relation to the RPD Pre-condition and their overall advice to Members is that, having regard to all of the material and the circumstances, the Cabinet may reasonably determine that the RPD Pre-condition has been met. The matter is more fully set out in the exempt report in Part B of the agenda for this meeting, by reference to a report by the Council's external advisers, Deloitte LLP.

## **9. STEPS FOLLOWING SERVICE OF A VALID DRAWDOWN NOTICE**

9.1 Clause 7 of the ILTA describes steps the Developer must take following first acquisition of land from the Council pursuant to a DD Notice in order to prepare for commencement of development. These steps include progressing the matters summarised in the table in paragraph 8.4, such as detailed planning and design, pre-letting the Retail Component including the two new anchor stores, procuring a building contractor and progressing construction contracts, reviewing the funding arrangements and undertaking updated appraisals for the Retail Component.

9.2 As mentioned, the DD Notice must specify the land interests and new rights to be assembled by exercising the CPO powers. The Council would exercise the CPO powers by making one or more GVDs and serving NTTs on some individual interests and in respect of the new rights. Land subject to a GVD would vest in the Council no earlier than 28 days after the date of service of notice that the GVD has been executed. Where NTT is served, the land interests and new rights would be conveyed to the Council (or potentially direct to the Developer) once compensation has been agreed or settled by the Upper Tribunal (Lands Chamber), or the land has been transferred by deed poll, so transfer of title to the land, or the creation of the new rights, is likely to take place at a later date. However, possession of the property subject to a NTT could be taken following a minimum period of 14 days after service of a notice of entry. (The time periods for vesting under a GVD and taking possession pursuant to a NTT and notice of entry have been extended to

three months by the Housing and Planning Act 2016, but only in respect of compulsory purchase orders confirmed on or after 3 February 2017.)

- 9.3 Within 5 working days prior to any GVD being executed or NTT being served the Developer must pay, into a specially created escrow account, a sum equal to 100% of the Approved Estimate for the relevant third party interests proposed to be acquired.
- 9.4 As noted, the ILTA also entitles the Developer to serve a Call Option Notice on the Council to trigger the transfer of specified Council land interests within the development site to the Developer. Prior to the transfer, the Council is to appropriate its land for planning purposes (other than the small area of land in Poplar Walk which is proposed to be stopped up) as described in the following section.
- 9.5 The "best consideration mechanism" prescribed in the ILTA would apply to all land to be transferred to the Developer (third party and Council), to ensure that this requirement of section 233 of the 1990 Act is satisfied.

**10. APPROPRIATION OF COUNCIL LAND WITHIN THE SITE AND DISPOSAL TO THE DEVELOPER**

- 10.1 As noted above, the ILTA (clause 5) grants the Developer an option to purchase certain Council owned land within the site once the pre-conditions for drawdown of third party land have been satisfied. The option can be exercised by service of a Call Option Notice on the Council, together with certain other notices. Completion of the transfer of the Council land to the Developer is to take place immediately before the New Headlease is due to be granted to the Developer by the Whitgift Foundation, unless otherwise agreed. The Council land within the site which may be the subject of a Call Option Notice includes the Council's interests in the Alder's car park (and associated land) and the Whitgift car park:

Title Number	Property	Freehold/ Leasehold
SGL564898 (part)	Land and buildings on the North side of Dingwall Avenue forming part of title number SGL564898 including such interest as the Council may hold in the subsoil of a half width of the adjacent public highway in Dingwall Avenue	Freehold
SGL215330	Multi-Storey Car Park, and Public Conveniences at The Whitgift Centre, Wellesley Road, Croydon	Leasehold (from 25 December 1968 to 23 December 2067)

- 10.2 Appendix 6 contains an indicative plan showing the location of these Council land interests, both of which are subject to leases already held by the Developer. These Council land interests are proposed to be appropriated for planning purposes before they are transferred to the Developer if a valid Call Option Notice is served.
- 10.3 The precise powers under which the Council holds these two plots of land are not recorded but the land is treated as being held for general investment purposes and it is likely that the general powers to acquire land for the "the benefit, improvement or development" of the Council's area under section 120(1)(b) of the Local Government Act 1972 ("**1972 Act**") would apply. To put the position beyond doubt and ensure that the land is held for the relevant purposes, it is proposed that this land should be appropriated by the Council for planning purposes (i.e. the purposes for which land could be acquired by agreement under section 227 of the 1990 Act).
- 10.4 Section 122 of the Local Government Act 1972 enables the Council to appropriate land held for one purpose to another purpose, provided that the land is no longer required for the purpose for which it is held immediately before the appropriation and the Council would (in principle) have power to acquire land by agreement for the "new" purpose.
- 10.5 The Council must give specific consideration to the question of whether the land continues to be required for its existing purpose and in doing so it must consider the comparative needs in the public interest for the existing use and the proposed new use (it is not necessary that the land should be surplus or unused). It is to be noted that the Council does not currently receive any significant income from either of these two properties. It is clear that the land is, however, required to enable the Whitgift redevelopment.
- 10.6 In relation to the requirement that there should (in principle) be a power to acquire land by agreement for the new purpose: section 227 of the 1990 Act authorises acquisition of land by agreement for planning purposes. The criteria for the application of that section are the same as those for section 226 of the 1990 Act which are described in paragraphs 6.13 and 6.14 above. For the reasons referred to above, the Council can be satisfied that if (theoretically) it were to be acquiring the land, doing so would facilitate redevelopment in relation to the land and that the redevelopment would contribute to the economic, social and/or environmental well-being of the area.
- 10.7 One implication of the land being appropriated for planning purposes is that sections 203 and 204 of the Housing and Planning Act 1990 would apply to override any third party rights which might inhibit development of this land, subject to payment of statutory compensation. Development of this land was contemplated when the CPO was made and potentially affected third parties were notified as described in paragraph 6.24 above.
- 10.8 If the land is appropriated for planning purposes, section 233 of the 1990 Act would apply to its disposal to the Developer (as it would in respect of all the land to be included in the Developer Leaseback). Section 233 empowers the Council to dispose of land held for planning purposes in such manner and subject to such conditions as appear to the authority to be "expedient" to secure specified planning purposes namely:

- (a) the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it (whether by themselves or by any other person), or
  - (b) the erection, construction or carrying out on it of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.
- 10.9 Thus the terms of any disposal of planning land by a local authority should secure that the planning objectives of section 233 (and the public benefits of the intended development) are achieved.
- 10.10 The authority must also obtain "best consideration reasonably obtainable" for the disposal of planning land, but taking account of the manner and terms of the disposal aimed at securing the planning purposes referred to above.
- 10.11 The terms of the ILTA are considered to be sufficient to satisfy the requirements of section 233 of the 1990 Act.
- 10.12 It is considered that the relevant requirements of section 122 of the 1972 Act would be met following satisfaction of all the relevant pre-conditions for draw down of land under the ILTA and once valid DD and Call Option Notices have been served by the Developer. It is therefore recommended that the Executive Director of Place acting in consultation with the Director of Law & Monitoring Officer, be given delegated authority to appropriate the land described in paragraph 10.1 and shown in Appendix 6 for planning purposes in the event that a valid Call Option Notice under the ILTA is served.
- 10.13 In addition to the Council land interests referred to in paragraph 10.1, it is proposed that the subsoil of a small area of land in Poplar Walk should also be transferred to the Developer in the event that an SUO in respect of this land is made by the Council. The extent of this land, which is the subject of the Developer's recent application for an SUO in connection with the creation of a new area of public realm in Poplar Walk, is shown cross-hatched in black on the indicative plan in Appendix 7. As this land is held by the Council for highway purposes and currently forms part of the public highway, at present it could not be appropriated for any other purpose. Although it is not intended that this land should be appropriated for planning purposes, the subsoil of this area of land may be the subject of a Call Option Notice served on the Council by the Developer if an SUO has been made, so that it may be included in the New Headlease.

### **PART 3**

## **11. HUMAN RIGHTS**

- 11.1 The implications of the CPO for the human rights of third parties were considered by the Council and by the Secretary of State when the CPO was made and when it was confirmed. Given the inclusion of the Green Park House land in the 2018 Scheme and the additional third parties affected (or affected in a different way) it is important that Cabinet reviews the implications for those whose rights may be overridden by the updated scheme.

- 11.2 Whether as a result of appropriation or acquisition of land by the Council, the triggering of powers to override third party rights under section 203 of the 2016 Act may involve interference with the human rights of neighbouring owners, in particular:
- the right to peaceful enjoyment of possessions under Article 1 of the First Protocol of the European Convention on Human Rights (**ECHR**); and
  - in the case of residential property, the right to respect for private and family life and home under Article 8 of the ECHR.
- 11.3 Whilst these are very important rights, they are not unqualified. Article 1 of the First Protocol indicates that in any decision which engages this right, a fair balance must be struck between the public interest and the private rights protected by Article 1. Article 8 acknowledges that interference with the right to respect for private and family life and a person's home may be justified if it is in accordance with law and necessary in a democratic society. Any such interference must be proportionate in the public interest. In relation to Article 1, the existence of a right to compensation may be relevant to some degree when determining whether the interference with private rights is proportionate.
- 11.4 As a public authority, a local authority must not act in a way which is incompatible with these rights, which are protected in the United Kingdom by the Human Rights Act 1998. Any decision by a local authority to acquire or appropriate land which has the effect of engaging section 203, should take account of the requirements of the Human Rights Act 1998.
- 11.5 The human rights implications were carefully considered by the Council when the CPO was made and by the Secretary of State when the CPO was confirmed and in both cases it was concluded that the public interest in the redevelopment scheme proceeding was sufficient to justify the interference with the human rights of those with an interest in the land affected and that such action was proportionate. However, given the inclusion of additional land in the 2018 Scheme and that it has somewhat different implications for certain third party rights it is important that the effects for the human rights of third parties are considered again at this stage.
- 11.6 Members should consider the potential effects on neighbouring owners as well as the public benefits of the development proposed in connection with the 2018 Scheme. The analysis undertaken by the Developer identified a further 20 properties in relation to which there may be new or greater impact on third party rights to light compared to the analysis undertaken in respect of the 2014 Scheme. For the reasons described above, in the present case, at this stage it is not possible to make a precise assessment of the effects on individual landowners and occupiers. However, as also noted above, the Council has written to third parties whose rights might potentially be overridden by the application of section 203 of the 2016 Act in relation to implementation of the 2018 Scheme in order to allow them the opportunity to make representations to be considered by Members before a decision is reached. The Council has received only a limited response to its letter which is reported at paragraphs 6.28 and 6.29 to which Members are referred.

- 11.7 As regards the public benefits of the 2018 Scheme proceeding, in short, officers consider that they are at least equal to if not greater than those which would result from implementation of the 2014 Permission. Members are referred to the background section of this report which summarises the need for regeneration of Croydon town centre and paragraph 4.1 which compares the 2018 Scheme with the earlier development proposals.

## **12. CONSULTATION**

- 12.1 Public consultation was undertaken in connection with the planning applications for the 2014 Permission and for the 2018 Permission and the results were reported to Planning Committee before decisions were reached on those applications.
- 12.2 The CPO was subject to the statutory requirements for notification of affected third parties and the right to make objections which were considered at the public inquiry in 2015.
- 12.3 The results of notification of third parties potentially affected by the revisions to the scheme and the application of sections 203 and 204 of the 2016 Act in respect of any rights to light from which they may benefit are reported in section 6 of this report.

## **13. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 13.1 Under the CPO Indemnity and Land Transfer Agreement the Council is indemnified against liabilities for costs and compensation associated with the compulsory purchase order for the Whitgift Centre and surrounding land.
- 13.2 Before the CPO powers are exercised to acquire land and rights from third parties, funds would be placed in an escrow account to cover costs in advance of any payment of compensation being required from the Council. Fees and internal costs would be repaid monthly in arrears.
- 13.3 Implementation of the scheme will contribute to the promotion of the economic social and environmental well-being of the Council's area and would be likely to bring indirect financial benefits in terms of business rates, council tax and New Homes Bonus. It will also trigger implementation of the Growth Zone in Croydon, based on retention by the Council of the uplift in business rates in the designated Growth Zone area.
- 13.4 In accordance with section 233 of the Town and Country Planning Act 1990, the Council is to receive best consideration reasonably obtainable for the disposal of land within the proposed redevelopment site.

(Approved by: Lisa Taylor Director of Finance, Investment and Risk (Deputy Section 151 Officer))

## **14. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

- 14.1 The Solicitor to the Council comments that legal implications are embodied in this report which includes input from both the Council's external and internal solicitors.

(Approved by: Sean Murphy, Head of Commercial and Property Law and Deputy Monitoring Officer on behalf of the Director of Law and Monitoring Officer)

## **15. HUMAN RESOURCES IMPACT**

- 15.1 There are no immediate HR implications that arise from the recommendations in this report for LBC staff.

(Approved by: Sue Moorman, Director of Human Resources)

## **16. EQUALITIES IMPACT**

- 16.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It places a local authority under a legal duty ("the public sector equality duty") to have due regard to the following matters in the exercise of all its functions, namely the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- b. advance equality of opportunity between persons who share a "relevant protected characteristic" (i.e. the characteristics referred to above other than marriage and civil partnership) and persons who do not share it; and
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 16.2 The public sector equality duty was taken into account by Cabinet in relation to the decision to make the CPO and by Planning Committee Members throughout the planning process. It is a continuing duty, which Members must review and address in relation to all decisions relating to the Whitgift scheme.

- 16.3 Members of protected groups in the wider community potentially affected by the proposed development are likely to include current and future:

- visitors to the town centre for work or leisure or to use the retail and other town centre facilities;
- residential occupiers within or around the town centre
- occupiers of other land within and around the town centre, including business and land owners.



- 16.4 An Equality Analysis (EqA) was undertaken in connection with the compulsory purchase order for the Whitgift site. In addition, Equality Impact Assessments (EqIA) were undertaken in connection with both the Croydon Local Plan: Strategic Policies 2013 and the Croydon Opportunity Planning Framework (adopted in 2013). Most recently, an EqIA was undertaken for the Proposed Submission Croydon Local Plan: Strategic Policies – Partial Review.
- 16.5 Officers consider that these assessments continue to be relevant to the recommendations in this report and that the following conclusions continue to apply.
- 16.6 Implementation of the Whitgift redevelopment is considered to include the following benefits for protected groups:
- improving access to and the permeability of the town centre;
  - providing more job opportunities and making provision for skills training;
  - providing a choice of housing, such as affordable housing and family homes to meet people’s needs at all stages of life and the needs of people with disabilities;
  - conserving and creating spaces and buildings that are safe, accessible and that foster cohesive communities
  - promoting cultural activities which can directly or indirectly celebrate the diversity and multiculturalism of the borough;
  - promoting well designed community and leisure facilities to meet the aspirations and needs of a diverse community; and
  - improving transport and access across the Borough and particularly to and from the town centre.
- 16.7 It is considered that the redevelopment proposals could have a negative impact on some protected groups, but only over a temporary period. There would be temporary negative impact on groups including age and disability as well as pregnancy and maternity groups due to disruption in the town centre environment during the construction phase. However, suitable mitigation measures are to be put in place by the Developer during the construction process to reduce the adverse effects on these groups.
- 16.8 A potential negative impact has been identified on businesses around West Croydon station as well as other businesses surrounding the proposed development site in the event that there were to be reduced footfall or a reduction in visitors in the surrounding area either during construction or longer term. Many of these businesses are ethnic minority businesses. However, in the longer term the proposed new 24 hour east-west Galleria to be created by the development will help to ensure that it interacts well with the surrounding retail town centre. Improved north-south connections through the site and a considerably improved public realm in Poplar Walk will also assist in improving linkages to businesses in West Croydon. In addition the Council will work with the Developer to create a suitable environment to cater for a diverse range of ethnic business owners and workers in Croydon. Specialist business advice and translation services are also available from the Council to assist with any issues which arise for these protected groups and others

during the development process and beyond. This negative impact would in part be addressed by the requirements of the section 106 planning agreement which aims to support local independent businesses through employment and training.

- 16.9 It is considered that overall, once the redevelopment proposals have been completed, all groups would benefit from the improved physical environment in Croydon town centre as well as the wider economic benefits stemming from the proposals.

## **17. ENVIRONMENTAL IMPACT**

- 17.1 The environmental impact of the redevelopment has been fully assessed as part of the planning process and appropriate conditions have been imposed on the 2018 Permission to ensure that satisfactory mitigation is applied to minimise adverse impacts.

## **18. CRIME AND DISORDER REDUCTION IMPACT**

- 18.1 In the course of determining the planning applications, responses to statutory consultation were considered including comments from the Crime Prevention Design Officer, local representations and other material considerations. Subject to the mitigation proposed in connection with the outline planning permissions (secured by planning condition) it is considered that either the 2014 Scheme or the 2018 Scheme would provide a safe and secure environment.

## **19. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

- 19.1 The amendments to the ILTA are required to make provision for the updated scheme and their approval is a necessary preliminary step prior to the Council's consideration of the RPD Pre-condition for drawdown of land under the ILTA.
- 19.2 In relation to the proposed inclusion of Green Park House in the development site and the engagement of statutory powers to override third party rights, whilst it is a matter for Members to consider, it is officers' view that there are clear grounds for concluding that the public interest in the proposed redevelopment proceeding is sufficient to justify reliance on section 203 of the 2016 Act, subject to the payment of statutory compensation to affected third parties, and that such action would be proportionate.
- 19.3 Officers propose that the recommendation in paragraph 1.2 to authorise the Executive Director of Place, acting in consultation with the Director of Law & Monitoring Officer, to enter into a further supplementary agreement to amend the ILTA, be approved.
- 19.4 Based on the information and evidence supplied by the Developer and the advice of its external advisers it is officer's view that there is a reasonable

prospect of delivery of the whole development (comprising the Retail Component and the Residential Component) within a Reasonable Timescale. Officers therefore propose that the recommendation in paragraph 1.2 to authorise the Executive Director of Place, acting in consultation with the Director of Law & Monitoring Officer to take the necessary steps to implement the CPO and take related actions (subject to the completion of the further supplemental agreement to amend the ILTA and the relevant notices being served by the Developer) be approved.

- 19.5 The recommendation in paragraph 1.2 to delegate authority to the Executive Director of Place, acting in consultation with the Director of Law & Monitoring Officer to appropriate the Council's land interests in the car park sites is intended to ensure that the appropriation of Council land can be put in place at the relevant time. Again, officers propose that the relevant recommendation be approved.

## **20. OPTIONS CONSIDERED AND REJECTED**

- 20.1 Not to amend the ILTA or appropriate the Council land. Those options are rejected as they would not allow the Whitgift redevelopment to proceed in accordance with the 2018 Scheme.
- 20.2 Not to conclude that the RPD Pre-condition is satisfied. That option is rejected as not being the appropriate course of action to take and given the timescale for implementation of the CPO, it would not allow the 2018 Scheme to be implemented.

---

**CONTACT OFFICER:** Heather Cheesbrough, Director of Planning and Strategic Transport, tel: 020 8760 5599

## **APPENDICES TO THIS REPORT**

**Appendix 1** - Red line boundaries of the outline planning permission granted in 2014 and for the application for 2018 Scheme

**Appendix 2** - Table of main proposed amendments to the ILTA

**Appendix 3** - Structure chart to show proposed land transfer arrangements

**Appendix 4** - Letter to owners and occupiers and schedule of properties

**Appendix 5** - Summary Indicative Programme for the 2018 Scheme

**Appendix 6** - Plan of Council land interests proposed for appropriation for planning purposes and transfer to the Developer

**Appendix 7** – Plan of land in Poplar Walk proposed to be stopped up and the subsoil transferred to the Developer

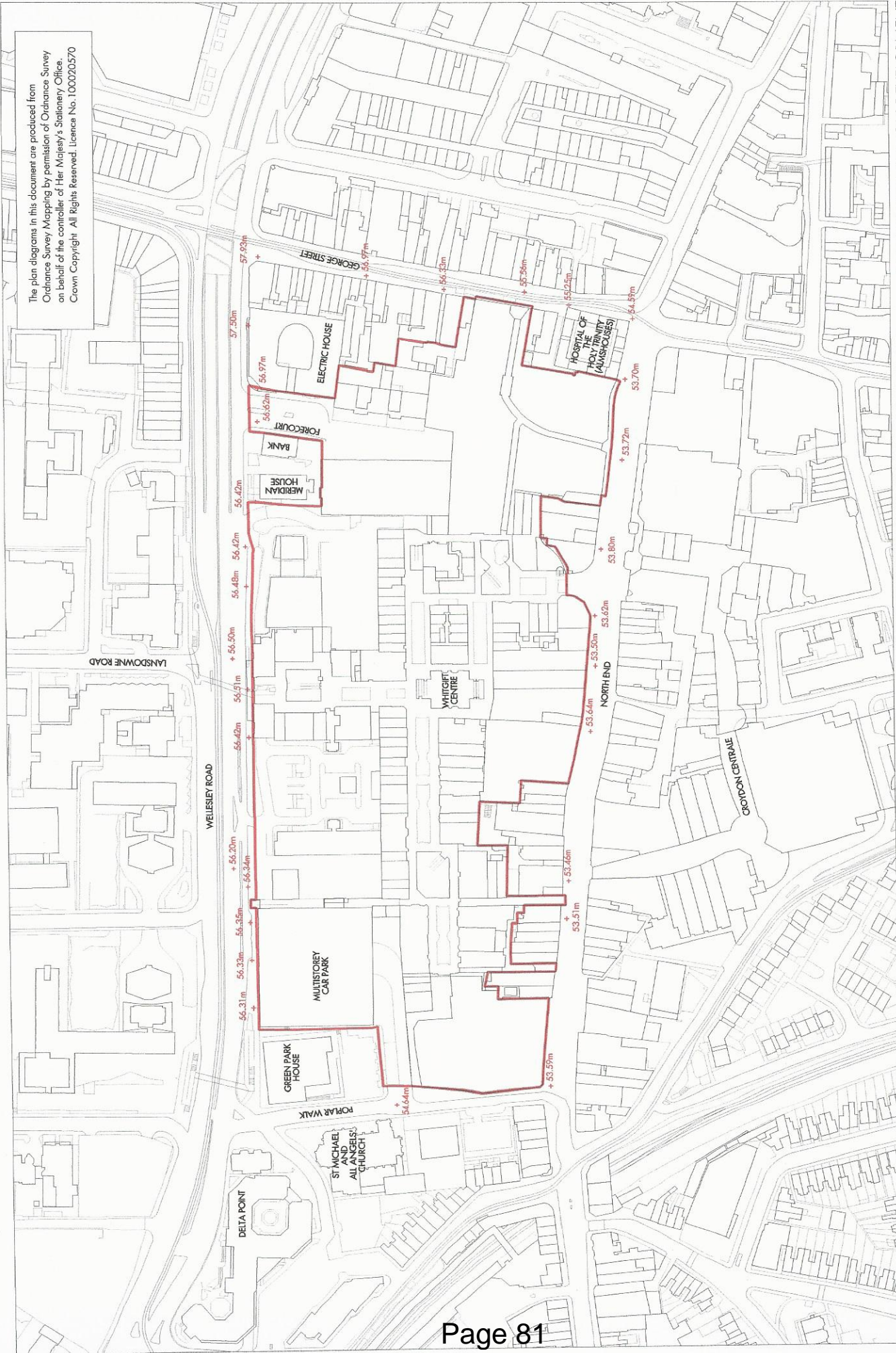
**BACKGROUND PAPERS:**

Cabinet Report 7 April 2014 – Agenda item 6 - Whitgift Centre and surrounding land – Proposed compulsory purchase order (including Equality Analysis Appendix F)

Cabinet Report 15 September 2014 - Agenda item 7 - Strategic Metropolitan Centre – Update

Planning Committee Report 14 November 2017 – Agenda item 6.1 – Application ref: 16/05418/OUT - Whitgift Shopping Centre and Surrounding Land, Croydon, CR0 1LP

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WESTFIELD CROYDON DEVELOPMENT  
PS 001  
Planning Application Area  
Rev. A  
7813\_07\_P1\_001

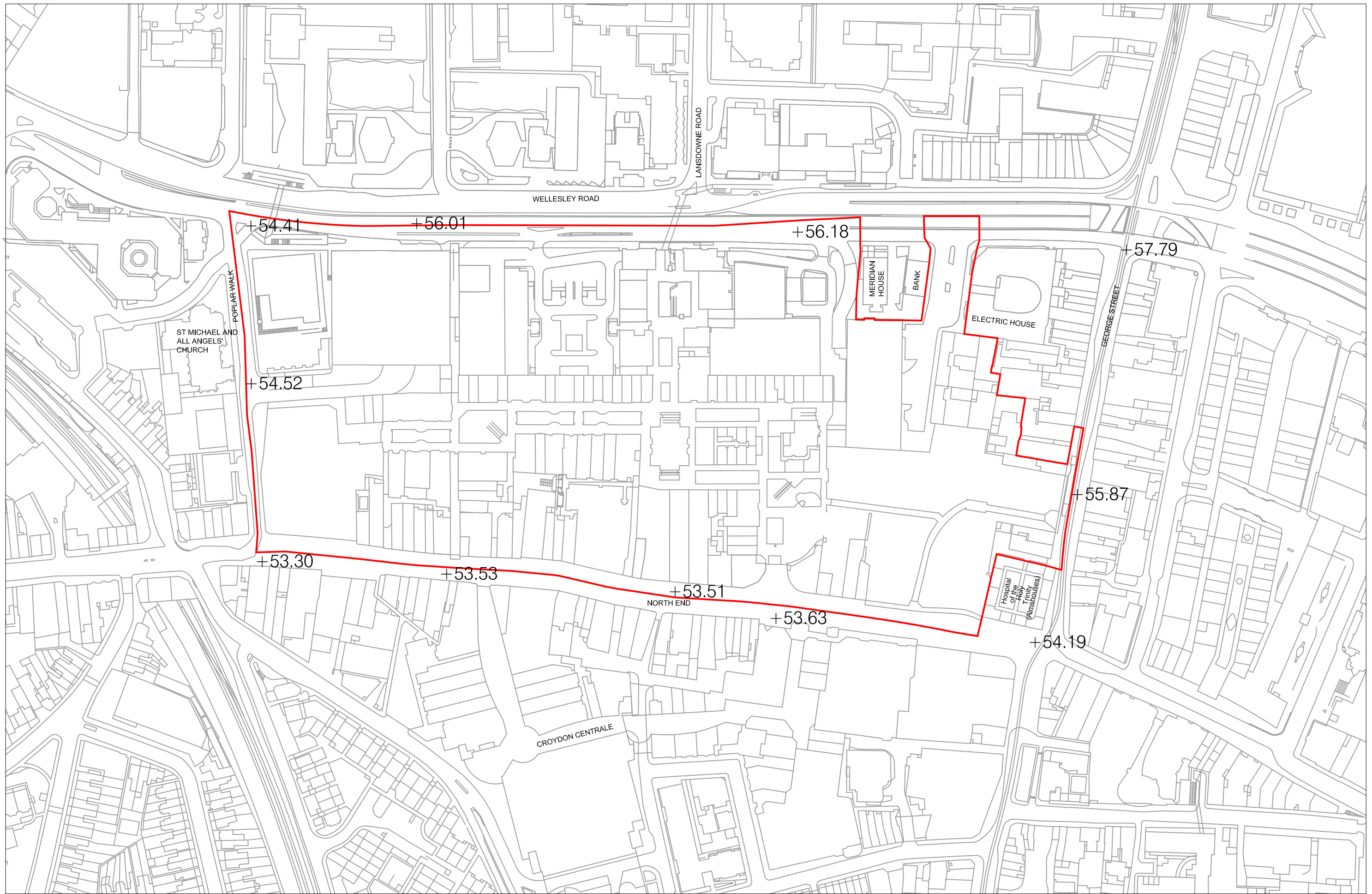
Key:

- Land within Planning Application Boundary
- + 56.50m Existing Site Level taken from Z-mapping the data

Planning Application  
Development Specification and Framework  
Parameter Plan  
Scale 1:2000 @ A3

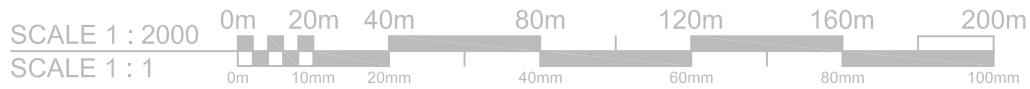
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### WHITGIFT CENTRE REDEVELOPMENT, CROYDON


PARAMETER PLAN PS001 PLANNING APPLICATION BOUNDARY



NOTE: Existing site levels from survey information

**KEY:**

- LAND WITHIN PLANNING APPLICATION BOUNDARY
- + 53.63 EXISTING SITE LEVELS TAKEN FROM Z MAPPING SITE DATA BASED ON METRES AOD LEVELS



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**APPENDIX 2 TO CABINET REPORT**

**SUMMARY TABLE OF MAIN CHANGES TO ILTA**

We set out below the proposed changes that are envisaged to be made to the current legal documentation comprising the original ILTA dated 15 April 2014 as amended by a Supplemental Agreement dated 4 February 2015 (together the "ILTA").

The changes to the ILTA will be put into effect by the parties entering into a second supplemental deed that varies and is supplemental to the ILTA.

The Table below sets out the substantive changes that are proposed to be made to the ILTA.

<b>Heading</b>	<b>Clause/reference in ILTA</b>	<b>Change made to ILTA</b>	<b>Reason for Change</b>
Registered Office address	Front end of agreement	Registered office of CLP and Westfield Corporation and Hammerson UK and WLP have all changed their registered address to Kings Place 90 York Way N19EE	Relocation of registered office.
Authority's Land Interests	Definition of Authority Land Interest and clause 5 of the ILTA	<p>The definition of Authority's Land Interests is amended to refer to plans and a schedule identifying the land to be acquired and that to be appropriated for planning purposes by the Council.</p> <p>As per the existing terms of the ILTA, the Developer will serve notice of the Authority Land Interests that it wishes to acquire but now the Option cannot be exercised less than 10 days prior to the anticipated date of transfer and the actual transfer date will be set out in the option notice and is no longer required to be more than 60 days from exercise of the Option.</p> <p>The land to be acquired under the Option comprises the existing two sites comprising car park, transferred at £12,500 per car park, and any subsoil plots are to be transferred for £1.00 in each case subject to the Best</p>	<p>To reflect actual interests that are now known to be required by the Developer.</p> <p>Timescales changed to reflect the fact that land interests are now known and exercise of the Option to acquire Authority Land Interests will need to be done in a quicker timescale than originally envisaged.</p>

		Consideration Mechanism.	
Permitted Group Assignee	Definition of Permitted Group Assignee and clauses 4, 5, 11, 13, 14, 15 and 26 and Schedule 1	<p>Changes have been made to the definition of "Permitted Assignee" by the introduction of a new category and definition of Permitted Assignee known as "Permitted Group Assignee". A Permitted Group Assignee is any of the Developer, a group company of the Developer, a member of the Hammerson Wider Group or of the Westfield Wider Group or an entity in which one or the other or both have a Controlling Interest or an entity in which any of the forgoing have a Controlling Interest. In essence the amendments seek to widen the categories of entity or party that can be deemed connected/related to either Westfield or Hammerson or CLP or WLP for the purposes of the ILTA. In real terms the consequence of this is that:-</p> <ul style="list-style-type: none"> <li>• Under clause 4.7 and clause 5.6 and para 2.11 of schedule 1 the Council will transfer Third Party Interests and Authority Land Interests not only to the Developer or WLP or a group company of them but also to a Permitted Group Assignee – as a result the number of entities to whom transfer occur will be slightly greater than before</li> <li>• Under clause 9.12 the New Headlease is to be granted to the New Headlease Tenant. The New Headlease Tenant is the Developer or WLP or a Group Company of the Developer and also now a Permitted Group Assignee (although in all cases either the Hammerson Wider Group or the Westfield Wider Group (or both of them) must hold a 25% economic interest in the New Headlease Tenant)</li> <li>• Under clause 13 – termination provisions apply not</li> </ul>	<p>The Developer and parent companies wish to ensure that the ILTA binds and also benefits all possible categories of group or related companies to the Hammerson Wider Group and the Westfield Wider Group. The ILTA previously did this already but there was some inconsistency and the categories of entity are slightly widened.</p> <p>It should be noted that the New Headlease can be granted to any entity that is a Permitted Group Assignee but this must be an entity in which either the Hammerson Wider Group or the Westfield Wider Group either singly or together directly or indirectly hold not less a 25% economic interest.</p>

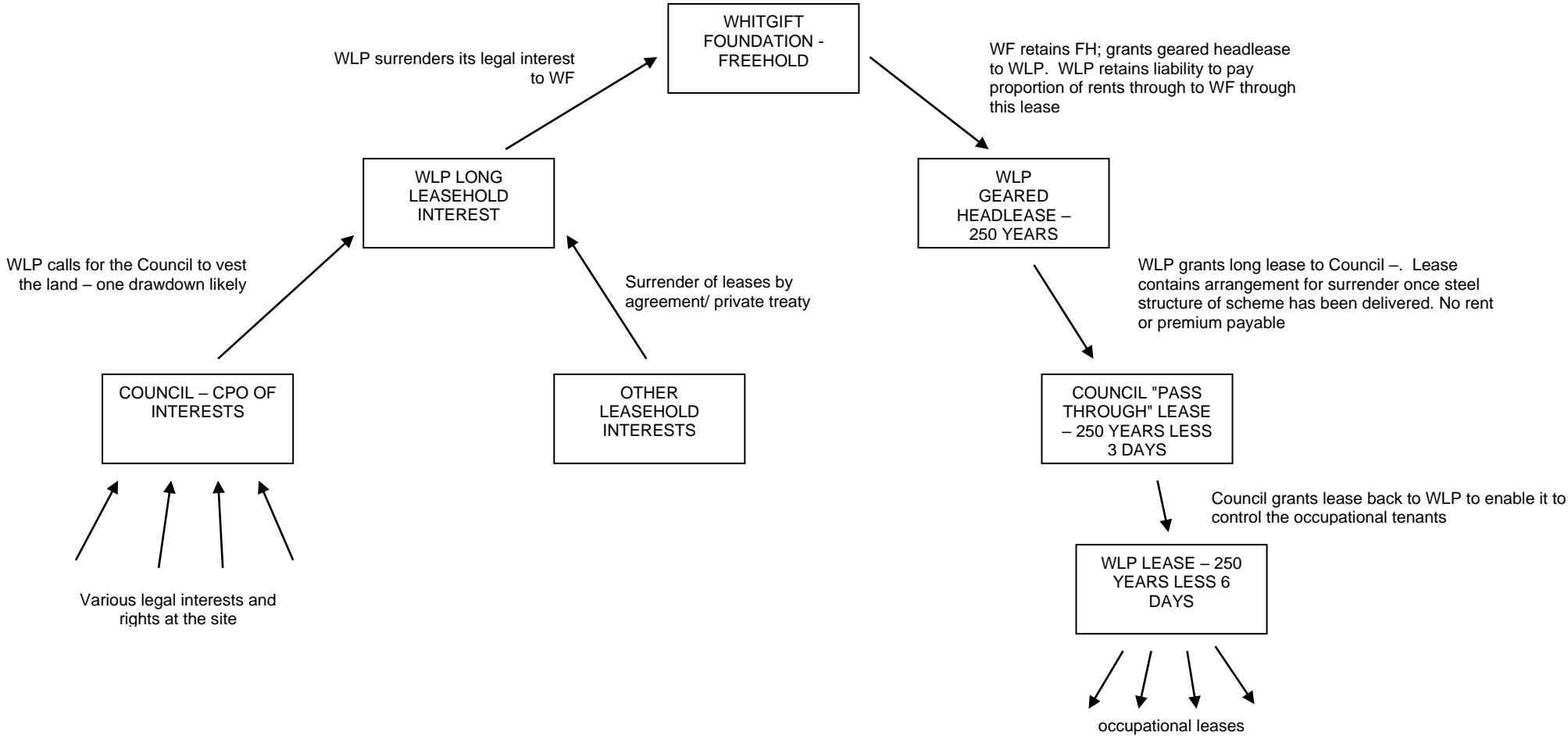
		<p>only to land owned by CLP or WLP or a group company of them but also to any land acquired by a Permitted Group Assignee</p> <ul style="list-style-type: none"> <li>• Under clause 14 and clause 15 the sureties remain on the hook until release inter alia by transfer of shares to a Permitted Assignee that is not a Permitted Group Assignee (arguably this is in the Council's favour as it increases the number and type of entities to whom an assignment of the ILTA does not result in a release of the sureties)</li> <li>• Under schedule1, para 3.11 no Permitted Group Assignee will object to the CPO or closure order</li> </ul>	
Residential Component and terms of Lease of Residential Blocks	Clause 12 and Schedule 5	<p>Changes to reflect the fact that the Second Planning Permission (i.e. permission once granted for the 2018 Scheme) envisages the construction of residential units in Blocks alongside the Retail parts of the Development (as opposed to Blocks constructed <u>above</u> the Retail parts as per the First Planning Permission).</p> <p>The agreement now allows grant of assured shorthold tenancies of units (subject to planning) constructed in the residential component envisaged under the Second Planning Permission.</p> <p>Where the Council elects to acquire a Block, the relevant clause is amended to allow the lease of the Block to be granted either to the Council or its nominee.</p> <p>Under the original agreement the Council had an option to acquire residential Blocks if development or sales had not been undertaken within certain timescales. Whilst these provisions continue to apply to Blocks (whether developed under the First Planning Permission or the Second</p>	Consequential amendments required by anticipated construction of residential blocks/towers if second planning permission is implemented.

		Planning Permission) they won't apply to the Tower 1 that may be built under the Second Planning Permission.	
First and Second Planning Permission	Definition	New definition inserted to refer to the First Planning Permission as the planning permission under reference 12/02542/P and conservation area consent under reference 12/02543/CAC granted on 5 February 2014 and full planning permission granted on 24 December 2014 under reference 14/02824/P and the Second Planning Permission as being the outline permission for the Development under reference 16/05418/OUT granted on 20 April 2018.	Consequential amendment to reflect the second planning permission obtained by the Developer.
Implementation of First or Second Planning Permission	Clause 4.1 (b), 4.2 (d), 4.5 and 4.10	The ILTA is amended so that the Developer may not draw down land under the ILTA until it has decided which Planning Permission to implement by informing the Council in writing whether it intends to implement the First Planning Permission or the Second Planning Permission and there are then provisions preventing a change of mind or implementation of one permission after having notified the Council that it was intending to implement the other.	Consequential change to ensure that the Developer does not draw down land for one permission but implement another or part implement one or other permission.
Anchor Tenant Store	Clause 4.2 (c) (vii) and (viii)	<p>Clause 4.2 of the ILTA is amended to cater for the provision of additional information as part of the satisfaction of the Reasonable Prospect of Delivery Pre-Condition where it is intended that the Second Planning Permission will be implemented. In this case the Developer must provide evidence of the pre-letting position for new full line anchor stores in both:</p> <p>(a) the south east quadrant of the site of not less than 100,000 square feet gross internal area, let for a term of not less than 20 years without a break for the first 17.5 years; and</p> <p>(b) the north east quadrant of the site of not less than</p>	To ensure that satisfactory information is provided by the Developer on the reasonable prospect of delivery of development pursuant to the Second Planning Permission.

		100,000 square feet gross internal area, let for a term of not less than 20 years without break option during the first 20 years  (The original ILTA only provided for (a))	
Drawdown Period	Definition of Drawdown Period and application at clause 4.5	The period in which a drawdown notice can be served by the Developer has been changed from the period of two years and 10 months from the Confirmation Date (being the date of satisfaction of the CPO Pre-conditions) to the period of 2 years and 11 months from 25 September 2015	Under the old drafting, the Drawdown Period would have ended in December 2018 (due to a challenge to the CPO) which date would have been after the date of expiry of the CPO on 25 September 2018.
Timescale for execution of general vesting declarations and service of notices to treat	Clause 4.8	The minimum timescale for execution of general vesting declarations and service of notices to treat to be specified in a drawdown notice is reduced from 2 months to 20 Working Days	Reduced timescale to enable CPO process to proceed in accordance with anticipated programme
North End	Schedule 8	Changes to take account of the 2018 section 106 agreement if the Second Planning Permission is implemented	Consequential amendment to reflect the Second Planning Permission
Selected Agent	Definition	Changed from Nigel Laing associates to CBRE.	Commercial reasons.
Appendices	Plans and documents	Plans and other appendices to be updated or added as follows:  Appendix 4 – Plan 4: New plans of "Authority's Land Interests" and a schedule of land interests to be attached  Appendix 5 – Plan 5: New Plan of "Development Site" to be attached  Appendix 6 – Plan 6: Plan showing "Dingwall Avenue Land" to be attached (this is the plan agreed in 2015 for the purpose of the draft AMM agreement)	Amendments to reflect current position.

		Appendix 9 – Land Acquisition Strategy	
		Appendix 11 – Minor revisions to allow for 2018 Planning Permission	

**WHITGIFT CENTRE, CROYDON  
FLOW CHART SHOWING TRANSFERS OF LEGAL INTERESTS**



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Place Department  
6<sup>th</sup> floor zone D  
Bernard Weatherill House  
Mint Walk  
Croydon CR0 1EA

Tel/Typetalk: 020 8726 6000  
Minicom: 020 8760 1234  
Email: [Contact-the-Council@croydon.gov.uk](mailto:Contact-the-Council@croydon.gov.uk)  
Website: [www.croydon.gov.uk](http://www.croydon.gov.uk)

XXXXX  
XXXXX  
XXXXX  
XXXXX  
XXXXX

Please ask for/reply to Heather  
Cheesbrough

Your Ref:

Our Ref:

Date: 24<sup>th</sup> January 2018

Dear XXXXXX,

**Proposed redevelopment of the Whitgift Centre and surrounding land,  
Croydon Town Centre**

We are writing to you about the proposed redevelopment of the Whitgift Centre and surrounding land in Croydon town centre by Croydon Limited Partnership (**CLP**), a joint venture between Westfield Europe Ltd and Hammerson UK Properties plc. The proposed redevelopment is for a retail-led mixed use scheme. As you may know, in September 2015 the Secretary of State confirmed a compulsory purchase order (**CPO**) to support the redevelopment of the Whitgift Centre and surrounding land. The scheme is a major regeneration project which the Council considers will bring important benefits to Croydon including the transformation of the town centre retail core with a high quality shopping centre, improved public realm, new housing (including affordable housing) and the creation of some 7000 jobs.

Since the CPO was confirmed in September 2015, CLP has acquired additional land at Green Park House on the corner of Wellesley Road and Poplar Walk to incorporate into the scheme and make provision for a new and improved retail store, proposed to be occupied by Marks and Spencer. CLP has applied to the Council for planning permission for its revised redevelopment proposal including the additional land at Green Park House and with a revised layout on part of the site ("Revised Scheme"). The planning application for the Revised Scheme seeks outline permission for development within minimum and maximum parameters, including five residential towers proposed to be developed along Wellesley Road. On 14 November 2017, the Council's Planning Committee resolved to grant permission for the updated redevelopment proposals, subject to the completion of a planning agreement and consideration of the application by the Secretary of State and the Mayor of London to whom it has been referred. Details of the planning application, (reference: 16/05418/OUT), including the environmental statement, can be found at: <http://publicaccess2.croydon.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OFC8SUJL0K200>

## **Why we are writing to you**

In addition to the grant of planning permission, implementation of the Revised Scheme is subject to further decisions by the Council, including adapting the contractual arrangements between the Council and CLP to reflect the revisions to the Scheme. If the Council decides to proceed with the new arrangements, they would include the Council acquiring an interest in the entire development site, now including the land at Green Park House.

As in the case of the original redevelopment proposals, one effect of the land assembly provisions under the contractual arrangements would be to engage certain statutory provisions (sections 203 and 204 Housing and Planning Act 2016) to facilitate delivery of the scheme. The relevant statutory provisions enable easements (such as rights to light) and other third party rights and interests (such as restrictive covenants) to be overridden when development is carried out, but subject to payment of statutory compensation. This would include overriding any rights to light from which properties in the vicinity of the scheme, including your own, may benefit.

At this stage, for the reasons explained below, the Council is not able to fully assess whether you are entitled to a right to light or whether any such right would be interfered with by the development. However we are writing to you and certain other owners and occupiers in the vicinity of the development now to notify you of the proposal to engage these statutory powers so that you can provide the Council with any comments you wish to make at this stage.

We would make clear that whether there is any interference and if so, the extent of any such interference, with any such rights will depend on the final form of the development, and in particular the configuration and height of the residential towers. This would be a matter for subsequent approval by the Council as local planning authority at reserved matters stage if outline planning permission is granted. Consequently, at this stage it is not possible to identify the precise impact of the development on any individual properties and it is possible that your property will not be affected in any or any material way.

However, in the event that you have the benefit of a right to light which is materially interfered with by the development, in due course you may be entitled to claim compensation from CLP under section 10 of the Compulsory Purchase Act 1965 if the value of your property is adversely affected. This could only be established when the final form of development is known and the extent of any interference with rights to light can be demonstrated.

## **Next Steps**

The Council will need to consider the necessary amendments to the contractual arrangements and whether there is a sufficient case in the public interest to justify incorporating the Green Park House site in the land assembly arrangements and to trigger the application of section 203 of the Housing and Planning Act 2016 to facilitate the delivery of the Revised Scheme. It is proposed that Cabinet will consider this at a Cabinet meeting currently scheduled to take place on 26 February 2018. If you have any comments you wish the Council to take into account please write to the Council by 9 February 2018 at :

Heather Cheesbrough  
Director of Planning and Strategic Transport  
6<sup>th</sup> Floor Bernard Weatherill House  
8 Mint Walk  
Croydon  
CR0 1EA

[heather.cheesbrough@croydon.gov.uk](mailto:heather.cheesbrough@croydon.gov.uk)

The Cabinet agenda and papers can be found 5 working days in advance of the Cabinet meeting on the Council's website:

<https://www.croydon.gov.uk/gsearch?query=cabinet%20meeting%20agenda>

In the meantime, if there is anything you would like to ask about or discuss regarding the contents of this letter or further explanation as to the nature of the process described above and how it relates to your property please call or write to:

Liz Neate Assistant Director FA - Real Estate Deloitte LLP Athene Place, 66 Shoe Lane, London, EC4A 3BQ 020 7007 0570 07880 454013 [lineate@deloitte.co.uk](mailto:lineate@deloitte.co.uk)

Yours sincerely,

A handwritten signature in black ink that reads "H. Cheesbrough". The signature is written in a cursive style with a large initial 'H'.

Heather Cheesbrough  
Director of Planning and Strategic Transport

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**REDEVELOPMENT OF THE WHITGIFT CENTRE AND SURROUNDING LAND**

**RIGHTS TO LIGHT**

**LETTER DATED 24 JANUARY 2018 SENT TO ALL KNOWN OWNERS AND OCCUPIERS  
OF THE FOLLOWING PROPERTIES**

1. Lunar House, 40 Wellesley Road, Croydon CR9 2BY
2. 1-16 St Michael's Court
3. 145-147 North End
4. St Michael's Church, Poplar Walk, Croydon
5. 24 Station Road, Croydon CR0 2RB
6. 28 Station Road, Croydon CR0 2RB
7. 11 and 11A Derby Road, Croydon CR0 3SE
8. Delta Point, 31-35 Wellesley Road, Croydon
9. 81 Station Road, (Interchange Building, 81-85 Station Road)
10. Trafalgar House, 1 Bedford Park, Croydon
11. 5 Bedford Park, Croydon CR0 2AQ
12. 36 Wellesley Road (Apollo House), Croydon CR0 9YA
13. Alhambra House, 9 St Michael's Road, Croydon CR9 3DD
14. Emerald House
15. Jurys Inn
16. Mott McDonald House, 8-10 Sydenham Road, Croydon CR0 2EE
17. Cambridge House, 16-18 Wellesley Road, Croydon CR0 2DD
18. 1-28 Norfolk House, Wellesley Road, Croydon
19. Norfolk House, George Street, Croydon CR0 1LG
20. Saxon Lodge, Tavistock Road, Croydon CR0 2AL

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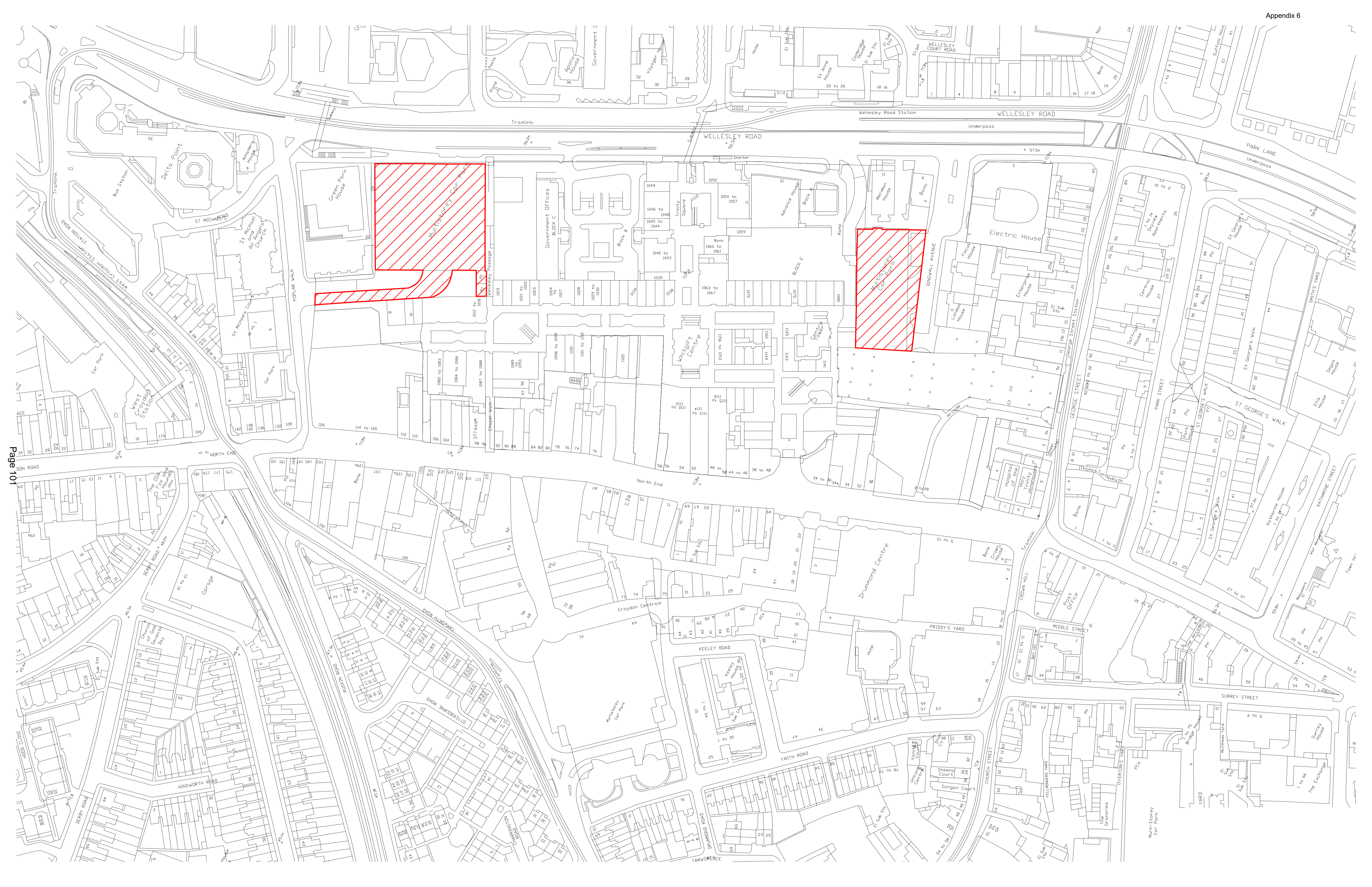
**CROYDON WHITGIFT DEVELOPMENT**  
**SUMMARY INDICATIVE PROGRAMME**

<b>Activity</b>	<b>Anticipated Date</b>
<b>Indicative Drawdown Programme and Acquisition of Authority's Land</b>	
Service of General Vesting Declarations and Notices to Treat	July 2018
GVD's take effect	February 2019
Issue Notices of Entry (at least 3 months before possession date) (Note 1)	May 2019
Notices of Entry take effect facilitating vacant possession to lead into Indicative Build Programme for Phase 1 (see below)	Q3 2019
Call Option Notice and transfer of Authority's Land	Q3 2019
<b>Indicative Build Programme for Phase 1</b>	
Secure Site/Anticipated Commencement of Demolition works	Q3 2019
Substantial Start on Site of Phase 1 (Retail and Residential)	Q1 2020
Practical Completion of Retail Component	Q2 2023
<b>Indicative Build Programme for Residential</b>	
Practical Completion of Phase 1 Residential	Q4 2024
Practical Completion of Phase 2 Residential	Q1/2 2027

Note 1 –For New Rights to be acquired Notices of Entry will commence being served in May 2019 on a rolling programme to reflect the construction of the scheme.

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Page 101

<p>PROJECT</p> <h1 style="margin: 0;">CROYDON</h1>	<p>PROJECT NUMBER</p> <p>917019</p> <p>DATE</p> <p>09/03/18</p> <p>SCALE @ A1</p> <p>1:1000</p>	<p>DRAWING TITLE</p> <p>SCHEME 01A - STAGE 2</p> <p>PLAN 4</p>	<p>DRAWING NUMBER</p> <p>CLP-TBG-ZA-00-DR-ASK-03020</p> <p>REVISION</p> <p>P01</p>
<p>STATUS</p> <p>FOR INFORMATION</p>			

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KEY

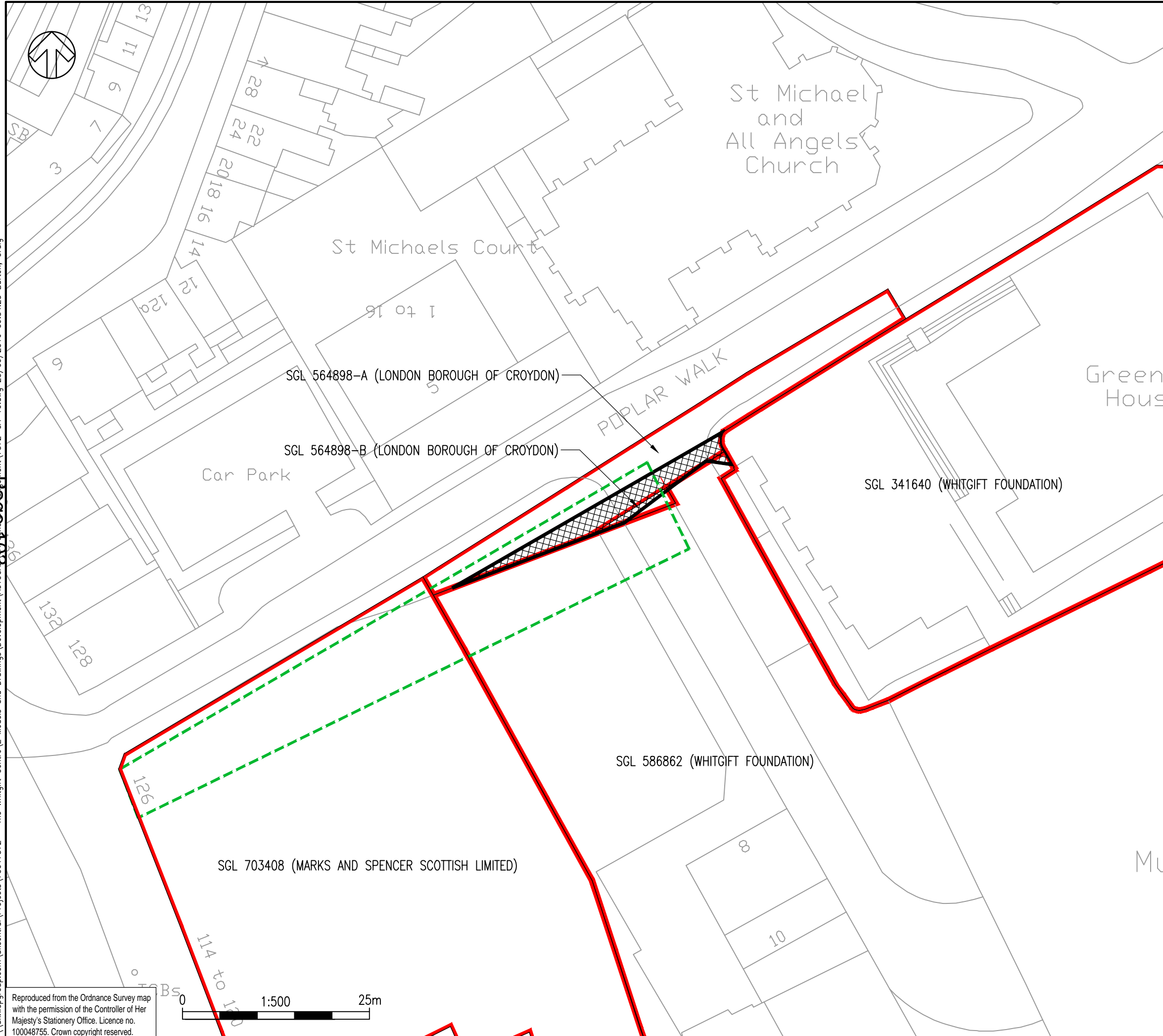


AREA OF HIGHWAY TO BE STOPPED UP



PROPOSED PUBLIC REALM

**DRAFT**



REV	DATE	BY	DESCRIPTION	CHK	APD
A	22/12/16	RJM	FIRST ISSUE	ME	ME

DRAWING STATUS: FOR INFORMATION ONLY

WSP House, 70 Chancery Lane, London, WC2A 1AF  
 Tel: +44 (0)20 7314 5000 Fax: +44 (0)20 7314 5099  
 www.wspgroup.com www.pbworld.com

CLIENT: CROYDON LIMITED PARTNERSHIP

ARCHITECT:

PROJECT: WHITGIFT CENTRE CROYDON

TITLE: SECTION 247 STOPPING UP ORDER PLAN OVERLAID WITH FREEHOLD INTERESTS

SCALE @ A3:	CHECKED:	APPROVED:
1:500	ME	ME
CAD FILE:	DESIGN-DRAWN:	DATE:
7572-GA-10.dwg	RJM	December 16
PROJECT No:	DRAWING No:	REV:
70017572	7572-GA-10	A

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\\uk.wspgroup.com\ukcentral\Projects\70017572 - The Whitgift Centre\E Models and Drawings\Development\AUTOCAD\General\7572-GA-10.dwg 23/09/2016 09:34:25 Burton, Craig

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**For General Release**

<b>REPORT TO:</b>	<b>CABINET - 11 June 2018</b>
<b>SUBJECT:</b>	<b>Children’s Services (Ofsted and Camden Arrangements) Update</b>
<b>LEAD OFFICER:</b>	<b>Eleni Ioannides, Interim Director of Children Services</b>
<b>CABINET MEMBER:</b>	<b>Councillor Alisa Flemming, Cabinet Member for Children, Young People &amp; Learning</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT</b>	
<p>Croydon Corporate plan 2015-18</p> <p>The recommendations address the following Corporate Plan priorities:</p> <ul style="list-style-type: none"> <li>• To help families be healthy and resilient and able to maximise their life chances and independence</li> <li>• To create a place where people feel safe and are safe</li> </ul>	
<b>AMBITIOUS FOR CROYDON &amp; WHY ARE WE DOING THIS:</b>	
<p>The Independence and Liveability Strategies 2015-18 set out how the Council will achieve the commitments made in the administration’s ‘Ambitious for Croydon’ election manifesto in respect of independence and liveability.</p>	
<b>FINANCIAL IMPACT</b>	
<p>£10.9m has been allocated to base budgets in 2018-19 to support the drive to improve children’s services.</p>	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.</b>	
<p>This is not a key decision.</p>	
<b>1. RECOMMENDATIONS</b>	
<p>The Cabinet is asked to:</p>	
1.1	Note the progress made in implementing the children’s improvement plan
1.2	Note the revised Statutory Direction from the Secretary of State for Education directing Croydon to co-operate with Camden Council on peer support arrangements to support rapid, measurable improvement in the delivery of children’s services.
1.3	Note that the revised Statutory Direction brings the role of the Children’s Services Commissioner for Croydon to an end.
1.4	Note the progress made in developing the peer support arrangements with Camden Council.

1.5 Note the outcomes from the second Ofsted monitoring visit carried out in March 2018.

## **2. EXECUTIVE SUMMARY**

- 2.1 Following the publication of the Ofsted report on children's services in Croydon on 4<sup>th</sup> September 2017 the Secretary of State for Education (the Secretary of State) issued a direction to the Council to co-operate with Eleanor Brazil as the Children's Services Commissioner for Croydon (the Commissioner) to support her recommendations to the Minister for Children and Families (the Minister) on the future of children's services in Croydon.
- 2.2 A revised direction published by the DFE on 25<sup>th</sup> January required Croydon to agree arrangements for intensive peer support with Camden Council. The Commissioner's contract was extended until 31<sup>st</sup> March 2018 to broker the support arrangements and provide a view on the appropriateness of these to address the shortcomings in Croydon's performance as identified by the Office for Standards in Education (Ofsted).
- 2.3 The peer support proposals were submitted to the Minister on 20<sup>th</sup> April 2018 and approved. A revised statutory direction was published by the Secretary of State on 8<sup>th</sup> May 2018 requiring Croydon to co-operate with Camden Council on the proposals and setting out the arrangements for monitoring and reporting progress against these. The direction also ended the involvement of the Commissioner in Croydon.
- 2.4 Ofsted carry out quarterly monitoring visits to assess progress in children's services departments judged inadequate. The second monitoring visit to Croydon took place on 20<sup>th</sup> and 21<sup>st</sup> March 2018. Ofsted published the findings of the visit in a letter on its website on 9<sup>th</sup> May 2018.
- 2.5 This report provides an update to Cabinet on progress made in implementing the improvement plan, the details of revised statutory direction and on the progress made in developing the peer support arrangements with Camden. It also provides an overview of the findings of the second Ofsted monitoring visit and the preparations for the third visit in July.

## **3. BACKGROUND**

- 3.1 When a local authority's children's services are judged inadequate following an Ofsted inspection under the Single Inspection Framework the Secretary of State is able to use powers in accordance with section 497A (4B) of the Education Act 1996 to direct the council to take certain actions in order to ensure that all of the Council's children's social care functions are performed to an adequate standard.

- 3.2 An Improvement Board was established in September 2017 under the leadership of an independent chair to drive the substantial programme of work required to improve the quality of services for vulnerable children and young people. Croydon's improvement plan was agreed by cabinet on 20th November 2017.
- 3.3 A Commissioner was appointed by the Secretary of State to advise on the future of children's services in Croydon. Her report was submitted to the DFE on 4th December alongside the children's improvement plan. The Commissioner's recommendation that Croydon should retain responsibility for children's service with support from a Council rated by Ofsted as good was accepted by the Minister.
- 3.4 The Commissioner's role was extended to support and broker the development of an intensive peer support partnership between Croydon and Camden Councils to support rapid, measurable improvement in the delivery of children's services. Following the Minister's approval of the peer support arrangements a further revised statutory direction was published on 8<sup>th</sup> May 2018.
- 3.3 Ofsted assess progress against an improvement plan for Councils with an inadequate children's social care judgement through quarterly monitoring visits. The second visit to Croydon was on 20<sup>th</sup> and 21<sup>st</sup> March. Further visits are scheduled for July and October this year.

#### **4. REVISED STATUTORY DIRECTION**

- 4.1 The statutory direction published on 8<sup>th</sup> May 2018 requires Croydon to co-operate with Camden Council to facilitate the delivery of peer support proposals. This includes Croydon providing access to premises, documents and employees and providing administrative support as necessary.
- 4.2 Croydon Council is also required to co-operate with the arrangements for monitoring and reporting on progress in children's social care performance. These arrangements are set out in an annex to the direction.
- 4.3 The monitoring and reporting arrangements are anchored in the existing children's improvement programme which is overseen by the independent chair of the Children's Improvement Board (CIB). Each month the CIB will monitor the contribution of the support to progress against the children's improvement plan. The Director for Children's Social Care and Safeguarding in Camden has joined the CIB bringing deep experience and technical knowledge of children's social care to the monthly meetings.

- 4.4 The direction specifies that progress against the peer support plan will be reviewed through quarterly meetings attended by Camden, Croydon, the CIB chair and the Department for Education. These review meetings will be scheduled after each of the Ofsted monitoring visits.
- 4.5 Formal reviews of the overall improvement programme will be held every six months with the same representatives. These will be supported by progress reports to the Secretary of State from Camden Council and from the chair of the Croydon CIB. Croydon Council are invited to provide their own report or commentary if appropriate.
- 4.6 The revised direction brings the Commissioner's role to an end in Croydon. Her advice, guidance and challenge has made a significant positive contribution to Croydon's improvement journey.

## **5. PROGRESS IN IMPLEMENTING THE IMPROVEMENT PLAN**

- 5.1 Whilst there is much work to do to consistently improve practice on the ground there have been some notable achievements in recent months that lay strong foundations for change. Against the themes in the improvement plan notable achievements include:

### Practice

- A new model of social work introduced, Strengthening Families, with almost 500 staff trained to apply the new approach
- Practice Standards for social workers and Managers' Standards for their managers have been launched, setting out clearly expected practice for frontline staff, and for managers how they should be supporting frontline staff
- An Early Help Strategy has been agreed by a multi agency task and finish group. This will underpin work to intervene earlier and prevent problems escalating to children's social care

### People and performance

- 'Spotlight Scorecard' performance clinics that allow the Executive Director, People (DCS) and Director of Early Help and Children's Social Care a clearer line of sight and challenge on performance at team and service level.
- A joint housing protocol for care leavers has been launched, providing a more joined up approach to ensuring care leavers can access the right accommodation
- Working with Community Care, a website for social care professionals with a wide reach in the sector, to raise Croydon's profile as a social care employer of choice in the region.



### Partnerships

- Around 50 partners attended the Strengthening Families launch event at the end of April from across health, education the police and the voluntary sector to ensure the strengths-based approach is rolled out across services for children in Croydon
- The new chair of Croydon Safeguarding Children Board (CSCB) is strengthening multi-agency working for the most vulnerable children

### Platforms

- Improvements to the case recording system used by frontline staff, including the introduction of a legal workspace to improve our ability to store, retrieve and develop vital information relating to all aspects of Court work
- Additional resources allocated to increase business support for social work teams, freeing them up to spend more time with children and families

## **6. INTENSIVE PEER SUPPORT ARRANGEMENTS**

6.1 The direction for intensive peer support arrangements is unique to Croydon. Of the six directions issued in 2018, two have directed Councils to transfer delivery to independent children's services trusts, two have directed formal contractual arrangements with another council that transfers responsibility for delivery of children's social care and one has had a commissioner appointed. In Barnet, Essex Council have been appointed as Children's Services Improvement Advisers to lead and direct children's social care improvement including chairing the Improvement Board. In Croydon, the Commissioner's recommendations, accepted by the Secretary of State, continue to place responsibility for the improvement programme with Croydon under the continued leadership of the independent chair of the CIB, supported and where necessary challenged by peers from Camden.

6.2 The peer support proposals include five workstreams:

1. Improve the quality of social work practice by strengthening management at all levels
2. Quality assurance of practice
3. Support the rapid development of an early help offer
4. Increase understanding of and planning to address risk factors for vulnerable children and young people
5. Develop the system to create the conditions for rapid, sustainable improvement in services for children across Croydon

6.3 Collaboration on these workstreams began in January, most notably in quality assurance of practice where the positive impact was noted in the March Ofsted

monitoring visit. Detailed delivery plans are now being worked up for each of the workstreams between lead officers from each borough to ensure clarity, pace and grip against each of the areas identified for dedicated, intensive support.

- 6.4 The approved peer support plan covers the period from April 2018 – March 2019. In the final quarter the plan will be reviewed to inform decisions on further development in 2019-20.
- 6.5 The first review meeting will take place in July after the next monitoring visit, with quarterly meetings scheduled thereafter. The first formal review will take place in October.

## **7. OFSTED MONITORING VISIT**

- 7.1 The second Ofsted monitoring visit took place on the 20<sup>th</sup> and 21<sup>st</sup> March 2018 focused on services for vulnerable adolescents. As is the practice in these visits inspectors reviewed a range of evidence including electronic case records and supporting documents. Six cases were tracked and further casework was sampled alongside social workers and team managers. A missing children panel meeting was observed and meetings were held with the interim Director of Children's Social Care and Early Help and the Head of Targeted Services. In addition inspectors met with one young person whose case was tracked.
- 7.2 Inspectors were consistently impressed with the quality of the frontline staff they met, stating that they displayed a good awareness of the needs of the children they worked with and a real commitment to ensuring they engaged well with children.
- 7.3 The inspectors noted that senior leaders and managers are progressing well in implementing the improvement plan and have quickly responded to issues identified in the first monitoring visit.
- 7.4 Of key importance were the findings that:
  - the Council has continued to invest significant resources to underpin service improvements
  - senior managers recognise the scale of the improvement task and are planning effectively
  - the service is able to demonstrate a sound understanding of the areas that require change
  - there is an appropriate focus on areas of priority
  - the case auditing processes had improved significantly since the December visit and show an understanding of what 'good' looks like
  - Senior managers showed a positive openness to advice, guidance and support including an effective and well-focused partnership with Camden

- 7.5 However, inspectors agreed with Croydon's self-assessment that the quality of work for vulnerable adolescents remains highly variable and too many children receive an inadequate service. Inspectors found that for this group of children risks were understood too broadly. The lack of detailed understanding of risks meant that plans to reduce these were not always clear enough on individual children's records. Management oversight was not sufficiently effective and there was not enough visible presence of middle management on case files or in gripping compliance.
- 7.6 Inspectors found more recent evidence of stronger work in a small number of highly complex cases, showing early encouraging signs of improvement in practice. However, the service recognises that there is still a long way to go.
- 7.7 The service accepts the feedback from the monitoring visit and have begun to address the issues inspectors raised, reflecting the findings and building upon the good practice observed as part of the wider children's improvement programme.
- 7.8 The third monitoring visit on 10<sup>th</sup> and 11<sup>th</sup> July will focus on children's plans that are 'stepped up', for example children in need plans stepped up to child protection. Detailed preparations for the visit are in place that build on the successful approach to the March visit. Specific additional actions to address the issues raised in March have been identified, the planned improvement plan actions relevant to the visit focus are being tracked and the casework audits in May focus on the cohort of cases in scope. Direct support from the Quality Assurance lead from Camden will continue to support the quality assurance activities including case work audits.
- 7.9 The fourth visit in October will focus on plans stepped down, including to early help as well as children looked after who return home.

## **8. CONSULTATION**

- 8.1 A communication and engagement plan has been developed to underpin the improvement activity, with the following objectives:
1. To communicate how we are improving children's services in Croydon over the next two years
  2. To inform our staff, stakeholders and partners about our improvement plan – progress, key decisions, activities and dates
  3. To encourage staff, children and partners that they are a vital part of the journey and the solution and to create confidence in them that we can run an effective and safe service – we are people focused.
  4. To help create the environment for effective culture change through communication and engagement

5. To help in the recruitment and retention of key children's service staff – by showcasing Croydon as a great place to work through creating a strong 'We are Croydon' brand
- 8.2 A Council staff reference group has been established and feeds into the improvement board through the chair and vice chair of the group, two social workers, who sit on the board bringing practitioners' perspectives.
- 8.3 Consultation and engagement with children and young people is central to social work practice and service improvement. Croydon has a range of mechanisms to engage and consult with children, young and their families. This includes the Youth Engagement Strategy which sets out a number of initiatives to ensure that children and young people have a voice, and the Children in Care Council.
- 8.4 Listening and responding to the experiences, wishes and feelings of children and young people is one of the priorities of the improvement plan and will be central to the improvement programme. The plan includes actions to strengthen how the views and experiences of children, young people and their families influence service design. This feedback will also help monitor the impact of improvement activity.

## **9. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 9.1 The 2018/19 budget includes growth of £10.2m in the People department (Children's base budget) and £0.7m in Resources (Business Support base budget) to ensure the staffing structure and budget support both the level of demand being experienced and also the areas of focus for improvement. The budget report presented to Cabinet in February sets out how this is allocated.

Approved by Lisa Taylor, Director of Finance, Investment and Risk

## **10. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

- 10.1 The Office for Standards in Education Children's Services and Skills (Ofsted) regulates and inspects the care of children and young people and in education and skills for learners of all ages. It assesses Council children's services and inspects services for children looked after, safeguarding and child protection.
- 10.2 The inspection of the Council was carried out under section 136 of the Education and Inspections Act 2006. The review of the Local Safeguarding Children's Board (LSCB) was carried out under section 15A of the Children's Act 2004.

10.3 Ofsted produced its report of the inspection of the Council functions and the review of the LSCB under its power to combine reports in accordance with section 152 of the Education and Inspection Act 2006.

10.4 Powers to direct a Council rest with the Secretary of State under section 497A (4B) of the Education Act 1996.

Approved by Sandra Herbert Head of Litigation and Corporate Law for and on behalf of Jacqueline Harris-Baker, Director of Law and Monitoring Officer.

## **11. HUMAN RESOURCES IMPACT**

11.1 There remains a significant workforce challenge to reduce the high reliance on agency social workers and to attract and retain a directly employed workforce. Review of pay and benefits has supported a new attraction campaign but whilst progress has been made, it is slow.

The Ofsted monitoring visit positively reported on the attitude and contribution of our staff and key to improvement is the retention of these staff. It is vital to continue to connect the work and development opportunities that will make Croydon a positive choice for careers in social work and the drive for improving the lives of Croydon's children.

11.2 Approved by Sue Moorman, Director of Human Resources

## **12. EQUALITIES IMPACT**

12.1 Equalities and diversity considerations are a key element of social work practice. It is imperative that help and protection services for children and young are sensitive and responsive to age, disability, ethnicity, faith or belief, gender, gender, identity, language, race and sexual orientation.

12.2 Croydon has a diverse population of children and young people. Children and young people from minority ethnic groups account for 57%, compared with 30% in the country as a whole. The proportion of children and young people with English as an additional language across primary schools is 44% (the national average is 18%).

12.3 Social workers' planning and recording in relation to inequalities is inconsistent, which can result in plans for children's care that do not reflect their needs. The improvement plan plan addresses the additional work which needs to be done to

ensure that children's diversity and identity needs are accurately and consistently identified, inform assessment and so met through their care plans.

### **13. ENVIRONMENTAL IMPACT**

There are no direct implications contained in this report.

### **14. CRIME AND DISORDER REDUCTION IMPACT**

There are no direct implications contained in this report.

### **15. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

N/A

### **16. OPTIONS CONSIDERED AND REJECTED**

N/A

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**CONTACT OFFICER:** Kerry Crichlow, Programme Director Children's Improvement  
Tel. 07957 228818

### **APPENDICES TO THIS REPORT**

Appendix 1 – Statutory Direction to Croydon Borough Council in relation to children's services under section 497A(4B) of the Education Act 1996, DFE, 8<sup>th</sup> May 2018

Appendix 2 – Monitoring visit to the London Borough of Croydon children's services, Ofsted, 9<sup>th</sup> May 2018

**STATUTORY DIRECTION TO CROYDON BOROUGH COUNCIL IN  
RELATION TO CHILDREN'S SERVICES UNDER SECTION 497A(4B) OF  
THE EDUCATION ACT 1996**

WHEREAS:

1. The Secretary of State for Education (“the Secretary of State”) has carefully considered Ofsted’s report, in respect of Croydon Council (“the Council), of its inspection carried out between 20 June – 13 July 2017. The inspection report found that children’s services are ‘inadequate’. The sub-judgements for children who need help and protection, children looked after and achieving permanence and leadership, management and governance were all rated as ‘inadequate’.
2. The Council’s failure led the Secretary of State to issue a statutory direction on 4 September 2017 (“the first direction”) requiring the Council to take a number of steps to improve the quality of services, including to cooperate with the Children’s Services Commissioner.
3. On 25 January 2018 the Secretary of State issued a further direction (“the second direction”) following the Children’s Services Commissioner’s report giving the Council a three month period to develop a proposal for intensive peer support with Camden Council.
4. That proposal has now been received and the Children’s Services Commissioner has advised that it is fit for purpose. The Council will now proceed, with Camden, to implement this proposal.
5. The Secretary of State remains satisfied that the Council is still failing to perform to an adequate standard, some or all of the functions to which section 497A of the Education Act 1996 (“the 1996 Act”) is applied by section 50 of the Children Act 2004 (“children’s social care functions”), namely;
  - a) social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
  - b) the functions conferred on the Council under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph a. above); and
  - c) the functions conferred on the Council under sections 10, 12, 12C, 12D and 17A of the Children Act 2004.
6. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with his powers under section 497A(4B) of the Education Act 1996, to direct the Council as set out below in order to ensure that all of the Council’s children’s social care functions are performed to an adequate standard.

NOW THEREFORE:

7. Pursuant to his powers under section 497A(4B) of the Education Act 1996 Act, the Secretary of State directs the Council as follows:
  - a. To comply with any instructions of the Secretary of State in relation to the improvement of the Council's exercise of its children's social care functions and provide such assistance as the Secretary of State may require;
  - b. To co-operate with Camden Council including providing reasonable access to premises, documents and employees, and providing such amenities, services and administrative support as may be necessary to facilitate the delivery of the peer support proposal submitted to the Secretary of State.
  - c. To co-operate with arrangements for monitoring and reporting on progress in Children's Social Care performance (see Annex A), including ensuring that the Chair of the Improvement Board provides reports of progress.
8. In consequence of this direction, the Secretary of State revokes the second direction.
9. This direction will remain in force until it is revoked by the Secretary of State.

Signed on behalf of the Secretary of State for Education

A handwritten signature in cursive script, appearing to read 'Suzanne Lunn', written in dark ink.

SUZANNE LUNN

A Senior Civil Servant in the Department for Education

Dated this 8<sup>th</sup> day of May 2018



## **ANNEX A**

### **Croydon children's social care services improvement programme – monitoring and reporting arrangements**

1. Croydon Borough Council has failed in its delivery of children's social care services. Ofsted's inspection report, published on 4 September 2017 found the service to be 'inadequate' overall.
2. The Council is implementing a programme of improvement overseen by an independently chaired Improvement Board.
3. The Government appointed Children's Services Commissioner recommended that this work be strengthened by an intensive peer support arrangement that has been developed by Croydon and Camden councils.
4. Camden will report on this work through monthly attendance at the Improvement Board, and progress and planned work will be reviewed through quarterly meetings attended by Camden, Croydon, the Improvement Board Chair and the Department for Education.
5. Formal reviews of the overall improvement programme – also attended by Croydon, Camden, the Improvement Board Chair and the Department for Education – will be held every six months. These will be supported by reports to the Secretary of State from Camden and the Chair of the Improvement Board, with Croydon invited to provide their own report/commentary if appropriate.

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9 May 2018

Ms Barbara Peacock  
Executive Director, People  
Floor 7, Zone D  
Bernard Weatherill House  
8 Mint Walk  
Croydon  
London  
CR0 1EA

Dear Barbara

### **Monitoring visit to the London Borough of Croydon children's services**

This letter summarises the findings of the monitoring visit to Croydon children's services on 20 and 21 March 2018. The visit was the second monitoring visit since the local authority was judged to be inadequate in July 2017. The inspectors were Louise Hocking, HMI, and Anne Waterman, HMI.

Senior leaders and managers in Croydon are progressing well in implementing their improvement plan and they have quickly responded to issues identified in the first monitoring visit. The local authority has invested a significant amount of additional resources to improve the quality of children's services. This visit focused on services to vulnerable adolescents. Despite it being early in their improvement journey, senior managers showed an openness to considering their practice and the quality of services offered to this particularly complex group of children. Inspectors found that the quality of practice for vulnerable adolescents continues to be highly variable and, in some cases, remains inadequate. The extent and detail of risk and response are not always fully analysed and explored for many children who face the highest risk.

### **Areas covered by the visit**

A range of evidence was considered during this second monitoring visit, including electronic case records, sampling casework alongside practitioners and speaking with team managers. We looked at experiences for vulnerable adolescents across the range of children's services, including child in need, child protection and children looked after. This included children who were on the high-risk missing list, those known to the youth offending service or on the gangs matrix and also known to social care, and children whose experiences had been considered at the multi-agency sexual exploitation (MASE) panel.

Additionally, we met with the head of targeted services, who will have overarching responsibility for vulnerable adolescents in a reconfigured service, and with the director of early help and children's social care. We observed the 'missing children's' panel meeting and a group supervision with nine practitioners in the adolescent team. We met with one young person.

We also reviewed follow-up actions from the first monitoring visit in December 2017, when the work on contacts, referrals and assessments had been considered.

## **Overview**

In a relatively short period of time, senior leaders have started to put in place an effective infrastructure. There is a sound understanding of the areas that require change and an appropriate focus on the areas of priority. Senior managers recognise the scale of the improvement task and are planning effectively. The openness to advice, guidance and support is positive. This has meant that, relatively quickly, Croydon has acted on recommendations from the first monitoring visit, formed an effective and well-focused partnership with Camden and put in place a lead 'portfolio holder' for vulnerable adolescents, reflecting the significant and far-reaching risks faced by this group of children.

However, the quality of work for vulnerable adolescents remains highly variable. Too many children receive an inadequate service. The broad issue of risk is recognised for this high-risk group, but a detailed understanding of the risks and what needs to happen in response is not always evident or clear. Management oversight is not sufficiently effective and there is not a visible presence of middle management to oversee the needs and services for this group of children. Some children are now receiving an improved service with an appropriate response to reduce risk, and some stronger work was seen in a small number of highly complex cases.

## **Findings and evaluation of progress**

Based on the evidence gathered during the visit, we identified areas of strength and areas where improvement is taking place, but the response to vulnerable adolescents continues to be inadequate in too many cases. The broad weaknesses in practice are not specific to this group of young people and they mirror the themes found in the first monitoring visit. These include lack of management direction and oversight, lack of clarity in identifying the specific risks and clearly outlining what needs to happen to reduce risk. Written plans are generally of a poor quality, and are brief and generalised without specifically identifying risks. Written records are highly variable in quality and content.

Some concerns were specific to vulnerable adolescents, including some examples of inappropriate use of language or terminology that implied that children placed themselves at risk. There was a lack of management escalation in some cases, for

example to ensure that children's circumstances were brought to the attention of the MASE panel. Given the risks faced by this group of children, oversight by team managers should have had high priority. However, although there were some exceptions, this oversight was generally insufficient. Service manager involvement was not evident in case records.

Inspectors found some strengths. Children facing the highest risks in Croydon are known and thresholds are understood. All cases seen during this visit showed that children were receiving a service appropriate to their level of need, including escalation to child protection plans and becoming looked after. Practitioners appropriately saw adolescents, including much older adolescents, as children in need of protection. Inspectors saw some positive examples of joint working, including work with the youth offending service and a good example of practice in a joint visit with a police child sexual exploitation officer.

The quality of practice is highly variable, with some work not fully focusing on the key risks. Even in stronger work, some key meetings did not take place. Dedicated strategy meetings are held regarding children who are at risk of child sexual exploitation or for children who are missing, but this practice is not consistent, regardless of the overall quality of the casework. Evidence of written risk assessments on files was variable. Senior managers need to ensure that they have a systematic process in place to consistently oversee and monitor the key meetings at which risk is considered for this group of children. The experience for some children had been negatively impacted by lack of suitable placement choice. Drift and delay were seen for some children, particularly in pathway planning.

Staff turnover and the high number of agency staff, currently at 41%, mean that some children have too many changes of social worker. This impacts on the development of a secure social work relationship, a potentially protective factor for this vulnerable group, although it is noted that continuity of social workers for children looked after is more stable. Newer staff, who were working hard to meet the needs of children and bring casework back on track, were being hampered at times by a legacy of previous poor practice. However, inspectors were consistently impressed with the quality of frontline practitioners. They displayed a good awareness of the needs of the children they worked with and a real commitment to ensuring that they engaged well with children. The adolescent team, which is growing in size, has a clear focus on considering history and being compassionate, while also being clear and firm about expectations, particularly when working with young people involved in criminal activity.

Services for children who go missing from home or care or those at risk of being sexually exploited are highly variable in quality. The MASE panel is not functioning effectively and examples were seen of actions not followed up and confusion among practitioners about the role of the panel and how it fits with other forums to consider similar risks. The local authority is aware of these concerns and the purpose of the

MASE panel is under review. Senior managers need to ensure that services for children do not deteriorate while the new process is being embedded.

The local authority now has a dedicated senior lead manager for targeted services, in response to the significant risks that exist for adolescents. In addition to this, services are being restructured to provide a coherent specialism and align support to youth offending, 'missing', child sexual exploitation, two specialised adolescent services and other aspects of high-risk, including female genital mutilation and radicalisation. This is underway, but not yet fully in place. It has enabled a closer focus on children who go missing, with a daily 'missing' meeting and a change to the process for offering return home interviews. There is an improving take-up of return home interviews, with a completion rate of 62% in February, but timeliness is poor, with only 36% of interviews undertaken within 72 hours. The local authority is currently instigating a process for conducting return home interviews for children who go missing and are placed at a distance, but this is not yet embedded. At this time, senior managers cannot be confident that each child is receiving an appropriate response when they go missing and work needs to continue in line with their improvement plan. However, we did see some good practice examples of return home interviews undertaken by social workers that were detailed, analytical, and clear on risks and actions.

Services are benefiting from the additional investment, with higher staff numbers and smaller teams of six practitioners. Caseloads generally are at a reasonable level within the services looked at during this monitoring visit, with social workers holding an average of 19 cases, although some workers did have slightly higher caseloads than this or felt that their workload was high due to the complex needs of the children.

In summary, senior leaders and managers have acted promptly to put in place effective means for improvement. They have progressed actions since the first monitoring visit and have a clear understanding of what they need to do to continue to improve. Positive steps include:

- the engagement with their improvement partner, with an agreed set of initial priorities
- significantly improved auditing processes that show an understanding of what good practice looks like
- an improved line of sight from senior managers, including direct involvement in auditing
- a number of home visits to children by the director of early help and children's social care
- commissioning an independent external review of assessment cases closed as 'no further action', and recommissioning further work following the first monitoring visit
- gaining a clear understanding of the weakest aspects of their service.

However, the impact on children still remains too variable and this is particularly relevant for vulnerable adolescents, where the risks are highest. The service for these children remains weak at this point of transition and development, with an urgent need for improved management oversight.

I am copying this letter to the Department for Education. This letter will be published on the Ofsted website.

Yours sincerely

Louise Hocking  
**Her Majesty's Inspector**

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# Agenda Item 9

For General Release

<b>REPORT TO:</b>	<b>CABINET – 11 JUNE 2018</b>
<b>SUBJECT:</b>	<b>CORPORATE PLAN PERFORMANCE – APRIL 2017 TO MARCH 2018</b>
<b>LEAD OFFICERS:</b>	<b>JO NEGRINI, CHIEF EXECUTIVE SARAH WARMAN, INTERIM DIRECTOR OF COMMISSIONING &amp; PROCUREMENT</b>
<b>CABINET MEMBERS:</b>	<b>COUNCILLOR TONY NEWMAN – LEADER OF THE COUNCIL COUNCILLOR ALISON BUTLER - DEPUTY LEADER (STATUTORY) - HOMES &amp; GATEWAY SERVICES COUNCILLOR STUART COLLINS - DEPUTY LEADER - CLEAN, GREEN CROYDON COUNCILLOR HAMIDA ALI - SAFER CROYDON &amp; COMMUNITIES COUNCILLOR JANE AVIS - FAMILIES, HEALTH &amp; SOCIAL CARE COUNCILLOR ALISA FLEMMING - CHILDREN YOUNG PEOPLE &amp; LEARNING COUNCILLOR SIMON HALL - FINANCE &amp; RESOURCES COUNCILLORS STUART KING &amp; PAUL SCOTT ( JOB-SHARE ) ENVIRONMENT, TRANSPORT &amp; REGENERATION COUNCILLOR OLIVER LEWIS - CULTURE, LEISURE &amp; SPORT COUNCILLOR MANJU SHAHUL-HAMEED - ECONOMY &amp; JOBS</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</b>	
<p>This report details the latest performance for the Corporate Plan 2015-18, Ambitious for Croydon performance framework, approved by Cabinet on 19 January 2015. These have set the strategic direction and priorities for the Council for the previous 4 years based on the priorities of our local residents. In addition, it also provided a borough-wide view of the performance in areas which are delivered by other public sector organisations and statutory partners, which provides an open and transparent</p>	

foundation for our residents to hold the Council and its partners accountable for the delivery of key outcomes.

This will be the final performance report against the current 2015-18 Corporate Plan as the Council is in the process of developing a new plan which will have a new performance framework to support its delivery. Performance against this new framework will be reported to Cabinet in the future, replacing this current performance framework. Further detail is set out in the Ambitious for Croydon 2018-22 report, which is being presented to Cabinet (Agenda item 5).

**FINANCIAL IMPACT** There is no financial impact arising directly from this report

**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

**Recommendations**

1. The Cabinet is recommended to:
  - 1.1 Review the performance for the period April 2017 to March 2018 as detailed at Appendix 1 and set out in paragraph 3.2.
  - 1.2 Note the achievements, progress, and work to date, as detailed in this report and Appendix 1.

**2. EXECUTIVE SUMMARY**

- 2.1 The purpose of this report is to review performance against the Corporate Plan 2015-18, for 2017-2018 to enable the Council and residents to track progress in a way that promotes openness, transparency and accountability.
- 2.2 The 20 key outcomes, detailed under 3.1 below, shaped the Corporate Plan 2015-18 and the three supporting strategies, Growth, Independence and Liveability.
- 2.3 **Appendix 1** details performance during the reported period. 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.
- 2.4 This report looks back on the final year of delivery of the Corporate Plan 2015-18, which is an appropriate point to reflect on the performance and achievements to date.
- 2.5 The Council has made significant progress in delivering the agreed outcomes against a backdrop of reductions in funding and increasing demand for

services. There is improvement and positive progress in performance in most areas within the plan, and there are a number of achievements set out in the report and in Appendix 1.

- 2.6 Key successes relate to employment, education, health and tackling homelessness, which are issues that the Opportunity and Fairness Commission identified as key priorities for Croydon residents. In addition, the Council has supported businesses to grow and ensure that all of our residents have the opportunity to benefit from the rewards of a regenerated Croydon.
- 2.7 The Council with its partners has put an emphasis on supporting young people, including investment into youth facilities, supporting effective schools and colleges and creating job opportunities in the borough. The borough has a large youth population and we have emphasised that regeneration and investment provides the best context for young people to live and grow in Croydon.
- 2.8 The Council has worked to strengthen local communities and build resilience. This is through a combination of activities including campaigns like “Don’t Mess with Croydon” that focuses on the public realm or “Choose your Future” that supports young people to make positive choices in their lives. We have put time and investment into our cultural offer and have also empowered communities through the community ward budgets and devolution pilots.
- 2.9 The successful work of Gateway has been our response to helping and supporting people facing financial challenges across benefits and housing needs. There has also been a focus on the support for the most vulnerable in our community through building a borough wide response to major issues such as domestic abuse and sexual violence and social isolation.
- 2.10 Appendix 1 sets out areas of challenge where further improvement and action is needed. This will be taken forward in 2018/19 and be included in the development of the new Corporate Plan 2018-22. Further information on the actions and way forward on the different outcomes is included in the Ambitious for Croydon report which is being presented to Cabinet on 11 June 2018 (Agenda item 5).

### **3. DETAIL**

#### **3.1.1 Measuring our success**

In order to ensure the key outcomes were achieved for residents and to shape the direction and structure of the Council’s work, three principal strategic priorities were adopted: creating growth in our economy; helping our residents to be as independent as possible; and creating a welcoming, pleasant place in which local people want to live.

- 3.1.2 In the context of a growing population with changing demographics, increasing demand, the strain of less resource and funding, and the challenging targets the Council has set itself, performance detailed within this

report shows a remarkable set of achievements in terms of the overall improvement in performance, the achievements made, and most importantly the outcomes delivered to our residents.

3.1.3 This final performance report looks at the latest available performance for the year to 31 March 2018. It is encouraging that there are no red areas within the 20 themes detailed below and 13 of the areas are rated as green.

### 3.2 Progress against key outcomes

The overall RAG status of each area showing progress against key outcomes is set out in the table below.

<b>GROWTH</b>	<b>INDEPENDENCE</b>	<b>LIVEABILITY</b>	<b>Enabling Core</b>
To create a place where people and businesses want to be (G)	To help families be resilient and able to maximise their life chances and independence (A)	To create a place that communities are proud of and want to look after as their neighbourhood (G)	To be innovative and enterprising in using available resources to change lives for the better (A)
To enable more local people to access a wider range of jobs (G)	To help people from all communities live longer, healthier lives through positive lifestyle choices (G)	To create a place where people feel safe and are safe <i>(measures currently being developed as part of Mayors Police &amp; Crime Plan)</i>	To drive fairness for all communities, people and places (G)
To enable people of all ages to reach their potential through access to quality schools and learning (G)	To protect children and vulnerable adults from harm and exploitation (A)	To build a place that is easy and safe for all to get to and move around in (G)	To be open and transparent and put communities at the heart of decision-making (A)
To grow a thriving and lively cultural offer which engages communities and supports regeneration	To help families and individuals be more financially resilient and live affordable lives (G)	To improve wellbeing across all communities through sport and physical activity (G)	To be digital by design in meeting the needs of local people (G)
To provide a decent, safe, affordable home for every local resident who needs one (G)	To prevent domestic and sexual violence where possible, support victims and hold perpetrators to account (G)	To make parks and open spaces a cultural resource (G)	To have the right people with the right skills in the right jobs

3.2.1 Whilst there are no measures within the framework showing the successful delivery of outcomes for the cultural offer, Croydon's cultural calendar is developing strongly with several successful large scale events in the last year: Pride, Croydon Mela, Dance Umbrella Croydon and the outdoor art exhibition Warhol Croydon – all attracting attendances in the thousands. The cultural partnership fund of £100,000 established in 2015 has levered in external funding of £640,000 in the first two years. The fund supports a range of cultural programmes and events in Croydon. Boxpark held 320 events, including over 800 Croydon locals showcasing performances. The programme attracted over 100,000 attendees and generated nearly 250 positive media articles.

The Museum of Croydon presented a range of exhibitions including two successful art exhibitions – The Art of Fairfield and Croydon School of Art 150<sup>th</sup> anniversary exhibition, two lottery funded exhibitions with external

partners, the Fairfield Collection and Gujerati Yatra as well as taking part in the 100 Banners led by Digital Drama commemorating the 100<sup>th</sup> anniversary of the vote for women.

- 3.2.2 As an employer, it is important that we have the right people, with the right skill in the right jobs. Whilst there are not any measures for this area, the council has made good progress. The Council is proud that 100% of its employees are paid the London Living Wage, and that we have obtained accreditation as a Flexible Working Borough, Timewise. Staff took part in the Stonewall Workplace Equality survey 2018, and jumped up 95 places in the Stonewall equality index. We also published the council's gender pay gap in line with the requirements and have continued to support and develop the staff network groups and targeted leadership programmes for women and BAME staff.

### 3.3 **Delivery for Croydon - Corporate Plan Promises**

An overview of the key achievements over the last 12 months are included below, under the three ambitions of Growth, Independence and Liveability and the Council's enabling function.

There are areas of challenge where further improvement and action is needed. These are outlined in Appendix 1 and will be taken forward in 2018/19 and be included in the development of the new Corporate Plan 2018-22. Further information on the actions and way forward on the different outcomes is included in the Ambitious for Croydon report which is being presented to Cabinet on 11 June 2018 (Agenda item 5).

#### 3.3.1 **GROWTH**

##### **Neighbourhoods, district centres, planning**

###### **Key achievements in the last 12 months**

- Following the Small Business Commission, the Council in partnership with Croydon Business Network launched an action plan to further support SMEs.
- The public realm development is nearing completion in Thornton Heath and South Norwood, and the construction is underway in New Addington to develop a new community and leisure centre along with new housing.
- Brick by Brick, the independent development company established by the council, remains on track to deliver approximately 1000 units of mixed tenure housing across approximately 50 council owned sites in the borough.
- District Centre Regeneration at Croydon is taking a total approach to place, with a holistic regeneration programme of investment and interventions being developed and the adoption of the recently developed Croydon Local Plan 2018 to support this.
- In October 2017, High Street Croydon became pedestrianised as part of a pilot to boost the night time economy and improve movement around the town centre.

- The Croydon's Legacy Youth Zone planning application was approved by the Council in October 2017, and work is now underway on a new state-of-the-art £6m OnSide Youth Zone.
- A series of infrastructure projects that will enable Croydon's growth zone to deliver a £5.25bn regeneration programme was presented at Cabinet in December 2017.
- Local businesses backed New Addington Business Improvement District (BID) for another five years in December 2017.

## **Jobs and the economy**

### **Key achievements in the last 12 months**

- The Croydon Partnership - Westfield and Hammerson redevelopment has been approved and will create around 7,000 new jobs for local people.
- 147 people have been successfully helped into work, 70 residents have been on training courses to develop new or existing skills and more than 1,000 people have engaged with over 120 local employers.
- Ruskin Square became home to the first HMRC regional centre in Croydon. It is the first of the government department's 13 new state-of-the-art regional centres to open. Other organisations with office space in Croydon include EDF Energy, The Body Shop and Superdrug.
- National Apprenticeship Week took place in March 2018 with the Council's apprenticeship programme beginning its second round of recruitment.
- A new skills academy which provides residents with the chance to undergo training and gain qualifications in construction was officially opened in New Addington in March 2018.
- The Croydon Works programme, our jobs brokerage scheme, has enabled over 500 people to secure employment.
- The Work and Health Programme went live on 1st March 2018 and aims to support 5,500 residents into employment across the sub region, who are long-term unemployed (2+ years), have a health condition or disability, or who are from a number of identified disadvantaged groups.

## **Education and learning**

### **Key achievements in the last 12 months**

- Almost 91% of Croydon's secondary age children attend either a good or outstanding school.
- Standards at the end of Key Stage 2 have been above the national average for the last two years.
- Croydon was one of the 10 most improved Local Authorities nationally for children's achievement in the phonics screening check.
- The £10m Heathfield Academy, in Aberdeen Road, opened in September 2017, admitting up to 60 pupils each year.

- Croydon Works' officially opened its new office to help job hunters seeking employment advice.
- More than 30 local businesses became accredited members of the council's Good Employer Charter Network, benefiting from a one-off business rate discount.
- The largest youth population in London elected the first Croydon Young Mayor in March 2018.
- Croydon's first teen takeover 'The Takeover Challenge' saw youngsters take over some of the town's top jobs for a day and was deemed a success by all involved.
- Red Gates School for pupils with severe learning difficulties has been rated 'good' by Ofsted and praised for the 'warm and nurturing relationships between staff and pupils' that 'underpin the good quality of teaching.
- CALAT has supported over 3,300 learners to develop skills across a broad curriculum, with a focus on employability skills, promoting health and wellbeing and targeting support to residents in areas of deprivation.

## Culture

### Key achievements in the last 12 months

- Croydon's Library Service was successfully brought in house following the liquidation of Carillion.
- The Cultural Partnership Fund in its second year levered in almost 4 times its value in external funding and supported projects such as the JamBox professional jam night launched in Boxpark in September 2017 featuring chart-topping singer-songwriter Emeli Sandé in mentoring role and Slide Dance Company to develop an ambitious full scale integrated performance piece.
- The Borough's second Pridfest took place in July in Queen's Gardens with audiences doubled on the event the previous year.
- Croydon's first International Mela took place in Wandle Park with audiences of around 6,000.
- The Croydon Warhol temporary exhibition of contemporary pieces inspired by Andy Warhol reached audiences of 8,000 in September.
- Museum visitor figures reached just over 33,000 – an increase of 28% on last year.

## Housing

### Key achievements in the last 12 months

- The number of households approaching the Council as homeless and the number of new homeless applications continue to fall, continuing the trend of the previous 6 month period.
- There has a reduction in the number of families with children in B&B for

more than 6 weeks. This fell from 37 to 3 households by the end of March 2018.

- There was also a reduction in the number of people in nightly charged accommodation (emergency accommodation) from 824 to 626. This represents 175 fewer households than April 2017.
- Croydon Choice – the council’s choice based lettings service has been live for almost a year. Around 300 homes have been let, attracting a total of 58,451 bids from registered applicants.
- We have been successful in bringing 105 empty properties back into use in 2017/18 that have been used to move families out of bed and breakfast accommodation. This is an increase on the previous year t of 87 properties.
- In October, Croydon was the first council since the Grenfell fire to start retrofitting sprinklers. Sprinklers are now installed in around 380 council flats (to date) under Croydon’s fire safety upgrade programme launched in response to the Grenfell Tower tragedy.
- Invested a further £15million in Real Lettings Property Fund that has seen 46 households housed into affordable new homes.
- A new charitable registered provider Croydon Affordable Homes has been set up to house people at affordable rents.
- Purchased 40 properties to get homeless families out of expensive temporary accommodation.
- Since the implementation of the borough-wide selective licensing scheme in October 2015, we have received 32,115 applications for licences. Applications are still being received at the rate of 200-250 per month.
- The homelessness prevention trailblazer, working closely with DWP, has been a success. This proactively manages the impact of new welfare and benefit changes on customers and helps to prevent homelessness.
- The Local Family Offer which adopts a targeted approach towards families at risk of financial and housing instability and working with families in a coordinated way to achieve positive outcomes.

### 3.3.2 INDEPENDENCE

#### Early interventions

##### Key achievements in the last 12 months

- The signing of the 9 year One Croydon Alliance agreement which brings health (including GPs), social care, and voluntary and community sector provision together to work as a whole system to deliver affordable high quality health and care outcomes for our residents.
- The Alliance new care models Living Independently For Everyone (LIFE) and the Integrated Care Networks contributed significantly to ensuring resilience in the system over the winter by avoiding unnecessary hospital admissions and enabling our residents to leave hospital earlier.
- Croydon Council’s ‘shared lives’ programme, helping people with



learning disabilities to live independent lives in the community, continues to grow and was recently rated 'Excellent' by CQC.

- Kitchen Social Hubs provide free meals in the holidays and encourage cooking and eating in a family setting.
- The community meals project launched in August 2017 is starting to take referrals from meals on wheels drivers to support older isolated people.
- Careline services continues to provide an effective 24 hour response service into people's homes enabling people to continue to live independently in their own homes.
- Community Connect extends the Gateway approach out into the community and provides solutions for the most vulnerable residents in New Addington and Fieldway.

## Health

### Key achievements in the last 12 months

- Croydon Council's leisure centres offered free summer swimming for under-16s.
- The Council's performance in enabling older people leaving hospital to remain at home is now well above target and exceeds the London and England averages.
- As part of the Live Well Programme, there have been 8,000 users of the JustBe Croydon website and over 300 residents have been seen by Live Well Advisors across the borough.
- Future for Us Community hub, West Croydon's monthly meeting place run by and for adults with learning disabilities, their friends and supporters started in September 2017.
- Stoptober began in October 2017 to help residents to get help to quit smoking and feel healthier, save cash, and protect family and friends from harmful second-hand smoke.
- Sugar Smart campaign that aims to help residents become more aware of the adverse health risks of consuming too much sugar is underway aimed at promoting healthier, lower-sugar food and drink choices across the borough.

## Safeguarding

### Key achievements in the last 12 months

#### Children's

- Following the Ofsted inspection a Children's Improvement Plan was approved by cabinet and submitted to the DfE and Ofsted in December 2017.
- A multi-agency Children's Improvement Board, with an independent Chair is in place, to provide challenge and oversight of improvement.
- A new strengths-based social work practice model has been rolled out

across the service and communicated to partners through a launch event.

- There has been improvements in responses to children who go missing from home or care (for example, more return home interview are being offered and accepted).

### **Adults**

- The implementation of the Safeguarding Triage process in adult's social care to ensure that safeguarding resources are focused on the more serious cases.
- The ongoing review and improvement of how S42 Safeguarding Enquiries (investigations) are undertaken in adult's social care.
- Continued focus on Making Safeguarding Personal (MSP), a key part of the Care Act, ensuring that the voice of the person is at the centre of all safeguarding enquiries.
- A joint strategy to improve support for the borough's carers has been developed by Croydon Council, the local NHS, residents and community groups.

### **Tackling the cost of living**

#### **Key achievements in the last 12 months**

- In 2017/2018, over 5,000 households (including 440 care leavers) have been supported to maximise their income, which equates to over £6.6m extra monies for these households in the year.
- Nearly 2,000 residents have been assisted with discretionary support, which has aided homelessness prevention and helped where needed with access to food and utility vouchers.
- Over 400 staff in Gateway, Housing and Resources have been trained to provide budgeting support to residents.
- 1,000 residents have attended various workshops across the borough offering employment, budgeting, and debt and housing options advice.
- In the first seven months of 2017/2018, 3,304 residents in receipt of Universal Credit have been supported with personal budgeting support and have been assisted digitally. In 2016/2017, the number for the whole year was 2,200 residents.
- Croydon Council/Go on Croydon has promoted financial resilience and digital inclusion to community groups, creating 21 digital zones across the borough where residents have benefited from basic digital skills and training.
- Membership of Croydon's Credit Union has increased to over 5,471.

## **Domestic abuse & sexual violence and sexual exploitation**

### **Key achievements in the last 12 months**

- External funding of £260,000 was secured to strengthen domestic abuse service provision in the three London Boroughs of Croydon, Bromley and Bexley between 2016 and 2018.
- Referrals to Multi-Agency Risk Assessment Conference continue to rise, implying greater identification of victims of DASV at high risk of harm.
- Croydon was successful in bidding to become the London Pilot site for the Drive programme. This is a national initiative that aims to disrupt the perpetrators of Domestic Violence and will the project will commence in Croydon during Q2 2018/19.
- The Family Justice Centre has set up a volunteer programme to support those experiencing domestic abuse by reducing the feelings of isolation and to encourage links with other organisations and agencies. This has exceeded its targets with 25 volunteers currently trained and 20 awaiting to be trained following 275 expressions of interest to be part of the project.
- The annual White Ribbon Day took place on 25 November 2017 with Croydon working with the White Ribbon charity and championing its work to tackle domestic abuse and sexual violence (DASV).
- Over the past year work has continued to identify and protect children and young people at risk of child sexual exploitation (CSE) and bring perpetrators to justice, this includes;
- Bringing the multiple teams that support vulnerable adolescents (including those at risk of CSE, going missing or criminal exploitation) together as one service, under a single Head of Targeted Services.
- Launching new risk assessment, screening and safety planning tools for adolescents, including those at risk from sexual exploitation which are being integrated into the recording system (CRS).
- Working with local partners, a member of the national working group on CSE and Camden Council to strengthen the multi-agency sexual exploitation (MASE) panel.

### **3.3.3 LIVEABILITY**

#### **Cleaner and Greener**

### **Key achievements in the last 12 months**

- A year-round green garden waste service and a free doorstep Christmas tree recycling collection are on offer under a new contract with the borough's main contractor.
- The team of dedicated Street Champions continues to grow, with numbers now over 330.
- Over 200 offenders have been successfully prosecuted under its 'Don't Mess with Croydon' clampdown.

- Cut-price electric vans were offered by the council to local firms as part of a scheme to improve the borough's air quality.
- New Addington and East Croydon became the latest areas to get street vacuums as part of an ongoing £1.3m council investment in new cleaning equipment.
- In February 2018, the council started to plant 700 extra trees on the borough's streets. This is the start of annual planting until 2023 as part of a drive to improve local air quality, particularly in the central and northern wards around the borough.

### **Policing and crime**

Since the Mayor of London published a new Police and Crime Plan in March 2017, the Mayor's Office for Policing and Crime (MOPAC) crime indicators are no longer active and have been removed from this report.

### **Key achievements in the last 12 months**

- 145 local businesses have signed up to the Responsible Knife Retailer Agreement.
- 50 Test purchases of knives from retail stores and 10 training sessions for retailers.
- Croydon united facilitated a three-week programme throughout February and March 2018 to raise awareness of knife crime and the impact it has on the community.
- Engagement and support of 25 Young People in the Town Centre every week.
- Gang's prevention worker to support and divert those young people vulnerable to becoming victims of SYV or gang members.
- Victim Support School Outreach project to support young people in learning safety skills and reduce the risk of harm.
- Funds were made available to recruit 20 additional enforcement officers to boost the current 40-strong enforcement service which increases public confidence and community engagement, reduces fear of crime, prevents and deals with antisocial behaviour and protects the quality of the local environment.
- Introduced Croydon's first Public Space Protection Order (PSPO) in the town centre to tackle street drinking and antisocial behaviour.

### **Roads transport streets.**

### **Key achievements in the last 12 months**

- The opening of the new bus station at West Croydon has increased capacity by 21% and can accommodate 23,000 passengers a day.
- The street lighting replacement programme is complete, with the installation of 23,630 streetlights that are modern and cost-efficient and make our roads brighter and safer.

- Winning the Public Sector Award at the Urban Design Awards for the Council's Connected Croydon programme.
- Extending the 20mph limit across north-east Croydon and approving the extension to all parts of the borough increasing cycle safety.

## **Sport**

### **Key achievements in the last 12 months**

- Throughout the summer, free swimming was available to children under 16 years of age at all the Croydon leisure centres.
- 'Walking for Health' Croydon's healthy walking scheme, was shortlisted for a Team London award in the sports and healthy living category.
- The new BMX track in Norbury Park was developed.
- Major investment into Croydon's council-owned leisure facilities with 20-year contract with the UK's leading leisure charitable social enterprise, GLL.
- Redevelopment plans for the main stand at Crystal Palace Football Club are approved and will see the 'Main Stand' extended to increase the stadium's current capacity of 26,000 to more than 34,000.

## **Parks and open spaces**

### **Key achievements in the last 12 months**

- Over 5,000 volunteer days were spent on positive and practical action in parks.
- The new BMX track has been built in Norbury Park, provided by the council using money from private housing developments.
- The ancient Great North Wood that gave its name to Croydon's Norwood wards was partially revived with a £700,000 grant from the Heritage Lottery Fund.
- For the second consecutive year, Love Lane in Woodside has been named London's Play Street of the Year, the capital's best street for children to play safely outside.
- Croydon's Youth Offending Service (YOS) worked with Wandle Arts Regeneration Programme to create a three-metre totem pole which was placed in Wandle Park in March 2018.

### **3.3.4 ENABLING**

#### **Finance**

The Council achieved strong financial performance on the key indicators, particularly given the challenging financial environment for the whole of local government.

The in-year collection rates for Council Tax and Business Rates were the highest ever achieved by the Council and the Council's transformation programmes continue to deliver savings.

#### **Key achievements in the last 12 months**

- Improved council tax collection.
- Improved business rates collection.
- Reduction in the cost of the council office space (main corporate offices).
- Leasing of additional office space in Bernard Weatherill House.

#### **Fairness and equality**

#### **Key achievements in the last 12 months**

- The Council took part in the Stonewall Workplace Equality survey 2018, and jumped up 95 places in the Stonewall equality index.
- The Council obtained accreditation as a Flexible Working Borough.
- We held a "We Stand Together" community event to support communities impacted by hate crime and explore issues that face different communities within Croydon.
- Croydon celebrated Black History Month with a special launch event in October 2017 in the Croydon Town Hall.
- Recruitment fair for jobseekers with disabilities was held by local businesses to attract applicants with disabilities in October 2017 at Croydon College.
- A Croydon Council-funded course that helps disabled entrepreneurs launch their own businesses celebrated its first graduations in December 2017.
- In March 2018, the Museum of Croydon and the local community showcased their craft skills in a London-wide project celebrating 100 years of votes for women.

#### **Open and accountable, Digital and enabling**

#### **Key achievements in the last 12 months**

- The council received the Local Government Chronicle award after adopting a range of technologies that have made it easier for local residents to access services online.
- Over half the population of the borough, 180,000 people have now registered online for My Account to enable them to quickly and easily make payments and order services without constantly re-entering personal information.
- The Digital Inclusion model has provided digital skills support, increased digital confidence in over 65's by 42%, increased the number of people

with basic digital skills by 12.9% and increased digital confidence with 70% of small businesses.

- Croydon Adult Learning & Training (CALAT) adult learners are set to benefit from the latest technology, with funding from Croydon Council and the Mayor of London, to upgrade ICT equipment and Wi-Fi access right across its curriculum network, enabling tutors to embed ICT skills and electronic learning into all courses.
- Increased number of transaction completed through My Account.

#### **4. CONSULTATION**

- 4.1 No consultation is required.

#### **5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 5.1 There are no financial considerations arising directly from this report; however, attention should be drawn to 3.3.1 and 3.3.2 of this report where areas of high demand are creating pressure on services. With the population expected to grow in these areas, there could be future financial implications and risk to services.

(Approved by: Lisa Taylor Director of Finance Investment and Risk, May 2018)

#### **6. COMMENTS OF THE BOROUGH SOLICITOR AND MONITORING OFFICER**

- 6.1 The Solicitor to the Council comments that there are no legal considerations arising directly from the recommendations in this report.

(Approved by: Jacqueline Harris Baker Director of Law and Monitoring Officer, May 2018)

#### **7. HUMAN RESOURCES IMPACT**

- 7.1 Each project within the AfC portfolio is, and continues to have, its HR considerations individually advised and appraised. There are no other immediate HR considerations that arise from the outcome of this report.

(Approved by: Sue Moorman, Director of Human Resources 23 May 2018)

#### **8. EQUALITIES IMPACT**

- 8.1 One of the key Ambitious for Croydon outcomes is to “drive fairness for all

local people, communities and places". To support this, the performance framework has been designed to measure the disparities in outcomes and opportunities across the borough.

- 8.2 A suite of fairness and inclusion performance measures based on the Council's statutory equality objectives, were developed in the light of the OFC's report. They include measurements of the "gap" in terms of access to employment and housing, homelessness, child poverty, educational attainment, community safety, social isolation and life expectancy.

## **9. ENVIRONMENTAL IMPACT**

- 9.1 There is no environmental impact arising directly from this report; however, the Ambitious for Croydon outcomes reflect the Council's aspirations to create a place that communities are proud of, and in which people and businesses want to be.

## **10. CRIME AND DISORDER REDUCTION IMPACT**

- 10.1 There is no specific crime and disorder impact arising from this report; however, the administration makes a commitment to ensure that local people are safe, and feel safe.

## **11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

- 11.1 This performance report will enable the Council and our residents to track progress and success and enable residents to hold the Council and its partners accountable for the delivery of key outcomes ensuring the best possible outcomes for our residents.

## **12. OPTIONS CONSIDERED AND REJECTED**

- 12.1 Not applicable

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**CONTACT OFFICER:** Sarah Warman, Interim Director of Commissioning and Procurement

### **APPENDICES TO THIS REPORT:**

Appendix 1 – Performance for 1 April 2017 to 31 March 2018 Corporate Plan performance framework, Ambitious for Croydon

### **BACKGROUN DOCUMENTS:**

Corporate Plan 2015-18: <https://www.croydon.gov.uk/democracy/dande/policies/corpplans/>



# Ambitious for Croydon

## **Appendix 1**

**Corporate plan 2015-18  
Performance framework summary report  
Year end 2017/2018**

## Key outcomes – measuring performance

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## GROWTH – Neighbourhoods, District Centres, planning

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To create a place where people & businesses want to be	The number of small and medium business enterprises (SME's)	13,880 (2013/14) (G)	14,000	14,790	(G)	No comparative data available
	Occupation rates - Office	60% (Dec 2016) (A)	88% by 2021	64% (Dec.2017)	(A)	NA
	Occupation rates - Retail	93% (Dec 2016) (G)	Improve / maintain	89% (Dec. 2017)	(A)	NA
	The number of apprenticeship participants (starts) within the borough	2,510 (2015/16) (G)	2,750	2,330 (2016/17)	(A)	Total number of apprenticeship framework achievements (2016/17) London 42,490 England 489,150

## GROWTH – Jobs and the economy

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To enable more local people to access a wider range of jobs	% of young people 16-17 years Not in Education, Employment or Training (NEET)	2.0% (G)	2.8%	2.5% Known 4.5% not known	(G)	London 1.9% England 2.8% (NCCIS data March 2018)
	The volume M2 of new Grade A commercial space delivered within the borough	20,640m2 (G)	95,000m2 net additional space (2011 - 2031)	37,754m2 (gross)	(G)	No comparative data available

	% employment rate <i>Data source Nomis Annual Population Survey data has been reweighted in line with the latest ONS estimates</i>	77% (Sept. 2017) (G)	77.3%	74.1%	(A)	London – 74% England – 74.9% (Dec 2017) (G)
	% unemployment rate <i>Data source Nomis Annual Population Survey data has been reweighted in line with the latest ONS estimates</i>	6.6% (Year to Sept. 2017)	5.5%	8.0% (Year to Dec 2017)	(R)	London – 5.4% England – 4.5% (Dec 2017)

## GROWTH – Education and Learning

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To enable people of all ages to reach their potential through access to quality schools and learning	Percentage of children at the end of reception year who are judged to be at a good level of development	70.4% (Aug-2016) (G)	71.2%	73.4% (Aug-2017)	(G)	London 73% England 70.7% (End 2016-17 Academic Year)
	% Parents offered one of their top 3 school choices (Primary)	96% (2016/17 entry) (G)	96% (2016/17 entry)	97.7% (For September 2016/17 entry)	(G)	London 95.7% England 97.2% (End 2016-17 Academic Year)
	% Parents offered one of their top 3 school choices (Secondary)	89% (2015/16 entry) (G)	89% (2016/17 entry)	88.7% (For September 2016/17 entry)	(G)	London 88.7% England 96.1% (End 2016-17 Academic Year)
	Educational attainment by the age of 19 at Level 2	88.6% (2014/15 Academic) (G)	86% (2015/16 academic)	87% (2015/16 academic)	(G)	London 87.6% England 85.3% N.B (End 2015-16 Academic year)

Educational attainment by the age of 19 at Level 3	64.4% (2014/15 Academic) (G)	64.9% (2015/16 academic)	64.6% (2015/16 academic)	(G)	London 65.4% England 57.1% N.B (End 2015-16 Academic year)
% of all primary schools given overall effectiveness rating of good or outstanding by OfSTED at most recent inspection	91% (Sept.2015) (A)	92%	83.1%	(A)	London 93% England 90%
% of all secondary schools given overall effectiveness rating of good or outstanding by OfSTED at the most recent inspection.	71.4% (June 2015) (R)	82%	90%	(G)	London 90% England 79% (Current 2017-18 Academic Year)
% of Pupil Referral Units (PRU) given overall effectiveness rating of good or outstanding by Ofsted at the most recent inspection	100% (March 2015) There were no inspections during 2015/16	100%	No inspections during 2016-17 & 2017-18 to date	N/A	London 94% England 88% (Current 2017-18 Academic Year)
% of Special schools given overall effectiveness rating of good or outstanding by Ofsted at the most recent inspection	100% (March 2015) There were no inspections during 2015/16	100%	No inspections during 2016-17 & 2017-18 to date	N/A	London 95% England 94% (Current 2017-18 Academic Year)
KS2 reading, writing and maths to expected standard	54% (2015/16)	Improve / sustain	64% (2016/17)	(G)	London 67% England 62% Quartile B (End 2016/17 Academic Year)
Attainment 8 - showing pupils' average achievement in the same suite of subjects as the Progress 8 measure.	48.5 (2015/16)	Improve / sustain	45% (2016/17)	(A)	London 48.9 England 44.6 Quartile C (End 2016/17 Academic Year)

	<p>Progress 8 - aims to capture the progress a pupil makes from the end of primary school to the end of secondary school</p> <p><i>A progress 8 score of above 0 means the LA is above the national average. <b>Croydon average progress 8 score is</b></i></p>	<p>0.08 (2015/16)</p>	<p>Improve / sustain</p>	<p>0.06 (2016/17)</p>	<p>(A) A progress score of above 0 means the LA is above national average</p>	<p>London 0.22 England 0 (End 2016/17 Academic Year)</p>
	<p>English and Mathematics – the percentage of pupils achieving a C grade or better in both English (either Language or Literature) and Mathematics.</p> <p><b>Please note – This indicator changed in 2017 from reporting 9-4 grades to 9-5 grades</b></p>	<p>40.1% (2016/17)</p>	<p>Improve / sustain</p>	<p>40.6% (2017/2018)</p>	<p>(G)</p>	<p>London 48.2% England 39.6% (End 2016/17 Academic Year)</p>

## GROWTH - Culture

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To grow a thriving and lively cultural offer which engages communities & supports regeneration	<p>Number of tourism day visits to Croydon (3 year average)</p> <p><i>(The Great Britain Tourism Survey has changed the way it reports this measures from previous years)</i></p>	<p>8.22 million (2013-15)</p>	<p>NA</p>	<p>12.5 million (2014-16)</p>	<p>NA The margin of error for these estimates is +/-25% so this means that the change has not been significant.</p>	<p>No comparative data available</p>

## GROWTH - Housing

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18	RAG at March 2018	Latest comparative data
To provide a decent, safe & affordable home for every local resident who needs one	The number of households accepted as homeless under the Housing Act	1,042 cases (R)	950 cases	749 cases	(G)	No comparable data available
	Number of homeless households living in bed & breakfast and self-contained temporary accommodation.	853 (R)	750 cases	650 cases	(G)	No comparable data available
	Number of households with dependent children and/or pregnant woman with no other dependents in bed and breakfast for 6 weeks or longer	37 (G)	< 60 cases	3 cases	(G)	No comparable data available
	Number of market homes enabled (for sale or rent)	2,521 (G)	920	1,004	(G)	No comparable data available
	Affordable Housing – the number of affordable homes completed (gross)	334 (A)	495	118	(R)	No comparable data
	The percentage of private rental housing stock licensed through the selective licensing scheme (launched in Oct. 2015)	88% (A)	93%	97%	(G)	No comparable data
	The number of empty properties returned to use	87 (R)	100	105	(G)	No comparable data

## INDEPENDENCE – Early interventions

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To help families be healthy and resilient and able to maximise their life chances and independence	The number of families for whom a Troubled Families Outcome payment is achieved	453 (In-year) (A)	768	404 (In-year)	(R)	No comparative data available
	Conception rate per 1,000 girls (aged 15-17 years) rolling average	24.1 (rolling annual rate Dec. 2015) (G)	27.6	25.0 (rolling annual rate December 2016)	(G)	London 17.1 England 18.8 (R)
	The percentage of carers who reported that they have as much social contact as they would like	31.7% (July 2015) (No target set, London average 35.6%)	35.5%	27.3% (2016/17)	(R)	London (2016/17) 35.6% England (2016/17) 35.5% (R)
	The percentage of service users who use services who find it easy to find information about support	68% (2015/16) (A)	72%	70.3% (2016/17)	(A)	London 71.4% England 73.5% 2016/17 (A)
	The percentage of carers who use services who find it easy to find information about support	60% (2014-15) (A)	62%	60.9% (2016/17)	(A)	London 58.6% England 64.2% 2016/17 (G)
	The percentage of people who use services who reported that they have as much social contact as they would like	42% (2015/16) (A)	43%	42.1 (2016/17)	(A)	London 41. % England 45.2% (2016/17) (G)
	Percentage of three and four year olds accessing funded early education	86% (March 2016) (A)	90%	84% (latest take up figures published June 2017)	(A)	London 84% England 95% (January 2017) (G)



	Percentage of eligible two year olds accessing funded early education  (note an overstatement since the denominator does not include those eligible through universal credit)	77% (March 2017) (G)	80%	99%	(G)	London 71% England 58% (January 2017)
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## INDEPENDENCE – Health

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To help people from all communities live longer healthy lives through positive life choices	The estimated % of smoking tobacco prevalence – adults over 18	17.9% (2015) (R)	17%	13.2% (2016)	(G)	London 15.2% England 15.5% (2016) (G)
	Life satisfaction – average score out of 10 in response to the question, overall how satisfied are you with your life nowadays?	7.45 (2015) (G)	Aim to maintain or improve on previous outturn	7.68 average score out of 10 (2016/2017)	(G)	London 7.54 England 7.68 (2016) (G)
	Wellbeing – average score out of 10 to the question, overall to what extent do you feel the things you do in life are worthwhile?	7.73 (2015) (G)	Aim to maintain or improve on previous outturn	7.86 average score out of 10 (2016-2017)	(G)	London 7.74 England 7.86 (2016) (G)
	Happiness – average score out of 10 to the question, overall how happy did you feel yesterday?	7.24 (2015/16) (A)	Aim to maintain or improve on previous outturn	7.61 average score out of 10 (2016/2017)	(G)	London 7.46 England 7.51 (2016) (G)
	Anxiety – average score out of 10 to the question, overall how anxious did you feel yesterday?	3.12 (2015) (G)	Aim to maintain or improve on previous outturn	3.03 average out of 10 (2016/2017)	(G)	London 3.12 England 2.91 (2016) (G)
	Percentage of children in Reception (aged 4-5) who are classified as overweight or obese	21.51 (2015/16) (A)	23%	23.7% (academic year 2016/2017)	(A)	London 22.3% (A)

Percentage of children in Year 6 (aged 10-11) classified as overweight or obese	38.92 (2015/16) (A)	37.6%	37.7% (academic year 2016/2017)	(G)	London 38.5% (G)
Persons presenting with late diagnosed HIV (infected adults)	53.8% (2013-15) (R)	50%	48.7% (2014 -2016)	(G)	London 33.7% England 40.1% (2014-16)(R)
Proportion of people who use services who have control over their daily life	70% (2015/16) (A)	71%	76% (2016/17)	(G)	London 72.6% England 77.6% (2016/17) (G)
% of older people discharged from hospital to their own home achieving independence	91.8% (G)	92%	97.9%	(G)	London 85.4% England 82.7% (2015/16) (G)
Life expectancy from birth – Men	80.4 years (2013-15) (G)	Aim to maintain or improve on previous outturn	80.3 years (2014-2016)	(G)	London (2014-16) Male 80.4 England (2014-16) Male 79.5 (G)
Life expectancy from birth – Women	83.4 years (2013-15) (G)	Aim to maintain or improve on previous outturn	83.6 years (2014-2016)	(G)	London (2014-16) Female 84.2 England (2014-16) Female 83.1 (G)
Vaccination rate (MMR2) for children at 5 years old	73.6% (Q3 2016/17) (R)	90% (national target)	71.0% (2017/2018 Q3)	(R)	London: 77.1% (2017/18 Q3) (A)
Alcohol related hospital admissions (rate per 100,000 population (broad)	523 (2015/16) (A)	520.2	492	(G)	London – 529 (2015/16) England – 636 (2015/16) (G)
The proportion of adults classified as overweight or obese (Sport England measure)	65.4% (2015/2016) (A)	Aim to maintain or improve on previous outturn	59% (2016/2017)	(G)	London 55.2% (A)

	Under 75 mortality rate from cardiovascular diseases considered preventable (persons)	48.4 (2013-2015) (G)	53.9	44 (2014-2016)	(G)	London 46.2 England 46.7 (G)
	The proportion of people who complete psychological therapies (IAPT) who are moving to recovery	49% (2016/17 Q3) (A)	50% National target	48% (2017/18 Q3)	(A)	England – 50% (2017/18 Q3) (A)

## NDEPENDENCE – Safeguarding

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To protect children & vulnerable adults from harm and exploitation	Acceptable waiting times for adult social care assessments: For new clients, the percentage from where the time from first contact to completion of assessment is less than 35 days	88.3% (G)	85%	77.2% (provisional)	(A)	Local measure – no comparable data available
	Percentage of concluded adult safeguarding investigations where action resulted in risk reduction or removal	88.8% (G)	91%	94.9%	(G)	London – 91% England – 89.4% (2015/16)
	% of Child and Family assessments carried out within required timescales (45 days)	77.7% (A)	85%	74.1%	(R)	Local measure – no comparable data available
	Average time between a child entering care and moving in with adoptive family (days)	395 days (G)	558 days	384 (YTD)	(G)	England average: 558 days (March 2012-16 adoption scorecard)

1) The total number of Looked After Children (LAC) cases per 10,000 children within the borough (Local + UASC)	86 (A)	Not appropriate to set a target	85 (47.3 local, 36.4 UASC)	N/A	England 62 (2015/16)
1a) The number of Looked After Children (LAC) cases per 10,000 children within the borough <b>Local</b>		Not appropriate to set a target	51.8 (Local)	N/A	England 46.7 (2016/17)
The number of Child Protection Plan (CPP) cases per 10,000 children within the borough	39	Not appropriate to set a target	60.1 As at 31 March	NA	England 43.3 (2016/17)
Education, Health and Care (EHC) plan issued within 26 week timescale	100%	100%	100%	(G)	London 53% England 56% (G) Quartile A (Placed at Jan 2017)
Stability of % of children looked after (living with a family for two out of the last two and a half years)	71% (R)	75%	73%	(A)	England average 68% (G)

## INDEPENDENCE – Tackling the cost of living

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To help families and individuals to be more financially	Percentage of Job seekers allowance claimants (as a proportion of the resident population aged 16-64 - working age population)	2% (2016) (A)	2%	0.6% (2017)	(G)	London average 1.4% 2016/17 Croydon average 1% 2016/17 (G)
	The percentage of households in Croydon receiving Council tax support	18.97% (G)	18%	18.61%	(A)	Local measure - no comparable data available

resilient and live affordable lives	Number of households engaged with welfare teams who are being provided with debt / budgetary advice	8194 (G)	15,300	17,459	(G)	Local measure - no comparable data available
	Rate of child poverty (the proportion of children aged under 16 living in low income families) <i>Data source HMRC, August 2015 data expected Spring 2018</i>	22.5% (Aug. 2014) (A)	23%	17.6% (Aug. 2015)	(G)	London average 18.6% England average 16.8% (G)
	% of people working for the council who are paid the London Living Wage	100% (G)	100%	100%	(G)	Local measure - no comparable data available
	Affordability of private rent – median monthly private sector rent as a percentage of the median gross monthly salary	52.5% (Sept 2016)	N/A	51.07% (Sept 2017)	N/A	Of the London boroughs (2015) Lowest 42.1% (Havering) Highest 89.1% (Westminster)

## INDEPENDENCE – Domestic violence and sexual exploitation

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To prevent domestic and sexual violence where possible support victims and hold perpetrators to account	Percentage of domestic violence sanction detections	30.58%	No target set (police measure)	29.0%	NA	No comparable data available
	Number of cases of domestic abuse referred to the Multi Agency Risk Assessment Conference (MARAC)	578	500 annual	561	(G)	No comparable data available

## LIVEABILITY – Cleaner and greener

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To create a place that communities are proud of and want to look after as their neighbourhood	The percentage of household waste arising which have been sent by the Authority for reuse, recycling, composting or treatment by anaerobic digestion.	38.6% (R)	40%	37.8% (Dec.2017)	(A)	London 33.8% England 42.3% 2016/17 provisional (not all boroughs have submitted final year returns)
	The percentage of fly-tips removed within the specified time frame (48 hours)	82.54% (G)	80%	80.61%	(G)	No comparable data available
	The number of fixed penalty notices issued by the council for incorrect disposal of rubbish	845 (R)	1,000 annual	1,008	(G)	No comparable data available

## LIVEABILITY – Policing and crime

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To create a place where people feel safe and are safe	Incidence of antisocial behaviour	9,404 (12 month rolling to March 2017)	N/A	7,394 (12 month rolling to March 2018)	N/A	No comparative data available

## LIVEABILITY – Roads, transport and streets

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To build a place that is easy and safe for all to get to and move around in	Road Casualties (3 year rolling average)	1,084 (2013-15) (A)	1058	1,088 (2014-2016)	(A)	No comparable data available
	Percentage of the local authority's principal roads (A-road and M-road network) where maintenance should be considered	6% (2015/16) (A)	5%	6%	(A)	London 5% (A)
	Percentage of the local authority's principal roads (B-road and C-road network) where maintenance should be considered	3% (2015/16) (G)	3%	3%	(G)	
	Number of linear metres of cycle lane implemented during the year (including new & upgraded on-carriageway routes and new greenway/quiet ways)	1,964 (R)	5,350 Annual	7,420 (Year to Mar 2018)	(G)	No comparable data available
	Percentage of borough roads (% of total road length) where 20mph limits have been introduced	40% (March 2017) (G)	80% annual delivery across 2016-18	80% (March 2018)	(G)	No comparable data available
	The % of street lights currently in light	99.68% (G)	99%	99.64%	(G)	No comparable data available
	New m <sup>2</sup> of road resurfaced during the year	182,509m <sup>2</sup> (G)	140,000m <sup>2</sup> annual	94,612m <sup>2</sup>	(R)	No comparable data available
	Proportion of journeys starting in Croydon made by sustainable means (walking or cycling)	29% (A) (2011/12 - 2013/14)	Maintain / Improve	26% (2013/14 - 2015/16)	(A)	Outer London average - 29% London average - 35%

## LIVEABILITY - sport

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To improve wellbeing across all communities through sport and physical activity	Number of people participating in sports and leisure activities at Leisure centres (all groups)	964,405 (G)	627,500 (Dec 2017) 850,000 Annual	680,342 (Dec. 2017)	(G)	No comparable data available
	% Adults (aged 16+) participating in sport & active recreation for at least 30 minutes in the previous 28 days	34.2% (2014/15)	Aim to maintain / improve on previous year (Sport England do not set a target for this measure)	34.7% (2015/2016)	(G)	Regional 38% National 35.8% (A)
	Number of community sports clubs <i>Previous data source is no longer available. The latest figure comes from a database supplied by London Sport. This service can only report from the data it has access to hence the large drop in numbers.</i>	305 (G)	Maintain / Improve	132	NA – different data set used	No comparable data available

## LIVEABILITY – Parks and open spaces

Outcomes	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To make parks & open spaces a cultural resource	Number of events held in parks (including community, charity & commercial)	106 (G)	90 annual	145	(G)	No comparable data available
	Positive and practical action in parks – number of volunteer days	5400 days (G)	5,400 days	6,000 days	(G)	No comparable data available



## ENABLING CORE – Finance

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
To be innovative and enterprising in using available resources to change lives for the better	Variance from Revenue Budget after recovery plans (£M)	£0.05m Underspend (G)	1% (either way)	£5.032m overspend	(R)	No comparable data available
	% Council tax collected (in year)	96.85% (G)	97% annual	97.08%	(G)	No comparable data available
	% Non-domestic rates collected (NNDR in year)	99.10% (G)	98.75% annual	99.17%	(G)	No comparable data available
	Percentage of agency staff workers covering permanent roles	10.06% (12 month average) (A)	10%	12.95%	(R)	No comparable data available
	Progress with Corporate Plan Outcomes 2015/18 (success of performance measures)	Met – 60% Almost met – 34% (A)	Outcomes delivered by 2018	Met – 66% Almost met – 24%	(A)	No comparable data available
	Net cost per m2 of Council asset base (main corporate offices)	£177 (G)	£141	£111	(G)	No comparable data available
	Cash collection rate for housing rent	97.45% (A)	98.5%	96.5%	(A)	No comparable data available

## ENABLING CORE – Fairness and equality

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18 (latest available)	RAG at March 2018	Latest comparative data
	% of people with health conditions or illnesses lasting more than 12 months who are in employment	47.0% (Rolling year to September 2016)	To maintain / improve previous outturn	53.6% (Rolling 12 months to July 2017)	(G)	London 48.7%
	% of 60-64 year olds claiming Job Seekers Allowance (JSA)	Fieldway – 1.29% Selhurst – 1.47% Broad Green – 1.66% New Addington – 0% Thornton Heath – 1.40% South Norwood – 1.43% (March 2017 NOMIS)		Fieldway – 5.9% Selhurst – 6.2% Broad Green – 5.1% New Addington – 4.7% Thornton Heath – 5.9% South Norwood – 4.8% (March 2018 NOMIS)*  * With the introduction of Universal Credit, JSA is being phased out. Consequently this data should be treated with caution, as it does not necessarily give an accurate picture.		Croydon average 0.7% London average 1.7%
	The number of female lone parent households found to be eligible for assistance, unintentionally homeless, and in priority need	530 (G)	To maintain / improve previous outturn	460 cases	(G)	No comparative data available
	The number of BME households found to be eligible for assistance, unintentionally homeless, and in priority need	803 (G)	To maintain / improve previous outturn	529 cases	(G)	No comparative data available

	<p>Child (0-16 years) poverty in the most deprived wards</p> <p><i>Based on the Average Rank of the Lower Super Output Areas (LSOAs) making up each ward in the Index of Multiple Deprivation (IMD) 2015</i></p> <p><i>Data source HMRC, August 2015 data expected Spring 2018</i></p>	<p>Fieldway –39 % Selhurst – 28.5% Broad Green – 28.5% New Addington – 33% Thornton Heath – 26% South Norwood – 25.5% (snapshot as at 31 August 2014)</p> <p>20% child poverty, Croydon ward average</p>		<p>Fieldway –31.0% Selhurst – 24.0% Broad Green – 22.8% New Addington – 29.0% Thornton Heath – 20.7% South Norwood – 23.1% (snapshot as at 31 August 2015)</p>		<p>21.6% child poverty, Croydon ward average August 2014</p>
To drive fairness for all communities, people and places	<p>The proportion of Looked After Children (LAC) progress 8 score (progress between KS2-KS4)</p>	<b>New</b>	<p>First outturn will be used to baseline a target for the next reportable year</p>	-1.83	N/A	<p>England -1.43 (End 2016/17 academic Year)</p>
	<p>The proportion of Special Educational Need &amp; Disabled (SEND) progress 8 score (progress between KS2-KS4)</p>	<b>New</b>	<p>First outturn will be used to baseline a target for the next reportable year</p>	-1.06	N/A	<p>England -1.04 End 2016/17 academic Year)</p>
	<p>Free school meals eligible at any time in the past six years. (FSM6) progress 8 score (progress between KS2- KS4).</p>	<b>New</b>	<p>First outturn will be used to baseline a target for the next reportable year</p>	-0.11	N/A	<p>England -0.39 End 2016/17 academic Year)</p>
	<p>The proportion of white working class children eligible to free school meals at any time in the past six years. (White FSM6) progress 8 score (progress between KS2- KS4).</p>	<b>New</b>	<p>First outturn will be used to baseline a target for the next reportable year</p>	-0.48	N/A	<p>England -0.6 End 2016/17 academic Year)</p>

	Black Caribbean children progress 8 score (progress between KS2-KS4)	<b>New</b>	First outturn will be used to baseline a target for the next reportable year	-0.16	N/A	England -0.33 End 2016/17 academic Year)
	The proportion of Looked After Children (LAC) achieving the expected level at the end of key stage 2	25% (unvalidated)	First outturn will be used to baseline a target for the next reportable year	27.8%	N/A	England 32 End 2016/17 academic Year)
To drive fairness for all communities, people and places	The proportion of Special Educational Needs (SEN) children achieving the expected level at the end of key stage 2	6.6% (unvalidated)	no target set these measures have been superseded by scaled scores	7%	N/A	London 9% England 8% End 2016/17 academic Year)
	The proportion of free school meal pupils eligible at any time in the past six years (FSM6) achieving the expected level at the end of key stage 2.	<b>52.5%</b> (2016) (A)	Aim to improve on previous outturn	51% (2017)	(A)	Emerging National 43% London 54% (G) End 2016/17 academic Year)
	The proportion of white working class children achieving the expected level at the end of key stage 2	<b>51.5%</b> (2016) (A)	Aim to improve on previous outturn	50.4% (2017)	(A)	National 44% (G) End 2016/17 academic Year)
	The proportion of black Caribbean children achieving the expected level at the end of key stage 2	<b>51.6%</b> (2016) (A)	Aim to improve on previous outturn	51.7% (2017)	(G)	National 53.2% (A) End 2016/17 academic Year)

	The number of adults aged 16-64 in the borough who have no qualifications	15400 (Dec 2016)	Not appropriate to set a target	11,600 (Dec 2017)	N/A	No comparative data available											
	Proven offences by young people by ethnicity Source : 10-17 years - GLA Ethnic Group population Projections 2015 White includes : White British, White Irish, White other.	Croydon BAME 52.0% White 42.8% Not Known 5.2% (2015/2016)	Not appropriate to set a target	Croydon BAME 62.5% White 32.4% Not Known 5.2% (2016/2017)	N/A	London  BAME, 407,804 <b>54.6%</b> White , 339,674 <b>45.4%</b>											
To drive fairness for all communities, people and places	The number of young people from BME backgrounds permanently excluded from Croydon schools, academies and free schools based on the number of excluded children	11	Not appropriate to set a target	16 permanent exclusions pending the appeal process	N/A	No comparative data available  (2017-18 current academic year)											
	The percentage of assessments undertaken where Child Sexual Exploitation was a factor	4.5%	Maintain / improve	4.2% (4,833 assessments completed and for 201 of these the reason for assessment was CSE or at risk of CSE.)	(G)	N/A											
	Number of incidences of hate crime	549 (12 month rolling March 2016)	Maintain / improve	551 (12 month rolling to March 2017)	N/A	No comparative data available											
	Community Cohesion - The perception of people from different backgrounds who say they get on well	NA	NA	<table border="1"> <thead> <tr> <th></th> <th>Croydon</th> </tr> </thead> <tbody> <tr> <td>Definitely agree</td> <td>28%</td> </tr> <tr> <td>Tend to agree</td> <td>45%</td> </tr> <tr> <td>Tend to disagree</td> <td>7%</td> </tr> <tr> <td>Neither agree / disagree - Don't know</td> <td>13%</td> </tr> <tr> <td></td> <td>2%</td> </tr> </tbody> </table>				Croydon	Definitely agree	28%	Tend to agree	45%	Tend to disagree	7%	Neither agree / disagree - Don't know	13%	
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Definitely agree	28%																
Tend to agree	45%																
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	2%																

				Croydon residents survey - knowSource: TCC, October 2016; Base: 1203; Weighted: 1190. London Data store December 2016																							
	Community life – Level of involvement in their local community through volunteering	NA	NA	<table border="1"> <thead> <tr> <th></th> <th colspan="2">Croydon</th> </tr> </thead> <tbody> <tr> <td>I am keen to get more involved in my local community</td> <td>7%</td> <td></td> </tr> <tr> <td>I am already involved in the community but I don't have time</td> <td>44%</td> <td></td> </tr> <tr> <td>I think it a good idea but not for people like me</td> <td>26%</td> <td></td> </tr> <tr> <td>It's not my job to get involved</td> <td>5%</td> <td></td> </tr> <tr> <td>I am already involved in the local community</td> <td>13%</td> <td></td> </tr> <tr> <td>None of the above / don't know</td> <td>5%</td> <td></td> </tr> </tbody> </table> <p>Croydon residents survey - knowSource: TCC, October 2016; Base: 1203; Weighted: 1190. London Data store December 2016</p>				Croydon		I am keen to get more involved in my local community	7%		I am already involved in the community but I don't have time	44%		I think it a good idea but not for people like me	26%		It's not my job to get involved	5%		I am already involved in the local community	13%		None of the above / don't know	5%	
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To drive fairness for all communities, people and places	The perception of people from different backgrounds who feel they participate and influence	NA	NA	Residents who would like to have more of a say	White 20%	BME 17%																					
	The perception of people from different backgrounds who have trust and confidence in public services	NA	NA	Residents who say they want to know what services are doing Residents who want to become actively involved in helping services improve their local area	White 59% 4%	BME 51% 9%																					
	Reduce the differences in healthy life expectancy at birth between men and women in Croydon in years	63.1 years (2013-2015) (G)	Maintain or improve on previous outturn	Male 62 years (2014-2016)	(G)	London Male – 63.3 (A)																					

		64.8 years (2013-2015) (G)	Maintain or improve on previous outturn	Female 62.8 years (2014-2016)	(G)	London Female – 63.9 (A)
	Slope index of inequality in life expectancy at birth within English local authorities, based on local deprivation deciles within each area for men and women	Male 9.1 years (2011-13) (G)	Maintain or improve on previous outturn	Male 9.2 years (2014-2016)	(G)	No comparative data available
		Female 7.7 years (2011-13) (G)	Maintain or improve on previous outturn	Female 6.0 years (2014-2016)	(G)	No comparative data available
	Disability free – life expectancy at birth, for men and for women in Croydon, in years.	Male 64.8 years (2011-13) (G)	Maintain or improve on previous outturn	Male 65.6 years (2012-2014)	(G)	Male 64 years (2012-14) (G)
		Female 65.5 years (2011-13) (G)	Maintain or improve on previous outturn	Female 64.4 years (2012-2014)	(G)	Female 64.2 years (2012-14) (G)

## ENABLING CORE – Open and accountable

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	2017 Performance 2017/18	RAG at March 2018	Latest comparative data
To be open and transparent and put communities at the heart of decision making	Percentage of Freedom of Information (FOI) requests responded to within 20 days	76% (R)	95%	60.8%	(R)	No comparative data available
	The percentage of customer complaints escalating to Stage 2 of the council's formal complaints process	5.63% (G)	10%	8.58%	(G)	No comparative data available
	The number of complaints received by the Information Commissioners office that are upheld (where regulatory action is taken)	0 (G)	0	0	(G)	No comparative data available

## ENABLING CORE – Digital and Enabling

Outcome	How we will measure success?	Performance 2016/17	Target 2017/18	Performance 2017/18	RAG at March 2018	Compared to
To be digital by design in meeting the needs of local people	The number of transactions completed through 'My Account'	460,369 (G)	500,000	532,840	(G)	No comparative data available
	The number of customers who have moved to my account (self-serve) as a method of contact.	45,153 (G)	40,000	49,148	(G)	No comparative data available
	The percentage of fly tip reports made electronically (App and My Croydon)	78.4% (A)	80%	84.46%	(G)	No comparative data available



**RAG Status key**

<b>RED (R)</b>	<ul style="list-style-type: none"><li>• Performance has not met target by in excess of 10%</li><li>• Where performance differs from comparators by 10% or more</li></ul>
<b>AMBER (A)</b>	<ul style="list-style-type: none"><li>• Performance has not met target but is within 11% of target</li><li>• Where performance matches one or more comparator within 10%</li></ul>
<b>GREEN (G)</b>	<ul style="list-style-type: none"><li>• Performance has not met target but is within 1% tolerance, met, or exceeds target</li><li>• Performance has matched one or more comparators</li></ul>
<b>YTD</b>	<ul style="list-style-type: none"><li>• Year to Date – current performance</li></ul>

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<b>REPORT TO:</b>	<b>CABINET 11 JUNE 2018</b>
<b>SUBJECT:</b>	<b>STAGE 2: RESPONSE TO RECOMMENDATIONS ARISING FROM: HEALTH AND SOCIAL CARE SCRUTINY SUB-COMMITTEE 16 JANUARY 2018 AND THE STREETS, ENVIRONMENT AND HOMES SUB-COMMITTEE 23 JANUARY 2018</b>
<b>LEAD OFFICERS:</b>	<b>RICHARD SIMPSON, EXECUTIVE DIRECTOR RESOURCES AND S151 OFFICER STEPHEN ROWAN – HEAD OF DEMOCRATIC SERVICES AND SCRUTINY</b>
<b>CABINET MEMBERS:</b>	<b>ALL</b>
<b>WARDS:</b>	<b>ALL</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>	<b>THE CONSTITUTIONAL REQUIREMENT THAT CABINET RECEIVES RECOMMENDATIONS FROM SCRUTINY COMMITTEES AND TO RESPOND TO THE RECOMMENDATIONS WITHIN TWO MONTHS OF THE RECEIPT OF THE RECOMMENDATIONS.</b>

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 approve the response and action plans attached to this report at Appendix A and that these be reported to the Scrutiny and Overview Committee or relevant Sub-Committees.

## 2. EXECUTIVE SUMMARY/DETAIL

2.1 This report asks the Cabinet to approve the full response reports arising from the Stage 1 reports presented to the Cabinet meeting held on 26 February 2018 including:

- Action plans for the implementation of agreed recommendations, or
- Reasons for rejecting the recommendations

and that these be reported to the Scrutiny and Overview Committee or relevant Sub-Committees.

2.2 The Constitution requires that in accepting a recommendation, with or without amendment, from a Scrutiny and Overview Committee or Sub-Committee, the Cabinet shall agree an action plan for the implementation of the agreed recommendations and shall delegate responsibility to an identified officer to report

back to the Scrutiny and Overview Committee or Sub-Committee, within a specified period, on progress in implementing the action plan.

### **3. SCRUTINY RECOMMENDATIONS**

- 3.1 The Scrutiny recommendations are contained in the schedule in the appendix to this report.
- 3.2 The detailed responses including reasons for rejected recommendations and action plans for the implementation of agreed recommendations are contained in the appendices.

### **4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 4.1 The recommendations in this report may have a financial implication and as each recommendation is developed the financial implication will be explored and approved.

### **5. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

The recommendations are in accordance with the constitution.

### **6. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

- 6.1 These are contained in the appendix to this report.

### **7. OPTIONS CONSIDERED AND REJECTED**

- 7.1 These are contained in the appendix to this report.

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#### **CONTACT OFFICER:**

Stephen Rowan, Head of Democratic Services  
and Scrutiny  
T: 020 8726 6000 X 62529  
Email: [stephen.rowan@croydon.gov.uk](mailto:stephen.rowan@croydon.gov.uk)

#### **BACKGROUND DOCUMENTS:**

**Background document 1:** Reports to the Health and Social Care Scrutiny Sub-Committee on 16 January 2018.

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=168&MId=420>

**Background document 2:** Reports to the Streets, Environment and Homes Scrutiny Sub-Committee on 23 January 2018.

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=170&MId=1134>

SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPT/ REJECT RECOMMENDATIONS (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (i.e. Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
<b>HEALTH AND SOCIAL CARE SCRUTINY SUB-COMMITTEE</b> - At its meeting on 16 January 2018, the Committee <b>RESOLVED</b> to recommend the following:						
1. That the timeline for Scrutiny to receive the Adult Safeguarding Annual Report be reconsidered to enable the report to be presented at Scrutiny prior to it being presented at Cabinet each year.	People Councillor Avis	Accept	Guy Van Dichele	No	With immediate effect. The next Annual Report will be completed by August 2018.	TBC
<b>STREETS, ENVIRONMENT AND HOMES SCRUTINY SUB-COMMITTEE-</b> At its meeting on 23 January 2018, the Committee <b>RESOLVED</b> to recommend the following:						
1. The proposal be clear on what is meant by the term 'optimising use of plots'.	Place Councillor King/Scott (Job Share)	Accept  The Local Plan seeks to deliver a minimum of 32,890 homes between 2016 and 2036 and there is a strong expectation that existing sites will be intensified to deliver a proportion of these. Consequently, the borough needs to make better use of available land and buildings.	Steve Dennington	None – the recommendation can be absorbed as part of the project budget.	The recommendation will be accommodated as part of the project programme as set out in the Council's Local Development Scheme. The Local Development Scheme can be viewed via the following link - <a href="https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%202018.pdf">https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%202018.pdf</a>	TBC

		As each site is different and set within varying character areas, it is important to recognise development optimisation, as individual sites may well be constrained, limiting the capacity of sites to maximize development potential. Optimisation of sites, as part of the Suburban Design Guide/Evolution of the Suburbs SPD, seeks to provide guidance on these types of developments.				
2. Consultation be held with housing associations in the borough to promote working with local developers.	Place Councillor King/Scott (Job Share)	Accept Regular forums with housing associations are being set up to ensure that affordable housing delivery is planned at an early stage (preferably at pre-application stage) and reflected in the Suburban Design Guide/Evolution of the Suburbs SPD.	Steve Dennington	None – the recommendation can be absorbed as part of the project budget.	To form part of on-going for regular engagement. The recommendation will be accommodated as part of the project programme as set out in the Council’s Local Development Scheme. The Local Development Scheme can be viewed via the following link - <a href="https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%20">https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%</a>	TBC

		Housing associations will be notified of the consultation and invited to the consultations events being held over the summer months on the SPD.			<u>202018.pdf</u>	
3. The Small Builders' Forum be consulted and invited to tender.	Place Councillor King/Scott (Job Share)	Partially Accept The Council's record of small builders will be notified of the consultation and invited to the consultations events being held over the summer months on the SPD.	Steve Dennington	None – the recommendation can be absorbed as part of the project budget.	The recommendation will be accommodated as part of the project programme as set out in the Council's Local Development Scheme. The Local Development Scheme can be viewed via the following link - <a href="https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%20202018.pdf">https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%20202018.pdf</a>	TBC

**STREETS, ENVIRONMENT AND HOMES SCRUTINY SUB-COMMITTEE-** At its meeting on 23 January 2018, the Committee **RESOLVED** to recommend the following:

<p>4. The proposed consultation period be reconsidered to enable further resident participation.</p>	<p>Place Councillor King/Scott (Job Share)</p>	<p>Accept The consultation period for the Suburban Design Guide/Evolution of the Suburbs SPD has been extended into September so that the consultation stretches beyond the summer holiday period. Exact dates and locations are being devised.</p>	<p>Steve Dennington</p>	<p>None – the recommendation can be absorbed as part of the project budget.</p>	<p>The recommendation will be accommodated as part of the project programme as set out in the Council’s Local Development Scheme. The Local Development Scheme can be viewed via the following link –  <a href="https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%202018.pdf">https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%202018.pdf</a></p>	<p>TBC</p>
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**STREETS, ENVIRONMENT AND HOMES SCRUTINY SUB-COMMITTEE-** At its meeting on 23 January 2018, the Committee **RESOLVED** to recommend the following:

<p>5. The Council should explore a wide range of methods to engage with residents on proposals.</p>	<p>Place  Councillor King/Scott (Job Share)</p>	<p>Accept  Proposed methods for consultation being finalised include:</p> <ul style="list-style-type: none"> <li>- Animation</li> <li>- Website</li> <li>- Interactive workshops including printed plans with the ability for residents to draw over with assistance from Spatial Planning officers, record through photography, wipe clean and repeat per session</li> <li>- Standard printed &amp; online PDF formats</li> </ul> <p>Consultation will be undertaken in accordance with the Statement of Community Involvement and Plan Making Regulations.</p>	<p>Steve Dennington</p>	<p>None – the recommendation can be absorbed as part of the project budget.</p>	<p>The recommendation will be accommodated as part of the project programme as set out in the Council’s Local Development Scheme. The Local Development Scheme can be viewed via the following link - <a href="https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%202018.pdf">https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%202018.pdf</a></p>	<p>TBC</p>
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**STREETS, ENVIRONMENT AND HOMES SCRUTINY SUB-COMMITTEE-** At its meeting on 23 January 2018, the Committee **RESOLVED** to recommend the following:

<p>6. Any conditions placed on the development of landscape be tightly enforced.</p>	<p>Place  Councillor King/Scott (Job Share)</p>	<p>Accept  Guidance on landscaping is being included in the Suburban Design Guide/Evolution of the Suburbs SPD. This will refer to conditions of approval. It should be noted that Council regularly impose planning conditions on landscape treatment and have powers to serve breach of condition notices where we are satisfied that a breach has occurred. It is also expedient to take action where matters have not been satisfactorily dealt with. Landscaping will be an important component of the intensification of sites and may require a strong and robust approach in relation to planning enforcement activities to be adopted.</p>	<p>Steve Dennington / Pete Smith</p>	<p>None</p>	<p>Part of Suburban Design Guide/Evolution of the Suburbs SPD to be presented to Cabinet for adoption in October 2018.</p>	<p>TBC</p>
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**STREETS, ENVIRONMENT AND HOMES SCRUTINY SUB-COMMITTEE-** At its meeting on 23 January 2018, the Committee **RESOLVED** to recommend the following:

<p>7. The document be clear to highlight areas of subjectivity in design policies.</p>	<p>Place Councillor King/Scott (Job Share)</p>	<p>Accept The Suburban Design Guide/Evolution of the Suburbs SPD will be clear that design is subjective, but expect all proposals to have undertaken a rigorous design development process to ensure a high level of thought is embedded in the design of proposals. It is necessary for policies around design to be flexible to allow the decision-maker some latitude when determining approaches to be adopted. This is in line with the National Planning Policy Framework. Design advice should not be overly prescriptive.</p>	<p>Steve Dennington</p>	<p>None – the recommendation can be absorbed as part of the project budget.</p>	<p>The recommendation will be accommodated as part of the project programme as set out in the Council's Local Development Scheme. The Local Development Scheme can be viewed via the following link - <a href="https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%202018.pdf">https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%202018.pdf</a></p>	<p>TBC</p>
<p>8. Residents living in close proximity to a site should have priority access to affordable units either to rent or shared ownership.</p>	<p>Place Councillor Butler</p>	<p>Accept</p>	<p>Colm Lacey - Director of Development, LBC and Managing Director, Brick by Brick</p>	<p>None</p>	<p>From Jun 18 - first BXB local sales</p>	<p>TBC</p>

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## Croydon Council

<b>REPORT TO:</b>	<b>CABINET – 11 JUNE 2018</b>
<b>SUBJECT:</b>	<b>INVESTING IN OUR BOROUGH</b>
<b>LEAD OFFICER:</b>	<b>SARAH WARMAN, DIRECTOR OF COMMISSIONING AND PROCUREMENT</b>  <b>RICHARD SIMPSON, EXECUTIVE DIRECTOR RESOURCES &amp; S151 OFFICER</b>
<b>CABINET MEMBER:</b>	<b>COUNCILLOR SIMON HALL</b> <b>CABINET MEMBER FOR FINANCE AND RESOURCES</b>
<b>WARDS:</b>	<b>ALL</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</b>	
<p>Effective outcome based commissioning and prudent financial transactions contribute to all corporate priorities.</p> <p>The Council’s commissioning strategy 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, contributing to the growth agenda for Croydon. The contracts (awarded or recommended for award) and partnership arrangements included in this report will support the Council to achieve the Ambitious for Croydon outcome “to be innovative and enterprising in using available resources to change lives for the better.”</p>	
<b>FINANCIAL SUMMARY:</b> There are no direct costs arising from this report.	
<b>KEY DECISION REFERENCE NO.:</b>	
New Generation Highways Maintenance and Improvement Works – 1018CAB	
<p>The decision may be implemented from 1300 hours on the 6th working day after the decision is made, unless the decision is referred to the Scrutiny &amp; Overview Committee by the requisite number of Councillors.</p> <p>There are additional key decisions mentioned in this report, but approval of the recommendations would not constitute 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 The Cabinet is requested to:-

1.1.1 Approve the contract award for the Next Generation Highways Maintenance and Improvement Works in Croydon at a maximum contract value of £130m over maximum term of ten years (7+1+1+1) as set out at agenda item 9a;

- 1.1.2 Approve the procurement strategy which will result in contract awards for five dynamic purchasing systems for the provision of supplies in respect to the Community Equipment Service for a maximum term of ten years as set out at agenda item 9b;
- 1.2 The Cabinet is requested to note:-
- 1.2.1 The contracts over £500,000 in value anticipated to be awarded by the nominated Cabinet Member, in consultation with the Cabinet Member for Finance and Resources or, where the nominated Cabinet Member is the Cabinet Member for Finance and Resources, in consultation with the Leader.
- 1.2.2 The list of delegated award decisions made by the Director of Commissioning and Procurement, between 15/02/2018 – 27/04/2018
- 1.2.3 The list of delegated award decisions for contracts over £500,00 in value made by the nominated Cabinet Member in consultation with the Cabinet Member for Finance and Resources or, where the nominated Cabinet Member is the Cabinet Member for Finance and Resources in consultation with the Leader since the last meeting of Cabinet.

## **2. EXECUTIVE SUMMARY**

- 2.1 This is a standard report which is presented to the Cabinet, for information, at every scheduled Cabinet meeting to update Members on:
- Contract awards and procurement strategies to be agreed by the Cabinet at this meeting which are the subject of a separate agenda item;
  - Contracts anticipated to be awarded under delegated authority from the Leader by the nominated Cabinet Member, in consultation with the Cabinet Member for Finance and Resources and with the Leader in certain circumstances, before the next meeting of Cabinet;
  - Delegated contract award decisions made by the Director of Commissioning and Procurement 15/02/2018 – 27/04/2018;
  - Delegated award decisions for contracts over £500,00 in value made by the nominated Cabinet Member in consultation with the Cabinet Member for Finance and Resources or, where the nominated Cabinet Member is the Cabinet Member for Finance and Resources in consultation with the Leader since the last meeting of Cabinet;
  - Property acquisitions and disposals to be agreed by the Cabinet or the Cabinet Member for Finance and Resources (as appropriate) either as part of this agenda or before the next meeting of Cabinet.  
[As at the date of this report there are none]

### 3. DETAIL

- 3.1 Sections 4.1.1 & 4.2 of this report list those contracts and procurement strategies that are anticipated to be awarded or approved by the Cabinet.
- 3.2 Section 4.1.2 of this report lists those contracts that are anticipated to be awarded by the nominated Cabinet Member.
- 3.3 Section 4.3 of this report lists the delegated award decisions made by the Director of Commissioning and Procurement, between 15/02/2018 – 27/04/2018
- 3.4 Section 4.4 of this report lists the delegated decisions made by the Nominated Cabinet Member in consultation with the Cabinet Member for Finance and Resources or, where the nominated Cabinet Member is the Cabinet Member for Finance and Resources in consultation with the Leader since the last meeting of Cabinet.
- 3.4 Procurement strategies where the value of the proposed contract is above £5,000,000 and approved under the Leaders delegation by, as appropriate, Executive Directors for Place, People and Resources departments in consultation with the Cabinet Member for Finance and Resources.
- 3.5 The Council's Procurement Strategy and Tenders & 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. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 4.1 Proposed contract awards
- 4.1.1 Revenue and Capital consequences of contract award decisions to be taken by Cabinet which are the subject of a separate agenda item.

<b>Contract Title</b>	<b>Contract Revenue Budget</b>	<b>Contract Capital Budget</b>	<b>Dept/Cabinet Member</b>
Next Generation Highways Maintenance & Improvement Works		£130,000,000	Place/ Cllr King (Job Share) and Cllr Scott (Job Share)

4.1.2 Revenue and Capital consequences of contract award decisions to be made between £500,000 to £5,000,000 by the nominated Cabinet Member in consultation with the Cabinet Member for Finance and Resources or, where the nominated Cabinet Member is the Cabinet Member for Finance and Resources, in consultation with the Leader.

<b>Contract Title</b>	<b>Contract Revenue Budget</b>	<b>Contract Capital Budget</b>	<b>Dept/Cabinet Member</b>
Supply & Installation of Modular Building at Stubbs Mead Depot		£962,000	Resources/ Cllr Hall
Increasing Housing Supply Real Estate Agency Services		£2,000,000	People/ Cllr Butler
Insurance London Consortium (ILC) Legal Panel Contract	£850,000 Croydon spend (ILC £7.5million)		Resources/ Cllr Hall
Microsoft Enterprise Software Agreement Contract Variation	£1,100,000 variation £4,300,000 Contract value		Resources/ Cllr Hall
Supervised contact for children in care and their families for a period of 2 years with the option to extend for a further 12 months	£1,116,000		People/Cllr Flemming

4.2 Procurement strategy 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 item



<b>Strategy</b>	<b>Contract Revenue Budget</b>	<b>Contract Capital Budget</b>	<b>Dept/Cabinet Member</b>
Community Equipment Service Dynamic Purchasing Systems – Beds & Assoc Equipment, Moving & Handling, Showering & Bathing, Seating & Cushions, Wheelchairs	£10,000,820 Croydon Spend (£55,058,490 aggregated 8 boroughs)		People/ Cllr Avis

4.3 Delegated award decisions made by the Director of Commissioning and Procurement.

4.3.1 Revenue and Capital consequences of delegated decisions made by the Director of Commissioning and Procurement for contract awards between £100,000 & £500,000 and contract extension(s) previously approved as part of the original contract award recommendation (Reg. 27.d).

<b>Contract Title</b>	<b>Contract Revenue Budget</b>	<b>Contract Capital Budget</b>	<b>Dept/Cabinet Member</b>
Support Services for Children and Young People on the Autistic Spectrum and for their Families	£259,830		People/ Cllr Flemming
Outdoor Active Spaces		£160,000	Place/ Cllr Lewis
Housing Arrears Monitoring and Predictive Analysis Application - direct award		£365,000	Place/ Cllr Butler
Tenancy and Neighbourhood Services Vehicles		£124,472	Resource/ Cllr Hall
West Croydon Station Redevelopment		£127,295	Place/ Cllr King (Job Share) and Cllr Scott (Job Share)

<b>Contract Title</b>	<b>Contract Revenue Budget</b>	<b>Contract Capital Budget</b>	<b>Dept/Cabinet Member</b>
Nurture Spaces Programme - Heavers Farm		£144,200	People/ Cllr Flemming
Special Educational Needs & Disability Information, Advice & Support (SENDIAS)	£223,500		People/ Cllr Flemming
Mayors Office Policing and Crime (MOPAC) Drive Project	£430,584		Place/ Cllr Ali
Independent Domestic Social Violence Advocate (IDSVA)	£28,125 (aggregated £215,625)		Place/ Cllr Ali

<b>CONTRACT VARIATIONS &amp; EXTENSIONS</b>					
<b>Contract Title</b>	<b>Value of Contract to Date</b>	<b>Revenue value of Extension Term</b>	<b>Total Revenue value including extension term</b>	<b>Contract Capital Budget</b>	<b>Dept/Cabinet Member</b>
Asset Management IT System Contract Extension (Apex)	£403,000	£65,619	£468,619		Place/ Cllr Butler
Housing IT System Contract Extension (OHMS)	£303,000	£108,678	£411,678		Resources/ Cllr Hall
Health Visiting & Family Nurse Partnership Services	£11,644,371	£4,734,000	£16,378,371		People/ Cllr Flemming
Extension to Parking Management Information System (PMIS) Contract	£374,861	£54,688	£429,549		Resources/ Cllr Hall

<b>CONTRACT VARIATIONS &amp; EXTENSIONS</b>					
<b>Contract Title</b>	<b>Value of Contract to Date</b>	<b>Revenue value of Extension Term</b>	<b>Total Revenue value including extension term</b>	<b>Contract Capital Budget</b>	<b>Dept/Cabinet Member</b>
Contract Extension and variation for the provision of Missing Care Services	£133,615	£125,000	£258,615		People/ Cllr Flemming
Young Carers Support	£225,000	£112,500	£337,500		People/ Cllr Flemming
15 Hours Early Education Provision for Children with Complete Needs	£669,084	£280,583	£949,667		People/ Cllr Flemming
Section 75 Partnership Agreement for School Nursing Service - extension	£2,094,000	£1,175,660	£3,369,660		People/Cllr Flemming

4.4 Delegated award decisions for contracts over £500,00 in value made by the nominated Cabinet Member in consultation with the Cabinet Member for Finance and Resources or, where the nominated Cabinet Member is the Cabinet Member for Finance and Resources in consultation with the Leader since the last meeting of Cabinet.

<b>Contract Title</b>	<b>Contract Revenue Budget</b>	<b>Contract Capital Budget</b>	<b>Dept/Cabinet Member</b>
Enforcement Agency Services Frameworks: Lot 1 - Enforcement Agency Services for the Collection of parking and Traffic Penalty Charges Lot 2 – Enforcement Agency Services for the Collection of Council Tax and Business Rates for a period of 2 years with option to extend for a further 2 years	£2,000,000		Resources/Cllr Hall
People Department ICT Systems (Lot A Social Care System )		£2,989,000	Resources/Cllr Hall

<b>Contract Title</b>	<b>Contract Revenue Budget</b>	<b>Contract Capital Budget</b>	<b>Dept/Cabinet Member</b>
for a period of 3 years with 2 extensions for 3 years and one extension for 1 year			
People Department ICT Systems Lot B Education Management System for a period of 3 years with 2 extensions for 3 years and one extension for 1 year		£1,196,587	Resources/Cllr Hall

Approved by: Lisa Taylor, Director of Finance, Investment and Risk and Deputy Section 151 Officer

**5. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

5.1 The Solicitor to the Council comments that the information contained within this report is required to be reported to Members in accordance with the Council's Tenders and Contracts Regulations and the council's Financial Regulations in relation to the acquisition or disposal of assets..

To be Approved by: Sean Murphy, Head of Commercial and Property Law and Deputy Monitoring Officer on behalf of the Director of Law and Monitoring Officer

**6. HUMAN RESOURCES IMPACT**

6.1 There are no immediate HR issues that arise from the strategic recommendations in this report for LBC staff. Any specific contracts that arise as a result of this report should have their HR implications independently assessed by a senior HR professional.

To be Approved by: Sue Moorman, Director of Human Resources

**7. EQUALITY IMPACT**

7.1 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.

7.2 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.

7.3 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.

## **8. ENVIRONMENTAL IMPACT**

8.1 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.

## **9. CRIME AND DISORDER REDUCTION 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.

### **CONTACT OFFICER:**

<b>Name:</b>	Rakhee Dave-Shah
<b>Post title:</b>	Head of Commissioning and Improvement (Corporate)
<b>Telephone no:</b>	63186

### **BACKGROUND DOCUMENTS:**

The following public background reports are not printed with this agenda, but are available as background documents on the Croydon Council website agenda which can be found via this link [Cabinet agendas](#)

- Supply & Installation of Modular Building at Stubbs Mead Depot
- Increasing Housing Supply pilot extension
- Insurance London Consortium (ILC) Legal Panel Contract
- Microsoft Enterprise Software Agreement Contract Variation
- Supervised Contact for Children in Care and their Families

### **CONFIDENTIAL BACKGROUND DOCUMENTS- EXEMPT FROM PUBLIC DISCLOSURE**

The following Part B background documents are exempt from public disclosure because they contain exempt information as defined in paragraph no. 3 of Schedule 12a to the Local Government Act 1972 (as amended).

- Supply & Installation of Modular Building at Stubbs Mead Depot
- Insurance London Consortium (ILC) Legal Panel Contract
- Supervised Contact for Children in Care and their Families

**For General Release**

<b>REPORT TO:</b>	<b>CABINET – 11 June 2018</b>
<b>SUBJECT:</b>	<b>Next Generation Highways Maintenance and Improvement Works Provision Contract Award</b>
<b>LEAD OFFICER:</b>	<b>Shifa Mustafa Executive Director Place Steve Iles MBE Director of Streets</b>
<b>CABINET MEMBER:</b>	<b>Councillor Stuart King (Job Share) and Councillor Paul Scott (Job Share) Cabinet Member for Environment, Transport &amp; Regeneration  and Councillor Simon Hall Cabinet Member for Finance and Resources</b>
<b>WARDS:</b>	<b>ALL</b>
<p><b>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</b></p> <p>The works and service to be provided will enable the following outcomes to be achieved, which supports the Council’s Corporate Priorities:</p> <ul style="list-style-type: none"> <li>• To build a place that is easy and safe for all to get to and move around in;</li> <li>• To create a place where people feel safe and are safe;</li> <li>• To create a place that communities are proud of and want to look after as their Neighbourhood;</li> <li>• To create a place where people and businesses want to be</li> <li>• To have the right people with the right skills in the right job</li> <li>• To be digital by design in meeting the needs of local people</li> <li>• To be open and transparent and put communities at the heart of decision making;</li> <li>• To enable more local people to access a wider range of jobs</li> <li>• Include the Council’s commitment to the London Living Wage</li> <li>• Include the Council’s commitment to delivering Social Value opportunities</li> </ul> <p>Through the award of a long-term partnering contract the Council will continue to maintain and improve its highways.</p> <p>The Council together with the preferred bidder will jointly deliver a contract providing a range of benefits including value for money; a commitment to the London Living Wage and a clear social value offer aiming to benefit both local businesses and local people including apprenticeships and training.</p>	

Finally, ICT enhancements including digital enablement; a comprehensive key performance indicator (KPI) regime, robust governance and contract management lie at the heart of delivery to ensure that there are long term benefits for Croydon.

**FINANCIAL IMPACT:** In accordance with the OJEU notice reference 2017/S 204-419940, the outcome of the procurement commits the Council to a maximum expenditure of £105m over the next 7 years contract term with the option to extend incrementally for a further 3 years (7+1+1+1) to a maximum period of ten (10) years. The maximum expenditure for the total contract term of ten (10) years will be £130m.

**KEY DECISION REFERENCE NO.: 1018CAB**

The decision may be implemented from 1300 hours on the 6th working day after the decision is made, unless the decision is referred to the Scrutiny & Overview Committee by the requisite number of Councillors.

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 To appoint Bidder 'C' as the preferred bidder for the provision of the Next Generation Highways Maintenance and Improvement Works in Croydon at a maximum contract value of £130m over ten years (7+1+1+1)
- 1.2 Agree that the name of the Preferred Bidder be published upon conclusion of the standstill period required under regulation 87 of the Public Contract Regulations 2015.
- 1.3 Agree that subject to:
  - 1.3.1 the transposition of the Preferred Bidder's final tender submission into contractual form being completed to the satisfaction of the Council and there being no material changes to the proposed solution beyond the scope set out in this report; AND
  - 1.3.2 the terms and conditions of all necessary documentation being to the satisfaction of the Director of Law and Monitoring Officer; that
  - 1.3.3 Authority to award the final contract and agree all necessary documentation be delegated to the Executive Director Place, in consultation with the Cabinet Member for Environment, Transport & Regeneration and the Cabinet Member for Finance & Resources.

**2. EXECUTIVE SUMMARY**

- 2.1 The purpose of this report is to outline the procurement process undertaken for commissioning the Next Generation Highways Maintenance and Improvement Works and recommends the most economically advantageous tender award for the provision of the works and services. Exempt information



is provided within the associated Part B report on this agenda.

- 2.2 This project is part of a previously agreed strategy (CCB Reference: CCB1272/17-18), whereby it was determined that due to the complexity of the requirement, accounting for the inclusion of Public Realm schemes and Professional Services alongside network management and improvement, the endorsed route to market was to adopt the Competitive Procedure with Negotiation (CPN). Due this complexity, the Council believed that in accordance with the Public Contract Regulations 2015, this contract meets the grounds for use of CPN 26(4)(a)(iii) as per following criteria;
- (i) The contract cannot be awarded without prior negotiation because of specific circumstances related to the nature, the complexity or the legal and financial makeup or because of risks attaching to them;
- 2.3 Based on the outcome of a robust procurement process and the completed evaluation, it is recommended that the award of preferred bidder status should be made to Bidder 'C' who has submitted the most economically advantageous tender for the provision of the works and services.
- 2.4 The proposed contract will support Croydon as a highway authority, to fulfil the requirement to maintain all the highways in the borough, that are not the responsibility of Highways England or Transport for London. The proposed contract additionally provides for:
- robust governance and contract management including a comprehensive suite of key performance indicators (KPIs)
  - a commitment to the London Living Wage
  - maximisation of social value outcomes
  - maintaining or improving customer satisfaction throughout consultation and delivery of works and services
- 2.5 Both the contract form and the commercial arrangements reflects that there is no guaranteed minimum value of work that needs to be offered to the successful Bidder, which allows the Council significant flexibility in amending the value of works and services instructed on an annual basis should that be necessary.
- 2.6 The contract commencement date will be 1<sup>st</sup> October 2018 for an initial period of 7 years with the option to extend incrementally for a further 3 years (7+1+1+1) to a maximum period of ten (10) years.
- 2.7 The content of this report was approved by the Contracts and Commissioning Board on Tuesday 29<sup>th</sup> May 2018.

<b>CCB Approval Date</b>	<b>CCB ref. number</b>
29/05/2018	CCB1362/18-19

### **3. DETAIL**

- 3.1 Under the Highways Act 1980, the Council has an ongoing requirement to maintain all highways in the borough that are not the responsibility of

Highways England or Transport for London, acting as the highway authority for all GLA roads. In addition to maintenance, the Council also invests in improvement schemes funded through s106, CIL, Growth Zone and other capital funding streams, including the Council's Capital Programme. These vary from minor improvements to £multi-million major public realm schemes.

- 3.2 The scope for the new contract is a core service that will deliver an ongoing highway network maintenance service of routine preventative maintenance and non-routine network repairs, with the added facility to call-off professional services, network improvement and capital delivery works.

### **Procurement process**

- 3.3 The procurement process commenced during October 2017 following the publication of the OJEU notice on 23<sup>rd</sup> October 2017. Seven SSQ submissions were received and, following the assessment based on the pre-determined selection criteria, the four applicants with the highest scores, were then invited to submit an initial tender response and participate in the negotiation sessions during March 2018.

- 3.4 The unsuccessful letters were submitted to the three applicants who were not successfully short-listed at the SSQ stage due to submitting poor response in some of the following areas;

- Lack of clarity and insufficient detail provided with regards to the case studies to demonstrate their relevant contract experience. In particular, they showed what they have achieved as individual schemes but didn't reflect how they managed the different schemes overall;
- Demonstrated experience of highways maintenance but not winter maintenance and there was lack of evidence to show experience relating to Network management, Public Realm and Professional Services.
- Very limited evidence to show previous experience relating to the implementation of IT from mobilisation perspective and lack of detail relating to who was responsible for which areas of the mobilisation.
- Lack clarity with regards to the lead provider approach and how they ensured consistency throughout the whole supply chain and not just from a supply chain partner perspective.

- 3.5 The Competitive Procedure with Negotiation (CPN) enabled the Council to negotiate with the respective Bidders with regards to their initial tender submission to improve their content. In accordance with PCR2015, the minimum requirements and pre-determined award criteria were not subject to negotiation. The areas of negotiation with the shortlisted bidders included:

- Proposed Delivery Model
- IT
- Legal
- Social Value
- Commercial Pricing

- 3.6 The Invitation to Submit a Final Tender (ISFT) was published on 29<sup>th</sup> March

2018 and the four bids received on 13<sup>th</sup> April 2018, were comprehensively evaluated on price and quality in accordance with the published award criteria (60% Price and 40% Quality). The process was structured to ensure that the qualitative evaluations were carried out in the absence of any detail relating to price to maintain probity of process and prevent unconscious bias. The pre-determined scoring allocation criteria was based on the following:

Score	Rating	Criteria for awarding score
10	Excellent	Exceeds the requirement. Exceptional demonstration by the tenderer of their relevant ability, understanding, experience, skills, resource and quality measures provided in the initial method statement. Response identifies factors that demonstrate added value, with evidence to support the response.
8	Good	Satisfies the requirement with minor additional benefits. Above average demonstration by the tenderer of the relevant ability, understanding, experience, skills, resource and quality measures provided in the initial method statement. Response identifies factors that demonstrate added value, with evidence to support the response.
6	Acceptable	Satisfies the requirement. Demonstration by the tenderer of the relevant ability, understanding, experience, skills, resource and quality measures provided in the initial method statement, with evidence to support the response.
4	Minor Reservations	Satisfies the requirement with minor reservations. Some minor reservations of the tenderer's relevant ability, understanding, experience, skills, resource and quality measures provided in the initial method statement, with limited evidence to support the response.
2	Serious Reservations	Serious reservations of the tenderer's relevant ability, understanding, experience, skills, resource and quality measures provided in the initial method statement, with little or no evidence to support the response. Should the bidder be allocated with a score of 2, its tender submission will be rejected in its entirety.
0	Unacceptable	Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the tenderer has the ability, understanding, experience, skills, resource and quality measure, with little or no evidence to support the response. Should the bidder be allocated with a score of 0, its tender submission will be rejected in its entirety.

- 3.7 A minimum qualitative scoring threshold for all written method statements was applied, whereby a scoring allocation of less than four (4) would subject the respective Bidder's tender submission being rejected in its entirety.
- 3.8 The qualitative scoring allocation for the method statement question reference 11 relating to the Premier Supplier Programme (Early Payment Rebate) was based on the following:

Rebate Offered	Points Scored
0%*	0
0.5%	1
1.00%	2
1.25%	3
1.50%	4
2.00%	5
*Excludes participating in the PSS.	

### Evaluation

- 3.9 Following receipt of the final Tender submissions, the members of the Evaluation Team proceeded with the assessments of the qualitative and pricing responses. These were evaluated in accordance with the pre-determined Tier 1 and 2 award criteria as per following:

Tier Two Award Criteria	Weighting	Bidder A Score (%)	Bidder B Score (%)	Bidder C Score (%)	Bidder D Score (%)
Q1 Mobilisation	15%	9	9	12	9
Q2 Working Practices	20%	12	16	16	12
Q3 Contract Management	20%	16	12	16	12
Q4 Customer Care	8%	4.8	6.4	4.8	4.8
Q5 Key Operational Aims & Objectives	5%	4	3	4	4
Q6 Social Value	5%	3	4	4	3
Q7 Terms Service Works (Routine Maintenance)	7%	4.2	4.2	7	5.6
Q8 Term Service Works (Non-Routine Maintenance)	6%	4.8	2.4	3.6	3.6
Q9 Professional Services	6%	3.6	3.6	4.8	6
Q10 Public Realm and Improvement Service Delivery	6%	3.6	3.6	4.8	3.6
Q11 Premier Supply Programme (Early Payment Scheme) with scoring allocation criteria of 0-5 as per paragraph reference 3.8.	2%	0	0.4	2	0.4
<b>Total (Quality)</b>	<b>100%</b>	<b>65</b>	<b>64.60</b>	<b>79</b>	<b>64</b>
<b>Total (Quality)</b>	<b>@ 40%</b>	<b>26</b>	<b>25.84</b>	<b>31.60</b>	<b>25.60</b>

## Financial Evaluation

Financial Evaluation	Weighting	Bidder A Score (%)	Bidder B Score (%)	Bidder C Score (%)	Bidder D Score (%)
<b>Total (Price)</b>	<b>@ 60%</b>	<b>40.74</b>	<b>54.34</b>	<b>55.76</b>	<b>60</b>

## Combined Qualitative Combined Financial and Qualitative

	100%	Bidder A Score (%)	Bidder B Score (%)	Bidder C Score (%)	Bidder D Score (%)
<b>Total (Combined)</b>	<b>@ 100%</b>	<b>66.74</b>	<b>80.18</b>	<b>87.36</b>	<b>85.60</b>

- 3.10 As a result of a comprehensive evaluation process, the recommendation is to appoint Bidder 'C' as the preferred Bidder for the provision of Next Generation Highways Maintenance and Improvement Works to the borough of Croydon.
- 3.11 The preferred Bidder has demonstrated the ability to meet the Council's requirements relating to Social Value, whereby all targets against the minimum measures have been fulfilled with some offering additional benefits. In particular with regards to apprenticeship, employment and work placement opportunities to be given to Croydon residents (including those within the priority groups), prior to issuing the vacancies to the wider market. In addition, will offer opportunity for scholarship and delivery of environmental considerations will be achieved. The overall offer is in line with the size of contract with strong evidence to show the Bidder's capacity and capability to deliver the commitments back by case studies of positive impact achieved. Please see below for further details which provides a number of key benefits that have been identified as commitments for the proposed contract:

### Social Value

- Appoint local resident to support Public Liaison Officer with day to day activities.
- Engage with 14-19 Youth Engagement Team to highlight opportunities for young people to get involved in local projects.
- London Living Wage (LLW) for all staff and opportunity for Apprentices to also earn LLW through incentivisation.
- Min. 39 apprenticeships for Croydon residents over life of Contract
- 65 work placements for Croydon residents over life of Contract
- 100% New job opportunities to be advertised for Croydon residents prior to release to the wider market.
- 63% of workforce will be Croydon residents (Year 2-7 average).

- 10% increase in percentage of total job applicants that belong to priority groups.
- One work placement or job for a person with a disability each year.
- 40% of Supply chain spend with Croydon Suppliers, increasing this by 10% on an annual basis.
- 98 Training days for small companies in Croydon over the life of Contract.
- 12 London Construction Academy attendees from Croydon each year.
- Commitment to support Croydon community activities e.g. 2 days of volunteering each year per staff member per annum.
- £20k per annum allocated for match funding for Croydon community projects.
- Host an annual cycling event in Croydon during which competitors will be invited to enter teams of cyclists and take place in a time trial event. Entry fees collected and donated to a local sport charity in Croydon and will sponsor one additional local event aimed at getting people active.
- Will host at least one 'Exchanging Places' event per annum which allows people to sit in the driver's seat of one of their HGVs to get better understanding of what the driver can and can't see. Will provide drivers opportunity to discuss road safety with the Police and vulnerable road users to encourage safe behaviours on the road.

### **Contract management**

- 3.12 The NEC4 Term Service contract form has been adopted for this contract and will form the basis for Contract Management together with the additional detail set out in the Term Brief and Key Performance Indicators.
- 3.13 The Director of Streets, will lead the overarching strategic and commercial performance management, with support from the Commissioning and Improvement team, Place contract leads and Finance.
- 3.14 Contract management of term service works, including day to day relationships and instructions will be managed within the Place department by an appointed Contract Manager (Service Manager, Streets), responsible for work instruction and allocation, budget management and performance & quality monitoring.
- 3.15 Contract management of public realm works including day to day relationships and instructions will be managed within the Place department by the Project Manager responsible for each scheme, relating to work instruction and allocation, budget management and performance & quality monitoring.
- 3.16 The agreement will become a Tier 1 contract and will be reviewed quarterly in line with the corporate strategic contract management framework which considers performance, finance/costs, contract management arrangements, risk management and Social Value.

#### 4. CONSULTATION

- 4.1 The contract specification was developed in consultation with officers from all relevant highway departments.
- 4.2 External consultation has taken place with other Authorities in the form of technical references which have confirmed that these Organisations have recent relevant experience of working on the Public Highway.

#### 5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

##### Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000
<b>Revenue Budget available</b>	398	796	796	796
Expenditure				
Income				
<b>Effect of decision from report</b>	398	796	796	796
Expenditure				
Income				
<b>Remaining budget</b>	0	0	0	0
<b>Capital Budget available</b>	7,108	14,217	14,217	14,217
Expenditure				
<b>Effect of decision from report</b>	7,108	14,217	14,217	14,217
Expenditure				
<b>Remaining budget</b>	0	0	0	0

- 5.1 The financial year 2018/19 is reflecting the available revenue and capital budgets based on the proposed contract commencing from 1<sup>st</sup> October 2018. The funding for the project over the initial 7 years is broken down as follows:

- Highways Term Service £ 36.7m
- Winter Servicing £ 1.8m
- Public Realm Growth Zone (5 years) £ 50.0m
- TFL (Transport For London) works £ 14.5m
- Professional Service Work £ 2.1m

**Total Value over the original 7 year term £ 105.1m**

5.2 The total cost of funding over ten years is circa £130m. This takes the assumption that the additional 3 years is evoked. The breakdown for the final three years assuming the contract gets extended is detailed below. Should this not happen then the maximum funding would be £105m.

- Highways Term Service £ 17.0m
- Winter Servicing £ 0.8m
- TFL (Transport For London) works £ 6.21m
- Professional Service Work £ 0.9m

**Total Value over the 3 year extension term £ 24.91m**

5.3 Over the main 7 year length of the contract there is £85m of council funded capital spend of which £50m is due to be funded through Growth Zone schemes for the next 5 years.

5.4 Funding from TFL (Transport for London) over 7 years is £14.5m and is earmarked for capital projects including principal road renewal, road safety Improvements and Public Realm works. This is based on indicative spend that has been provided to us which may fluctuate over the term of the contract depending on funding allocations from TFL.

**The effect of the decision**

Risks

5.5 The following risks have been identified and are being actively managed:

<b>Risk</b>	<b>Mitigation</b>	<b>Controls</b>
Risk of ineffective continuity of service/works provision.	Inability for Council as highway authority to perform its duty in accordance with the Highways Act 1980 particularly as Council has duty of care to maintain all highways in the borough that are not the responsibility of Highways England or Transport for London.	Implementation of contract to be awarded to maintain continuity of service/works.
Financial standing of the Contractor is inadequate to meet the needs of the service.	The Contractor has inadequate financial standing and is unable to 'finance' the supply chain resulting in poor provision of service and run the risk of the Provider failing and entering 'administration' or similar.	Financial standing of the Council's partner has been checked and deemed acceptable.



Risk of procurement challenge relating to the proposed award of contract.	Legal challenge raised by potential contractor/supplier which may subject the Council to some delay with contract commencing and/or some sanctions e.g. Termination/Invalidity of Contract/Financial penalty.	A robust and transparent process has been adopted in compliant with Public Contract Regulations 2015.
Risk of agreed Social Value commitments not being delivered.	Commitment included as part of the Bidder's offer are not delivered therefore opportunities will be lost by the Council, Croydon residents and local businesses.	Formal contract management arrangements will be implemented and regular performance management reviews will be undertaken. The Contract Manager will engage with C&I-Corporate to ensure Social Value commitments are delivered and arrangements in place to support supply chain related events.

## Options

5.6 The Council is required to undertake maintenance and improvement works in accordance with the Highways Act. A procurement exercise was required, in order to establish a contractual provision. If this recommendation is not agreed, existing transitional arrangements for highways maintenance and improvement works would need to be either further extended or reviewed, while a second procurement exercise was undertaken. The existing contract for this service is due to expire on 30<sup>th</sup> September 2018, and there is no extension available within the current contract. Therefore, it was a requirement for the procurement exercise to take place, to ensure a contractual provision was established for the next seven (7) years. If this recommendation is not agreed, the Council would be in breach of a statutory Highways Act requirement.

## Future savings/efficiencies

5.7 It is anticipated that the proposed contract may achieve revenue savings over the seven (7) year contract term. This saving would be achieved by a blend of the following:

- Agreed professional services rates;
- Rate reduction realised by re-tendering the works ;
- Including new rates for items not included within the current contract.

5.8 The savings may not take the form of a monetary value but may be reinvested in additional works being undertaken. Given that the majority of spend is capital expenditure, the majority of any savings or reinvestment is likely to be in the capital rather than revenue.

- 5.9 In addition, there is an opportunity embedded within the contract for the Council to realise a financial saving of between £50k to £300k per annum by application of a Contractor discount percentage based on annual spend. This is dependent on a minimum spend within any contract year being £15m.
- 5.10 It should be noted that there is no guaranteed minimum value of work that needs to be offered to the successful bidder, so the council will retain the ability to adjust the value of work according to its available budget.

Approved by: Felicia Wright, Head of Finance (Place).

## **6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

- 6.1 The Solicitor to the Council confirms that the procurement process as detailed in this report is in accordance with the requirements of the Council's Tenders & Contracts Regulations and meets the Council's duty to secure best value as provided under the Local Government Act 1999.

Approved by: Sean Murphy, Head of Commercial and Property Law, on behalf of the Council Solicitor & Director of Democratic & Legal Services.

## **7. HUMAN RESOURCES IMPACT**

- 7.1 This paper could potentially involve changing service providers which may invoke the effects of the Transfer of Undertakings (Protection of Employment) 2006 Legislation. The application of TUPE or otherwise would be determined between the service providers. Should TUPE apply, the role of the Council would usually extend no further than facilitating the process. There is no other substantial Human Resource impact for Council staff. Any other HR issues which may arise will be managed under the Council's appropriate policies and procedures.
- 7.2 Should TUPE apply, the Project Team has sought advice from the Council's Pension, Legal and Finance team with regards to agreeing the Council's position so that all the participating Bidders can submit their final tender based on the following:
- Fixed Contribution Rate over term of contract
  - Insurance cover for any cases of ill health
  - Cessation cost at end of contract

Approved by: Jennifer Sankar, Head of HR (Place) on behalf of the Director of Human Resources.

## **8. EQUALITIES IMPACT**

- 8.1 Equality considerations were taken into account as part of the requirements defined within the final ITT document (including the Terms and Conditions of Contract) whereby there is a need for the provider to be compliant with the

Equality Act 2010.

- 8.2 The Equality Policy 2016 - 20 sets out the Council's commitment to equality and its ambition to create a stronger, fairer borough where no community is held back. The policy reflects the council's statutory duties under the Equality Act 2010 and is supported by the equality objectives set out in the Opportunity and Fairness Plan 2016-2020.
- 8.3 The equality objectives for 2016-20 are aligned to and will support the delivery of the Council's business outcomes set out in its Corporate Plan particularly in relation to:
- **Growth** - creating growth in the local economy and ensuring that all residents in the borough are able to share the benefits
  - **Independence** - taking on an enabling role to help residents to be as independent as possible
  - **Liveability** - creating a welcoming, inclusive and pleasant place in which local people want to live and work and feel safe.
- 8.4 A full Equality Analysis has been undertaken which will be kept under review to ensure that where necessary action is taken to mitigate potential negative equality impacts e.g. access issues for people with restricted mobility.
- 8.5 The contract includes the requirement for the Preferred Bidder and its supply chain partners to pay the London Living Wage as a minimum.
- 8.6 There are also requirements for the Preferred Bidder to deliver Social Value outcomes. These include creating opportunities for local residents and businesses such as work placements, guaranteed job interviews, apprenticeships, training, supply chain opportunities and providing support for local schools across South London.

Approved by Norman Vaciannia, Senior Strategy Officer, C&I-Place.

## 9. ENVIRONMENTAL IMPACT

- 9.1 Procurement of the contract will provide the Council with an opportunity to support the Council in a number of areas including smarter working to reduce CO2 emissions and recycling products. Please refer to Part B for further details.
- 9.2 In accordance with the contract terms and where required, the preferred bidder will produce site waste management plans for any works to plan, reduce and maximise the percentage of waste recycled from every working site. The Council is satisfied that the winning bidder's solution will contribute to reducing Croydon's CO2 emissions; result in a move to more sustainable products and support energy efficiency in Croydon.

## 10. CRIME AND DISORDER REDUCTION IMPACT

10.1 There are no adverse Crime and Disorder impacts arising from this report.

## 11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

11.1 Following the evaluation of the final tender submissions, the evaluated scores are given in the table with Bidder 'C' recommended as offering the most economically advantageous tender.

		<i>Bidder A</i>	<i>Bidder B</i>	<i>Bidder C</i>	<i>Bidder D</i>
		(%)	(%)	(%)	(%)
Total (Quality)	@ 40%	26	25.84	31.60	25.60
Total (Price)	@ 60%	40.74	54.34	55.76	60
<b>Total (Combined)</b>	<b>@ 100%</b>	<b>66.74</b>	<b>80.18</b>	<b>87.36</b>	<b>85.60</b>

## 12. OPTIONS CONSIDERED AND REJECTED

12.1 Bidder 'C', having achieved the overall highest combined score of 87.36% and having submitted a compliant bid which met the requirements set out within the invitation to tender document, no other options were considered.

12.2 Bidder 'C' has successfully demonstrated through their bid that they are capable of meeting the Council's quality and price requirements.

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### CONTACT OFFICER:

<b>Name:</b>	Rowland Gordon
<b>Post title:</b>	Service Manager - Streets
<b>Telephone number:</b>	07827-880476

**BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972 – None**

**For General Release**

<b>REPORT TO:</b>	<b>Cabinet – 11 June 2018</b>
<b>SUBJECT:</b>	<b>Community Equipment Service Dynamic Purchasing Systems (DPS) Procurement Strategy Paper</b>
<b>LEAD OFFICER:</b>	<b>Guy Van Dichele, Interim Director of Adult Social Care and 0-65 Disability</b>
<b>CABINET MEMBER:</b>	<b>Councillor Jane Avis, Cabinet Member for Families, Health &amp; Social Care  Councillor Simon Hall Cabinet Member for Finance and Treasury</b>
<b>WARDS:</b>	<b>All</b>
<p><b>CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON:</b></p> <p>This report follows previous Community Equipment Dynamic Purchasing Systems (DPS) Award Papers to Cabinet on the 20<sup>th</sup> November 2017 (Key Decision Reference: 4017FHSC &amp; 4117FHSC) .</p> <p>This approach supports the following corporate priorities (Corporate Plan 2015-18):</p> <p><b>Independence:</b> To help people from all communities live longer, healthier lives through positive lifestyle choices: and, to help families be healthy and resilient and able to maximise their life chances and independence</p> <p><b>Enabling:</b> To be innovative and enterprising in using available resources to change lives for the better</p> <p>It will also contribute to the following priority within the Council’s Independence Strategy:</p> <p><b>Priority 5</b> – Enable children and adults to maximise their independence and ensure they are safe from harm through the provision of high quality specialist services.</p>	
<p><b>FINANCIAL IMPACT:</b></p> <p>The budget for DPS 5-8 (5. Beds &amp; associated equipment / 6. Moving &amp; Handling / 7. Showering &amp; Bathing / 8. Seating &amp; Cushions) sits within the Adults Social Care Pooled Budget.</p> <p>The total value of establishing Dynamic Purchasing Systems (DPS) 5-8 (as described in the table overleaf) for Croydon Council (Adults Social Care Pooled Budget) is £8,388,624 across a maximum ten (10) years.</p> <p>The budget for DPS 9 (Wheelchairs) sits within the Community Equipment Service. The total value of establishing DPS 9 for the Council (Community Equipment Service budget) is £9,463,965 across a maximum ten (10) years.</p> <p>For the purposes of context, Cabinet is asked to note that the total value of establishing the five (5) new DPS (across eight (8) authorities within the integrated procurement hub), including wheelchairs, is estimated to be £93,360,868 across a maximum ten (10) years. Detail on the Integrated Procurement Hub values are included at Appendix 1.</p>	

**TABLE 1**

<b>DPS Title</b>	<b>No. of Lots</b>	<b>Croydon Value across 10 years (for decision)</b>	<b>Budget</b>	<b>Partnership Value across 10 years (for context)</b>
Beds & Associated Equipment – DPS 5	21	£3,421,252	Adult Social Care Pooled Budget	£32,204,009
Moving & Handling – DPS 6	36	£2,435,672	Adult Social Care Pooled Budget	£24,216,238
Showering & Bathing – DPS 7	26	£868,024	Adult Social Care Pooled Budget	£12,064,007
Seating & Cushions – DPS 8	23	£1,663,677	Adult Social Care Pooled Budget	£16,086,476
<b>TOTAL</b>		<b>£8,388,624</b>	<b>Adult Social Care Pooled Budget</b>	<b>£84,570,730</b>
Wheelchairs – DPS 9	20	£5,682,715	Community Equipment Service Budget	£8,790,138

**KEY DECISION REFERENCE NO:**

Previous Key Decision Reference Numbers: 4017FHSC & 4117FHSC

The decision may be implemented from 1300 hours on the expiry of 5 working days after it is made, unless the decision is referred to the Scrutiny & Strategic Overview Committee by the requisite number of Councillors.

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 procurement strategy detailed in this report for the establishment of 4 DPS's (DPS 5 Beds & Associated Equipment, DPS 6 Moving & Handling, DPS 7 Showering & Bathing, DPS 8 Seating & Cushions) at a maximum estimated value of £8,388,624 for the Council for a period of seven (7) years, plus a three (3) year extension period (maximum term of ten (10) years).
- 1.2 Approve the procurement strategy detailed in this report for the establishment of a further DPS for Wheelchairs, at a maximum estimated value of £5,682,715 for the Community Equipment Service, for a period of seven (7) years, plus a three (3) year extension period (maximum term of ten (10) years).
- 1.3 Approve the deviation from Regulation 21 of the Council's standard evaluation weightings to 50% quality and 50% price.

1.4 Note, for the purposes of the OJEU notice, that the proposed Integrated Procurement Hub Spend, over ten (10) years, on DPS 5-9 is £93,360,868.

## 2. EXECUTIVE SUMMARY

- 2.1 In 2012, the Local Authority Trading Company (LATC) for Community Equipment took over the hosting of the Department of Health initiated Integrated Procurement Hub (IPH) for the provision of Complex Community Equipment. The main aim was to stimulate and drive greater competition and better value in the provision of complex equipment.
- 2.2 The IPH operates to procure equipment for 8 local authorities, including Croydon, Merton, Sutton, Tower Hamlets, Newham, Bexley, Sandwell Metropolitan Borough Council and Essex County Council.
- 2.3 The Community Equipment Service (CES) was in-sourced to the Council, including the use of DPS 1 on the 1<sup>st</sup> December 2016, which was set-up by the LATC. Two additional DPS as detailed below were set up and run by the Council, as the Contracting Authority for the purposes of the Public Contracts Regulations 2015.
- 2.4 A strategy report for the establishment of additional Dynamic Purchasing Systems for DPS2: Paediatrics & Young Adults Equipment, DPS3: Simple Aids, and, DPS4: Small Moving & Handling Equipment was presented and approved by the Contracts & Commissioning Board on the 11<sup>th</sup> August 2016 (ref: CCB1166/16/17).
- 2.5 Further to this, award reports for DPS2: Paediatrics & Young Adults Equipment and DPS3: Simple Aids, were presented to Cabinet on the 20<sup>th</sup> November 2017 (Key decision ref: 4017FHSC and 4117FHSC)
- 2.6 The total value of DPS 5 - 8 (see Table 1) for Croydon Council (Adults Social Care Pooled Budget) is £8,388,624 across a maximum ten (10) years. This includes a possible three (3) year extension, following the initial seven (7) years.
- 2.7 The total value of DPS 5 - 8 (across eight (8) authorities within the integrated procurement hub) is estimated to be £84,570,730 across a maximum ten (10) years. This includes a three (3) year extension, following the initial seven (7) years.
- 2.8 The total value of DPS 9 (wheelchairs) for the Community Equipment Service is £8,790,138 across a maximum ten (10) years. This includes a three (3) year extension, following the initial seven (7) years.
- 2.9 The content of this report has been endorsed by the Contracts and Commissioning Board.

<b>CCB Approval Date</b>	<b>CCB ref. number</b>
10/05/2018	

### 3. DETAIL

3.1 Dynamic Purchasing System (DPS) is a procedure for “*commonly used*” products where requirements are met by solutions “*generally available on the market*”. The “*system may be divided into categories [Lots] of products*” that are “*objectively defined on the basis of characteristics of the procurement to be undertaken*”. DPS is “*operated as a completely electronic process*” that is open to “*any economic operator that satisfies the selection criteria*”. [Source: Regulation 34 Public Contracts Regulations 2015].

3.2 The main objective is to improve the quality of lives for residents in their home by providing community equipment effectively to make their homes more suitable for their needs. This can be achieved by the following:

- Improving the range of available equipment on stock so 80% of equipment issued is covered by the standard stocklist
- Reduce the overall spend on equipment for local authorities by 10%
- Reduce spare part and maintenance spend by 20% by providing quality equipment on the standard stocklist

The way to implement the above points is by defining five DPS’s to purchase standard equipment. The five DPS’s are structured as follows:

Table 1

<b>DPS Title</b>
DPS 5: Beds & Associated Equipment
DPS 6: Moving & Handling
DPS 7: Showering & Bathing
DPS 8: Seating & Cushions
DPS 9: Wheelchairs

DPS have been set up for categories 1-4 as described in paragraphs 2.3 – 2.5 of this paper. This paper asks for permission to establish DPS for 5-9. The remaining categories will be brought for decision, in relation to procurement strategy, in 2018/19.

3.3 The DPS competitions allow for a periodic refresh of both prices and supply-chain. For dynamic products, where market prices, supply chains and demands are continually evolving, the quantities commitment should ideally be for a shorter period only, to allow a more frequent refresh. For static products, where the prices, suppliers and demands only evolve slowly, the quantities agreement could be longer in order to maximise the supplier discount. The current optimum commitments for the various Lots of community equipment in these DPS 5 - 9 are for quantities equating to between 12 and 24 months of purchasing.



- 3.4 The term of DPS 5 - 9 is seven (7) years, with the option to extend for a further three (3) years (a maximum of ten (10) years), based on need and value for money achieved through the DPS model. In accordance with the Public Contracts Regulations 2015 ("PCR 2015"), there is no time limit on the duration of a DPS. The DPS model allows for flexibility in respect of both supplier and price refresh and this timescale has been accepted as appropriate for the needs of the Integrated Procurement Hub.
- 3.5 DPS 5 - 9 will be tendered using the restricted procurement procedure of the Public Contract Regulations 2015. In accordance with the regulations an OJEU notice and Supplier Selection Questionnaire (SSQ) will be issued to the market on 22<sup>nd</sup> June 2018.
- 3.6 To provide assurance to clinicians and prescribers about the quality of the equipment purchased through the DPS, we are seeking approval from the Director of Commissioning & Procurement, in accordance with Regulation 21 and Regulation 17 of the Tenders and Contracts Regulations to change the evaluation criteria to 50% quality (ascertained at SSQ stage) and 50% price (ascertained at ITT stage). For clinicians, a weighting that indicated that quality was rated less than equal to cost would result in a lack of confidence in prescribing the equipment chosen.
- 3.7 The total of the Quality scores from the SSQ stage (50%) and the Price scores from the Pricing Matrix (50%) will be added together and the Admitted Suppliers ranked accordingly for the relevant category. The Admitted Supplier with the highest combined score (i.e. ranked the highest) will be identified as the Preferred Supplier for that category for the duration of the mini competition.
- 3.8 The quality evaluation consists of the comparison of bidder responses against the product specification and method statements. Each supplier method statement will be scored by individual members of an evaluation panel with each question being scored from 0 to 5. The marks will be awarded in line with the criteria in Table 2.

<b>Scoring Methodology – Table 2</b>		
<b>Score</b>	<b>Rating</b>	<b>Criteria for awarding score</b>
5	Excellent	The supplier has provided responses that are robust and supported by suitable and relevant evidence of experience and technical and professional ability which significantly exceeds the Council's expectations
4	Good	The supplier has provided responses that are robust and supported by suitable and relevant evidence of experience and technical and professional ability which exceeds the Council's requirement
3	Satisfactory	The responses are compliant and the supplier has provided responses that demonstrate through suitable and relevant evidence that they have experience and have technical and professional ability which meet the Council's requirements

2	Fair	The responses are superficial and generic. The supplier has provided insufficient responses or the responses given demonstrate limited experience and limited technical and professional ability
1	Poor	The supplier has provided wholly insufficient responses or the responses given demonstrate very limited experience and insufficient technical and professional ability
0	Unacceptable	The supplier has not answered the question, has omitted information or has provided information that is not relevant and the evaluator is unable to determine whether the supplier possess sufficient technical and professional ability.

### The method statements used (SPLIT 50% QUALITY)

Aspect of Quality	Weighting of 50%
7A.1 - Product regulatory conformity	20%
7A.2 - Quality-economic comparison to equivalent products	15%
7A.3 - Clinical benefits	20%
7A.4 – Product life expectancy and warranty	10%
7A.5 – Training and support	3%
7A.6 – Product function, features, key parameters, accessories and fittings	10%
7A.7 – Delivery Times	15%
Social Value	5%
PSP	2%

The weightings of the quality aspects may change

- 3.9 Tenders must achieve a minimum score of 2 marks for the response to question 7A1. Failure to meet this resulted in rejection of the tenderers quality submission and the submitted tender will not to be considered further.
- 3.10 Any submission that fails to reach the overall quality threshold of 21 marks across all method statements, which is deemed an overall ‘acceptable’, score will be rejected and not considered further.
- 3.11 The scoring at SSQ stage will be performed by the Operations Manager, Clinical Lead and Procurement Team Leader from Community Equipment Service. Moderations will be held by the CES Procurement Officer to ensure consistency of scoring and agree final SSQ percentage scores.
- 3.12 The maximum score achievable for SSQ is 50%. SSQ scores will be calculated using the following equation:

$$\frac{\text{Tenderer's Total Quality Score}}{\text{Highest Scoring Quality Score}} \times 50\%$$

3.13 The tenderer's pricing score was calculated using the following calculation:

$$\frac{\text{Lowest Submitted Tendered Total Price}}{\text{Tenderer's Submitted Tendered Total Price}} \times 50\%$$

3.14 The percentage score from 3.11 and 3.12 will be combined together to give the total score for each tenderer.

3.15 The following timetable is proposed for carrying out the implementation of DPS's 5-9.

Activity	Date
Pre-tender market engagement	14/05/2018
Cabinet	11/06/2018
Key decision notice implemented	19/06/2018
Specification raised & approved	15/06/2018
OJEU Contract Notice despatched	22/06/2018
Advertisement published (if applicable)	22/06/2018
Response deadline	23/07/2018
Financial section of SQQ responses evaluated by	28/07/2018
All sections of SQQ's evaluated by	02/08/2018
Equipment sample assessment completed by	09/08/2018
Issue tenders	13/08/2018
Tender response deadline	23/08/2018
Clarification and site visits (if applicable)	28/08/2018
Evaluation process completed by	30/08/2018
Award report approved by Category Manager (stage 1)	14/09/2018
Award report circulated & approved by Dept (stage 2)	24/09/2018
Submit report to CCB	08/10/2018
Present award report to CCB for consideration and recommendation	11/10/2018
If over £5m, date for consideration and recommendation of Award report by Cabinet.	19/11/2018
Commence Alcatel (if OJEU)	20/11/2018
Issue successful and unsuccessful letters	20/11/2018
Award contract	03/12/2018
Contract initiation meeting	10/12/2018
Warehouse and logistics training on new equipment	07/01/2019
Commencement of supply	14/01/2019
Performance reporting and monitoring	01/04/2019

### 3.16 Performance Management

3.16.1 The contracts will be managed by the Procurement Lead situated in Community Equipment Services.

3.16.2 Delivery of equipment within 5 working days will be the main KPI monitored as lean supply is critical due to CES warehouse constraints.

3.16.3 Equipment quality will be continuously monitored by CES warehouse, logistics and clinical lead.

3.16.4 Formal contract review meetings will take place to review performance of equipment and supply standards.

#### **4. CONSULTATION**

4.1 Equipment specification and scoring methodology will be shared with prescribers and commissioners from across the partner authorities and their views included in the evaluations. Senior Occupational Therapists from Croydon, Sutton and Merton will attend an evaluation event for verifying that the successful bids satisfy the quality specifications.

#### **5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

This paper is seeking permission:

- For the Community Equipment Service to establish DPS 5-9 for all IPH partner authorities, including LB Croydon / Croydon CHS
- To purchase equipment through DPS 5-8 for LB Croydon & Croydon CHS
- To purchase equipment through DPS 9 (wheelchair service) by the Community Equipment services.

Croydon Community Equipment Services operates as a trading entity, selling purchased equipment back to local authority clients (including LBC) with a 9.5% mark-up applied to cover operating costs. Across all activity, CES is expected to spend more than £10m per annum and would therefore generate an estimated income of c.£1m.

Croydon Community Equipment Services has separate financial arrangements within the Council, operating through SAGE. The Community Equipment Service has its own business plan and budgets have been set for 18/19. This has been signed off by the Community Equipment Service Board (Director of Finance, Investment & Risk, sits on this Board).

##### **5.1 Revenue and Capital consequences of report recommendations**

The budget for DPS 5-8 is from the Adults Social Care Pooled budget with the Council and Croydon Health Services (CHS). This budget covers all Health & Social Care Equipment for Adults to support independent living.

For the Council, the budget for contribution to the Adults Social Care Pooled budget with CHS for 17/18 was £1.019m, with spend of £1.089m in 17/18, resulting in an overspend of £70,000.

The CHS contribution to the pool in 17/18 was £0.981m, with a spend of £1.070m in 17/18, resulting in an overspend of £89,000.

The share of overspend / underspend as per the contribution to the Adults Social Care Pooled Budget is currently CHS Croydon 56% and Council 44%.

The budget for DPS 9 (wheelchairs) is the Community Equipment Service Budget and therefore treated as a separate entity within the Council, for budgeting purposes.

Partnership spend across the Integrated Procurement Hub is detailed at Appendix 1.

## 5.2 The effect of the decision

### 5.2.1 DPS 5 - 8

#### Council impact

The total value of DPS 5-8 for the Council and CHS (through the Adults Social Care pooled budget) is £8,388,624 (across a maximum of 10 years)

The 10 year procurement strategy covers 11 financial years. Therefore Years 1 & 11 are pro-rata.

#### Projected Adults Social Care Pooled Budget Spend effected by DPS 5 - 8 in 18/19

Year	DPS 5	DPS 6	DPS 7	DPS 8	Total
Yr 1: January 2019 - March 2019	£65,543.41	£46,662	£16,629	£31,872	£160,707
Yr 2: FY 2019/20	£275,282	£195,980	£69,843	£133,864	£674,969
Yr 3: FY 2020/21	£289,046	£205,779	£73,336	£140,557	£708,718
Yr 4: FY 2021/22	£303,499	£216,068	£77,002	£147,585	£744,154
Yr 5: FY 2022/23	£318,674	£226,872	£80,852	£154,964	£781,361
Yr 6: FY 2023/24	£334,607	£238,215	£84,895	£162,712	£820,429
Yr 7: FY 2024/25	£351,338	£250,126	£89,140	£170,848	£861,451
Yr 8: FY 2025/26	£368,905	£262,632	£93,597	£179,390	£904,523
Yr 9: FY 2026/27	£387,350	£275,764	£98,277	£188,359	£949,750
Yr 10: FY 2027/28	£406,717	£289,552	£103,190	£197,777	£997,237
Yr 11: April 2028 - December 2028	£320,290	£228,022	£81,262	£155,750	£785,324
<b>TOTAL</b>	<b>£3,421,252</b>	<b>£2,435,672</b>	<b>£868,024</b>	<b>£1,663,677</b>	<b>£8,388,624</b>

For the Council, the contribution to the Adults Social Care Pooled budget for 18/19 is £1.184 m, which is an increase of £165,000 from 17/18.

For CHS, the contribution to the Adults Social Care Pooled budget for 18/19 is £0.981m.

The total Adults Social Care Pooled Budget for 18/19 is £2.165m. The proposed expenditure for DPS 5-8 can be contained within this budget.

Approved by: Josephine Lyseight, Head of Finance (People), on behalf of the Director of Finance, Investment & Risk.

### **5.2.2 DPS 9 (Wheelchairs)**

The total value of DPS 9 for the Community Equipment Service is £8,790,138 (across a maximum of 10 years). The financial effect relates solely to the Community Equipment Service budget and does not impact on People's Directorate Budgets.

### **5.2.3 Spend through a DPS**

Spend through DPS 5-9 is not committed spend, as the commitment only applies to the quantities required for each mini competition. This means that if the budget were to decrease in the future, the required volumes could easily change year on year to reflect this.

It is anticipated that savings will be achieved on the figures for DPS 5-8 based on secured lowered unit costs through DPS 2 & 3, awarded in November 2017.

## **5.3 Options**

5.3.1 Options were considered as part of the strategy award report agreed by CCB in 2016. Using the DPS enables more frequent refreshing of the bidder base and prices, to better match the dynamics in the supplier market and gain the continual value improvements.

5.3.2 A community directory or retail model is inappropriate for providing complex medical equipment. Commissioning a community directory or retail model, in which service users self-serve using a personal budget, would result in loss of the collective purchasing power and instead result in multiple, less efficient purchasing channels where quality and safety in meeting the individual's wellbeing objectives become more difficult to assure.

5.3.3 This is a vital service. Community equipment is essential to delivering the statutory independent living and wellbeing agenda, and to minimising the wider costs in related statutory social and health care services (e.g. more vulnerable people reaching crisis and/or hospital admission).

## **5.5 Future savings/efficiencies**

5.5.1 The majority of savings will be achieved by providing competition for supply of equipment which has rarely been done for these categories of community equipment.

5.5.2 Selecting quality equipment with longer warranties than current equipment will reduce spend in spare parts and maintenance. This will be evidenced 12 months after the commencement of this contract and compared against previous years.

## **5.6 Risk Management**

5.6.1 There is a risk that partners of the integrated procurement hub do not purchase the awarded equipment. This will be mitigated by engaging with the partner local authorities to gain their buy in to equipment specification and awarding methodology.

5.6.2 There is a risk that a low number of tenders are received. This will be mitigated by continuous engagement with the market.

## **6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

6.1 The Council Solicitor comments that the proposal set out in this report is in accordance with the Council's Tenders and Contracts Regulations and seeks to support the Council's duty to achieve Best Value pursuant to the Local Government Act 1999.

Approved by: Sean Murphy, Head of Commercial and Property Law (Deputy Monitoring Officer) on behalf of the Director of Law and Monitoring Officer.

## **7. HUMAN RESOURCES IMPACT**

7.1 There are no direct Human Resources implications arising from this report for Croydon Council employees. Nonetheless, this procurement strategy could result in service provision changes which may invoke the effects of TUPE (Transfer of Undertakings (Protection of Employment) 2006 Legislation, amended 2014). The application of TUPE will be determined by the incumbent and the new service providers, for which the Council is the client. On that basis, the role of the Council would usually extend no further than facilitating the process.

Approved by: Debbie Calliste, Head of HR – People Department Lead, on behalf of the Director of HR

## **8. EQUALITIES IMPACT**

8.1 A full EIA was undertaken in relation to the insourcing of the equipment service back to Croydon Council and the creation of DPS to supply equipment is included this analysis. This service truly promotes equalities across groups with protected characteristics. The provision of community equipment promotes independence, improves quality of life and reduces social isolation. Additionally, the Community Equipment service provides employment opportunities for people with learning disabilities.

## **9. ENVIRONMENTAL IMPACT**

9.1 There are no environmental impacts to the report.

## **10. CRIME AND DISORDER REDUCTION IMPACT**

10.1 N/A

## 11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 11.1 Approve the procurement strategy detailed in this report for the establishment of 4 DPS's (Beds & Associated Equipment, Moving & Handling, Showering & Bathing, Seating & Cushions) at a maximum estimated value of £8,388,624 for the Council for a period of seven (7) years, plus a three (3) year extension period (maximum term of ten (10) years).
- 11.2 Approve the procurement strategy detailed in this report for the establishment of a further DPS for Wheelchairs, at a maximum estimated value of £8,790,138 for the Community Equipment Service, for a period of seven (7) years, plus a three (3) year extension period (maximum term of ten (10) years).
- 11.3 Note the partnership spend across the 8 authorities within the Integrated Procurement Hub, detailed at Appendix 1.

## 12. OPTIONS CONSIDERED AND REJECTED

- 12.1 The establishment of DPS 5 - 9 ensures that the Council and other authorities within the Integrated Procurement Hub are getting the best possible value for money in relation to the purchase of Community Equipment. Procuring outside of the DPS would not enable the Council and the Integrated Procurement Hub to achieve the savings detailed within this paper.

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### CONTACT OFFICER:

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### BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972

No Background papers required for this report



## APPENDIX 1 – Partnership spend across Integrated Procurement Hub (8 Authorities)

TABLE: Total projected spend of the DPS for all partners over next 10 years (This includes Wheelchair Spend – DPS 9)

YEAR	DPS 5	DPS 6	DPS 7	DPS 8	DPS 9	Total
<b>Y1 - January 2019 - March 2019</b>	£832,520	£673,380	£337,474	£447,050	£100,000	£2,390,425
<b>Y2 - FY 2019/20</b>	£2,182,533	£1,767,907	£888,749	£1,173,333	£670,000	£6,682,522
<b>Y3 - FY 2020/21</b>	£2,415,950	£1,944,422	£975,232	£1,290,781	£691,000	£7,317,385
<b>Y4 - FY 2021/22</b>	£2,578,614	£2,052,479	£1,027,112	£1,362,820	£713,050	£7,734,075
<b>Y5 - FY 2022/23</b>	£2,841,658	£2,230,319	£1,114,067	£1,481,173	£736,203	£8,403,419
<b>Y6 - FY 2023/24</b>	£3,035,430	£2,339,752	£1,166,437	£1,554,152	£760,513	£8,856,284
<b>Y7 - FY 2024/25</b>	£3,331,139	£2,519,020	£1,253,901	£1,673,481	£911,038	£9,688,579
<b>Y8 - FY 2025/26</b>	£3,559,208	£2,629,936	£1,306,800	£1,747,473	£937,840	£10,181,258
<b>Y9 - FY 2026/27</b>	£3,890,929	£2,810,745	£1,394,813	£1,867,854	£965,982	£10,930,323
<b>Y10 - FY 2027/28</b>	£4,156,811	£2,923,261	£1,448,282	£1,942,939	£1,183,031	£11,654,325
<b>Y11 April 2028 - December 2028</b>	£3,379,217	£2,325,017	£1,151,140	£1,545,417	£1,121,481	£9,522,273
<b>TOTAL</b>	<b>£32,204,009</b>	<b>£24,216,238</b>	<b>£12,064,007</b>	<b>£16,086,476</b>	<b>£8,790,138</b>	<b>£93,360,868</b>

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