

MINUTES of the Meeting of the **CABINET** held on Wednesday, 22 March 2023 at 6.30pm
in the Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

Present: Executive Mayor Jason Perry (Chair);

Councillors Jeet Bains (Cabinet Member for Planning and Regeneration), Jason Cummings (Cabinet Member for Finance), Maria Gatland (Cabinet Member for Children and Young People), Lynne Hale (Deputy (Statutory) Executive Mayor and Cabinet Member for Homes (Vice-Chair)), Yvette Hopley (Cabinet Member for Health and Adult Social Care), Ola Kolade (Cabinet Member for Community Safety), Scott Roche (Cabinet Member for Streets and Environment) and Andy Stranack (Cabinet Member for Communities and Culture).

Also Present: Councillors Leila Ben-Hassell*, Mike Bonello, Janet Campbell, Richard Chatterjee, Chris Clark, Nina Degrads, Clive Fraser, Christopher Herman, Stuart King, Enid Mollyneaux, Chrishni Reshekaron, Robert Ward and Callton Young OBE.

* Denotes online (remote) attendance

PART A

42/23 Apologies for Absence

There were no apologies for absence received from Members.

43/23 Disclosure of Interests

There were no declarations of interest received from Members.

44/23 Minutes of the Previous Meetings

RESOLVED that:

1. The Part A minutes of the meeting held on 22 February 2023, be approved as a correct record; and
2. Both Part A and Part B (not for publication) minutes of the previous (additional) meeting of the Cabinet, held on 6 March 2023, be approved as correct records.

45/23 Any Urgent Business

There were no items of urgent business. However, the Executive Mayor made the following announcements:

(i) Spate of Stabbings in Croydon Town Centre

The Executive Mayor said Members would have been aware that, over the past few days, a number of stabbings had occurred within the town centre. He said he had been in regular contact with the Borough Commander and welcomed that the Police had introduced additional patrols in the town centre. The Council's youth engagement teams and neighbourhood support officers had, he said, also been on site providing reassurance.

The Executive Mayor said the Council was proactively supporting the Police investigations, and tomorrow he would be meeting with head teachers, the Police and community leaders to discuss a clear and coordinated response to the latest incidents.

(ii) Update from Minister for Local Government

The Executive Mayor said Members would also have seen last week's update from the Minister for Local Government, which recognised "the good progress made by the Council" by both staff and his Administration, to address the difficult challenges the Council had inherited.

He said that conversations with Government were continuing to secure a package of financial support, building on the additional £224m of capitalisation directions which were agreed only last month.

The Executive Mayor went on to say that "Opening the Books" had shown everyone the full scale of the financial impact the previous administration's mismanagement had had on the borough. He said that, given the depth of those challenges, Government had noted its intention to formalise the Council's current arrangements by putting the Improvement and Assurance Panel on a statutory footing. In practice, he said, this would not be a major change, and the Council would continue to work constructively with the Panel as it did currently.

In conclusion, the Executive Mayor said that the Panel had always had the power to issue advice notes, six of which had been issued to the previous administration, but since his election as Mayor in May it had not felt the need to issue any.

46/23

Appointments

There were no executive functions appointments made.

Scrutiny Stages 1 and 2

Stage 1

Cabinet considered a report, which provided additional context and a summary of the conclusions reached by the Streets and Environment Scrutiny Sub-Committee, held on 31 January 2023, in relation to the Budget Scrutiny Challenge.

The Executive Mayor then invited the Vice-Chair of the Council's Scrutiny and Overview Committee, Councillor Leila Ben-Hassel, to address Cabinet in support of the conclusions reached by the Sub-Committee.

Having received the recommendations of that Sub-Committee from that meeting, the Executive Mayor, in Cabinet, **RESOLVED** that a substantive response to the recommendation (a Scrutiny Stage 2 Report), be provided within two months (i.e., at the Cabinet meeting scheduled to be held on 24 May 2023).

Stage 2

Cabinet considered a report, inviting the Executive Mayor to approve the full response reports arising from the Stage 1 reports presented to the Cabinet meeting, held on 25 January 2023, which included action plans for the implementation of agreed recommendations, or the reasons for rejecting the recommendations and that these be reported to the Scrutiny and Overview Committee or relevant Sub-Committees.

It was reported that the Constitution required that in accepting a recommendation, with or without amendment, from a Scrutiny and Overview Committee or Sub-Committee, the Cabinet agree an action plan for the implementation of the agreed recommendations and 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.

The Executive Mayor then invited the Vice-Chair of the Council's Scrutiny and Overview Committee, Councillor Leila Ben-Hassel, to address Cabinet in respect of the responses to recommendations arising from the Children and Young People Sub-Committee held on 27 September 2022 (Appendices 1 and 2); the Streets and Environment Sub-Committee held on 4 October and 8 November 2022 (Appendices 3 and 4 and 5 and 6 respectively); the Health and Social Care Sub-Committee held on 18 October 2022 (Appendix 7) and the Scrutiny and Overview Committee held on 6 December 2022 (Appendix 8).

Accordingly, the Executive Mayor, in Cabinet, **RESOLVED** that the response and action plans, attached as Appendix A to the report, be approved and that these be reported to the Scrutiny and Overview Committee or relevant Sub-Committees.

Regina Road Estate, South Norwood – Outcome of Statutory Consultation and Arrangements for a Ballot of Residents on the Landlord Offer

Cabinet considered a report, which proposed action to continue the process of addressing the current and recurring unsatisfactory situation at the Regina Road estate where three ageing tower blocks required intervention to ensure modern social housing fit for the 21st Century.

It was reported that the unacceptable condition of the estate had resulted from years of decline, a failure to resolve key maintenance issues and a failure to respond in a timely manner to the worsening conditions highlighted by residents at Regina Road.

It was further reported that the Council was now taking action to address past failures, move forward at pace and to ensure that this was done in consultation with residents and in adherence with the Residents' Charter, which was approved at Cabinet on 16 November 2022.

The report also reviewed the outcome of the statutory consultation with residents, which had been undertaken by the Council over the period 13 December 2022 to 26 January 2023, as authorised by Cabinet on 16 November 2022, in accordance with Section 105 of the Housing Act 1985 and, to the extent relevant, under Section 137 of the Housing Act 1996 on proposals to refurbish or demolish and redevelop the three tower blocks and certain other properties within the Regina Road estate.

The Executive Mayor said that, almost exactly two years ago, the appalling conditions at Regina Road had been laid bare by ITV's shocking expose by uncovering some of the worst conditions ever seen in social housing and highlighted how, for years, residents at Regina Road had been let down and faced appalling living conditions as a result of inaction by the previous Administration.

He said that when he was elected Executive Mayor, he pledged to put that right and that was what the Council's new Residents Charter, housing repairs contract and Housing Transformation Plan had begun to do with decisions tonight being another major step to deciding the long-term future of Regina Road.

This report was, he said, part of the work to address these concerns and rebuild the trust of the local community by placing resident's voices at the heart of any approach the Council took.

The report considered the outcome of consultations, which were launched following the November report and, as part of those consultations, extensive conversations with residents had taken place on both the renovation and the demolition and redevelopment options.

The consultation found strong support for the demolition and redevelopment option, not only of the three towers but also of the surrounding medium and low-rise housing.

The Executive Mayor said that this provided an excellent opportunity for new modern housing to be built for local residents, to the latest standards whilst retaining the current number of Council properties as a minimum.

He said that the Council had responded to feedback on the landlord offer and it now had a strong commitment to tenants, leaseholders and freeholders. This, he said, included, but was not limited to; compensation, home loss payment and a right to return to a new home in Regina Road.

The Executive Mayor was pleased to have received a letter earlier this week from the Chair of the Independent Housing Improvement Board, which highlighted the “very clear and welcome shift in the Council’s approach to tackling the unacceptable state of the estate since the middle of last year” and noted that “residents had been thoroughly involved at all stages” of the work.

He said that the next step in the process would be to progress to a formal estate regeneration ballot before the Council took a final decision.

The Executive Mayor then invited the Council’s Corporate Director of Housing to highlight minor errors in the report.

The Council’s Corporate Director of Housing highlighted the following errors within the (offer document) report:

- a) Appendix 4 (Page 150) – that, references to “Council tenants” be amended to read “social tenants”.
- b) Page 150 and Page 131 – bullet point should reference the date of the publication of the offer document rather than the ballot date.

The Executive Mayor invited two residents from Regina Road to address Cabinet.

The Executive Mayor thanked both speakers for their heartfelt words. He said that making progress to resolve the long-standing issues at Regina Road was vital if the Council was to provide decent homes and rebuild trust with the local community.

He said that this report marked a pivotal step forward and showed strong support from residents to demolish and redevelop the current blocks in order to provide much needed warm, safe, dry properties, that residents were proud to call home.

Having considered the outcome of the statutory consultation with tenants, leaseholders and freeholders in the Regina Road area, as set out at

Appendix 1 to the report, over the six weeks from 13 December 2022 to 26 January 2023 and the outcome of the consultations in respect of draft Tenant and Leaseholder/Freeholder Offers, which was undertaken with tenants, leaseholders and freeholders in the Regina Road estate over those six weeks, also as set out at Appendix 1 to the report, and in the Landlord Offer at Appendix 4 and, having had due regard to the outcome of the statutory consultation and its outcomes and, in light of the consideration of the equalities matters and public sector equality duty as detailed in section 19 of the report and the financial implications as detailed in section 16, the Executive Mayor, in Cabinet, **RESOLVED** that, subject to the amendments above:

1. The demolition and redevelopment of the three towers and immediately surrounding area was the Council's preferred way forward for the area that had been subject to statutory consultation, as defined on the plan attached as Appendix 2, but that a final decision on the approach would not be undertaken prior to the outcome of the proposed ballot, be approved.
2. The content of the Landlord Offer at Appendix 4 to the report, for purposes of Ballot, be effective from 16 November 2022 and that this Offer be published and circulated to eligible residents in advance of any proposed Ballot, in line with GLA requirements and that the Corporate Director of Housing, in consultation with the Cabinet Member for Homes, be authorised to make any minor changes, such the correction of typographical errors within the content or updates due to statutory changes.
3. A Ballot of eligible residents, as defined by the GLA funding guidelines and requirements, be held for a period of at least 21 days during April and May on the Landlord Offer (Appendix 4 to this report) and to note that the Ballot would be undertaken by an appropriately qualified Independent Party.
4. The outcome of the Ballot be reported back to the Executive Mayor and Cabinet.
5. No further tenancies, permanent or temporary, be granted at any of the properties within the Regina Road estate, as defined on the plan attached at Appendix 2, pending the outcome of the ballot and further report.

49/23

Local Development Framework – Local Development Scheme Approval

Cabinet considered a report, which sought agreement from the Executive Mayor, in Cabinet to update the Local Development Scheme (LDS). The LDS itself included an updated timetable for the production of the Review of the Croydon Local Plan 2018 and Community infrastructure Levy 2013.

The Executive Mayor said that reforming planning policy was a key part of his commitment to residents and that Croydon's planning policy should enhance and enrich the borough, recognising that different areas had different styles and characters. This, he said, was what this review of Croydon's Local Development Framework would deliver, and he was happy to agree the recommendations in the report.

The Executive Mayor, in Cabinet, **RESOLVED** that the updated Local Development Scheme (Appendix 1), being the programme to deliver the Local Development Framework for the Council, be approved.

50/23

Month 9 Financial Performance Report

Cabinet considered a report, which provided the Council's forecast outturn as at Month 9 (December 2022) for the General Fund (GF), Housing Revenue Account (HRA) and the Capital Programme (CP). The report also formed part of the Council's financial management process for publicly reporting financial performance monthly.

The Executive Mayor, in Cabinet, **RESOLVED** that:

1. The fact that the General Fund revenue budget outturn was forecast to be balanced at Month 9, be noted.
2. The forecast elimination of the planned contribution to General Fund Reserves of £6.9m for 2022/23, be noted.
3. The fact that a further number of risks and compensating opportunities may materialise which could see the forecast change, be noted.
4. The progress of the MTFs savings, as indicated within Table 4 and detailed in Appendix 3 to the report, be approved.
5. The fact that the Housing Revenue Account (HRA) was projecting an end of year position of a £0.918m overspend, be noted.
6. The Capital Programme spend to date for the General Fund of £18.296m (against a budget of £253.936m) with a projected forecast underspend of £17.488m for the end of the year, be noted.
7. The Housing Revenue Account Capital Programme spend to date of £14.101m (against a budget of £27.357m), with a projected forecast underspend of £1.897m for the end of the year, be noted.
8. The fact that the above figures were predicated on forecasts from Month 9 to the year end and therefore could be subject to change as forecasts were made based on the best available information at this time, be noted.

9. The fact that the Council continued to operate a Spend Control Panel to ensure that tight financial control and assurance oversight were maintained, be noted.

(It was reported that a new financial management culture was being implemented across the Council through increased scrutiny, such as the monthly assurance meetings, improved communication and budget manager training from CIPFA.)

51/23

Annual Procurement Plan 2023-2024

Cabinet considered a report, which set out the recommendations and actions to be taken to approve the Annual Procurement Plan (APP) for the financial year 2023/24.

It was reported that the Improving Procurement Governance Process Cabinet Report on 16 November 2022 had set out a rationale for establishing an Annual Procurement Plan, to simplify and accelerate approvals and to ensure a more strategic deployment of resources whilst maintaining decision making rigour.

It was further reported that managing a proactive forward plan of procurement projects was fundamental to improving compliance and to ensure that contracts were re-let in time, and the APP approach was a key element of the Council's Procurement Improvement Plan.

The Executive Mayor, in Cabinet, **RESOLVED** that:

1. The APP for the financial year 2023/24, as set out in Appendix A to the report, be approved.
2. The delegated decisions in the APP to those Lead Members or Officers, as stated in Appendix A to the report, that included the procurement strategy and award decisions, the duration of the contracts and contract values, be approved.
3. The delegated decisions only be exercised following recommendations from the Contracts and Commissioning Board, which required approval from both the Lead Cabinet Member and the Cabinet Member for Finance.
4. Minor changes be allowed for to proceed whilst retaining the agreed delegations so long as none of the following thresholds for changes were exceeded:
 - (i) Contract value exceeded that proposed in the APP/Quarterly Update Report, by the lesser of £500K or 25%, or the new aggregated value exceeded £1m and it became a key decision; or

- (ii) Substantial/material changes to procurement from that defined in the APP/Quarterly Update Report e.g., material risks were identified.

(Should either of these thresholds be exceeded, the delegation cannot be exercised, and the decision shall be recommended to the Executive Mayor, unless a further delegation is approved. Where a delegated decision is a Key Decision to Officers, it must be made in consultation with the Lead Cabinet Member).

- 5. The fact that an update report in respect of the APP performance for 22/23 would be presented to the Executive Mayor in Cabinet in May 2024, be noted.

52/23

Property Disposals

Cabinet considered a report, which built upon the Corporate Asset Management Plan and Disposal Strategy approved by the Executive Mayor in Cabinet in November 2022. It recommended the disposal of further properties in line with the approved strategy.

It was reported that the Council remained financially unsustainable and needed to reduce its asset base considerably and in a timely manner. The proposed disposal route would ensure that the right decisions were reached in relation to the Council deciding to sell, rent or retain assets in line with the Medium-Term Financial Scheme requirements and the expectation of the Improvement and Assurance Panel.

It was further reported that, to allow for some flexibility during the disposal process to reflect any issues that arose as part of the due diligence process undertaken by the purchaser or to reflect a change in the market conditions, it was recommended that a variation in the Red Book valuation of up to 10% be agreed provided it could be demonstrated that the asset had been properly marketed.

The Executive Mayor referred to the Part B (exempt – not for publication) report, which accompanied the report being considered and advised that the meeting would require to move to private session should any of the financial, sensitive information in the Part B report, be discussed at this time.

The Executive Mayor, in Cabinet, **RESOLVED** that:

- 1. The disposal of Aztec Centre, 28 Boulogne Road (former site of Croydon Community Equipment Service), be approved.
- 2. The disposal of 58 Ashburton Road be approved.
- 3. The disposal of 56 Craignish Avenue, be approved.

4. The disposal of 139 Wingate Crescent, be approved.
5. The disposal of 92a High Street, be approved.
6. The Corporate Director for Resources and S151 Officer be authorised to agree minor changes to the terms and a price variation of up to a maximum of 10% below the Red Book valuation for each disposal where it was clearly demonstrated that the asset had been correctly marketed and the recommendation reasonably represented the best consideration achievable.

53/23

Local Government and Social Care Ombudsman (LGSCO) Report - Finding of Fault Causing Injustice and Report by the Monitoring Officer under Section 5A of the Local Government and Housing Act 1989

Cabinet considered a report, which highlighted that a person referred to as Ms B, had complained that, after October 2019, the Council did not support her in arranging suitable respite care for her disabled son, referred to as Mr C.

It was reported that Ms B had made separate complaints to Children's and Adult Services as her complaint had spanned the time when Mr C moved between the two services. Also, on 14 July 2022, the LGSCO had written to the Chief Executive, Katherine Kerswell, to confirm that after consideration of a complaint it had received, it decided to issue its findings as a public interest report.

To remedy the injustice caused, the LGSCO made the following recommendations.

- a) To provide Ms B with an unqualified apology from a senior officer (Director level or above) recognising the injustice she had been caused.
- b) Pay Ms B £3,000 to recognise the loss of service experienced by her and Mr C outlined above; pay Ms B £500 to recognise her distress and an additional £500 to recognise her time and trouble – making £4,000 in total.
- c) Agree that for so long as it was needed, the Council provide Ms B with direct payments to fund respite care for Mr C, from his existing respite provider, at the same level he received before October 2019.

(The Council could withdraw this support once Mr C moved to another placement where such respite was no longer needed (it was noted that Mr C was due to move to a supported living placement soon).

- d) Carry out more work to understand why, when Mr C was a client of its Children's Services, the Council did not do more to search for, or record, how his respite care needs could be met between December 2019 and December 2020. The Council should undertake research to establish if this was a one-off service failure or symptomatic of any wider failings in its Children's Services in identifying suitable respite placements. If it was the latter, then the Council should produce an action plan setting out measures designed to prevent a repeat which could include reference to the new framework with respite care providers it referred to in response to the LGSCO's draft report.
- e) Give a commitment that it would end its practice of delaying the registration of stage two complaints made under the statutory complaint process for children's complaints to await clarification or meetings.
- f) Brief all staff in its Transitions Service to make it clear the Council should not seek to refuse or limit care choices on basis of cost, or through comparison with national or local averages. All staff must be reminded that decisions on the care individual clients received must be based on their assessment of need and must be sufficient to meet those needs.

Accordingly, having considered the public interest report dated 28 November 2022 and the recommendations made by the LGSCO in relation to Croydon Council, as set out in Appendix 1 to the report, the Executive Mayor, in Cabinet, **RESOLVED** that:

1. The findings and recommendations set out in the public interest report, be accepted, and agreed.
2. The actions taken by the Council be endorsed and the steps, progress, and timeline to implement the recommendations set out in Section 6 to the report, be noted.
3. The report, being the Council's formal response under Section 31 of the Local Government Act 1974, to be communicated to the Ombudsman, be adopted.
4. The report, being the Executive's formal response as required by Section 5A of the Local Government and Housing Act 1989 for distribution to all members and the Monitoring Officer, be adopted.

The meeting was declared closed at 7.34pm.

EXECUTIVE MAYOR