

## LONDON BOROUGH OF CROYDON

To: all Members of the Council (via e-mail)  
Access Croydon, Town Hall Reception

### **PUBLIC NOTICE OF KEY DECISIONS MADE AT THE CABINET MEETING ON 11 JUNE 2018**

In accordance with the Scrutiny and Overview Procedure Rules, the following decisions may be implemented from **1300 hours on 19 June 2018** unless referred to the Scrutiny and Overview Committee:

The following apply to each decision listed below

**Reasons for these decisions:**

are contained in the reports which can be downloaded on the Council's website:  
<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CIId=183&MIId=1545>

**Other options considered and rejected:**

are contained in the reports which can be downloaded on the Council's website:  
<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CIId=183&MIId=1545>

**Details of conflicts of Interest declared by any Cabinet Member:** none

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

#### **AGENDA ITEM 7: DELIVERING WESTFIELD**

**Key Decision no.:** 0718CAB

Following consideration of:

1. The representations made by third party landowners and other matters set out in Parts 1 and 3 of the report, the Cabinet **RESOLVED** that:
  - a. 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 the report.

Following consideration of:

2. 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 the report and in the

exempt report in Part B of the agenda for the meeting, together with the matters set out in Part 3 of the report.

The Cabinet **RESOLVED** to agree 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.

#### **AGENDA ITEM 11a: NEW GENERATION HIGHWAYS MAINTENANCE AND IMPROVEMENT WORKS PROVISION CONTRACT AWARD**

**Key Decision no.:** 1018CAB

The Cabinet **RESOLVED** to agree:

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)
2. 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.
3. That subject to:
  - a. 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
  - b. the terms and conditions of all necessary documentation being to the satisfaction of the Director of Law and Monitoring Officer; that

- c. 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 (Job Share) and the Cabinet Member for Finance & Resources.

## **AGENDA ITEM 14: NEW GENERATION HIGHWAYS MAINTENANCE AND IMPROVEMENT WORKS PROVISION CONTRACT AWARD**

**Key Decision no.:** 1018CAB

The Cabinet **RESOLVED** to agree:

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)
2. 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.
3. That subject to:
  - a. 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
  - b. the terms and conditions of all necessary documentation being to the satisfaction of the Director of Law and Monitoring Officer; that
  - c. 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 (Job Share) and the Cabinet Member for Finance & Resources.

## Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 19 June 2018** (5 working days after the decisions were made) unless referred to the Scrutiny and Overview Committee.
2. The Acting Council Solicitor shall refer the matter to the Scrutiny and Overview Committee if so requested by:-
  - i) the Chair or Deputy Chair of the Scrutiny and Overview Committee and 4 members of that Committee; or
  - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Victoria Lower by the deadline stated in this notice. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
  - i) The grounds for the referral
  - ii) The outcome desired
  - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
  - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Council Solicitor this would cause undue delay. In such cases the Council Solicitor will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.
7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the decision taker for reconsideration, setting out in writing the nature of the concerns.
8. The Scrutiny and Overview Committee may refer the decision to Full Council if it considers that the decision is outside of the budget and policy framework of the Council.
9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.

10. The Full Council may decide to take no further action in which case the decision may be implemented.
11. If the Council objects to the decision it can nullify the decision if it is outside of the policy framework and/or inconsistent with the budget.
12. If the decision is within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision. The decision taker shall choose whether to either amend / withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
13. The response shall be notified to all Members of the Scrutiny and Overview Committee
14. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
15. **URGENCY:** The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process.

Signed: Director of Law and Monitoring Officer

**Date: 20 March 2018**

Contact Officers: [victoria.lower@croydon.gov.uk](mailto:victoria.lower@croydon.gov.uk)

Telephone: 020 8726 6000

**PROFORMA**

**REFERRAL OF A KEY DECISION TO THE  
SCRUTINY AND OVERVIEW COMMITTEE**

For the attention of: Victoria Lower, Democratic Services & Scrutiny  
e-mail to [Victoria.lower@croydon.gov.uk](mailto:Victoria.lower@croydon.gov.uk) and [Cliona.may@croydon.gov.uk](mailto:Cliona.may@croydon.gov.uk)

Meeting Date:  
Agenda Item No:

**Reasons for referral:**

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

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**The outcome desired:**

**Information required to assist the Scrutiny and Overview Committee to consider  
the referral:**

Signed:

Date:

Member of \_\_\_\_\_ Committee