

Crawley Borough Council

Minutes of Cabinet

Wednesday 10 July 2013 at 7.30pm

Present:

Councillor	R A Lanzer	(Chair of Cabinet and Leader of the Council)
	Dr H S Bloom	(Cabinet Member for Community Engagement)
	R D Burrett	(Cabinet Member for Housing)
	D G Crow	(Cabinet Member for Leisure and Cultural Services)
	K J Trussell	(Cabinet Member for Environmental Services)
	K B Williamson	(Cabinet Member for Customer and Corporate Services)

Also in Attendance:

Councillors	B K Blake, S A Blake, N Boxall, J I Denman, M G Jones, S J Joyce, C J Mullins, A J E Quirk, P C Smith and G Thomas
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Officers Present:

Ann-Maria Brown	Head of Legal and Democratic Services
Peter Browning	Director of Housing and Transformation
David Covill	Director of Development and Resources
Graham Rowe	Streetscene, Waste & Recycling Manager
Lee Harris	Chief Executive
Suzanne Holloway	Principal Planning Officer
Phil Rogers	Director of Community Services
Chris Pedlow	Democratic Services Officer

Apologies for Absence:

Councillor	C L Denman
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16. Members' Disclosure of Interests

The disclosures of interests made by Members were set out in **Appendix A** to these minutes.

17. Minutes

The minutes of the meeting of the Cabinet held on [5 June 2013](#) were approved as a correct record and signed by the Chair.

18. Public Question Time

Public question time took place and Mr Whittaker from Thales asked a question with regard to the Manor Royal Design Guide Supplementary Planning Document (SPD). He commented that Thales was concerned over the SPD and they had made significant representations on the matter. He asked two related questions one querying whether there was actual need for the Manor Royal SPD and the other querying that, if adopted was the SPD contrary to the Government Guidance?

The Leader responded to Mr Whittaker in respect of his first issue by referencing the National Planning Policy Framework, (NPPF) Paragraph 21 says Local Authorities should "set out a clear economic vision, set criteria or identify strategic sites, develop

an approach based on an understanding and evaluation of an areas defined characteristics," and that was what the SPD aims to do. On the second point the NPPF paragraph 21 emphasises local authorities to support economic growth, and plan positively and proactively to meet the development needs of businesses, whilst recognising and seeking to address potential barriers to investment. The SPD and its supporting Public Realm Strategy were designed to achieve this.

In concluding his response the Leader emphasised that the SPD was to set the vision for the Manor Royal and the Council was always willing to work with Local Business in achieving the spirit of the SPD objectives.

19. Further Notice of Intention to Conduct Business in Private and Notifications of any Representations

The Head of Legal and Democratic Services reported that the no representations had been received in respect of items 20) *Environment Services Portfolio Household Waste and Recycling – Contract Award*, and 21) *Tender Acceptance for Disabled Adaptation Works: (Aids and Adaptations, Stairlifts and Disabled Facility Grants works)*

20. Corporate Plan Update 2013 – 2018 (Leader's Portfolio)

The Cabinet considered the report [CEx/039](#) of the Chief Executive, which was the annual Corporate Plan update for the period 2013 to 2018. The Plan was a rolling five year document that set out the strategic priorities of the Council and listed the key milestones for delivery of the priorities for the period 2013/14. It also detailed the progress made against the priorities in 2012/2013.

This matter had been considered at the meeting of the Overview and Scrutiny Commission held on 8 July 2013. Councillor Boxall presented their views, firstly stating that the Commission endorse the updated Plan. But asked that consideration be given to amending the section mentioning the new telephone system which had been cited as a success; however there had been numerous problems with the system. Also that the option to locate a cemetery outside the Borough boundary should not be dismissed, within the Plan, as currently implied.

RESOLVED

That the Full Council be RECOMMENDED to:-

- 1) Review the annual report of progress made against the corporate priorities in 2012/2013.
- 2) Adopt the Corporate Plan Update 2013 – 2018 and authorise the Chief Executive in consultation with the Leader of the Council to make appropriate amendments/ minor clerical corrections as necessary.
- 3) Authorise the Head of Legal and Democratic Services to amend the Constitution to reflect that the Full Council will be responsible for the adoption of the following documents:
 - Budget Strategy
 - Treasury Management Strategy
 - Corporate Plan
 - Development Plan Documents including The Local Plan for submission, consultation and adoption
 - Housing Allocations Scheme
 - Homelessness Strategy

- Tenancy Strategy
- Housing Revenue Account Business Plan
- Community Safety Strategy
- Statement of Licensing Policy
- Statement of Gambling Policy

Reason for Decision – The Corporate Plan is a rolling five-year plan that sets out the strategic priorities in support of the Council's mission statement. It is updated annually to ensure the Council's activities reflect the national and local challenges it faces.

22. Budget Strategy 2014/2015 – 2018/2019 (Leader's Portfolio)

The Cabinet considered the report of the [FIN/306](#) of the Head of Finance, Revenue and Benefits. The report set out the projected financial position for 2014/15 to 2018/2019 and the underlying assumptions. It also sets the policy framework for the subsequent budget process recognising that there were a range of options for capital investment, savings and income generation and Council Tax, none of which could be considered in isolation.

This matter had been considered at the Commission on 8 July 2013. The Commission endorsed the report and asked the Cabinet to support its request that a break-down of the Capital and Reserve funds be circulated to Members. The Leader confirmed that the requested information would be put in the Members information bulletin.

RESOLVED

That the Full Council be RECOMMENDED to:-

- 1) Approve the Budget Strategy and to:
- 2) Indicate its intention to minimise Council Tax and limit any increase for 2014/2015 to between 0% and 2.0%.
- 3) Note that there is a gap of £2.0m between projected General Fund income and expenditure for 2014/2015 on the basis of a 1% increase in Council tax.
- 4) Instruct the Corporate Management Team to take action to address the budget gap and to identify policy options for consideration by Cabinet Members and the Budget Advisory Group
- 5) Defer auto enrolment for the pension scheme until 2017
- 6) Approve the transfer of a total of £3.148m from the capital reserve to the General Fund and restructuring impact reserves as set out in section 6 of this report.
- 7) Approve a maximum provision of £2.5m for new capital schemes and a further £1.7m for the purchase of refuse & recycling vehicles.
- 8) Agree the allocation of £5m of capital reserves to an earmarked Investment Acquisition Reserve to fund the potential acquisition of commercial properties in accordance with the criteria set out in section 7 of this report.
- 9) Authorise the Head of Property to acquire suitable land and property for investment purposes in consultation with the Leader of the Council, Director of Development and Resources and the Head of Finance, Revenues and Benefits. All such purchases shall be subject to there being sufficient funds in the Investment acquisition reserve and in accordance with the guideline criteria.

Reason for Decision

- 1) To approve the budget projections and assumptions for 2014/15 to 2018/19.
- 2) To set a Strategy for savings and Council Tax.
- 3) To determine the level of funding for the 2016/17 capital programme.

23. Treasury Management Outturn for 2012/2013 (Leader's Portfolio)

The Cabinet considered the report of the [FIN/301](#) of the Head of Finance, Revenue and Benefits which sought approval for the Annual Treasury Management Outturn for 2012/2013 along with the actual 2012/2013 Prudential and Treasury Indicators. The Leader presented the report stating:

- The Council's policy on investment was to invest through the principles of Security, Liquidity and then Yield (SLY).
- With regards to our Fund Managers, the performance of our In-House team had out performed significantly our external fund manager.

This matter had been considered at the meeting of the Overview and Scrutiny Commission held on 8 July 2013. The Commission asked the Cabinet to note that the endorsement of the report.

RESOLVED

- 1) That the actual 2012/2013 Prudential and Treasury Indicators as set out in the report [FIN/301](#), be approved.
- 2) That the Full Council be RECOMMENDED to approve the Annual Treasury Management Outturn Report for 2012/2013.

Reason for Decision - This Council is required through regulations issued under the Local Government Act 2003 to produce an Annual Treasury Report reviewing treasury management activities and the actual prudential and treasury indicators for 2012/2013. The report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

24. Living Wage (Leader's Portfolio)

The Cabinet considered the report [DirR/043](#) of the Director of Development & Resources. The report provided background information on the Living Wage and the process required for a council being formally accredited. It noted the significant legal and financial considerations that were related to the accreditation. The report, also mentioned that Crawley Borough Council pays employees above the Living Wage rate other than apprentices which were exempt. The concept of the Living Wage had been the subject to two Full Council Notices of Motion during 2013.

Councillor Mullins addressed the Cabinet and indicated that he was in full support of the Council becoming a fully accredited Living Wage Council, hence the Notices of Motion. But implied that the recommendations being considered were tokenistic, as they did not fully commit to be accredited. Also the report and the recommendations should have been discussed in an open forum such as the Overview and Scrutiny Commission, not a Policy Development Forum (PDF), held in private, and which was set for a date after this Cabinet's decision was taken.

The Leader responded to comments raised by saying that unfortunately the PDF had to be set after this meeting, due to the Living Wage Foundation's (LWF) availability. The LWF were the body that provided the accreditation and by having their attendance at the PDF, it would help Members to understand the legal and financial elements of the full accreditation. Also that the Overview and Scrutiny Commission had not called the item for debate at its meeting. The meeting of the Policy Development Forum would be open to all members of the Council.

RESOLVED

- 1) That the Full Council be RECOMMENDED to amend the Council's Pay Policy Statement to include a commitment to pay employees a minimum of the Living Wage
- 2) That the Cabinet
 - i) supports the principle of the Living Wage
 - ii) commits the Council to work with the Living Wage Foundation to determine the legal and financial implications of incorporating Living Wage requirements into future contracts for Council services
 - iii) requests the Director of Development & Resources produces a further report on the outcome of that work to Cabinet later in 2013.

In accordance with Scrutiny Procedure Rule 14, Part 2 of the decision above was called in by Councillor C J Mullins on the grounds that he did not believe that it had been taken in accordance with the following principles as set out in Article 12.2 of the Council's Constitution:- (d) a presumption in favour of openness.

*Councillor Mullins' call in was supported by the following signatories:
Councillors S J Joyce, P K Lamb and W A Ward.*

Reason for Decision

- 1) To state the Council's commitment to pay the Living Wage to its employees.
- 2) To commit to work with the Living Wage Foundation to assess the legal, financial and other implications of incorporating Living Wage requirements into future contracts for Council services.

25. Financial Outturn 2012-2013 (Leader's Portfolio)

The Cabinet considered the report [FIN/304](#) of the Head of Finance, Revenue and Benefits which provided the financial outturn for 2012/2013. The Leader presented the headline details:

- That the General Fund showed an overspend of £19,000, with the main factors having been an increase in demand on the Bed and Breakfast budget and reduced investment income
- The Housing Revenue Account (HRA) showed a surplus of £957,000.
- In terms of capital spending, £11.7m has been spent in the year equivalent to 94.9% of budget.

RESOLVED

- 1) That the Outturn for 2012/2013, as detailed within the report [FIN/304](#) be noted
- 2) That the budgets, as detailed in paragraph 4.3, be carried forward to 2013/2014

Reason for Decision - To report to Members on the outturn for the year compared to the approved budget.

26. Appointment to Manor Royal Board (Leader's Portfolio)

RESOLVED

That Councillor C L Denman (as Cabinet Member for Planning & Economic Development) be the Council's representative to serve on the Manor Royal Board in a Director's role.

27. Manor Royal Design Guide Supplementary Planning Document (SPD) and Public Realm Strategy (Planning & Economic Development Portfolio)

The Cabinet considered the report of [SHAP/027](#) of the Head of Strategic Housing and Planning. The report explained the rationale behind the need for a Manor Royal Design Guide Supplementary Planning Document (SPD) and the related Public Realm Strategy (PRS). It also identified the strategic aims and benefits of having such documents including that they would provide a formal planning context against which the Council would determine planning applications for all development within the Business District, and act as a green light to investment and economic activity to the area.

The report's appendices outline a summary of the representations received during the various public consultations and responses to them, including from Thales.

The Leader stated that there was an amendment required to paragraph 6.3, it should read: *"As a result of this consultation, 11 representations were received. These were from Tinsley Lane Residents Association, two planning agents on behalf of Betts Way and planning agents for Segro West and Thales/Gatwick Road sites, CAA, GAL, Highways Agency and Horsham District Council, as well as Natural England and Environment Agency. For a detailed summary of reps and officers comments please see Appendices A & B."*

RESOLVED

- 1) That the Manor Royal Design Guide Supplementary Planning Document (SPD) as formal planning guidance to facilitate development control decisions be approved and adopted.
- 2) That the Public Realm Strategy be approved and adopted as an accompanying document to support and inform the SPD;
- 3) That Head of Strategic Housing and Planning Services be authorised to approve the final text changes, formatting, and editing of the SPD and Public Realm Strategy.

Reason for Decision

- 1) The Manor Royal SPD is required to amplify adopted policies within the Core Strategy and the emerging Local Plan 2029. The document aims to provide more detailed assistance in improving the public realm of the Business District and providing clarity about the issues that are locally specific to Manor Royal.
- 2) By developing the SPD as planning guidance in tandem with the Public Realm Strategy for Manor Royal, developers, investors and the public sector will jointly achieve an uplift to the area as a whole.

- 3) By highlighting key improvements that can potentially be delivered by a number of agencies, through partnership working and fostering a pragmatic approach to improving the image of the area, the Public Realm Strategy can ensure that the documents proactively and positively encourage sustainable growth, that enhances the function, image and perception of the Business District.
- 4) Both the SPD and the Public Realm Strategy help articulate the NPPF requirements, in recognising and addressing problems and issues in the area, and identifying ways to tackle improving its poor environment. It ensures that developers are not over burdened with regard to use class restrictions, but by focusing on improving frontages and the inter-relationship between sites, especially key gateway sites, incremental improvements can be made.

28. Extension of Gas Servicing & Maintenance Contract (Housing Portfolio)

The Cabinet considered the report [CH/128](#) Head of Crawley Homes. The report detailed that the current gas servicing and maintenance contract would soon be up for renewal. Within the current contract with Mitie, however there was an option for a further extension up to 5 years, and the report provided the rationale as to why taking up that option was in the best interest of the Council. The Cabinet Member for Housing in presenting the report said

- Mitie have provide excellent service & value for money as demonstrated within a recent 'full system audit' of the service operation.
- Their performance over the period of the contract had met or exceeded expectations and targets, as evidenced within the appendices to the report.

RESOLVED

That a 5 year extension of the Gas Servicing & Maintenance Contract with Mitie Property Services (UK) Ltd for the period 1 April 2014 to 31 March 2019 be approved.

Reason for Decision

- 1) Mitie have achieved the performance required of them (paragraph 4) and worked in close partnership with the Council (paragraph 5) to achieve additional targets, including high levels of satisfaction from Crawley Homes tenants.
- 2) In extending the contract will achieve significant savings for the Council for the duration of the contract, and allow for any changes to the specification following the upcoming Systems Thinking Review, prior to the next re-tendering exercise.

29. Crawley Museum (Leisure and Cultural Services Portfolio)

The Cabinet considered the report [CTY/097](#) of the Head of Community Services. The report updates the Cabinet on progress with the application to the Heritage Lottery Fund (HLF) to refurbish and redevelop 103 The High Street (The Tree) as a new museum for Crawley. It also highlighted what was required to enable the Stage 2 of the application to proceed in August 2013.

RESOLVED

- 1) That £25,000 of Section 106 funding from the Sussex House development be allocated for public realm related works on the Tree.
- 2) That £15,000 of Section 106 funding from the Sussex House development be allocated for public art at the Tree.

- 3) That a supplementary capital estimate of up to £46,000 to be made available to underwrite the partnership capital contributions necessary to make the Stage 2 HLF application.
- 4) That the Stage 2 application be submitted jointly from Crawley Borough Council and Crawley Museum Society with the Borough Council the recipient and lead on funding related to the construction / refurbishment works.
- 5) That the project can proceed if the Stage 2 HLF funding bid was successful.

Reason for Decision – The recommendations will enable the Stage 2 HLF bid to be submitted, and subject to consideration of the bid, the scheme to progress.

30. Ifield West Community Facilities (Leisure and Cultural Services Portfolio)

The Cabinet considered the report of the [CTY/096](#) of the Head of Community Services. The Cabinet Member for Leisure and Cultural Services presented the report highlighting that £750,000 had been allocated in the 2014/2015 capital programme to extend the community centre at Ifield West, subject to community consultation. However the findings of the consultation, as detailed in the report, identified that residents would rather that the initial capital funding be reallocated, to other facilities within Ifield West. The new proposals for the community facilities as recommended were based the consultation findings.

Councillor Peter Smith, as Ifield Ward Member addressed the Cabinet on the report to express his support on the proposals and for the successful approach used to consult the Ifield West Residents. He commented that he and his fellow Ward Members were pleased that they had been part of the project team developing the proposals.

RESOLVED

- 1) That funding of up to £310,000 from the £750,000 originally allocated for the 'Ifield West Community Centre' be approved to fund those priorities identified through local consultation and noted in paragraph 4.1 of report [CTY/096](#).
- 2) That the balance of £440,000 from the original capital allocation to remain unallocated pending the Head of Property undertaking a viability assessment and that the Cabinet receive a further report on the potential for a small mixed use development incorporating a medical practice being one of those priorities identified through local consultation and noted in paragraphs 4.3 – 4.6 of report [CTY/096](#).

Reason for Decision - The recommendations will facilitate a response to the deprivation issues highlighted in the original business case with a more targeted use of resources focussed on the issues of most significance for local residents.

31. Exclusion of the Public

RESOLVED

That in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraphs specified against the item.

32. Household Waste and Recycling – Contract Award (Environmental Services Portfolio)
(Exempt – paragraph 3 – Information relating to financial and business affairs of any particular person (including the Authority holding that information))

The Cabinet considered the joint report DCS/022 of the Director of Community Services and the Cabinet Member for Environmental Services, which detailed the extensive tender, procurement and evaluation process used for the Household Waste and Recycling contract. The new contract would commence on 1st February 2014.

This matter had been considered at the meeting of the Commission held on 8 July 2013. The Cabinet were informed that the Commission had no opposition to the proposed award of contract and supported the proposals. However they also highlighted a number of issues, through their comment sheet, that they felt needed to be considered prior to the commencement of the new contract. The Cabinet Member for Environmental Services confirmed that all the issues raised would be dealt with accordingly.

RESOLVED

- 1) That Biffa Municipal Ltd (Biffa) be awarded the Household Waste and Recycling contract for a seven year period commencing 1st February 2014 with a provision to extend the contract for a further three years, by agreement.
- 2) That award of contract is made on the basis of the Council procuring and financing the vehicles required and subsequently providing these to the successful contractor under the terms of the contract and on an all repairing/ maintenance insuring basis.
- 3) That the Customer Contact Handling be retained in-house.
- 4) That fortnightly collection of recycling be retained
- 5) That the range of recycling materials collected from the kerbside be expanded to include the collection of small electrical items and textiles.
- 6) That following a procurement exercise the Portfolio Holder and the Leader of the Council in consultation with the Head of Finance, Revenues and Benefits be delegated to award the contract for the vehicles.

Reason for Decision - To approve the award of the contract and confirm which variant options to accept for the provision of a new household waste and recycling service beyond the end of the current contract which expires at the end of January 2014.

33. Tender Acceptance for Disabled Adaptation Works: (Aids and Adaptations, Stairlifts and Disabled Facility Grants works) (Housing Portfolio)
(Exempt – paragraph 3 – Information relating to financial and business affairs of any particular person (including the Authority holding that information))

The Cabinet considered the joint report CH/127 and SHAP/031 of Head of Crawley Homes and Head of Strategic Housing and Planning. The report detailed the tender process including the evaluation for the Disabled Adaptation Works relating to Aids and Adaptations, Stairlifts and Disabled Facility Grants works.

RESOLVED

- i) That Access Mobility be awarded the Aids and Adaptations contract for the period 1st August 2013 to 31st July 2018 and with the provision to extend the contract for a further 2 years to 31st July 2020, subject to a satisfactory performance review
- ii) That Handicare Accessibility Ltd be awarded the Stairlifts contract for the period 1st August 2013 to 31st July 2018 and with the provision to extend the contract for a further 2 years to 31st July 2020, subject to a satisfactory performance review
- iii) That the contractors, listed below, be appointed as the Council's Select List of Contractors for Disabled Facility Grants for the period 1st August 2013 to 31st July 2018 and with the provision to extend the contract for a further 2 years to 31st July 2020, subject to a satisfactory performance review.

Select List of Contractors:

- MCP Property Services
- TBS Adaptations
- MITIE Property Services
- Access Mobility
- JG and JR Langridge
- Wealden Services

Reason for Decision - To allow the timely award of contracts for the provision of modification works to property to enable people with disabilities proper use of their home.

34. Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.47pm.

R A LANZER
Chair

Appendix A

Members' Disclosure of Interests

Member	Minute Number	Subject	Type and Nature of Disclosure
Councillor R D Burrett	Minute 22	Budget Strategy 2014/2015 – 2018/2019	Personal – A Member of the Local Government Pension scheme.
Councillor R A Lanzer	Minute 22	Budget Strategy 2014/2015 – 2018/2019	Personal – A Member of the Local Government Pension scheme.
Councillor K B Williamson	Minute 22	Budget Strategy 2014/2015 – 2018/2019	Personal – A Member of the Local Government Pension scheme.