

Crawley Borough Council



Minutes of Cabinet

Wednesday 9 October 2013 at 7.30p.m.

Present:

Councillor	Dr H S Bloom	(Chair of Cabinet and Leader of the Council)
	R D Burrett	(Deputy Leader of the Council and Cabinet Member for Housing)
	N J Boxall	(Cabinet Member for Community Engagement)
	D G Crow	(Cabinet Member for Leisure and Cultural Services)
	C L Denman	(Cabinet Member for Customer and Corporate Services)
	R A Lanzer	(Cabinet Member for Planning and Economic Development)
	K J Trussell	(Cabinet Member for Environmental Services)

Also in Attendance:

Councillor S A Blake

Officers Present:

Ann-Maria Brown	Head of Legal & Democratic Services
Peter Browning	Director of Housing & Transformation
David Covill	Director of Development & Resources
Lee Harris	Chief Executive
Phil Rogers	Director of Community Services
Steve Lappage	Democratic Services Manager

46. Members' Disclosure of Interests

The following disclosures of interests were made by Members:-

Member	Minute Number	Subject	Type and Nature of Disclosure
Councillor R D Burrett	Minute 53	Review of Pension Discretions	Personal – a Member of the Local Government Association Local

Councillor R D Burrett	Minute 53	Review of Pension Discretions	Government Pensions Committee Personal – a Member of the Local Government Pension Scheme
Councillor Dr. H S Bloom	Minute 53	Review of Pension Discretions	Personal – a Member of the Local Government Pension Scheme
Councillor D G Crow	Minute 53	Review of Pension Discretions	Personal – a Member of the Local Government Pension Scheme
Councillor R A Lanzer	Minute 53	Review of Pension Discretions	Personal – a Member of the Local Government Pension Scheme

47. Minutes

The minutes of the meeting of the Cabinet held on [11 September 2013](#) were approved as a correct record and signed by the Chair.

48. Public Question Time

Public Question Time took place and Mr Graham Henshall, a Bewbush homeowner, asked for details on how he could object to the proposals for development in Bewbush having been away during the draft Local Plan additional sites consultation in June. The Cabinet Member for Planning and Economic Development asked Mr Henshall to e-mail him at [robert.lanzer@crawley.gov.uk](mailto:robert.lanzer@ Crawley.gov.uk) with his views so that he could ensure they were properly represented before Cabinet on 4 December and Full Council on 18 December when the Submission Draft Local Plan would be considered.

49. Matters Referred to the Cabinet

It was confirmed that no matters had been referred to the Cabinet for further consideration.

50. Review of the Housing Allocations Scheme following the Localism Act 2011 (Housing Portfolio)

The Cabinet considered the report of the Head of Strategic Housing and Planning Services, [SHAP/032](#), which:

- 1) sought approval to make changes to the Council's Housing Allocations Scheme.
- 2) outlined the drivers for amending the Council's Scheme, including:
 - the continuous rise of homeless households and the pressures on bed and breakfast and temporary accommodation within the borough;
 - Welfare reform and the impact on those who live in under-occupied social housing;
 - the legislative changes brought in by the Localism Act 2011 which provided the Council with greater discretion in tailoring allocation policy to meet local needs whilst continuing to comply with statutory

- requirements to ensure those in the greatest housing need through homelessness, overcrowding, medical needs, unfit housing were afforded appropriate priority.
- 3) outlined the key proposed changes, which mainly related to qualifying criteria and the classes of persons who would not be deemed to be qualifying persons, and the rationale for change.
 - 4) outlined the consultation process and results thereof in paragraphs 6.1-6.7 of the report.

The Cabinet Member for Housing also clarified a few matters and proposed a number of changes, mainly clerical corrections, to the amended scheme set out under Appendix A to the report including:

- 1) Paragraph 5.2.6 (page 1/4) of the report re 'Non-homeless' applicants who refuse 2 offers of suitable accommodation. It was confirmed that the full detail of this proposal was in the second paragraph under heading 2.4.2.6 of Appendix A and that no change was proposed to paragraph 1 of this section.
- 2) Section 2.3.1 (Transfer applicants) of the amended scheme – 2nd paragraph 3rd line should refer to Band A and not Band A+.
- 3) Section 2.4.2.1 (Qualification – Local Connection and Residency) – in the 3rd bullet point down delete “or who have a confirmed offer of permanent employment lasting for more than 2 years” to ensure the scheme was fairer.
- 4) Section 3.2.1 (Bandings) Band D (Low Priority) – the last 2 lines before Section 3.3 as follows to be deleted “-All other applications accepted on or after 16th December 2013 and who do not fit into any of the categories set out above in Bands A+, Band A, Band B or Band C.”

The report had been considered by the Overview & Scrutiny Commission at its meeting on 7 October 2013 and the Cabinet:

- 1) Welcomed the Commission's endorsement of the report and revised scheme;
- 2) Agreed to take on board, where there were justifiable grounds, the Commission's suggestion that the list under Section 5.21 (Labelling the Property advertisement) be enhanced to include, for example, whether: *the Bathroom has been modified for Showers only; the stair access to the property is solely from the outside; there is no direct access to the garden.*
- 3) Confirmed it would take on board the Commission's request to ensure that the process for requesting a review of the Council's decision on a housing application be explained very simply to the applicant and that the process of the review be followed carefully to ensure that residents would have the utmost confidence that their case and appeal had been fairly considered.

The Commission had also requested the Cabinet to amend and strengthen the criteria (in relation to the *Qualification – Local Connection and Residency*) so that applicants must live for 5 (rather than 3) years continuously within the Borough.

However, the Cabinet Member explained that, as the consultation had been based on proposals for 3 years' residency (which no one had objected to), if there was a major policy change to 5 years a new 12 week statutory consultation exercise would need to be undertaken. That would delay its approval by Full Council from 23 October 2013 to 26 February 2014 and its projected implementation from 16 December 2013 to April 2014. As the scheme could be reviewed anytime, the Cabinet Member proposed that Full Council be recommended to approve the scheme with a 3 (rather than 5) year residency qualification and that it be reviewed 6-12 months after

implementation and, if still required, a consultation on extending the residency qualification to 5 years could be undertaken in the future.

The Cabinet Member expressed his thanks to those involved in reviewing the Housing Allocations Scheme, particularly Nick Hobbs (Housing Needs Manager).

RESOLVED

- 1) That report SHAP/32 be noted and supported.
- 2) That Full Council be RECOMMENDED to consider the report including the results of the consultation process (set out in Section 6 of the report) undertaken in respect of the proposed changes.
- 3) That Full Council be RECOMMENDED to approve the amendments to the Housing Allocations Scheme as set out in Appendix A to report SHAP/032 (further amended as minuted above) to take effect from 16th December 2013 or such subsequent date (to be no later than 6th January 2014) as may be agreed by the Head of Strategic Housing and Planning Services in consultation with the Cabinet Member for Housing.

Reason for Decision

To ensure the Council's Allocations Scheme fairly prioritised those eligible applicants in the greatest housing need and the Council continued to meet the needs of the local community by:

- introducing residency, behaviour and arrears qualifying criteria; and
- making best use of the available social housing stock in the Borough.

51. Revision of Tenancy Agreement (Housing Portfolio)

The Cabinet considered the report of the Head of Crawley Homes, [CH/140](#), which:

- 1) sought approval to vary the terms of the Council's Introductory and Secure Tenancy Agreements;
- 2) outlined the reasons for undertaking the review and varying the existing tenancy conditions;
- 3) outlined the consultation process and the feedback thereon;
- 4) included a summary of the proposed changes to the Introductory/Secure Tenancy Agreements, the reasons for the changes and the effect of the proposed amendments;
- 5) explained that although the Tenancy Agreement had been thoroughly reviewed, much of the agreement remained unchanged and simply clarified the wording to ensure the rights and responsibilities were easier to understand;
- 6) explained about the Preliminary Notices sent out to tenants to set out the proposed changes and their effect.

The Cabinet Member also:

- 1) explained, with reference to paragraphs 4.3-4.4 of the report, that following the late issue of a Preliminary Notice to a small number of tenants whose tenancy had been granted since 30 June 2013 only 2 had since responded (before the deadline of 8 October) and they fully supported the proposals and had no further comments;

- 2) confirmed the new Tenancy Agreement would be introduced in January 2014;
- 3) confirmed the changes to rent payments (from a 48 week basis with 4 rent free weeks which didn't fit with the Universal Credit arrangement to a 52 week basis) would take effect from Monday 7 April 2014. There would be no increase in rent payments resulting from this change and it was supported by tenants;
- 4) expressed his thanks to the Tenancy Review Group particularly Sam Scott (Tenancy Services Manager).

RESOLVED

- 1) That the consultation feedback received from tenants during the consultation period as summarised in Appendix 4 to report CH/140 and as reported to Cabinet during the meeting on 9 October 2013 be noted.
- 2) That the inclusion of the proposed changes into a new Tenancy Agreement as set out in Appendix 2 to report CH/140 be approved to take effect from January 2014.
- 3) That the Head of Crawley Homes be authorised to issue to all tenants a Notice of Variation.

Reason for Decision

The Tenancy Agreement was the main contract document between the Council as landlord and Crawley Homes tenants. The contract was legally binding and the revised terms and conditions gave an up to date focus for tenants and staff and would ensure that the agreement remained in line with legislation and good practice within the housing sector. By adopting the proposed changes we would ensure Crawley Homes had a Tenancy Agreement fit for purpose enabling us to deliver a first class housing management service.

52. Tilgate Walled Garden Café – Inviting expressions of interest (Leisure and Cultural Services Portfolio)

The Cabinet considered the report of the Head of Amenity Services, [AM/055](#), which:

- 1) sought approval to invite expressions of interest for the leasing of the Tilgate Walled Garden Café and to proceed with the lease arrangements as appropriate;
- 2) aimed to safeguard the future viability of the Walled Garden Café whilst both providing opportunities for an improved service and generating income which could be used towards funding the maintenance of Tilgate Park;
- 3) set out the reasons for the proposals including the growing popularity and success of the services provided within the park, the considerable improvements made to the café and the increases in running and support costs for the Café;
- 4) outlined the proposed and alternative options and the implications of these.

RESOLVED

- 1) That approval be given to invite expressions of interest for the Tilgate Walled Garden Café.

- 2) That authority to conclude a lease agreement with the successful bidder be delegated to the Head of Amenity Services, in consultation with the Portfolio Holder for Leisure and Cultural Services.

Reason for Decision

- 1) To further improve the service offered to customers and safeguard the viability of the service.
- 2) To increase income as a contribution towards the cost of maintaining Tilgate Park.

53. Review of Pension Discretions (Customer and Corporate Services Portfolio)

The Cabinet considered the report of the Head of People & Technology, [PAT/015](#), which explained:

- 1) that West Sussex County Council which administered the Local Government Pension Scheme (LGPS) on behalf of Crawley Borough Council had asked all councils in the West Sussex Pension Scheme to review their current scheme of discretions to ensure that they had guidance on any discretion on which the Council would rely in a retirement situation.
- 2) the main changes including:
 - a) the requirement under Regulations relating to pension provision for all Councils to have an Industrial Injury Scheme;
 - b) clarification of the additional discretion to allow early access to retirement on exceptional compassionate grounds;
 - c) discretions to claim back pension payments in particular circumstances.
- 3) that the new scheme set out in Appendix 2 to the report had been redesigned to make it much easier for employees to understand.

RESOLVED

That Full Council be RECOMMENDED to approve the Employer Pension Discretions Policy and The Industrial Injury Scheme set out as Appendices 2 and 3 to report PAT/015.

Reason for Decision

To ensure that the Council had arrangements in place to meet the discretionary requirements of the regulations related to the Local Government Pension Scheme.

54. Amenity Services Local Pay Agreement (Customer and Corporate Services Portfolio)

The Cabinet considered the joint report of the Head of People & Technology and the Head of Amenity Services, [PAT/016](#), which:

- 1) outlined the review carried out in consultation with staff and unions on a local pay agreement created in 2004 to set out payments for non-standard working including weekends and bank holidays across the Amenity Services Division;

- 2) explained that the new agreement, set out in Appendix 1 to the report, had been drawn up to address inconsistencies and some inequalities in the previous agreement whilst maintaining affordability and the principles of equal pay;
- 3) indicated that the draft agreement was subject to a 30 day consultation with all affected staff and the agreement would be signed by union representatives if it was acceptable to staff and confirmed at Cabinet and Council;
- 4) indicated that both management and the union representatives had agreed to review the document after one year and to make any minor amendments that were deemed necessary for the smooth running of the arrangements.

The Cabinet Member:

- 1) explained that changes to non-standard rates of pay would be backdated to 1 April 2013 as a gesture of good will and in appreciation of the staff's hard work and commitment;
- 2) expressed her thanks to the staff and trades union representatives who had worked on the negotiations and in producing the draft agreement.

RESOLVED

That Full Council be RECOMMENDED to:

- 1) approve the Amenity Services Local Pay Agreement set out in Appendix A to report PAT/016;
- 2) agree that delegated authority be granted to the Head of People and Technology and Head of Amenity Services to agree any minor changes to the Agreement after the 12 month review date;
- 3) agree that the Pay Policy be amended to include reference to the Local Pay Agreement.

Reason for Decision

To address inconsistencies and some inequalities in the previous agreement whilst maintaining affordability and the principles of equal pay.

55. Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.07p.m.

DR H S BLOOM
Chair