

# Crawley Borough Council

## Minutes of Cabinet

Wednesday 4 December 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:

Councillors M Ayling, S A Blake and M G Jones

### Officers Present:

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

### 64. Members' Disclosure of Interests

Member	Minute Number	Subject	Type and Nature of Disclosure
Councillor R D Burrett	Minute 73	Sussex Energy Saving Partnership update	Personal as Member of West Sussex County Council
Councillor D G Crow	Minute 73	Sussex Energy Saving Partnership update	Personal as Member of West Sussex County Council
Councillor R A Lanzer	Minute 73	Sussex Energy Saving Partnership update	Personal as Member of West Sussex County Council

**65. Minutes**

The minutes of the meeting of the Cabinet held on [13 November 2013](#) were approved as a correct record and signed by the Chair.

**66. Public Question Time**

Public Question Time took place and five residents put questions to the Cabinet. Three of the questions related to the Local Plan (minute 71) and two related to Potential Conservation Areas in Southgate (minute 72). A note of the questions and the Cabinet Members' responses were set out in **Appendix A** to these minutes.

**67. Matters Referred to the Cabinet**

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

**68. Living Wage (Leader's Portfolio)**

The Cabinet considered the report of the Director of Development & Resources, [DIRr/044](#). On 24 July the Council agreed to support the principle of the Living Wage, to amend the Council's Pay Policy to reflect this, and to commit the Council to working with the Living Wage Foundation to determine the legal and financial implications of incorporating Living Wage requirements into future contracts for Council services.

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 2 December 2013. All Members of the Commission expressed their support for the report and its recommendations and asked that the Cabinet note their full backing of the proposals.

The Cabinet noted the full backing of the OSC for the proposals and recommendation, and agreed with the positive endorsement of the recommendations. The Cabinet Member for Planning & Economic Development said the Living Wage was right for Crawley, and would be right elsewhere and would be proud to adopt and encourage other organisations in the wider area to commit to it.

**RESOLVED**

- 1) That seeking Living Wage accreditation from the Living Wage Foundation be approved
- 2) That incorporation of Living Wage requirements into future relevant contracts subject to an assessment of the implications on a case by case basis be approved
- 3) That it be recognised that although a commitment to the Living Wage will have no impact on the cost of current contracts or on the 2014/15 budget, it is likely that some future contracts will be more expensive.
- 4) That commitment to promoting the benefits of the Living Wage to Council suppliers and contractors not covered by Living Wage criteria, and to the wider business community be approved.

### **Reason for Decision**

To gain accreditation from the Living Wage Foundation, to commit to working with the Living Wage Foundation to determine the legal and financial implications of incorporating Living Wage requirements into future contracts for Council services, and to promote the Living Wage to other organisations.

## **69. Local Council Tax Reduction Scheme (Leader's Portfolio)**

The Cabinet considered the report of the Head of Finance, Revenues & Benefits, [FIN/318](#), which set out the three main changes to the scheme. The scheme is means tested and determines the amount by which a taxpayer's council tax will be reduced. It is appropriate for the Council to consider whether it wishes to revise the current scheme.

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 2 December 2013. Members of the Commission requested that the Cabinet note their endorsement and support for the changes to the Scheme, as residents would benefit from them.

The Cabinet noted the endorsement of the Overview & Scrutiny Commission. The Chair asked that the Cabinet's thanks be recorded to Dave Rawlings, Head of Finance, Revenues & Benefits and his team for their work regarding the scheme.

### **RESOLVED**

**That the Full Council be RECOMMENDED that the following amendments be made to the Council's Local Council Tax Reduction Scheme:**

- 1) To introduce a non dependent deduction of £5.00 per week in respect of non dependents receiving a means tested out of work benefit
- 2) To amend the taper to 20%
- 3) To introduce a £15 a week disregard in respect of income from child maintenance and that the resulting revised scheme is approved

### **Reason for Decision**

To confirm the Council wishes to make changes to its Local Council Tax Reduction Scheme.

## **70. Play Facilities – Investment Proposals (Leisure & Cultural Services Portfolio)**

The Cabinet considered the report of the Head of Housing Strategic Services, [CTY/100](#) which set out proposals for the future provision of unsupervised and supervised play facilities in Crawley for the period 2014/15 – 2018/19.

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 2 December 2013. Members of the Commission requested that the Cabinet be informed that the Commission welcomed the recommendations contained within the report, and also sought the approval of the Cabinet on the following proposals:

- That improved signage be installed in the unsupervised areas including a list of support phone numbers, such as the Community Wardens and Leisure Rangers, and that reference also be made on the signs to public areas having Designated Public Place Orders (DPPO) on them
- That community forums be consulted on their local unsupervised play areas' redesign, including, where practicable, which play areas should be the priority for the improvements

The Cabinet Member for Leisure & Cultural Services acknowledged the proposals put forward by the Overview & Scrutiny Commission and agreed that these would be considered and, where practicable, implemented.

## **RESOLVED**

- 1) That the proposed capital programme for children's play facilities over the period 2014/15 – 2016/17 for the schemes as set out in section 7 and Appendix 1 of the report be approved
- 2) That the request a supplementary capital estimate to the value of £92,700 to be funded from Section 106 to cover the increase in budget requirement of £785,000 above the existing budget provision of £692,300 be approved
- 3) That the capital schemes proposed as priorities for the period 2017/18 and 2018/19 will be subject to future capital bids as part of the budget strategy be noted
- 4) That the proposed priorities and purposes of the town's four adventure playgrounds and the children's play outreach programme be noted
- 5) That the proposals of the Overview & Scrutiny Committee be considered, and implemented where practicable.

### **Reason for Decision –**

To agree priorities for investment in children's play facilities and to confirm budget allocations against those priorities for the period 2014/15 – 2016/17.

## **71. Submission Local Plan (Planning & Economic Development Portfolio)**

The Cabinet considered report [SHAP/035](#) of the Head of Strategic Housing & Planning Services, the purpose of which was to request Full Council to approve the submission Crawley Local Plan and its supporting documents for public consultation, and submission to the Secretary of State for independent examination.

There was some discussion on this item, and the Cabinet Member for Planning & Economic Development added that the Local Plan was one of the most important documents for CBC to approve as it allowed planned, not random, development, and that the consequences of random development would be hugely detrimental to Crawley.

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 2 December 2013. The Commission asked the Cabinet to join them in thanking and congratulating the Forward Planning Team, especially Elizabeth Brigden, on all the work they had undertaken on, and relating to, the Local Plan Submission.

## **RESOLVED**

### **The Full Council is RECOMMENDED:**

- 1) to approve the submission draft Crawley Local Plan and Local Plan Map for Publication consultation (a statutory six-week period of public consultation)
- 2) to approve the submission draft Crawley Local Plan for submission to the Secretary of State for Examination by an independent Planning Inspector, subject to minor amendments deemed necessary following Publication Consultation for the purposes of clarity to be approved by the Head of Strategic Housing & Planning Services, in consultation with the Cabinet Member for Planning & Economic development.
- 3) to delegate the approval of the supporting documents for the Local Plan, technical evidence base document and technical topic papers to support the Local Plan through Examination to the Head of Strategic Housing & Planning Services in consultation with the Cabinet Member for Planning & Economic Development.

**Reason for Decision -**

To ensure Crawley's future development and infrastructure needs can be delivered to support the sustainable economic growth of the borough, within its accepted constraints, and whilst continuing to protect its important built and natural environmental assets.

**72. Assessing the Value of East Park & Newlands Road, Southgate as potential Conservation Areas (Planning & Economic Development Portfolio)**

The Cabinet considered report [SHAP/034](#) of the Head of Housing Strategic Services, which

- presented the conclusions of further evaluation and public consultation within East Park, the northern end of Malthouse Road, and Newlands Road.
- and provided officer recommendation as to whether these areas "are of special architectural or historical value, the character or appearance of which it is desirable to protect or enhance", and therefore appropriate for designation as Conservation Areas under the Planning (Listed Buildings and Conservation Areas) Act 1990.

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 2 December 2013. The Members of the Commission supported the proposal not to designate Newlands Road as a Conservation Area and the subsequent reference in recommendation 2.2(c). Members voted on the proposal relating to East Park/Malthouse Road and on a 5 to 4 vote with 1 abstention agreed to reject recommendation 2.2(a) and instead proposed that East Park/Malthouse Road be designated as a Conservation Area, and that reference to East Park /Malthouse Road be removed from recommendation 2.2(c). The Cabinet was therefore asked to support the Commission's view regarding designating East Park/Malthouse Road as a Conservation Area.

The Cabinet Member for Housing (RB) advised that of 113 households consulted, only 13 responses had been received and of those 13, only 8 households had been in favour of conservation area designation. The Cabinet agreed that 8 responses did not constitute a groundswell of support for designation. RB also advised that 7.4 of the report gave concern as it highlighted the fact that designation without evidence demonstrating special value could leave the Council vulnerable to legal challenges and/or an increase in planning appeals. The Chair added that the CBC consultation had been thorough as it had listed not only the advantages of such designation but also the disadvantages and as such had provided balanced information for residents in order for their decision regarding designation to be an informed one.

Councillor Michael Jones made several comments on this item including that he felt the level of response to the consultation to have been reasonable, despite some households not receiving the 2<sup>nd</sup> consultation letter; the consultation letter not being clear; and that residents and members of the Southgate Community Forum had also believed their submission of a petition earlier requesting conservation area designation had been sufficient to demonstrate and record their wishes.

The Cabinet discussed the amendments proposed by the Overview & Scrutiny Commission and voted to accept the officer recommendations without amendment.

**RESOLVED**

- 1) That East Park & the northern end of Malthouse Road (Proposal 1) do not warrant designation as a Conservation Area as they are not of special architectural or historical value

- 2) That Newlands Road (Proposal 2) does not warrant designation as a Conservation Area as it is not of special architectural or historical value
- 3) That officers undertake further investigation into whether individual buildings within East Park & the northern end of Malthouse Road (Proposal 1) and Newlands Road (Proposal 2) are appropriate for locally listed building designation. Should any buildings warrant designation, it is agreed that delegated authority be given to the Portfolio Holder for Planning & Economic Development in consultation with ward members, to add these buildings to the Local List.

**In accordance with Scrutiny Procedure Rule 14, the decisions above were called in by Councillor Jones on the grounds that he did not believe that the decisions had been taken in accordance with the following principles as set out in Article 12.2 of the Council's Constitution:-**

- (b) due consultation and the taking of professional advice from employees.**
- (f) explanation of options considered and reasons for decisions**
- (g) due regard to the statutory framework, guidance and codes of conduct.**

**Councillor Jones' call in was supported by the following signatories:  
Councillors P Lamb, P Smith and W Ward.**

**Reason for decision -**

Councils should ensure that the concept of conservation is not devalued by designating areas that are not worthy. Following consultation with residents, and further analysis by officers, no additional evidence has been identified to support the argument that the areas in question are indeed of special architectural or historical value. Whilst the area is not considered to have special architectural or historical character or appearance, there are a few individual buildings that warrant further investigation to consider whether or not they are appropriate for inclusion on the Council's own locally listed buildings list. There was also a very poor response to the consultation: only 13 out of the 113 households responded to the consultation and only 8 of those were in favour of the designation.

**73. Sussex Energy Saving Partnership update (Environmental Services Portfolio)**

The Cabinet considered report [DCS/024](#) of the Director of Community Services. In November 2012, the Council agreed it should become an investor partner in the Sussex Energy Saving Partnership (SESP), a Sussex-wide partnership which had been established to deliver an energy saving programme. The report sought to confirm the commitment of to the SESP.

The Cabinet Member for Customer & Corporate Services thanked Councillor Ken Trussell and officers for their hard work in this regard.

**RESOLVED**

- 1) That the Council becomes a Strategic partner in the Sussex Energy Saving Partnership (SESP) by entering into the SESP Members Agreement relating to the company.
- 2) That authority to sign and negotiate the final terms of this Members Agreement be delegated to the Director of Community Services and the Head of Legal & Democratic Services in consultation with the Portfolio Holder for the Environment be approved

- 3) That the Portfolio Holder for the Environment be nominated to act as the representative of the Council on the Company Members Board and delegate to him/her the appointment of a Council officer as a director of the Company.

**Reason for decision -**

To confirm Crawley Borough Council's commitment to the SESP by signing up to a Members Agreement relating to a wholly owned public sector company limited by guarantee to be established for the purpose of delivering the energy saving programme.

**74. General Enforcement Policy (Planning & Environmental Services Division and Strategic Housing & Planning Division) (Environmental Services Portfolio)**

The Cabinet considered report [PES/133](#) of the Head of Planning & Environmental Services. The existing Enforcement Policy for the Planning & Environmental Services Division has been updated to reflect the draft new Regulators' Code and to include the work of the Strategic Housing & Planning Division. The Policy provides a transparent and consistent approach to enforcement with clear information, guidance and advice.

**RESOLVED**

- 1) That the Crawley Borough Council Enforcement Policy, attached as Appendix A to the report, for implementation by the relevant Services, be approved.
- 2) That authorisation is given to the relevant Head of Service in consultation with the relevant Portfolio Holder to make minor amendments to the Policy once adopted, to reflect changes in legislation or guidance and codes of practice where a full review of the policy is not warranted.

**Reason for decision -**

The draft new Regulators' Code has offered the opportunity to update the Policy and to include a range of services provided by the Council. The wording of the Enforcement Policy needs to strike the right balance between being sufficiently detailed so that they are useful documents which set out clear guidance whilst avoiding being unduly prescriptive, and the draft amended Enforcement Policy achieves this.

**75. 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 Paragraph 3 of Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

**76. Planning & Economic Development Portfolio  
North East Sector – Approval of the Co-operation Agreement  
(Exempt - Paragraph 3 – Information relating to financial and business affairs of any particular person (including the Authority holding that information))**

The Cabinet considered report DTH/045 of the Director of Transformation & Housing, the purpose of which was to:

- approve the terms of a Co-operation Agreement to be entered into by the Council with the Homes and Community Agency (HCA) and Persimmon Homes Limited Taylor Wimpey UK Limited (P&TW), including the contractual terms of a Memorandum of Understanding between the Council and the HCA for the proposed development in the North East Sector.

The Cabinet thanked the Director of Transformation & Housing and officers involved for their hard work involved with this item.

## **RESOLVED**

### **That the Full Council be RECOMMENDED:**

- 1) to delegate the negotiations of the final terms of the Co-operation Agreement to the Director of Transformation and Housing, in consultation with the Leader, the Portfolio Holder for Planning & Economic Development, the Head of Legal & Democratic Services, Head of Property, Head of Finance, Revenues & Benefits, and the Head of Crawley Homes
- 2) to agree that the Director of Transformation & Housing in conjunction with the Head of Legal & Democratic Services be authorised to seal and complete the Co-operation Agreement on behalf of the Council
- 3) to delegate to the Director of Transformation and Housing in consultation with the Head of Legal & Democratic Services and Portfolio Holder for Planning & Economic Development authority to agree and enter into a Memorandum of Understanding between the Council and the HCA
- 4) to support the proposal by Taylor Wimpey and Persimmon Homes to name the development and new neighbourhood as Forge Wood.

### **Reason for decision -**

That as a major housing proposal substantial infrastructure funding is required. The main benefits for the Council are a minimum land receipt, together with a share in any future additional profit and 532 social rented properties available for the Housing Revenue account (HRA). The recommendations are supported through legal advice and the Co-operation Agreement.

## **77. Closure of Meeting**

With the business of the Cabinet concluded, the Chair declared the meeting closed at 9.26pm.

DR H S BLOOM  
**Chair**



## Public Question Time 4 December 2013 Questions and Responses

# A

Set out below are the five questions asked at Public Question Time along with the Cabinet Members' responses:

### Charles Crane

Mr Crane referred to the Open Space & Recreation Study which stated that for a population of 15.25 per hectare the park and recreation area in Bewbush were sufficient. However, the increase in population following current housing development would make a population of 15.69 per hectare and thus the current open space provision would be inadequate and the area would be underprovided. Councillor Lanzer, as the Portfolio Holder on this matter, advised that provision was still considered adequate and that the development would not have been considered has this not been the case. Councillor Crow as Portfolio Holder for Leisure & Cultural Services advised Mr Crane that significant analysis had been conducted over the past year and was confident the increased population calculation had been taken into account, but he agreed to refer the query back to colleagues for clarification.

### Graham Petschell

Mr Petschell asked for clarification on the monetary allocation for play areas in Bewbush. He was concerned that proposed Bewbush play areas are listed as having 'developer funded contributions' and others have monetary allocations. He asked who the developers were, and where the play areas would be built. Councillor Crow advised that developer funded contributions referred to play areas already in existence, and that developer funded contributions were for those that would potentially be built.

### Chrissie Cooke

She asked the Cabinet to consider the high density of the population in Bewbush (61 per hectare) and to take this into account regarding any further development. Councillor Lanzer noted her comments and explained that most neighbourhoods have housing allocation and green space requirements would be taken into consideration by the Inspector. He felt the balance struck between providing housing in Bewbush and green space was right. The Chair said there would be further public consultation at the next stage of the Local Plan.

### Michael Pickett

Mr Michael Pickett, Chair of the Southgate Community Forum and speaking on their behalf, asked the Cabinet to be cautious with the report regarding Southgate potential conservation areas as it may not be wholly correct. He quoted the observation in the report that most chimneys in East Park had gone, when in fact there were still most chimneys present. He also asked the Cabinet to support the residents who wish for the conservation area designation as they feel it would stop decline in the area. Councillor Lanzer said it was important to note that designation came with both advantages and disadvantages, and acknowledged that conservation area designation did provide something to an area, the biggest disadvantage was that permitted development rights would be lost if such a designation were to be made.

### Brian Osterreicher

Mr Osterreicher had originally been in favour of conservation area designation in East Park as he had seen the area deteriorate over the last few years. However, he was now opposed to this as it would mean loss of permitted development rights. He felt the outlook for East Park was bleak. Councillor Lanzer responded that should conservation area designation not be agreed, that individual buildings could be considered for local listed building designation in order to protect them, thus preventing decline.