

# Crawley Borough Council



## Minutes of Cabinet

Wednesday 15 January 2014 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)

### 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
Karen Hayes	Deputy Head of Finance
Diana Maughan	Head of Housing and Planning Strategic Services
Peter Allen	Head of Property
Elaine Sayers	Democratic Services Officer

### 78. Members' Disclosure of Interests

Member	Minute Number	Subject	Type and Nature of Disclosure
Councillor R D Burrett	Minute 83	Proposed Multi Agency Agreement for Management of Encampments across West Sussex	Personal as Member of West Sussex County Council
Councillor D G Crow	Minute 83	Proposed Multi Agency Agreement for Management of Encampments across West Sussex	Personal as Member of West Sussex County Council
Councillor R A Lanzer	Minute 83	Proposed Multi Agency Agreement for Management of Encampments across West Sussex	Personal as Member of West Sussex County Council

**79. Minutes**

The minutes of the meeting of the Cabinet held on [4 December 2013](#) were approved as a correct record and signed by the Chair.

**80. Public Question Time**

Public Question Time took place and two residents put questions to the Cabinet. The questions all related to the loophole relating to the withdrawal of the spare room subsidy as outlined by the recent DWP publication and not an item for discussion on the Agenda for today's meeting. A note of the questions and the Cabinet Members' responses are set out in **Appendix A** to these minutes.

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

The Head of Legal and Democratic Services reported that no representations had been received in respect of item 10 - The Mill Pond - Appointment of Contractor.

**82. Matters Referred to the Cabinet**

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

**83. Proposed Multi-Agency Agreement for the Management of Encampments across West Sussex and the Provision of a Transit Site (The Leader's and the Leisure and Cultural Services Portfolios)**

The Cabinet considered the report of the Director of Community Services [DCS/025](#).

The Cabinet Member for Leisure and Cultural Services advised Members that although the Council had been successful in reducing illegal encampments in recent years there was no guarantee they would remain low. The proposed Transit Site, with shared contributions and responsibility of 7 District and Borough Councils would allow the Police to use their Section 62 powers to act under the Criminal Justice and Public Order Act 1994. A suitable site in Westhampnett had been identified by Chichester District Council following an extensive search of Council land across West Sussex.

The report set out in detail the financial implications in relation to this matter, and emphasised that although the Partnership working had worked well in this instance the provision of a site in Chichester did not detract from the Council's responsibility to provide its own reserve site as identified in the Local Plan.

**RESOLVED**

That subject to all West Sussex authorities formally confirming their commitment to the scheme, the Council enter into a multi-agency partnership arrangement for the effective management of unauthorised encampments across West Sussex and that the Director of Community Services, in consultation with the Portfolio Holder for Leisure and Culture, be given delegated authority to agree the details of such arrangements with his West Sussex counterparts.

## Reason for Decision

The approach signalled in this report supports the Council's strategic planning position, as articulated through its Local Plan, and specifically the Council's duty to work cooperatively with surrounding authorities to meet community need.

### 84. 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 item of business on the grounds that it involves 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.

### 85. Environmental Services Portfolio The Mill Pond – Appointment of Contractor *(Exempt Paragraph 3 – Information relating to financial and business affairs of any particular person including the Authority holding that information)*

The Cabinet considered report [PSD/112](#) of the Head of Property.

It had been anticipated there might be an under spend on the overall projected spend of this project due to the re negotiation of removal costs of the silt, which officers would monitor carefully throughout the project.

The Cabinet Members for Housing and Environmental Services welcomed the project and expressed their thanks to the officers who brought this to fruition. In referring to the projected under spend, Members discussed the possibility of bringing other Capital Projects forward from 2015/16. The Director of Development & Resources requested that until the project had physically started the budget should remain in place, but would be monitored through the budgetary process and Members would be informed should an under spend arise. Members were advised that officers and contractors might not have the capacity to bring forward projects already identified for 2015/16.

#### RESOLVED

That Jackson Civil Engineering Group Limited be appointed, under an ECC (Engineering and Construction Contract) form of contract, as the contractor to carry out the design and construction of the upgraded dam structure and associated works and de silt the Northern and Southern Pond along with the de silting of Bewbush Gardens.

#### Reason for Decision –

Officers had negotiated a contract price with the contractor which represents true value for money for the Council and is in line with the capital budget for the scheme.

### 86. Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.15pm.

## Public Question Time – Questions and Responses

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

Mr R Burnham asked several questions regarding the Removal of the Spare Room Subsidy (RSRS) and Housing Benefit Discretionary Grants.

He asked

- If the balance of the unused Discretionary Grant for 2013/14(only £17000 had been used) would be returned to the Government?
- Could the balance of the unused Discretionary fund be re distributed to those found to be in need due to the Bedroom Tax?
- Were Council Officers aware of the recent changes and when would the tenants that had wrongly been charged, be repaid?
- Was the Discretionary Fund relief advertised widely
- Had the Council taken every Opportunity to let those affected by the RSRS be made aware of the Discretionary Fund?
- Could the Council do everything possible to advertise the Discretionary Fund?

Councillor Burrett's response to the RSRS questions were:-

- There was no specific publicity on the Discretionary Fund. Housing and Benefit Officers were currently looking into cases where it was believed tenants had been affected.
- Any tenant found to have been incorrectly charged as a result of the "Bedroom Tax" would have rebates credited to their rent accounts if they were in arrears, or have a cheque if their accounts were up to date or in credit.
- The number of tenants affected was estimated to be less than 100. As pensioners were not currently affected, it was anticipated that numbers who might be due a refund was very low. Officers continued to look at the affected accounts but there could be no timescales on when all refunds could be calculated. The Officers were working on a case by case basis.
- Every effort has been made to advertise the Discretionary Fund but the Council will revisit its process on this.

Sally Fidel asked a question also regarding the RSRS.

- There is a perception of Compensation being paid to those that had been affected and were 'out of pocket' due to removal fees etc. She was of the understanding that the Council would be responsible for paying compensation to those that had been forced to downsize as a result of the Bedroom Tax levy.
- She also asked if the RSRS applies to Housing Association Tenants as well as Local Authority Tenants

Councillor Burrett's responses to these questions were:-

- All Social Housing and Private Tenants are affected.
- He was unsure what the Councils Legal responsibilities were regarding Compensation but felt as it was a DWP decision more information could be found easily by individuals on the DWP website. As the Discretionary Fund was Public Funds he felt it unlikely that the Council would be responsible for any Compensation such as these.