

Crawley Borough Council



Minutes of Cabinet

Wednesday 19 March 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)

Also in attendance:

Councillors S A Blake, C C Lloyd

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

102. Apologies for absence

None.

103. Members' Disclosure of Interests

Member	Minute Number	Subject	Type and Nature of Disclosure
Councillor R D Burrett	Minute 112	Agency Staff Procurement	Personal as Member of West Sussex County Council

104. Minutes

The minutes of the meeting of the Cabinet held on 12 February 2014 were approved as a correct record and signed by the Chair.

105. Public Question Time

Public Question Time took place and a resident, Mr Geoffrey Herbert, asked whether it was likely there would more interest in public art in Crawley in the future. He had submitted artwork but felt progress had been slow and that some encouragement was needed to progress this. He added that he hoped progress would not be slowed as a result of the upcoming elections. Councillor Duncan Crow advised firstly that elections do not take priority over council business, and added that no-one knew what the level of interest in public art in the future was likely to be. While he welcomed Mr Herbert's interest, Councillor Crow said that public artwork was unlikely to be high on the public's agenda currently, adding that funding for such artwork was discretionary and an additional service provided by CBC. CBC had a good partnership with the Museum Society and he would relay Mr Herbert's comments to them.

Councillor Sally Blake stated that at the February meeting of the Overview & Scrutiny Commission it had been decided to reinstate the Public Arts Selection Panel and that officers were currently looking at doing so. Cllr Crow advised that any requests to do this should be considered by him in the first instance as the OSC was not in a position to do so independently, and also that the Panel convened only when a large project required some public artwork. The Chair advised Cllr Blake to communicate formally the wishes of the OSC to Cllr Crow to progress the reinstatement of the Panel.

106. 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 13 Agency Staff Procurement.

107. Matters Referred to the Cabinet

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

108. Localism Act 2011 – List of Assets of Community Value (The Leader's Portfolio)

The Cabinet considered report [LDS/080](#) of the Head of Legal and Democratic Services which outlined the provisions relating to the Assets of Community Value Scheme and the implications for the Council of having to hold the list of Assets of Community Value including recommended procedures and arrangements for dealing with the duty.

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 17 March 2014. The Commission agreed to endorse the recommendations in full to the Cabinet subject to the following amendments:-

1. Apart from any existing application, the relevant Local Member may submit, within 3 weeks, comments to the Portfolio Holder selected for the ACVP (Assets of Community Value Panel) on any asset nomination.
2. Policy Review : Procedure would include the wording 'Crawley Borough Council must review and amend this policy in the light of developing good practice and guidance'

The Cabinet noted the endorsement of the Overview & Scrutiny Commission and acknowledged its amendments but advised that regarding its first comment (regarding ward member comments), ward member comments should not be sent to the Portfolio Holder (as the Portfolio Holder would not be part of the ACVP). Any comments from the ward member should be sent to the administrator of the scheme (the Head of Legal & Democratic Services) and these would be brought to the attention of the Panel.

Councillor Colin Lloyd raised a concern that the implementation of the legislation has been slow, and had only been addressed as a result of an application being made. He also expressed concern that the applicants were having to wait the full 8 weeks determination period before a decision would be made. Cllr Lloyd was advised that although the Act had been passed in 2011, details of many regulations had been received piecemeal and Assets of Community Value regulations were amongst these. A member responded that he was reassured that the determination was taking the full allocation of time as it demonstrated a thorough process.

A Member expressed concern that the Act might reinstate a 'right to a view' on the planning system and suggested there might be a need to feed back to central government should the legislation affect housing.

A Member requested an amendment be made to recommendation 2.2.5 to read

'That authority be delegated to the Director for Transformation & Housing to be responsible for hearing and reviewing any decision about the listing of an Asset, in consultation with the Leader of the Cabinet.'

The reason for this was to ensure an officer would not be taking a decision over a Member. This was agreed by the Cabinet.

RESOLVED

- 1) That the duty under the Localism Act 2011 to implement the List of Assets of Community Value Scheme as laid out in report LDS/080 be noted.
- 2) That approval be given to the outline of the scheme as set out in report LDS/080 and the operational policy as set out in Appendix 1.
- 3) That delegated authority be granted to the Head of Legal & Democratic Services to finalise and administer the scheme.
- 4) That delegated authority be granted for the determination of assets to be listed as Assets of Community Value to an Assets of Community Value Panel (ACVP) comprising three Heads of Service drawn from a pool of Officers (Head of Legal & Democratic Services, Head of Community Services, Head of Strategic Housing & Planning Services, Head of Property, Head of Planning & Environmental Services) in consultation with the Cabinet Member for Community Engagement, and in the event of a conflict of interest then the Leader of the Cabinet.
- 5) That authority be delegated to the Director of Transformation & Housing to be responsible for hearing and reviewing any decision about the listing of an Asset, in consultation with the Leader of the cabinet.
- 6) That authority be delegated to the Head of Legal & Democratic Services and the Council's Section 151 Officer to determine claims for compensation, with a review being undertaken by the Director of Transformation and Housing.
- 7) That approval be given for a period of five years to be adopted as the time period after which Listed Assets of Community Value and failed Community Nominations should be removed from the lists.
- 8) That approval be given to regard a period of no more than 3 years preceding the date of nomination be applied where nominations for assets to be included as being of Community Value rely on a use in the recent past.

- 9) The Cabinet to make the decision on whether to accept a bid in the event of a successful application to list Council-owned land/buildings

Reason for Decision

To ensure that the Local Authority complies with statutory legislation under the Localism Act 2011 and offers a fast and robust procedure for dealing with the Assets of Community Value nominations, appeals and compensation claims.

109. Discretionary Rate Relief Guidelines (The Leader and Planning & Economic Development's Portfolio)

The Cabinet considered report [FIN/329](#) of the Head of Revenue, Finance & Benefits which set out proposed guidelines to help staff make decisions in relation to applications for discretionary rate relief for non domestic rates.

RESOLVED

- a) That approval be given to the guidelines set out in the Appendix to report FIN/329
- b) That authority be delegated to the Leader of the cabinet to determine future amendments to the guidelines

Reason for decision:

To provide a framework for staff making decisions on applications for discretionary rate relief.

110. Irrecoverable Debts (Leader's Portfolio)

The Cabinet considered report [FIN/327](#) of the Head of Finance, Revenues & benefits which sought approval to write off debt that is considered to be irrecoverable and exceeds the delegated limit of £50,000 per write-off.

RESOLVED

That approval be given to write off the business rate debts exceeding £50,000 which are considered to be irrecoverable, as set out in report FIN/327.

Reason for Decision

The Council's Constitution requires Cabinet approval to write off amounts exceeding £50,000.

111. 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 paragraphs specified against the items.

112. Agency Staff Procurement (Customer & Corporate 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 report FIN/330 of the Head of People & Technology which sought to identify how temporary agency staff should be secured in the future.

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 17 March 2014. The Commission agreed to endorse the recommendations in full to the Cabinet.

The Cabinet noted the endorsement of the Overview & Scrutiny Commission and agreed with its endorsement of the recommendations.

RESOLVED

- 1) That approval be given for a mini competition for the provision of temporary agency staff being conducted through the Pro5 Group MSTAR national framework agreement.
- 2) That the appointment of the preferred supplier and the determination of the contract period be delegated to the Head of People & Technology, in consultation with the Cabinet Member for Customer & Corporate Services.

Reason for Decision

- 1) The EU Procurement Rules will be changing in 2014 and will require the Council to procure temporary staff in compliance with those rules.
- 2) Using the Pro5 MSTAR framework agreement has been identified as the procurement route that best meets the Council's needs.

113. Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.05pm.

DR H S BLOOM
Chair