

# Crawley Borough Council



## Minutes of Cabinet

**Wednesday 10 September 2014 at 7.30pm**

### **Present:**

Councillor	P K Lamb	(Chair of Cabinet and Leader of the Council)
	S J Joyce	(Deputy Leader of the Council and Cabinet Member for Housing)
	C C Lloyd	(Cabinet Member for Environmental Services)
	C J Mullins	(Cabinet Member for Leisure and Cultural Services)
	C Oxlade	(Cabinet Member for Community Engagement)
	D J Shreeves	(Cabinet Member for Customer and Corporate Services)
	P Smith	(Cabinet Member for Planning and Economic Services)

### **Officers Present:**

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

### **Also in attendance:**

Councillors R Burrett, D Crow, M Jones, G Thomas and W Ward

### **Apologies for Absence:**

There were no apologies for absence.

### **15. Members' Disclosure of Interests**

There were no disclosures of interest.

With regard to item 11 of the Agenda (Land at Ely Close, Tilgate, Crawley), the Head of Legal and Democratic Services disclosed an Interest in that matter because she lodged part time in the vicinity of the site.

**16. Minutes**

The minutes of the meeting of the Cabinet held on 2 July were approved as a correct record and signed by the Chair.

**17. Change of Agenda Order**

The Cabinet agreed that the agenda order be revised to that shown below.

**18. Public Question Time**

There were no questions from the public.

**19. 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 14 Acquisition of Kilnmead Car Park, Kilnmead, Northgate.

**20. Matters Referred to the Cabinet**

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

**21. Land at Ely Close, Tilgate, Crawley (Planning & Economic Development Portfolio)**

The Cabinet considered the joint report LDS/086 of the Head of Legal & Democratic Services and the Head of Strategic Housing & Planning Services, which sought to re-appraise the decision of the Cabinet to dispose of land at Ely Close, Tilgate, Crawley (minute 42 of The Cabinet 14 October 2009 refers).

Councillor Burrett informed the Cabinet that, given the chequered history and long debate surrounding this item, he would not be calling it in, whatever the decision made. He was concerned that the anticipated reversal of the decision to sell the site would adversely affect relationships with Moat (the developer), housing associations, registered social landlords and would have a negative financial and reputational impact upon the Council. He stated that CBC would lose in the region of £374k (comprising £111k from the sale of Lark Rise site, £253k from the sale of Ely Close site and £13k from an S106 contribution), and he asked that the Cabinet consider these factors before making their decision.

Councillor M Jones stated that although some revenue would be lost, it was important to remember that green space had been saved. He added that 200+ units were being built in Forge Wood in the future, and that this, along with other Council housing and affordable housing units would adequately cover the 18 units lost by not selling and building upon the Ely Close site. He also stated that there would continue to be many opportunities for housing associations to work with CBC.

The Cabinet Member for Planning & Economic Development assured the Cabinet that CBC was working hard with housing associations to provide as much affordable housing as possible and that significant amounts of additional units were included in the revised Local Plan. Councillor Lloyd stated there was an acceptance by all parties, to agree to preserve green spaces in Crawley. Councillor Lamb said that since, in the event the council did not sell the land, the authority would still own land of similar value to the lost capital receipt, the council would not in fact be paying out the figures which had been discussed.

The Cabinet fully took into consideration all the implications as set out in the report which addressed a number of outcomes, and in doing so considered that there were compelling reasons to retain the land as amenity green space and to rescind the decision to dispose of the land as made by the Cabinet on 14 October 2009.

### **RESOLVED**

- 1) That the joint report LDS/086 by the Head of Legal & Democratic Services and the Head of Strategic Housing & Planning Services be noted, and
- 2) That the land at Ely Close, Tilgate, Crawley, not be disposed of to Moat Homes Ltd, and
- 3) For the land to be retained as amenity green space, be agreed.

### **Reason for decision**

To preserve the amenity value of green space within Crawley.

## **22. Amendment to the Housing Allocations Scheme – Local Connection & Residency Criteria (Housing Portfolio)**

The Cabinet considered report SHAP/40 of the Head of Strategic Housing & Planning Services which sought a decision on whether to amend the residency qualification criteria in the Council's Housing Allocation from 3 years to 5 years.

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 8 September 2014. The Commission agreed broadly to endorse the recommendations to the Cabinet, but asked that they considered the concerns raised by the Commission, which included.

- Following the review in December 2013, approximately 200 applicants were removed from the Housing Register and only a small percentage requested a review. It is reasonable to say that a similar number or even less would be impacted and removed from the Housing Register if the residency criteria were to be increased to 5 years.
- It was suggested that the change in residential qualification criteria to 5 years may also assist those in 'overcrowded' properties and who are living with established family members living in Crawley who may not have considered applying previously.
- Risk that a change in criteria could increase the number of people applying as homeless (and the use of temporary accommodation) to access social housing who would otherwise be required to wait until they had lived in Crawley for 5 years. The

local connection criteria applied in homelessness cases is different to the local connection qualification criteria.

- Members welcomed the 'light-touch' review of the change and its impact on homelessness applications within 6 months should the criteria be amended.
- It was confirmed that people can still join the housing register even if they have not themselves been living in Crawley for 5 years. Applicants can still join the housing register if they have a connection to the town such as established and immediate family members living in Crawley, or permanent employment in the town or if they are former or serving members of the armed forces.
- Concerns expressed regarding the possible link between poor housing and educational outcomes, possibly resulting in children being adversely affected if the criteria was amended and applicants in this situation having to wait a further 2 years to meet the residency criteria ('moving the goalposts'). It was confirmed that any applicants with exceptional housing circumstances and who did not meet the 5 year residency criteria could be considered on a case by case basis using powers already built into the scheme.
- Concern was expressed regarding the change of policy and the effect on current applicants already on the register who may not meet the 5 year residency criteria. It was felt a method of protection for existing applicants so they are not taken off could be considered with a possible option of a 'sliding scale' to introduce the policy change, although it was commented this may be difficult and costly to administer.
- There was also a concern for those people not on the register who were nearing the 3 year criteria and thinking of applying soon for housing. The Commission asked whether consideration could also be given to a change in housing policy which would allow people to join if they were close to meeting the current residency criteria (3 years) and had been waiting to join but had delayed this until they had actually lived in Crawley for 3 years. However, it was also acknowledged that this would also be difficult to administer and result in effect, maintaining the current 3 year criteria.

Councillor Burrett welcomed the report and reminded the Cabinet that at the Overview & Scrutiny Commission meeting in October 2013, members of both parties had been in favour of amending the qualification criteria to 5 years. However, all were strongly advised that this would lead to a breach in statute and need to go to consultation. It was then decided to raise the criteria to 3 years and review it in the future. He also referred to the possibility that the criteria changes might increase the number of applications to neighbouring local authorities with criteria qualifications of shorter duration, but he felt this was more of a risk on paper than in reality, because beginning the application process again elsewhere was unlikely to save applicants any significant time. He added that he understood the concerns with having a strict cut-off point regarding applicants but agreed that this would be difficult to administer. He suggested the Portfolio Holder might consider a 'light touch' review in a year in order to assess any changes or issues.

The Chair agreed that in order for the policy to work, it was inevitable that some residents would be excluded, adding that adding a sliding-scale would be too difficult to administer. The Cabinet Member for Housing stated the scheme must go ahead as it is; other options could expose the Council to a potential risk of Judicial Review by treating new and existing applicants differently despite similar levels of need. A Member asked if the process would be open to fraudulent applications, but was reassured by the Head of Strategic Housing & Planning Services that CBC was rigorous in checking applicants and their evidence; she added that from time to time, action has been taken against fraudulent applicants and CBC had publicised these actions as a deterrent.

## **RESOLVED**

- 1) That the contents of the report SHAP/40 be noted, and

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

- 2) Note the results of the consultation process undertaken in respect of the proposed change
- 3) Decide whether to amend the Council's Housing Allocation Scheme as set out in section 5.12 of report SHAP/40, and
- 4) If the decision of the Council is to amend the Council's Housing Allocations Scheme, to specify the date the change is to take effect, such date to be on 3 December 2014 or such subsequent date as may be agreed by the Head of Strategic Housing & Planning Services in consultation with the Cabinet Member for Housing.

### **Reason for Decision**

- 1) A number of members have expressed an interest as to whether the Council should consider increasing the local connection and residency qualification for people who wish to be allocated social rented accommodation. The report SHAP/40 provides an opportunity for Members to review the current criteria and decide whether to amend it.

## **23. 2014/15 Budget Monitoring – Quarter 1 (Leader's Portfolio)**

The Cabinet considered report FIN/341 of the Deputy Head of Finance which set out a summary of the Council's actual revenue and capital spending for the first Quarter to June 2014. It identified the main variations from the approved spending levels and any potential impact on future budgets.

The Chair stated the report included a recommendation for the Cabinet to approve the supplementary capital estimate of £85k for provision of improved cycle and pedestrian access arrangements within the Tilgate Access Road scheme, and in this regard, the Cabinet Member for Leisure & Cultural Services offered to arrange a tour in order for Members to see and understand these improvements. He stated there was a recognised safety need for users of the park not in motor vehicles.

The Cabinet Member for Environmental Services reminded the Cabinet that it had been proposed to reinstate the scheme for the Quick Wins budget of £50k, which could be readily accessed by ward members to fund small but significant improvements across the town.

## **RESOLVED**

- 1) To note the projected outturn for the year 2014/2015 as summarised in report FIN/341
- 2) To approve a supplementary capital estimate for £85,000 for provision of improved cycle and pedestrian access arrangements within the Tilgate Access Road scheme.

**Reason for Decision**

To report to Members on the projected outturn for the year compared to the approved budget.

**24. Coast to Capital Strategic Joint Committee (Planning & Economic Development Portfolio)**

The Cabinet considered report LDS/087 of the Head of Legal & Democratic Services which sought formal approval from the Council for the Establishment of the Coast to Capital Joint Committee and its arrangements. The main purpose of the new Joint Committee is to approve the Strategic Economic Plan (SEP) and proposed Growth Deal for the Coast to Capital Local Enterprise Partnership Area.

**RESOLVED**

That the Full Council be RECOMMENDED:

- 1) To approve the establishment of the Coast to Capital Joint Committee, constituted in accordance with the Heads of Terms as set out in Appendix 1 of report LDS/087
- 2) To grant delegated authority to the Chief Executive to take all measures necessary for or incidental to (i) the implementation of recommendation (1) above, and (ii) the ongoing management and administration of the Committee
- 3) To instruct the Head of Legal & Democratic Services as Monitoring Officer to amend the Council's Constitution to reflect the establishment of the Joint Committee
- 4) To approve the nomination of the Leader of the Council to serve on the Joint Committee

**Reason for Decision**

The Joint Committee is one element of a package of measures being taken to strengthen the governance arrangements within and around the LEP. This is important because the credibility of those arrangements in ensuring effective collective action to implement SEP will be a significant consideration for Government when deciding how much funding to provide to the LEP, including through investment in transport and other infrastructure which is crucial for all West Sussex residents.

**25. Exempt Information – Exclusion of the Public (subject to agenda item 5)**

**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 Paragraphs 3 & 5 of Part 1 of Schedule 12A of the Act by virtue of the paragraphs specified against the items.

**26. Acquisition of Kilnmead Car Park, Kilnmead, Northgate (Housing Portfolio)**

***(Exempt Paragraphs 3 (information relating to financial and business affairs of any particular person including the Authority holding that information) and 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceeding) of Part 1 of Schedule 12A to the Local Government Act, 1972 (as amended))***

The Cabinet considered report DIRTH/046 of the Director of Transformation & Housing which identified the various considerations of the potential acquisition of Kilnmead Car Park hereafter referred to as 'the site') and options for how the site might be developed for housing.

The Cabinet Member for Environmental Services supported the proposal, adding it was exactly the type of site upon which to consider building homes, as it was nearer the town centre and was better than developing green sites in residential areas. The Cabinet Member for Planning & Economic Development stated he felt the scheme would help regenerate the town centre and would include more support for residents living there. This would help develop the town centre community .

**RESOLVED**

- 1) That the contents of the report be noted.

**The Full Council is RECOMMENDED:**

- 2) To note the contents of this report and approve the acquisition of the Homes & Communities Agency's freehold interest in the site
- 3) To approve a supplementary capital estimate of £1.6m, funded from Housing Revenue Account reserves and Right To Buy 1-4-1 receipts, for the purchase of this site and for pre-construction costs to enable the delivery of an affordable housing scheme (subject to additional funding for construction).

**Reason for Decision**

- 1) The acquisition of Kilnmead Car Park offers the Council the opportunity to deliver affordable dwellings on a key housing site. It is thought that approximately 40 dwellings could be accommodated on the site (subject to further detailed design work and additional funding for construction)
- 2) If the Council does not acquire the HCA's interest, the site will be put on the open market. This may result in uncertainty regarding future development, a reduction in the number of new homes and fewer affordable homes on the site.

**27. Closure of Meeting**

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.23pm.

P K LAMB  
Chair