

Crawley Borough Council

Minutes of Cabinet

Wednesday 8 July 2015 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)
	M G Jones	(Cabinet Member for Public Protection and Community Engagement)
	C C Lloyd	(Cabinet Member for Environmental Services and Sustainability)
	C J Mullins	(Cabinet Member for Wellbeing)
	A C Skudder	(Cabinet Member for Resources)
	P Smith	(Cabinet Member for Planning and Economic Development)

Also in Attendance:

Councillors B J Burgess, R D Burrett, D G Crow, I T Irvine, T Lunnon, B A Smith and J Stanley

Officers Present:

Russell Allison	Housing Enabling and Development Manager
Tony Baldock	Environmental Health Manager
Ann-Maria Brown	Head of Legal and Democratic Services
Peter Browning	Deputy Chief Executive
Mez Matthews	Democratic Services Officer
Nigel Sheehan	Head of Partnership Services

Apology for Absence:

Lee Harris	Chief Executive
------------	-----------------

1. Members' Disclosure of Interests

No disclosures of interests were made by Members.

2. Lobbying Declarations

All members of the Cabinet had been lobbied on the Private Hire and Hackney Carriage Licensing Policy (minute 8 refers).

3. Minutes

The minutes of the meeting of the Cabinet held on [18 March 2015](#) were approved as a correct record and signed by the Chair.

4. Public Question Time

Public question time took place. A note of the questions and the Cabinet Members' responses are set out in **Appendix A** to these minutes.

5. 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 agenda items 18 Acquisition of Affordable Housing at the Southern Counties site, 27-45 Ifield Road or 19 Telford Place Residential Development.

6. Matters Referred to the Cabinet

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

7. Report by the Chair of the Overview and Scrutiny Commission

The Chair of the Overview and Scrutiny Commission (OSC) informed the Cabinet that a discussion had occurred at the meeting of 8 June 2015 regarding Northgate surgery and its proposed re-location to Cross Keys House, along with plans for the walk-in centre currently based at that site to reside at Crawley Hospital. The item had previously been discussed at the OSC on 16 March 2015 and included in the Comments to Cabinet for 18 March 2015 (OSC/236). Further concern was expressed regarding the consultation process, with particular reference to communications and accountability. The Commission felt that now that the consultation process had been completed, the Cabinet be requested to undertake a strategic view, agree an overall policy direction, as well as take measures to inform NHS England regarding any detrimental effects on residents.

8. Private Hire and Hackney Carriage Licensing Policy (Environmental Services and Sustainability Services Portfolio)

The Cabinet considered report [PES/187](#) of the Head of Economic and Environmental Services which requested Cabinet to recommend to Full Council the approval of the Private Hire and Hackney Carriage Licensing Policy.

The Cabinet Member for Environmental Services and Sustainability introduced the item and thanked officers and the Licensing Committee for their contribution in the production of the Policy. He informed the Cabinet that the Policy had been subject to extensive consultation and several aspects of the Policy had been amended as a result. The comments of the hackney carriage and private hire trades had been incorporated into the Policy.

The matter had been considered at the meeting of the Licensing Committee on 3 June 2015 and report [LDS/106](#) documented the comments from the Committee as follows:

1. Members supported the revision of Paragraph 23 of Appendix A to the report to read as follows:

“The Council is fully committed to meeting the needs of the travelling public in Crawley including those who have a disability of any nature. In addition to the disability awareness training drivers shall be required to undertake, the number of hackney carriages licensed by the authority will contain a sufficient number of vehicles which are capable of carrying a wheel chair as determined by an unmet demand survey which shall include a section on this matter. The Council therefore reserves the right to increase or decrease the number of wheel chair assessable vehicles based on local need. The decision as to whether any vehicle that is submitted to the Council for the purposes of being licenced as a hackney carriage, shall be capable of carrying a wheel chair will be at the discretion of the Head of Economic and Environmental Services in conjunction with the Portfolio Holder for Licensing functions and be made with a reference to the local need at the time of the application.”
2. Several Members of the Committee were of the opinion that the proposed vehicle age restriction was too low as modern cars had a longer life span and hackney carriages were usually maintained to a higher standard than private cars. However, other Committee members were of the view that the number of miles driven in a hackney carriage could not be compared with that of a privately owned car, and an 11 year old hackney carriage vehicle was significantly older in real terms.
3. The Committee was concerned that the Policy required all wheel chair accessible hackney carriages to load the chair from the side rather than the rear of the vehicle as hackney carriage drivers had suggested that power assisted wheel chairs could not be accommodated by a side loading vehicle. It was proposed that a suitable alternative for electric wheel chairs should be researched before that element of the Policy was introduced. It was agreed that the Environmental Health Manager would research the issue further before the July Cabinet meeting, so that Cabinet could consider the full facts, and make any necessary amendments to the Policy before it was recommended to Full Council.

Councillor B A Smith, the Chair of the Overview and Scrutiny Commission informed the Cabinet that she had been using a wheelchair for the past five weeks and had experienced the difficulties faced by wheelchair users when travelling by taxi. Councillor Smith was of the view that both rear and side loading vehicles should be retained. Councillor Smith had been informed that, as wheelchairs were loaded from the road in rear loading vehicles, they caused a safety hazard. Councillor Smith contended that loading would be safe if the drivers were sufficiently qualified, and if loading was exercised properly. The Cabinet was reminded that, due to the direction of some taxi ranks, the side access of a vehicle would be on the road side. Councillor Smith had felt unsafe when using a side loading vehicle as it required a lot of manoeuvring, and when access from the pavement was uneven, the angle of the

ramp could be affected. Councillor Smith emphasised the importance of driver training regarding the loading and securing of a wheelchair, and suggested that the Council's website display a list of licensed wheelchair accessible vehicles. Councillor Smith also suggested that the Policy be amended to ensure that all related information was collated together, and that the Cabinet reconsider the proposal to remove rear loading vehicles.

Councillor B J Burgess, a Licensing Committee member, enquired whether a suitable alternative to rear loading vehicles had been researched prior to the Cabinet meeting as she was of the view that both rear and side loading vehicles had a purpose. Councillor Burgess stated that it was important to address the concerns of the taxi trade before the Policy was approved.

The Environmental Health Manager advised the Cabinet that some neighbouring local authorities continued to allow rear loading vehicles, that advice from the Spinal Injuries Association recommended that rear loading vehicles not be used, but that the Department for Transport advised Council's to be flexible and allow the use of rear loading vehicles if they were deemed suitable. The Cabinet was informed that only 7 private hire vehicles, and 15 hackney carriage vehicles would be affected by the proposed age limit and emissions specifications. A summary of the consultation responses were circulated to the Cabinet (attached as an **Appendix B** to these minutes).

The Leader advised that the Policy was an evolving document which had been devised to maintain the high standards of the Council. The Cabinet in considering the responses to the Consultation and taking into account representation made at the meeting, proposed further amendments to the Policy, which the Leader anticipated would appease the concerns raised by the trade. The Cabinet agreed the additional changes proposed to the Policy.

The Cabinet Member for Public Protection and Community Engagement, and former Chair of the Licensing Committee advised the Cabinet that he had been heavily involved in the public consultation process, and officers had worked hard to spread awareness. All parties had been given the chance to contribute to the consultation and every submission had been read and considered. He reassured the trade that the concerns they had raised as part of the consultation process had been considered at an all-member seminar which had also been attended by members of the Licensing Committee, and that virtually all the objections to the Policy had resulted in an amendment to the original proposal. He emphasised that there would be a grace period for vehicles which did not meet the criteria outlined in the Policy, which would allow drivers to make alternative arrangements or, in the case of side loading wheelchair accessible vehicles, the driver would not be required to change the vehicle until a replacement was bought. It was noted that each application would be considered on its own merit.

The Cabinet Member for Public Protection and Community Engagement advised that the Council tried hard to help Crawley's taxi trade, such as imposing a limit on the number of hackney carriage plates licensed in the borough. However, ultimately the Council was required to regulate the local trade, and had to balance the interests of all parties. As such, it was not always possible to make decisions which all parties agreed with.

In response to a question from the public, it was noted that action had been taken regarding the use of out of town taxis, although such practices were difficult to restrict due to a change in Government policy. Following the request that private hire vehicles be required to display a sign in the vehicle window stating that the driver was

committing an offence if a fare was taken without a prior booking, the Leader advised that officers would investigate the feasibility of the issue and amend the Policy accordingly if necessary. The Leader advised that non-removable door signage was necessary to avoid doubt that a vehicle was licensed. It was suggested that drivers could place a blank magnetic cover over the door sign when the vehicle was not available for hire.

RESOLVED

That Full Council is RECOMMENDED:

To approve the Private Hire and Hackney Carriage Licensing Policy as detailed in report [PES/187](#) subject to the following amendments:

1. The revision of Paragraph 3 of Appendix A to the report to read as follows:

“The passenger carrying capacity will be at the discretion of the Council, but shall usually be such for the carriage capacity of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.”

2. The revision of Paragraph 22 (emissions) of Appendix A to the report to read as follows:

“From 1st April 2016, an 11 year rolling age limit will be introduced for taxis unless exempted. Vehicles already licensed at the date of adoption of this policy must, as a minimum, meet Euro 4 standards for emissions or be capable of being retrofitted to achieve the same within a reasonable time period and all newly licensed taxis must, as a minimum, meet Euro 5 standards for emissions. Vehicles older than 4 years with **an average annual** mileage of less than 30,000 may be considered but any such application must be accompanied by original MOT certificates or other suitable documents such as a service history to verify the vehicle mileage as genuine.”

3. The revision of Paragraph 23 of Appendix A to the report to read as follows:

“The Council is fully committed to meeting the needs of the travelling public in Crawley including those who have a disability of any nature. In addition to the disability awareness training drivers shall be required to undertake, the number of hackney carriages licensed by the authority will contain a sufficient number of vehicles which are capable of carrying a wheel chair as determined by an unmet demand survey which shall include a section on this matter. The Council therefore reserves the right to increase or decrease the number of wheel chair assessable vehicles based on local need. The decision as to whether any vehicle that is submitted to the Council for the purposes of being licenced as a hackney carriage, shall be capable of carrying a wheel chair will be at the discretion of the Head of Economic and Environmental Services in conjunction with the Portfolio Holder for Licensing functions and be made with a reference to the local need at the time of the application.”

4. The insertion of the following new bullet point after Paragraph 52(c) of Appendix B to the report:

“(d) Whilst public safety and comfort are the key elements that the Council considers when judging the suitability of vehicles meeting the requirements of section 52 of this policy, predicating that they should be of a side loading type, it reserves the right to deal with any application concerning other vehicle

types on their own merits based on suitable expert opinion and evidence. Any such evidence or opinion will normally be required to originate from a qualified automotive engineer or similar professional.”

5. The revision of Paragraph 8 of Appendix E to the report to read as follows:

“From 1st April 2016, an **11 year** rolling age limit will be introduced for private hire vehicles unless exempted. Vehicles must, as a minimum, meet Euro 4 standards for emissions and be no older than 4 years at the time of initial licensing. Vehicles older than 4 years with **an average annual** mileage of less than 30,000 may be considered but any such application must be accompanied by original MOT certificates or other suitable documents such as a service history to verify the vehicle mileage as genuine.”

Reasons for Decision

1. The Council does not currently have a written policy covering the licensing of hackney carriages and private hire vehicles and this policy will provide a means of ensuring consistency when making decisions in a transparent and open manner.
2. The Council is not legally obliged to have a written policy covering this aspect of licensing but such a policy is useful in enhancing and protecting public safety whilst also working with the trade to refine and enhance local public transport services.

9. Treasury Management Outturn for 2014/15 (Leader’s Portfolio)

The Cabinet considered report [FIN/361](#) of the Head of Finance, Revenues and Benefits. The regulatory environment places responsibility on Members for the review and scrutiny of the treasury management policy and activities. The report provided details of the outturn position for treasury activities and highlighted compliance with the Council’s policies previously approved by Members.

The matter had been considered at the meeting of the Overview and Scrutiny Commission on 6 July 2015. Members’ main comments included:

- 2014-2015 was the first year the Council had invested in corporate bonds.
- Support that the internally managed funds earned an average rate of return of 1.12% (a return 3x 7 day LIBID).
- Clarification had been sought and obtained on the inclusion and classification of investment properties within treasury management reports

The Commission had agreed to support the recommendations to Cabinet, and the Cabinet thanked the Commission for its comments.

RESOLVED

1. That the actual 2014/15 Prudential and Treasury Indicators as set out in report FIN/361 be approved.
2. That the Annual Treasury Management Report for 2014/15 be noted.

Reason for Decision

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2014/15. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

10. Proposed Article 4 Directions for Manor Royal (Planning and Economic Development Portfolio)

The Cabinet considered report [SHAP/047](#) of the Head of Strategic Housing and Planning Services. The report proposed Two Article 4 Directions for Manor Royal. These would restrict the permitted development rights afforded by the Town and Country (General Permitted Development Order) 2015 that allow offices (B1)(a) and warehouse (B8) uses to convert to residential uses (C3) without the need for planning permission. The Article 4's would withdraw these rights within Manor Royal because of the adverse impact these changes are having on the supply of employment floor space and the commercial operation of the Business District.

The matter had been considered at the meeting of the Overview and Scrutiny Commission on 6 July 2015 and the Commission noted the report to the Cabinet. The Commission supported the report but wanted the following views to be noted:

- The widening of permitted development rights had resulted in a weakness in the Government's approach to support the local economy.
- There was support for wide consultation as part of the process throughout the Manor Royal Business District and Tinsley Lane areas.
- Members supported lobbying the Local Government Association (LGA) with views concerning the request for exemptions from permitted development.
- Members wished to maintain dialogue with the Department for Communities and Local Government (DCLG), communicating the Council's concerns, and suggested combining with Business Groups – e.g. Coast to Coast LEP, Gatwick Diamond Initiative, Gatwick Diamond Business, Manor Royal Business Improvement District, as well as other adjacent Local Authorities including those that have similar experiences such as Croydon and Brighton Councils.

The Commission had agreed to support the recommendations to Cabinet, and the Cabinet thanked the Commission for its comments.

RESOLVED

1. That the making of a non-immediate Article 4 Direction under the Town and Country (General Permitted Development Order) 2015 for Manor Royal removing permitted development rights from office (B1a) to residential (C3) for the area outlined in bold on the plan at Appendix 1 of report SHAP/047 be approved.
2. That the making of a non-immediate Article 4 Direction under the Town and Country (General Permitted Development Order) 2015 for Manor Royal removing permitted development rights for storage and distribution (B8) to residential (C3) for the area outlined in bold on the plan at Appendix 1 of report SHAP/047 be approved.

3. That delegated authority be given to the Head of Strategic Housing and Planning Services in consultation with the Portfolio Holder for Planning and Economic Development to formally confirm both non-immediate Article 4 Directions following the 12 month notification period, if having fully considered all representations made during the consultation period, they are of the opinion that the Article 4 Directions should be made.
4. That officers be authorised to assess the potential for the introduction of an Article 4 Direction for the town centre.

Reason for Decision

The Council has a scarcity of employment land available with the most recent Employment Land Trajectory in February 2015 showing a deficit of supply of 35 hectares of land. Central Government widening of permitted development rights means that commercial premises (B1 offices and B8 storage and distribution) can be converted to residential units without the need for planning permission. This means that the amount of commercial floor space is being reduced and that there is growing commercial uncertainty regarding how the Manor Royal Business District will function, given the incursion of residential properties into the town's main industrial and commercial location.

11. Broadfield Barton Environmental Improvements (Environmental Services and Sustainability Services Portfolio)

The Cabinet considered report [DC&PS/012](#) of the Head of Partnership Services and Portfolio Holder for Community Engagement which sought approval for additional project funding to fully fund planned environmental improvement works on Broadfield Barton.

The matter had been considered at the meeting of the Overview and Scrutiny Commission on 6 July 2015 and discussion areas included:

- Disappointment and frustration that a private company was contributing a fraction of the amount the Council was funding. It was commented that an agreement was in place for the maintenance with the Broadfield Barton Management Company and that would be monitored in the future.
- Concern that a precedent might be set in terms of funding, however there was also recognition that there was an obligation to fulfil to the residents of Broadfield and Crawley.
- A general reluctance to terminate the scheme together with an acknowledgement that the current circumstances were unfortunate. Yet in the interests of social value and community cohesion the parade should be developed.

The Commission had agreed to support the recommendations to Cabinet, and the Cabinet thanked the Commission for its comments. The Cabinet was disappointed that a private company had withdrawn its contribution to the project, which had also resulted in a delay to the project.

Ward Councillors I T Irvine and T Lunnon supported the project and hoped that the investment would encourage future investment in Broadfield Barton.

RESOLVED

That the allocation of a £50,000 capital supplementary estimate to ensure the Broadfield Barton Environmental Improvement project is fully funded be approved.

Reason for Decision

The additional project funding would allow fully funded planned environmental improvement works on the Broadfield Barton to the agreed specification.

12. Financial Outturn 2014/15 (Leader's Portfolio)

The Cabinet considered report [FIN/362](#) of the Head of Finance, Revenues and Benefits which summarised the Council's outturn for the year 2014-2015 for both revenue and capital spend.

The Leader presented the report, which detailed the actual outturn for 2014-2015 compared to the approved Budget.

The Cabinet Member for Environmental Services and Sustainability informed the Cabinet that further savings were anticipated in relation to the Ifield Mill Pond Improvements, although the exact amount was not currently known.

RESOLVED

1. That the Outturn for the year 2014/2015, as summarised within the report FIN/362 be noted.

That Full Council is RECOMMENDED:

2. To agree the allocation of £5m of capital reserves to an earmarked Investment Acquisition Reserve to fund the potential acquisition of commercial properties in accordance with the criteria set out in section 9 of report FIN/362.

Reason for Decision

To report to Members on the projected outturn for the year compared to the approved Budget for 2014/2015.

13. Procurement Code (Resources Portfolio)

The Cabinet considered report [CPS/011](#) of the Head of Partnership Services. The report documented the amendments to the Procurement Code following the introduction of the Public Contract Regulations in February 2015. In addition, over the past year, other legislative and local policies have been introduced, for example the Transparency Code and the Social Value Act.

RESOLVED

1. That any future minor changes to the Procurement Code be delegated for approval to the Head of Partnership Services in consultation with the Head of Finance, Revenues and Benefits and the Head of Legal and Democratic Services.

That Full Council is RECOMMENDED:

2. To approve the revised Procurement Code as attached as Appendix 1 to report CPS/011.

Reasons for Decision

1. The Council requires clear rules about how it conducts procurement. The Procurement Code has been updated to reflect changes in legislation. The Code needs approval so that it can be incorporated into the Council's Constitution.
2. To allow minor changes to be made to the Procurement Code without needing formal approval by Cabinet and Council. The recommendation takes into account recent changes to organisational structure and the procurement function now forming part of Partnership Services. The types of changes which may be required would include changes to internal processes, legislative or policy changes which may be required to be included as quickly as possible.

14. Hazelwick Air Quality Management Area (Environmental Services and Sustainability Services Portfolio)

The Cabinet considered report [PES/186](#) of the Head of Economic and Environmental Services. The report sought approval for the size and extent of an Air Quality Management Area (AQMA) and approval for the making of an Order designating the defined area.

Ward Councillor, R D Burrett spoke in support of the AQMA. Following a question from Councillor Burrett, it was confirmed that there was a mechanism to review the boundaries of the Area within a twelve month period. It was also noted that the Order would specify which properties were affected.

RESOLVED

1. That the Air Quality Management Area as detailed at Appendix A of report PES/186 be formally endorsed.
2. That the draft Order contained at Appendix B in report PES/186, under the provisions of Section 83(1) of the Environment Act 1995 formally designating the area as an Air Quality Management Area be approved.

Reasons for Decision

1. To enable an air quality action plan to be created for dealing with the source of air pollution in and around Tinsley Lane.
2. The Environment Act 1995 places a duty on Councils to carry out periodic reviews of air quality and to identify those areas where prescribed air quality objectives for seven pollutants, are being, or are likely to be, exceeded.
3. Where it has been identified that one or more of the air quality objectives will be exceeded at a location where there is relevant public exposure, Councils have a duty to declare an Air Quality Management Area (AQMA) in that locality following a period of consultation.

15. Review of Working Groups, Advisory Groups, Policy Development Forums and Seminars (Leader's Portfolio)

The Cabinet considered report [LDS/103](#) of the Head of Legal and Democratic Services. Democratic Services is currently undertaking a 'Service Improvement' exercise following Systems Methodology. Throughout this 'Service Improvement', the service identified current areas of work where further investigations were required into the value of continuing to use Democratic Services as a means of facilitating and supporting the decision making process.

The matter had been considered at the meeting of the Overview and Scrutiny Commission on 8 June 2015 in advance of the Cabinet meeting and the following points had been expressed:

- Members were in agreement that responsibility for the meetings should reside in the relevant service department, supported (where required) by the Corporate Support Team as opposed to Democratic Services.
- There was support for the disbanding of the Town Centre Committee, although concerns were expressed that responsibility for decisions may be delegated to the Cabinet Member, and the Commission's preference was that decisions be undertaken by the Cabinet (rather than an individual).
- Acknowledgement that PDFs were only actioned when required and at the request of the Cabinet Member, and consequently due to their infrequency there would be little gain in disbanding them. It was felt that PDFs had previously been underutilised and could be used more effectively in terms of considering and developing policies.
- Recognition that all Members' seminars could be used where appropriate in order to improve communications to Members and openness. It was felt that seminars would educate and inform as part of an overall reporting process.

The Commission had agreed to support the recommendations to the Cabinet whilst noting the concerns expressed by Members. The Cabinet thanked the Commission for its comments.

The Leader and Deputy Leader of the opposition agreed with the Systems Thinking outcome and welcomed the report, but requested that service areas liaise with Democratic Services when arranging meetings to ensure that meetings did not clash. The Deputy Leader of the opposition questioned the Commission's preference that decisions relating to the Town Centre should be taken by the Cabinet as a whole rather than an individual Cabinet Member. Whether a decision was taken by the Cabinet as a whole or by an individual Cabinet member, such a decision could be called in if necessary.

RESOLVED

1. That all meetings current and future, subject to where indicated below, be the responsibility of the relevant department, supported (where required) by the new Corporate Support Team, as opposed to Democratic Services.
2. That the Community and Value for Money & the Environment and Prosperity Policy Development Forums be disbanded, and that future working arrangements, where appropriate, be undertaken as set out in section 4.10 and 4.11 of report LDS/103.

3. That the Budget Advisory Group be retained with the working arrangements, terms of reference and membership as set out in section 4.6 and appendix 3 of report LDS/103.
4. That the Crawley Homes Advisory Group be disbanded, and that future working arrangements be undertaken as set out in section 4.9 of report LDS/103.
5. That the Local Plan Working Group be retained in its current format with ad hoc meetings when required, and with the terms of reference and Labour group membership as set out in appendix 3 to report LDS/103, with Conservative group membership to be notified via the Members' Information Bulletin.
6. That the Town Centre Working Group be retained with the working arrangements, terms of reference and membership as set out in section 4.8 and appendix 3 of report LDS/103.
7. That the Members Development Executive Support Group be retained with the terms of reference and membership as set out in appendix 3 to report LDS/103.
8. That the Town Centre Committee be disbanded.

Reasons for Decision

1. The main Systems Thinking Review methodology is "the right resource in the right place". It has become apparent throughout the review that service departments are the right resource to administer and support Working Groups, Advisory Groups and PDFs. The meetings require specialist knowledge and yet would not be resource intensive for officers who are experienced and knowledgeable within the relevant service department.
2. The service department would have ownership of the entire process ("single piece of flow"), whilst currently there is a "hand-off" to Democratic Services for all meetings, which results in a disjointed process for the service department and customers, who contact Democratic Services with queries (as the originators of the papers), instead of the relevant department (those with the specialist knowledge).
3. The Town Centre Committee (formally the Town Centre North Committee) has been in existence for approximately 9 years and yet this committee last met over 7 years' ago (2007). This is the only Sub Committee of the Cabinet and it is felt that should any decisions be required following a meeting of the Town Centre Working Group these could be taken by the Cabinet or the Cabinet Member.

16. 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 Part 1 of Schedule 12A of the Act by virtue of the paragraphs specified against the items.

17. Acquisition of Affordable Housing at the Southern Counties site, 27-45 Ifield Road (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 proceedings)).

The Cabinet considered report DCE/01 of the Deputy Chief Executive which sought approval to acquire residential dwellings by way of a Conditional Purchase Agreement in respect of the development of the Southern Counties site at 27-45 Ifield Road.

The matter had been considered at the meeting of the Overview and Scrutiny Commission on 6 July 2015. Members broadly supported the report but highlighted the following comments:

- Recognition that there was increasing pressure to commit Right-to-Buy (RTB) 1-4-1 funds within the prescribed timescales.
- Acknowledgement of the requirement to maximise the development opportunities available.
- The importance of the design and build of any development e.g. access/security.
- The significance of the relationship between housing and the surrounding community, particularly the link to other services such as education and health.

The Commission agreed to support the recommendations to Cabinet, and the Cabinet thanked the Commission for its comments.

RESOLVED

That Full Council is RECOMMENDED:

1. To delegate authority to negotiate and agree the detailed terms of the Conditional Purchase Agreement and acquisition (as set out in report DCE/01) to the Deputy Chief Executive in consultation with the Leader; the Head of Finance, Revenues and Benefits; the Head of Legal and Democratic Services; and the Head of Crawley Homes.
2. To approve a supplementary capital estimate (as set out in report DCE/01), funded from Housing Revenue Account reserves and Right To Buy 1-4-1 receipts, for the acquisition of the completed residential dwellings for Crawley Homes.

Reason for Decision

The potential acquisition of residential dwellings by way of a Conditional Purchase Agreement (as set out in report DCE/01) offers the Council the opportunity to secure the delivery of much-needed affordable housing and ensure the development of a key town centre opportunity site.

18. Telford Place Residential Development (Housing 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 SHAP/049 of the Head of Strategic Housing and Planning Services. The report set out options for the development of the Council owned town centre site and made recommendations for an appropriate tenure mix based on housing need and market considerations.

The matter had been considered at the meeting of the Overview and Scrutiny Commission on 6 July 2015, and Members comments included:

- Recognition that there was increasing pressure to commit Right-to-Buy (RTB) 1-4-1 funds within the prescribed timescales.
- Support that good design and build was paramount and should be sympathetic to the area.
- Members were of the opinion that the option proposed to include a commercial element should not be expedient and should only be considered if it assisted the entire scheme.

The Commission agreed to support the recommendations to Cabinet, and the Cabinet thanked the Commission for its comments.

RESOLVED

1. That officers be authorised to determine the viability of including a ground floor commercial element within the development and to delegate authority to the Head of Strategic Housing and Planning Services in consultation with the Head of Finance, Revenues and Benefits, Head of Economic and Environmental Services, Cabinet Member for Housing and Cabinet Member for Planning and Economic Development to approve the final use mix.
2. That the tenure mix set out in paragraph 5.2.3 of report SHAP/049 for 40% affordable housing and 60% market sale be approved in principle, subject to the outcome of detailed feasibility work, and that delegated authority be given to the Head of Strategic Housing and Planning Services, Head of Crawley Homes and Head of Finance, Revenues and Benefits in consultation with the Cabinet Member for Housing and Cabinet Member for Planning and Economic Development to approve the final tenure mix.

That Full Council is RECOMMENDED:

3. To approve the inclusion of the affordable housing element of this site to the Council's Housing Delivery Programme to be funded through the HRA and the Right to Buy one-for-one replacement fund.
4. To authorise officers to develop an Implementation Strategy for the delivery of the scheme and to enter into the procurement of a development partner in accordance with the Council's Procurement Code and to delegate authority to the Head of Crawley Homes to approve the appointment in consultation with the Head of Strategic Housing and Planning Services, Head of Finance, Revenues and Benefits, Cabinet Member for Housing and Cabinet Member for Planning and Economic Development.

Reason for Decision

1. The Council has recently acquired this key town centre development site which is identified in the emerging Local Plan as suitable for mixed-use development with a requirement to contribute, together with the County Buildings, Crawley Station and land north of The Boulevard sites, to a minimum cumulative delivery of 499 residential units within the town centre. This is the only site of those listed above that is currently in the Council's ownership and affords an opportunity to make a significant contribution to this delivery target.
2. A decision is required on the use and tenure mix to be applied to the site and for the necessary delegations to be approved to enable officers to take forward this scheme. The decision regarding tenure mix is not delegated and rests with Cabinet.
3. Market and housing need considerations coupled with the scale and location of the site are determining factors behind the recommendations
4. The recommended delegations to specified officers in consultation with Cabinet Members are consistent with those recommended in the Strategic Approach to Affordable Housing Delivery 2015-2025 report and approved by Full Council on 17 December 2014.

19. Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 9.45pm.

P K LAMB
Chair

Public Question Time

APPENDIX A

Set out below are the points made at Public Question Time along with the Cabinet Members' responses (where applicable). All questions were in relation to the Private Hire and Hackney Carriage and Licensing Policy:

Question (<i>Questioner in brackets</i>)	Response
<p>The proposal to set an age limit on hackney carriage vehicles was unacceptable. Hackney carriage vehicle tended to be maintained to a high standard and underwent an MOT every six months. The current economic climate had led to increased financial stress for hackney carriage drivers. The Cabinet was requested to consider increasing the age limit to 15 years. (<i>Mr Mirza</i>)</p>	<p>The Leader advised that the points raised by Mr Mirza would be dealt with when the Cabinet considered the Policy.</p>
<p>Following a query at the last Licensing Committee on 3 June 2015, the Cabinet was advised that, on average, a hackney carriage driver spent £6,700 per year on vehicle maintenance, regardless of the age of the vehicle. Imposing an age limit on hackney carriages and removing rear loading vehicle types would increase financial hardship for drivers. The extra cost would mean hackney carriage drivers would need to work longer hours which would put the safety of both the drivers and passengers at risk, due to the driver's tiredness. Standard guidelines suggested that imposing an age restriction on hackney carriage vehicles was not advisable. The Cabinet should therefore reconsider limiting the age of a vehicle. (<i>Mr Aderibigbe</i>)</p>	<p>The Leader advised that the points raised by Mr Aderibigbe would be dealt with when the Cabinet considered the Policy.</p>
<p>It was requested that the Cabinet define 'consultation'. In the past, the Hackney Carriage Association (HCA) had received information from the Council regarding policy issues. The HCA would then provide a report which would be included as an appendix to the report to be considered by the Council. That process had not been following in relation to the policy before the Cabinet and the HCA was not aware in any procedural change. It was requested that the decision be postponed until Councillors had been given the opportunity to consider the responses of the HCA. (<i>Mr Feasey</i>)</p>	<p>The Leader advised that the points raised by Mr Feasey would be dealt with when the Cabinet considered the Policy.</p>
<p>It was requested that private hire vehicles be required to display a sign in the vehicle window stating that the driver was committing an offence if a fare was taken without a prior booking. (<i>Mr Kiernan</i>)</p>	<p>The Leader advised that the points raised by Mr Kiernan would be dealt with when the Cabinet considered the Policy.</p>
<p>It was necessary to understand the difference between side and rear loading vehicles. Consideration needed to be given to passengers using large wheelchairs and power assisted chairs. (<i>Mr Aderibigbe</i>)</p>	<p>The Leader advised that the points raised by Mr Aderibigbe would be dealt with when the Cabinet considered the Policy.</p>

Question (<i>Questioner in brackets</i>)	Response
<p>Some private hire companies were employing out-of-town drivers, who were unknown to the Council. The Council should concentrate on stopping that practice, rather than restricting the age of a private hire vehicle. (<i>Private Hire Driver</i>)</p>	<p>The Leader advised that the points raised would be dealt with when the Cabinet considered the Policy.</p>
<p>The Private Hire Association had been in existence for many years but had not been notified that the Policy was due to be considered by the Licensing Committee in June 2015 nor this Cabinet meeting. (<i>Private Hire Association</i>)</p>	<p>The Leader advised that all committee meetings were advertised on the Council's website. Nobody had received a personal invitation to the committee meetings.</p>

TAXI POLICY CONSULTATION - 2015

OVERALL NUMBER OF RESPONSES 33

TYPE OF PERSON RESPONDING

HACKNEY CARRIAGE DRIVERS	16
PRIVATE HIRE DRIVERS	11
PRIVATE HIRE OPERATOR	1
GENERAL PUBLIC	4
BUSINESS COMMUNITY	1

MANNER IN WHICH RESPONSE WAS MADE

EFORM	29
EMAIL	1
LETTER	3

TYPES OF MEDIA USED TO CONSULT

CBC Website

Letter sent by post to every licence holder

Email sent to our neighbouring local authority taxi offices by Bill Nailen

Email sent to other interested stakeholders by Bill Nailen

(Sussex police, WSCC,
Metrobus, GAL, County
Mall, Disabled Groups
etc)

SUBJECT OF RESPONSES	TOTAL	HCD	PHD	PHO	Public	Business
Opposition to removing rear loading vehicles	10	8	1			1
Opposition to side loading vehicles - some customers don't like them.	1	1				
Opposition to removing vehicles over 10 years old	11	8	2			1
Opposition to restricting to dark colours only	3	1	2			
Can we remove Roof Sign & Door Signs when not working?	5	1	4			
Suggestion for drivers to have DBS/DVLA checks	1				1	
Will changes affect existing vehicles or newly licensed vehicles?	2	1	1			
Further clarification on minimum engine capacity of 1600cc	2	1	1			
PHV advertising on external of vehicle not just on headrests	1		1			
Livery exemptions for anyone who wants - no favouritism	1			1		
Can I have a meter in my PHV?	1		1			
Suggestion that the minimum age for vehicle should be 7 years	1	1				
Remove "Out of Town" vehicles - Affecting our income and not fair.	9	3	6			
Grandfather rights for HCV to stay with vehicle, not individual	1	1				
More enforcement needed	1	1				
Remove Private Hire Operators next to a Taxi Rank i.e. High Street	1	1				
Use the wording "Telephone Advance Booking" on PHVs	1	1				
Same colours as Brighton - will show Crawley as a city	1				1	
No need for policy - just improve our conditions	1			1		

HACKNEY CARRIAGE VEHICLE DETAILS

NUMBER OF REAR LOADING HACKNEY CARRIAGE VEHICLES	40
NUMBER OF SIDE LOADING HACKNEY CARRIAGE VEHICLES	13
NUMBER OF SALOON HACKNEY CARRIAGE VEHICLES	70

TOTAL	123
-------	-----

VEHICLES OVER 10 YEARS OLD CURRENTLY LICENSED

NUMBER OF PHV VEHICLES OVER 10 YEARS OLD	31	One is over 20 years old
NUMBER OF HCV VEHICLES OVER 10 YEARS OLD	28	

DISABILITY AWARENESS TRAINING

NUMBER OF DRIVERS WHO HAVE PASSED *	170
-------------------------------------	-----

*All new applicants since 1.4.13, now issued with a HC or PH badge
have completed Disability Awareness Training