

Crawley Borough Council



Minutes of Cabinet

Wednesday 9 September 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 R D Burrett, D G Crow and B A Smith

Officers Present:

Ann-Maria Brown	Head of Legal and Democratic Services
Peter Browning	Deputy Chief Executive
Karen Dodds	Head of Crawley Homes
Lucasta Grayson	Head of People and Technology
Heather Girling	Democratic Services Officer
Lee Harris	Chief Executive
Karen Hayes	Head of Finance, Revenues and Benefits
Sallie Lappage	Forward Planning Manager

Apologies for Absence:

There were no apologies for absence.

20. Members' Disclosure of Interests

There were no disclosures of interest.

21. Minutes

The minutes of the meeting of the Cabinet held on [8 July 2015](#) were approved as a correct record and signed by the Chair.

22. Public Question Time

There were no questions from the public.

23. 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 *16 Review of Intranet, Website and Associated Systems* or *17 Relocation of the Council's Data Centre*.

24. Matters Referred to the Cabinet

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

25. Budget Strategy (Leader's Portfolio)

The Cabinet considered report [FIN/368](#) of the Head of Finance, Revenues and Benefits which requested Cabinet to recommend to Full Council the approval of the Budget Strategy 2016/2017 to 2020/2021.

The matter had been considered at the meeting of the Overview and Scrutiny Commission on 7 September 2015 and Members' main comments included:

- The recognition that future capital bids needed to ensure an effective use of capital. There was an appreciation that additional capital bids would be for maintaining existing assets, for environmental obligations 'spend for save' bids or 'spend to earn' investment income. However, concern was expressed by some Members that future capital bids might restrict the freedom to develop community opportunities and it was suggested that the Cabinet be requested to reconsider this funding criteria.
- The recognition that reserves will be available for investment properties within the Investment Acquisition Reserve and any unused money could be returned to the general capital reserves in future.
- The advantages and disadvantages of a balanced budget over a 3 year period were highlighted.

The Commission had welcomed the report but asked the Cabinet to reconsider the criteria for future capital bids based on merit so as not to restrict bids for community opportunities.

Councillor Crow voiced his support for the establishment of the Business Rates Equalisation reserve given the volatility of business rates. Whilst the transformation

programme was welcomed along with the funds for property acquisition purchase, he believed the Council should be required to set a balanced budget for 2016/17. The Leader thanked Councillor Crow for his comments and acknowledged that the Council was very likely to achieve a balanced budget in the forthcoming year, as it had in the last, however enabling officers to use the flexibility of a multi-year approach was the best way of ensuring services were redesigned in a way which would produce the best results for the long-term, rather than forcing unnecessarily harmful one-year reforms to meet single year targets.

RESOLVED

That Full Council is RECOMMENDED to:

1. Approve the Budget Strategy 2016/2017 to 2020/2021.
2. Note the current a gap of £0.8m between projected General Fund income and expenditure for the three year period to 2018/2019 and work towards balancing this over a three year period, including putting back into reserves when the Budget is in surplus.
3. Set up a separate Business Rates Equalisation reserve by transferring £5m from the General Fund Reserve. This reserve will be used to absorb in year fluctuations due to the complications of accounting for business rates.
4. Instruct Corporate Management Team to take action to address the long term budget gap and to identify policy options for consideration by Cabinet Members and the Budget Advisory Group.
5. Note that items for the Capital Programme are driven by the need for the upkeep of council assets and environmental obligations, and schemes will also be considered that are spend to save and spend to earn.

Reasons for Decision

1. To set a Strategy for savings and income generation; working towards a balanced budget over three years.
2. To give more in year certainty for business rates monitoring.
3. To determine the criteria for capital programme bids.

26. Crawley Community Infrastructure Levy (CIL) Draft Charing Structure (Planning and Economic Development Portfolio)

The Cabinet considered report [SHAP/50](#) of the Head of Strategic Housing and Planning Services. The report sought approval of the content and approach of the draft charging schedule and supporting documents for a six week public consultation period in accordance with the Community Infrastructure Levy regulations, prior to submission for independent examination.

The matter had been considered at the meeting of the Overview and Scrutiny Commission on 7 September 2015. Members' main comments included:

- Support for the CIL in terms of transparency and the allocation of CIL receipts for spending in the area where the development is taking place (in agreement with the local community).
- Encouragement that wider, detailed consultation will take place with Members for the next stage of the process in terms of establishing governance.
- Acknowledgement that the governance stage will commence autumn 2015 and Members requested an update on these arrangements prior to CIL adoption.

The Commission had agreed to support the recommendations to Cabinet.

The Cabinet Member for Planning and Economic Development thanked the Commission for its comments and acknowledged that there were similarities between S106 agreements and CIL and that further engagement work would be undertaken with all Members and WSCC representatives.

RESOLVED

1. That the Draft Charging Schedule, and supporting evidence including the Draft Regulation 123 List for a statutory six week consultation period as set out in Appendix 1 and 2 of report [SHAP/50](#) be approved.
2. That authority be delegated to the Head of Strategic Housing and Planning Services in consultation with the Cabinet Member for Planning and Economic Development to consider the representations received from the statutory consultation period and to make minor amendments to the Charging Schedule deemed necessary, before submission to the CIL Examiner for independent examination.
3. That authority be delegated for the approval of any additional evidence or statements or minor amendments required as part of the CIL Examination to the Head of Strategic Housing and Planning Services in consultation with the Cabinet Member for Planning and Economic Development.

Reason for Decision

1. The Crawley Borough Local Plan 2030 is in its final stages of adoption and the Council is looking to develop its Community Infrastructure Levy (CIL) that will set a charge on new development to help fund infrastructure set out in the Local Plan. Following a commitment by the Council to adopt and implement the CIL in Crawley, the procedure set out in the CIL Regulations 2010 (as amended) must be followed. In line with this, a CIL Preliminary Draft Charging Schedule was prepared and consulted on in February-March 2015. The Charging Schedule sets out the proposed charges for each development for the borough and is supported by the following evidence base documents:-
 - Draft Regulation 123 List: - a list of infrastructure types or schemes to be wholly or partly funded by money raised through CIL.
 - Whole Plan and CIL Viability Assessment: - this provides justification for the rates proposed in the Charging Schedule.
 - Infrastructure Delivery Schedule: - to demonstrate that there is an infrastructure funding gap in Crawley.

2. In order to progress towards the adoption of CIL and to use the income from new development to fund infrastructure, the Council must approve the CIL Draft Charging Schedule and its supporting evidence. There is then a statutory six week public consultation period held, before the Council submits its CIL rates to the CIL Examiner for independent examination in public.

27. 2015/2016 Budget Monitoring – Quarter 1 (Leader’s Portfolio)

The Cabinet considered report [FIN/367](#) of the Head of Finance, Revenues and Benefits. The report provided a summary of the Council’s actual revenue and capital spending for the first Quarter to June 2015, together with identified variations from the approved spending levels and any potential impact on future budgets.

RESOLVED

That the projected outturn for the year 2015/2016 as summarised in report [FIN/367](#) be noted.

Reason for Decision

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

28. Your Energy Sussex (Formally Sussex Energy Saving Partnership) and the Installation of PV to Crawley Homes Properties (Environmental Services and Sustainability Services and Housing Portfolio)

The Cabinet considered report [HPS/01](#) of the Heads of Partnership Services and Crawley Homes. The report provided an update on the current position relating to the Your Energy Sussex Partnership (previously known as Sussex Energy Saving Partnership) together with the installation of photovoltaic (PV) solar panels to council tenanted properties. The report sought to explain the benefits of both projects and recommended the best value option for PV installation considering the differing implications for funding, payback and benefits to the Council and its Tenants

Cabinet Members acknowledged that the scheme assisted in reducing fuel poverty and also carbon emissions and the Council would continue to investigate future opportunities to reduce energy consumption. It was remarked that the Government’s proposed changes to the Feed-in-Tariff would require further investigation. It was also noted that the Council would be liable for the solar PV array insurance and this could be built into any contract.

RESOLVED

1. That the Council become an Affiliate Partner in the Your Energy Sussex (YES) partnership.
2. That authority be delegated to the Deputy Chief Executive, in consultation with the Head of Legal and Democratic Services, to complete the legal processes necessary to enable the Council to become an Affiliate Partner.

3. That permission be given to West Sussex County Council, through YES, to install solar PV panels on Crawley Homes properties.

Reason for Decision

1. The council previously committed to becoming a YES Strategic Partner (Cabinet report 04 December 2013).
2. Due to procurement issues, it is now recommended to become an Affiliate Partner of YES rather than a strategic partner. The partnership agreement does allow the flexibility and freedom to move between the two levels of membership should the Council wish to opt to reconsider at a later date.
3. The YES PV programme has access to public and private domestic roof space beyond the Crawley Homes properties. The resulting economies of scale provide greater fuel poverty and carbon emissions reduction for both council and private residents than if the Council were to act alone.
4. It will deliver installed PV arrays significantly quicker than if the Council were to procure its own programme.
5. The Feed-in-Tariff revenue contributed to YES by the work will provide an important revenue stream to YES. The Council will subsequently have significant leverage in negotiations on where to spend this (and other) 'YES Funding'. This will enable officers to work on lowering energy consumption and emissions across the town further than if the Council were to have no input into YES decisions.

29. Regulation 28 of the Coroners (Investigations) Regulations 2013 (Housing Portfolio)

The Cabinet considered report [CH165](#) of the Head of Crawley Homes which contained a report of the Assistant Coroner of West Sussex issued on 4 August 2015 to prevent future Deaths made under paragraph 7 schedule 5 of the Coroners and Justice Act 2009 and Regulations 28 and 29 of The Coroners (Investigation) Regulations 2013.

RESOLVED

1. That the contents of the Coroner's Report, including commenting on the initial Officers' response to the issues identified by the Coroner that relate to Crawley Borough Council has been considered.
2. That authority be delegated to the Head of Crawley Homes in Consultation with the Portfolio Holder for Housing to provide a full written response to the Coroner by 29 September 2015.

Reason for Decision

The Coroners Regulations of 2013 require the Council to consider and respond to the Coroner's report within 56 days from the date of the report. The Council's response must contain details of action taken or proposed to be taken, setting out the timetable

for action or if no action is proposed an explanation as to why no action has been taken.

30. Urgent Action

The Cabinet had been asked to note that an urgent action had been taken under paragraph 25.4 Council Procedure Rules in Part 4 (Rules of Procedure) of the Constitution to increase the supplementary capital estimate (as originally set out in report DCE/01), funded from Housing Revenue Account reserves and Right To Buy 1-4-1 receipts, for the acquisition of affordable housing at 27-45 Ifield Road.

As detailed in the report considered by the Chief Executive, if the urgency procedure had not been used then the opportunity to secure the delivery of much-needed affordable housing and ensure the development of a key town centre opportunity site may have been lost.

RESOLVED

That urgent action has been taken under paragraph 25.4 Council Procedure Rules in Part 4 (Rules of Procedure) of the Constitution, be noted.

31. 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.

32. Review of Intranet, Website and Associated Systems (Resources Portfolio)

(Exempt Paragraphs 3 (information relating to financial and business affairs of any particular person (including the Authority holding that information))).

The Cabinet considered report PAT/26 of the Head of People and Technology which sought approval for investment in the updating of the Council's website, intranet and associated document and case management systems.

The matter had been considered at the meeting of the Overview and Scrutiny Commission on 7 September 2015. Members highlighted the following:

- Recognition that the current intranet, website and associated systems required upgrading or replacement as the current infrastructure is no longer supported.
- Acknowledgement that the proposal provided opportunities to experiment in-house with various options.
- Support for Members' input into the "look, feel" and content of the website during any re-development, with the option of potential scrutiny panel involvement.

The Commission agreed to note the report to the Cabinet.

The Cabinet Member for Resources thanked the Commission for its comments and confirmed that consultation would be undertaken for any re-development.

RESOLVED

1. That the development of Drupal open source technology for the intranet, website and associated document and case management systems including the external ICT consultancy support be approved.
2. That the capital funding for the development project from the IT capital fund be approved.

Reason for Decision

1. The existing infrastructure for these systems is an Oracle platform run on Windows 2003 servers. The servers became unsupported by Microsoft in July 2015. This requires the Council to upgrade the Oracle platform or develop a new infrastructure.
2. The Oracle platform, is inflexible and expensive to licence and support. The Government is actively advising its departments to move away from Oracle systems for this reason. These particular Oracle systems are used by a relatively small number of organisations and the skills needed to support and develop these are extremely difficult to identify. This would make an upgrade an expensive option.
3. The Council has researched the various options available as an alternative to upgrading the Oracle platform and has concluded that use of Drupal open source technology would provide the flexibility and the functionality that meets our needs.

Councillor B A Smith left the meeting after this item.

33. Relocation of the Council's Data Centre (Resources 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 PAT/25 of the Head of People and Technology. The report sought agreement for the principles and preferred option for relocating the Data Centre.

RESOLVED

1. That the relocation of the data centre to the Surrey Business Centre as part of a partnership agreement with Surrey County Council be approved.
2. That the Head of People & Technology negotiate the terms of the Partnership Agreement.
3. That the capital funding of the migration project from the IT capital fund be approved.

Reason for Decision

1. The existing data centre is managed between 7am -7pm Monday to Friday. There is an alerts system that notifies members of the Infrastructure team if there is a problem out of hours but it can take some time for services to be restored.
2. Back-up tapes of activity are created on a daily and weekly basis but no other disaster recovery process is in place. This means that a major incident would leave the Council unable to access IT systems for some time. This risk is identified on the Council's corporate risk register.
3. There are a number of providers offering a range of services to host systems in specialist large scale data centres. These offer high level resilience and 24/7 support. They also offer a range of options from hosting our own equipment to providing fully managed services.
4. Surrey Business Centre is the most cost effective option and will allow us to enter into a partnership arrangement with another council rather than undertaking a procurement process.

34. Closure of Meeting

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

P K LAMB
Chair