

Crawley Borough Council

Minutes of Cabinet

Wednesday 8 February 2017 at 7.30pm



Present:

Councillors	
P K Lamb	(Chair of Cabinet and Leader of the Council)
M G Jones	(Cabinet Member for Public Protection and Community Engagement)
S J Joyce	(Deputy Leader of the Council and Cabinet Member for Housing)
C J Mullins	(Cabinet Member for Wellbeing)
A C Skudder	(Cabinet Member for Resources)
P C Smith	(Cabinet Member for Planning and Economic Development)
G Thomas	(Cabinet Member for Environmental Services and Sustainability)

Also in Attendance:

Councillors	D Crow, and B A Smith (<i>Chair of the Overview and Scrutiny Commission</i>)
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Officers Present:

Ann-Maria Brown	Head of Legal and Democratic Services
Peter Browning	Deputy Head Chief Executive
Chris Harris	Head of Community Services
Lee Harris	Chief Executive
Karen Hayes	Head of Finance, Revenue and Benefits
Vicky Wise	Community Services Manager
Chris Pedlow	Democratic Services Manager

40. Apologies for Absence:

No apologies were received.

41. Members' Disclosure of Interests

No declarations of interests were made.

42. Minutes

The minutes of the meeting of the Cabinet held on [30 November 2016](#) were approved as a correct record and signed by the Chair.

43. Public Question Time

There were no questions from the public.

44. Matters Referred to the Cabinet

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

45. Report from the Chair of the Overview and Scrutiny Commission

The comments from the Overview and Scrutiny Commission had been circulated to all Cabinet Members. Details of those comments are provided under the minute to which the comments refer.

46. 2017/18 Budget and Council Tax

The Leader presented report [FIN/401](#) of the Head of Finance, Revenues and Benefits, which set out the Budget and level of Council Tax for the year 2017/18. It was noted that the report details each of the Revenue, Capital and Housing Revenue Accounts that combine together to formulate 'The Budget'. In proposing the level of Council Tax for the Financial Year 2017-2018, each of those accounts identified had been considered. The combined proposal ensured that the Council had a balanced budget.

The Cabinet noted the Overview and Scrutiny Commission's comments from its meeting on 6 February 2017 and then agreed the recommendations.

RESOLVED

That the Cabinet recommends to Full Council the approval of the following items regarding the 2017/18 Budget:-

- 1) to approve the proposed 2017/18 General Fund Budget including savings and growth as set out in section 6 and Appendix 1 and Appendix 2 of the report [FIN/401](#),
- 2) to approve the proposed 2017/18 Housing Revenue Account Budget as set out in section 10 and Appendix 3 of the report [FIN/401](#),
- 3) to approve the 2016/17 to 2019/20 Capital Programme and funding as set out in paragraph 11.5 of the report [FIN/401](#),
- 4) to agree that the Council's share of Council Tax for 2017/18 be increased by 2.52% from £189.27 to £194.04 for a band D property as set out in paragraphs 5.5.1 and 13.3,
- 5) to approve the Pay Policy Statement for 2017/2018 as outlined in paragraph 16.3 and Appendix 6 of the report [FIN/401](#).

Reason for Decision

To provide adequate funding for the proposed level of services and to fulfil the statutory requirement to set a Budget and Council Tax and report on the robustness of estimates.

Note by Head of Legal and Democratic Services

*The **Notice of Precept** was received from the Police and Crime Commissioner for Sussex and West Sussex County Council following the publication of both the agenda and this Minute Book for the 22 February meeting of the Full Council. Those Precept details have since been circulated to Members, and a further recommendation (**Recommendation 2**) will be moved in relation to the 2017/2018 Budget and Council Tax.*

47. Treasury Management Strategy 2017/2018

The Leader presented report [FIN/404](#) of the Head of Finance, Revenues and Benefits to the Cabinet, which sought approval of the Treasury Management Strategy for 2017/18.

There are no material changes to the Investment Strategy in section 7 and Appendix 3 compared with the 2016/2017 Strategy, as amended by the 2016/2017 Treasury Management Mid-Year Review. It was noted that in respect of non-Housing Revenue Account activities, the Council's current policy was to remain debt free and invest according to the principles of security, liquidity and yield.

The Cabinet noted the Overview and Scrutiny Commission's comments from its meeting on 6 February 2017 and then agreed the recommendations.

RESOLVED

That the Cabinet recommends to Full Council the approval of:-

- 1) the Treasury Prudential Indicators and the Minimum Revenue Provision (MRP) Statement contained within Section 5 of the report [FIN/404](#);
- 2) the Treasury Management Strategy contained within Section 6 of the report [FIN/404](#);
- 3) the Investment Strategy contained within Section 7, and the detailed criteria included in Appendix 3 of the report [FIN/404](#);

Reason for Decision

The Council's financial regulations, in accordance with the CIPFA Code of Practice for Treasury Management, requires a Treasury Management Strategy to be approved for the forthcoming financial year. This report complies with these requirements.

48. Safeguarding Children, Young People and Adults at Risk Policy 2017

The Cabinet Member for Public Protection and Community Engagement presented report [HCS/03](#) of the Head of Community Services, which detailed that the Council has a legal responsibility to safeguard, protect and promote the wellbeing of children, young people and adults at risk. The Safeguarding Policy provides a framework for safeguarding and articulates the Council's commitment to safeguarding.

The report details the updates to the Safeguarding Policy. These are due to changes in legislation, statutory guidance, updates to the Pan Sussex safeguarding policies and procedures, as well as developments in best practice.

The Chair of the Overview and Scrutiny Commission' presented the Commission's comments from its meeting on 6 February 2017, emphasising their support for the policy and requested that Members receive further training on Prevent, as the last training had been in 2015. Cabinet were also noted that the Commission had asked for a confirmation from Legal Services regarding the period of time records were to be held.

In response, the Cabinet noted the Commission's comments and the Cabinet Member for Public Protection and Community Engagement confirmed that he would be arranging further Members training as a result of their request.

RESOLVED

That the Cabinet:

- 1) approve the revised Crawley Borough Council Safeguarding Children, Young People and Adults at Risk Policy 2017, as detailed in Appendix 1 of the report [HCS/03](#)
- 2) delegate authority to the Head of Community Services, in consultation with the Cabinet Member for Public Protection and Community Engagement, to revise and update the Safeguarding Policy in future, as further changes to legislation and statutory guidance are introduced.

Reason for Decision

The recommendations are made to ensure that all staff, volunteers and elected members are equipped with the knowledge, skills and information to enable them to undertake their safeguarding responsibilities for Crawley Borough Council.

49. 2016/2017 Budget Monitoring - Quarter 3

The Leader presented report [FIN/403](#) of the Head of Finance, Revenues and Benefits. The report which provided a summary of the Council's actual revenue and capital spending for the third Quarter which ended in December 2016. It identifies the main variations from the approved spending levels and any potential impact on future budgets.

RESOLVED

That the Cabinet:

- 1) notes the projected outturn for the year 2016/2017 as summarised within the report.
- 2) recommended Full Council to approve:
 - i). the allocation of £50,000 funded from in year underspends to set up a budget to support the procurement of a new Leisure contract for the period after November 2018, as set out in section 6.2 of the report [FIN/403](#)

- ii). that the Constitution be amended to delegate the following responsibility to the Head of Finance, Revenues and Benefits in relation to Virements and Other Spending Limits (paragraph 3 of the Financial Procedure Rules):

“Virements of up to £50,000 from in year underspends between existing budgets which do not commit the Council to future year’s expenditure.”

Reason for Decision

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

50. Crawley Borough Council Statement of Community Involvement

The Cabinet Member for Planning and Economic Development presented report [SHAP/57](#) of the Head of Strategic Housing and Planning Services. The Cabinet noted that the requirement on the Council to produce a Statement of Community Involvement (SCI) was sent out in Section 18 of the Planning & Compulsory Purchase Act (2004). The role of the SCI was to set out the different ways in which communities and individuals can participate in the planning process and to explain how the Council will involve them.

The Council was required to update its SCI on a regular basis and the current SCI was adopted on 14 December 2011. The proposed SCI had been updated in order to take account of changes in national and local planning policy. The draft version of the proposed SCI was published for public consultation between 3 November and 16 December 2016. The SCI before the Cabinet had been amended to take account of the feedback received from the consultation process.

RESOLVED

That Cabinet approves:

- 1) the adoption of the updated Statement of Community Involvement (February 2017), as identified in Enclosure A of the report [SHAP/57](#), and
- 2) delegates the authority to the Head of Strategic Housing and Planning Services in consultation with the Cabinet Member for Planning and Economic Development to approve and adopt future updates of the Statement of Community Involvement.

Reason for Decision

A number of changes have occurred since the SCI was adopted, both at a national level and also in terms of the council’s own engagement approach, which mean that an update to the SCI is now required. These are summarised below:

- i). Legislative Changes: The Government has introduced a significant amount of new/amended planning legislation and guidance since the SCI was adopted. This includes the National Planning Policy Framework (2012) and accompanying Planning Practice Guidance (2014), the Town & Country Planning (General

Permitted Development) Order (as amended) 2015 and 2016 introducing Prior Approvals and the Housing & Planning Act (2016).

- ii). Implementation of the Neighbourhood Planning Bill: The Government has consulted on regulations to implement the neighbourhood planning provisions that are set out in the Neighbourhood Planning Bill. It proposes to introduce a requirement for local planning authorities to review the Statement of Community Involvement at regular intervals and at least every five years. If the LPA decides not to update its SCI, it must publish its reasons for not considering any revisions. The LPA will also be required to publish, through the SCI, how interested parties will be involved in the early stages of Plan making and its policies for giving advice or guidance to groups wishing to prepare or update a neighbourhood plan. From the date the Bill gains Royal Assent, LPAs will have a period of 12 months to comply with these requirements.
- iii). Development Management: The way in which Development Management consult on planning applications was amended in November 2011, following a systems thinking review which sought to update the entire application process to make it more efficient. The revised approach to notification is explained through the Statement of Community Involvement (2011). However, the 2011 SCI does not provide detail on more recent changes that have been made to the planning system, in particular changes to expand prior approval rights. The updated SCI therefore provides further information to explain the prior approval process.

51. 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 item of business on the grounds that it involves 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 item.

52. Crawley Town Hall Site Redevelopment Scheme

(Exempt Paragraph 3 – (information relating to financial and business affairs of any particular person (including the Authority holding that information) and Exempt Paragraph 5 – Information in respect of which a claim to legal privilege could be maintained in legal proceedings).

The Cabinet Member for Resources presented report DCE/02 of the Deputy Chief Executive, which sought the Cabinet endorsement to the principle for the significant redevelopment of the current Crawley Town Hall Site. The report presented a number of proposals. An indicative master plan for the redevelopment of the site that identifies the provision of commercial accommodation above the proposed new Town Hall, the allocation of funding to ensure that 40% affordable housing were part of the redevelopment, the inclusion of a District Heat Network within the scheme and the upgrading of the Exchange Road car park. It was emphasised that the proposal was one of the largest projects that the council had been a part of in Crawley's history and the impact of the project for the Town should not be underestimated. It should bring an improved Town Hall for our residents and a better working environment for our Officers, whilst also providing high quality office space within the Town Centre and much more needed affordable housing.

The Chair of the Overview and Scrutiny Commission' presented the Commission's comments from its meeting on 6 February 2017, emphasising the general cross party support for the proposals. The Commission requested that should the development be approved at Full Council, the Budget statement and the treasury management statement be amended to reflect the impact of the project on the Council's financial position.

In response to the Commission's request the Leader commented that he supported the principle of their request but rather than reproducing the Budget and treasury management statements, a more appropriate approach would be to reflect any budgetary changes through the quarterly monitoring report and the treasury management updates reports. The Cabinet then noted the remainder of the Commission's comments.

RESOLVED

That the Cabinet recommends to Full Council the approval of:-

- 1) the agreement to:
 - the development and submission of a planning application to redevelop the Town Hall site and the adjacent decked car park site generally in accordance with the master plan in Appendix A of report DCE/02 to provide approximately 250 residential units (of which 40% should be affordable housing), a new town hall, commercial office space above the town hall, a site and phase 1 of a District Heat Network, a public square, enhancements to Exchange Road car park and additional parking spaces. The planning application for the redevelopment of the site is likely to be submitted by the landowner of the adjacent decked car park site, Haywards Heath Investments (LDA), or their developer, Westrock, but the application may be in joint names with the Council.
 - the Council becoming the landlord of the commercial office space above the proposed Town Hall
 - the Council ensuring that the District Heat Network is capable of being extended to other sites in the town centre
 - the upgrading of Exchange Road car park as part of the redevelopment
 - the Council being provided with additional car parking spaces as a result of additional land from Haywards Heath Investments (LDA) forming part of the redevelopment proposals.
- 2) The funding as set out in the Report DCE/02
- 3) To note and agree the potential operational implications of the redevelopment for customers, members of the Council, staff and the community in the proposed new Town Hall and during the construction phase.
- 4) Delegate to the Deputy Chief Executive, in consultation with the Leader, Cabinet Member for Resources, Head of People & Technology and Head of Partnership Services, any operational changes in service delivery, together with the building/site layout and design of the Town Hall and multi storey car park, including internal layout and finishes. These decisions will only be made following staff and member consultation.

- 5) To delegate the negotiation of the terms of the relevant legal documentation to the Deputy Chief Executive in consultation with the Head of Legal and Democratic Services, the Head of Finance, Revenues and Benefits and with the Leader of the Council. Further that subject to the satisfactory negotiation of terms of the proposed redevelopment in favour of the Council to delegate the approval of the Final legal documentation necessary to secure the proposed redevelopment to the Deputy Chief Executive, the Head of Legal and Democratic Services, the Head of Finance, Revenue and Benefits in consultation of the Leader of the Council.
- 6) To delegate to the Deputy Chief Executive and the Head of Legal and Democratic Services the authorisation to seal and complete the legal documentation on behalf of the Council.
- 7) To note the implications of the proposed Town Centre District Heat Network and subject to demand and business case, the potential future capital implications of expanding the network in due course.

Reason for Decision

The recommendations provide important principles to guide officers in finalising negotiations with the landowner/developer of the site adjacent to the Town Hall site.

If the recommendations are agreed, officers will be able to try to finalise legal documentation, in consultation with the Leader to enable the regeneration of a key Town Centre site, whilst providing significant operational and financial benefits to the Council and the wider community.

Only by working with the landowner/developer to reach agreement can the Council secure:

- Approximately 250 new homes, of which up to 40% could be affordable;
- c65000sq.ft. new Town Hall over 4 floors of a new office building;
- c80000sq.ft. Grade A Commercial Office space over 5 floors, above the Town Hall for letting on the open market;
- Approximately 30 additional car parking spaces
- A refurbishment of the Exchange Road car park
- The site and initial infrastructure to enable the delivery of the Town Centre District Heat Network.
- Public realm improvements and improved connectivity to the Town Centre.
- Significant revenue savings / additional income for the Council

The Adopted Crawley Local Plan 2015 - 2030 (Policy EC6)(Development Sites within the Town Centre Boundary) stipulates that four key opportunity sites within the town centre including land north of The Boulevard, need to contribute towards a net total of 499 new dwellings. By progressing with the scheme as outlined in paragraph 3.3, the Council will be leading on the delivery of approximately 250 new dwellings towards this total, of which approximately 100 of these units could provide affordable homes

The Local Plan (Policy ENV7) (District Energy Network) also stipulates any major development within the town centre should in the first instance and in the absence of a Heat Network currently being in place, consider 'developing its own system for supplying energy to any surrounding existing or planned buildings. Any system installed should be compatible with a wider District Energy Network. This development

potentially provides a site and the initial infrastructure for the first phase of a town centre heat network.

As the scheme progresses, it will be essential to ensure there is sufficient member and staff consultation regarding both the outside look of the town hall building (and public space) but also on the internal finishes. It is also essential that decisions be made in a timely manner to help avoid cost overruns on the scheme.

53. Leasehold Insurance Tender Appraisal

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

The Cabinet Member for Resources presented report [FIN/402](#) of the Head of Finance, Revenues and Benefits, which informed the Cabinet that the current leasehold insurance arrangements expire on 31 March 2017. The report sought approval for the award of the contract to the supplier that can best meet the Council's leasehold insurance requirements for the next five years.

RESOLVED

That Cabinet approves the appointment of Aspen, (through Arthur J Gallagher) as the Council's leasehold insurance provider for a period of five years from 1 April 2017.

Reason for Decision

Following a tender evaluation, Aspen (through A J Gallagher) has submitted the most advantageous tender.

54. Construction Consultancy Services Partnering Contract

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

The Cabinet Member for Resources presented report [HPS/07](#) of the Head of Partnership Services, which informed the Cabinet that the Council had in place a partnering contracts for the provision of consultancy services covering the following professional services; Structural Engineering, Civil Engineering, Drainage and Flood Alleviation, CDM Principle Designer, Quantity Surveying and Clerk of Works. It was noted that the existing contractual arrangements were due to expire on the 30th April 2017 and the report detailed the tendering processes for the procuring of a new three year set of contracts, that included an option for the Council to extend for a further two years should the Council wish to.

RESOLVED

That Cabinet approves:

- a) the awarding for Civil Engineering services to The Project Centre.
- b) the awarding for Drainage and Flood Alleviation services to The Project Centre.
- c) the awarding for Structural Engineering services to The Project Centre.
- d) the awarding for Construction Design and Management (CDM) Principle Designer services to Potter Raper Partnership.

- e) the awarding for Clerk of Work services to Potter Raper Partnership.
- f) the awarding for Quantity Surveying services to Keegans Ltd,

and that in the unlikely event that one of the first choice consultants reject the contract offer, it is recommended to appoint from the list of alternatives as set out in 6.2 of the report.

Reason for Decision

In accordance with the Procurement Code, approval was sought from the Cabinet to enter into contracts for the Consultancy Services with the recommended providers as shown in section 2.1 and table 2 of the report [HPS/07](#)

55. Closure of Meeting

In closing the meeting, the Cabinet asked that their thanks be recorded to Lee Harris, Chief Executive for all his hard work and best wishes in his new job at West Sussex County Council, as this would be his last Cabinet meeting in Crawley. With that, the business of the Cabinet concluded, the Chair declared the meeting closed at 7.55 pm.

P K LAMB
Chair