

# Crawley Borough Council

## Minutes of the Full Council

Wednesday 3 April 2013 at 7.30 p.m.

### Present:

Councillor B K Blake (Mayor).

Councillor R G Burgess (Deputy Mayor)

Councillors M L Ayling, S A Blake, Dr H S Bloom, N Boxall, K Brockwell, B J Burgess, L A M Burke, R D Burrett, C A Cheshire, D G Crow, V S Cumper, C R Eade, I T Irvine, M G Jones, S J Joyce, P K Lamb, R A Lanzer, C C Lloyd, L S Marshall-Ascough, C A Moffatt, C J Mullins, C Oxlade, D M Peck, B J Quinn, A J E Quirk, D J Shreeves, B A Smith, P C Smith, G Thomas, K J Trussell, W A Ward and K B Williamson.

### Also in Attendance:

Mr J G Smith – Honorary Freeman and Alderman.

Mr A Timms – Appointed Independent Person.

### Officers Present:

Lee Harris  
Ann-Maria Brown  
Peter Browning  
David Covill  
Dave Rawlings  
Phil Rogers  
Roger Brownings

Chief Executive  
Head of Legal and Democratic Services  
Director of Environment and Housing  
Director of Resources  
Head of Finance, Revenues and Benefits  
Director of Community Services  
Democratic Services Officer

### 104. Apologies for Absence

Councillors C L Denman, J I Denman and Walker.  
Mr P Nicolson - Appointed Independent Person.

### 105. Members' Disclosures of Interests

The disclosures of interests made by Members were set out in **Appendix A** to the minutes.

**106. Communications**

There were no announcements or communications.

**107. Public Question Time**

Questions asked in accordance with Council Procedure Rule 9 were as follows:

Questioner's Name	Subject	Name of Councillor(s) Responding
Ms D Simmons	The financial difficulties experienced by residents on benefits, including people with disabilities and others on low income, as a result of the Government's forthcoming welfare reforms. Particular reference was made to tenants who were deemed to be under occupying their properties, and as a result of which their benefit entitlement would be reduced. Ms Simmons indicated that as a result of such benefit reductions, a group representing people with disabilities was taking the Government to Court on the grounds of discrimination. The case was due to be heard in May and she considered that the Council should cease the implementation of the reforms until the outcome of that case was known.	Councillor Burrett emphasised that the Government had passed legislation to introduce the welfare reforms, and as such the Council was required to adhere to those Reforms. If the Government subsequently advised that the legislation was to cease, then the Council would at that stage stop implementation. Councillor Ward, in conveying his concerns regarding the reforms identified, suggested that if the reforms should be found to be unlawful, then consideration would need to be given to refunding monies lost through the benefit reductions.
Ms M Maxwell	The potential increase in homelessness costs to the Council if as a result of the Government's forthcoming welfare reforms there was an increase in evictions.	Councillor Lamb expressed his own concerns regarding this matter, whilst Councillor Burrett reiterated that the Council's intention through, for example, its under-occupation policy and discretionary housing payments, was to help its tenants. The Council would provide that assistance in the best way it possibly could, whilst

Questioner's Name	Subject	Name of Councillor(s) Responding
		<p>working within its housing resource constraints and the legislation it was required to adhere to. Eviction would be an absolute last resort. The Council was working with tenants to help them through the reforms, and Councillor Burrett referred to the fact that Officers were available in the Public Gallery during this evening's meeting to further offer specialist advice and support (including debt advice), if needed.</p>
Mr J Kelly	<p>Issues relating to the replacement of crisis loans and the Community Care Grant and the introduction of Discretionary Housing Payments.</p>	<p>Councillor Burrett clarified the issues referred to, whilst indicating that the Officers available at this meeting (as referred to in the response to Ms Maxwell above) could provide more information if required.</p>
Mr A Khan	<p>The Mayor referred to Mr Khan's defamatory nature of comments made at the last meeting of the Full Council, and under the circumstances, advised Mr Khan that he was not prepared to offer him the opportunity to ask further questions at this meeting.</p> <p>At this stage, and with the Mayor continually requesting Mr Khan to cease his boisterous and dissenting behaviour - during which he raised a number of issues including parking provision at the new Langley Green Mosque, Mr Khan (at the request of the Mayor) was escorted from the meeting.</p>	<p>In Mr Khan's absence, and in response to his comments with regard to parking provision at the Langley Green Mosque, Councillor B A Smith confirmed that the Mosque development did include parking provision, and that provision had been made as part of the planning permission given for the Mosque.</p>
Mrs S Mullins	<p>Issues relating to the Government's forthcoming welfare reforms, with</p>	<p>In response, Councillor B J Burgess acknowledged that she</p>

Questioner's Name	Subject	Name of Councillor(s) Responding
	<p>particular reference made to tenants who were deemed to be under occupying their properties, and as a result of which their benefit entitlement would be reduced. Mrs Mullins described the reforms as a tax on the most vulnerable people in the community.</p>	<p>had her own concerns regarding the reforms, and considered that whilst where possible all was being done by the Council to help and support tenants, the Council, as part of that undertaking, would need to place as much emphasis as it could to further ensuring an ethical approach to help tenants in cases of downsizing. Councillors Lanzer, Burrett and Lamb also responded to the matters identified by Mrs Mullins, with Councillor Lamb referring to proposals to address concerns arising from the reforms, as set out in the Notice of Motion (Agenda Item 9 (a) to be considered later at this meeting.</p> <p>In response to a supplementary issue raised by Mrs Mullins, the Mayor considered that there were no questions arising from those issues, and therefore ruled that no answers needed to be given.</p>
<p>A member of the public whose name was not clear.</p>	<p>Clarification sought regarding the provisions available to Council tenants to sublet / take-in lodgers.</p>	<p>Councillor Burrett provided the clarification sought including the point that if wishing to do so a Council tenant could take-in lodgers.</p>
<p>Ms M Harrison</p>	<p>Ms Harrison informed the Council that she had lived in her home for 33 years, she was not a pensioner, could not afford to lose benefit and would need to downsize to a smaller property.</p>	<p>The Mayor advised Ms Harrison to speak to the Officers who were available in the Public Gallery to seek their specialist advice and guidance into the matters she had raised.</p>
<p>Mr R Burnham</p>	<p>In referring to the Government's forthcoming welfare reforms, Mr Burnham suggested that</p>	<p>In response Councillor Burrett indicated that the Council was not able to put in place a policy of no</p>

Questioner's Name	Subject	Name of Councillor(s) Responding
	there was no legal obligation to evict tenants who could not afford to pay their rent as a result of their benefit entitlement being reduced, and that there was a policy at other authorities to make no evictions.	evictions, and that rather than a blanket policy, each case was looked at on its merits.

## 108. Minutes

With regard to the minutes of the Full Council held on 27 February 2013, a point of accuracy was raised by Councillor Mullins. Councillor Mullins referred to Minute No. 85 (Public Question Time) and in particular to the question / issue raised by Mr D Seale. Councillor Mullins considered that comments that he himself had made in response to Mr Seale should, for the sake of a balanced debate, be recorded as part of the minute.

Whilst noting the matter raised by Councillor Mullins, the Mayor was of the view that as it currently stood, the minute generally conveyed a balanced debate, and upon the minutes of the 27 February meeting being put to the Full Council, it was

### RESOLVED

That the minutes of the meeting of the Full Council held on 27 February 2013 be approved as a correct record and signed by the Mayor.

## 109. Items for Debate (Reserved Items)

Members indicated that they wished to speak on a number of items as set out in the following table:

Minute Book Page no.	Committee/ Minute no. (and the Member reserving the item for Debate)	Subject (Decisions previously taken under delegated powers, reserved for debate only).	Subject (Recommendation to Full Council, reserved for debate)
37	General Purposes Committee 11 March 2013 Minute 25  (Labour Group)		Annual Review of the Constitution  (Recommendation 1)
49	Audit and Governance 13 March 2013 Minute 26	Governance matter arising at the Committee's 11 December 2012	

<b>Minute Book Page no.</b>	<b>Committee/ Minute no. (and the Member reserving the item for Debate)</b>	<b>Subject (Decisions previously taken under delegated powers, reserved for debate only).</b>	<b>Subject (Recommendation to Full Council, reserved for debate)</b>
	<b>(Labour Group)</b>	Meeting.	
2 of Supp. Agenda	Overview and Scrutiny Commission 18 March 2013 Minute 89  <b>(Labour Group)</b>	Final Report of the Youth Provision Scrutiny Panel (Reference to absence of Recommendation 2 on page 14 Appendix B).	
9 of Supp. Agenda	Overview and Scrutiny Commission 18 March 2013 Minute 95  <b>(Labour Group)</b>	2nd Interim Report of the Financial Deprivation Scrutiny Panel.	
18 of Supp. Agenda	Cabinet 20 March 2013 Minute 73  <b>(Labour Group)</b>	Discretionary Housing Payments Guidance.	
18 of Supp. Agenda	Cabinet 20 March 2013 Minute 74  <b>(Labour Group)</b>		Designation of Five New Conservation Areas  (Recommendation 2)
	<b><u>Called-in item:-</u></b>		
21 of Supp. Agenda	Cabinet 20 March 2013 Minute 76  <b>(Councillor Jones, who called in the decision, other Labour Group Members, and Councillors Bloom and Quirk)</b>		Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel

## 110. Reports of the Cabinet, Overview and Scrutiny Commission and Committees

Moved by Councillor R G Burgess (as the Deputy Mayor) and

### **RESOLVED**

That the following reports be received:

- (a) Development Control Committee – 4 March 2013.
- (b) General Purposes Committee – 11 March 2013.
- (c) Audit and Governance Committee– 13 March 2013.
- (d) Overview and Scrutiny Commission – 18 March 2013.
- (e) Cabinet – 20 March 2013.

Recommendations to Full Council not Reserved for Debate (Unreserved Items)

Whilst at this point (and as indicated in the agenda) it was to be moved that the recommendations to Council, which had not been reserved for debate be adopted, this was not now necessary as all the recommendations to Council had, on this occasion, been reserved for debate.

## 111. Reserved Items

The matters identified in Minute No. 109 above were debated by the Council. These included:

- a) **The item on the called in decision of the Cabinet.** This was dealt with as set out below:

### **Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel – Called in Decision (Cabinet – 20 March 2013)**

The Cabinet had considered the report [OSC/191](#) of the Chair of the Crawley Town FC Travel Partnership Scrutiny Panel, which had also been considered by the Overview and Scrutiny Commission at its meeting on 18 March 2013. In concluding its consideration of this matter, the Cabinet had resolved as follows:-

1. That recommendations 6.1, 6.2, 6.5 (i), (ii), (iii) and 6.7 (as amended), be supported as set out in Appendix C attached to these minutes (of 20 March 2013 meeting of the Cabinet).
2. That recommendations 6.3 (as amended) and 6.6 (as amended), be noted as set out in Appendix C.
3. That recommendations 6.4 and 6.5 (iv) be rejected for the reasons set out in Appendix C

In accordance with Scrutiny Procedure Rule 14, and on the associated grounds set out in the minutes of the Cabinet meeting of 20 March 2013, this decision had been called in by Councillor Jones and had, therefore, been suspended pending reconsideration of the matter by the Council at this meeting.

In connection with this item, it was moved by Councillor Bloom and seconded by Councillor Quirk:-

That the decision of the Cabinet at its meeting on 20 March 2013 concerning the Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel be referred back to the Cabinet for reconsideration, with particular reference being conveyed to the Cabinet of proposed amendments to the decision as set out below:-

- (i) Recommendation 6.3 as set out in Appendix C to the minutes of the Cabinet's meeting of 20 March 2013 – revise wording to read, "Amend and Support. To exercise the Council's influence through its membership of the Travel Plan Steering Group and other relevant partners, as it was not necessary for the Council to be directly involved in such discussions."

(ii) Recommendations 6.4 as set out in Appendix C to the minutes of the Cabinet's meeting of 20 March 2013 – Instead of rejection, refer this proposal to the Travel Plan Steering Group.

(iii) Recommendation 6.5 parts (i) to (iii) as set out in Appendix C to the minutes of the Cabinet's meeting of 20 March 2013 - Add referral to the Travel Plan Steering Group.

That all other Recommendations and parts thereof as set out in Appendix C to the minutes of the Cabinet's meeting of 20 March 2013, be supported.

The Council undertook a full and detailed discussion on this matter and considered all the issues raised.

Upon being put to the Council, the motion as moved by Councillor Bloom and seconded by Councillor Quirk was CARRIED, and it was

### **RESOLVED**

That the decision of the Cabinet at its meeting on 20 March 2013 concerning the Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel be referred back to the Cabinet for reconsideration, with particular reference being conveyed to the Cabinet of proposed amendments to the decision as set out below:-

(i) Recommendation 6.3 as set out in Appendix C to the minutes of the Cabinet's meeting of 20 March 2013 – revise wording to read, "Amend and Support. To exercise the Council's influence through its membership of the Travel Plan Steering Group and other relevant partners, as it was not necessary for the Council to be directly involved in such discussions."

(ii) Recommendations 6.4 as set out in Appendix C to the minutes of the Cabinet's meeting of 20 March 2013 – Instead of rejection, refer this proposal to the Travel Plan Steering Group.

(iii) Recommendation 6.5 parts (i) to (iii) as set out in Appendix C to the minutes of the Cabinet's meeting of 20 March 2013 - Add referral to the Travel Plan Steering Group.

That all other Recommendations and parts thereof as set out in Appendix C to the minutes of the Cabinet's meeting of 20 March 2013, be supported.

### **(b) Matter raised under the report of the Audit and Governance Committee – 13 March 2013**

With regard to the Governance matter arising at the Committee's 11 December 2012 meeting (Minute no. 26 of the 13 March minutes refer), a Member continued to reiterate his view that arrangements for deciding the composition of project boards should be a more formal process, with that process incorporated within the Council's constitution. The Council further discussed the issues raised.



(c) **Matter raised under the report of the Overview and Scrutiny Commission – 18 March 2013**

A matter was raised in relation to the Final Report of the Youth Provision Scrutiny Panel (Minute no. 89), and in particular the absence of Recommendation 2 on Appendix B to the minute. In response to comments from a Member, Councillor Boxall (as Cabinet Member for Community Engagement), indicated that whilst with the absence of that Recommendation it would not have been fully clear, he could confirm that (as recorded in the main body of the minute), he had expressed his support for all recommendations and would action those relating to his portfolio. He reminded the Council that some of the recommendations cut across the Leisure and Cultural Services Portfolio, although he would happily explore those with Councillor D G Crow. With regard to the intended light touch review of services aimed at young people, Councillor Boxall indicated that once that exercise had been undertaken, an item on the findings would be circulated as part of an Information Bulletin.

(d) **The reserved items containing recommendation to Full Council.**

These were dealt with as set out in Minute Numbers 112 and 113 below:-

**112. Annual Review of the Constitution  
(General Purposes Committee – 11 March 2013)  
(Recommendation 1)**

The Committee had considered report [LDS/060](#) of the Head of Legal and Democratic Services.

Moved by Councillor Burrett, seconded and

**RESOLVED**

- (1) That the amendments to the Constitution detailed in Appendix 1 to the minutes of the General Purposes Committee meeting of 11 March 2013, be agreed.
- (2) That since the provisions relating to Call-In and Urgency had not been used during the past twelve months, no change to the provisions was necessary at this stage.

**113. Designation of Five New Conservation Areas  
(Cabinet – 20 March 2013)  
(Recommendation 2)**

The Cabinet had considered report [SHAP/028](#), of the Director of Environment and Housing, which had also been considered by the Overview and Scrutiny Commission at its meeting on 18 March 2013. In concluding its consideration of this matter, the Cabinet had resolved as follows:-

- 1). That the Council be RECOMMENDED to approve that the following areas:
  - (i) Malthouse Road
  - (ii) Southgate Neighbourhood Centre
  - (iii) West Street (as an extension to Brighton Road Conservation Area)

- (iv) Langley Lane (as an extension to Ifield Village Conservation Area)
- (v) Hazelwick Road

(as shown on plans in Appendices 1-5 of report SHAP/028) be designated as Conservation Areas in accordance with the statutory procedures set out in s.69 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that the Head of Strategic Housing and Planning Services in consultation with the Cabinet Member for Planning & Economic Development be authorised to take such steps as necessary, on behalf of Crawley Borough Council as the Local Planning Authority, to give notice of such designation.

- 2). That the Cabinet Member for Planning & Economic Development, in consultation with the Head of Strategic Housing and Planning Service and appropriate ward members, be granted the authority to adopt new Conservation Area Statements and amend existing Conservation Area Statements.
- 3). That a further report be produced for the Cabinet's consideration, by the end of 2013, following stakeholder consultation, to evaluate the value of the proposed further extension to both the Malthouse Road Conservation Area and Brighton Road Conservation Area

### **Amendments**

The following amendments were moved by Councillor Jones and seconded by Councillor Quinn.

In Recommendation 2. 1) insert immediately after the words "SHAP/028" the following:

"In respect of areas (ii) to (v), and in respect of area (i) the proposals for the Malthouse Road Conservation Area supported by the majority of the Overview and Scrutiny Commission, as set out in its resolved 2(b) in Item 90 of the Commission's minutes of 18 March 2013."

And consequently delete the words:

"both the Malthouse Road Conservation Area and" from Recommendation 2. 3) and replace with the words "to the" in its place.

### **Explanation**

(i) To further assist consideration of the amendment, the "resolved 2(b) in Item 90 of the Commission's minutes of 18 March 2013", as referred to, reads as follows:

"2(b) Malthouse Road Conservation Area – to extend the boundary to also include Malthouse Road between the proposed Conservation Area and East Park, and both sides of East Park from the junction with Clitherow Gardens to the East and the boundary of the Brighton Road Conservation Area in the West, excluding The Courtyard".

(ii) Whilst as a Recommendation to Full Council, it is constitutionally correct for an amendment to be moved in relation to Part 1) of the Cabinet's decision, that is not the case in relation to Part 3) of the decision, as that element of the decision was one which the Cabinet had the authority to make in its own right, and was a decision which had not subsequently been called in.

Should therefore the amendment above in relation to Recommendation 2. 1) be carried, the proposed amendment to Part 3) of the Cabinet's decision would fall.

However, under these circumstances Part 3) could then be reconsidered at the Cabinet's next meeting.

(iii) An [additional report](#), which had been tabled at the Cabinet's meeting on 20 March, and subsequently circulated to this meeting of the Full Council, provided further details on the proposed further extensions of the Conservation Area boundaries. It included information on the consultation processes, showing that only part of the further extensions had been consulted, the Officers views on why those areas had not been initially included in the recommendations, and the implications of the Overview and Scrutiny Commission's proposal. In addition, and as circulated to the Council prior to its meeting, [three maps](#) were made available for discussion regarding the Conservation Areas. These had been considered by the Cabinet at its 20 March meeting.

In discussing the amendments now moved, which in effect requested the Full Council to approve the designation of an enlarged Malthouse Road area at this meeting, it was felt that as the consultations undertaken to date appeared not to have covered all of that requested extension, it would be unfair to those residents to enact a Conservation Area without due consultation. The Council was advised that consultation and engagement was an important consideration in designating Conservation Areas. It was English Heritage's advice that good practice in designating Conservation Areas should include public consultation and engagement with all affected properties / stakeholders, and legislation required this when considering proposals for enhancement and preservation. The value of engagement also became critical when setting up Conservation Area Advisory Committees that relied upon the community coming together on a voluntary basis.

The proposed extension in the amendments being moved accounted for over 100 properties, and significantly increased the footprint of the designation. Of those:-

- approx 60 have had no consultation at all from the Council,
- approx 44 have had a letter of notification but it only said that they were abutting a proposed Conservation Area. (These figures were approximate as they were taken from the addresses on the plans and might not represent sub lets etc).

The designation of an area as a Conservation Area would remove legal rights, most importantly permitted development rights, and therefore there could be an opportunity for challenge, either through the Ombudsman or on grounds of natural justice or judicial review. This might also affect any current planning applications.

The Council considered all the issues that had been raised.

At the request of Councillor Williamson, and in accordance with Council Procedure Rule 17.4, the names of the Members voting for and against the amendments above were recorded as set out below:-

**For the amendments:-**

Councillors M L Ayling, C A Cheshire, I T Irvine, M G Jones, S J Joyce, P K Lamb, C A Moffatt, C J Mullins, C Oxlade, B J Quinn, D J Shreeves, B A Smith, P C Smith, G Thomas and W A Ward (15).

**Against the amendments:-**

Councillors B K Blake, S A Blake, Dr H S Bloom, N Boxall, K Brockwell,

B J Burgess, R G Burgess, L A M Burke, R D Burrett, D G Crow, V S Cumper, C R Eade, R A Lanzer, D M Peck, A J E Quirk, K J Trussell, and K B Williamson (17).

**Abstention:-**

None.

The amendments were therefore LOST

At the request of Councillor Joyce, and in accordance with Council Procedure Rule 17.4, the names of the Members voting for and against the substantive motion were recorded as set out below:-

**For the motion:-**

Councillors M L Ayling, B K Blake, S A Blake, Dr H S Bloom, N Boxall, K Brockwell, B J Burgess, R G Burgess, L A M Burke, R D Burrett, C A Cheshire, D G Crow, V S Cumper, C R Eade, I T Irvine, M G Jones, S J Joyce, P K Lamb, R A Lanzer, C A Moffatt, C J Mullins, C Oxlade, D M Peck, B J Quinn, A J E Quirk, D J Shreeves, B A Smith, P C Smith, G Thomas, K J Trussell, W A Ward and K B Williamson (32).

**Against the motion:-**

None.

**Abstention:-**

None.

The motion was therefore CARRIED, and it was

**RESOLVED**

That the following areas:

- (i) Malthouse Road
- (ii) Southgate Neighbourhood Centre
- (iii) West Street (as an extension to Brighton Road Conservation Area)
- (iv) Langley Lane (as an extension to Ifield Village Conservation Area)
- (v) Hazelwick Road

*(as shown on plans in Appendices 1-5 of report SHAP/028)* be designated as Conservation Areas in accordance with the statutory procedures set out in s.69 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that the Head of Strategic Housing and Planning Services in consultation with the Cabinet Member for Planning & Economic Development be authorised to take such steps as necessary, on behalf of Crawley Borough Council as the Local Planning Authority, to give notice of such designation.

**Note by Head of Legal and Democratic Services**

Along with the Recommendation to Council, it is confirmed that Parts 2) and 3) of the Cabinet's decision, as referred to in the minute above (and which the Cabinet had the authority to make in its own right), remain unaltered as follows:-

- 2). That the Cabinet Member for Planning & Economic Development, in consultation with the Head of Strategic Housing and Planning Service and appropriate ward members, be granted the authority to adopt new Conservation Area Statements and amend existing Conservation Area Statements.
- 3). That a further report be produced for the Cabinet's consideration, by the end of 2013, following stakeholder consultation, to evaluate the value of the proposed further extension to both the Malthouse Road Conservation Area and Brighton Road Conservation Area

#### **114. Notice of Motion (1 of 3)**

The Full Council considered a Notice of Motion in accordance with Council Procedure Rule 12, which was moved by Councillor Joyce and seconded by Councillor Jones.

The Motion was as follows:-

"This council notes with concern the reductions in housing benefit for tenants in social housing on the basis of 'under occupancy' (popularly known as the "Bedroom Tax") being implemented across the country this month.

Tenants hit by the Bedroom Tax are often on the lowest incomes and, according to the Government's own impact assessment, two-thirds of the households affected contain at least one disabled member.

Virtually all of these tenants cannot downsize into alternative social housing as the council has already confirmed that there are only enough suitably sized properties to meet the needs of a tiny minority of those affected.

This council also notes with deep concern the potential cost of evictions as a result of tenants are no longer being able to afford to pay their rent. At a time of major budget cuts it is hard to see how the council can afford to meet the estimated cost of £10,000 per eviction.

This council further notes that while the Government seeks to claim the policy is necessary to deal with the deficit and the housing crisis, pushing tenants into the private sector does nothing to address housing shortages and in reality means that the taxpayer will be paying out a far higher rate of housing benefit to private landlords.

This council believes that it is appalling that at the same time as millionaires are benefiting from a £107,000 tax cut, social housing tenants are being hit with the Bedroom Tax.

As a result, this council resolves:

- (1) To call on the Government to reverse the changes to housing benefit, changes which cut housing benefit from some of Crawley's most vulnerable residents on the grounds of 'under occupancy';
- (2) To instruct officers to investigate re-classifying the number of bedrooms in a property to help address the gap between tenants' housing needs and the number of suitably-sized properties (as is currently being undertaken Knowsley Housing Trust, in line with the freedoms the DWP has granted social landlords on this issue);

(3) To require that Crawley Homes officers make every conceivable effort to find alternatives to evicting families who cannot afford to pay the Bedroom Tax, noting the recent actions of other councils (such as Dundee City Council and Brighton and Hove City Council);

(4) To confirm that the under occupation incentive payment will be paid out to households who chose to downsize through the council's mutual exchange programme."

#### **115. Duration of the Meeting**

As the business had not been completed within the two and a half hours specified within Council Procedure Rule 2.2, the Mayor required the Council to consider if it wished to continue with the meeting, and having put it to the Council, the meeting was continued for an additional period not exceeding 30 minutes.

#### **116. Notice of Motion (1 of 3)**

##### **(Continued)**

In response to this Motion, Members referred to the fact that the reduction in housing benefit for under occupation by one bedroom or more as part of the Government's forthcoming welfare reforms was an ongoing attempt to address both overcrowding and housing need - releasing much needed larger homes which could be allocated to local households in the greatest need within the Borough. This helped to ensure best use of the Council's housing stock. The reforms also reflected a commitment to a better equality of treatment by making the rules consistent between private sector rented housing and that in the social rented sector.

Members emphasised that the Council had undertaken and continued to undertake significant work with regard to the provision of more housing for Crawley people. Whilst the idea of reclassifying the number of bedrooms in a property was dismissed, with reference made to the very different housing situations in such areas as Knowsley, the Council was committed to building Council houses, as part of a wider social housing programme. It was continuing to work very closely with developers and its social landlord partners to deliver the required affordable housing and there was a further measure to help facilitate mobility within the stock by supporting our tenants to move to smaller homes where they would be deemed to be under-occupying their current property.

Whilst acknowledging the impact on tenants as a result of the reforms, it was reiterated that the Council's intention through, for example, its under-occupation policy / incentive payments and discretionary housing payments, was to help its tenants. The Council would provide that assistance in the best way it possibly could, whilst working within its limited resources, mitigating shortfalls in rental income – with such a shortfall putting pressure on every tenant and the services they received, along with a need to comply with the legislation that the Council was required to adhere to. Whilst the accuracy of the cost of evictions referred to in the Notice of Motion was seriously challenged, with the indication that the actual cost was much lower, it was strongly suggested that eviction anyway would be an absolute last resort. The Council was working with tenants to help them through the reforms, and Officers had been engaged by the Council to further offer specialist advice and support (including debt advice), where needed. With regard to whether the under occupation incentive payment would be paid out to households who chose to downsize through the Council's mutual exchange programme, it was confirmed that Officers had already

been asked to look into this matter, and that whilst the Council could not give a definitive undertaking at this stage, an associated report was being progressed for consideration.

The Council undertook a full and detailed debate on the Notice of Motion and considered all the issues raised. In response to a question from Councillor Shreeves on "what the overall estimated cost to this Council in administering the collection of this so called bedroom tax was expected to be", Councillor Burrett indicated that a written reply would be made available to Councillor Shreeves as soon as was possible.

At the request of Councillor Joyce, and in accordance with Council Procedure Rule 17.4, the names of the Members voting for and against the Notice of Motion above were recorded as set out below:-

**For the Motion:-**

Councillors M L Ayling, C A Cheshire, I T Irvine, M G Jones, S J Joyce, P K Lamb, C C Lloyd, C A Moffatt, C J Mullins, C Oxlade, B J Quinn, D J Shreeves, B A Smith, P C Smith, G Thomas and W A Ward (16).

**Against the Motion:-**

Councillors B K Blake, S A Blake, Dr H S Bloom, N Boxall, K Brockwell, B J Burgess, R G Burgess, L A M Burke, R D Burrett, D G Crow, V S Cumper, C R Eade, R A Lanzer, L S Marshall-Ascough, D M Peck, A J E Quirk, K J Trussell, and K B Williamson (18).

**Abstention:-**

None.

The Notice of Motion was therefore LOST.

**117. Notice of Motion (2 of 3)**

The Full Council considered a Notice of Motion in accordance with Council Procedure Rule 12, which was moved by Councillor Mullins and seconded by Councillor Lamb.

The Motion was as follows:-

"This council recognises the trend for companies to employ workers on low pay, causing many to have the need to claim from the Housing and benefit systems.

Crawley Borough Council resolves to sign up to the Living Wage campaign and its principles, by instructing council officers to take the steps necessary to be accredited with the Living Wage Foundation as a Living Wage Employer.

Crawley Borough Council therefore also resolves to ensure that all contractors entering into future agreements with this Council agree to pay at least the level set by the Living Wage Foundation as the Living Wage.

In this we recognise the Council's current contracts will need to be investigated, with the intention to ensure that living wage levels are consistently achieved when those

contracts are due to be renewed. All future contracts made by the council will be subject to this policy.”

The Mayor confirmed that a similar Notice of Motion on the Living Wage, and with the same intentions as the above Motion, was dealt with at the Full Council’s last meeting in February under Council Procedure Rule 2.2 (b) (motions or recommendations on the agenda that had not been dealt with within two and a half hours, or at the expiry of any agreed extensions). In response to comments from Councillor Mullins, the Mayor reminded the Council that no speeches had been allowed on that Notice of Motion in accordance with the Procedure Rule 2.2 (b), and that the move to refer the Notice of Motion to the Environment and Prosperity Policy Development Forum had been carried.

#### Motion of Referral

In accordance with Council Procedure Rule 12.2, It was moved by Councillor Lanzer and seconded:-

That the Notice of Motion as moved (above) by Councillor Mullins and seconded by Councillor Lamb, shall stand referred, without discussion, to the Cabinet / Environment and Prosperity Policy Development Forum.

Upon being put to the Council, the motion received an equal number of votes for and against. The Mayor then used his casting vote in favour of the motion, and it was

#### **RESOLVED**

That the Notice of Motion as moved (above) by Councillor Mullins and seconded by Councillor Lamb be referred to the Cabinet / Environment and Prosperity Policy Development Forum.

#### **118. Notice of Motion (3 of 3)**

The Full Council considered a Notice of Motion in accordance with Council Procedure Rule 12, which was moved by Councillor Thomas and seconded by Councillor P C Smith:-

The Motion was as follows:-

“This council notes the continuing poor state of the roads in Crawley, a situation that exists all over the borough and particularly in Manor Royal, and the failure of the Tory-controlled West Sussex County Council to maintain the roads properly or to effectively repair potholes, or to effectively maintain and repair pavements, many of which in Crawley Borough are in an unacceptable state. This is especially the case in Queens Square where loose and uneven paving slabs have led to a number of accidents which have been reported in the local press and where repairs, when done, are generally to a very poor quality.

Crawley and Gatwick is the economic powerhouse of the Gatwick diamond and of the county and it requires decent, high-quality infrastructure, including roads in good repair. If this does not happen, then the whole economy of the county suffers and there becomes an increasing risk that high quality businesses will decide not to come to Crawley because of the poor state of the highways.

The council therefore resolves to call on West Sussex County Council to treat Crawley as a priority for proper repairs, because Crawley and Gatwick are the hub of economic activity for the county.



The council also resolves to call on West Sussex County Council to hear the considerable concerns of this council on behalf of the residents of Crawley and to request the county Cabinet Member for Highways, and the new Crawley county councillors for WSCC, to draw up a plan of actions to rectify the current situation and then to hold a meeting with the Crawley Borough councillors, as soon as possible after the elections on May 2nd, specifically on this issue, to implement the wishes of Crawley Borough Council and its residents, as set out above.”

### **119. Duration of the Meeting**

As the business of the meeting had still not been completed within the earlier agreed 30 minute extension (Minute No. 115 refers), the Mayor required the Council to consider if it wished to continue with the meeting, and having put it to the Council, the meeting was continued for an additional period not exceeding 30 minutes.

### **120. Notice of Motion (3 of 3)**

#### **(Continued)**

The Council considered all the issues raised as part of a full and detailed debate on this matter. In response to the Motion, Members emphasised that approximately 1,250 potholes were being repaired in Crawley each week. With some of the worst weather conditions experienced over the last one hundred years, county councils / highway authorities across the country would be having to deal with imperfect road networks, and West Sussex County Council was not performing any less well than other highway authorities in its treatment of those road conditions. WSCC as part of its ongoing and committed plans to effectively repair and maintain roads and pavements, continued to provide considerable funds to undertake that major works programme, albeit the extreme cold weather only allowed, in some cases, a temporary repair to be undertaken, with further work to be carried out to those damaged areas once ground temperatures lifted. Additional money was being spent on providing extra crews to make repairs, whilst a great deal depended on the public informing the Authority of the location of potholes and damaged pavements within the Borough area. It was considered that the Borough Council was being treated very fairly compared with other districts within the County.

#### Closure Motion

This matter continued to be debated at length, and in accordance with Council Procedure Rule 15.12 (a) (ii), it was moved by Councillor S A Blake and seconded:-

That the question be now put.

Upon being put to the Council, the Closure Motion was CARRIED.

The Notice of Motion, upon being put to the Council, was declared to be LOST.

### **121. Members' Written Questions**

Questions asked in accordance with Council Procedure Rule 10.3, together with the answers, were tabled as follows:

Questioner                                      Councillor Irvine  
 Addressed to                                    Cabinet Member for Housing  
 Subject    Sale of Council Houses

Questioner                                      Councillor Irvine  
 Addressed to                                    Chair of the Cabinet  
 Subject    Project Boards

**122. Announcements by Cabinet Members**

No announcements were made.

**123. Questions to Cabinet Members**

Questions asked pursuant to Council Procedure Rule 10.1 were as follows:

<b>Name of Councillor asking Question</b>	<b>Subject</b>	<b>Name of Cabinet Member(s) Responding</b>
Councillor Lloyd	Councillor Lloyd raised his concerns regarding a recent local press notice which suggested that part of Tilgate Park was being sold-off.	Councillor Lanzer (as Leader of the Council and Chair of the Cabinet), emphasised that he was not aware that a decision had been made to sell land at Tilgate Park, but that he would get back to Councillor Lloyd soon with the facts to this matter.
Councillor Quinn	Street litter in locations on the A23 between County Oak and Gatwick.	Councillor Trussell (as Cabinet Member for Environmental Services) suggested that if Councillor Quinn could pass to him further details of those locations, then he (Councillor Trussell) would contact the litter response team to request that those litter issues be addressed.
Councillor B A Smith	A request for strong representations to be made to whoever was responsible for the cleanliness of roads and street furniture in the area of the Kilnwood Vale development site, as a result of concerns regarding the amount of mud on roads and street furniture in the area around and beyond that site.	In the absence of the Cabinet Member for Planning and Economic Development, Councillor Lanzer indicated that he would look to action that request.

<b>Name of Councillor asking Question</b>	<b>Subject</b>	<b>Name of Cabinet Member(s) Responding</b>
Councillor Moffatt	Concerns regarding the large mound(s) of earth currently being formed as part of the groundworks being undertaken at Tilgate Park Golf Range.	Councillor Crow responded In the absence of the Cabinet Member for Planning and Economic Development. Councillor Crow suggested that it might be the intention of the contractors to spread out the earth concerned, but that he would contact Planning Services to seek clarification of the specifications and conditions associated with this work.
Councillor Peck	Council Procedure Rule 10.3, and in particular Officers' time and cost in preparing the written answers to Members' written questions.	Councillor Lanzer (as Chair of the Cabinet) indicated that whilst welcoming written questions from Members, he felt that perhaps more consideration should, in each case, be given by Members as to what was the best way of obtaining the information they required, bearing in mind the issues of officer time and cost, if choosing the written answer option under Procedure Rule 10.3.
Councillor Mullins	In referring to issues arising at this and the previous meeting of the Full Council, Councillor Mullins expressed concerns as to how the Council's procedure rules within its Constitution were being interpreted. He referred to the use of Procedure Rule 12.2 as part of the Council's earlier consideration of the Notice of Motion (2 of 3) on the Living Wage.	Councillor Lanzer (as Chair of the Cabinet) considered that there had been an increased interest by Members in the Constitution over recent meetings, and in response to comments by Councillor Mullins, felt that the associated procedure rules continued to be operated fairly and accurately, whilst suggesting that it should be acknowledged by all Members of the Council that, where appropriate, the decision of the Mayor was final.

## 124. Duration of the Meeting

As the business of the meeting had still not been completed within the earlier agreed 30 minute extension (Minute No. 119 refers), the Mayor required the Council to consider if it wished to continue with the meeting, and having put it to the Council, the meeting was continued for an additional period not exceeding 30 minutes.

## 125. Questions to Cabinet Members

(Continued)

Questions asked pursuant to Council Procedure Rule 10.1 were continued as follows:

Name of Councillor asking Question	Subject	Name of Cabinet Member(s) Responding
Councillor Ayling	Councillor Lanzer's earlier response to the question put by Councillor Peck regarding Officers' time and cost in preparing written answers to Members' written questions under Council Procedure Rule 10.3. Councillor Ayling considered that Councillors should be entitled to ask questions.	Councillor Lanzer (as Chair of the Cabinet) agreed that all Members had the right to ask questions but that whilst bearing in mind the issue of cost effectiveness all options should be considered as to how the information sought was best obtained.

## 126. Questions to Committee Chairs

Name of Councillor asking Question	Subject	Name of Chair Responding
Councillor Lamb	Councillor Lamb sought clarification as to how back bench Members could seek to make amendments to the Constitution.	Councillor Burrett (as Chair of the General Purposes Committee) suggested that contact could be made with either the Head of Legal and Democratic Services, the Chair of the General Purposes Committee, or that issues could be raised at a meeting of that Committee.
Councillor Crow	The recent decision by the Development Control Committee to refuse a planning application (for which the recommendation was to approve) regarding housing development at	Councillor Joyce (as Vice-Chair of the Committee) and in the absence of the Chair at this Full Council meeting, responded to this matter by indicating his view that officers would

<b>Name of Councillor asking Question</b>	<b>Subject</b>	<b>Name of Chair Responding</b>
	Ely Close, Tilgate.	defend the decision, should that decision go to appeal.

**127. Closure of Meeting**

The meeting ended at 11.10 p.m.

**Mayor**

**APPENDIX A**

**Members' Disclosures of Interest**

<b>Member</b>	<b>Agenda Item No.</b>	<b>Name and date of Cabinet/ Committee and Minute No.</b>	<b>Minute Book Page No.</b>	<b>Subject or Planning Application No.</b>	<b>Type and Nature of Disclosure.</b>
Councillor R D Burrett	7(1)(a)	Development Control Committee 4 March 2013 Minute 53	P34	CR/2012/0595/FU L – Tilgate Park, Tilgate Drive, Tilgate, Crawley	Personal Interest as a member of the Cabinet.
Councillor G Thomas	7(1)(a)	Development Control 4 March 2013 Minute 53	P30	CR/2012/0574/FUL 27 Worth Park Avenue, Pound Hill, Crawley	Personal interest - Cllr Thomas knew one of the applicants socially.
Councillor D Crow	7(1)(a)	Development Control 4 March 2013 Minute 53	P34	CR/2012/0595/FUL Tilgate Park, Tilgate Drive, Tilgate, Crawley	Personal interest - as a Member of the Council's Cabinet
Councillor Dr H B Bloom	7(1)(d)	Overview and Scrutiny Commission 18 March 2013 Minute 93.	P7 of supp agenda	Lifeline Service Withdrawal of Supporting People Payments	Personal – as a Member of West Sussex County Council
Councillor Dr H B Bloom	7(1)(d)	Overview and Scrutiny Commission 18 March 2013 Minute 97.	P10 of supp agenda	Health and Adult Social Care Select Committee (HASCSC)	Personal, as Dr Bloom was the Deputy to the Cabinet Member for Health and Adults' Services at West Sussex County Council.
Councillor R G Burgess	7(1)(d)	Overview and Scrutiny Commission 18 March 2013 Minute 93.	P7 of supp agenda	Lifeline Service Withdrawal of Supporting People Payments	Personal – as a Member of West Sussex County Council
Councillor R G Burgess	7(1)(d) and 8	Overview and Scrutiny Commission 18 March 2013 Minute 94	P8 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal – CTFC Season Ticket Holder
Councillor R D Burrett	7(1)(d)	Overview and Scrutiny Commission 18 March 2013 Minute 93.	P7 of supp agenda	Lifeline Service Withdrawal of Supporting People Payments	Personal Interest as a Member of West Sussex County Council
Councillor R D Burrett	7(1)(d) and 8	Overview and Scrutiny Commission 18 March 2013 Minute 94	P8 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal Interest as a Member of West Sussex County Council and as a Governor of Thomas Bennett Community College.

<b>Member</b>	<b>Agenda Item No.</b>	<b>Name and date of Cabinet/ Committee and Minute No.</b>	<b>Minute Book Page No.</b>	<b>Subject or Planning Application No.</b>	<b>Type and Nature of Disclosure.</b>
Councillor R D Burrett	7(1)(d)	Overview and Scrutiny Commission 18 March 2013 Minute 96	P10 of supp agenda	Joint Scrutiny - Flooding	Personal Interest as a Member of West Sussex County Council, serving on the West Sussex Joint Scrutiny Steering Group.
Councillor R D Burrett	7(1)(d)	Overview and Scrutiny Commission 18 March 2013 Minute 97	P10 of supp agenda	West Sussex Health and Adult Social Care Select Committee (HASCSC)	Personal Interest as a Member of West Sussex County Council.
Councillor D G Crow	7(1)(d) and 8	Overview and Scrutiny Commission 18 March 2013 Minute 94	P8 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal – as a Member of West Sussex County Council
Councillor R A Lanzer	7(1)(d) and 8	Overview and Scrutiny Commission 18 March 2013 Minute 94	P8 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal – as a Member of West Sussex County Council
Councillor C C Lloyd	7(1)(d) and 8	Overview and Scrutiny Commission 18 March 2013 Minute 90.	P3 of supp agenda	Designation of Five New Conservation Areas	Personal and Disclosable Pecuniary Interest as a resident and co-owner of a property in Malthouse Road within the area under consideration in the proposed new conservation area designations. Councillor Lloyd withdrew from the meeting whilst this item was discussed.
Councillor L S Marshall-Ascough	7(1)(d) and 8	Overview and Scrutiny Commission 18 March 2013 Minute 90.	P3 of supp agenda	Designation of Five New Conservation Areas	Personal and Disclosable Pecuniary Interest - has a beneficial interest in a property in West Street, within the area under consideration in the proposed new conservation area designations. Councillor Marshall-Ascough withdrew from the meeting whilst this item was discussed.

<b>Member</b>	<b>Agenda Item No.</b>	<b>Name and date of Cabinet/ Committee and Minute No.</b>	<b>Minute Book Page No.</b>	<b>Subject or Planning Application No.</b>	<b>Type and Nature of Disclosure.</b>
Councillor B J Quinn	7(1)(d) and 8	Overview and Scrutiny Commission 18 March 2013 Minute 94	P8 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal – as a current Season Ticket Holder of Crawley Town Football Club.
Councillor A J E Quirk	7(1)(d)	Overview and Scrutiny Commission 18 March 2013 Minute 93.	P7 of supp agenda	Lifeline Service Withdrawal of Supporting People Payments	Personal – as Member of West Sussex County Council
Councillor A J E Quirk	7(1)(d) and 8	Overview and Scrutiny Commission 18 March 2013 Minute 94	P8 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal – as a Member of West Sussex County Council
Councillor B A Smith	7(1)(d)	Overview and Scrutiny Commission 18 March 2013 Minute 93.	P7 of supp agenda	Lifeline Service Withdrawal of Supporting People Payments	Personal – as Member of West Sussex County Council
Councillor B A Smith	7(1)(d)	Overview and Scrutiny Commission 18 March 2013 Minute 97.	P10 of supp agenda	Health and Adult Social Care Select Committee (HASCSC)	Personal – Member of the Health and Adult Social Care Select Committee as a West Sussex County Councillor
Councillor K J Trussell	7(1)(d) and 8	Overview and Scrutiny Commission 18 March 2013 Minute 94	P8 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal – as a current Season Ticket Holder of Crawley Town Football Club
Councillor R G Burgess	7(1)(e) and 8	Cabinet 20 March 2013 Minute 76	P21 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal – CTFC Season Ticket Holder
Councillor R D Burrett	7(1)(e) and 8	Cabinet 20 March 2013 Minute 76	P21 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal – as a Member of West Sussex County Council
Councillor D G Crow	7(1)(e) and 8	Cabinet 20 March 2013 Minute 76	P21 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal Interest as a Member of West Sussex County Council and as a Governor of Thomas Bennett Community College.
Councillor R A Lanzer	7(1)(e) and 8	Cabinet 20 March 2013 Minute 76.	P21 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal – as a Member of West Sussex County Council.



<b>Member</b>	<b>Agenda Item No.</b>	<b>Name and date of Cabinet/ Committee and Minute No.</b>	<b>Minute Book Page No.</b>	<b>Subject or Planning Application No.</b>	<b>Type and Nature of Disclosure.</b>
Councillor C C Lloyd	7(1)(e) and 8	Cabinet 20 March 2013 Minute 74	P18 of supp agenda	Designation of Five New Conservation Areas	Personal and Disclosable Pecuniary Interest as a resident and co-owner of a property in Malthouse Road within the area under consideration in the proposed new conservation area designations. Councillor Lloyd withdrew from the meeting whilst this item was discussed.
Councillor L S Marshall- Ascough	7(1)(e) and 8	Cabinet 20 March 2013 Minute 74	P18 of supp agenda	Designation of Five New Conservation Areas	Personal and Disclosable Pecuniary Interest - has a beneficial interest in a property in West Street, within the area under consideration in the proposed new conservation area designations. Councillor Marshall-Ascough withdrew from the meeting whilst this item was discussed.
Councillor B J Quinn	7(1)(e) and 8	Cabinet 20 March 2013 Minute 76.	P21 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal – as a current Season Ticket Holder of Crawley Town Football Club.
Councillor A J E Quirk	7(1)(e) and 8	Cabinet 20 March 2013 Minute 76.	P21 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal – as a Member of West Sussex County Council
Councillor K J Trussell	7(1)(e) and 8	Cabinet 20 March 2013 Minute 76.	P21 of supp agenda	Final Report of the Crawley Town FC Travel Partnership Scrutiny Panel	Personal – as a current Season Ticket Holder of Crawley Town Football Club.
Councillor Dr H S Bloom	9 (c)			Notice of Motion	Personal Interest as a Member of West Sussex County Council.
Councillor R G Burgess	9 (c)			Notice of Motion	Personal Interest as a Member of West Sussex County Council.
Councillor R D Burrett	9 (c)			Notice of Motion	Personal Interest as a Member of West Sussex County Council.

<b>Member</b>	<b>Agenda Item No.</b>	<b>Name and date of Cabinet/ Committee and Minute No.</b>	<b>Minute Book Page No.</b>	<b>Subject or Planning Application No.</b>	<b>Type and Nature of Disclosure.</b>
Councillor D G Crow	9 (c)			Notice of Motion	Personal Interest as a Member of West Sussex County Council.
Councillor R A Lanzer	9 (c)			Notice of Motion	Personal Interest as a Member of West Sussex County Council.
Councillor C Oxlade	9 (c)			Notice of Motion	Personal Interest as a Member of West Sussex County Council.
Councillor A J E Quirk	9 (c)			Notice of Motion	Personal Interest as a Member of West Sussex County Council.
Councillor B A Smith	9 (c)			Notice of Motion	Personal Interest as a Member of West Sussex County Council.