

Crawley Borough Council

Agenda for the Full Council

To: The Mayor and Members of the Council

You are summoned to attend a meeting of the **Full Council** which will be held in the Council Chamber, Town Hall, Crawley, on **Wednesday 24 July 2013 at 7.30 p.m.**

Nightline Telephone No. (01293) 551636



Head of Legal and Democratic Services

Please contact Roger Browning (Legal and Democratic Services Division) if you have any queries regarding this agenda.

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Emergency procedure for meetings will be circulated to Members and visitors attending this meeting. Please familiarise yourself with these procedures and the location of fire exits.

Duration of the Meeting

If the business of the meeting has not been completed within two and a half hours (normally 10.00 p.m.), then in accordance with Council Procedure Rule 2.2, the Mayor will require the meeting to consider if it wishes to continue for a period not exceeding 30 minutes. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue. (Following the meeting's initial extension, consideration will be given to extending the meeting by further periods not exceeding 30 minutes in each case).

Business - Part A

1. Apologies for Absence

To receive any apologies for absence.

2. Members' Disclosures of Interest

In accordance with the Council's Code of Conduct, members of the Council are reminded that it is a requirement to declare interests where appropriate.

3. Communications

To receive and consider any announcements or communications.

4. Presentation of Long Service Badges

The Mayor will present each of the following Members with a badge commemorating their long service as a Member of Crawley Borough Council:-

AWARD	NAME
15 Years	Councillor Quinn
10 Years	Councillor Crow
10 Years	Councillor Shreeves

5. Petitions

Note by the Petitions Officer (Head of Legal and Democratic Services)

In accordance with the Council's Petition Scheme, the Principal Petitioner for each of the first two petitions shown below (on the Government's Welfare Reforms and on Proposed Cemetery Site at Ewhurst Playing Fields) will be given five minutes to present their petition to the meeting. Each petition will then be discussed by Councillors for a maximum of 10 minutes. With regard to the third petition (on the Bewbush West Playing Fields and the Breezehurst Drive Playing Fields), and as this petition contains less than the 1000 signatures normally required for debate at Full Council, the Principal Petitioner will be given three minutes to present the petition to the meeting. The petition will then be discussed by Councillors for a maximum of 5 minutes.

Council will decide how to respond to each Petition at the meeting. With regard to the first petition (on the Government's Welfare Reforms), the Council may decide to take the action the Petition requests, not to take the action requested for reasons put forward in the debate, or to commission

further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. With regard to the response process to be engaged in relation to the second petition (on the Proposed Cemetery Site at Ewhurst Playing Fields), and the third petition (on the Bewbush West Playing Fields and Breezehurst Drive Playing Fields), these two issues form part of the Local Plan additional sites consultation, and further guidance has been provided as part of those petition items below. The Principal Petitioner for each petition will receive written confirmation of the respective decision. The confirmation will also be published on our website.

The Council is requested to consider the following petitions received in accordance with its Petition Scheme:-

(a) Government Welfare Reforms – Reduction in Housing Benefit for Tenants in Social Housing, Arising on the Basis of Under Occupancy

The Petition contains over 1000 signatures and was received by the Council on 28 June 2013.

The Petition was accepted by the Council's Petitions Officer as reading:-

"We, the undersigned, oppose the bedroom tax and ask Crawley Borough Council not to evict tenants over this."

For information purposes, the petition which is entitled "Crawley Bedroom Tax Campaign" is accompanied by the following statement:

"Over a thousand people could face eviction as the bedroom tax comes into force in April 2013. Some 1,077 homes in Crawley are under attack from this cruel tax affecting the poorest in Crawley and all across England, driving many into poverty on the scale of Victorian England. Council, housing association and private tenants are equally at risk of losing their home as housing benefit is reduced if they have any spare *"bedrooms"*.

Tenants will have to make up the difference of between 14% and 25%, depending on how many spare rooms they have. This will affect working people, as well as those on any DWP benefit."

RECOMMENDATION 1

The Council is recommended to:

- (1) Hear from the Principal Petitioner.
- (2) Determine in accordance with the Council's Petition Scheme any action to be taken in respect of the Petition.

(b) Proposed Cemetery Site at Ewhurst Playing Fields, Ifield

Important note on considering the response to be made to this Petition

The Council will be aware that the matter of the proposed cemetery at Ewhurst playing fields forms part of the Local Plan additional sites consultation. This will effectively be discussed when the proposed new cemetery site and the Submission Draft Local Plan are considered by the Cabinet on 9 October 2013 and by the Full Council on 23 October 2013. Whilst noting the concerns & issues raised in the petition, Members may want to be cautious about pre-empting any of the further work/decisions on this site and on the Local Plan.

The Petition contains over 1000 signatures and was received by the Council on 2 July 2013.

The Petition was accepted by the Council's Petitions Officer as reading:-

"We, the undersigned, petition the Forward Planning Department at the Development & Resources Directorate of Crawley Borough Council.

We object to the proposal to change the use of Ewhurst Playing Fields to a Cemetery as described in the Crawley 2029: Additional Sites Allocation Consultation Documentation 3 June – 1 July 2013.

WE BELIEVE THAT EWHURST PLAYING FIELDS ARE MORE THAN SPORTS PITCHES, THEY ALSO OFFER ATTRACTIVE OPEN GREEN SPACES, FOR LOCAL PEOPLE TO ENJOY, AND SHOULD REMAIN SO FOR THE FUTURE."

RECOMMENDATION 2

The Council is recommended to:

- (1) Hear from the Principal Petitioner.
- (2) To note the concerns and issues raised in the petition, for consideration as part of the decision making process on the cemetery and the Submission Draft Local Plan at the 9 October 2013 Cabinet and the 23 October 2013 Full Council.

(C) Bewbush West Playing Fields and Breezehurst Drive Playing Fields

Important note on considering the response to be made to this Petition

It is reiterated that as with the proposed cemetery site at Ewhurst playing Fields (Item 5 (b) above), the petition on Bewbush West Playing Fields and Breezehurst Drive Playing Fields forms part of the Local Plan additional sites consultation. Whilst noting the concerns & issues raised through the representations made, Members may again want to be cautious about pre-

emptying any of the further work/decisions on these sites as part of the Local Plan.

The Petition contains 284 signatures and was received by the Council on 2 July 2013.

The Petition was accepted by the Council's Petitions Officer as reading:-

"The purpose of this petition is to Refuse Crawley Borough Council's proposal of housing on Bewbush West Playing Fields including Breezehurst Drive"

The statement accompanying the petition requests that the council withdraws these areas from all consideration as possible sites for any redevelopment (housing or otherwise) in the future development of the borough.

In addition, it is requested that the consultation period for the proposal is extended, with further advertisement and public advisement of the proposal.

RECOMMENDATION 3

The Council is recommended to:

- (1) Hear from the Principal Petitioner.
- (2) To note the concerns and issues raised in the petition, for consideration as part of the decision making process on the Submission Draft Local Plan at the 9 October 2013 Cabinet and the 23 October 2013 Full Council.

6. Public Question Time

To answer public questions under Council Procedure Rule 9. The questions must be on matters which are relevant to the functions of the Council, and should not include statements.

One supplementary question from the questioner will be allowed.

Up to 30 minutes is allocated to Public Question Time.

7. Appointments

Members will recall that at its recent AGM the Full Council took the step of appointing substitutes to the Audit and Governance Committee. Whilst substitutes were added to this particular Committee's membership because of the small size and concerns about quorum, it has since been considered wise to perhaps introduce, where appropriate, the addition of substitutes to other Committees / Sub-Committees.

The current Memberships of all Committees / Sub Committees as approved at the AGM, are set out in Appendix A to this agenda. In view of the strong relationship between the Licensing Committee and Licensing Sub-Committee - with the Members and the large number appointed being the same for the

Committee and Sub-Committee (the Sub-Committee draws from the associated pool of 15 Members), it is not felt necessary to further add substitutes to either of these forums. Likewise, the appointment of substitutes for the Appointments and Investigating Committee, the Staff Appeals Board and the Grants Appeals Panel, whose memberships are also drawn from a pool, is not felt necessary.

In accordance with Council Procedure Rule 4, the Council is asked to appoint substitutes to the following, with one substitute appointed for each political group:-

- (a) Development Control Committee.
- (b) General Purposes Committee.
- (c) Overview and Scrutiny Commission.

8. Minutes

To approve as a correct record the minutes of the meeting of the Full Council held on 24 May 2013. (The minutes are on pages 1 to 18 in the Book of Minutes Report, which Members will have before them).

9. Items for debate (Reserved Items)

Prior to the introduction of the Reports of the Cabinet, Overview and Scrutiny Commission and Committees (as contained in the Book of Minutes), Members will be given the opportunity to indicate on which items they wish to speak.

These Reserved Items will then be the only matters to be the subject of a debate.

10. Reports of the Cabinet, Overview and Scrutiny Commission and Committees

- (1) To receive the following reports of the meetings of the Cabinet, Overview and Scrutiny Commission and Committees.
 - (a) Development Control Committee – 25 March 2013.
 - (b) Development Control Committee – 15 April 2013.
 - (c) Development Control Committee – 3 May 2013.
 - (d) Overview and Scrutiny Commission – 3 June 2013.
Including Recommendation 4 relating to the Formal Establishment of Joint Scrutiny Arrangements.
 - (e) Development Control Committee – 4 June 2013.
 - (f) Cabinet – 5 June 2013.
 - (g) Development Control Committee – 24 June 2013.
 - (h) Audit and Governance Committee – 25 June 2013.
 - (i) General Purposes Committee – 1 July 2013.
Including Recommendation 5 relating to Changes to the Constitution.

- (j) Overview and Scrutiny Commission – 8 July 2013.
- (k) Cabinet – 10 July 2013.
Including Recommendation 6, 7, 8 and 9 relating to the Corporate Plan Update 2013 – 2018, the Budget Strategy 2014/2015 – 2018/2019, the Treasury Management Outturn for 2012/2013 and the Living Wage.

Please Note

With regard to the Recommendation arising from the Living Wage, this is reflected in Part 1 of the Cabinet's decision. Part 2 of the Cabinet's decision is the subject of a call-in. This will all form the subject of consideration under item 11 of the Agenda (Reserved Items).

- (2) To adopt the recommendations to full Council, which have not been reserved for debate.

11. Reserved Items

- (1) In accordance with Scrutiny Procedure Rule 14, to deal with the called-in decision of the Cabinet's meeting of 10 July 2013 in relation to the Living Wage. Part 2 of the Cabinet's Living Wage decision is the subject of this call-in. Part 1 of the Cabinet's decision is a recommendation to this Full Council meeting.

It is suggested that with one overall debate at this point of the meeting, the Living Wage be discussed in the following order:-

- (a) To deal with the called-in decision.
- (b) To deal with the recommendation.
- (2) To deal with items reserved for debate including any remaining recommendations, which have been identified by Members under Agenda Item 9.

Councillors who have called in a decision, or reserved items for debate, may speak on an item for no more than 5 minutes.

12. Notice of Motion

To consider, in accordance with Council Procedure Rule 12, the following Notice of Motion to be moved by Councillor Lamb and seconded by Councillor Mullins:-

Blacklisting is an illegal practice, involving the covert gathering, retention and use of information in breach of the Data Protection Act (1998). When the Information Commissioner's Office raided The Consulting Association (TCA) they found that 43 construction companies had paid for information or subscribed to a construction industry blacklist. Local workers are among the thousands of names that were listed by TCA.

Victims of blacklisting find their careers cut short and are left unable to provide for their families. Tragically, at least two workers on TCA lists have committed suicide. Construction is a hazardous industry and those employed in the trade have a legitimate right to raise safety concerns without the threat of blacklisting hanging over their heads.

Councils collectively control billions of pounds of public money and carry out projects involving large sums of capital expenditure. Local authorities have a responsibility to ensure that counter-parties do not break the law in undertaking work for the authority.

Recent comments by Rt. Hon. Francis Maude MP and the Treasury's decision to actively avoid purchasing from firms currently engaged in tax avoidance has highlighted the role that government procurement has to play in discouraging wrong doing and the public sector's responsibility not to reward companies which seek to bend or break the law to gain an commercial advantage over law abiding competitors.

The list below originates from the website of the Information Commissioner's Office and details companies which subscribed to TCA:
The use of brackets indicates where companies have undergone a change of name or where subsidiaries have been absorbed by parent companies. Ex members may no longer exist or no longer avail themselves of the service.

Amec Building Ltd
Amec Construction Ltd
Amec Facilities Ltd
AmecIndDiv
Amec Process & Energy Ltd
Amey Construction – Ex Member
B Sunley& Sons – Ex Member
Balfour Beatty
Balfour Kilpatrick
Ballast (Wiltshire) PLc – Ex Member
Bam Construction (HBC Construction)
Bam Nuttall (Edmund Nutall Ltd)
C B & I
Cleveland Bridge UK Ltd
Costain UK Ltd
Crown House Technologies (Carillion/Tarmac Const)
Diamond M & E Services
Dudley Bower & Co Ltd – Ex Member
Emcor (Drake & Scull) - 'Ex Ref'
Emcor Rail
G Wimpey Ltd – Ex Member
Haden Young
Kier Ltd
John Mowlem Ltd -Ex Member
Laing O'Rourke (Laing Ltd)
Lovell Construction (UK) Ltd – Ex Member
Miller Construction Limited – Ex Member
Morgan Ashurst
Morgan Est
Morrison Construction Group – Ex Member
N G Bailey
Shepherd Engineering Services

Sias Building Services
Sir Robert McAlpine Ltd
Skanska (Kaverna/Trafalgar House Plc)
SPIE (Matthew Hall) - Ex Member
Taylor Woodrow Construction Ltd – Ex Member
Turriff Construction Ltd –Ex Member
Tysons Contractors – Ex Member
Walter Llewellyn & Sons Ltd - Ex Member
Whesoe Oil & Gas
Willmott Dixon – Ex Member
Vinci PLC (Norwest Holst Group)

Consequently, the council resolves:

- 1) Where permitted by legislation not to award contracts or invite tenders from companies who have been involved in blacklisting without first taking steps to ensure that such activities have now ceased.
- 2) to write to companies listed as having had a relationship with TCA to ask them what measures they have taken to rectify matters in this regard and to warn that failure to comply with the law may affect their chances of being awarded further contracts;
- 3) to write to companies appearing on the list with whom we have a current contract or have a tender under active consideration to invite them to meet with ourselves to discuss concerns regarding blacklisting.

13. Members' Written Questions

To answer Members' written questions under Council Procedure Rule 10.3.

14. Announcements by Cabinet Members

An opportunity for Cabinet Members to report verbally (if necessary) on issues relating to their Portfolio not covered elsewhere on the agenda and deal with questions relating to these issues.

15. Questions to Cabinet Members

To answer questions to Cabinet Members under Council Procedure Rule 10.1.

Up to 15 minutes is allocated for questions to Cabinet Members.

16. Questions to Committee Chairs

To answer questions to Committee Chairs.

Up to 15 minutes is allocated for questions to Committee Chairs.

17. Supplemental Agenda

Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.

This information is available in different formats and languages. If you or someone you know would like help with understanding this document please contact the Democratic Services Team on 01293 438549 or email: democraticservices@ Crawley.gov.uk

Appointments to Committees / Sub committees 2013/14

Development Control (8 : 7)
<u>2013/2014 Group nominations</u>
S A Blake
K Brockwell
B J Burgess
L A M Burke
D G Crow
C L Denman
J I Denman (Chair)
A J E Quirk
I T Irvine
S J Joyce (Vice-Chair)
C A Moffatt
D J Shreeves
P C Smith
G Thomas
W A Ward

General Purposes Committee (6 : 5)
<u>2013/2014 Group nominations</u>
L A M Burke (Chair)
R D Burrett
D G Crow
C R Eade
R A Lanzer
L A Walker
M L Ayling
C A Cheshire (Vice-Chair)
P K Lamb
C A Moffatt
C Oxlade

Audit and Governance Committee (3 : 2)
<ul style="list-style-type: none"> Not more than one member shall be a Cabinet member and that Member shall not Chair the Committee. Substitutes added because small size & concerns about quorum
<u>2013/2014 Group nominations</u>
C R Eade
A J E Quirk (Chair)
L A Walker
Substitute Member – L A M Burke
I T Irvine (Vice-Chair)
P K Lamb
Substitute Member – G Thomas

Licensing Committee (9 : 6)
1) Between 10 and 15 Members with a quorum of 10 when dealing with matters under the Licensing Act 2003
2) Members are reminded that the Committee includes Sub Committee daytime meetings responsibilities.
<u>2013/2014 Group nominations</u>
B K Blake (Chair)
N J Boxall
B J Burgess
V S Cumper
C R Eade
L S Marshall-Ascough (Vice-Chair)
D M Peck
K J Trussell
K B Williamson
M L Ayling
C J Mullins
C Oxlade
B J Quinn
D J Shreeves
W A Ward

Licensing Sub-Committee
1) A minimum of three members will be called upon to determine any given application and a Chair will be appointed at each meeting.
2) Membership should be the same as that of Licensing.
3) Please note that a significant number of these meetings are scheduled for the daytime.
<u>2013/2014 Group nominations to Pool</u>
B K Blake
N J Boxall
B J Burgess
V S Cumper
C R Eade
L S Marshall-Ascough
D M Peck
K J Trussell
K B Williamson
M L Ayling
C J Mullins
C Oxlade
B J Quinn
D J Shreeves
W A Ward

Overview and Scrutiny Commission (6 : 4)
All must be non-Cabinet members
<u>2013/2014 Group nominations</u>
B K Blake
S A Blake
N J Boxall (Chair)
B J Burgess
R G Burgess
L S Marshall-Ascough
C A Cheshire
M G Jones (Vice-Chair)
C C Lloyd
B A Smith

Appointments and Investigating Committee (Pool)
1) As far as possible, a politically balanced committee of between 3 and 7 members will be drawn from the following membership.
2) Any committee making recommendations relating to the appointment of the Chief Executive shall consist of seven members (with a quorum of five), whilst a committee appointing a Director shall consist of six members (with a quorum of four). Head of Service appointments shall be made by a committee of five (with a quorum of three).
3) Introduction of specialist training requirements to be explored.
4) Political groups may add further names to the pool if they so wish.
<u>2013/2014 Group nominations</u>
B K Blake
Dr H S Bloom
N Boxall
K Brockwell
B J Burgess
R D Burrett
D G Crow
V S Cumper
C L Denman
J I Denman
C R Eade
R A Lanzer
A J E Quirk
K J Trussell
L A Walker
K B Williamson
S J Joyce
P K Lamb
C C Lloyd
C J Mullins
D J Shreeves
B A Smith

Staff Appeals Board (Pool)
1) Each Board to comprise three members with a quorum of three from the following pool.
2) The members of the Board to include at least one Member of the opposition.
3) Political groups may add further names to the pool if they so wish.
4) Specialist training requirement for Members.
2013/2014 Group nominations
K Brockwell
R G Burgess
R D Burrett
D G Crow
C L Denman
C R Eade
R A Lanzer
C A Cheshire
S J Joyce
C J Mullins
B Quinn
D J Shreeves

Grants Appeals Panel (Pool)
1) As far as possible, a politically balanced panel of 5 (3:2 split) members will be drawn from the following membership.
2) Not to include any Cabinet member involved in the decision on the grant application(s).
3) Political groups may add further names to the pool if they so wish.
2013/2014 Group nominations
S A Blake
L A M Burke (Chair)
D G Crow
C L Denman
J I Denman
C R Eade
K B Williamson
C A Moffatt
C J Mullins
C Oxlade
B J Quinn
D J Shreeves