

Crawley Borough Council

Minutes of the Full Council

Wednesday 23 July 2014 at 7.30 p.m.

Present:

Councillor B A Smith (Mayor).

Councillor C A Cheshire (Deputy Mayor).

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

Also in Attendance:

Mr A C W Crane - Honorary Freeman and Alderman.

Mr J G Smith – Honorary Freeman and Alderman.

Mr B Jones – Appointed Independent Person.

Mr P Nicolson – Appointed Independent Person.

Officers Present:

Lee Harris
Elizabeth Brigden
Ann-Maria Brown
Peter Browning
Roger Brownings
David Covill
Sallie Lappage
Phil Rogers

Chief Executive
Planning Policy Manager
Head of Legal and Democratic Services
Director of Transformation and Housing
Democratic Services Officer
Director of Development and Resources
Forward Planning Manager
Director of Community and Partnership
Services

16. DEREK WARD

The Council observed one minute's silence in memory of Derek Ward, a former Town Hall Attendant at this Council, who had recently passed away.

17. Apologies for Absence

Councillors L A Walker and K B Williamson.
Mr A Quine – Honorary Freeman and Alderman.

18. Members' Disclosures of Interests

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

19. Communications

Andrew Timms

Andrew Timms was appointed by the Council as an Independent Person for a 2 year term on 18th July 2012. His term of office has now expired. He had given 10 years service to this Council in an Independent capacity, serving 8 years as an Independent Member under the previous arrangements on Standards matters, and 2 years under the arrangements introduced by the Localism Act as an Independent Person. With Andrew's role at this Council now ceasing, the Mayor, on behalf of the Council, took this opportunity to convey her thanks to Andrew for his valued contribution to the work of the Council, and advised Members that she would be presenting a gift to Andrew at the next ordinary meeting of the Full Council to acknowledge that service provided.

20. Presentation of long Service Badges

The Mayor presented each of the following Members and a former Member (who had recently ceased to hold office), with a badge commemorating their long service as a Member of Crawley Borough Council and thanked them for their long and dedicated service with this Authority:-

| AWARD | NAME |
|----------|-------------------------|
| 20 Years | Councillor S A Blake |
| 15 Years | Councillor Dr H S Bloom |
| 15 Years | Councillor I T Irvine |
| 10 Years | Councillor B K Blake |
| 10 Years | Councillor K Brockwell |
| 10 Years | Councillor B J Burgess |
| 10 Years | Councillor C A Cheshire |
| 10 Years | Alan Quirk |

With regard to Councillor Walker and former Councillor Claire Denman (each of whom were due to be awarded at this meeting with a badge commemorating 10 Years service), they had both informed the Head of Legal and Democratic Services that unfortunately they were unable to attend this meeting. Alternative arrangements were therefore being made in terms of the presentation / receipt of their badges.

21. Public Question Time

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

| Questioner's Name | Subject | Name of Councillor(s) Responding |
|-------------------|--|---|
| | <u>Questions relating to the Submission Crawley Local Plan – Bewbush:-</u> | |
| Mr C Crane | Mr Crane referred to the Local Plan and increases in population as a result of proposed housing development in Bewbush. He reiterated concerns he had raised at the recent meeting of the Cabinet (2 July 2014) regarding sufficiency of recreation land as part of those Local Plan proposals. | Councillor P C Smith advised Mr Crane that he had written to him that day in response to the concerns he had raised at the Cabinet meeting, and invited Mr Crane to attend a meeting with Officers at the Town Hall to discuss his concerns and provide Officers the opportunity to explain and clarify related issues. Mr Crane thanked Councillor Smith for that invite, but suggested that correspondence by letter would suffice at this stage. |
| Mrs C Latimer | Assurances were sought regarding the need to ensure that all residents would be given the opportunity to respond to the next stage of the consultation process (which was subject to the Full Council's approval of the Local Plan), and that the promotion of that process took account, for example, of those residents without easy access to the internet. Mrs Latimer wished to take up the offer of attending a meeting as referred to by Councillor P C Smith in his response to the previous question. | Councillor P C Smith in outlining the format of the consultation process, indicated that all residents and interested parties would be given the opportunity to respond to the consultation and that the Council was seeking to ensure that the consultation process was strongly promoted, and that additional consideration would be given to this matter as the Local Plan process continued to move forward. He urged all residents to take part in the consultation process generally, and welcomed the suggestion by Mrs Latimer that she attends a meeting as proposed by himself earlier. |

| Questioner's Name | Subject | Name of Councillor(s) Responding |
|--|--|---|
| | <p><u>Questions, including those on the consultation process, relating to the reserve Gypsy and Traveller Site as allocated in the Submission Crawley Local Plan at Broadfield Kennels, southwest of the A264:-</u></p> | |
| <p>Mr M Lashmore, Mr K Berry, Ms Bingham and Parish Councillor S Marley (Colgate Parish Council)</p> | <p>Seeking clarification on a number of issues, including the consultation process, in relation to the above reserve Gypsy and Traveller Site.</p> | <p>Councillor P C Smith as part of his responses on this matter, confirmed that subject to the Full Council's approval of the Local Plan, residents would have the further opportunity to make representations on the policies proposed within the Plan (including that relating to the proposed reserve Gypsy and Traveller Site at Broadfield Kennels), as part of the statutory six-week period of public consultation. It was indicated that representations already received would be taken into account as part of the decision making that evening, whilst Councillor Lamb reiterated that the Council was statutorily required to undertake accommodation need assessments for Gypsies, Travellers and Travelling Showpeople, and to outline in the Local Plan how identified needs would be met through the allocation of sites if required. There would be a major difficulty in taking forward a Local Plan with no allocation of a reserve or permanent Gypsy and Travellers site. In response to a comment from Parish Councillor S Marley, it was confirmed</p> |

| Questioner's Name | Subject | Name of Councillor(s) Responding |
|--------------------|---|--|
| | | <p>that the Local Plan proposal was to keep the reserve Gypsy and Traveller Site within Crawley Borough Council's own boundary. With a number of issues continuing to be raised around the Broadfield North site proposed, and bearing in mind that many of the questions asked would be covered as part of the Full Council's consideration of the Plan later at this meeting - with a formal vote being taken on the Plan at that stage, the Mayor asked that the respective Ward Members reserve their own comments as part of that later Local Plan debate.</p> |
| | <p><u>Question relating to 'Leacroft', 117 Ifield Road, West Green:-</u></p> | |
| <p>Ms V Cumper</p> | <p>Vanessa Cumper reiterated her request to reconsider the purchase of the 'Leacroft' building so that it could operate as a community hub via a social enterprise to provide an advice service, benefiting the whole of Crawley.</p> | <p>Councillor Lamb acknowledged that the West Green neighbourhood was underprovided for in terms of local amenities but indicated that 'Leacroft' was not considered to be a suitable or cost-effective building for meeting those local needs. He confirmed that the provision of community facilities in the West Green area was a matter currently under consideration. In referring to the work currently being undertaken around primary health care provision to residents in that area, Councillor Ward indicated that NHS Crawley Clinical Commissioning Group (CCG) and NHS Horsham and Mid Sussex CCG would be holding a joint</p> |

| Questioner's Name | Subject | Name of Councillor(s) Responding |
|-------------------|--|---|
| | | AGM meeting at the Crowne Plaza Hotel in Crawley the following evening (24 July 2014). He encouraged residents and interested parties to take the opportunity to attend that meeting and seek discussions regarding health care service provision for West Green's residents. |
| | <u>Question relating to West Green Primary School:-</u> | |
| Millie Cumper | A number of issues were raised by Millie, including concerns that no arrangements had been made for her School's Year Six leavers. | The Mayor (Councillor B A Smith) advised the Full Council that she was already aware of Millie's concerns and issues raised following Millie's presentation at a recent meeting of the West Crawley County Local Committee. These matters all related to the work of West Sussex County Council and as Councillor Smith was also the County Councillor for West Green, she had referred the points raised by Millie to Officers at County Hall. Those Officers were currently looking into the matters raised, and the Mayor indicated that she would be in contact with Millie once she had received the County Council's full response. |
| | <u>Question relating to the development of the new Crawley Museum:-</u> | |
| Mr J Herbert | Mr Herbert made further enquiries as to what the next stage was with regard to his proposal for sponsoring a brick for the proposed development of the new Crawley Museum. | Councillor Mullins confirmed that there was a strong interest generally in raising funds in relation to the Museum. Whilst the indication was that the limited number of bricks to be used as part of the development of the |

| Questioner's Name | Subject | Name of Councillor(s) Responding |
|-------------------|---------|--|
| | | Museum would not make such a sponsorship scheme feasible, many other forms of revenue streams would continue to be considered. The aim was to help ensure that we've got one of the best local town museums in Sussex. |

22. Minutes

The minutes of the meeting of the Full Council held on [13 June 2014](#) were approved as a correct record and signed by the Mayor.

23. 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) |
|----------------------|--|---|--|
| 43 | Audit and Governance Committee. 25 June 2014 Minute 5 (Labour Group) | Maidenbower Pavilion – Review of Lessons Learned on Capital Projects. | |
| 57 | Cabinet 2 July 2014 Minute 7 (Labour and Conservative Groups) | | Submission Crawley Local Plan. (Recommendation 1) |
| 58 | Cabinet 2 July 2014 Minute 8 (Labour and Conservative Groups) | | Budget Strategy 2015/2016-2019/2020 (Recommendation 2) |

| 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) |
|-----------------------------|--|--|---|
| 60 | Cabinet 2 July 2014 Minute 9 (Labour and Conservative Groups) | | Treasury Management Outturn for 2013/2014 (Recommendation 3) |

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

Moved by Councillor Cheshire (as the Deputy Mayor) and

RESOLVED

That subject to the clerical corrections set out below, the following reports be received:-

- (a) Development Control Committee – 28 April 2014.
- (b) Development Control Committee – 23 May 2014.
- (c) Development Control Committee – 16 June 2014.
- (d) Licensing Committee – 18 June 2014.
- (e) Audit and Governance Committee – 25 June 2014.
- (f) Overview and Scrutiny Commission – 30 June 2014.
- (g) Cabinet – 2 July 2014.

Clerical Correction

That the name of Councillor C A Moffatt be included in the list of the Councillors present for the meetings of:-

- (a) The Development Control Committee held on 28 April 2014.
- (b) The Development Control Committee held on 23 May 2014.

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.

25. Variation in the Order of Business

The Mayor announced a variation in the order of business in relation to Agenda Item 9 (Reserved Items), so that the following order would apply:-

- (a) The Submission Crawley Local Plan (Recommendations 1).
- (b) To deal with the items reserved for debate, including the remaining Recommendations 2 and 3.

On completion of the above business, the Council would resume with the business as set out in the agenda, with the next item being Item 10 (Notice of Motion).

**26. The Submission Crawley Local Plan
(Cabinet – 2 July 2014)
(Recommendation 1)**

The Cabinet had considered report [SHAP/37](#) of the Head of Strategic Housing and Planning Services. The report advised that the version of the Local Plan which had not received approval by the Full Council at its meeting on 18 December 2013 had since be amended, and the purpose of the report was to request the Full Council to approve the revised submission Crawley Local Plan and its supporting documents for public consultation and submission to the Secretary of State for Independent Examination. The report had also been considered by the Overview and Scrutiny Commission at its meeting on 30 June 2014. In concluding its considerations on this matter, the Cabinet had resolved:-

That the Full Council be RECOMMENDED to:

- 1) Approve the submission Crawley Local Plan (as amended) and Local Plan Map for Publication consultation (a statutory six-week period of public consultation).
- 2) Approve the submission draft Crawley Local Plan for submission to the Secretary of State for Examination by an independent Planning Inspector, subject to minor amendments deemed necessary following Publication Consultation for the purposes of clarity to be approved by the Head of Strategic Housing and Planning Services, in consultation with the Cabinet Member for Planning and Economic Development.
- 3) Delegate the approval of the supporting documents for the Local Plan, technical evidence base document and technical topic papers to support the Local Plan through Examination to the Head of Strategic Housing and Planning Services in consultation with the Cabinet Member for Planning and Economic Development.

Amendments

It was moved by Councillor Lanzer and seconded by Councillor Bloom:-

That the Full Council is RECOMMENDED to approve Recommendation 1, subject to the amendments below and any consequential changes to the Local Plan, the Local Plan Map and supporting documents to reflect the Policy changes proposed. Those changes be delegated for approval to the Head of Strategic Housing and Planning Services, in consultation with the Cabinet Member for Planning and Economic Development.

Amendment 1: (Reinstatement of Town Centre North allocation)

That the Town Centre North Allocation for a major mixed use, retail-led development, including a range of other uses including leisure and housing, be reinstated into the Local Plan, as a new Policy.

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

The amendment upon being put to the Full Council, was declared to be LOST.

Amendment 2 (Policy H2)

That Policy H2 of the Local Plan be amended to remove the allocation of the Oakhurst Grange Nursing Home (Goffs Park Road) as a proposed housing site for 55 dwellings, and to compensate for this reduction by reinstating the allocation of 100 dwellings at the Breezehurst Drive Playing Fields (currently 65) and reinstating the allocation of land adjacent to Gemini Close, Bewbush, for 24 dwellings.

The Council undertook a full and detailed discussion on this amendment and considered the issues raised. At the request of Councillor Crow, and in accordance with Council Procedure Rule 17.4, the names of the Members voting for and against the amendment were recorded as set out below:-

For Amendment 2:-

Councillors B K Blake, S A Blake, Dr H S Bloom, N Boxall, K Brockwell, B J Burgess, R G Burgess, R D Burrett, D G Crow, C R Eade, R A Lanzer, L S Marshall-Ascough, B MeCrow, D M Peck, and K J Trussell (15).

Against Amendment 2:-

Councillors M L Ayling, C A Cheshire, I T Irvine, M G Jones, S J Joyce, P K Lamb, C C Lloyd, T Lunnon, C A Moffatt, C J Mullins, C Oxlade, B J Quinn, R Sharma, D J Shreeves, P C Smith, J Stanley, K Sudan, G Thomas and W A Ward (19).

Abstentions:-

Councillor B A Smith.

Amendment 2 was therefore LOST.

Amendment 3: (Policy H4)

That Policy H4 of the Local Plan be amended to reinstate the requirement for 30% affordable housing from new residential development, plus 10% low cost from developments proposing 15 dwellings or more (where viability allows).

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

The amendment upon being put to the Full Council, was declared to be LOST.

Further Amendment

It was moved by Councillor Jones and seconded by Councillor Sharma:-

That the Full Council is RECOMMENDED to approve Recommendation 1, subject to the amendment below and any consequential changes to the Local Plan, the Local Plan Map and supporting documents to reflect the Policy change proposed. Those changes be delegated for approval to the Head of Strategic Housing and Planning Services, in consultation with the Cabinet Member for Planning and Economic Development.

That Policy H2 of the Local Plan be amended to remove the allocation of the Oakhurst Grange Nursing Home (Goffs Park Road) as a proposed housing site for 55 dwellings.

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

The amendment upon being put to the Full Council, was declared to be CARRIED.

The Cabinet's recommendation to the Full Council as revised by the amendment as carried above, became the substantive motion. As part of the debate on that motion, detailed consideration was given to the Broadfield Kennels site as a proposed reserve travellers' site. In this connection, further comments were conveyed by the respective Ward Members, including in particular those around residents' concerns. In response, the Full Council was reminded of the major difficulty of taking forward a Local Plan with no allocation of a reserved gypsy and travellers' site, whilst the Local Plan being considered by the Full Council would commit the Council to continue to search for and analyse the potential for alternative sites. Further debate was also undertaken in relation to other Local Plan policies including issues raised by Members regarding Policy H4 (Affordable and Low Cost Housing), with reference made to the proposed Amendment 3, as lost, above.

At the request of Councillor Crow, 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, C A Cheshire, M G Jones, S J Joyce, P K Lamb, C C Lloyd, T Lunnon, C A Moffatt, C J Mullins, C Oxlade, R Sharma, D J Shreeves, P C Smith, J Stanley, K Sudan, G Thomas and W A Ward (17).

Against the motion:-

Councillors B K Blake, S A Blake, Dr H S Bloom, N Boxall, K Brockwell, B J Burgess, R G Burgess, R D Burrett, D G Crow, C R Eade, R A Lanzer, L S Marshall-Ascough, B McCrow, D M Peck, and K J Trussell (15).

Abstentions:-

Councillor I T Irvine, B J Quinn and B A Smith (3)

The substantive motion was therefore CARRIED, and it was

RESOLVED

- (1) That subject to the further amendment in (2) below:
 - (i) The submission Crawley Local Plan (as amended) and Local Plan Map be approved for Publication consultation (a statutory six-week period of public consultation).
 - (ii) The submission draft Crawley Local Plan be approved for submission to the Secretary of State for Examination by an independent Planning

Inspector, subject to minor amendments deemed necessary following Publication Consultation for the purposes of clarity to be approved by the Head of Strategic Housing and Planning Services, in consultation with the Cabinet Member for Planning and Economic Development.

(iii) The approval of the supporting documents for the Local Plan, technical evidence base document and technical topic papers to support the Local Plan through Examination, be delegated to the Head of Strategic Housing and Planning Services in consultation with the Cabinet Member for Planning and Economic Development.

- (2) That Policy H2 of the Local Plan be amended to remove the allocation of the Oakhurst Grange Nursing Home (Goffs Park Road) as a proposed housing site for 55 dwellings. Consequential changes to the Local Plan, the Local Plan Map and supporting documents to reflect this Policy change, be delegated for approval to the Head of Strategic Housing and Planning Services, in consultation with the Cabinet Member for Planning and Economic Development.

27. 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 Full 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.

28. Reserved Items – General

(a) Matter raised under the report of the Audit and Governance Committee – 25 June 2014

This related to the Maidenbower Pavilion – Review of Lessons Learned on Capital Projects. Both Councillor Mullins (as the Cabinet Member for Leisure and Cultural Services) and Councillor Irvine (as Chair of the Committee) thanked Councillor Walker for bringing forward to the Committee his concerns regarding a number of issues relating to the construction of that Pavilion. In so doing it was emphasised that as part of the work undertaken by the Committee on this matter, lessons had been learnt and were being acted upon. The issues raised by Councillor Walker had been discussed by the Committee in detail, whilst those matters had also been considered in the context of the high value and number of contracts undertaken by the Council before and after the Maidenbower Pavilion project, all of which had been delivered on time and to budget. However, with lessons learned in terms of the construction element of the project, and in thanking the Committee for its work undertaken, the Cabinet Member advised the Full Council that it would be he who would now be moving matters forward in terms of ensuring the Pavilion's effective management and operation. With this in mind, the Cabinet Member informed the Council that he and Officers would be working closely with representatives of the Pavilion's Social Club. The intention being to ensure that the Pavilion was managed in accordance with its original community objectives and operated in accordance with sound financial management principles. Councillor Irvine thanked Councillor Mullins for his undertaking to move this forward and conclude the matters concerned.

(b) **The reserved items containing the remaining recommendations to Full Council.**

These were dealt with as set out in Minute Numbers 29 and 31 below:-

**29. Budget Strategy 2015/2016-2019/2020
(Cabinet – 2 July 2014)
(Recommendation 2)**

The Cabinet had considered the report [FIN/339](#) of the Deputy Head of Finance, which had also been considered by the Overview and Scrutiny Commission at its meeting on 30 June 2014.

Amendment

The following amendment to Part 3) of Recommendation 2 was moved by Councillor Crow and seconded by Councillor Burrett. (Additional / amended text is shown in bold, whilst deleted text has been crossed through):-

3) Note that there is a gap of £1.1m between projected General Fund income and expenditure for the three year period to 2017/2018 and ~~work towards balancing this over a three year period~~ **maintain the existing balanced budget in each of the next three years**, including putting back into reserves when the budget is in surplus.

The Full Council undertook a detailed discussion particularly around the amendment as moved.

The amendment above, upon being put to the Council, was declared to be LOST.

Upon the original motion being put to the Council, it was

RESOLVED

- (1) That the Budget Strategy be approved
- (2) That a freeze in the Council Tax for 2015/2016 be included in projections.
- (3) That it be noted that there is a gap of £1.1m between projected General Fund income and expenditure for the three year period to 2017/2018 and work towards balancing this over a three year period, including putting back into reserves when the budget is in surplus.
- (4) That the Corporate Management Team be instructed to take action to address the budget gap and to identify policy options for consideration by Cabinet Members and the Budget Advisory Group.
- (5) That an allocation of up to £2m for the 2017/18 Capital programme be approved.
- (6) That the allocation of £5m of capital reserves to an earmarked Investment Acquisition Reserve to fund the potential acquisition of commercial properties in accordance with the criteria set out in section 7 of report FIN/339, be agreed.
- (7) That the Director of Transformation and Housing be authorised to acquire suitable land and property for investment purposes in consultation with the Leader of the Council, Director of Development and Resources and the Chief

Finance Officer. All such purchases shall be subject to there being sufficient funds in the Investment acquisition reserve and in accordance with the guideline criteria.

30. 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 Full 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.

31. Treasury Management Outturn for 2013/2014 (Cabinet – 2 July 2014) (Recommendation 3)

The Cabinet had considered the report [FIN/335](#) of the Deputy Head of Finance, which had also been considered by the Overview and Scrutiny Commission at its meeting on 30 June 2014.

Moved by Councillor Lamb, seconded by Councillor Joyce and

RESOLVED

- (1) That the actual 2013/2014 Prudential and Treasury Indicators as set out in report FIN/335, be approved.
- (2) That the Annual Treasury Management Report for 2013-2014 be noted.

32. Notice of Motion

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

The Motion was as follows:-

“This Council recognises that rented accommodation in the private sector is an important part of Crawley’s diverse mix of housing. The Council is concerned to learn that Croydon Borough Council, the nearest Labour-controlled Council to Crawley, plans to introduce a Licensing Scheme for private rented accommodation that risks additional costs of £200 per year being passed on to private sector tenants in the Borough.

Whilst recognising that licensing is required for rented Homes in Multiple Occupation (HMOs), and that such licensing already exists in Crawley, this Council believes that a Licensing Scheme for all properties in the private rented sector risks increased costs being passed on to tenants.

Therefore, in order to bring reassurance to Crawley’s private sector tenants and to avoid putting upward pressure on rents and fees, this Council resolves not to implement any policies in the private sector housing market which:

- i. create additional costs for the sector; and

- ii. risk a reduction in the number or percentage of private sector properties being available to be offered for rent on the open market in Crawley.”

In response to this motion it was emphasised that with private sector rented accommodation being of a generally good standard locally, and irrespective of what other local authorities might choose to do within the varying circumstances of their private sector accommodation standards, there were no proposals at this stage for Crawley Borough Council to introduce a Licensing Scheme for all private rented accommodation as described in the motion. It was recognised and appreciated why such a scheme might be adopted to benefit the housing market in other local authorities, including Croydon. It was considered that the circumstances in Croydon were very different to those currently in Crawley, and that this Council would decide what was best for Crawley given the housing stock within this town, and how to achieve the associated objectives.

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

For the Notice of Motion:-

Councillors B K Blake, S A Blake, Dr H S Bloom, N Boxall, K Brockwell, B J Burgess, R G Burgess, R D Burrett, D G Crow, C R Eade, R A Lanzer, L S Marshall-Ascough, B McCrow, D M Peck, and K J Trussell (15).

Against the Notice of Motion:-

Councillors M L Ayling, C A Cheshire, I T Irvine, M G Jones, S J Joyce, P K Lamb, C C Lloyd, T Lunnon, C A Moffatt, C J Mullins, C Oxlade, B J Quinn, R Sharma, D J Shreeves, P C Smith, J Stanley, K Sudan, G Thomas and W A Ward (19).

Abstentions:-

Councillor B A Smith.

The Notice of Motion was therefore LOST.

33. Duration of the Meeting

The business of the meeting had still not been completed within the earlier agreed 30 minute extension. Whilst the items of business on Members' Written Questions, Announcements by Cabinet Members, Questions to Cabinet Members and Questions to Committee Chairs were still outstanding (but not requiring a decision), the Mayor proceeded to close the meeting. With the Mayor having put it to the Full Council, the vote was in favour of not continuing the meeting.

34. Closure of Meeting

The meeting ended at 11.03 p.m.

B A Smith
Mayor

APPENDIX A

Members' Disclosures of Interest

| Member | Agenda Item No. | Name and date of Cabinet/ Committee and Minute No. | Minute Book Page No. | Subject or Planning Application No. | Type and Nature of Disclosure. |
|-----------------------------------|------------------------|--|-----------------------------|--|---|
| Councillor D J Shreeves | 8(1)(a) | Development Control 28 April 2014 Minute 88 | p21 | CR/2014/0046/FUL Land formerly Langley Green Primary School, Stagelands | Personal interest as Cllr Shreeves was previously a governor of Langley Green Primary School. |
| Councillor B J Burgess | 8(1)(c) | Development Control 16 June 2014 Minute 5 | p35 | CR/2014/0081/FUL Unit 99 Finlay Court and 113 Nokes Court, Commonwealth Drive, Three Bridges, Crawley | Personal Interest as Councillor R G Burgess (husband) was speaking in objection to the planning permission. |
| Councillor C C Lloyd | 8(1)(f) and 7 | Overview and Scrutiny Commission 30 June 2014 Minute 8 | p51 | Budget Strategy 2015/2016-2019/2020 | Personal Interest as a Member of the Local Government Pension Scheme. |
| Councillor C C Lloyd | 8(1)(g) and 7 | Cabinet 2 July 2014 Minute 8 | p58 | Budget Strategy 2015/2016-2019/2020 | Personal Interest as a Member of the Local Government Pension Scheme. |
| Councillor R D Burrett | 8(1)(g) | Cabinet 2 July 2014 Minute 12 | p61 | Approval of Section 106 Monies for Education. | Personal Interest as a Member of West Sussex County Council. |
| Councillor J Stanley | 8(1)(g) | Cabinet 2 July 2014 Minute 12 | p61 | Approval of Section 106 Monies for Education. | Personal Interest as a Community School Governor at Waterfield Primary School. |
| Councillor D G Crow | 10 | | | Notice of Motion | Personal Interest as a private sector tenant in Crawley. |
| Councillor M G Jones | 10 | | | Notice of Motion | Personal Interest as a private sector tenant in Crawley. |
| Councillor P K Lamb | 10 | | | Notice of Motion | Personal Interest as a private sector tenant in Crawley. |
| Councillor T Lunnon | 10 | | | Notice of Motion | Personal Interest as a private sector tenant in Crawley. |
| Councillor L S Marshall - Ascough | 10 | | | Notice of Motion | Personal Interest as a private sector landlord in Crawley. |

Crawley Borough Council

Minutes of Development Control Committee

14 July 2014 at 7.30pm

Present:

| | |
|-------------|--|
| Councillor | C A Moffatt (Chair) |
| Councillor | R Sharma (Vice-Chair) |
| Councillors | M L Ayling, B K Blake, S A Blake, N J Boxall, B J Burgess, D G Crow, I T Irvine, S J Joyce, B McCrow, P C Smith, G Thomas and K J Trussell |

Officers Present:

| | |
|-----------------|---------------------------------------|
| Ann-Maria Brown | Head of Legal and Democratic Services |
| Michelle Harper | Principal Planning Officer |
| Jean McPherson | Group Manager Development Management |
| Mez Matthews | Democratic Services Officer |

Apologies for Absence:

Councillor W A Ward

7. Lobbying Declarations

No lobbying declarations were made.

8. Members' Disclosure of Interests

The following disclosures of interests were made by Members:-

| Member | Minute Number | Subject | Type and Nature of Disclosure |
|---------------------|---------------|--|--|
| Councillor R Sharma | Minute 10 | CR/2014/0237/FUL 140 Three Bridges Road, Three Bridges, Crawley | Personal Interest in the item as he knew the owner of the property |
| Councillor G Thomas | Minute 10 | CR/2014/0237/FUL 140 Three Bridges Road, Three Bridges, Crawley | Personal Interest in the item as he was a Trustee of Ifield Park Nursing Home which was a fellow care home provider in the town. |

9. Minutes

The minutes of the meeting of the Committee held on 16 June 2014 were approved as a correct record and signed by the Chair.

10. Planning Applications List

The Committee considered report PES/139 of the Head of Planning and Environmental Services

RESOLVED

That in respect of the applications specified below, details of which are more particularly set out in report PES/139 of the Head of Planning and Environmental Services and in the Register of Planning Applications the decisions be given as indicated:-

* **CR/2014/0082/FUL** - Land North of Ring Road North, South Terminal, Gatwick.

Erection of a restaurant and drive thru facility within use classes A3 (restaurants and cafes) and A5 (takeaways and drive through premises)

The Principal Planning Officer provided a verbal summation of the application.

Councillors C A Moffatt and G Thomas had visited the site independently.

The Committee considered the application in detail and raised the following concerns:-

- The proposal would result in the loss of a significant number of trees and an area of woodland with its related ecology
- Mitigation was insufficient in terms of the number of trees to be lost
- The Proposed use did not contribute to the safe and efficient operation of the airport
- Development would cause runoff from site and result in flooding
- Lack of public access not relevant
- Queried how energy efficient the proposed building would be
- Facility would be used by people not just visiting airport and would therefore have an impact on surrounding road network

A large number of Members expressed concern specifically with regard to the loss of trees. There was concern that the Arboricultural Officer had objected to the development on the grounds that part of the well-established broadleaved semi mature woodland would be lost and that the subsequent replacement planting strategy submitted by the applicant still did not adequately mitigate the tree loss. It was suggested by the Committee that a large-scale mitigation of tree planting would be required to compensate for the loss of trees and woodland. This suggestion was debated although it was accepted that accommodating the facility would result in the loss of trees and that safeguarding issues would mean that tree replacement within such close proximity to Gatwick airport would be difficult. In addition, the Planning Officer advised that it would not be possible to provide mitigation elsewhere on land not within Gatwick's ownership.

The Committee overturned the officer's recommendation to permit the application.

Refused for the following reason:

The proposed development would result in the loss of an area of woodland and trees, with its related ecology, which is considered an important natural asset to the local environment contrary to policies EN4 and EN5 of the Local Development Framework Core Strategy and Policy GD5 of the Crawley Borough Local Plan.

* **CR/2014/0237/FUL** - 140 Three Bridges Road, Three Bridges, Crawley

Change of use from dwellinghouse (C3) to residential care home (C2) and erection of a single storey rear extension to replace a rear conservatory; replacement garage doors with windows to create a laundry/store and minor enlargement of existing block paved parking area (amended plans received).

The Principal planning Officer provided a verbal summation of the application.

Councillors B McCrow and R Sharma had attended the site visit.

Councillors B K Blake, S A Blake, C A Moffatt, P C Smith, G Thomas and K J Trussell had visited the site independently.

Permitted subject to standard detailed permission time limit, Decision Notice, materials, finishes, parking spaces, turning facilities and cycle store.

CR/2014/0339/FUL – 24 Clive Way, Pound Hill, Crawley

Erection of single storey side and rear extension.

The Principal Planning Officer provided a verbal summation of the application.

Councillor C A Moffatt had visited the site independently.

Permitted subject to standard detailed permission time limit, Decisions Notice, materials and finishes.

*In connection with these applications, the Committee had before it letters from nearby residents and/or public authorities.

11. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 8.37pm.

C A MOFFATT
Chair

Crawley Borough Council

Minutes of Development Control Committee

4 August 2014 at 7.30pm

Present:

| | |
|-------------|--|
| Councillor | C A Moffatt (Chair) |
| Councillor | R Sharma (Vice-Chair) |
| Councillors | M L Ayling, B K Blake, S A Blake, N J Boxall, B J Burgess, D G Crow, I T Irvine, S J Joyce, B McCrow, P C Smith, G Thomas, K J Trussell and W A Ward |

Also in Attendance:

Councillor R D Burrett

Officers Present:

| | |
|-----------------|---|
| Kevin Carr | Legal Services Manager |
| Michelle Harper | Principal Planning Officer |
| Marc Robinson | Principal Planning Officer |
| Angela Tanner | Head of Planning and Environmental Services |
| Mez Matthews | Democratic Services Officer |

12. Lobbying Declarations

No lobbying declarations were made.

13. Members' Disclosure of Interests

The following disclosure of interest was made by a Member:

| Member | Minute Number | Subject | Type and Nature of Disclosure |
|-------------------------|---------------|--|--|
| Councillor S A Blake | Minute 15 | CR//2014/0347/FUL 5 Kipling Close, Pound Hill, Crawley | Personal Interest as a neighbour of 5 Kipling Close was known to her. |

14. Minutes

The minutes of the meeting of the Committee held on 14 July 2014 were approved as a correct record and signed by the Chair.

15. Planning Applications List

The Committee considered report PES/140 of the Head of Planning and Environmental Services

RESOLVED

That in respect of the applications specified below, details of which are more particularly set out in report PES/140 of the Head of Planning and Environmental Services and in the Register of Planning Applications the decisions be given as indicated:-

* **CR/2014/0210/FUL** – 4 SAXON ROAD, POUND HILL, CRAWLEY

ERECTION OF FIRST FLOOR SIDE EXTENSION OVER EXISTING GARAGE.

Councillors B K Blake, S A Blake, B J Burgess, S J Joyce, B McCrow and W A Ward had attended the site visit.

Councillor P C Smith had visited the site independently.

Marc Robinson, Principal Planning Officer, provided a verbal summation of the application.

Mr Peter Hubbard addressed the Committee and spoke in objection to the application on the following grounds:

- His conservatory and garden would become unusable during construction due to noise, dust, dirt and general disturbance;
- His conservatory was a well established part of his property as it was built in 1993, before Mr Hubbard and his wife bought the house;
- The bulk and massing of the proposal would be overbearing, and would affect both the ground floor (kitchen/diner, dining room and conservatory) and the first floor (bedrooms and bathrooms);
- Loss of views and light due to the proximity of the proposed extension;
- If approved, the neighbouring house would extend across 30% of his garden which would create a loss of privacy as his garden would be overlooked;
- Trees, which currently bordered the two properties could be lost which would result in a loss of natural screening.

Mrs Sheila Bagree addressed the Committee and raised the following objections to the application:

- It would result in a loss of privacy to her property;
- Light would be restricted to her south facing garden in the winter months;
- Six of the nine rooms in her house were south facing and would be directly affected by the proposed extension with a loss of light and those rooms being overlooked;
- Her physical and mental wellbeing would be compromised if permission were granted, as she would be unable to use her garden and outside space in the same way in which she did now.

Ms Joyce Watts addressed the Committee and raised the following objections to the application:

- The proposed extension would set a precedent in the area and could lead to a terracing affect in the future;

- The houses in the vicinity were originally of mixed sizes. The proposal if approved, would lead to a loss of smaller homes, especially if other houses in the area were extended in the future;
- The ambience of the area would change and there would be a loss of trees;
- 4 Saxon Road was preceded by a corner and the proposed extension would increase the risk of cyclists and pedestrians.

Following a query from the Committee, the Principal Planning Officer (MR) stated that, should the Committee refuse the application before it, the previously granted planning application (CR/2013/0518/FUL) was still valid and could be implemented. It was also noted that the word “acceptable” within paragraph 6.1 of the officer’s report referred to the fact that, in the officer’s opinion, the proposal was acceptable in terms of its position to the surrounding properties and the impact the proposal would have on the amenities of those neighbours.

Permitted subject to conditions concerning: permission time limit, Decision Notice, materials / finishes and windows.

CR/2014/0261/FUL – DUALIT, COUNTY OAK WAY, LANGLEY GREEN, CRAWLEY

ERECTION OF TWO WAREHOUSE EXTENSIONS, PROVISION OF REVISED PARKING, REPOSITIONING OF ACCESS GATE, RELOCATION OF NITROGEN TANK, INSERTION OF ROOF LIGHTS AND NEW LANDSCAPING.

Michelle Harper, Principal Planning Officer, provided a verbal summation of the application.

The Committee considered the application and the following queries were raised:

- Would the trees that were proposed to be removed be replaced with trees of the same species?;
- Would the Travel Plan (proposed condition 4) include details of the company’s mini bus service?

In response to those queries, the Principal Planning Officer (MH) stated that:

- The trees to be removed were semi-mature. The species of the replacement trees would be detailed in the landscaping works which were required to be submitted and approved by the Council as part of proposed condition 7;
- A Travel Plan was required as part of proposed condition 4. Although the Travel Plan had not yet been submitted the use of a staff min-bus could form part of that Plan. Travel Plans had been used in relation to other planning applications and had proved to be successful.

Permitted subject to conditions concerning: permission time limit, materials / finishes, Travel Plan, car parking, cycle parking, soft landscaping, site set up, Bird Hazard Management Plan and upon the conclusion of an agreement under Section 106 of the Town and Country Planning Act 1990 concerning Manor Royal and transport contributions.

Should the Section 106 Agreement fail to be completed by 24 August 2014, and unless there were exceptional circumstances for the delay, the Head of Planning and Environmental Services be authorised to refuse planning permission for the following reason:

“An agreement is not in place to ensure that the appropriate infrastructure provisions to support the development and the development is therefore contrary to policies

GD3, GD35 and GD36 of the Crawley Borough Council Local Plan 2000 and contrary to policy ICS2 of the Crawley Borough Local Development Framework Core Strategy and Supplementary Planning Guidance Document 'Planning Obligations and S106 Agreements'.

CR/2014/0317/NCC – FAIRFIELD HOUSE SITE, WEST GREEN DRIVE, WEST GREEN, CRAWLEY

MINOR AMENDMENT TO INCLUDE REVISED LAYOUT AND ELEVATIONS RESULTING IN A REDUCTION IN THE NUMBER OF THE OVERALL FLATS FROM 93 TO 92 AND THE REMOVAL OF CONDITION 11 (SERVICE LAY-BY) (AMENDED DESCRIPTION).

Councillors B K Blake, S A Blake, B J Burgess, S J Joyce, B McCrow and W A Ward had attended the site visit.

Councillors C A Moffatt and G Thomas had visited the site independently.

Marc Robinson, Principal Planning Officer, provided a verbal summation of the application and informed the Committee that an additional condition was required regarding the drawing number/s of the plans. He also explained that, following further discussions with West Sussex County Council, the Section 106 contributions relating to total access demand had been reduced from £91,300 to £10,000.

The Committee considered the application and raised a number of questions / comments, including:

- Why had there been a reduction in Section 106 contributions relating to total access demand?
- It was a shame that a mature Oak tree would be removed as part of the development as it would provide screening and amenity;
- Would the accommodation have common accesses?
- Did the development include low cost housing as well as affordable housing?
- Would Sunnymead be used as the main access to the site, and if so, could that be an issue?
- Would all units have allocated parking?

In response to the queries raised above, the Principal Planning Officer (MR) informed the Committee that:

- The original total access demand contributions had been based on the proposal being a new development and had not taken into account the accommodation which had been provided on the original site. The contribution had been reassessed to take that into account and had consequently been reduced;
- It was not yet known how the units would be allocated and the issue would be a management issue.
- The development would provide shared ownership units as well as affordable housing;
- The parking and access arrangements for cars would remain unchanged from the original application, but the removal of the access onto West green Drive would now result in service vehicles using the Sunnymead access.;
- The ownership of parking spaces was outside of the Council's control and remit;
- The development was located next to a multi-storey car park.

The following additional condition was **agreed**:

The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, drawing No.612178, 001; Site layout, drawing No.612178, 04 rev D: Site layout (showing footprint of approved outline application), drawing No. 612178, 014-a rev. D.

REASON: For the avoidance of doubt and in the interest of good planning.”

Permitted subject to conditions concerning: reserved matters, permissions time limit, materials / finishes, landscaping scheme, tree/bush/hedge retention and protection, parking spaces / turning facilities, access(es), surface water discharge, construction programme, construction access, motorcycle / bicycle storage, contamination scheme, refuse storage and associated building / structure size, drawing/plan numbers and upon the conclusion of an agreement under Section 106 of the Town and Country Planning Act 1990 concerning total access demand, primary education, secondary education, sixth-form, libraries, fire service (and amenity open space if required) contributions.

Should the Section 106 Agreement fail to be completed by 11 August 2014, and unless there were exceptional circumstances for the delay, the Head of Planning and Environmental Services be authorised to refuse planning permission for the following reason:

An agreement is not in place to ensure that the appropriate infrastructure provisions to support the development and the development is therefore contrary to policies GD3, GD35 and GD36 of the Crawley Borough Council Local Plan 2000 and contrary to policy ICS2 of the Crawley Borough Local Development Framework Core Strategy and Supplementary Planning Guidance Document 'Planning Obligations and S106 Agreements'.”

CR/2014/0342/FUL – IFIELD WEST COMMUNITY CENTRE, DOBBINS PLACE,
IFIELD, CRAWLEY.

ERECTION OF OPEN-SIDED CANOPY SHELTER WITHIN THE COURTYARD.

Councillors S A Blake and P C Smith had visited the site independently.

Permitted subject to conditions concerning: permission time limit and materials.

* **CR/2014/0347/FUL** – 5 KIPLING CLOSE, POUND HILL, CRAWLEY.

ERECTION OF TWO STOREY SIDE EXTENSION (AMENDED BLOCK PLAN RECEIVED).

Councillors B K Blake, S A Blake, S J Joyce, B McCrow and W A Ward had attended the site visit.

Councillors C A Moffatt, P C Smith and G Thomas had visited the site independently.

Marc Robinson, Principal Planning Officer, provided a verbal summation of the application.

Mr Roy Billis addressed the Committee and raised the following points of concern:

- He sought confirmation that the window on the upper flank wall of the proposed extension would be obscure glazed and top hung. He stated that he would be in support of such a condition;
- He sought assurance that the proposed building works would not go beyond the north wall of the existing garage and that of the agreed boundary plan;
- He queried where the soak away would be located.

Councillor Richard Burrett addressed the Committee as Ward Councillor and stated that he had requested the application be brought before the Committee following a discussion with Mr Billis. Councillor Burrett raised the following points:

- Mr Billis had been concerned that the first floor of the extension would overlook his property. Councillor Burrett was pleased that proposed conditions 4 (that no additional windows could be constructed, other than those on the approved plans) and 5 (that the approved windows would be obscure glazed and top hung) addressed those concerns;
- Mr Billis had been concerned about the car parking arrangements. Although condition 6 required that one parking space be provided and maintained no plans showing the location of the space had been provided. Councillor Burrett requested that two parking spaces be provided if possible to alleviate any parking issues

Comments and questions from the Committee included:

- Was there any assurance that the building materials would not encroach on the pathway?
- Where would the soak away be positioned?
- Paragraph 5.8 of the officer's report referred to a parking plan. Had the plan been received?

In response to the queries / concerns raised above, the Principal Planning Officer (MR) stated the following:

- The proposed extension was 4m wide and would not go beyond the existing garage wall;
- The window on the north elevation of the building would be obscure glazed and top hung to avoid overlooking;
- The position of the soak away was not under the control of the Borough Council, and would be dealt with by Building Control. It would however be located in the garden;
- It would only be possible to park one car in accordance with West Sussex County Council's parking standards;
- It would not be possible to impose a condition relating to storage of building materials as encroachment of private property was an issue for the respective landowners to resolve.

Permitted subject to conditions concerning: permission time limit, materials / finishes, no windows (north elevation of extension), obscured glass and non-opening (bedroom window on north elevation) and parking space.

* **CR/2014/0352/FUL** – SITE E2, CRAWLEY BUSINESS QUARTER, NORTHGATE, CRAWLEY.

ERECTION OF A 4 STOREY OFFICE BUILDING WITH ASSOCIATED ROOF PLANT, CAR PARK AND LANDSCAPE WORKS.

Councillors C A Moffatt and P C Smith had visited the site independently.

Michelle Harper, Principal Planning Officer, provided a verbal summation of the application and provided the following points of clarification:

- The parking provisions referred to in Paragraph 5.16 of the officer's report accorded with the guidelines contained within the Manor Royal Supplementary Planning Document;
- Incorporated landscaping to ensure the car parking did not over dominate the building;
- The six storey building which had previously occupied the land had provided less parking than that provided in the application before the Committee;
- The site was currently being used as car parking for Gatwick Airport;
- The Section 106 contributions in relation to total access demand would be used for cycling provisions;
- Although the Council had been liaising with Manor Royal regarding schemes for Manor Royal no schemes had been finalised to date. The Section 106 contributions relating to Manor Royal would be used to fund such a scheme when finalised.

Mr James Buckley (TP Bennett) addressed the Committee and made the following points:

- TP Bennett represented their client The Abstract Group;
- The Abstract Group's portfolio included Renaissance in Croydon which had achieved BREEAM Excellent and had been brought quickly to the market at an affordable rent;
- Construction of the development was intended to commence in September 2014 with completion envisaged for the final quarter of 2015;
- The flexibility of the floorspace and the accessible location had been attracting a number of potential tenants;
- The development proposed 313 parking spaces (1:39sqm), whereas the previous planning permission had proposed 1:40spm;
- More parking could be provided but would be subject to specific tenant requirements.

The Committee considered the application and raised the following comments / queries:

- The development would encourage economic prosperity;
- The proposal did not propose any loss of trees;
- The Police had submitted comments on the application, what were those comments?
- The possibility of a raised parking deck had not been included in the plan. It would be desirable to increase the number of parking spaces should the units be rented separately;
- Could it be possible for the development to be converted into flats at a future date?

The Principal Planning Officers (MH/MR) responded to the queries above as follows:

- The Police's comments related to the internal security of the building and such comments were usually included as an informative when necessary;
- Condition 2 stated that the site could only be used for B1 Use and it would not be possible to convert the building into flats at a future date without the submission of a planning application;
- Flexibility had been built into the application to allow for the various requirements of possible tenants;

Permitted subject to conditions concerning: permission time limit, a restriction to a B1 Use, surface water attenuation and mitigation, landscaping scheme, hard and soft landscaping, vehicular / pedestrian / cycle accesses, parking spaces, cycle parking, Travel Plan, construction management plan, Bird Hazard Management Plan and upon

the conclusion of an agreement under Section 106 of the Town and Country Planning Act 1990 concerning Manor Royal and total access demand contributions.

Should the Section 106 Agreement fail to be completed by 27 August 2014, and unless there were exceptional circumstances for the delay, the Head of Planning and Environmental Services be authorised to refuse planning permission for the following reason:

“An agreement is not in place to ensure that the appropriate infrastructure provisions to support the development and the development is therefore contrary to policies GD3, GD35 and GD36 of the Crawley Borough Council Local Plan 2000 and contrary to policy ICS2 of the Crawley Borough Local Development Framework Core Strategy and Supplementary Planning Guidance Document ‘Planning Obligations and S106 Agreements’.”

CR/2014/0415/ARM – FORMER GSK SITE, MANOR ROYAL, NORTHGATE, CRAWLEY

APPROVAL OF RESERVED MATTERS FOR THE DESIGN, APPEARANCE AND LAYOUT OF 4 BUILDINGS TO INCLUDE 2 DATA STORAGE HALLS, 1 BUSINESS HUB BUILDING, COMPRISING CAFÉ AT GROUND FLOOR WITH OFFICES ABOVE AND AN EMERGENCY POWER BUILDING TOGETHER WITH ASSOCIATED CAR PARKING, SERVICING ARRANGEMENTS AND LANDSCAPING.

Councillors C A Moffatt, G Thomas and K J Trussell had visited the site independently.

Michelle Harper, Principal Planning Officer, provided a verbal summation of the application and drew the Committee’s attention to Paragraph 3.1 of the officer’s report which provided details of the previous outline application (CR/2012/0134/OUT). The original outline application had shown the “zones” of the development, but those zones had been indicative and had not been formally approved. Since approval of that application the spine road had been approved and constructed and the landscaping Masterplan had been approved. The Committee’s attention was drawn to the following:

- There was no longer a straight road which ran through the site which mitigated the need for a security system to stop the road being used as a “rat run”;
- The development proposed modern high tech buildings within strong landscaping;
- There would be no loss of trees and existing landscaping would be retained;
- The outline application gave flexibility and therefore did not prescribe the mix and scale of uses for the area referred to as the hub.

The Principal Planning Officer (MH) informed the Committee that a late comment had been received from the Drainage Officer and therefore it would be necessary to include additional conditions relating to:

- Slab levels in relation to buildings 1, 2, 3 and 4;
- Surface water drainage and attenuation.

The Committee considered the application and raised the following queries / comments:

- Paragraph 2.7 of the officer’s report referred to a café. Would that café be enclosed or accessible from the pavement?
- Would the cycle path at Magpie Wood still be accessible?

- Were any provisions be put in place to mitigate the noise produced by the fans located in the power house?
- Would there any sustainable energy on site;
- Would any sound proofing arrangements be put in place, or financial contributions gained via a Section 106 agreement, to help mitigate against the noise to nearby residents?
- Could a condition be included relating to acceptable noise levels?
- Who were consultation letters sent to as part of the application process?

The Principal Planning Officer (MH) addressed the queries / comments raised above as follows:

- The café would not be enclosed, would have its own parking area and would be accessible from the pavement;
- The cycle path at Magpie Wood would only be accessible to those who had security access;
- Energy efficiency had been raised with the applicant in relation to the previous scheme, and the applicant had informed the Council that the development would be highly efficient and energy would be utilised on the site;
- It would not be possible to mitigate the noise from the A23 (Crawley Avenue) as part of the application as the road noise was not the responsibility of the applicant;
- Environmental Health had been consulted as part of the application process and had raised no objections;
- Noise levels were governed by legislation and were dealt with by Environmental Health;
- No consultation letters had been sent to neighbouring properties in relation to the application as notice of the application had been published on site and in the local press.

A significant proportion of Committee were concerned about noise levels. Following a detailed discussion it was agreed that an additional condition be imposed which required the submission of an acoustic report.

The following additional conditions were **agreed**:

“Prior to commencement, the applicant shall have submitted and had approved in writing by the Local Planning Authority, full details of the surface water attenuation and mitigation including confirmation of existing and proposed off site surface water flows. The development shall not be brought into use unless and until the surface water attenuation and mitigation has been implemented.

REASON: To ensure the development does not cause detriment to off site properties in accordance with ‘saved’ policy GD25 of the Crawley Borough Local Plan 2000.”

“No development shall take place in relation to buildings 1, 2, 3 and 4 until detailed plans and particulars of the existing and finished land levels and the finished floor levels of the buildings have been submitted to and been approved in writing by the Local Planning Authority. The development shall thereafter be built in accordance with the approved levels.

REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with ‘saved’ policies GD1 and GD2 of the Crawley Borough Local Plan 2000.”

“Prior to the occupation of building 2, an acoustic scheme shall be implemented in accordance with details that have first been submitted to and been approved in writing by the Local Planning Authority.

REASON: To ensure the amenities of nearby occupiers are protected in accordance with 'saved' policy GD20 of the Crawley Borough Local Plan 2000."

Permitted subject to conditions concerning: time limit, materials, finishes, roof level plant (Building 1), landscaping (Buildings 1, 2, 3 or 4), works regarding car park area (serving Building 4 and adjacent Magpie Wood), parking spaces / servicing facilities / car parking spaces, planting / seeding, slab levels (buildings 1, 2, 3 and 4), surface water drainage and attenuation and an acoustic scheme.

16. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 9.12pm.

C A MOFFATT
Chair

Crawley Borough Council

Minutes of Development Control Committee

1 September 2014 at 7.30pm

Present:

| | |
|-------------|---|
| Councillor | C A Moffatt (Chair) |
| Councillor | R Sharma (Vice-Chair) |
| Councillors | N J Boxall, B J Burgess, D G Crow, I T Irvine, S J Joyce, B McCrow, P C Smith, G Thomas, K J Trussell and W A Ward |

Also in Attendance:

Councillor C J Mullins

Officers Present:

| | |
|------------------|---------------------------------------|
| Ann Maria Brown | Head of Legal & Democratic Services |
| Jean McPherson | Group Manager, Development Management |
| Valerie Cheesman | Principal Planning Officer |
| Marc Robinson | Principal Planning Officer |
| Sally English | Democratic Services Officer |

Apologies for Absence:

Councillors M L Ayling, B K Blake & S A Blake

17. Lobbying Declarations

There were no lobbying declarations made.

18. Members' Disclosure of Interests

There were no disclosures of interest.

19. Minutes

A Member requested an amendment to paragraph 2, page 19 of application CR/2014/0415/ARM in the minutes of 4 August, to read: 'Energy efficiency had been

raised with the applicant in relation to the previous scheme, and the applicant had informed the Council that the development would be highly efficient'. This was agreed.

The minutes of the meeting of the Committee held on 4 August 2014 were approved as a correct record and signed by the Chair.

20. Planning Applications List

The Committee considered report PES/145 of the Head of Planning and Environmental Services

RESOLVED

That in respect of the applications specified below, details of which are more particularly set out in report PES/145 of the Head of Planning and Environmental Services and in the Register of Planning Applications the decisions be given as indicated:-

CR/2014/0400/FUL

46 Milton Mount Avenue, Pound Hill, Crawley

Erection of first floor side extension over existing garage, ground floor rear extension to replace the existing ground floor covered walkway with pitched roof above, first floor rear extension over existing single storey extension and proposed front porch area.

Councillors S Joyce, B McCrow, C Moffatt, G Thomas and W Ward had attended the site visit.

Councillors P Smith and K Trussell had visited the site independently.

Valerie Cheesman (VC), Principal Planning Officer, provided a verbal summation of the application. This was followed by a presentation by Mr David Bailey, agent, in support of the application. His presentation included the following points:

- Unlike other properties in the same road, the application site has not been altered in over 50 years
- The property was originally to house a couple and their elderly parents
- Ordnance survey dated October 2013 was out of date as it did not show any of the extensions that have been built on neighbouring properties
- The objection of planning officers that the property could be sub-divided into two dwelling could be resolved by an appropriate condition on any approval
- Amendments have been made to the previous application in order to meet previous objections
- 44 Milton Mount Avenue has since the previous application been granted permission to increase the dwelling by 75% of existing floor area
- Proposal complies with all CBC's policy on two storey side extensions & all distances between house numbers 46 & 48 exceed the recommended distance
- Addition of staircase was to provide a fire escape for the occupants. Current small top hung windows are illegal under current building regulations

- Planning officers were incorrect to state the property has two front doors: there was a main entrance door and a door from the utility room to access waste/recycling bins

The application was then considered by the Committee and there was a discussion about the character of the road, spaces between dwellings and other extensions that had been permitted in the area.

VC addressed these concerns referring back to the appeal decision, advising that the revised application had not overcome the previous objections.

Refuse for the following reasons:

1. The proposed first floor side and rear extensions, by reason of their excessive size, scale, bulk, massing, design and prominent siting in close proximity to the side boundary with no. 48 Milton Mount Avenue, would detract from the character and appearance of the application property and the surrounding Area of Special Environmental Quality, contrary to Core Strategy (2008) policy EN5, saved Local Plan (2000) policies GD1, GD2, H19 and BN10, Supplementary Planning Guidance Note 5 (2001) on 'Residential Extensions' and Crawley ASEQ's Locally Listed Buildings Heritage Assessment (2010).
2. The proposed first floor side and rear extensions would appear overly dominant and overbearing due to their bulk, massing and siting in close proximity to the boundary with 48 Milton Mount Avenue which would be harmful to the amenities of the occupants and contrary to policies GD1 and H19 of the saved Local Plan (2000) and Supplementary Planning Guidance Note 5 (2001) on 'Residential Extensions'.

* VC asked that it be noted that condition number 3 was included as an Informative to the applicant and was not a reason for refusal.

Informative to Applicant: The applicants should be advised that the rear elevation of neighbouring property no. 48 Milton Mount Avenue has been incorrectly plotted on drawing nos. 1594 [115] – 4, 1594 [115] – 6 and 1594 [115] – 7 given that the existing ground floor rear extension at the application property projects further rearwards than the main rear building line of 48 Milton Mount Avenue (please refer to drawing 1564 [109] – 11).*

It should also be noted that there appear to be some inconsistencies between some of the measurements on the submitted plans.

CR/2014/0454/FUL

40-44 Gatwick Road, Northgate, Crawley

Permanent change of use to storage & distribution (B8) from car sales (sui generis).

Councillor N Boxall had visited the site independently.

VC provided a verbal summation of the application which was followed by a presentation by Mr Rob O'Carroll, agent for the applicant whose presentation included the following points:

- Previous owners of the site requested a temporary & personal change of use so as to safeguard the previous car sales use as a precaution in the event that, for whatever reason, Eezehaul's tenancy was cut short
- Eezehaul have demonstrated that the premises are well suited to their needs and have no desire to relocate, hence the need to revert property back to original B8 use
- The company employs 50+ staff, is proactive in the community & plays a key part in local initiatives, and also takes seriously its social responsibilities, liaising closely with Tinsley Lane Residents' Association (who were satisfied with the application, subject to a Management Plan)
- CBC's Highways and Environmental Health departments have confirmed no complaints have been received in the last 5 years regarding operations, and subsequently raised no objections to the proposals

Members then considered the application and some Members raised concerns regarding the impact on local residents arising from the change of use.

VC commented that the correct notification procedure had been followed and that one of the representations had been from the Residents Association. It was also noted that there was no record of complaints having been submitted to the Local Planning Authority or to the Environmental Health Department during the time that the company had operated from the premises.

It was agreed to amend condition 2 to read:

'The use hereby permitted shall be operated strictly in accordance with the operational arrangements set out in the approved Management Plan (document reference LMD/RO/C11877, received on 8.7.2014) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the amenities of nearby residents in accordance with policy GD1 and E15 of the Crawley Borough Local Plan 2000'.

Permitted subject to conditions concerning: approved plans in Decision Notice; approved Management Plan; no installation of external lighting or floodlighting with prior written approval of the Local Planning Authority; in accordance with policies GD1, GD9 and E15 of the Crawley Borough Local Plan 2000.

CR/2014/0484/RG3

Tilgate Drive Access Route, Tilgate, Crawley

Alterations to the A23/K2 junction to increase the width of the existing access road between K2 and Tilgate Drive car park to facilitate 20mph two way traffic flows, new street lighting & improved pedestrian & cycle routes. Creation of additional parking facilities within Tilgate Drive Car Park. Improvements to the existing coach parking to provide adequate turning & creation of a shared hard landscaped space (pedestrian hub area) between entry/exit points.

Councillors S Joyce, B McCrow, C Moffatt, G Thomas and W Ward had attended the site visit.

Councillors N Boxall, D Crow, P Smith and K Trussell had visited the site independently.

Marc Robinson (MR), Principal Planning Officer, provided a verbal summation of the application and advised the Committee that condition 11 was to be amended to require a survey every six months for 3 years, rather than one survey annually for 5 years.

Peter Allen, Strategic Projects of, CBC, then gave a presentation on behalf of the applicant which included the following points:

- The park's popularity had resulted in increased vehicle movements in & around the park. Research indicated that more than 70% of park visitors in summer are from outside Crawley
- Current care parking & access to the park are inadequate, especially during busy periods, at which times there was an impact from congestion on Tilgate neighbourhood
- As more coaches & minibuses are visiting the park, there is a need to revise coach parking & to provide safer manoeuvring/parking and a more dedicated route into the park and reduce congestion in surrounding neighbourhood
- There is a requirement for improved lighting & improved pedestrian access from car park into the park
- Principal objectives are to:
 - Facilitate an improvement in visitor experience, with well-organised & managed access & car-parking for Tilgate Park
 - Reduce traffic volume through Titmus Drive by making the A23/K2 junction the primary route for vehicular access/egress to & from the park
 - Relieve congestion & parking in the park and also in the Tilgate neighbourhood
- The proposal will enable the Council to provide a much improved service.
- The impact of not taking this action:
 - The lost opportunity to encourage more visitors to visit the park by coach & bus
 - The continued use of Tilgate residential streets for parking by visitors
 - park visitors would continue to pass through local neighbourhood
 - The visitor experience would be diminished without a clear & easier access to the park
 - There would be fewer parking spaces available in the main car park
 - The main car park would remain unattractive
- CBC manage Tilgate Park and is sensitive to the potential impact of the new access & parking arrangements and the proposed route had been designed in consultation with interested parties, taking their concerns into consideration
- Appropriate replanting & landscaping upon completion would take place; this would allow better management of the woods & provide greater biodiversity for remaining trees & habitat
- The holistic approach could result in significant benefit to local residents & park users, as well as future-proofing the park in terms of its future popularity & visitor expectations

Councillor Chris Mullins, Cabinet Member for Leisure & Cultural Services, also gave a short presentation, making the following points:

- There had been a huge increase in visitors to the park, which had generated an increase in revenue
- He supported application as it would relieve traffic pressures on Titmus Drive (which would need to be addressed anyway)

- The proposals, which would include clearer signage, would address safety within the park, especially for pedestrians, cyclists and mobility scooter users
- He supported the proposals to mitigate loss of trees which would ensure replacement for those trees that would be lost
- He summarised by stating that he fully supported the application as it would benefit Crawley, its residents and its visitors, and recommended it to the Committee.

Members raised numerous concerns and comments regarding the application, including:

- Clarification was sought over the route of the shared path
- The potential for congestion at the pinch points on the new road
- How would the proposal impact upon the operation of the traffic lights and junctions at K2?
- Clarification sought over number of trees to be both lost and replaced
- Extra tree screening for parts of Tilgate would be appreciated, particularly for Gloucester Road and Exeter Close
- Would the pedestrian path be lit?
- The sharp left-hand turn on shared path needed to be reviewed as it was not practical for users of mobility scooters/cyclists
- The junction at K2 was busiest when classes finish, but the park itself was most busy during the day – generally, the two peak times would not coincide
- Could there be controls to prevent heavy vehicles from accessing the site from using Titmus Drive during construction?
- Could the wood from felled trees be used for park furniture?
- Concern was raised that the changes would no benefit the people of Crawley
- The monitoring of traffic flow is considered important to assess changes to the traffic flows
- Concerns were raised regarding pollution from additional vehicles including coaches

A Member also expressly commended both the officers and Peter Allen for their work on this proposal, especially the consultation process.

MR addressed these concerns, stating:

- He discussed the incoming Local Plan policy that could require replacement tree planting based on girth of original trees. In some cases this might be as many as eight young replacement trees for one felled tree. As a result it was difficult to confirm exactly how many replacement trees would be provided
- The landscaping scheme in condition 10 had been included to address the removal and replanting of trees, and could extend to where replanting is more appropriate, i.e. around Exeter Close/Gloucester Road for screening and other parts of the park rather than just within the application site
- Use of felled tree wood was not under the control of the LPA. Members could explore this with the applicant (CBC) to establish what is possible
- Traffic lights/congestion. Within the site, there would be speed bumps and pinch points that would create one-way traffic to limit speeding, and barriers to prevent high vehicles entering areas restricted to car-parking. It was a condition of the application that full and specific details of the monitoring survey would be sent to WSCC. There was some uncertainty around where the traffic comes from (roughly, the proposal showed c.30% of traffic was from south of the A23, and 70% from north of the A23) which was why the survey is required.

MR added that separately from the application, CBC was currently investigating changes to the A23 junction, subject to an agreement with WSCC. This work was not subject to a condition or tied to the current application but would be subject to a separate legal agreement with WSCC. MR also agreed to investigate Members' concerns regarding heavy vehicles and would pass these on to WSCC. He added that additional information regarding the application could be found on the CBC website (information concerning turning diagrams, traffic on the A23, turning into the site and access arrangements) and as a result of that and subject to the new conditions, WSCC had no objection to the application.

Amended condition 11 to read:

'Prior to the first use by the public of the development hereby permitted the applicant shall have submitted to and had approved in writing a method of surveying the use of the access road by vehicular traffic. The results of the survey shall thereafter be submitted to the Local Planning Authority every 6 months by the monthly date agreed in the survey method for 3 years following the opening of a through route for vehicles from the A23 to Titmus Drive.

REASON: To enable the Local Planning Authority to monitor the traffic using the development hereby permitted in the interests of the efficient operation of the highway, in accordance with 'saved' policy GD3 of the Crawley Borough Local Plan 2000.'

At the request of Councillor I Irvine, and in accordance with Council Procedure Rule 24.5(2)(a), the names of the Members voting for and against the proposal were recorded as set out below:-

For the proposal as amended:

Councillors C A Moffatt (Chair), N Boxall, B J Burgess, D Crow, S Joyce, B McCrow, R Sharma, P Smith, G Thomas, K Trussell and W Ward (11)

Against the proposal as amended:

Councillor I T Irvine (1)

Abstention:-

None

Permit subject to the following conditions: permission time limit , to comply with Section 91 of the Town and Country Planning Act 1990; approved plans, tree protection; road construction details; footway/cycle path to involve no excavation unless agreed in writing by LPA; Construction Environmental Management Plan; Construction Management Plan; Materials & Products Schedule; traffic calming measures; landscaping scheme; in accordance with saved policies GD1, GD2, GD3, GD5 and GD34 of the Crawley Borough Local Plan 2000; the National Planning Policy Framework [118]; and policies EN1 and EN4 of the Core Strategy of the Local Development Framework 2008

21. Confirmation of Tree Preservation Order:

Crawley Borough Council 16.6.59 (Cloverlands No.5)

MR introduced the report of the Head of Planning and Environment Services PES/158 which sought confirmation by the Committee of the provisional TPO 16.6.59 Cloverlands No5 without modification.

Confirmed without modification.

22. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 9.01pm.

C A MOFFATT
Chair

Crawley Borough Council

Minutes of the Overview and Scrutiny Commission

Monday 8 September 2014 at 7.00p.m.

Present:

Councillor W A Ward (Chair)
Councillor K Sudan (Vice-Chair)
Councillors Dr H S Bloom, K Brockwell, R G Burgess, C A Cheshire, I T Irvine, M G Jones and B A Smith

Also in Attendance:

Councillors S Joyce and C Oxlade
Barry Jones, Appointed Independent Person

Apology for Absence

Councillor R A Lanzer

Officers Present:

Nora Davies Corporate Community Engagement Lead
Heather Girling Democratic Services Officer
Lee Harris Chief Executive
Nick Hobbs Housing Needs Manager
Clare Prosser NASB Team Manager

16. Members' Disclosure of Interests and Whipping Declarations

The following disclosure of interests was made

| Member | Minute Number | Subject | Type and Nature of Disclosure |
|------------------------|---------------|--|--|
| Councillor C Oxlade | 20 | Safer Crawley Partnership Performance Review 2013-2014 & Future Priorities 2014-2017 | Personal interest as a Trustee of Crawley Open House |

No whipping declarations were made.

17. Minutes and Matters Arising

The minutes of the meeting of the Commission held on [30 June 2014](#) were approved as a correct record and signed by the Chair. A discussion occurred on Minute 2 on the West Sussex Health and Adult Social Care Select Committee (HASC). It had been requested to confirm if the Chief Executive of NHS Sussex had been invited to attend the next meeting of HASC. WSCC confirmed that Ms Amanda Fadero had not been invited, however two letters had been issued for her attention. It was requested that the Chair pursue this with HASC.

18. Public Question Time

No questions from the public were asked.

19. Amendment to the Housing Allocations Scheme – Local Connection and Residency Criteria

The Commission considered report SHAP/40 with the Portfolio Member for Housing and the Housing Needs Manager. During the discussion, the following points were expressed and highlighted:-

- The current housing register policy is framed to meet the housing needs of people in the borough and who have a local connection to the town. The option to amend the residency qualification criteria from 3 to 5 years has been considered and an equalities impact assessment carried out. An explanation of this assessment was provided.
- Members acknowledged the importance of special circumstances within the Housing Allocations Scheme.
- Support expressed for the change in criteria to 5 years as a valid and practical decision. It was suggested that this change may also assist those in 'overcrowded' properties and who are living with established family members living in Crawley who may not have considered applying previously.
- The Commission welcomed the 'light-touch' review of the change and its impact on homeless applications planned within 6 months should the change in criteria be applied.
- Concern was expressed regarding the possible link between poor housing and educational outcomes, possibly resulting in children being adversely affected if the criteria was amended with applicants in this situation having to wait a further 2 years to meet the residency criteria. There was concern that this could be seen as "moving the goalposts" to some residents. It was confirmed that any applicants with exceptional housing circumstances and who did not meet the 5 year residency criteria could be considered on a case by case basis using powers already built into the scheme.
- Concern was expressed regarding the change of policy and the effect on current applicants already on the register who may not meet the 5 year residency criteria. It was felt a method of protection for existing applicants so they are not taken off could be considered with a possible option of a 'sliding scale' to introduce the policy change. It was commented this may be difficult and costly to administer by officers. Also applicants may find this confusing and for some, unfair.
- There was also a concern for those people not on the register who were nearing the 3 year criteria and thinking of applying soon for housing because they would then meet the current 3 year rule. The commission asked whether consideration could also be given to a change in housing policy which would allow people to join if they were close to meeting the current residency criteria and had been waiting to join but had delayed this until they had actually lived in Crawley for 3 years. However, it was also acknowledged that this would also be difficult to administer and result in effect, maintaining the current 3 year criteria.

RESOLVED

That the recommendations to Cabinet and Full Council be agreed but that the Cabinet be asked to consider the concerns raised by the Commission.

20. Safer Crawley Partnership Performance Review 2013-2014 and Future Priorities 2014-2017

The commission considered report CEx/44, presented by the Chair of the Safer Crawley Partnership and the Corporate Community Engagement Lead, which provided the annual performance report of the Community Safer Partnership along with the priorities for 2014-2017.

Discussion areas included:

- Sussex Police is looking to extend the work of the Street Pastors into other areas and then data collection would then be compiled.
- The funding for the two outreach workers from Crawley Open House had been successful until September 2014 and following this Crawley Open House will continue to be self-sustaining.
- Commission highlighted its support for the 'abandofbrothers' group and its work.
- Concern that house fires have increased by 19%. Concern raised about the number of instances relating to hate crime, race or cultural motivated crimes and violence against the person. It was acknowledged that work was undertaken with Victim Support to build confidence, but also that many reports are third party referrals and this enhances the value of partnership working. Additionally it was commented that there was now improved crime recording.
- Concern over the current Prevent programme. Bids have been placed for two projects and the Partnership was working with Sussex Police and WSCC to continue the Prevent work, with a lead from Community Development. It had been considered a priority for the Partnership should funding not be successful. The possible use of a mentoring scheme to prevent radicalisation would be discussed at the Partnership.
- The initiative with the taxi marshal scheme proved a successful partnership arrangement. However, it was acknowledged that perhaps a demarcation between Private Hire and Hackney Carriages may be worth considering and this would be fed into the Partnership.
- Concern over the lack of street lighting in some areas. It was recognised that there was limited funding available through the Community Safety Improvements Programme (COMSIP) but it was important for residents to report all concerns.
- Stray dog data proved to be a concern with stray dogs accounting for the largest volume of Community Warden calls. It was felt additional information on this subject would prove beneficial.
- It was acknowledged that the number of referrals to West Sussex Mediation Service might have decreased due to the work of the Nuisance and Anti-Social Behaviour Team (NASB).
- Concerns were raised regarding people living on the streets and how the work of the Partnership could assist. Whilst there were links with the Partnership's work, issues should be addressed to the NASB Team in the first instance.
- The Partnership was awaiting preliminary plans for Restorative Justice.

RESOLVED

That the report be welcomed and Members looked forward to seeing the next report in a year's time, but requested an update on the Prevent funding (possibly through Members' Information Bulletin).

21. Health and Adult Social Care Select Committee (HASC)

A meeting with District/Borough Council HASC Members and their support officers took place on 3 September to discuss ways of working, HASC roles/responsibilities and how Districts/Boroughs could feed into the HASC and the work programme.

22. Scrutiny Panels

Performance Monitoring Scrutiny Panel (PMSP)

The next meeting of PMSP is scheduled for 15 September. A special Scrutiny Panel meeting is scheduled for 1 October to discuss the performance of K2 Crawley onsite with Freedom Leisure.

Recording How Members Vote Scrutiny Panel

A trial/demo of the electronic voting system was held with the Labour Group on 2 September. Following feedback from both Groups, the report is scheduled to go before Overview and Scrutiny in the autumn.

23. Overview & Scrutiny Review Workshop

The OSC Review Workshop evening is scheduled for Wednesday 17 September, at 6.30pm in Committee Room B.

24. Forward Plan – 1 October 2014 and Provisional List of Reports for the Commission's following Meetings

The Commission considered the latest version of the Forward Plan and the provisional lists of reports for future meetings. The following referrals were made:

8 October

- 1) Petitions Scheme (full referral)
- 2) The Approval for the Budget and Authority to proceed to construct approximately 13-15 social rented dwellings on land at Gales Place, Three Bridges (full referral)
- 3) West Sussex Joint Scrutiny Task and Finish Group – Commissioning of Community Advice Services (Information Item)

12 November

- 1) Three Bridges Station Forecourt Project (full referral)
- 2) Response to Airport Commission Consultation on Additional Runway Options in the South East (full referral)
- 3) Treasury Management Mid-Year Review 2014-2015 (Budget Procedure rules)
- 4) The Future of Crawley's Adventure Playgrounds (full referral)

3 December

- 1) The Council's role in the multi-agency responsibilities for major flooding incidents across West Sussex. (prov referral - to be decided by Chair & Vice Chair)

25. Closure of Meeting

The meeting ended at 9.45pm.

W A WARD
Chair

Crawley Borough Council

Minutes of Cabinet

Wednesday 10 September 2014 at 7.30pm

Present:

| | | |
|------------|--------------|---|
| Councillor | P K Lamb | (Chair of Cabinet and Leader of the Council) |
| | S J Joyce | (Deputy Leader of the Council and Cabinet Member for Housing) |
| | C C Lloyd | (Cabinet Member for Environmental Services) |
| | C J Mullins | (Cabinet Member for Leisure and Cultural Services) |
| | C Oxlade | (Cabinet Member for Community Engagement) |
| | D J Shreeves | (Cabinet Member for Customer and Corporate Services) |
| | P Smith | (Cabinet Member for Planning and Economic Services) |

Officers Present:

| | |
|-----------------|---|
| Ann-Maria Brown | Head of Legal & Democratic Services |
| Peter Browning | Director of Transformation & Housing |
| David Covill | Director of Development & Resources |
| Sally English | Democratic Services Officer |
| Heather Girling | Democratic Services Officer |
| Lee Harris | Chief Executive |
| Diana Maughan | Head of Strategic Housing & Planning Services |
| Phil Rogers | Director of Community & Partnership Services |

Also in attendance:

Councillors R Burrett, D Crow, M Jones, G Thomas and W Ward

Apologies for Absence:

There were no apologies for absence.

15. Members' Disclosure of Interests

There were no disclosures of interest.

With regard to item 11 of the Agenda (Land at Ely Close, Tilgate, Crawley), the Head of Legal and Democratic Services disclosed an Interest in that matter because she lodged part time in the vicinity of the site.

16. Minutes

The minutes of the meeting of the Cabinet held on 2 July were approved as a correct record and signed by the Chair.

17. Change of Agenda Order

The Cabinet agreed that the agenda order be revised to that shown below.

18. Public Question Time

There were no questions from the public.

19. Further Notice of Intention to Conduct Business in Private and Notifications of any Representations

The Head of Legal and Democratic Services reported that no representations had been received in respect of item 14 Acquisition of Kilnmead Car Park, Kilnmead, Northgate.

20. Matters Referred to the Cabinet

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

21. Land at Ely Close, Tilgate, Crawley (Planning & Economic Development Portfolio)

The Cabinet considered the joint report LDS/086 of the Head of Legal & Democratic Services and the Head of Strategic Housing & Planning Services, which sought to re-appraise the decision of the Cabinet to dispose of land at Ely Close, Tilgate, Crawley (minute 42 of The Cabinet 14 October 2009 refers).

Councillor Burrett informed the Cabinet that, given the chequered history and long debate surrounding this item, he would not be calling it in, whatever the decision made. He was concerned that the anticipated reversal of the decision to sell the site would adversely affect relationships with Moat (the developer), housing associations, registered social landlords and would have a negative financial and reputational impact upon the Council. He stated that CBC would lose in the region of £374k (comprising £111k from the sale of Lark Rise site, £253k from the sale of Ely Close site and £13k from an S106 contribution), and he asked that the Cabinet consider these factors before making their decision.

Councillor M Jones stated that although some revenue would be lost, it was important to remember that green space had been saved. He added that 200+ units were being built in Forge Wood in the future, and that this, along with other Council housing and affordable housing units would adequately cover the 18 units lost by not selling and building upon the Ely Close site. He also stated that there would continue to be many opportunities for housing associations to work with CBC.

The Cabinet Member for Planning & Economic Development assured the Cabinet that CBC was working hard with housing associations to provide as much affordable housing as possible and that significant amounts of additional units were included in the revised Local Plan. Councillor Lloyd stated there was an acceptance by all parties, to agree to preserve green spaces in Crawley. Councillor Lamb said that since, in the event the council did not sell the land, the authority would still own land of similar value to the lost capital receipt, the council would not in fact be paying out the figures which had been discussed.

The Cabinet fully took into consideration all the implications as set out in the report which addressed a number of outcomes, and in doing so considered that there were compelling reasons to retain the land as amenity green space and to rescind the decision to dispose of the land as made by the Cabinet on 14 October 2009.

RESOLVED

- 1) That the joint report LDS/086 by the Head of Legal & Democratic Services and the Head of Strategic Housing & Planning Services be noted, and
- 2) That the land at Ely Close, Tilgate, Crawley, not be disposed of to Moat Homes Ltd, and
- 3) For the land to be retained as amenity green space, be agreed.

Reason for decision

To preserve the amenity value of green space within Crawley.

22. Amendment to the Housing Allocations Scheme – Local Connection & Residency Criteria (Housing Portfolio)

The Cabinet considered report SHAP/40 of the Head of Strategic Housing & Planning Services which sought a decision on whether to amend the residency qualification criteria in the Council's Housing Allocation from 3 years to 5 years.

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 8 September 2014. The Commission agreed broadly to endorse the recommendations to the Cabinet, but asked that they considered the concerns raised by the Commission, which included.

- Following the review in December 2013, approximately 200 applicants were removed from the Housing Register and only a small percentage requested a review. It is reasonable to say that a similar number or even less would be impacted and removed from the Housing Register if the residency criteria were to be increased to 5 years.
- It was suggested that the change in residential qualification criteria to 5 years may also assist those in 'overcrowded' properties and who are living with established family members living in Crawley who may not have considered applying previously.
- Risk that a change in criteria could increase the number of people applying as homeless (and the use of temporary accommodation) to access social housing who would otherwise be required to wait until they had lived in Crawley for 5 years. The

local connection criteria applied in homelessness cases is different to the local connection qualification criteria.

- Members welcomed the 'light-touch' review of the change and its impact on homelessness applications within 6 months should the criteria be amended.
- It was confirmed that people can still join the housing register even if they have not themselves been living in Crawley for 5 years. Applicants can still join the housing register if they have a connection to the town such as established and immediate family members living in Crawley, or permanent employment in the town or if they are former or serving members of the armed forces.
- Concerns expressed regarding the possible link between poor housing and educational outcomes, possibly resulting in children being adversely affected if the criteria was amended and applicants in this situation having to wait a further 2 years to meet the residency criteria ('moving the goalposts'). It was confirmed that any applicants with exceptional housing circumstances and who did not meet the 5 year residency criteria could be considered on a case by case basis using powers already built into the scheme.
- Concern was expressed regarding the change of policy and the effect on current applicants already on the register who may not meet the 5 year residency criteria. It was felt a method of protection for existing applicants so they are not taken off could be considered with a possible option of a 'sliding scale' to introduce the policy change, although it was commented this may be difficult and costly to administer.
- There was also a concern for those people not on the register who were nearing the 3 year criteria and thinking of applying soon for housing. The Commission asked whether consideration could also be given to a change in housing policy which would allow people to join if they were close to meeting the current residency criteria (3 years) and had been waiting to join but had delayed this until they had actually lived in Crawley for 3 years. However, it was also acknowledged that this would also be difficult to administer and result in effect, maintaining the current 3 year criteria.

Councillor Burrett welcomed the report and reminded the Cabinet that at the Overview & Scrutiny Commission meeting in October 2013, members of both parties had been in favour of amending the qualification criteria to 5 years. However, all were strongly advised that this would lead to a breach in statute and need to go to consultation. It was then decided to raise the criteria to 3 years and review it in the future. He also referred to the possibility that the criteria changes might increase the number of applications to neighbouring local authorities with criteria qualifications of shorter duration, but he felt this was more of a risk on paper than in reality, because beginning the application process again elsewhere was unlikely to save applicants any significant time. He added that he understood the concerns with having a strict cut-off point regarding applicants but agreed that this would be difficult to administer. He suggested the Portfolio Holder might consider a 'light touch' review in a year in order to assess any changes or issues.

The Chair agreed that in order for the policy to work, it was inevitable that some residents would be excluded, adding that adding a sliding-scale would be too difficult to administer. The Cabinet Member for Housing stated the scheme must go ahead as it is; other options could expose the Council to a potential risk of Judicial Review by treating new and existing applicants differently despite similar levels of need. A Member asked if the process would be open to fraudulent applications, but was reassured by the Head of Strategic Housing & Planning Services that CBC was rigorous in checking applicants and their evidence; she added that from time to time, action has been taken against fraudulent applicants and CBC had publicised these actions as a deterrent.

RESOLVED

That the contents of the report SHAP/40 be noted, and

RECOMMENDATION 2

That the Full Council be RECOMMENDED to:

- 1) Note the results of the consultation process undertaken in respect of the proposed change
- 2) Decide whether to amend the Council's Housing Allocation Scheme as set out in section 5.12 of report SHAP/40, and
- 3) If the decision of the Council is to amend the Council's Housing Allocations Scheme, to specify the date the change is to take effect, such date to be on 3 December 2014 or such subsequent date as may be agreed by the Head of Strategic Housing & Planning Services in consultation with the Cabinet Member for Housing.

Reason for Decision

- 1) A number of members have expressed an interest as to whether the Council should consider increasing the local connection and residency qualification for people who wish to be allocated social rented accommodation. The report SHAP/40 provides an opportunity for Members to review the current criteria and decide whether to amend it.

23. 2014/15 Budget Monitoring – Quarter 1 (Leader's Portfolio)

The Cabinet considered report FIN/341 of the Deputy Head of Finance which set out a summary of the Council's actual revenue and capital spending for the first Quarter to June 2014. It identified the main variations from the approved spending levels and any potential impact on future budgets.

The Chair stated the report included a recommendation for the Cabinet to approve the supplementary capital estimate of £85k for provision of improved cycle and pedestrian access arrangements within the Tilgate Access Road scheme, and in this regard, the Cabinet Member for Leisure & Cultural Services offered to arrange a tour in order for Members to see and understand these improvements. He stated there was a recognised safety need for users of the park not in motor vehicles.

The Cabinet Member for Environmental Services reminded the Cabinet that it had been proposed to reinstate the scheme for the Quick Wins budget of £50k, which could be readily accessed by ward members to fund small but significant improvements across the town.

RESOLVED

- 1) To note the projected outturn for the year 2014/2015 as summarised in report FIN/341
- 2) To approve a supplementary capital estimate for £85,000 for provision of improved cycle and pedestrian access arrangements within the Tilgate Access Road scheme.

Reason for Decision

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

24. Coast to Capital Strategic Joint Committee (Planning & Economic Development Portfolio)

The Cabinet considered report LDS/087 of the Head of Legal & Democratic Services which sought formal approval from the Council for the Establishment of the Coast to Capital Joint Committee and its arrangements. The main purpose of the new Joint Committee is to approve the Strategic Economic Plan (SEP) and proposed Growth Deal for the Coast to Capital Local Enterprise Partnership Area.

RESOLVED

RECOMMENDATION 3

That the Full Council be RECOMMENDED:

- 1) To approve the establishment of the Coast to Capital Joint Committee, constituted in accordance with the Heads of Terms as set out in Appendix 1 of report LDS/087
- 2) To grant delegated authority to the Chief Executive to take all measures necessary for or incidental to (i) the implementation of recommendation (1) above, and (ii) the ongoing management and administration of the Committee
- 3) To instruct the Head of Legal & Democratic Services as Monitoring Officer to amend the Council's Constitution to reflect the establishment of the Joint Committee
- 4) To approve the nomination of the Leader of the Council to serve on the Joint Committee

Reason for Decision

The Joint Committee is one element of a package of measures being taken to strengthen the governance arrangements within and around the LEP. This is important because the credibility of those arrangements in ensuring effective collective action to implement SEP will be a significant consideration for Government when deciding how

much funding to provide to the LEP, including through investment in transport and other infrastructure which is crucial for all West Sussex residents.

25. Exempt Information – Exclusion of the Public (subject to agenda item 5)

RESOLVED

That in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 & 5 of Part 1 of Schedule 12A of the Act by virtue of the paragraphs specified against the items.

26. Acquisition of Kilnmead Car Park, Kilnmead, Northgate (Housing Portfolio)

(Exempt Paragraphs 3 (information relating to financial and business affairs of any particular person including the Authority holding that information) and 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceeding) of Part 1 of Schedule 12A to the Local Government Act, 1972 (as amended))

The Cabinet considered report DIRTH/046 of the Director of Transformation & Housing which identified the various considerations of the potential acquisition of Kilnmead Car Park hereafter referred to as 'the site') and options for how the site might be developed for housing.

The Cabinet Member for Environmental Services supported the proposal, adding it was exactly the type of site upon which to consider building homes, as it was nearer the town centre and was better than developing green sites in residential areas. The Cabinet Member for Planning & Economic Development stated he felt the scheme would help regenerate the town centre and would include more support for residents living there. This would help develop the town centre community.

RESOLVED

That the contents of the report be noted.

RECOMMENDATION 4

The Full Council is RECOMMENDED:

- 1) To note the contents of this report and approve the acquisition of the Homes & Communities Agency's freehold interest in the site
- 2) To approve a supplementary capital estimate of £1.6m, funded from Housing Revenue Account reserves and Right To Buy 1-4-1 receipts, for the purchase of this site and for pre-construction costs to enable the delivery of an affordable housing scheme (subject to additional funding for construction).

Reason for Decision

- 1) The acquisition of Kilnmead Car Park offers the Council the opportunity to deliver affordable dwellings on a key housing site. It is thought that approximately 40 dwellings could be accommodated on the site (subject to further detailed design work and additional funding for construction)
- 2) If the Council does not acquire the HCA's interest, the site will be put on the open market. This may result in uncertainty regarding future development, a reduction in the number of new homes and fewer affordable homes on the site.

27. Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.23pm.

P K LAMB
Chair

Crawley Borough Council

Minutes of Development Control Committee

22 September 2014 at 7.30pm

Present:

| | |
|-------------|---|
| Councillor | C A Moffatt (Chair) |
| Councillor | R Sharma (Vice-Chair) |
| Councillors | N J Boxall, B J Burgess, D G Crow, I T Irvine, S J Joyce, B McCrow, P C Smith, G Thomas, K J Trussell and W A Ward |

Also in Attendance:

Councillors M Jones and L Marshall-Ascough

Officers Present:

| | |
|------------------|---------------------------------------|
| Kevin Carr | Legal Services Manager |
| Jean McPherson | Group Manager, Development Management |
| Valerie Cheesman | Principal Planning Officer |
| Marie Bolton | Principal Planning Officer |
| Sally English | Democratic Services Officer |

Apologies for Absence:

Councillors B J Burgess and K Trussell

17. Lobbying Declarations

All Members present had been lobbied on agenda item 1.

18. Members' Disclosure of Interests

There were no disclosures of interest.

19. Minutes

The minutes of the meeting of the Committee held on 1 September 2014 were approved as a correct record and signed by the Chair.

20. Planning Applications List

The Committee considered report PES/146 of the Head of Planning and Environmental Services

RESOLVED

That in respect of the applications specified below, details of which are more particularly set out in report PES/146 of the Head of Planning and Environmental Services and in the Register of Planning Applications the decisions be given as indicated:-

CR/2014/0461/FUL

Part ground floor, Longley House, Southgate Avenue, Southgate, Crawley

Change of use from B1 (office) to D1 (medical consulting & counselling) in order to deliver West Sussex Recovery Services and installation of new entrance doors (amended site location plan and certificate B received).

Councillors S Joyce, R Sharma and G Thomas and W Ward had attended the site visit.

Councillors B K Blake, S A Blake, C Moffatt, P Smith and W Ward had visited the site independently.

Marie Bolton (MB), Principal Planning Officer, provided a verbal summation of the application, advising the Committee that three further representations objecting to the application had been received. She also advised that there had been amendments to three conditions, as follows:

Amended condition 1

The use hereby permitted shall cease on or before the expiration of the period ending on 23rd September 2016 and shall revert to a B1(a) office use.

REASON: To enable the Local Planning Authority to review the special circumstances under which this permission is granted and to assess the impact on neighbouring occupiers' amenities in accordance with policy CS1 of the Core Strategy of the Local Development Framework 2008.

Amended condition 3

The use hereby permitted shall not operate until a Management Plan has first been submitted to and been approved in writing by the Local Planning Authority. This shall include the operational arrangements to manage the use of the site including specific activities to be undertaken, numbers of attendees and their hours of operation at the site. The site shall thereafter only operate in accordance with the approved Management Plan unless otherwise agreed in writing by the Local Planning Authority,

REASON: To safeguard the amenities of the nearby residents in accordance with GD1 of the Crawley Borough Local Plan 2000.

Amended condition 4

Add the following wording to the end of the first sentence:

"..and the access shall be permanently fixed shut to vehicular traffic.

A presentation was then given by Mr B Osterreicher in which he made the following points:

- He lives closest to the application site
- There was a current drug/criminality problem in that area
- Proposal would affect East Park, Malthouse Road, Clitherow Gardens
- Urged Committee to agree to a permanent barrier between Longley House and East Park
- Felt the proposal was a commercial interest
- Suggested key card access for Longley House workers & confirmed he had spoken to Arora Hotel in this regard who were in favour of such a system
- Agreed treatment centres were needed but there needed to be separation from residents and centre clients

Mr Picket, Chairman of the Southgate Community Forum, then spoke, making the following points:

- The police report on the area and experience showed no understanding of the level of crime in East Park; the area was a crime hotspot
- Only four residents were informed of the proposal; many others were not
- The proposed development would have a broader impact on the community, affecting those in Malthouse Road and Clitherow Gardens as well as East Park, yet none had been informed or consulted
- Lessons needed to be learned from the failure to inform residents; CBC should review its consultation process, especially where those most affected were concerned

Mickey Richards, the Services Manager for CRI, the applicant, then gave a presentation in which she made the following points:

- CRI, a charity, had been commissioned by WSCC to deliver drug/alcohol services in the area
- She understood the reactions of the public; these were same everywhere but the service was designed for those wanting to make a difference to their lives and was not enforced treatment
- No drugs would be dispensed on site and CRI had a number of rooms at Crawley Hospital where such clients could be seen
- Expected daily number of clients was 30-40; she added that those using would not be dealt with on the site
- She acknowledged the problems in East Park, adding that from experience, these service sites have a positive impact and help diminish such anti social problems
- Such a service site was operating successfully in Chichester town centre and so far only one complaint had been received (which had been about staff smoking outside the building)
- She welcomed the amendments to the conditions, and agreed that CRI intended to work closely with the community, the police and to provide mobile contact numbers to residents

Councillor Michael Jones then spoke, making the following points:

- The proposal was an controversial and emotive one, and he felt the residents' fear of crime were justified

- He recognised that the proposal was attempting to address social concerns but objects on the grounds of the impact upon the streetscene and character of the local area
- The location was close to the town centre but also in an exclusively residential area with too many secluded areas tucked away, and that there were already too many sightings of drug-dealing in the Longley House area
- Under the Local Plan, Longley House had been identified for an alternative use than the proposed one
- Applicant should identify a more public location with a greater police presence
- Noise & disturbance next to a flagship hotel, whose guests would have to walk past Longley House through East Park to access the town centre
- Similar facilities at Broadfield Barton were not problem free; staff at proposed site would not be able to prevent similar problems occurring at Longley House
- Agreed CRI were very professional but felt no amount of staff patrols would stop anti-social behaviour
- He offered to meet with CRI to discuss alternative locations, which he was committed to do if the application was refused, in order to benefit the local community and businesses. He believed there are suitable locations.

This was followed by a presentation from Councillor Liam Marshall-Ascough, Southgate ward member, who made the following points:

- He agreed with Cllr Jones' comments, and also wholeheartedly supported CRI as it was clear such services were needed but not in a residential area
- Clients having to walk to Longley House may be dissuaded from seeking help, knowing that residents were aware of their reasons for using the service
- A drug/alcohol rehabilitation centre would have a negative impact upon house prices
- It would also have an adverse economic effect on the Arora Hotel
- Felt CRI only engaged with residents after making the application and he felt engaging with them beforehand would have been more productive
- He was committed to working with whoever necessary to help CRI identify a suitable and permanent location for the service

Members expressed numerous concerns regarding this application including:

- One Member commented that the grounds to refuse the application would not be strong.
- One Member felt the whole of Southgate should have been consulted
- General agreement that the service was needed but that the location was wrong
- Residents' fear of crime – this had been strongly conveyed by both ward and division members and the Committee had a duty to consider residents' concerns
- A Member felt the 2 year temporary permission was not ideal and the applicant should be encouraged to find a more suitable location
- Felt the location provided too many spots for concealment (bushes, alley) with limited surveillance.
- There would be an impact on neighbouring communities
- There would be crime and fear of crime in neighbouring communities
- Although there was a general feeling that the proposed location was wrong, there was some concern that the WSCC funding for such a centre would be lost without an alternative, more appropriate site being identified
- Members asked whether the applicant was required to undergo a sequential test of other preferable sites
- Would be intimidating for residents and visitors to walk past the site in the dark winter months

- Communal areas within Longley House would mean workers and CRI clients being in same spaces (lifts, toilets, etc)
- The report stated considerably more clients would use the building than the applicant suggested
- The town centre or on a busier main road area (that was less isolated) were suggested as possible locations, where a greater police presence would be maintained with greater surveillance
- Site identified for 48 dwellings and this application would compromise that aim
- One member commented that the physical environment was not good, including litter, as noted on the site visit.
- One Member commented on the weight given to fear of crime within the Officer's report but that Members must also weigh up the impact of the fear of crime.

Other members of the Committee felt some of the objections were overstated and that the centre's potential clients were being negatively stereotyped. A Member cited the example of a hostel that had opened in Southgate in 1988, and had successfully treated ex-offenders with no harm to the local community. He added that the proposed centre was for Crawley residents too and that it could make Crawley a safer place.

MB responded to the concerns as follows:

- The staff-client ratio would be high; clients would be attended at all times by staff
- The side access was a public right of way, protected through a covenant
- The 48 dwellings would amount to 293m² which officers believed would be limited floor space loss, and the proposed considered use would be compatible.
- The fear of crime is a matter to be considered by the decision-maker and the weight given to it needs to be justified, and as such, the report found, on a balance, the proposal to be acceptable
- A Management Plan had been conditioned in order to maintain control over the hours of operation, number of attendees etc.
- Sequentially preferable sites – MB advised that use D1 use would be in accordance with the NPPF's broader definition of economic uses. The application did not require a sequential test.

Refused for the following reason:

The proposed development would conflict with Policies CS1 of the Local Development Framework Core Strategy 2008, 'Saved' Local Plan Policy GD8 and policy CH3 of the Crawley Borough Local Plan 2015-2030 Preferred Strategy Submission Consultation Draft, in that insufficient information has been supplied to demonstrate how the proposed development addresses crime, the fear of crime, anti-social behaviour and disorder and the impact on the amenity of neighbouring occupiers.

At the request of Councillor I Irvine, and in accordance with Council Procedure Rule 24.5(2)(a), the names of the Members voting for and against the proposal were recorded as set out below:-

For the proposal as amended:

Councillors M L Ayling, B K Blake, S A Blake, C A Moffatt (Chair), S Joyce, B MeCrow, R Sharma, P Smith, G Thomas, and W Ward (10)

Against the proposal as amended:

Councillors N Boxall, D Crow and I T Irvine (3)

Abstention:-

None

CR/2014/0490/FUL

29 Trinity Close, Pound Hill, Crawley

Single storey side and rear extension

Councillors B K Blake and S A Blake had visited the site independently.

MB provided a verbal summation of the application which was then considered by the Members.

Permitted subject to conditions concerning: permission time limit in accordance with Section 91 of the Town & Country Planning Act 1990; approved plans in the Decision Notice; materials and finishes of the external walls (and roof(s)) to match in colour and texture those of existing building(s); in accordance with policy GD1 of the Crawley Borough Local Plan 2000.

CR/2014/0511/NCC

Brunel Hall, Brunel Place, Northgate, Crawley

Variation of condition 13 (cycle parking) pursuant to CR/2013/0632/RG3 to amend the cycle store design.

Valerie Cheesman (VC), Principal Planning Officer, provided a verbal summation of the application and advised the Committee that the application was also subject to a deed of variation to the S106 agreement which was underway. Members queried the capacity of the reduced dimensions of the cycle store and VC advised that although the dimensions had been amended, the space available for 22 cycles remained unchanged. She also advised that the amendment to condition 13 arose as the design of the cycle store had changed and the condition was to be varied to reflect these amended drawings. The S106 contribution contributions were not affected, but the deed of variation would link this new application to the s106.

Amended condition 13

No part of the development shall be occupied until the covered and secure cycle parking spaces as shown on submitted site plan W100 rev A and proposed cycle storage plans and elevations on drawing P940 rev E received on the 4th July 2014 are constructed. The covered secure cycle storage shall thereafter be maintained solely for this purpose.

REASON: To provide alternative travel options to the use of the car in accordance with saved policy GD3 and SPD1.

Permit subject to the following conditions and variation of the S106 agreement; permission time limit , to comply with Section 91 of the Town and Country Planning Act 1990; approved plans on the Decision Notice; proposed levels in accordance with submitted proposed site plan P105 rev N; face materials and render cladding material sample; refuse store; photo voltaic array; combined aerial facilities; reptile mitigation

scheme; no tree or shrub removal between March & April; nesting birds check and retention of vegetation containing nests; compensatory nesting provision; alterations in accordance with approved site Plan P105 rev N and recommendations of Stage One Road Safety Audit; car parking; cycle parking spaces; Construction Statement; on and off site tree protection (as contained in Tree Survey Schedule, Arboricultural Impact Assessment, Tree Survey Plan, Root Constraints Plan, Tree Retentions and Removals Plan and Tree Protection Plan); landscaping scheme; Acoustic Assessment Report; report demonstrating premises have been adequately protected against re-radiated noise caused by vibration from adjacent railway line (referenced in Vibration Assessment Report); in accordance with saved policies GD1, GD2, GD3, GD5 and GD20 of the Crawley Borough Local Plan 2000; the National Planning Policy Framework [109 & 118]; and CBC policy EN1; Core Strategy Policy T3; and parking standards contained within SPD1.

**21. Confirmation of Tree Preservation Order:
Crawley Borough Council 16.6.59 (Cloverlands No.5)**

VC introduced the report of the Head of Planning and Environment Services PES/158 which sought confirmation by the Committee of the modified provisional TPO (ref 16.9.66 – Old Horsham Road No.5).

A Member expressed concern over loss of trees without replacement. VC confirmed that the TPO had originated with a contact from the agent for the owners asking for tree removal (they were decayed and/or a danger). CBC considered that a number of trees were worthy of retention and the Order was originally served on that basis. The owners made representations and commissioned a tree survey. CBC's Arboricultural Officer met with the owners, and the trees were re-assessed, whereupon some of the trees were discovered to be decayed so the wording of the Order was revised. She added that should the TPO be confirmed, the owners could apply for trees to be removed, at which point a condition requesting replacement trees could be included, if appropriate.

Confirmed with modifications.

22. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 9.05pm.

C A MOFFATT
Chair

Crawley Borough Council

Minutes of Audit and Governance Committee

24 September 2014 at 6.30pm

Present:

Councillor I T Irvine (Chair)
Councillor L A Walker (Vice Chair)
Councillors R D Burrett, and T Lunnon

Also in Attendance:

Councillor P K Lamb
Paul King, Director of Ernst and Young LLP.

Officers Present:

| | |
|-----------------|---|
| Ann-Maria Brown | Head of Legal and Democratic Services |
| Roger Brownings | Democratic Services Officer |
| Chris Corker | Corporate Fraud and Inspections Manager |
| David Covill | Director of Development and Resources |
| Gillian Edwards | Audit and Risk Manager |
| Karen Hayes | Deputy Head of Finance |

10. Apologies for Absence

Councillor K Sudan.

11. Members' Disclosures of Interests

There were no disclosures of interest.

12. Minutes

The minutes of the meeting of the Committee held on **25 June 2014** were approved as a correct record and signed by the Chair.

13. Fraud Team Report

The Committee considered report **FIN/343** of the Corporate Fraud and Inspections Manager, which focused on activity for the period from 11 June 2014 to 9 September 2014.

- The Committee acknowledged that the Team continued to look into a wide range of fraud and loss against the Council, as well as undertake such work as examining properties, both new and empty, to help determine the claim to the Department for Communities and Local Government (DCLG) regarding New Homes Bonus.
- A further two properties had been recovered as part of the work in the area of tenancy fraud.
- Work also continued to be developed in terms of investigating housing applications. The Team in this reporting period had prevented three further properties from being allocated and lost from the Council's stock.
- The Committee acknowledged that service performance continued to improve generally, including the application of various sanctions, of which there had been five further and successful prosecutions (three in respect of housing benefit fraud and two in respect of housing applications)
- The total of all overpaid benefit identified by the Team for this reporting period was £63,749.
- With regard to council tax and business rates, the Committee received details on losses stemmed, prevented and recovered, as well as new council tax and business rates gained.

In seeking and receiving clarification on information presented, Members conveyed their thanks and appreciation to the Team for the excellent progress it was continuing to achieve.

RESOLVED

That the report be noted.

14. Internal Audit Progress Report as at 31 August 2014

The Committee considered report **FIN/345** of the Audit and Risk Manager. The purpose of the report was primarily to update the Committee on the progress made towards the completion of the 2013 / 2014 and 2014 / 2015 Internal Audit Plans, and to report on the progress made in implementing the previous recommendations.

As part of the Committee's discussion on this matter, Councillor Walker referred to the minutes of the Committee's last meeting held on 25 June 2014 and in particular to Minute 5 (Maidenbower Pavilion – Review of Lessons Learned on Capital Projects), which further focussed on concerns raised by Councillor Walker regarding that Pavilion. The decision recorded in that Minute suggested that an additional report would be submitted to this 24 September meeting of the Committee on the outcomes of further investigations regarding those concerns which remained outstanding. With Councillor Walker expressing his surprise that such a report had not in fact been included in this meeting's agenda, he was referred to Minute Number 28 (a) of the subsequent (23 July) meeting of the Full Council, under the heading of "Matter raised under the report of the Audit and Governance Committee - 25 June 2014". This suggested that the outstanding concerns raised by Councillor Walker (involving primarily the Pavilion's management and operation) would now be moved forward and concluded by the respective Cabinet Member, working closely with officers and representatives of the Pavilion's Social Club. Councillor Walker had not attended the 23 July meeting of the Full Council, having conveyed his apologies for absence.

The Chair advised the Committee that whilst he had requested the Cabinet Member to take forward the concerns raised, it was not the intention that those concerns and the work undertaken thereon would be withdrawn for further consideration by this Committee. It was emphasised that the Committee's decision of 25 June was still in

place, albeit the report it requested for submission to this 24 September meeting, would now, instead, need to be submitted to the Committee's next meeting. In response, Councillor Walker continued to convey his disappointment that the report requested was not submitted to this meeting. He then referred to a letter that he and other individuals and bodies had just recently received regarding the Pavilion. At this point the Head of Legal and Democratic Services advised the Committee that it was very likely that information that was exempt from disclosure was likely to be disclosed during the debate to follow, and with this in mind it was agreed that the continuation of this discussion on the Pavilion be deferred until the end of the meeting.

The Committee discussed and noted all the Audit Plan reviews in progress, along with other work as detailed in the report, whilst in response to issues raised by Councillor Lunnon, the Audit and Risk Manager indicated that she would seek to provide Members with a brief summary of how audit controls within this authority work in preventing and limiting risk.

RESOLVED

- (1) That the Internal Audit Progress report, and the progress made for the period up to 31 August 2014 be noted.
- (2) That the matter of the Maidenbower Pavilion be deferred for further consideration until the end of the meeting when all other business on the Committee's agenda has been transacted.

15. Ernst and Young LLP – Audit Results Report for the year ended 31 March 2014

The Committee considered the Audit Results Report for the year ended 31 March 2014 which was included as **Enclosure D** to the Agenda. The report summarised Ernst and Young's findings from the 2013/14 audit, and welcomed Paul King of Ernst and Young to the meeting.

The Committee acknowledged all the issues raised, and in so doing noted that it was proposed to issue an unqualified opinion on the financial statements (2013/14), and that it was also intended to issue an unqualified conclusion in relation to value for money. In response to Members comments, the Committee was advised that a report on the Council's Risk Management Strategy and Risk Register would be submitted to the Committee's next meeting in December.

RESOLVED

That the report from Ernst and Young LLP be received and noted.

16. Approval of the 2013/2014 Statement of Accounts

The Committee considered report **FIN/344** of the Deputy Head of Finance. The purpose of the report was to seek Committee approval of the 2013/2014 Statement of Accounts, to comply with the statutory deadline of 30 September 2014.

The 2013/2014 Statement of Accounts was attached as Appendix 1 to the report and as stated in Ernst and Young's Audit Results Report (Minute No. 15 above refers) it was proposed to issue an unqualified opinion.

RESOLVED

- (1) That the 2013/2014 Statement of Accounts be approved.
- (2) That the Chair of the Committee be authorised to sign the 2013/2014 Statement of Accounts on behalf of the Council.

17. Exempt Information - Exclusion of the Public

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 paragraph specified against the item.

**18. Maidenbower Pavilion
(Exempt - paragraph 1 – Information relating to any individual)**

With regard to Minute Number 14 above (Internal Audit Progress Report as at 31 August 2014), and with further reference made to a letter that had been received by a number of individuals and bodies, the Committee further considered issues relating to the Maidenbower Pavilion.

Officers referred Members to the steer set out in the minutes of the 23 July meeting of the Full Council which indicated that outstanding concerns that had been raised by Councillor Walker regarding the Pavilion (and involving primarily operational matters) would be moved forward by the respective Cabinet Member, working closely with officers and representatives of the Pavilion's Social Club. Whilst that work would continue, it was acknowledged that in accordance with the Committee's decision at its meeting on 25 June, a further report should be submitted to the Committee on the outcomes of the further investigations undertaken. In view of the operational nature of concerns raised, Members did discuss whether it was for this particular Committee (or perhaps scrutiny) to receive the report, whilst the need to avoid prejudicing investigations - which would be undertaken in relation to the recently received letter, was recognised. The Committee considered issues regarding the scope of the report to be submitted.

RESOLVED

That the Chair and Vice Chair of the Committee and appropriate Officers meet to consider and develop matters regarding the scope of a report to be presented to the next meeting of the Committee on 2 December 2014.

19. Closure of Meeting

The meeting ended at 7.47 pm.

I T IRVINE
Chair

Crawley Borough Council

Minutes of General Purposes Committee 29 September 2014 at 7.00pm

Present:

| | |
|-------------|--|
| Councillor | J Stanley (Chair) |
| Councillor | R D Burrett (Vice-Chair) |
| Councillors | M L Ayling, C A Cheshire, D G Crow, C R Eade, P K Lamb, R A Lanzer, T Lunnon, C G Oxlade and L A Walker |

Also in Attendance:

Councillors M G Jones and C A Moffatt

Officers Present:

| | |
|---------------|-----------------------------|
| Lee Harris | Chief Executive |
| Kevin Carr | Legal Services Manager |
| Steve Lappage | Democratic Services Manager |
| Andrew Oakley | Electoral Services Manager |
| Mez Matthews | Democratic Services Officer |

Apologies for Absence:

Councillor C R Eade (for lateness)

1. Welcome

The Chair welcomed the Committee to the first meeting of the municipal year and stated that he was looking forward to undertaking the work of the Committee. The Chair also welcomed Councillors Jones and Moffatt who had requested to attend the meeting to observe discussions.

2. Members' Disclosure of Interests

No disclosures of interests were made by Members.

3. Minutes

The minutes of the meeting of the Committee held on 31 March 2014 were approved as a correct record and signed by the Chair.

4. Individual Electoral Registration - Update

The Committee considered report LDS/091 of the Head of Legal and Democratic Services which informed the Committee about the transition to Individual Electoral Registration and updated progress towards implementing the new legislation and publishing the new electoral register on 1 December 2014.

Following a question from the Committee, the Electoral Services Manager explained that the data held by the Department for Work and Pensions, which was used to match the data held on the Council's register, had been largely reliable. Although, some difficulties had been encountered when matching the data of a number of older, married women, it was not yet known why and more information on the reasons for this should be available next year.

The Committee was assured that the by-election which was due to take place on 9 October 2014 would not impact on the timetable identified in Paragraph 5.4 of the report. It was also noted that any new financial burdens placed on the Council as a result of the new system would be assessed by the Government on a year by year basis and funding would be provided accordingly.

Following a query from the Committee, the Electoral Services Manager drew the Committee's attention to Paragraph 5.3 of the report. The Contact Centre had taken a large number of calls from the public in relation to the new register and the publication of elector details on the open register, but he explained that it would be difficult to cost the amount of time staff had spent on the matter.

Currently there was limited statistical breakdown and it was not possible to ascertain whether frequent voters had been successfully registered under the new system. The Committee was assured however that the procedure for registering as an elector had been simplified, and those who wanted to register as an elector would now find it much easier to do so.

The Committee requested that another progress report be brought to a future meeting of the Committee.

RESOLVED

1. That the progress towards implementing Individual Electoral Registration be noted.
2. That a further progress report be brought before the 9 March 2015 meeting of the Committee.

5. Polling Arrangements

At this point Councillor Eade arrived at the meeting.

The Committee considered report LDS/092 of the Head of Legal and Democratic Services which considered the operation of the scheme at the European and Local elections on 22 May 2014 and made recommendations concerning polling in Three Bridges and Broadfield North wards.

The Electoral Services Manager informed the Committee that the proposal to split Broadfield North into two polling districts through the introduction of an additional polling place would reduce the number of electors visiting the Broadfield Barton. It was noted that there would be a general election in 2015 and the expected number of electors voting would be double the number for a local election.

Three Bridges

The Committee was in agreement that the Holiday Inn Express be confirmed as the polling place for polling district LMC.

Broadfield North

The report suggested that the Scout Hut on Seymour Road would be a suitable polling place for the proposed new polling district in Broadfield North. The following comments were made in relation to Broadfield North:

- Concern that the Scout Hut did not provide sufficient parking.
- Many disabled electors drove to their polling station and it was therefore important that sufficient parking was available.
- Having two polling places in Broadfield North would reduce congestion problems at Broadfield Barton.
- Any change in polling place would be highlighted on the elector's polling card as well as in the newspaper and local community noticeboard.

Broadfield South

It was noted that Creasys Drive Adventure Playground had been examined as a possible polling place for Broadfield South, but the disabled access had been deemed too steep and narrow and it had therefore not been included as a recommendation.

The following comments were made in relation to Broadfield South:

- Disappointment that the report did not include a proposal to divide Broadfield South into two polling districts.
- Did not envisage access issues at Creasys Drive and Broadfield South ward should also be split into two polling districts, with the additional polling place being the Adventure Playground.
- Suggested that the Council's Access Officer visit and carry out a disabled access assessment at Creasys Drive as he had not yet visited the premises.
- Concern that should the improvement works proposed at Broadfield Barton be underway during the next election it could worsen the current parking issues on polling day.
- Concern that the first election following the new polling arrangements would be a general election, where the turnout was expected to be high, and a change in polling place could cause confusion for electors and any problems would be intensified. However, other Committee members were of the view that the Broadfield Barton had seen large queues at the last general election and it was important that the new arrangements be in place in time for the 2015 general election to ensure that electors did not turn away due to overcrowding.
- Any change in polling place would be highlighted on the elector's polling card as well as in the newspaper and local community noticeboard.
- Concern that any changes to polling districts needed to be brought before the next Full Council meeting if such arrangements were to be in place in time for the 2015 general election.

The Electoral Services Manager highlighted that any change to polling districts would need to be considered at the next Full Council meeting, however the decision of polling places was not a Full Council function and could be dealt with at a later date. The Committee considered a map which showed a potential district division for Broadfield South Ward.

The Legal Services Manager advised the Committee on the Principles of Decision Making set out in Article 12 of the Council's Constitution. Whilst concerns were raised regarding the promotion of the proposed new view to also divide Broadfield South into two polling districts, the majority of the Committee were of the view that it was necessary to divide the Ward at this time if any changes were to take place in time for the general election in 2015.

Maidenbower and Ifield East

The Chair had received a request that the Committee consider the polling places for Ifield East Ward (LFB) and Maidenbower Ward (LHB). As a consequence, the Chair sought the Committee's agreement that a report be brought before a future meeting of the Committee for consideration. The Committee discussed the proposal in detail.

Although several Committee members were of the view that the polling arrangements for Maidenbower had been considered by the Committee in November 2013 (minute 13 refers) and had concluded that no suitable alternative arrangements were available for Maidenbower Ward, other members of the Committee were of the opinion that the use of The Brook School, Maidenbower should be reconsidered.

The majority of the Committee were in agreement that a report on the polling arrangements for Maidenbower and Ifield East be considered at a future meeting of the Committee. It was requested that the Ward Members be consulted and their opinions included in the report to Committee.

RESOLVED

That a report on the polling arrangements for Ifield East Ward (LFB) and Maidenbower Ward (LHB) be considered at a future meeting of the Committee.

RECOMMENDATION)

That the Full Council be recommended:

1. That the Holiday Inn Express be confirmed as the polling place for polling district LMC.
2. That new polling districts be created for Broadfield North LBA and LBB as shown in Appendix A to report LDS/092.
3. That new polling districts be created for Broadfield South LCA and LCB as shown in Appendix A to these minutes.

6. Petition Scheme

The Committee considered report LDS/090 of the Head of Legal and Democratic Services on a review of the operation of the Petitions Scheme. The Cabinet would be asked at its meeting on 8 October 2014 to consider whether any changes should be made to the Petitions Scheme following the repeal of the Localism Act 2011 of the requirement (under the Local Democracy, Economic Development and Construction Act 2009) to have a Petitions Scheme (including an e-petition facility). The Committee was asked to note the main changes being proposed to the Petitions Scheme prior to its consideration by the Cabinet.

The Committee noted that although the online petition system was not currently 'live' due to various technical issues, it would be operational in a matter of days. The Committee considered the report and agreed with the following proposals contained within the report:

- That the opportunity to request a review of the steps taken in response to a petition be removed, and be replaced with the option to submit a complaint under the Council's Complaints Procedure.
- That any petitions relating to a public consultation be dealt with as part of that consultation.
- That hybrid petitions (both electronic and paper) be considered, subject to review.
- That petitions should no longer be considered by the Overview and Scrutiny Commission, but should be debated at the relevant Committee/body.

The fifth line of the flowcharts contained within Appendices 2 and 3 to the report stated "if it is a valid petition...". It was suggested that an explanation was necessary as to why a second stage of validity was required as the flowchart showed that a petition's validity would have been ascertained earlier on in the process. It was acknowledged that, although a "Right of Review" had been omitted from Appendix 2 to the report that step had been included in the flowchart contained within the Cabinet report.

Some members of the Committee were of the view that Senior Officers should not be held to account, as Councillors should hold officers to account and not the public. However, other Committee members felt it was important that Senior Officers could be held to account by the public, especially given the increased level of delegation recently introduced following the (Executive) Decision Making Redesign. The Committee was informed that the Cabinet report specifically named the Senior Officers who could be held to account. It was noted that any petition seeking to hold a Senior Officer to account would result in an investigation into the matter.

Some concern was expressed at the proposal to reduce the number of petition signatures required to hold an officer to account from 500 to 50, as it was felt that 50 signatures was too low however, it was acknowledged that the threshold level could be reviewed in the future should it be necessary.

RESOLVED

1. That the report and operation of the scheme to date be noted;
2. That the proposals for the revision of the Council's Petitions Scheme to be considered by the Cabinet on 8 October 2014 be noted before being determined by Full Council on 22 October 2014;

3. That the Committee's comments above be considered by the Cabinet.

7. Changes to the Constitution

The Committee considered report LDS/089 of the Head of Legal and Democratic Services which proposed changes to the Constitution. The majority of the changes had been put forward to ensure that the Council's procedures accorded with the requirements of the Openness of Local Government Bodies Regulations 2014.

RESOLVED

RECOMMENDATION *

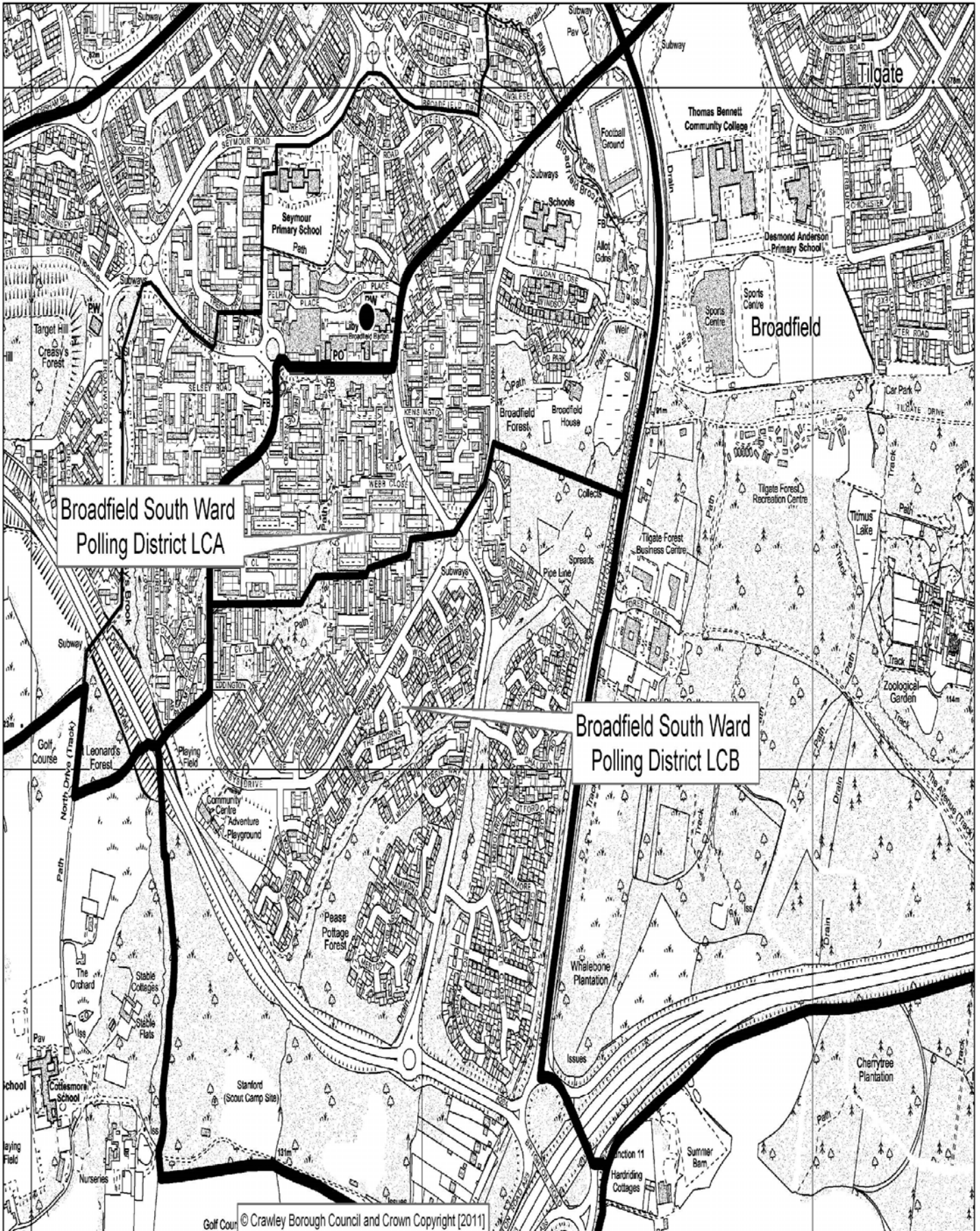
That the Full Council be recommended that the amendments to the Constitution proposed in Appendix B to these minutes be agreed.

8. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 8.44pm.

J STANLEY
Chair

APPENDIX A



APPENDIX B

CHANGES TO THE CONSTITUTION (LDS/089)

| <u>Function</u> | <u>Proposed amendment</u> | <u>Reason for amendment</u> |
|---|---|---|
| Article 12 – Decision Making – Page 39 | Where appropriate: <ul style="list-style-type: none"> Deleted wording is shown as crossed through Additional wording is shown in bold Amend Paragraph 12.3 as detailed in Appendix 1 to this report (LDS/089) to include the definition of a Significant Operational Decision. | The Access to Information Procedure Rules will refer to different types of decisions (see below), the inclusion of this definition will clarify the different decision types. |
| Access to Information Procedure Rules– Page 184 | Amend Paragraphs 7 and 8 as detailed in Appendix 2 to this report (LDS/089) | To accord with the requirements of The Openness of Local Government Bodies Regulations 2014. |
| Access to Information Procedure Rules– Page 192 | Amend Paragraph 21.3 to read as follows: “21.3 Record of Individual Decision As soon as reasonably practicable after a Cabinet key decision or Significant Operational (non key) Decision (see Article 12 – Decision Making, for definitions) decision has been taken by an individual | To accord with the requirements of The Openness of Local Government Bodies Regulations 2014. |

| <u>Function</u> | <u>Proposed amendment</u> | <u>Reason for amendment</u> |
|---|--|-----------------------------|
| <p>Access to Information Procedure Rules– Page 192 (continued...)</p> | <p>Where appropriate:</p> <ul style="list-style-type: none"> • Deleted wording is shown as crossed through • Additional wording is shown in bold <p>member of the Cabinet or an executive decision taken by an officer which was delegated to them either:</p> <p>(a) Under a specific express authorisation; or</p> <p>(b) Under a general authorisation to officers to take such decisions and, the effect of the decision is to:</p> <p style="padding-left: 40px;">(i) Grant a permission or licence; (ii) Affect the rights of an individual; or (iii) Award a contract or incur expenditure which, in either case, materially affects the Council's financial position.</p> <p>he/she will prepare, or instruct the Head of Legal and Democratic Services to prepare, a record of the decision, a statement including:</p> <p>(a) A record of the decision including the date it was made;</p> <p>(b) A record of the reasons for the decision;</p> <p>(c) Details of any alternative options considered and rejected by the Member/officer when making the decision;</p> | |

| <u>Function</u> | <u>Proposed amendment</u> | <u>Reason for amendment</u> |
|---|--|--|
| Access to Information Procedure Rules– Page 192 (continued...) | <p>Where appropriate:</p> <ul style="list-style-type: none"> • Deleted wording is shown as crossed through • Additional wording is shown in bold <p>(d) A record of any conflicts of interest declared by any Cabinet Member who is consulted by the Member/officer which relates to the decision; and</p> <p>(e) In respect of any declared conflict of interest, a note of any dispensation granted.</p> <p>The provisions of Rules 7 and 8 (inspection of documents after meetings) and Scrutiny Procedure Rule 14 will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a Political Adviser.</p> | |
| Access to Information Procedure Rules– Page 194 | <p>Insert the following new paragraph after Paragraph 23.6:</p> <p>“24. REPORTING PROCEDURES OF A MEETING</p> <p>24.1 Any person attending a meeting of the Council which is open to the public is permitted to report the proceedings. The Protocol on Use of Social Media, Photography, Filming and Recording at Meetings set out in Part 5 of this Constitution relates.</p> <p>24.2 Reporting on proceedings at a meeting means:</p> | To accord with the requirements of The Openness of Local Government Bodies Regulations 2014. |

| <u>Function</u> | <u>Proposed amendment</u> | <u>Reason for amendment</u> |
|---|--|-----------------------------|
| <p>Access to Information Procedure Rules– Page 194 (continued...)</p> | <p>Where appropriate:</p> <ul style="list-style-type: none"> • Deleted wording is shown as crossed through • Additional wording is shown in bold <p>(a) Filming, photographing or making an audio recording of the proceedings at the meeting;</p> <p>(b) Using any other means for enabling people not present at the meeting to see or hear proceedings at the meeting as it takes place or later; or</p> <p>(c) Reporting or providing commentary on proceedings at the meeting, orally or in writing, so that the report or commentary is available to people not present, as the meeting takes place or later.</p> <p>24.3 Any person who attends a meeting of the Council to report the proceedings may use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities.</p> <p>24.4 When the meeting is not open to the public, the Council may also prevent any person from reporting proceedings using methods:</p> <p>(a) Which can be used without that person’s presence at the meeting; and</p> | |

| <u>Function</u> | <u>Proposed amendment</u> | <u>Reason for amendment</u> |
|---|--|--|
| Access to Information Procedure Rules– Page 194 (continued...) | Where appropriate: <ul style="list-style-type: none"> • Deleted wording is shown as crossed through • Additional wording is shown in bold | |
| Arrangements for Dealing with Code of Conduct Complaints Under the Localism Act 2011 Page 411 | Amend Paragraph (a) of the Arrangements for Dealing with Code of Conduct Complaints Under the Localism Act 2011 to read as follows: “(a) Complaints in writing are to be made to the Monitoring Officer who will be responsible for the management of complaints, liaising with the Complainant, Members, those requiring to be informed and consulted and providing support services to the Independent Person. The Monitoring Officer should report periodically to the Council’s Audit and Governance Committee or any other Committee that has the responsibility for the discharge of standards functions on the complaints, the outcomes and lessons learned.” | To ensure that the issues are dealt with by the correct Committee. |
| Arrangements for Dealing with Code of Conduct Complaints Under the Localism Act 2011 Page 413 | Amend Appendix A (Role of Monitoring Officer) and Appendix B (Role of the Independent Person) of the Arrangements as detailed in Appendix 3 to this report (LDS/089) | To describe how frivolous and vexatious complaints are dealt with under the Code of Conduct for Members. |

EXCERPT FROM ARTICLE 12 – DECISION MAKING

12.3. Types of Decision

(a) Decisions reserved to Full Council

Decisions relating to the functions listed in Article 4.02 will be made by the Full Council and not delegated.

(b) Key Executive decisions

(1) A key decision is likely

(i) To result in the Council incurring expenditure which is, or in the making of savings which are deemed significant in financial terms:

- (a)** By not being in the Annual Budget and Capital Programme approved by the Full Council;
- (b)** In the case of revenue expenditure, any projects and new commitments likely to exceed £100,000 per annum;
- (c)** In the case of capital expenditure, any projects if they involve entering into new commitments in excess of £500,000;
- (d)** Any contract awards exceeding £500,000

NOTE: Expenditure in excess of the above levels will not constitute a key decision if such expenditure is made as part of the implementation of, and in accordance with, a decision which itself was a key decision

OR

(ii) To be significant in terms of its effects (impacts) on communities (eg. A significant number of people) living or working in an area comprising two or more wards or electoral divisions in the area of the Council.

(2) A decision taker may only make a key decision in accordance with the requirements of the Leader and Cabinet Procedure Rules set out in Part 4 of this Constitution.

(3) Generally, a key decision will only be made by the Leader/Cabinet/Cabinet Members, a Committee of the Cabinet, a Joint Committee (or Sub Committee thereof) or an area Committee (if any).

(c) **Significant Operational Executive (Non Key) Decisions**

A Significant Operational Decision:

- (i) **Results in revenue expenditure or making savings (including the receipt or loss of income) between £80,000 and £99,999 per year;**
- (ii) **Results in capital expenditure (i.e. if they involve entering into new commitments and/or making savings) and/or contract awards of between £250,000-£499,999;**
- (iii) **Takes place when, in the opinion of the Director or Head of Service or Monitoring Officer, a published record of the decision is required to provide openness and transparency. A significant decision should be recorded in order to comply with Regulation 13 (Recording of executive decisions made by individuals) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (No. 2089).**

EXCERPT FROM THE ACCESS TO INFORMATION PROCEDURE RULES

**7. ~~RULE 7 - ACCESS TO MINUTES AND RECORDS OF DECISIONS ETC.~~
~~AFTER THE MEETING~~**

7.1. The Council will make available copies of the following for six years after a meeting:-

- (a) the records of decisions taken by the bodies to which these apply (together with reasons for Cabinet decisions) excluding any part of the record when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any part of the meeting not open to the public, where the record open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

7.2. **An officer will produce a written record of any non executive decision they have taken which was delegated to them either:**

- (a) Under a specific express authorisation; or
- (b) Under a general authorisation to officers to take such decisions and, the effect of the decision is to:
 - (i) Grant a permission or licence;
 - (ii) Affect the rights of an individual; or
 - (iii) Award a contract or incur expenditure which, in either case, materially affects the Council's financial position.

The written record will be produced as soon as reasonably practicable after the decision has been taken and will contain the following:

- (a) The date the decision was taken;
- (b) A record of the decision taken along with the reasons for the decision;
- (c) Details of alternative options, if any, considered and rejected; and
- (d) The source of that delegation.

Records of executive decisions are referred to in Paragraph 21.3 of these Procedure Rules.

8. RULE 8 - BACKGROUND PAPERS

8.1. List of Background Papers

The proper officer will set out in every report **and record of decision** a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report / **decision** or an important part of the report / **decision** is based; and
- (b) which have been relied on to a material extent in preparing the report / **decision**

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) (and in respect of Cabinet reports / **decisions**, the advice of a Political Advisor).

8.2. Public Inspection of Background Papers

The Council will make available **as soon as reasonably practicable** for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

In relation to ~~an Executive~~ a decision, the Council will make available on the Council's website and at the Town Hall, Crawley (at all reasonable hours) a copy of the background papers included within the list.

**EXCERPT FROM THE ARRANGEMENTS FOR DEALING WITH CODE OF
CONDUCT COMPLAINTS UNDER THE LOCALISM ACT 2011**

APPENDIX A

ROLE OF THE MONITORING OFFICER

Upon receipt of a complaint the Monitoring Officer must consider:

1. whether the subject matter of the allegation is within the Code of Members' Conduct;
2. whether the allegation appears to disclose a failure to comply with the Code of Members' Conduct because it comprises
 - a. a failure to treat others with respect;
 - b. acting in a way that may cause the authority to breach an equality enactment;
 - c. bullying of any person;
 - d. an intimidation or attempt at intimidation of a person involved in an allegation against the Member;
 - e. a compromise the impartiality of those who work for, or on behalf of, the authority;
 - f. a disclosure of confidential information;
 - g. the bringing of an office or authority into disrepute;
 - h. the using or attempt at using of the Member's position as a Member improperly to confer or secure an advantage or disadvantage;
 - i. the using of the resources of the authority not in accordance with its requirements;
 - j. the disregarding of relevant advice when reaching decisions;
 - k. a failure to give reasons for decisions;
 - l. a failure to declare a disclosable pecuniary interest;
 - m. a failure to declare another type of disclosable interest;
 - n. the having of an interest and the failure to act appropriately;
 - o. a failure to register interests.
3. If the allegation appears to disclose a failure to comply with the Code of Members' Conduct, the Monitoring Officer is to consider:
 - a. the extent to which the Member is alleged to have failed to treat others with respect;
 - b. the extent to which the Member is alleged to have acted in a way that may cause the authority to breach an equality enactment;
 - c. whether the allegation relates to bullying, intimidating, or attempting to intimidate a person involved in an allegation against the Member;
 - d. whether in disclosing confidential information, the Member failed to take or to heed advice;

- e. the implications for public perception or the reputation of the Council;
 - f. the implications for staff relations;
 - g. the seniority or position of influence of the Member, and public trust and confidence;
 - h. the consequences or the likely consequences of the Member's alleged actions;
 - i. the extent to which the Member is alleged to have used his or her position as a Member improperly to confer or secure an advantage or disadvantage;
 - j. the extent to which the Member is alleged to have misused or abused the resources of the Council;
 - k. the detriment caused by acting against advice when reaching decisions;
 - l. the extent to which a failure to register or to declare interests resulted from a failure or refusal to seek or to follow advice;
 - m. whether the matter of complaint has already been the subject of a previous complaint, a previous investigation or of an investigation by another regulator, eg the Local Government Ombudsman or the council's auditor, or the subject of proceedings in court;
 - n. whether the complaint is about something that happened so long ago that there would be little public benefit in taking action now;
 - o. whether the complaint is too trivial to warrant further action;
 - p. whether the complaint appears to be simply **frivolous**, malicious, vexatious, politically motivated or tit-for-tat *;
 - q. the public benefit in directing an investigation or other steps;
 - r. the costs and officer and Member time which could be incurred on an investigation or other steps.
4. The Monitoring Officer considers that a Code of Members' Conduct may have been committed they must decide whether:
- a. the complaint can be resolved by informal means e.g. a telephone call, a meeting between the complainant and the Member or a meeting between the complainant, the Member, the Independent Person or a third party e.g. Group Leader, the Leader of the Council or the Chief Executive, or an apology;
 - b. to recommend steps to the complainant and the Member other than investigation and, if so, what steps;
 - c. to investigate the complaint;
 - d. to refer the allegation to the Independent Person for action;
 - e. to refer the case to be dealt with as part of the Council's corporate complaints procedure; or
 - f. to take no further action because:
 - i. the subject matter of the allegation is outside the Code of Members' Conduct;
 - ii. the allegation does not appear to disclose a failure to comply with the Code of Members' Conduct;
 - iii. the information submitted is insufficient to enable him or her to reach a decision;
 - iv. the matter of complaint has already been the subject of a previous investigation or of an investigation by another regulator, or the subject of proceedings in court;

- v. the complaint is about something that happened so long ago that there would be little public benefit in taking action now;
 - vi. the complaint is too trivial to warrant further action;
 - vii. the complaint appears to be simply **frivolous**, malicious, vexatious, politically motivated or tit-for-tat *; or
 - viii. it would not be expedient in the public interest for the matter to be pursued further.
5. The Monitoring Officer must consider the reasons for making this decision.
 6. If the Monitoring Officer proposes to take steps 4b to 4f they shall inform the Chief Executive, the Group Leader and the Independent Person.
 7. If the Monitoring Officer proposes to take steps 4c or 4d they shall consult the Independent Person.
 8. *** A frivolous or vexatious complaint is described as:-**
 - **Repeated complaints making the same or similar complaints against the same member or about the same alleged incident.**
 - **Repeated complaints that disclose no potential breach of the Code.**
 - **Complaints that are designed to cause disruption or annoyance.**
 - **Demands for redress which lack any serious purpose or value.**
 - **Complaints that are pursuing unrealistic outcomes.**
 - **Insistence upon pursuing complaints which lack merit.**
 9. **The Monitoring Officer will consult with the Independent Person if a complaint is received which falls within this category and where it is recommended no further action will be taken on the complaint.**

APPENDIX B

ROLE OF THE INDEPENDENT PERSON

1. To consider any reference from the Monitoring Officer and to give directions accordingly
2. To give directions regarding any Investigation
3. To give advice to the complainant, the Member, the Monitoring Officer or the Council or any of its Committees or Sub-Committees that have responsibility for Standards
4. To receive and consider any Investigation Report from the Monitoring Officer
5. To receive and consider any representations from the complainant and the Member
6. To hold a Hearing either orally or on the papers following an Investigation
7. Upon a reference by the Monitoring Officer and/or after a hearing to make recommendations to:
 - A Panel of Members drawn from the Appointments and Investigating Committee
8. In reaching any decision the Independent Person is to consider:
 - a) whether the subject matter of the allegation is within the Code of Members' Conduct;
 - b) whether the allegation appears to disclose a failure to comply with the Code of Members' Conduct because it comprises:
 - i) a failure to treat others with respect;
 - ii) acting in a way that may cause the authority to breach an equality enactment;
 - iii) bullying of any person;
 - iv) an intimidation or attempt at intimidation of a person involved in an allegation against the Member;
 - v) a compromise the impartiality of those who work for, or on behalf of, the authority;
 - vi) a disclosure of confidential information;
 - vii) the bringing of an office or authority into disrepute;
 - viii) the using or attempt at using of the Member's position as a Member improperly to confer or secure an advantage or disadvantage;
 - ix) the using of the resources of the authority not in accordance with its requirements;
 - x) the disregarding of relevant advice when reaching decisions;
 - xi) a failure to give reasons for decisions;
 - xii) a failure to declare a disclosable pecuniary interest;
 - xiii) A failure to declare an other type of disclosable interest;
 - xiv) the having of an interest and the failure to act appropriately;
 - xv) a failure to register interests.

- c) If the allegation appears to disclose a failure to comply with the Code of Members' Conduct, the Independent Person to consider
- i) the extent to which the Member is alleged to have failed to treat others with respect;
 - ii) the extent to which the Member is alleged to have acted in a way that may cause the authority to breach an equality enactment;
 - iii) whether the allegation relates to bullying, intimidating, or attempting to intimidate a person involved in an allegation against the Member;
 - iv) whether in disclosing confidential information, the Member failed to take or to heed advice;
 - v) the implications for public perception or the reputation of the Council;
 - vi) the implications for staff relations;
 - vii) the seniority or position of influence of the Member, and public trust and confidence;
 - viii) the consequences or the likely consequences of the Member's alleged actions;
 - ix) the extent to which the Member is alleged to have used his or her position as a Member improperly to confer or secure an advantage or disadvantage;
 - x) the extent to which the Member is alleged to have misused or abused the resources of the Council;
 - xi) the detriment caused by acting against advice when reaching decisions;
 - xii) the extent to which a failure to register or to declare interests resulted from a failure or refusal to seek or to follow advice;
 - xiii) whether the matter of complaint has already been the subject of a previous investigation or of an investigation by another regulator, eg the Local Government Ombudsman or the council's auditor, or the subject of proceedings in court;
 - xiv) whether the complaint is about something that happened so long ago that there would be little public benefit in taking action now;
 - xv) whether the complaint is too trivial to warrant further action;
 - xvi) whether the complaint appears to be simply **frivolous**, malicious, vexatious, politically motivated or tit-for-tat *;
 - xvii) the public benefit in directing an investigation or other steps;
 - xviii) the costs and officer and Member time which could be incurred on an investigation or other steps.
- d) If the Independent Person considers that a breach of the Code of Members' Conduct may have been committed he or she must decide whether:
- i) the complaint can be resolved by informal means e.g. a telephone call, a meeting between the complainant and the Member or a meeting between the complainant, the Member, the Independent Person or a third party e.g. Group Leader, the Leader of the Council or the Chief Executive, or an apology;
 - ii) to recommend steps to the complainant and the Member other than Investigation and, if so, what steps;
 - iii) to recommend action to:
 - iv) A Panel of Members drawn from the Appointments and Investigating Committee

- v) to take no further action because
- (1) the subject matter of the allegation is outside the Code of Members' Conduct;
 - (2) the allegation does not appear to disclose a failure to comply with the Code of Members' Conduct;
 - (3) the information submitted is insufficient to enable him or her to reach a decision;
 - (4) the matter of complaint has already been the subject of a previous investigation or of an investigation by another regulator, or the subject of proceedings in court;
 - (5) the complaint is about something that happened so long ago that there would be little public benefit in taking action now;
 - (6) the complaint is too trivial to warrant further action;
 - (7) the complaint appears to be simply **frivolous**, malicious, vexatious, politically motivated or tit-for-tat *; or
 - (8) It would not be expedient in the public interest for the matter to be pursued further.

9. The Independent Person must consider the reasons for making this decision.

10. If the Independent Person makes a decision he or she shall inform the Monitoring Officer, the Chief Executive, the Group Leader, the complainant and the Member.

11. The actions the Independent Person may recommend to:

- A Panel of Members drawn from the Appointments and Investigating Committee are set out at Appendix C.

12. * A frivolous or vexatious complaint is described as:-

- **Repeated complaints making the same or similar complaints against the same member or about the same alleged incident.**
- **Repeated complaints that disclose no potential breach of the Code.**
- **Complaints that are designed to cause disruption or annoyance.**
- **Demands for redress which lack any serious purpose or value.**
- **Complaints that are pursuing unrealistic outcomes.**
- **Insistence upon pursuing complaints which lack merit.**

Crawley Borough Council

Minutes of the Overview and Scrutiny Commission

Monday 6 October 2014 at 7.00p.m.

Present:

| | |
|-------------|---|
| Councillor | W A Ward (Chair) |
| Councillor | K Sudan (Vice-Chair) |
| Councillors | R G Burgess, C A Cheshire, I T Irvine, M G Jones, R A Lanzer and B A Smith |

Also in Attendance:

| | |
|------------|---------|
| Councillor | S Joyce |
|------------|---------|

Apologises for Absence

| | |
|-------------|------------------------------|
| Councillors | Dr H S Bloom and K Brockwell |
|-------------|------------------------------|

Officers Present:

| | |
|-----------------|-----------------------------|
| Heather Girling | Democratic Services Officer |
| Lee Harris | Chief Executive |
| Ray Hook | Built Environment Manager |
| Steve Lappage | Democratic Services Manager |

26. Members' Disclosure of Interests and Whipping Declarations

No disclosures of interests or whipping declarations were made by Members.

27. Minutes and Matters Arising

The minutes of the meeting of the Commission held on [8 September 2014](#) were approved as a correct record and signed by the Chair.

28. Public Question Time

No questions from the public were asked.

29. Exclusion of the Public

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.

30. Land at Gales Place, Three Bridges, Crawley

Exempt Paragraph 3 (Financial and business affairs)

The Commission considered report CH/155 of the Head of Crawley Homes, which considered a proposed development of dwellings set to be built in Gales Place.

A discussion was held with the Cabinet Member for Housing and the Built Environment Manager.

Members' main comments included:

- Support for the scheme, and the opportunity to continue delivery of dwellings funded from Housing Revenue Account reserves and Right To Buy 1-4-1 receipts, to maximise social housing development.
- Support for the Passivhaus Standard for the design and construction and the proposed feedback from Crawley Homes on its operation. Although it was requested that additional information be made to Members on the Passivhaus Standard.
- Concern about the uplift on construction costs. However, it was also noted that any 'upfront' costs would need to be 'off-set' against any potential reduction in maintenance costs, resulting in possible benefit for CBC, the tenants and the environment.
- Appreciation for the detailed presentation and full explanation from the Cabinet Member for Housing and the Built Environment Manager.

RESOLVED

That the Commission agreed to endorse the recommendations to Cabinet and Full Council and also convey its support for the proposal.

31. Re-Admission of the Public

The Chair declared the meeting reopen for consideration of business in public session.

32. Petitions Scheme

The Commission considered report [LDS/088](#) with the Democratic Services Manager. It was noted that an update report on the changes to the Petitions Scheme was submitted to General Purposes Committee at its meeting on 29 September 2014 and the Committee's comments were conveyed to the Commission and were due to be considered by the Cabinet on 8 October 2014.

Whilst support was expressed for the retention of the Petitions scheme, Members:

- Recognised that the reduction in the threshold for petitions seeking to hold officers to account be reduced from 500 to 50 signatures would simplify the scheme and no petitions seeking to hold officers to account had been received since the introduction to the scheme.
- Acknowledged that the Overview and Scrutiny Commission offers an independent approach.
- Expressed concerns that petitions, under the new proposals would no longer be considered by the Overview and Scrutiny Commission, but only be debated at the

relevant Committee/body. It was thought that the removal of this process would eliminate an important part of the democratic process and may also be confusing to the public. It was noted that members of the public have the opportunity to request the scrutiny of a service or policy and it was believed petitions should follow a similar approach. However, it was acknowledged that should a petition be debated at Cabinet, Commission Members would have an opportunity to refer the report for consideration from the Forward Plan.

- Discussed issues around the possible alternative approaches to inform the Commission regarding the receipt of petitions. This could include notification to the Chair and Vice Chair respectively upon receipt, to then take a decision for further action (similar to a provisional referral). However, it was felt that this might result in additional resources and a more complex process.
- Did not support the full recommendations. It was agreed that the recommendation detailed in 6.3 of the report regarding the removal of petitions to be debated by the Overview and Scrutiny Commission be amended. Any petition over 1000 and requiring debate at Full Council, will be considered at Full Council. However any other petition containing 50-999 signatures (to be referred to the Cabinet, a Committee or Sub-Committee) should automatically trigger debate at the Overview and Scrutiny Commission, prior to consideration at the appropriate body.

The Chair invited Members of the Commission to vote on this amended recommendation. As a result, the Cabinet was to be advised that six Members agreed to vote in favour for this amended recommendation to support the trigger to the Commission, as opposed to one Member vote against, and one abstention.

The Commission supported the other recommendations to the Cabinet.

RESOLVED

That the Commission agreed to endorse the recommendations to the Cabinet and Full Council subject to the following amendment:-

That any petition over 1000 and requiring debate at Full Council, will be considered at Full Council. However any other petition containing 50-999 signatures (to be referred to the Cabinet, a Committee or Sub-Committee) should automatically trigger debate at the Overview and Scrutiny Commission, prior to consideration at the appropriate body.

33. Overview and Scrutiny Commission Work Programme 2014-2015

The commission considered report [OSC/226](#), presented by the Chair of the Commission. The report contained the findings from the Commission's Workshop held on 17 September 2014.

The Commission examined each of the proposals. In relation to Neighbourhood Parking Provision, it was noted that neighbourhood parking levels had previously been agreed and the effectiveness of a panel was questioned.

On the proposal to investigate the viability to establish Crawley's own Standing Commission on Fairness, it had been agreed to defer this decision until the 10 November meeting for further study and evidence. However, further discussion took place and it was proposed that the scrutiny panel should be agreed and established without delay in order to progress additional evidence and scope.

Concerns regarding the review focus were raised, however it was thought that the scoping meeting and additional documentation would clarify this.

Some Members highlighted that as with some previous reviews they should be leading on the review, rather than the officers doing the majority of the work, especially with many of the relevant officers being involved in Systems Thinking Reviews.

The majority of Members confirmed that they wished to establish a scrutiny panel on this topic, with Councillor Jones as the Chair, and the Panel size be made up of 5 members (3 Labour and 2 Conservative Group Members in accord with political proportionality). It was agreed Group Leaders and Secretaries would be contacted to obtain nominations.

RESOLVED

1. That the Commission agreed the following for each of the proposed scrutiny topics:

Channel Shift –

- That the Commission does not approve the topic for a scrutiny review.
- That the Web Development Manager update Cllrs R A Lanzer & W A Ward (i.e. in addition to the Cabinet Member) on the current Channel Shift project and that they consider how other Members should be kept updated.
- A progress report be submitted to the OSC 6 months after implementation.

The Effect of Individual Voter Registration –

- That the Commission does not proceed with the topic due to the scheduled report to General Purposes Committee summarising the effects of individual voter registration and any recommendations.

Green spaces in the neighbourhoods – linking with play areas across the town -

- That the Commission does not support this topic due to the documents and studies recently produced which reflect the proposed areas for consideration within the scrutiny suggestion.
- That the documents 'Open Space, Sport & Recreation Study 2014-2030' and 'Play Facilities – Investment Proposals' be made available upon request.
- A copy of both documents will be made available in the Members' Lounge.

Neighbourhood Parking Provision –

- That the Commission does not proceed with this topic for a scrutiny review. A progress report to the Commission 6 months after the revised Supplementary Planning Document to include any improvement plan work might be requested.

Investigate the viability of establishing Crawley's own Standing Commission on Fairness –

- That a scrutiny review be established to investigate the viability of a Fairness Commission, with Councillor Michael Jones as the Chair, comprising of 5 Members (i.e. 3 Labour and 2 Conservative Group Members in accord with political proportionality).
2. That the Commission agree the Overview and Scrutiny Commission Work Programme for 2014-2015.

34. Health and Adult Social Care Select Committee (HASC)

An update was provided following the recent meeting on 2 October 2014. Discussion took place regarding an open letter to all members of HASC from the Lead Governor, Western Sussex Hospitals NHS Foundation Trust, regarding the recent private provider contract awarded and any possible negative consequences. The meeting included discussions on the implementation of the new Musculoskeletal (MSK) Services in the Coastal West Sussex area and the impact on local providers of trauma services.

35. Scrutiny Panels

Performance Monitoring Scrutiny Panel (PMSP)

A special informal scrutiny panel meeting took place on 1 October 2014 to discuss the performance of K2 Crawley onsite with Freedom Leisure. Various issues were discussed including the forthcoming lift repair. There was an acknowledgement that obtaining parts for maintenance and communication were issues that were now being addressed. Members appreciated the full and positive report from Councillor R G Burgess as Chair of PMSP.

Recording How Members Vote Scrutiny Panel

A trial/demo of the electronic voting system was held with the Conservative Group on 30 September and a draft report is now being prepared.

36. Forward Plan – 1 November 2014 and Provisional List of Reports for the Commission's following Meetings

The Commission considered the latest version of the Forward Plan and the provisional lists of reports for future meetings. The following referrals were made:

10 November 2014

1) Strategic Approach to Affordable Housing Delivery (full referral)

1 December 2014

1) The Provision of a New Cemetery for Crawley (full referral)

12 January 2015

1) Response to the Airport commission Consultation on Additional Runway Options in the South East (full referral).

9 February 2015

1) Three Bridges Forecourt Project (full referral)
2) Budget & Council Tax 2015-2016 (full referral)

37. Closure of Meeting

The meeting ended at 9.07pm.

W A WARD
Chair

Crawley Borough Council

Minutes of Cabinet

Wednesday 8 October 2014 at 7.30pm

Present:

| | | |
|------------|--------------|---|
| Councillor | P K Lamb | (Chair of Cabinet and Leader of the Council) |
| | S J Joyce | (Deputy Leader of the Council and Cabinet Member for Housing) |
| | C C Lloyd | (Cabinet Member for Environmental Services) |
| | C J Mullins | (Cabinet Member for Leisure and Cultural Services) |
| | C Oxlade | (Cabinet Member for Community Engagement) |
| | D J Shreeves | (Cabinet Member for Customer and Corporate Services) |
| | P Smith | (Cabinet Member for Planning and Economic Services) |

Officers Present:

| | |
|----------------|--|
| Peter Browning | Director of Transformation & Housing |
| Kevin Carr | Deputy Monitoring Officer |
| David Covill | Director of Development & Resources |
| Sally English | Democratic Services Officer |
| Lee Harris | Chief Executive |
| Ray Hook | Built Environment Manager |
| Steve Lappage | Democratic Services Manager |
| Phil Rogers | Director of Community & Partnership Services |

Also in attendance:

Councillors W Ward

Apologies for Absence:

There were no apologies for absence.

28. Members' Disclosure of Interests

There were no disclosures of interest.

29. Minutes

The minutes of the meeting of the Cabinet held on 10 September 2014 were approved as a correct record and signed by the Chair.

30. Public Question Time

There were no questions from the public.

31. Further Notice of Intention to Conduct Business in Private and Notifications of any Representations

The Deputy Monitoring Officer reported that a representation had been received in respect of item 12 The Approval for the Budget and Authority to Proceed to Construct Approximately 13-15 Social Rented Dwellings on Land at Gales Place, Three Bridges, Crawley and for this item to heard as Part A. The Deputy Monitoring Officer advised the item could be discussed as Part A with the exception of matters 4.1 – 4.9 relating to the business and financial affairs of CBC and third parties. It was also pointed out that the report would remain as Part B. The Cabinet agreed the item would therefore be discussed as Part A with the report remaining as Part B.

32. Matters Referred to the Cabinet

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

33. Petitions Scheme (Leader's Portfolio and Community Engagement Portfolio)

The Cabinet considered the joint report LDS/088 of the Head of Legal & Democratic Services which requested the Cabinet to consider whether any changes should be made to the Petitions Scheme following the repeal of the Localism Act 2011 of the requirement (under the Local Democracy, Economic Development and Construction Act 2009) to have a Petitions Scheme (including an e-petitions facility).

The matter had been at the meeting of the Overview & Scrutiny Commission on 6 October 2014. The Commission expressed support for the retention of the scheme, Members' comments included:

- Concerns expressed that petitions should no longer be considered by the Overview and Scrutiny Commission, but should be debated at the relevant Committee/body. It was thought that the removal of this process would eliminate an important part of the democratic process and may also be confusing to customers. It was noted that members of the public have the opportunity to request the scrutiny of a service (through suggestion forms and panels) and it was believed petitions should follow a similar approach. However, it was acknowledged that should a petition be debated at Cabinet, Commission Members would have an opportunity to refer the report for consideration from the Forward Plan.
- Possible alternative approaches to inform the Commission regarding the receipt of petitions were discussed. This could include notification to the Chair and Vice Chair upon receipt, to then take a decision for further action (similar

to a provisional referral). However, it was felt that this might result in additional resources and a more complex process.

- Members did not support the full recommendations. It was agreed that the recommendation detailed in 6.3 of the report regarding the removal of petitions to be debated by the Overview and Scrutiny Commission be amended. Any petition over 1000 signatures and requiring debate at Full Council, will be considered at Full Council. However any other petition containing 50-999 signatures (to be referred to the Cabinet, Cabinet Member, Committee or Sub-Committee – whoever has the authority to take a decision on the matter) should automatically trigger debate at the Overview and Scrutiny Commission, prior to consideration at the appropriate body.

The Chair invited Members of the Commission to vote on this amended recommendation. As a result, the Cabinet is to be advised that six Members agreed to vote in favour for this amended recommendation to support the trigger to the Commission, as opposed to one Member vote against, and one abstention.

The Commission supported the other recommendations to the Cabinet. The Chair thanked the Commission for its comments and after some clarification on the existing petition arrangements, the Cabinet agreed to endorse the Commission's recommendation for petitions comprising 50-999 signatures to be considered by the Overview and Scrutiny Commission before they are considered by the Cabinet, Committee or other decision-maker as appropriate. It was agreed that in such circumstances, if an OSC meeting was not imminent, that a special OSC meeting could be convened, if required and if timescales allowed. The process of petitions comprising more than 1000 signatures going to Full Council for consideration would remain unchanged. It was also acknowledged that the petitions scheme had been successful to date, and was a vital element in the process of enabling residents to have their views heard.

RESOLVED

RECOMMENDATION 7

That Full Council be RECOMMENDED

- 1) To endorse the recommendation of the Overview & Scrutiny Commission for petitions numbering 50-999 to be considered by the Commission prior to its submission to the appropriate decision-maker;
- 2) That subject to 1) above, to endorse the retention of a Petition Scheme and e-petition facility and consider and approve the changes proposed to the Council's Petition Scheme (including e-petitions facility)
- 3) To instruct the Head of Legal and Democratic Services to amend the Council's Constitution to reflect any changes to the Petition Scheme, including the e-petition facility

Reason for decision

- 1) The statutory duty to have a petitions scheme (including an e-petition facility) and the Statutory Guidance has been repeated by the Localism Act 2011. Retention of both is now at the discretion of the Council
- 2) It is recommended that the Council retains a Petition Scheme as it sends a clear message to the general public that the Council takes their views seriously. It is an important part of the democratic process. It also clarifies for the public what the Council will do and the steps that officers have to take when it receives a petition.

34. Report from the West Sussex Joint Scrutiny Task & Finish Group – Commissioning of Community Advice from Citizen’s Advice Bureau (Community Engagement Portfolio)

The Cabinet considered report DC&PS/002 of the Director of Community and Partnership Services which sought endorsement from the findings of the Joint Scrutiny Task and Finish Group (TFG) regarding the existing contract for the provision of generalist advice to the West Sussex Citizens Advice Bureau (CAB) Consortium. The endorsement will be passed on to West Sussex County Council to enable them to undertake the appropriate procurement process for the future West Sussex Community Advice Service (WSCAS) to be provided from April 2015.

The recommendation was endorsed by the Cabinet. It was also pointed out that 2014 was the 75 anniversary of the CAB, and its AGM would be held in Burgess Hill in the next few weeks.

RESOLVED

- 1) To accept and endorse the findings of the West Sussex Joint Scrutiny Task & Finish Group which has considered the current operation and future procurement of the West Sussex Community Advice Service contract;
- 2) To act together with West Sussex County Council and the other Borough and District Councils to jointly commission the new service, noting that the procurement process for this is still subject to discussions with WSCC and other funders;
- 3) To note the proposed service specification for WSCAS (Appendix 1);
- 4) To agree that the contract offered is for up to five years, with suitable break clauses related to renewal of the funding commitment and as agreed by the Cabinet Member for Community Engagement in consultation with the Director of Community and Partnership Services;
- 5) To agree that the base funding level is increased by 6% for the new contract. This figure is currently provided for within the grant aid budget 2015/16.

Reason for Decision

The WSCAS provided by CAB in West Sussex provides independent and impartial advice on a wide range of issues to local residents. The service is funded jointly by WSCC and the Borough and District Councils.

Whilst discussions are taking place about the procurement process to be undertaken by WSCC, the desire is to commit for up to five years from April 2015 for a more sustainable funded service supporting residents in need.

35. Land at Gales Place, Three Bridges, Crawley (Housing Portfolio)

The Chair reminded the Cabinet that, following the representation made to hear this item in Part A and the agreement of the Cabinet to do so, the discussion would be held as Part A but the report remained Part B and therefore exempt and not available to the public.

The Cabinet considered report CH/155 of the Head of Crawley Homes which sought approval for the budget and authority to undertake a procurement exercise to select a contractor to design and construct a scheme of approximately 13-16 social rented dwellings on land at Gales Place, Three Bridges, Crawley.

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 6 October 2014. The Commission expressed support for the retention of the scheme, Members' comments included:

- Support for the scheme, and the opportunity to use the funds from Housing Revenue Account reserves and Right To Buy 1-4-1 receipts, to maximise social housing development.
- Support for the Passivhaus Standard for the design and construction and the proposed feedback from Crawley Homes on its operation. Although it was requested that additional information be made to Members on the Passivhaus Standard.
- Concern about the uplift on construction costs. However, it was also noted that any 'upfront' costs would need to be 'off-set' against any potential reduction in maintenance costs, resulting in possible benefit for the Council, the tenants and the environment.

The Commission agreed to endorse the recommendations and also convey its support for the proposal.

The Cabinet noted the comments and thanked the Commission for its endorsement. The Portfolio Holder confirmed that 13 properties were proposed; this was slightly less than had been anticipated but the reduction was due to site access restrictions. The energy efficiency of the proposed dwellings was welcomed, as was the potential for the future of dwellings of the Passivhaus design, and there was wide interest in visiting the site once the dwellings were completed. The Cabinet fully endorsed the recommendations.

RESOLVED

To note the contents of the report and:

RECOMMENDATION 8

That Full Council is RECOMMENDED:

- 1) To approve a supplementary estimate of £1,749,250 funded from the Housing Revenue Account (HRA) reserve and £750,750 from the Council's Right to Buy (RTB) Receipts (1-4-1) fund (giving a total of £2,500,000) for the delivery of approximately 13-16 No rented residential units at Gales Place, Three Bridges, Crawley
- 2) To delegate authority to officers to undertake the procurement exercise in accordance with the Procurement Code to select a suitable contractor to design and construct the scheme.
- 3) To delegate authority to the Head of Crawley Homes in consultation with the Leader of the Council and the Cabinet Member for Housing to enter into a contract with the successful bidder for the detailed design and construction of the dwellings.

Reason for Decision

- 1) To provide social rented housing for Crawley Homes
- 2) To provide housing for Crawley residents in need from the Housing Register
- 3) TO continue the delivery of dwellings funded from the HRA as part of the HRA business plan and the Council's RTB Receipts (1-4-1) funding programme.

36. Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8pm.

P K LAMB
Chair