

# Crawley Borough Council

## Minutes of the Full Council

Wednesday 22 October 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, 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 MeCrow, C A Moffatt, C J Mullins, C Oxlade, D M Peck, M W Pickett, B J Quinn, R Sharma, D J Shreeves, P C Smith, J Stanley, K Sudan, G Thomas, K J Trussell, L A Walker and W A Ward.

### Also in Attendance:

Mr J G Smith – Honorary Freeman and Alderman.

Mr B Jones – Appointed Independent Person.

Mr P Nicolson – Appointed Independent Person.

### Officers Present:

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

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

### 35. Apologies for Absence

Councillor K Brockwell.

Mr A C W Crane - Honorary Freeman and Alderman.

### 36. Members' Disclosures of Interests

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

### **37. Communications**

(a) Councillor K B Williamson

It was formally reported that on Friday 29 August 2014 notification was received that Councillor Karl Williamson had resigned as a Member of the Council for the Southgate Ward with immediate effect.

(b) Newly Elected Councillor M W Pickett

Following the resignation reported in (a) above, the consequent Southgate by-election was held on Thursday 9 October 2014, and the Mayor welcomed newly elected Councillor Michael Pickett to this meeting of the Full Council.

The associated review of the allocation of seats to Political Groups, would be discussed later at this meeting.

(c) The Armed Forces Community Covenant for Crawley

The Mayor was pleased to announce that she had recently been asked by both Group Captain Derek North, West Sussex Deputy Lieutenant, and Mr Alan Tait, Sussex Branch Chairman of the Soldiers', Sailors' and Airmen Families Association (SSAFA), to convey their huge thanks and appreciation to the Council regarding its signing of the Covenant, and for all the associated work and support provided by the Council following that signing with the Armed Forces in June 2013. The Mayor asked that these messages of thanks be passed on to all the staff involved in the Covenant's work.

(d) New Headquarters for the 1<sup>st</sup> Langley Green Scout Group

The Mayor was also pleased to inform the Council that she had been asked by Eddy Hills, the District Commissioner – Crawley Scout District, to convey his deep gratitude for the part the Council had played in the joint project with Moat Housing to build the recently opened new Headquarters for the 1<sup>st</sup> Langley Green Scout Group. The Mayor asked that the Commissioner's gratitude be conveyed to the appropriate staff.

(e) Recent Incident at Nature Centre

Councillor Mullins (as Cabinet Member for Leisure and Cultural Services) took this opportunity to refer the Council to the recent terrible attack and killing of a sheep at Tilgate Park Nature Centre which had been highlighted in that week's local press. It was suspected that this incident involved a dog and its owner, and Councillor Mullins appealed to anyone who might have information relating to the incident, to contact the Police.

### **38. Review of Allocation of Seats to Political Groups (Recommendation 1)**

As a result of Karl Williamson's recent resignation as a Member of the Council for the Southgate Ward, and the election of Councillor Michael Pickett at the consequent Southgate by-election, Minute No. 37 above (Communications) refers, Political Group Leaders had reviewed the allocation of seats, and considered revised Committee

appointments required, with a view to recommendations being made to this meeting of the Full Council.

Moved by Councillor Lamb, seconded by Councillor Crow and

## **RESOLVED**

(1) That the seat allocation on Committees be revised as follows:-

That the Development Control Committee, Licensing Committee and Licensing Sub-Committee be reduced from 15 to 14 Members – 8 Labour and 6 Conservative (previously 8 Labour and 7 Conservative).

(2) That the seat allocation on all other Committees be retained as previously agreed at Annual Council on 13 June 2014, and that no changes were required to retain political proportionality on Working Groups, Policy Development Forums and Scrutiny Panels.

(3) That, on the nominations of the Conservative Group:

i) Councillor K J Trussell be removed from the membership of the Development Control Committee.

ii) Councillor C R Eade be removed from the membership of both the Licensing Committee and the Licensing Sub-Committee.

(4) That subject to the changes in (3) above, the membership of all Committees be retained as existed immediately following Karl Williamson's resignation from the Council.

(5) That with regard to the current vacancy on the Performance Monitoring Scrutiny Panel, and on the nomination of the Conservative Group, Councillor K J Trussell be appointed to that position.

## **39. Presentations**

### **(a) Gifts to Former Members**

The Mayor presented a gift to each of the following former Members of the Council, who had recently ceased to hold office, to commemorate their service to the Council:-

Vanessa Cumper  
Alan Quirk

With regard to former Councillors Lee Burke, Claire Denman and John Denman they had informed the Head of Legal and Democratic Services that they would be unable to attend this meeting, and alternative arrangements (including arrangements with former Councillor Karl Williamson) were being made in terms of the receipt of their gifts.

The Mayor, on behalf of the Council, thanked the former members for their service to this Authority.

**(b) Long Service Badge**

The Mayor presented Councillor Walker with a badge commemorating his ten years service as a Member of Crawley Borough Council and thanked him for his long and dedicated service with this Authority.

**(c) Andrew Timms**

Andrew Timms had been appointed by the Council as an Independent Person for a two year term on 18th July 2012. His term of office had now expired. He had given ten years service to this Council in an Independent capacity, serving eight years as an Independent Member under the previous arrangements on Standards matters, and two years under the arrangements introduced by the Localism Act as an Independent Person. With Andrew's role at this Council now ceasing, the Mayor presented a gift to Andrew to acknowledge his contribution to the Council's work.

**(d) Grace Lawton**

The Mayor presented a gift to Grace Lawton in recognition of her 60 years service as a School Governor in Crawley. The Mayor paid tribute to the fantastic work and the many highlights of Grace's service to schools in Crawley, which Grace currently continued following her appointment on the Northgate Primary School's Governing Body. A presentation was also made to Grace by County Councillor Amanda Jupp, Chairman of West Sussex County Council. In response to the many tributes and congratulations conveyed to her, Grace thanked the Council for the honour they had bestowed on her.

**40. Public Question Time**

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

| <b>Questioner's Name</b> | <b>Subject</b>                                                                                      | <b>Name of Councillor(s) Responding</b>                                                                                                                                                                      |
|--------------------------|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mrs P Chappell           | Access restrictions for Private Hire vehicles at the Bus Station / front entrance of County Mall.   | Councillors Jones and Lloyd responded to this matter and as part of that response indicated that the Council would shortly be in touch with Mrs Chappell to provide full clarification of the issues raised. |
| Ms V Cumper              | Allegations made by Ms Cumper, including those relating to the Council's landlord responsibilities. | Councillor Lamb in firmly denying the Council's neglect of any of its responsibilities referred to, asked Ms Cumper to make further contact with him and provide specific details of the allegation made.    |

| Questioner's Name | Subject                                                                                                                                                                                                         | Name of Councillor(s) Responding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr R Symonds      | The relevance of future consultation regarding the three options for a potential second runway as submitted by Gatwick Airport, as part of the process being undertaken by the Independent Airports Commission. | <p>Councillor P C Smith provided a full and detailed response to the issues raised by Mr Symonds. As part of that response Councillor Smith emphasised that as a second runway and its supporting facilities were classified as a Nationally Significant Infrastructure Project (NSIP), any planning application would be heard by the Planning Inspectorate who would make a recommendation in a report to the Secretary of State. The Council would not therefore be exercising a planning authority role, but would be considering the matter from a wider perspective, taking account of all implications, not just planning considerations, for all the options, including a no expansion at Gatwick scenario. At this stage given the Council's status as a key stakeholder, and regardless of any current preferences indicated by Gatwick or the Airports Commission, on-going and further debate by the Council was indeed of value both in terms of the forthcoming Commission's consultation process and any future NSIP process which provided for local authorities to make representations on any proposal taken forward.</p> <p>Councillor Smith reiterated that should he wish to accept such an invitation, Mr Symonds would be welcome to the Town Hall to meet with Councillor</p> |

| Questioner's Name | Subject | Name of Councillor(s) Responding                                      |
|-------------------|---------|-----------------------------------------------------------------------|
|                   |         | Smith and appropriate officers to discuss any element of this matter. |

#### 41. Minutes

Subject to the following clerical correction, the minutes of the meeting of the Full Council held on [23 July 2014](#) were approved as a correct record and signed by the Mayor:-

##### Clerical Correction

That with regard to Minute Number 28 (a) (Matter raised under the report of the Audit and Governance Committee – 25 June 2014), delete the words at the very end of that minute which read “and conclude the matters concerned”.

#### 42. 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.<br>(and the Member reserving the item for Debate)           | Subject<br>(Decisions previously taken under delegated powers, reserved for debate only).                                                            | Subject<br>(Recommendation to Full Council, reserved for debate)             |
|----------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
|                      | Agenda Item 4<br><br>(Labour Group)                                               |                                                                                                                                                      | Review of Allocation of Seats to Political Groups.<br><br>(Recommendation 1) |
| 25                   | Development Control Committee<br>4 August 2014<br>Minute 15<br><br>(Labour Group) | CR/2014/0342/FUL<br><br>Ifield West Community Centre, Dobbins Place, Ifield, Crawley.<br>Erection of open-sided canopy shelter within the courtyard. |                                                                              |
| 44                   | Cabinet<br>10 September 2014<br>Minute 21<br><br>(Councillor Crow)                | Land at Ely Close, Tilgate, Crawley.                                                                                                                 |                                                                              |
| 45                   | Cabinet<br>10 September 2014<br>Minute 22                                         |                                                                                                                                                      | Amendment to the Housing Allocations Scheme – Local Connection &             |

| <b>Minute Book Page no.</b> | <b>Committee/ Minute no.<br/>(and the Member reserving the item for Debate)</b>                                | <b>Subject<br/>(Decisions previously taken under delegated powers, reserved for debate only).</b> | <b>Subject<br/>(Recommendation to Full Council, reserved for debate)</b>         |
|-----------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
|                             | <b>(Labour Group)</b>                                                                                          |                                                                                                   | Residency Criteria.<br><br>(Recommendation 2)                                    |
| 48                          | Cabinet<br>10 September 2014<br>Minute 24<br><br><b>(Labour Group)</b>                                         |                                                                                                   | Coast to Capital Strategic Joint Committee<br><br>(Recommendation 3)             |
| 49                          | Cabinet<br>10 September 2014<br>Minute 26<br><br><b>(Labour Group)</b>                                         |                                                                                                   | Acquisition of Kilnmead Car Park, Kilnmead, Northgate.<br><br>(Recommendation 4) |
| 59                          | Audit and Governance Committee<br>24 September 2014<br>Minute 14<br><br><b>(Labour Group)</b>                  | Internal Audit Progress Report as at 31 August 2014                                               |                                                                                  |
| 61                          | Audit and Governance Committee<br>24 September 2014<br>Minute 18<br><br><b>(Councillor Walker)</b>             | Maidenbower Pavilion,                                                                             |                                                                                  |
| 63                          | General Purposes Committee<br>29 September 2014<br>Minute 5<br><br><b>(Labour Group and Councillor Walker)</b> |                                                                                                   | Polling Arrangements<br><br>(Recommendation 5)                                   |
| 66                          | General Purposes Committee<br>29 September 2014<br>Minute 6<br><br><b>(Labour Group)</b>                       | Petition Scheme                                                                                   |                                                                                  |
| 67                          | General Purposes Committee<br>29 September 2014<br>Minute 7<br><br><b>(Labour Group)</b>                       |                                                                                                   | Changes to the Constitution<br><br>(Recommendation 6)                            |

| <b>Minute Book Page no.</b> | <b>Committee/ Minute no.<br/>(and the Member reserving the item for Debate)</b>                  | <b>Subject<br/>(Decisions previously taken under delegated powers, reserved for debate only).</b>                                | <b>Subject<br/>(Recommendation to Full Council, reserved for debate)</b> |
|-----------------------------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| 88                          | Overview and Scrutiny Commission<br>6 October 2014<br>Minute No. 34<br><br><b>(Labour Group)</b> | Health and Adult Social Care Select Committee (HASC).                                                                            |                                                                          |
| 88                          | Overview and Scrutiny Commission<br>6 October 2014<br>Minute 35<br><br><b>(Councillor Crow)</b>  | Scrutiny Panels.                                                                                                                 |                                                                          |
| 90                          | Cabinet<br>8 October 2014<br>Minute 33<br><br><b>(Labour Group and Councillor Crow)</b>          |                                                                                                                                  | Petitions Scheme<br><br>(Recommendation 7)                               |
| 92                          | Cabinet<br>8 October 2014<br>Minute 34<br><br><b>(Labour Group)</b>                              | Report from the West Sussex Joint Scrutiny Task & Finish Group – Commissioning of Community Advice from Citizen’s Advice Bureau. |                                                                          |
| 93                          | Cabinet<br>8 October 2014<br>Minute 35<br><br><b>(Labour Group)</b>                              |                                                                                                                                  | Land at Gales Place, Three Bridges, Crawley.<br><br>(Recommendation 8)   |

**43. 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 – 14 July 2014.
- (b) Development Control Committee – 4 August 2014.
- (c) Development Control Committee – 1 September 2014.
- (d) Overview and Scrutiny Commission – 8 September 2014.
- (e) Cabinet – 10 September 2014.
- (f) Development Control Committee – 22 September 2014.

- (g) Audit and Governance Committee – 24 September 2014.
- (h) General Purposes – 29 September 2014.
- (i) Overview and Scrutiny Commission – 6 October 2014.
- (j) Cabinet – 8 October 2014.

#### Clerical Corrections

That with regard to the report of the Development Control Committee held on 22 September 2014:

- (i) The names of Councillors M L Ayling, B K Blake and S A Blake be included in the list of the Councillors present.
- (ii) The names of Councillors B J Burgess and K J Trussell be deleted from that list (with their names remaining under the heading of Apologies for Absence).
- (iii) The heading of Minute Number 21 be amended to read: "Confirmation of Tree Preservation Order P16.9.66 (Old Horsham Road No.5)"

#### 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.

#### **44. Reserved Items**

The matters identified in Minute No. 42 above were debated by the Council. These included:

##### **(a) Matter raised under the report of the Development Control Committee – 4 August 2014**

With regard to the matter of Planning Application CR/2014/0342/FUL (Ifield West Community Centre, Dobbins Place, Ifield - Erection of open-sided canopy shelter within the courtyard (Minute Number 15), Councillor Stanley took this opportunity to convey his thanks to staff and the Cabinet Member for the work that had been undertaken generally regarding that Community Centre's overall development.

##### **(b) Matter raised under the report of the Audit and Governance Committee – 24 September 2014**

The matter raised was in respect of the Maidenbower Pavilion (Minute Number 18). This focussed on concerns raised by Councillor Walker regarding that Pavilion and a decision that had previously been recorded which suggested that an additional report would be submitted to the 24 September meeting of the Committee on the outcomes of further investigations regarding Councillor Walker's concerns which remained outstanding. With this in mind Councillor Walker reiterated his deep surprise and concern that such a report had not in fact been included in that meeting's agenda.

Councillor Irvine (as Chair of the Committee) confirmed that whilst at the last meeting of the Full Council on 23 July 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 the Committee. He also had indicated surprise that the report requested was not submitted, but emphasised that the Committee's decision of 25 June was still in place, and the report requested for submission to the Committee, would now, instead, be submitted to the Committee's next meeting on 2 December. With Councillor Walker continuing to convey his disappointment that the report requested had not been submitted to the Committee, Councillor Mullins, the respective Cabinet Member, confirmed that a thorough investigation was being undertaken into the concerns raised, which involved primarily operational matters, and that he would be working closely with officers and representatives of the Pavilion's Social Club. Councillor Irvine advised that he and Councillor Walker (the Committee's Vice Chair) and appropriate Officers would also be meeting to consider and develop matters regarding the scope of the report to be presented to the Committee with the intention of resolving once and for all the outstanding concerns raised.

**(c) The reserved items containing recommendations to Full Council.**

These were dealt with as set out in Minute Numbers 45, 46, 47, 48, 49, 50 and 51 below:-

**45. Amendment to the Housing Allocations Scheme – Local Connection and Residency Criteria  
(Cabinet – 10 September 2014)  
(Recommendation 2)**

The Cabinet had considered report [SHAP/40](#) of the Head of Strategic Housing and 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 report had also been considered by the Overview and Scrutiny Commission at its meeting on 8 September 2014. As part of its decision on this matter, the Cabinet had resolved to note the contents of the report.

Moved by Councillor Lamb, seconded and

**RESOLVED**

- (1) That the results of the consultation process undertaken in respect of the proposed change be noted.
- (2) That the Council's Housing Allocation Scheme be amended as set out in section 5.12 of report SHAP/40, and
- (3) That the change take effect 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.

**46. Coast to Capital Strategic Joint Committee  
(Cabinet – 10 September 2014)  
(Recommendation 3)**

The Cabinet had considered report [LDS/087](#) of the Head of Legal & Democratic Services.

Moved by Councillor Lamb, seconded and

**RESOLVED**

- (1) That the establishment of the Coast to Capital Joint Committee be approved and constituted in accordance with the Heads of Terms as set out in Appendix 1 of report LDS/087.
- (2) That delegated authority be granted 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) That the Head of Legal & Democratic Services as Monitoring Officer be instructed to amend the Council's Constitution to reflect the establishment of the Joint Committee.
- (4) That the nomination of the Leader of the Council to serve on the Joint Committee be approved.

**47. Acquisition of Kilnmead Car Park, Kilnmead, Northgate  
(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).  
(Cabinet – 10 September 2014)  
(Recommendation 4)**

The Cabinet had considered report DIRTH/046 of the Director of Transformation and Housing. As part of its decision on this matter, the Cabinet had resolved to note the contents of the report.

Moved by Councillor Lamb, seconded and

**RESOLVED**

- (1) That the contents of report DIRTH/046 be noted and the acquisition of the Homes & Communities Agency's freehold interest in the site be approved.
- (2) That a supplementary capital estimate of £1.6m, funded from Housing Revenue Account reserves and Right To Buy 1-4-1 receipts be approved 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).

**48. Polling Arrangements  
(General Purposes Committee – 29 September 2014)  
(Recommendation 5)**

The Committee had considered report [LDS/092](#) of the Head of Legal and Democratic Services. As part of its decision on this matter, the Committee had 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.

Moved by Councillor Stanley, seconded and

**RESOLVED**

- (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 the minutes of the General Purposes Committee meeting of [29 September 2014](#).

**49. Changes to the Constitution  
(General Purposes Committee – 29 September 2014)  
(Recommendation 6)**

The Committee had considered report LDS/089 of the Head of Legal and Democratic Services.

Moved by Councillor Stanley, seconded and

**RESOLVED**

That the amendments to the Constitution as proposed in Appendix B to the minutes of the General Purposes Committee meeting of [29 September 2014](#) be agreed.

**50. Petitions Scheme  
(Cabinet – 8 October 2014)  
(Recommendation 7)**

The Cabinet had considered the joint report [LDS/088](#) of the Head of Legal and Democratic Services which requested the Cabinet to consider whether any changes should be made to the Petitions Scheme. The report had also been considered by the Overview and Scrutiny Commission at its meeting on 6 October 2014. The General Purposes Committee had also considered the Scheme at its meeting on 29 September 2014.

At the request of Councillor Crow, the Mayor agreed to put the Recommendation to the Full Council in parts as follows: Part 1, Part 2 and then Part 3:-

Part 1 of the Recommendation

Upon being put to the Council, Part 1 of the Recommendation was declared to be CARRIED.

Part 2 of the Recommendation

Upon being put to the Council, Part 2 of the Recommendation was declared to be CARRIED.

Part 3 of the Recommendation

Upon being put to the Council, Part 3 of the Recommendation was declared to be CARRIED.

Moved by Councillor Lamb, seconded and

**RESOLVED**

- (1) That 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, be endorsed.
- (2) That subject to (1) above, the retention of a Petition Scheme and e-petition facility be endorsed and the changes proposed to the Council's Petition Scheme (including e-petitions facility) be approved.
- (3) That the Head of Legal and Democratic Services be instructed to amend the Council's Constitution to reflect any changes to the Petition Scheme, including the e-petition facility.

**51. Land at Gales Place, Three Bridges, Crawley**  
***(Exempt - Paragraphs 3 - Information relating to financial and business affairs of any particular person (including the Authority holding that information))***  
**(Cabinet – 8 October 2014)**  
***(Recommendation 8)***

The Cabinet had considered report CH/155 of the Head of Crawley Homes. The report had also been considered by the Overview and Scrutiny Commission at its meeting on 6 October 2014. As part of its decision on this matter, the Cabinet had resolved to note the contents of the report.

Moved by Councillor Lamb, seconded and

**RESOLVED**

- (1) That 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), be approved for the delivery of approximately 13-16 No rented residential units at Gales Place, Three Bridges, Crawley.
- (2) That authority be delegated 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) That authority be delegated 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.

## 52. Notice of Motion

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

### Amendments

In connection with this motion, it was moved by Councillor Lamb and seconded by Councillor Oxlade that the motion be amended as follows (Additional / amended text is shown in bold, whilst deleted text has been crossed through):-

“This Council welcomes the result of the recent Scottish independence referendum and the promise of further devolution to Scotland, Wales and Northern Ireland. The referendum and further devolution have highlighted the ‘West Lothian Question’ by which Scottish MPs can vote on matters solely relating to England but where English MPs have no such vote on matters solely relating to Scotland.

This Council notes that bills on local government outside of England are devolved matters for the Scottish Parliament and the Welsh and Northern Irish Assemblies, but that in England they are matters for the UK Parliament to decide.

Crawley Borough Council supports the principle of English ~~votes for English laws~~ **devolution** and ~~matters by~~ **English self-determination on all** ~~which only English MPs would vote on~~ matters solely relating to England, ~~and wishes to see this implemented for all Parliamentary votes relating to English local government, as well as for all other laws and issues that solely affect England.~~ **The Council also believes that it is for the people of England, and not just a Westminster-elite, to decide what form their future Governance should take and that the people of England should be given the same opportunity as other UK nations to decide their own future for themselves.**

Therefore, this Council resolves to instruct the Chief Executive to write to the four main Group Leaders (Labour, Conservative, Liberal Democrat and Independent) at the Local Government Association (LGA) to:

- i. State Crawley Borough Council’s support for **an English Constitutional Convention, to explore the various opportunities for English devolution, such as Regional Assemblies, an English Parliament and** ‘English votes for English laws’ ~~for all Parliamentary votes relating to English local government;~~
- ii. Encourage the LGA to lobby on behalf of English councils for all three main political parties to make **an English Constitutional Convention** ‘~~English votes for English laws~~’ ~~on local government~~ a manifesto commitment for the next General Election; and
- iii. Call on the LGA to negotiate with Central Government on what further service delivery responsibilities and powers can be devolved to elected local authorities in England.”

**53. 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.

**54. Notice of Motion**

**(Continued)**

The Council then undertook a full and detailed discussion on the amendments which considered all the issues arising. Upon being put to the Full Council, the amendments were CARRIED.

The original motion as amended then became the substantive motion which itself was fully debated. Upon being put to the Council the substantive motion was CARRIED, and it was

**RESOLVED**

That this Council welcomes the result of the recent Scottish independence referendum and the promise of further devolution to Scotland, Wales and Northern Ireland. The referendum and further devolution have highlighted the 'West Lothian Question' by which Scottish MPs can vote on matters solely relating to England but where English MPs have no such vote on matters solely relating to Scotland.

This Council notes that bills on local government outside of England are devolved matters for the Scottish Parliament and the Welsh and Northern Irish Assemblies, but that in England they are matters for the UK Parliament to decide.

Crawley Borough Council supports the principle of English devolution and English self-determination on all matters solely relating to England. The Council also believes that it is for the people of England, and not just a Westminster-elite, to decide what form their future Governance should take and that the people of England should be given the same opportunity as other UK nations to decide their own future for themselves.

Therefore, this Council resolves to instruct the Chief Executive to write to the four main Group Leaders (Labour, Conservative, Liberal Democrat and Independent) at the Local Government Association (LGA) to:

- i. State Crawley Borough Council's support for an English Constitutional Convention, to explore the various opportunities for English devolution, such as Regional Assemblies, an English Parliament and 'English votes for English laws';
- ii. Encourage the LGA to lobby on behalf of English councils for all three main political parties to make an English Constitutional Convention a manifesto commitment for the next General Election; and
- iii. Call on the LGA to negotiate with Central Government on what further service delivery responsibilities and powers can be devolved to elected local authorities in England.

## 55. Members' Written Questions

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

|              |                                                    |
|--------------|----------------------------------------------------|
| Questioner   | Councillor Irvine                                  |
| Addressed to | Cabinet Member for Housing                         |
| Subject      | Sale of Council Houses                             |
| Questioner   | Councillor Trussell                                |
| Addressed to | Cabinet Member for Environmental Services          |
| Subject      | The new Waste and Recycling Contract               |
| Questioner   | Councillor Crow                                    |
| Addressed to | Cabinet Member for Customer and Corporate Services |
| Subject      | The recent Southgate By-Election.                  |

## 56. Announcements by Cabinet Members

| Cabinet Member                                                         | Subject                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Councillor Mullins (Cabinet Member for Leisure and Cultural Services). | Councillor Mullins was proud to confirm Crawley's recent significant achievements arising from (i) the South and South East in Bloom and (ii) Britain in Bloom Awards 2014. Councillor Mullins, on behalf of the Council, conveyed his congratulations to all involved, including the staff concerned and the many people involved within the community, for their magnificent effort and commitment in achieving these successes. |

## 57. Duration of the Meeting

The business of the meeting had still not been completed. Having put it to the Council, the meeting was continued for an additional period not exceeding 30 minutes.

## 58. Questions to Cabinet Members

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

| Name of Councillor asking Question | Subject              | Name of Cabinet Member(s) Responding                                                                                                                               |
|------------------------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Councillor Walker                  | Maidenbower Pavilion | In response to Councillor Walker's comments regarding arrangements to consider operational matters at the Pavilion , Councillor Mullins (as the Cabinet Member for |

| Name of Councillor asking Question | Subject                                                                                                                                         | Name of Cabinet Member(s) Responding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    |                                                                                                                                                 | <p>Leisure and Cultural Services), confirmed that in the first instance he was scheduled to meet (on 4 November) with representatives of the Pavilion's Social Club to consider a number of issues, including associated operational matters. He would then report back and involve Ward Members in deliberations prior to a report to be submitted to the next meeting of the Audit and Governance Committee. Members were aware that there was also a meeting to be held to consider and develop issues regarding the scope of the report to be presented to the Committee.</p> |
| Councillor Crow                    | Was there a possibility of this Council returning to a Committee System of Governance?                                                          | Councillor Lamb (as Chair of the Cabinet and Leader of the Council), indicated that he and members of his Group were always open to consider alternative working practices and arrangements, including those in terms of governance.                                                                                                                                                                                                                                                                                                                                              |
| Councillor Burrett                 | The Council's Forward Plan.                                                                                                                     | Councillor Lamb (as Chair of the Cabinet and Leader of the Council), clarified operational matters and issues previously raised in relation to that Plan.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Councillor R G Burgess             | Councillor Burgess sought the Leaders current position regarding the appropriateness of a Mayoral Car during the present financial constraints. | Councillor Lamb (as Chair of the Cabinet and Leader of the Council), felt that the appropriateness of all expenditures should be considered at a time of budget constraints, and that the main focus was on the Council's overall budget strategy and ensuring a sound financial footing.                                                                                                                                                                                                                                                                                         |

| Name of Councillor asking Question | Subject                                 | Name of Cabinet Member(s) Responding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Councillor Sharma                  | The following day's festival of Diwali. | <p>Councillor Lamb (as Chair of the Cabinet and Leader of the Council).</p> <p>The Full Council expressed its thanks to Councillor Sharma who on behalf of the local Hindu community had wished the Council a very happy Diwali. As part of the response to this matter, and in returning the Council's own best wishes to Councillor Sharma and the Hindu community generally, the Mayor on behalf of the Council also took this opportunity to convey appreciation to all communities locally for the contribution they make to this town.</p> |

**59. Questions to Committee Chairs**

| Name of Councillor asking Question | Subject                                                                                                                                                                                         | Name of Chair Responding                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Councillor Walker                  | The decision to bring forward the matter of polling places with regard to Maidenbower when considering the Polling Arrangements report at the recent meeting of the General Purposes Committee. | In response, Councillor Stanley indicated that he had received a request that the Committee consider the polling places for both Ifield East Ward (LFB) and Maidenbower Ward (LHB). As a consequence, Councillor Stanley (as Chair) had sought the Committee's agreement that a report on the polling arrangements at both these Wards be put before a future meeting of the Committee for full consideration by Members at that point. |
| Councillor Crow                    | The Fairness Commission Scrutiny Panel.                                                                                                                                                         | Councillor Ward noted the point made by Councillor Crow that the Overview and Scrutiny Commission                                                                                                                                                                                                                                                                                                                                       |

| <b>Name of Councillor asking Question</b> | <b>Subject</b> | <b>Name of Chair Responding</b>                                                                                                                                                                                                                                          |
|-------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           |                | had both a Labour Group Chair and a Labour Group Vice Chair. Councillor Ward then went on to indicate that it was on the basis of a detailed debate at the recent Scrutiny Workshop, that the decision was made to go forward with a Fairness Commission Scrutiny Panel. |

**60. Closure of Meeting**

The meeting ended at 10.55 p.m.

B A Smith  
**Mayor**

**APPENDIX A**

**Members' Disclosures of Interest**

| <b>Member</b>                                           | <b>Agenda Item No.</b> | <b>Name and date of Cabinet/ Committee and Minute No.</b>        | <b>Minute Book Page No.</b> | <b>Subject or Planning Application No.</b>                                             | <b>Type and Nature of Disclosure.</b>                                                                                            |
|---------------------------------------------------------|------------------------|------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Councillor R Sharma                                     | 9(1)(a)                | Development Control<br>14 July 2014<br>Minute 10                 | p20                         | CR/2014/0237/FUL<br>140 Three Bridges Road, Three Bridges, Crawley                     | Personal Interest in the item as he knew the owner of the property                                                               |
| Councillor G Thomas                                     | 9(1)(a)                | Development Control<br>14 July 2014<br>Minute 10                 | p20                         | CR/2014/0237/FUL<br>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. |
| Councillor S A Blake                                    | 9(1)(b)                | Development Control<br>4 August 2014<br>Minute 15                | p25                         | CR//2014/0347/FUL<br>5 Kipling Close, Pound Hill, Crawley                              | Personal Interest as a neighbour of 5 Kipling Close was known to her.                                                            |
| Councillor R D Burrett                                  | 9(1)(b)                | Development Control<br>4 August 2014<br>Minute 15                | p25                         | Planning Application<br>CR/2014/0347/FUL –<br>5 Kipling Close, Pound Hill, Crawley     | Personal Interest as acquainted with an objector.                                                                                |
| Councillor R D Burrett                                  | 9(1)(d)                | Overview and Scrutiny Commission – 8 September 2014<br>Minute 20 | p41                         | Safer Crawley Partnership Performance Review 2013-2014 and Future Priorities 2014-2017 | Personal Interest as a trustee of Crawley Open House.                                                                            |
| Councillor C Oxlade                                     | 9(1)(d)                | Overview and Scrutiny Commission 8 September 2014<br>Minute 20   | p41                         | Safer Crawley Partnership Performance Review 2013-2014 & Future Priorities 2014-2017   | Personal interest as a Trustee of Crawley Open House                                                                             |
| Councillor R D Burrett                                  | 9(1)(d)                | Overview and Scrutiny Commission 8 September 2014<br>Minute 21   | p42                         | Health and Adult Social Care Select Committee                                          | Personal Interest as a member of West Sussex County Council.                                                                     |
| Ann-Maria Brown (Head of Legal and Democratic Services) | 9(1)(e) and 10         | Cabinet 10 September 2014<br>Minute 21                           | p44                         | Land at Ely Close, Tilgate, Crawley.                                                   | Personal Interest as she lodged part time in the vicinity of the site.                                                           |
| Councillor R D Burrett                                  | 9(1)(i) and 10         | Overview and Scrutiny Commission 6 October 2014<br>Minute 34     | p88                         | Health and Adult Social Care Select Committee                                          | Personal Interest as a member of West Sussex County Council.                                                                     |

| <b>Member</b>             | <b>Agenda Item No.</b> | <b>Name and date of Cabinet/ Committee and Minute No.</b> | <b>Minute Book Page No.</b> | <b>Subject or Planning Application No.</b>                                                                                         | <b>Type and Nature of Disclosure.</b>                        |
|---------------------------|------------------------|-----------------------------------------------------------|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Councillor<br>R D Burrett | 9(1)(j)<br>and 10      | Cabinet<br>8 October 2014<br>Minute 34                    | p92                         | Report from the West Sussex Joint Scrutiny Task & Finish Group – Commissioning of Community Advice from Citizens’ Advice Bureau    | Personal Interest as a member of West Sussex County Council. |
| Councillor<br>R A Lanzer  | 9(1)(j)<br>and 10      | Cabinet<br>8 October 2014<br>Minute 34                    | p92                         | Report from the West Sussex Joint Scrutiny Task and Finish Group – Commissioning of Community Advice from Citizen’s Advice Bureau. | Personal interest as a Member of the Central Sussex CAB      |

# Crawley Borough Council

## Minutes of Development Control Committee

**13 October 2014 at 7.30pm**

### Present:

|             |                                                                                                                                         |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Councillor  | C A Moffatt (Chair)                                                                                                                     |
| Councillor  | R Sharma (Vice-Chair)                                                                                                                   |
| Councillors | M L Ayling, 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 Trussell and W A Ward |

### Officers Present:

|               |                                           |
|---------------|-------------------------------------------|
| Marie Bolton  | Principal Planning Officer                |
| Kevin Carr    | Legal Services Manager                    |
| Sally English | Democratic Services Officer               |
| Angela Tanner | Head of Planning & Environmental Services |

### Apologies for Absence:

Councillor B K Blake.

### 23. Lobbying Declarations

There were no lobbying declarations.

### 24. Members' Disclosure of Interest

| Member                     | Minute Number | Subject          | Type and Nature of Disclosure                                                |
|----------------------------|---------------|------------------|------------------------------------------------------------------------------|
| Councillor<br>K J Trussell | Minute 26     | CR/2014/0606/TPO | Personal Interest as Cllr Trussell lived very close to the application site. |

## 25. Minutes

Cllr Ayling, Cllr B K Blake and Cllr S Blake noted that, although they had been present, their names had been omitted from the minutes of the meeting of the on 22 September 2014 and it was agreed this would be corrected. The minutes of the meeting held on 22 September 2014 were then approved as a correct record and signed by the Chair.

## 26. Planning Applications List

The Committee considered report PES/147 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/147 of the Head of Planning and Environmental Services and in the Register of Planning Applications the decisions be given as indicated:-

#### **CR/2014/0437/FUL**

Harwoods (former BOC Edwards site), Manor Royal, Northgate, Crawley

Erection of new car showroom, vehicle servicing workshops and smart repair workshop, all with associated storage, delivery & administration facilities, car parking and landscaping.

Councillor N Boxall had visited the site independently.

Marie Bolton (MB), Principal Planning Officer, provided a verbal summation of the application which was then considered by the Committee. Questions were asked concerning:

- Clarification on the number of photovoltaics
- Use of S106 contributions to upgrade the cycle path
- Number of employees

MB responded as follows, and she:

- Agreed to contact a Member regarding photovoltaic installation
- Confirmed the proposed number of employees was 117
- Explained that S106 funding for the cycle path had not been specifically sought, but added that the monies would be used to improve the public realm in relation to infrastructure, signage and public art, (in accordance with the Manor Royal Design Guide SPD) and the Forward Plan team would monitor spending. WSCC Highways did not seek a contribution in this instance.

**Permitted** subject to conclusion of an S106 Agreement to secure Manor Royal contributions by 14/11/2014; and conditions concerning: permission time limit, to comply with Section 91 of the Town and Country Planning Act 1990; approved plans on the Decision Notice; scheme to deal with contamination of land and/or ground water; Materials & finishes for external walls (and roofs); surface water drainage scheme; full details of soft landscaping works; planting, seeding or turfing to be carried out in first planting/seeding season following building occupation, and removal and replacement of any diseased, dead or damaged trees or plants within next planting season;

construction of accesses from the site to the public highway; closure & obliteration of accesses other than those approved, and kerbing/footway/verges re-installed; car parking; site servicing; Workplace Travel Plan; surface water attenuation and mitigation, and off site surface water flows; Bird Hazard Management Plan (BHMP); no installation of external lighting or floodlighting without LPA approval; in accordance with policies GD1, GD3, GD5, GD9, GD19 and GD25 of the Crawley Borough Local Plan 2000 ; policy T1 of the Local Development Framework Core Strategy; and to comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping & Building Design'.

**CR/2014/0584/FUL**

Langley Green Hospital, Martyrs Avenue, Langley Green, Crawley.

Replacement of existing internal 3m high fences on the site with 5.2m high fences.

Councillor N Boxall had visited the site independently.

MB provided a verbal summation of the application which the Committee then considered. Queries raised included whether the gates mentioned in the report were to remain locked outside normal working hours and MB advised that this had not been stated in the application and would be a matter for the applicant. Concern was raised regarding the height of the proposed fences and impact on future occupants. The discussion included the need to create a safe environment. MB referred back to the report regarding the need to consider the overall scale of the development and impact on the character of the site and surrounding area, the use of the site is established.

**Permitted** subject to conditions concerning: permission time limit in accordance with Section 91 of the Town & Country Planning Act 1990; approved plans as listed in the Decision Notice; only non-mechanised hand tools to be used in the event of any excavation within the Root Protection area (RPA); in the event of any holes for fences to be infilled with concrete within RPA of the mature protected Oak tree (adjacent to proposed fencing at 'Position A'), holes to be lined with a membrane; fencing to incorporate galvanised mesh panels painted green (Green RAL no.6005); in accordance with policies GD1, GD2 and GD5 of the Crawley Borough Local Plan 2000.

**CR/2014/0595/ADV**

Tilgate Park, Tilgate Drive, Tilgate, Crawley.

Advertisement consent for information, welcoming and directional signage throughout the park (2 x fascia & 25 x free-standing).

Councillor N Boxall had visited the site independently.

MB provided a verbal summation of the application which the Members then considered. MB advised that the description in the report would be altered to read (3 x FACIA AND 25 FREE-STANDING SIGNS). Members also expressed concerns regarding:

- The number of proposed signs/proposed height
- Evidence that the increased number of signs were required at all
- The potentially awkward juxtaposition between old and new signage, and whether old signage would be removed.

MB explained the heights and materials of the signs proposed and that the proposal was not to directly replace existing signage. It is not a planning requirement to submit

survey work/evidence of need for advertisements. MB agreed to discuss with the Parks Dept a re-appraisal of the existing signage.

Councillor Crow explained that the number of new signs had been considered by the CBC Parks Department who were aware of feedback from both staff and visitors that they were unaware of certain amenities within the park

**Consent** subject to the following conditions: no advertisement to be displayed without site owner's permission; no advertisement to be sited/displayed so as to: endanger persons using highway, railway, waterway, dock, harbour or aerodrome; obscure any traffic sign, railway signal or aid to navigation by water or air, or hinder the operation of any device used for the purpose of security or surveillance or for measuring speed of any vehicle; any advertisement displayed and any site used for display of advertisements to be Maintained in a condition that does not impair the visual amenity of the site; any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public; where an advertisement is required to be removed, the site to be left in a condition that does not endanger the public or impair the visual amenity; to comply with the Town & Country Planning (Control of Advertisements) Regulations 2007.

#### **CR/2014/0606/TPO**

Land South of & adjacent to 6 Somerville Drive, Pound Hill, Crawley.

T174 (Oak) – Crown reduce by no more than 2m of current branch length, T173 (Oak) – Crown reduce by no more than 1.5m of current branch length.

Councillor N Boxall had visited the site independently.

MB provided a verbal summation of the application which the Committee then considered.

Comment was made that the work was clearly needed. One comment was made regarding the level of consultation undertaken. MB advised that additional consultation was undertaken with the neighbouring occupier but TPOs are not normally consulted upon.

**Consent** subject to the following conditions: permission time limit; works to be undertaken under the supervision of the Borough's Arboriculturist; in accordance with policy BN21 of the Crawley Borough Local Plan 2000.

#### **27. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 8.12pm.

C A MOFFATT  
Chair

# Crawley Borough Council

## Minutes of Licensing Committee Monday 3 November 2014 at 7.30pm

### Present:

Councillor M G Jones (Chair)

Councillor B J Quinn (Vice-Chair)

Councillors B J Burgess, C C Lloyd, B McCrow, C J Mullins,  
D M Peck, M W Pickett, R Sharma, D J Shreeves, J Stanley and  
K J Trussell

### Also in Attendance:

Mr Derek Kearnan

Hackney Carriage Proprietor/Driver

Mr Shahzad Abbas Malik

Hackney Carriage Proprietor/Driver and  
member of the Hackney Carriage Association

Mr Amin Mirza

Chairman of the Hackney Carriage Association

### Officers Present:

Tony Baldock

Environmental Health Manager

Kevin Carr

Legal Services Manager

Bill Nailen

Licensing Officer

Mez Matthews

Democratic Services Manager

### Apologies for Absence:

Councillors B K Blake and L S Marshall-Ascough

### 6. New Committee Member

The Chair welcomed Councillor M Pickett to the meeting who had been recently appointed to the Committee.

### 7. Members' Disclosure of Interests

No disclosures of interests were made by Members.

## 8. Minutes

The minutes of the meeting of the Committee held on 18 June 2014 were approved as a correct record and signed by the Chair.

## 9. Draft Taxi and Private Hire Vehicle Policy

The Committee considered report PES/161 of the Head of Planning and Environmental Services which proposed a policy as relates to the licensing of hackney carriages and private hire vehicles.

The Chair informed the Committee that he had received a request for speaking rights from several members of the trade and that they would be permitted to address the Committee in relation to the Policy. The Chair stressed that the Policy, attached as an appendix to the report, was draft and would be subject to a 90 day consultation period before it was finalised. The Chair stated that that all comments relating to the Policy would be welcomed and taken into account.

The Environmental Health Manager presented the report and informed the Committee that the Council did not currently have a written policy covering the licensing of hackney carriages and private hire vehicles and the policy would provide a means of ensuring consistency when making decisions in a transparent and open manner. The policy was being brought to the attention of the Committee for its information with a request to seek permission to publish the document for consultation with key stakeholders as of the 4 November 2014 for a period of 90 days.

Mr Shahzad Abbas Malik addressed the Committee and made the following comments in relation to the draft Policy:

- There was no need for a policy as the Council was not legally obliged to produce a policy and the current system (without a policy) had worked well in the past;
- The report cited Ashford Borough Council but did not mention other Local Authorities which did not have an approved policy;
- The draft Policy did not include any new proposals which would enhance the lives of the drivers, but contained conditions which would socially infringe the drivers;
- The Secretary of State was currently proposing to change national licensing law and therefore the Council should wait until any national policy had been confirmed before introducing its own policy otherwise the Council's policy could contradict national law;
- In his opinion the Council's current procedure allowed officers to take decision which he felt should be the responsibility of the Licensing Committee, and that the Council failed to enforce by-laws;

Following the comments made by Mr Malik, the Environmental Health Manager informed the Committee that although he noted the timing issues in relation to the proposed change in national policy, it was not certain whether those changes would be approved and that the proposed change in national law would only affect private hire vehicles. The Environmental Health Manager stated that the current procedures had not failed to deliver but that the proposed Policy simply collated current procedures into one document with the intention of making taxi policy more transparent to the trade and those applying for a licence. The Chair reminded those present that the proposed taxi licensing de-regulation would be dealt with later on in the meeting.

The Committee considered the draft Policy and the following comments were made:

- The draft Policy should be renamed “Hackney Carriage and Private Hire Vehicle Licensing Policy” as the word “taxi” had no meaning in law;
- The draft Policy currently referred to “criminal records checks”. The means of checking prior convictions had changed and this would need to be reflected in the draft Policy;
- Reference to Certificates of Conduct needed to be included in the draft Policy;
- Reference to “Appendix E” within paragraph 4.2.2 of the draft Policy should be amended to read “Appendix B”;
- Paragraph 5.7 of Appendix K to the draft Policy should include information on how to identify a guide dog;
- Reference to “guide dogs” should be amended to read “assistance dogs”;
- Drivers were able to refuse to transport an assistance dog on medical grounds and reference to that should be included in the draft Policy;
- The Council should consult as widely as possible and it was agreed that guidance would be sought from the Policy Team on the best way to reach as many people as possible;
- It was important that the Policy did not include conditions which infringed on drivers’ quality of life. Drivers were urged to detail any areas of the Policy which they felt did so when they responded to the consultation;
- That more defined signage could be displayed on Private Hire and Hackney Carriage cars to distinguish between the two vehicle types;
- That a condensed guide be produced for drivers which covered the key points of the Policy.

Mr Derek Kearnan addressed the Committee and questioned why drivers who had already completed a Road Passenger Driver Training (Taxi) NVQ certificate were still required to complete the Council’s Disability Awareness Training. The Licensing Officer stated that the Council had undertaken a lot of research regarding the various types of disability awareness training available before introducing the internet based training currently operated by the Council. The Town Access Group had been involved in the consultation process and several questions had been amended as a result. The pass mark for the Council’s Disability Awareness Training was currently set at 75%. The Licensing Officer explained that the Council had spoken with the company which issued the NVQ qualification referred to by Mr Kearnan, but that the company representative had stated that the NVQ did not cover all the issues included in the Council’s Disability Awareness Training. However, the Introduction to the Role of the Professional Taxi and Private Hire Driver (Level 2) BTEC qualification was more thorough and a driver who held the qualification was not required to undertake the Council’s training. The Committee was assured that drivers would not incur any additional financial costs as a result of the introduction of the Policy.

## **RESOLVED**

1. That the Licensing Committee actively participate in the consultation process in the 90 day period;
2. To consult as widely as possible with key stakeholders on the policy at Appendix A to report PES/161 from the 4 November 2014 for a period of 90 days.

## 9. Taxi Licensing De-Regulation: Letter to the Secretary of State

The Chair informed the Committee that the Secretary of State proposed to de-regulate elements of taxi licensing and that he proposed to send a letter to the Secretary of State expressing concerns at the proposal. The Chair went on to state that the proposed de-regulation has caused disquiet amongst Licensing Officers. The concerns related to practical issues which it was felt put passenger safety at risk. The Chair gladly informed the Committee that since the publication of the agenda, Parliament had removed Clause 10 of the Bill which had proposed that anyone would be able to drive a private hire vehicle when it was 'off duty'. The Committee noted however, that Clause 12 of the proposed Bill remained, which would allow private hire companies to sub contract to other firms if they were unable to fulfil the booking. The Committee was informed that the public, women in particular, were concerned that private hire vehicles could be sub-contracted.

A revised copy of the draft letter was circulated to those present at the meeting and the Committee was asked to comment on its content and agree that it should be submitted to the Secretary of State. The Chair thanked the Licensing Officer and the Environmental Health Manager for their assistance in improving the content of the letter. The Chair drew the Committee's attention to the bullet points on the second page of the letter which detailed the implications the Bill could have on the Council's ability to run, regulate and enforce taxi licensing. The Chair emphasised that the Council's Licensing Officers could only enforce licences of drivers who were licensed by Crawley Borough Council which could lead to a reduction in the current high standards of private hire within the Borough.

The Committee considered the proposed letter and agreed that a letter outlining the Council's concerns should be sent to the Secretary of State. It was agreed that the term "minicabs" should be replaced to read "private hire" within the letter to avoid ambiguity. It was also agreed that the words "outside the district" within paragraph 7 of the letter be replaced to read "outside the Local Authority Boundary".

Mr Shahzad Abbas Malik addressed the Committee and requested that the letter be further amended to express concern that only one private hire company operated from Gatwick Airport and that there was no taxi rank at the airport. Mr Malik informed the Committee that the Law Commission had wanted to create a Hackney Carriage rank at every airport but as that the Civil Aviation Authority and the airport owners had not responded to the Law Commission's consultation, the proposal had not been recommended. Mr Amin Mirza also addressed the Committee and reiterated Mr Malik's point, he was of the view that the current arrangements were not in the public interest as passengers should have a choice in the type of licensed vehicle they could use.

Although the Committee sympathised with the views of both Mr Malik and Mr Mirza, and agreed that customers should be given a choice, they were aware that a change in the hackney carriage and private hire arrangements at Gatwick Airport could raise other issues for Crawley. The Committee was of the opinion that the concerns raised by Mr Malik and Mr Mirza should not be included in the letter before the Committee but should be dealt with as a separate issue. The Committee agreed that the issue should be brought before a future meeting of the Committee for its consideration.

### **RESOLVED**

That the letter (incorporating the amendments shown) attached as an appendix to these minutes be sent to the Secretary of State.

**10. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 8.40pm.

M G JONES  
**Chair**

**APPENDIX**

**Please note that additional wording is shown as underlined, and deleted wording is shown as crossed through**

Rt Hon Patrick McLoughlin MP  
Secretary of State  
Department for Transport  
Great Minster House  
33 Horseferry Road  
LONDON  
SW1P 4DR

~~15 October~~ 4 November 2014

Dear Secretary of State

**Taxi licensing deregulation – Deregulation Bill**

I am writing as Chair of the Licensing Committee at Crawley Borough Council to raise my authority's concerns at the proposals to deregulate elements of taxi licensing included within the Deregulation Bill.

We are concerned in particular about ~~clause 10 of the Bill, which would enable anyone to drive a private hire vehicle (PHV) when it is 'off duty', and clause 12, which would enable taxi firms to sub-contract bookings to other firms where they are unable to fulfil them themselves, including to operators licenced in a different district.~~ Most private hire vehicles have permanent and very visible branding, and we do not believe that people will be able to identify when a car is off duty. We believe that clause 10 would increase the risk of individuals or gangs using private hire vehicles to exploit passengers, and particularly vulnerable children.

Currently, anyone using a ~~minicab~~ private hire vehicle can travel safe in the knowledge that the only person legally allowed to drive the car will have been through a rigorous council vetting process, including criminal records and medical history checks. We pride ourselves at Crawley Borough Council that we do everything to ensure only people with a clean record are entrusted with the transport of our residents. We also believe that our residents should expect nothing less than that standard.

~~New government proposals within the Deregulation Bill, set to return to the House of Lords next month, will mean minicab licence holders will be able to allow other people to drive their vehicle when they are off duty without any of these checks being carried out.~~

Professor Alexis Jay's recent report into the dreadful abuse perpetuated against children in Rotherham highlighted the role played by PHVs in ferrying children to places where they were abused. In light of that case, the right response is to focus on ensuring that existing controls around taxi licences are applied as rigorously as possible, rather than introducing a deregulatory measure that is not wanted by taxi

driver associations and which would create a new opportunity to exploit users of private hire vehicles. This authority firmly believes that only people who have been vetted and licensed by the local council should be able to pick up passengers within the Borough in drive-private hire vehicles. There appears to be little evidence that the current controls which protect public safety through one local authority regulating a process from a single point are either defective or inefficient.

~~For similar reasons, in~~ My authority is opposed to the proposal to allow ~~minicab private hire operators firms~~ to sub-contract bookings outside the ~~district local authority boundaries~~ in which they are made. Passengers place a significant level of trust in a company when they get into one of their cars, and we therefore believe they have a right to know which company's car they are getting into. As it stands, clause 12 would not ensure this, and we therefore believe it should be withdrawn.

My authority also has concerns that other unintended impacts could include:

- Private hire operators setting up in districts very remote from where they intend to operate due to uncontrollable costs such as property prices. This could place significant burdens on locations that do not have private hire vehicles actually working there and also compromise districts where such activity is actually taking place due to staffing and resource considerations.
- The possibility of pushing licensing authorities towards a position of competing for such business without any regard to public safety matters.
- Private hire companies misleading the public by passing a booking without the knowledge of the hirer to a lower standard supplier than chosen when the journey was booked.

Local government is supportive of the approach of deregulating where possible. But deregulatory measures should always be offset against the potential reduction in the protection that regulation provides, and in this instance we believe the increased risk outweighs the potential benefits. Accordingly, I would therefore ask that Government withdraws these proposals.

Yours sincerely

Cllr Michael Jones  
Chair of the Licensing Committee, Crawley Borough Council

# Crawley Borough Council

## Minutes of the Overview and Scrutiny Commission

**Monday 10 November 2014 at 7.00p.m.**

### **Present:**

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

### **Also in Attendance:**

Councillors S Joyce, P K Lamb, C J Mullins, D J Shreeves and K J Trussell

### **Apology for Absence:**

Councillor K Brockwell

### **Officers Present:**

Lindsay Adams Community Development Manager  
Russell Allison Housing Enabling & Development Manager  
Heather Girling Democratic Services Officer  
Chris Harris Head of Community Services  
Lee Harris Chief Executive  
Paul Windust Corporate Accounting & Treasury Services Manager

## **38. Members' Disclosure of Interests and Whipping Declarations**

The following disclosure of interests was made

| <b>Member</b>            | <b>Minute Number</b> | <b>Subject</b>                                      | <b>Type and Nature of Disclosure</b>                                                                            |
|--------------------------|----------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Councillor<br>I T Irvine | 41                   | Treasury Management<br>Mid-Year Review<br>2014/2015 | Personal interest as an<br>employee of a bank<br>currently included in<br>the Council's<br>investment portfolio |

No whipping declarations were made.

## **39. Minutes and Matters Arising**

The minutes of the meeting of the Commission held on [6 October 2014](#) were approved as a correct record and signed by the Chair.

## **40. Public Question Time**

No questions from the public were asked.

#### **41. Treasury Management Mid-Year Review 2014-2015**

The Commission considered report [FIN/346](#) of the Deputy Head of Finance. The report summarised the Council's capital activity to date and reported on the prudential and treasury indicators. The report also provided a summary of the interest rate movements, detailed debt activity and investment activity.

This report meets the requirements of both the Council's financial regulations and the Chartered Institute of Public finance and Accountancy (CIPFA) Code of Practice on Treasury Management (revised November 2011). A discussion was held with the Leader of the Council and the Corporate Accounting & Treasury Services Manager.

Members' main comments included:

- The pros and cons of how the capital programme is progressing.
- The importance of balancing spending and returns on investment.
- The significance of finding different ways to raise revenue, including additional income from further property acquisitions and investments.
- An appreciation of the quality of the report together with its depth and range.
- Recognition that the report and issues contained therein were complex and specialised, that an Executive Summary with future reports might be helpful. (Note Treasury Management training subsequently proposed for January 2015).

#### **RESOLVED**

That the report and recommendations to the Cabinet be noted.

#### **42. The Future of Crawley's Adventure Playgrounds**

The Commission considered report [DC&PS/004](#), of the Head of Community Services and the Portfolio Holder for Leisure and Cultural Services.

Discussion areas included:

- Support for proposed changes to adventure playgrounds as a result of the consultation exercise.
- Encouragement expressed for the bid to replace outdoor play equipment at adventure playgrounds, where equipment has been removed or is coming to the end of its life and acknowledging the emphasis on safety while retaining the sense of adventure.
- Recognition that further changes will be investigated to make sites more attractive to potential users with particular support for revised opening hours, usage, increased marketing and publicity.
- Proposal for the inclusion of the Crawley Young Person's Council, together with children and young people to be involved in the consultation and design/built works going forward.
- The need to find a balance between site availability and income, whilst acknowledging the social value the service provides.
- The possibility for sponsorship from companies or opportunity to work with businesses who wish to enhance their corporate social responsibility and improve the local community.

- Proposal for a future report in six months' time (as opposed to the twelve months proposed) detailing further recommendations for the future development of the Council's adventure playgrounds.

## **RESOLVED**

That the Commission agreed to endorse the recommendations to the Cabinet.

### **43. 2013 Youth Scrutiny Panel Recommendations- Implementation Update**

The Commission considered report [DC&PS/006](#), presented by the Community Development Manager. The report updated the Commission on the progress since the Youth Provision Scrutiny Panel's final report.

During the discussion, the following points were expressed:

- An acknowledgement that a lot of work is still being undertaken throughout the town.
- Concerns regarding WSCC reduced funding for youth centres and the limited service provision.
- Recognition that buildings need to be properly maintained in order to assist voluntary services.
- A discussion took place that currently the Cabinet Member for Community Engagement attends the Crawley Young Person's Council (CYPC) meetings as a liaison and representative but it was recommended that other Members attend as observers to understand the current issues of young people. It was commented that in the past only Members that had been invited had attended the CYPC. It was agreed the Community Development Manager would liaise with the CYPC as to Members attending meetings to observe and inform Members of the outcome.

## **RESOLVED**

That the report be welcomed and that the contents of the report be noted.

### **44. Recording How Members Vote Scrutiny Panel – Final Report**

The Commission considered report [OSC/222](#), presented by the Chair of the Recording How Members Vote Scrutiny Panel.

Members' main comments included:

- That most other authorities use the 'show of hands' method of voting.
- That it was important for the Chair to provide clear instructions to Members and clear guidance to members of the public when a vote is being taken and when the public are addressing questions to Full Council.
- Recognition expressed for the support provided by the former and current Democratic Services Officers who assisted the Panel.
- An acknowledgement that the recorded vote system is easily requested by Members and allows the public to know how all Members have voted and the results are entered into the minutes.
- That an investigation should take place on the ideal location for a lectern/platform in the public gallery.

- There was support in principle for continued investigation into webcasting and a proposal that further study should be undertaken by the General Purposes Committee to reinvestigate the possibility and a summary be provided of the practical and cost implications together with the advantages and disadvantages.
- With regard to the proposed process of electronic voting, the Chair invited Members of the Commission to vote on the recommendations to pursue Electronic Voting. Five Members opposed electronic voting – opting to remain with the current system, whilst four Members voted in favour. As a result, Members did not fully support the recommendations 6.4d - f, which all related to the electronic voting process proposed. Therefore, the current voting system would remain in place. The Commission supported the other recommendations.

## **RESOLVED**

That the Commission agreed to endorse recommendations 6.3a, b, c, g, h and i. Members did not fully support recommendations 6.4d - f, which all related to the electronic voting process proposed and therefore the current voting system would remain in place.

The comments and recommendations would be submitted to the General Purposes Committee on 24 November 2014.

### **45. Health and Adult Social Care Select Committee (HASC)**

The next HASC meeting is scheduled for Friday 5 December 2014 and Councillor Ward will report back to the Commission at its meeting in January.

### **46. Establishment of and Appointments to the Scrutiny Panels for 2014-2015**

#### **Fairness Commission Scrutiny Panel**

The Conservative Group had declined the invitation to nominate any members to this Panel. As a result, in accordance with the Local Government and Housing Act 1989, the Commission confirmed the establishment of the Fairness Commission scrutiny panel, with the membership of Councillors C A Cheshire, M G Jones and G Thomas with 2 Conservative Group vacancies, and with Councillor M G Jones as Chair.

The Commission hoped that the Conservative Group would reconsider the opportunity to make nominations.

### **47. Scrutiny Panels**

#### **Performance Monitoring Scrutiny Panel (PMSP)**

The next meeting of PMSP is scheduled for Wednesday 19 November 2014.

### **48. Forward Plan – 1 December 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 referral was made:

**1 December 2014**

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

**49. 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.

**50. Strategic Approach to Affordable Housing Delivery 2015 - 2025**

***Exempt – paragraph 3***

***Information relating to financial and business affairs of any particular person (including the Authority holding that information)***

The Commission considered report SHAP/041 of the Head of Strategic Housing and Planning Services which set out a proposed approach to affordable housing delivery together with plans for the way in which the Council could use resources to achieve this both in the short term and as a medium to longer term strategy to 2025.

A discussion was held with the Cabinet Member for Housing and the Housing Enabling & Development Manager.

Members' main comments included:

- The need to pursue all avenues of affordable housing provision to address the housing needs of applicants on the Council's housing register.
- The requirement to maximise the development opportunities available, including working with partners and Registered Social Landlords.
- Recognition that there is increasing pressure to commit the Right-to-Buy (RTB) funds within the anticipated timescales.
- An acknowledgement that there should be an awareness of any local sensitivities, together with the appreciation of the need to build sustainable and integrated communities.

**RESOLVED**

That the Commission's views expressed at the meeting be passed to the Cabinet.

**51. Closure of Meeting**

The meeting ended at 10.10pm.

**W A WARD**  
Chair

# Crawley Borough Council

## Minutes of Development Control Committee

**11 November 2014 at 7.30pm**

### Present:

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

### Officers Present:

|                  |                                           |
|------------------|-------------------------------------------|
| Ann Maria Brown  | Head of Legal & Democratic Services       |
| Valerie Cheesman | Principal Planning Officer                |
| Sally English    | Democratic Services Officer               |
| Marc Robinson    | Principal Planning Officer                |
| Angela Tanner    | Head of Planning & Environmental Services |

### Apologies for Absence:

There were no apologies for absence.

### 28. Lobbying Declarations

Councillors G Thomas and C Moffatt had been lobbied on application CR/2014/0544/FUL.

### 29. Members' Disclosure of Interests

There were no disclosures of interest.

### 30. Minutes

The minutes of the meeting held on 13 October 2014 were then approved as a correct record and signed by the Chair.

### 31. **Planning Applications List**

The Committee considered report PES/148 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/148 of the Head of Planning and Environmental Services and in the Register of Planning Applications the decisions be given as indicated:-

#### **CR/2014/0544/FUL**

Northgate Garage, Woodfield Road, Northgate, Crawley

Alterations to existing canopy, pumps, shop & shop front, change of use of tyre bay to A1 to form extension to shop (amended plans received).

Councillors B McCrow and G Thomas had attended the site visit.

Councillors B Blake, S Blake, N Boxall and C Moffatt had visited the site independently.

Valerie Cheesman (VC), Principal Planning Officer, gave a verbal summation of the application. This was followed by several speakers, beginning with Ms D Simmonds, whose presentation included the following points:

- She had been contacted by residents who had not been previously made aware of the application
- They were uncomfortable approaching councillors and others also did not have access to a PC
- They were concerned about noise pollution and many were using their rear bedrooms because of noise at the front of their houses coming from the garage
- Because of the 24 hour operation of the garage, there was a lot of social nuisance including drug-dealing
- Windows had been smashed nearby
- Fuel deliveries at night caused noise problems, as well as the washing of the forecourt in the early hours
- Residents fear further noise and social nuisance will arise from drivers using the shop at night

The Chair suggested that Environmental Health information leaflets could be distributed in the area.

Miss Ockwell, a nearby resident, then spoke and made the following points:

- Woodfield Road was a residential area and a garage having 24 hour operation was not consistent with this
- The nearby Tesco store & garage was already operating on a 24 hour basis and could be used instead
- If successful, the application would create and increase in trade, noise and cars/traffic, especially at night
- Increased canopy height will attract lorries
- Extra parking will be required as there is no space for more vehicles locally
- Dangerous to turn right because of parked cars

- Light pollution affected Ms Ockwell; her kitchen at the rear of the house was the only room not illuminated by the garage at night

Councillor Peter Lamb, ward member for Northgate, then spoke, and his presentation included the following points:

He agreed a petrol station was required in the area but questioned whether this site was the appropriate location for the reasons below:

- Noise: He felt the reduced hours of operation would still not provide 8 clear hours for residents to sleep as there would only be 7 hours when there would be no operations
- Visual impact: The increased canopy would be highly visible and a dominant feature of the area
- Larger vehicles would have a negative impact on one of the oldest streets in the town
- Road safety: He was currently working to reduce the speed limit in Woodfield Road because of fast moving traffic, and the application would generate an increase in traffic and the increase in vehicles would impact negatively on the quality of life of the residents

The Committee then considered the application, and raised concerns as follows:

- Light pollution – could this be addressed and/or conditioned?
- Hours of operation – how could this be enforced/monitored?
- As CBC are landlords, they may not grant permission for a retail operation.

VC responded, stating:

- Condition 4 stated no external illumination between 6am & 11pm would be permitted. As light pollution was an existing problem, CBC could investigate with the garage owners and pursue if required. The wording of the condition could also be reconsidered in order to control lighting in the future
- There was no hours of opening condition on the existing premises at the moment. Due to the potential for increased activity it was considered that a condition on hours of operation would be appropriate. In terms of monitoring compliance with any condition. CBC relies on residents to report where conditions have been breached in order to investigate. However, monitoring could be arranged if there was concern.
- CBC did indeed own the site and can take a decision as landlord if the retail area would be acceptable, but the current application was a planning one and had to be considered as such and on its existing merits.

It was observed that an existing petrol station in other residential area of Crawley had caused no problems over the years, and that the reduced hours of operation should address and reduce some of the existing issues at the application site.

However, Marc Robinson (MR), Principal Planning Officer, recommended separating the condition covering external lighting, hours of external lighting and hours of operation in order to safeguard neighbouring properties from disturbance from either external lighting or noise/nuisance from hours of operation. He also added that Environmental Health officers could investigate lighting issues and encouraged residents to report the issues.

Condition 4 to be revised and split into separate conditions, as follows:

Condition 4

The premises shall not be open for trade or business except between the hours of 0600 and 2300.

REASON: To safeguard the amenities of neighbouring properties in accordance with Policy GD1 of the Local Plan (2000).

Condition 5

No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

REASON: To safeguard the amenities of neighbouring properties in accordance with Policy GD1 of the Local Plan (2000).

Condition 6

There shall be no external illumination on the premises except between the hours of 0600 and 2300.

REASON: To safeguard the amenities of neighbouring properties in accordance with Policy GD1 of the Local Plan (2000).

**Permitted** subject to the following conditions: permission time limit in accordance with Section 91 of the Town & Country Planning Act 1990; and in accordance with approved plans in the Decision Notice; materials as indicated on approved details; hours of operation; external illumination and hours of external illumination; sales building to be used solely for A1 retail ancillary to the petrol station; in accordance with policies GD1 and SH20 of the Crawley Borough Local Plan 2000.

**CR/2014/0615/FUL**

Part of former BOC Edwards site, Faraday Road, Northgate, Crawley

Retrospective application for a temporary period of three years for long term off-airport car parking, including the retention of an existing Portacabin as an ancillary administrative office, separate ancillary portable toilets along with a security hut and CCTV cameras.

Councillor N Boxall had visited the site independently.

MR gave a verbal summation of the application which was then considered by the Committee, who asked for explanation as to why no enforcement action had been taken in this regard, and how the removal of the operation would be enforced after the three years permission has elapsed. MR advised that if planning application had been received for the site previously, there would have been a likelihood to grant permission as the land would otherwise have been derelict. As there had been a presumption in favour of permission, no enforcement action was necessary. He added that in three years' time, a new policy would be in place and the situation would need to be reviewed; there may well be a change of circumstances by that date. Each application would need to be considered on its merits and the site would come forward for other potential uses. It was already listed as employment land in the Local Plan. Although the site was not as sustainable as on-airport parking sites, it was closer than others and was well served by public transport.

Ann-Maria Brown, Head of Legal & Democratic Services, advised that the power to take enforcement action if a breach had occurred and it was expedient to do so was discretionary. As such, the decision not to take action had been made in line with legislation on this occasion.

**Permitted** subject to the permission time limit of three years from the permission date, to end on 11 November 2017.

**31. Confirmation of Tree Preservation Order: 16.3.15 (Buckswood Drive No 2)**

VC introduced the report of the Head of Planning and Environment Services PES/162 which sought confirmation by the Committee of the provisional TPO 16.3.15 Buckswood Drive No.2 without modification.

Mr Peter Jones, a local resident, then spoke to object to the TPO, making the following points:

- The tree was badly diseased; he had taken samples from 400 other oak trees in the Gatwick area and none was as badly diseased as the oak tree under discussion
- The tree was leaning 5-10° north-east with restricted growth in that direction
- A nearby tree, that was in root contact with the oak, fell last year and damaged property
- Leaf fall began in April 2014 and red spot fungi had been observed
- Branches had fallen into the garden on No.2 Kingscote and tunnels in bark (caused by a crustacean like creature) has been observed
- From the garden of 153 Buckswood Drive, 'bleeding' bark on the south-west of the tree can be observed
- He had been advised the tree had acute oak decline, and this should be reported to Tree Health Diagnostic Services
- Any tree that causes damage if not treated and is subject to a TPO become the responsibility of the local authority

Mrs Pamela Whiting, owner of the tree under discussion, then spoke and made the following points:

- She had lived at her address for 53 years and her primary concern was for the safety of neighbours and residents, especially children using nearby gardens
- Following Mr Jones' visit to her last year to report the tree as diseased, she commissioned an independent arboriculturalist to assess the tree
- CBC arboriculturalist also inspected and examined the tree and found it to be healthy
- After a thorough examination, the tree was declared to be healthy, safe and sound and not a danger
- She does not want to retain a dangerous tree but equally, does not wish for a healthy tree to be cut down either.

Members noted that a TPO does not prevent work being undertaken to trees. VC clarified that deadwood can be removed from a tree with a TPO upon it, but any surgery to the tree would require an application to be made.

**Confirmed without modification.**

**32. Confirmation of Tree Preservation Order: 16.6.60 (Cobbles Crescent No 1)**

Councillor G Thomas had visited the site independently.

VC introduced the report of the Head of Planning and Environment Services PES/163 which sought confirmation by the Committee of the provisional TPO 16.6.60 Cobbles Crescent No.1 without modification.

**Confirmed without modification.**

**33. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 9.08pm.

C A MOFFATT  
**Chair**

# Crawley Borough Council

## Minutes of Cabinet

**Wednesday 12 November 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)            |
|            | D J Shreeves | (Cabinet Member for Customer and Corporate Services)          |
|            | P Smith      | (Cabinet Member for Planning and Economic Services)           |

### **Also in Attendance:**

Councillors D Crow and W Ward

### **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                  |
| Chris Harris    | Head of Community Services                   |
| Lee Harris      | Chief Executive                              |
| Phil Rogers     | Director of Community & Partnership Services |

### **Apologies for Absence:**

Councillor C Oxlade

### **37. Members' Disclosure of Interests**

There were no disclosures of interest.

**38. Minutes**

The minutes of the meeting of the Cabinet held on 8 October 2014 were approved as a correct record and signed by the Chair.

**39. Public Question Time**

Public question time took place and Mr Chris Zablocki asked a question regarding the Council's Housing Allocation Policy. As the new policy was due to go live on 3 December, he asked whether a Crawley resident who reached the requisite 5 years' residency three days later on 6 December would have to begin their residency period afresh before being eligible to join the housing register. The Cabinet Member for Housing advised that 3 December was the date the changes to the Housing Allocation Policy came into force, not that residency was taken from that date. The resident in question would come off the register for 3 days until 6 December when the 5 year residency level had been reached. He added that 5 years' residency was what was required to join the register, regardless of where that 5 year date fell.

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

The Head of Legal and Democratic Services reported that no representations had been received in respect of agenda item 15 Strategic Approach to Affordable Housing Delivery 2015-2025.

**41. Matters Referred to the Cabinet**

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

**42. Quarterly Monitoring 2014-2015 Quarter 2 (Leader's Portfolio)**

The Cabinet considered report [FIN/347](#) of the Deputy Head of Finance which set out a summary of the Council's actual revenue and capital spending for the quarter to September 2014, together with the main variations from the approved spending levels and impact on future budgets.

Councillor D Crow requested clarification on item 5.1 of report FIN/347 in which interest accrued from the North East Sector investment was listed as £172k. He queried why this was listed when £6.5m capital receipt from this investment would be paid to CBC at the end of the project, yet £4.4m had already been recognised as a capital receipt and was generating interest. He was advised by the Director of Transformation & Housing that the capital receipt would be made payable when the scheme became 'cash positive', which was estimated to be during phase 3 of the 4 phase scheme, and the Director of Development & Resources advised that CBC was required to account for this capital receipt at the date of the agreement, but recognising that £6.5m due in 10 years is only worth £4.4m today. Each year, interest will be recognised on this, so that after 10 years the full £6.5m has been recognised in the Council's accounts. The Director of Development & Resources confirmed that

CBC's external auditors were happy with this, and that the process had been shared with other local authorities as a good accounting practice.

The Cabinet Member for Planning & Economic Services advised the Cabinet that although item 8.11 in the report stated £440k had been removed from the capital programme, this had been agreed as the currently confidential proposals for the remaining Ifield West project spending would come from alternative budgets. However, if this fell through, the capital funds would need to be reinstated.

## **RESOLVED**

- 1). That the projected outturn as at Quarter 2 for 2014/2015 as summarised in this report be noted.

### **Reason for Decision**

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

## **43. Treasury Management Mid-Year Review 2014-2015 (Leader's Portfolio)**

The Cabinet considered report [FIN/346](#) of the Deputy Head of Finance, which provided an update on the Council's Treasury Management Strategy for 2014-2015. .

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 10 November 2014 and the Commission noted the report to the Cabinet. The Commission's main comments had been:

- The pros and cons of how the capital programme is progressing.
- The importance of balancing spending and returns on investment.
- The significance of finding different ways to raise revenue, including additional income from further property acquisitions and investments.
- An appreciation of the quality of the report together with its depth and range.

The Chair of the Commission added that given the complexity of some of the financial information in the report, the Commission would appreciate the inclusion of an executive summary of the information in future reports. He added that members of the Commission would in January be undertaking finance training.

The Commission noted the report to the Cabinet.

## **RESOLVED**

That the report and the treasury activity for the first two quarters of 2014/2015 be noted.

### **Reason for Decision**

The Council's financial regulations, in accordance with the CIPFA Code of Practice for Treasury Management, require a Treasury Management Mid Year Review to be approved. The report complied with that requirement.

#### **44. The Future of Crawley's Adventure Playgrounds (Leisure & Cultural Services Portfolio)**

The Cabinet considered report [DC&PS/004](#) of the Head of Community Services and Portfolio Holder for Leisure & Cultural Services which provided the findings from an extensive public consultation exercise, as well as engineers' surveys of the on-site play equipment. It also made recommendations for the future provision and investment in the town's four adventure playgrounds.

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 10 November 2014 and discussion areas included:

- Support for proposed changes to adventure playgrounds as a result of the consultation exercise.
- Encouragement expressed for the bid to replace outdoor play equipment at adventure playgrounds, where equipment has been removed or is coming to the end of its life and acknowledging the emphasis on safety while retaining the sense of adventure.
- Recognition that further changes will be investigated to make sites more attractive to potential users with particular support for revised opening hours, usage, increased marketing and publicity.
- Proposal for the inclusion of the Crawley Young Person's Council, together with children and young people to be involved in the consultation and design/built works going forward.
- The need to find a balance between site availability and income, whilst acknowledging the social value the service provides.
- The possibility for sponsorship from companies or opportunity to work with businesses who wish to enhance their corporate social responsibility and improve the local community.
- Proposal for a future report in six months' time (as opposed to the twelve months proposed) detailing further recommendations for the future development of the Council's adventure playgrounds.

The Commission endorsed the recommendations to the Cabinet.

The Shadow Member for Leisure & Cultural Services expressed support for the recommendations and for the current administration's work in this regard.

The Cabinet thanked the Commission for its comments, and agreed to its proposal for a report in six months' time, as opposed to the original twelve months, as this would capture data on springtime crowds using the playgrounds. The Cabinet Member for Leisure & Cultural Services added that although opening the playgrounds on Saturdays had not been very successful in the past, he would be happy to reconsider this if there was sufficient external demand, noting that attendance figures would need to justify staff working on Saturdays. The proposed increased promotion of the playgrounds and further changes that were to be investigated would help make the site more attractive to potential users.

**RESOLVED**

1. That the findings from public consultation be noted, and authority be delegated to the Head of Community Services in consultation with the Portfolio Holder for Leisure and Cultural Services, to implement improvements to the Council's adventure playgrounds, as set out in Section 5.1.1 of the report.
2. That the actions that have been taken to ensure the future safety of adventure playgrounds in the Borough be noted, and also that the application of a Capital Bid for replacement play equipment be noted
3. That a further report to the Cabinet that makes further recommendations for the future development of Crawley's adventure playgrounds be produced by the Head of Community Services in six months' time (as opposed to the twelve months proposed), with a particular focus on the financial implications of proposed changes.

#### **Reason for Decision**

The recommendations respond to the findings from public consultation, as well as the need to replace outdoor play equipment within the four adventure playgrounds.

#### **45. Review of the Local Government Pension Scheme Discretions Policy (Customer & Corporate Services Portfolio)**

Following advice from the Head of Legal & Democratic Services, the Chair advised that report [PAT/022](#) of the Head of People & Technology be deferred until the Cabinet meeting on 3 December 2014.

#### **RESOLVED**

That report PAT/022 be deferred until the Cabinet meeting on 3 December 2014.

#### **Reason for Decision**

The deferment would provide the opportunity to further consider the report and the discretions policy to meet the revised requirements.

#### **47. Exempt Information – Exclusion of the Public (subject to agenda item 5)**

#### **RESOLVED**

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

#### **48. Strategic Approach to Affordable Housing Delivery 2015-2025 (Key Decision) (Housing Portfolio)**

**(Exempt Paragraph 3 – financial and business affairs)**

The Cabinet considered report SHAP/041 of the Head of Strategic Housing & Planning Services which set out a proposed approach to affordable housing delivery together with plans for the way in which the Council could use resources to achieve this, both in the short term and as a medium to longer term strategy to 2025.

The matter had been considered at the meeting of the Overview & Scrutiny Commission on 10 November 2014, and Members comments included:

- The need to pursue all avenues of affordable housing provision to address the housing needs of applicants on the Council's housing register.
- The requirement to maximise the development opportunities available, including working with partners and Registered Social Landlords.
- Recognition that there is increasing pressure to commit the Right-to-Buy (RTB) funds within the anticipated timescales.
- An acknowledgement that there should be an awareness of any local sensitivities, together with the appreciation of the need to build sustainable and integrated communities.

The Commission agreed to endorse the recommendations to the Cabinet. The Cabinet noted the comments and thanked the Commission for its endorsement.

The Cabinet Member for Housing advised that there was an error in table 7 of the report which stated that there would be 56+ affordable units in Ifield Road. The correct figure was 12 units and the report would be corrected.

## **RESOLVED**

### **RECOMMENDATION 1**

#### **That Full Council is RECOMMENDED:**

1. To approve the proposed approach for using the RTB one-for-one replacement funding in delivering new affordable rented housing schemes to mitigate the risk to the Council of having to return elements of this funding with interest to central government
2. To authorise officers to proceed to explore the feasibility of the schemes listed in Section 5 of the report, and where appropriate to bring these forward for Council new-build development, making use of the RTB one-for-one funding and the HRA Reserves, and to delegate authority to the Head of Crawley Homes to approve such schemes, in consultation with the Head of Strategic Housing and Planning, the Head of Finance and the Cabinet Member for Housing and, where such schemes include a private element for which the Council will generate a land value, the Cabinet Member for Planning and Economic Development
3. To authorise officers to enter into the procurement of a developer/contractor in accordance with the Council's Procurement Code to assist with the feasibility and delivery of schemes forming the Council's own-build programme and to delegate authority to the Head of Crawley Homes to approve the appointment in consultation with the Head of Strategic Housing & Planning Services, Head of Finance, the

Cabinet Member for Housing and, where such schemes include a private element for which the Council will generate a land value, the Cabinet Member for Planning & Economic Development

4. To approve making RTB one-for-one funding available to enable development through the Council's RSL partners for the delivery of affordable and social rented housing in the Borough as set out in Section 5, and to delegate authority to the Head of Strategic Housing & Planning Services to approve such schemes, in consultation with the Head of Finance, the Cabinet Member for Housing and, where such schemes include a private element for which the Council will generate a land value, the Cabinet Member for Planning & Economic Development
5. To approve making RTB one-for-one funding and HRA reserves available for the individual and block purchase of properties where these contribute to meeting housing need and for officers to proceed with this approach using existing delegated authority
6. To approve a proactive approach to land acquisition by officers using existing delegated powers to facilitate new affordable and social rented housing delivery and the use of RTB one-for-one funding.

#### **Reason for Decision**

1. To pursue and maximise all avenues of affordable housing provision and, in accordance with the Council's strategic housing objectives, to address the housing needs of applicants on the Council's Housing Register
2. To make best use of the Council's available resources in sustaining the Council's housing portfolio as a principal priority, and additionally to secure affordable housing nominations aimed at meeting Crawley's housing needs by enabling development through RSL partners where appropriate
3. To safeguard the council's financial resources in the form of the RTB one-for-one funds that must be committed within a fixed time-frame to avoid the financial penalties imposed by government legislation

#### **49. Closure of Meeting**

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.03pm.

P K LAMB  
Chair

# Crawley Borough Council

## Minutes of General Purposes Committee 24 November 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,<br>R A Lanzer, T Lunnon, C G Oxlade and L A Walker |

### Also in Attendance:

Councillor B A Smith (Chair of the Recording How Members Vote Scrutiny Panel)  
Councillor M G Jones

### Officers Present:

|                 |                                       |
|-----------------|---------------------------------------|
| Ann-Maria Brown | Head of Legal and Democratic Services |
| Heather Girling | Democratic Services Officer           |
| Mez Matthews    | Democratic Services Officer           |

### 9. Members' Disclosure of Interests

No disclosures of interests were made by Members.

### 10. Minutes

The minutes of the meeting of the Committee held on 29 September 2014 were approved as a correct record and signed by the Chair.

### 11. Recording How Members Vote Scrutiny Panel Final Report

The Committee considered report OSC/222 of the Chair of the Recording How Members Vote Scrutiny Panel Final Report. The Scrutiny Panel had been established following a Scrutiny review request from a member of the public into how Members vote in Council meetings and how those votes were recorded. There was concern that having attended a Full Council meeting to present a petition, it had been unclear how the Councillors present had voted and that no clear records were always taken. The report presented the findings and recommendations of the Panel.

Councillor Smith, Chair of the Scrutiny Panel addressed the meeting and drew the Committees attention to the comments made by the Overview and Scrutiny Commission at its meeting held on 10 November 2014 on the above report (comments are attached as Appendix 1 to these minutes).

The Committee considered the recommendations proposed by the Scrutiny Panel and made the following comments:

Public Gallery Observations at Council Meetings

The Committee was concerned that boards showing the layout of the Council Chamber would not be visible once members of the public were sat in the gallery and that, if they were to be introduced, they should be displayed on the walls by the gallery entrance. The Committee agreed that it would be more practical to provide A4 paper copies of the layouts (showing each Councillor's name, party and ward) with the Full Council papers.

Public Questions at Full Council Meetings

Some members of the Committee were concerned that the public view of the Chamber could be obscured if a lectern was erected at the front of the gallery from which members of the public could ask questions of the Full Council, and that it could also cause disruption as people would need to vacate their seat in order to stand at the lectern. It was acknowledged that a lectern could support members of the public who were nervous when addressing the Chamber. The Committee agreed that further investigation should take place on the ideal location for a lectern/platform.

Mayor / Chair of Full Council Meetings

The Committee agreed that the Mayor / Chair should give clear instructions and guidance on the matters identified in the Comments Sheet (attached as Appendix 1 to these minutes).

Recorded Votes on all Petitions at Full Council

It was recognised that petitions often generated public interest. Several Committee members were of the opinion that some votes relating to petitions were unanimous and therefore a recorded vote would only be necessary when the vote was not unanimous.

Recorded Votes on all Major Decisions at Full Council

The Committee questioned what type of decision could be deemed as "major". It was suggested that the Mayor should have the discretion to identify when a recorded vote was necessary, and it was acknowledged that any member of the Council could demand a recorded vote. It was agreed that where a vote on a substantive motion or recommendation was not unanimous a recorded vote should take place.

Web-Casting of Full Council Meetings

It was acknowledged that there was an emphasis on modern government to be open and transparent in its decision making and that certain Full Council decisions could attract high viewing numbers. It was also suggested that web-casting could modify behaviour at Full Council meetings. It was recognised that web-casting could however be costly to introduce and that information regarding the financial impact should be gained. The Committee agreed that further investigations be made into the value of using web-casting.

Electronic Voting

The Committee was of the view that, should the introduction of an electronic voting system be adopted, it was fundamental that any such system should immediately show how Councillors had voted. Appendix A to the report showed that several other local authorities had an electronic voting system but did not use it, although it was noted that the reasons for not using those systems was not known. Several Committee members were of the opinion that an electronic voting system was not necessary, as confusion regarding how a Councillor had voted would be eliminated if

Councillors clearly raised their hand when taking a show of hands vote, however several members of the Committee welcomed electronic voting as it would increase the openness and transparency of the Council's decision making and could minimise the mistakes which could occur with a show of hands vote. The Committee was concerned however that it could be costly to introduce an electronic voting system which would meet the Council's expectations. The majority of the Committee agreed that the Council continue to use a show of hands vote and that an electronic voting system not be introduced.

The Committee expressed concern at the effectiveness of the current sound system in the Council Chamber and suggested that the public's understanding of procedures would be greatly improved if the system were upgraded.

The Committee thanked Councillor Smith, members of the Scrutiny Panel and the Democratic Services Officer (HG) for a thorough review and detailed report, as well as the Overview and Scrutiny Commission for its comments.

## **RESOLVED**

That:

- a) A4 paper copies showing the Council Chamber layout (including Councillors names, political party and ward) be included with Full Council papers;
- b) a lectern/platform be installed in the public gallery and that further investigation take place on its ideal location;
- c) further investigations be made into the value of using web-casting as a means of making the Council's decision making processes more accessible to the general public.

### **RECOMMENDATION 2**

That Full Council be recommended that:

- a) the Mayor / Chair of a meeting give clear instructions to Councillors on the reasons for a vote being taken and should request that all Councillors indicate their intention clearly. The Mayor / Chair of a meeting also give clear guidance to members of the public when addressing questions to the Full Council and also to the Council Chamber itself. Instructions and guidance should also be clearly given when a vote is to be taken;
- b) petitions considered by Full Council be subject to a recorded vote where the decision is not unanimous;
- c) where a vote on a substantive motion or recommendation taken by Full Council on a major decision was not unanimous, a recorded vote will take place;
- d) the amendments to the Constitution proposed in Appendix 2 to these minutes be agreed to reflect the changes in relation to recommendations 2 (a) (b) and (c) above.

## 12. Review of Terms of Reference of General Purposes Committee

Due to other commitments Councillor Oxlade left at this stage of the meeting.

The Committee considered report LDS/085 of the Head of Legal and Democratic Services which reviewed the Committee's current Terms of Reference and proposed a number of amendments including changing the name of the Committee from "General Purposes Committee" to "Governance Committee". The Committee noted that the Audit and Governance Committee would be considering a similar report in terms of changing its Terms of Reference and its name to that of "Audit Committee" at its meeting to be held on 2 December 2014.

The Committee's attention was drawn to Paragraph 6.4 of the report which detailed the key proposed amendments to the Terms of Reference of the Committee. The Committee was pleased to see the report before them and welcomed the changes for the reasons outlined in bullet points 1-3 of Paragraph 5.2 of the report. The Committee's attention was drawn to functions 6(f) and 6(g) of the proposed Governance responsibilities and noted that an additional function should be included to designate an officer as the Chief Finance Officer.

It was questioned whether matters relating to the Regulation of Investigatory Powers Act 2000 should be the responsibility of the proposed Governance Committee or whether it would be better placed with the proposed Audit Committee. The Committee was informed that the Act did not solely relate to anti-fraud and corruption matters as authorisations for surveillance could cover a number of Council functions. As it was acknowledged that such matters could easily sit with either of the proposed new Committees it was suggested that matters relating to the Regulation of Investigatory Powers Act 2000 remain the responsibility of the Governance Committee unless the Audit and Governance Committee felt otherwise at its meeting on 2 December 2014.

The Committee debated whether a review of the functions and responsibilities of the Performance Monitoring Scrutiny Panel should be undertaken, however the Committee was reminded that the future of the Panel was not a consideration for the Committee as it was the responsibility of the Overview and Scrutiny Commission.

The Committee thanked the Head of Legal and Democratic Services for the report.

### **RESOLVED**

That the Full Council be recommended to approve the revised Terms of Reference for the Committee including the change of name from General Purposes Committee to Governance Committee as set out in Appendix 3 to these minutes, subject to the approval of report LDS/084 by the Audit and Governance Committee at its meeting on 2 December 2014.

#### *Note by the Head of Legal and Democratic Services:*

*At its meeting on 2 December 2014, the Audit and Governance Committee considered that matters relating to the Regulation of Investigatory Powers Act 2000 would be better placed with the proposed Audit Committee. Full Council is therefore recommended to approve the revised Terms of Reference for the General Purposes Committee, including the change of name from General Purposes Committee to Governance Committee, as set out in Appendix 3 to these minutes subject to the deletion of function 7(c) of the proposed Governance Committee ("to consider matters relating to the Regulation of Investigatory Powers Act 2000").*

**RECOMMENDATION 3**

That the Full Council be recommended to approve the revised Terms of Reference for the General Purposes Committee, including the change of name from General Purposes Committee to Governance Committee, as set out in Appendix 3 to these minutes subject to the deletion of function 7(c) of the proposed Governance Committee (“to consider matters relating to the Regulation of Investigatory Powers Act 2000”).

**13. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 8.45pm.

J STANLEY  
Chair

## **Comments from the Overview and Scrutiny Commission on Recording How Members Vote Scrutiny Panel at its meeting on Monday 10 November 2014**

OSC/230

### **1. Agenda Item 8 – Recording How Members Vote Scrutiny Panel**

#### **Comments and Recommendations**

The Commission held a discussion on Report [OSC/222](#) with the Chair of the Recording How Members Vote Scrutiny Panel.

Members endorsed the following recommendations –

#### **6.3a Public Gallery Observations at Council Meetings**

Boards could be produced that show the layout of the Council chamber which would provide the names of the Councillors and their Wards together with Officers identified by their position in the Council.

There was an additional proposal that the layouts could be provided in A4 paper format and could be included with the Full Council papers provided in the Public Gallery.

#### **6.3b Public Questions at Full Council Meetings**

A lectern/platform be installed on the rail at the front of the public gallery, with a microphone attached.

It was noted that an investigation should take place on the ideal location for a lectern/platform.

#### **6.3c Mayor/Chair of Full Council Meetings**

The Mayor or Chair of a meeting should give clear instructions to Members on the reason for a vote being taken and should request all Members to indicate their intentions clearly. The Mayor/Chair of a meeting should also give clear guidance to members of the public when addressing questions to the Full Council and also to the Council Chamber itself. Instructions and guidance should also be clearly given when a vote is to be taken.

#### **6.3g Recorded Votes on all Petitions at Full Council**

Request that all petitions brought to Full Council should be subject to a recorded vote.

#### **6.3h Recorded Votes on all Major Decisions at Full Council**

Request that all major decisions made by Full Council should be subject to a recorded vote.

#### **6.3i Web-casting of Full Council Meetings**

Request that further investigations be made into the value of using web casting as a means of making the Council's decision making processes more accessible to the general public.

There was support in principle for continued investigation into webcasting. A report was submitted to General Purposes Committee on 25 June 2012 regarding Webcasting of Council Meetings. The Overview and Scrutiny Commission proposed that the General Purposes Committee re-investigate the possibility and a summary be provided of the practical and cost implications together with the advantages and disadvantages.

With regard to the proposed process of electronic voting, the Chair invited Members of the Commission to vote on the recommendations to pursue Electronic Voting. The General Purposes Committee is to be advised that five Members opposed electronic voting – opting to remain with the current system, whilst four Members voted in favour.

As a result, Members did not fully support the recommendations 6.4d - f, which all related to the electronic voting process proposed and therefore the current voting system would remain in place.

**Councillor B A Smith**  
**Chair, Recording How Members Vote Scrutiny Panel**  
**10 November 2014**

## CHANGES TO THE CONSTITUTION

### APPENDIX 2

| <u>Function</u>                                              | <u>Proposed amendment</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Council Procedure Rules (Questions by the Public) – Page 162 | <p>Where appropriate:</p> <ul style="list-style-type: none"> <li>• Deleted wording is shown as crossed through</li> <li>• <b>Additional wording is shown in bold</b></li> </ul> <p>Amend Paragraph 9.1 (General) to read as follows:</p> <p>“Members of the public may ask questions at ordinary meetings of the <b>Full Council</b>. <b>The Mayor will provide clear guidance to members of the public (and those present) when addressing questions to the Full Council.</b>”</p> |
| Council Procedure Rules (Petitions) – Page 164               | <p>Insert the following paragraph under Paragraph 11 (Petitions):</p> <p>11.4 All petitions considered by the Full Council will be subject to a recorded vote where the decision is not unanimous.</p>                                                                                                                                                                                                                                                                              |
| Council Procedure Rules (Voting) – Page 171                  | Amend Paragraph 17 (Voting) to read as detailed in Appendix 2a.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Crawley Borough Council Petitions Scheme – Page 454          | <p>Insert the following sentence to the last paragraph on page 454 (Full Council Debates):</p> <p>“All petitions considered by Full Council will be subject to a recorded vote where the decision is not unanimous.”</p>                                                                                                                                                                                                                                                            |

**APPENDIX 2a**

**17. VOTING**

**17.1. Procedure**

**The Mayor will give clear instructions and guidance when a vote is to be taken. The Mayor will give clear instructions on the reasons for a vote and will request that all members indicate their voting intentions clearly.**

**17.2. Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

The Mayor will ascertain the numbers voting for or against any question, shall announce those numbers and declare the result. His/her declaration as to the result will be final.

**17.3. Mayor's Casting Vote**

If there are equal numbers of votes for and against, the Mayor or the person presiding will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

**17.4. Show of Hands**

Unless a recorded vote is demanded under Rule 17.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting. **All members should indicate their voting intentions by clearly raising their hand.**

**17.5. Recorded Vote**

**All petitions considered by Full Council will be subject to a recorded vote where the decision is not unanimous. Where a vote on a substantive motion or recommendation taken by Full Council on a major decision is not unanimous, a recorded vote will take place.**

If any member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the Council at its annual budget meetings is required to undertake a recorded vote when voting on any decision relating to the Annual Budget and Council Tax. This includes any amendments proposed at the meeting, substantive budget motions to agree the budget, and setting council taxes, including precepts.

**17.6. Right to Require Individual Vote to be Recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### **17.7. Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

**APPENDIX 3**

**RESPONSIBILITY FOR COUNCIL FUNCTIONS  
GOVERNANCE COMMITTEE**

**The role of the Governance Committee**

The Governance Committee will deal with Constitutional matters, the Conduct of Members, Political Management Arrangements, Corporate Governance, Members' Allowances, Elections and all non-Executive functions not specifically delegated to another Committee or Sub-Committee of the Council.

**The powers and duties of the Council relating to the functions set out below are delegated to the Governance Committee**

**Membership:** Councillors: J Stanley (Chair), R D Burrett (Vice Chair), M L Ayling, C A Cheshire, D G Crow, C R Eade, P K Lamb, R A Lanzer, T Lunnon, C Oxlade and L A Walker (substitute Councillors – I T Irvine and vacancy)

**Functions of the Governance Committee**

**Delegation of Functions (concurrently with the Governance Committee)**

**(1) Functions relating to elections**

- |                                                                                           |                                                              |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| (a) Power to assign employees in relation to the requisitions of the registration officer | This function is delegated to the Electoral Services Manager |
| (b) Duty to provide assistance at European Parliamentary Elections                        | This function is delegated to the Local Returning Officer    |
| (c) Duty to divide the constituency into polling districts*                               |                                                              |

### Functions of the Governance Committee

- (d) Power to divide electoral divisions into polling districts at local government elections\*
- (e) Powers in respect of holding elections
- (f) Power to pay expenses properly incurred by electoral registration officers
- (g) Power to fill vacancies in the event of insufficient nominations\*
- (h) Duty to declare vacancy in office in certain cases\*
- (i) Duty to give public notice of a casual vacancy
- (j) Power to determine fees and conditions for supply of copies of, or extracts from, elections documents
- (k) Making a request for single-member electoral areas (relating to Section 14A(1) of the Local Government Act 1992)\*
- (l) Duty to consult on change of scheme for elections (relating to Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007)
- (m) Power to pass a resolution to change a scheme for elections (under section 32(1), 37(1) or 39(1) of the Local Government and Public Involvement in Health Act 2007)\*

### Delegation of Functions (concurrently with the Governance Committee)

This function is delegated to the Returning Officer

This function is delegated to the Head of Legal and Democratic Services

This function is delegated to the Returning Officer

This function is delegated to the Returning Officer

## Functions of the Governance Committee

## Delegation of Functions (concurrently with the Governance Committee)

- |                                                                                                                                                          |                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| (n) Duties relating to publicity (relating to Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007)                  | This function is delegated to the Head of Legal and Democratic Services |
| (o) Duties relating to notice to Electoral Commission (relating to Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007) | This function is delegated to the Head of Legal and Democratic Services |
| (p) Functions relating to change of name of electoral area (relating to Section 59 of the Local Government and Public Involvement in Health Act 2007)*   |                                                                         |

\* These matters may be considered by the Governance Committee but shall be referred to the Council for determination

### **(2) Functions relating to a change in governance arrangements**

- |                                                                                                                                                                                    |                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| (a) Take decision whether to change governance arrangements (Local Government Act 2000)*                                                                                           |                                                                         |
| (b) Duty to comply with direction given by the Secretary of State (The Local Government Act 2000)                                                                                  | This function is delegated to the Head of Legal and Democratic Services |
| (c) Take decision whether a change of the kind set out in Section 9MA and 9MB of the Act should be subject to approval in a referendum under 9M of the Local Government Act 2000 * |                                                                         |
| (d) Duty to hold referendum (The Local Government Act 2000)                                                                                                                        | This function is delegated to the Head of Legal and Democratic Services |

### Functions of the Governance Committee

### Delegation of Functions (concurrently with the Governance Committee)

- |                                                                                                    |                                                                         |
|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| (e) Duty to publish notice if proposals not approved in referendum (The Local Government Act 2000) | This function is delegated to the Head of Legal and Democratic Services |
| (f) Duty to deal with a referendum by Petition*                                                    |                                                                         |
| (g) Duty to implement new governance arrangements (The Local Government Act 2000)                  | This function is delegated to the Head of Legal and Democratic Services |

\*These matters may be considered by the Governance Committee but shall be referred to the Council for determination.

### (3) Functions relating to community governance reviews

- |                                                                                                                                                                     |                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| (a) Duties relating to community governance reviews (relating to Section 79 of the Local Government and Public Involvement in Health Act 2007)*                     |                                                                         |
| (b) Functions relating to community governance petitions (relating to Sections 80, 83, 84 and 85 of the Local Government and Public Involvement in Health Act 2007) | This function is delegated to the Head of Legal and Democratic Services |
| (c) Functions relating to terms of reference of review (relating to Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007)*       |                                                                         |
| (d) Power to undertake a community governance review (relating to Section 82 of the Local Government and Public Involvement in Health Act 2007)*                    |                                                                         |

### Functions of the Governance Committee

- (e) Functions relating to making of recommendations (relating to Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007)\*
- (f) Duties when undertaking a review (relating to Sections 93 to 95 of the Local Government and Public Involvement in Health Act 2007)\*
- (g) Duty to publicise the outcome of a review (relating to Section 96 of the Local Government and Public Involvement in Health Act 2007)
- (h) Duty to send two copies of the order to the Secretary of State and Electoral Commission (relating to Section 98(1) of the Local Government and Public Involvement in Health Act 2007)
- (i) Making an order giving effect to recommendations made in a community governance review (under Section 86 of the Local Government and Public Involvement in Health Act 2007)\*
- (j) Power to make agreements about incidental matters (relating to Section 99 of the Local Government and Public Involvement in Health Act 2007)\*

### Delegation of Functions (concurrently with the Governance Committee)

This function is delegated to the Head of Legal and Democratic Services

This function is delegated to the Head of Legal and Democratic Services

\*These matters may be considered by the Governance Committee but shall be referred to the Council for determination

## Functions of the Governance Committee

## Delegation of Functions (concurrently with the Governance Committee)

### (4) Standards Functions

- (a) Duty to promote and maintain high standards of conduct by:
  - (i) Members and Co-opted Members of the Council and
  - (ii) Employees
  
- (b) \*Duty to adopt a Code of Conduct dealing with the Conduct expected of Members and Co-opted Members of the Council when acting in that capacity and including provision in respect of the registration and disclosure of (i) pecuniary interests and (ii) interests other than pecuniary interests.
  
- (c) Power to revise the existing Code of Conduct or adopt a replacement Code of Conduct.
  
- (d) \* Duty to appoint one or more Independent Persons for the following purposes:-
  - (i) To give the Council views on any allegations it has decided to investigate, before a decision is reached;
  - (ii) At the discretion of the Council, to give the Council views on any other allegations; and
  - (iii) At the discretion of a Member or Co-opted Member to give the Member views on any allegations relating to the behaviour of the Member
  
- (e) \*Power to make Standing Orders to provide for the exclusion of a Member or Co-opted Member of the Council from a meeting while any discussion or vote takes place in which that person may not participate.

## Functions of the Governance Committee

- (f) Power to grant a Member or Co-opted member a dispensation from the restriction on speaking and/or voting when any matter in which that person has a disclosable pecuniary interest is to be considered at a meeting of the Council or any of its committees, sub-committees, joint committees or joint sub-committees.
  
- (g) To provide advice, guidance and to ensure that all Members and employees have access to training in all aspects of their respective Code of Conduct that this training is actively promoted and that Members are aware of the Standards expected of Members under the Code of Conduct.
  
- (h) To establish and maintain a Register of Interests.

## Delegation of Functions (concurrently with the Governance Committee)

### The following functions are delegated to the Monitoring Officer

- (i) Receipt of written applications for Dispensations under Section 33 of the Localism Act 2011.
- (ii) To grant applications for Dispensations pursuant to the provisions in Section 33 of the Localism Act 2011.
- (iii) the discretion to refer applications for Dispensations to the Governance Committee if considered appropriate following consultation with the Independent Person.

### The following functions are delegated to the Monitoring Officer

- (i) Duty to establish and maintain a register of interests of Members and Co-opted Members of the Council
- (ii) Power to remove entries from the register of interests once the person concerned no longer had the interest or is no longer a Member or Co-opted Member of the Council
- (iii) Duty to make a register of interests available to public inspection and publish this on the Council's website
- (iv) Duty to register disclosable pecuniary interests which are notified by a Member or Co-opted Member to the Monitoring Officer pursuant to section 31 of the Localism Act 2011 after arising and being declared at a meeting.

## Functions of the Governance Committee

- (i) Power to exclude the details of sensitive interests from the register of interests
  
- (j) To consider any application for officer exemptions from political restriction (under Section 3A of The Local Government and Housing Act 1989) or give directions to include a post in the list and adjustment to the list of politically restricted posts to reflect changes in salary level and to reflect changes in responsibilities.

NB (a) items above marked \* although can be considered by this Committee they can only be discharged by the Full Council

**(5) To Monitor and Review the Corporate Governance of the Council including giving consideration of the Authority's Annual Governance Statement.\***

**\* The Audit Committee will retain responsibility for approval of the Annual Governance Statement as part of the approval of the Council's Annual Accounts.**

**(6) The following matters may be considered by the Governance Committee but shall be referred to the Council for determination:**

- (a) The promotion of or opposition to local or personal Bills
  
- (b) The Members' Allowances Scheme

## Delegation of Functions (concurrently with the Governance Committee)

The following function is delegated to the Monitoring Officer

Power to exclude the details of sensitive interests from the register of interests

The following function is delegated to the Head of People and Technology

To consider any application for officer exemptions from political restriction (under Section 3A of The Local Government and Housing Act 1989) or give directions to include a post in the list and adjustment to the list of politically restricted posts to reflect changes in salary level and to reflect changes in responsibilities.

### Functions of the Governance Committee

- (c) Proposals for the monitoring, review and adoption of, and changes to the Constitution (except where it relates to the Scheme of Delegation for Cabinet functions in which case it will be delegated to the Leader).
- (d) The making, amendment, revocation or re-enactment of byelaws
- (e) The appointment of employees for particular purposes (appointment of “proper officers”)
- (f) The designation of an officer as the head of the authority’s paid service, and the provision of staff, etc. (Section 4 of the Local Government and Housing Act, 1989)
- (g) The designation of an officer as the Monitoring Officer, and the provision of staff, etc. (Section 4 of the Local Government and Housing Act, 1989)
- (h) The designation of an officer as the Chief Finance Officer, and the provision of staff, etc. (Section 114 of the Local Government Act 1988; and Section 151 of the Local Government Act 1972)
- (i) Powers relating to Overview and Scrutiny Committees (voting rights of co-opted members) under Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000

### Delegation of Functions (concurrently with the Governance Committee)

This function is delegated to the Head of Legal and Democratic Services

To make changes as a result of legislative changes and clerical and typographical corrections to the Constitution

This function is delegated to the appropriate Head of Service and the Head of Legal and Democratic Services

The enforcement of byelaws

## Functions of the Governance Committee

## Delegation of Functions (concurrently with the Governance Committee)

### (7) Other Functions

- (a) Other than in the case of functions which are the responsibility of the Cabinet, decisions relating to the contracting out of a function or service (in accordance with the De Regulation and Contracting Out Act 1994) and to whom to award the contract together with the function of revoking such a contract.
- (b) To consider matters referred to the Committee in relation to petitions submitted under the Crawley Borough Council Petition Scheme.
- (c) To consider matters relating to the Regulation of Investigatory Powers Act 2000.

# Crawley Borough Council

## Minutes of the Overview and Scrutiny Commission

**Monday 1 December 2014 at 7.00p.m.**

**Present:**

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

**Also in Attendance:**

Councillors C C Lloyd, C J Mullins and M W Pickett

**Apologies for Absence:**

Councillors Dr H S Bloom and B A Smith

**Officers Present:**

|                 |                                 |
|-----------------|---------------------------------|
| Peter Allen     | Strategic Projects Co-ordinator |
| Paul Baker      | Senior Leisure Officer          |
| Heather Girling | Democratic Services Officer     |
| Chris Harris    | Head of Community Services      |
| Lee Harris      | Chief Executive                 |

### **52. Members' Disclosure of Interests and Whipping Declarations**

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

### **53. Minutes and Matters Arising**

The minutes of the meeting of the Commission held on [10 November 2014](#) were approved as a correct record and signed by the Chair. On item 41 it was agreed that the Treasury Management training would be offered to Cabinet Members in addition to OSC Members as the Treasury Management Strategy is reported to both OSC and Cabinet respectively. A discussion occurred on Minute 43 on the 2013 Youth Scrutiny Panel Recommendations – Implementation Update. The Community Development Manager would liaise with the Crawley Young Person's Council (CYPC) as to Members attending CYPC to observe and inform Members of the outcome. It was requested this be followed up.

### **54. Public Question Time**

Ms Cook and Mr Massimo (allotment site representatives) referred to the Council's allotments, particularly Malthouse Road, and sought confirmation of the Council's service provision. Various points were raised including the liaison with the site representatives regarding the annual water supply, reporting of uncultivated plots and security concerns. The Head of Community Services acknowledged the representatives' concerns and apologised for the issue regarding the water supply. A systems thinking review of the

allotments service will be undertaken in the New Year and it will be important to address the issues that have been raised. The Cabinet Member for Leisure and Cultural Services echoed the views of the Head of Community Services and it was anticipated the review would investigate the best possible use for allotments.

Mr Herbert enquired as to the progress on the Crawley Museum project and considered a response in writing was overdue. The Cabinet Member for Leisure and Cultural Services explained that 'The Tree' building will be remodelled. The project is progressing and will be moving forward with development. Mr Herbert requested an update on the fund raising idea 'Sponsor a Brick' in relation to raising funds for the Crawley Museum. It was confirmed that the Crawley Museum Society should be taking ideas forward as the Society was taking the lead with regards to fund raising decisions.

It was agreed that the Cabinet Member for Leisure and Cultural Services would respond to Mr Herbert with a progress update on the Crawley Museum project.

Members of the Commission expressed their thanks to the members of the public for attending.

## **55 Management of the Council's Allotments and Delivery of Service Provision Update Report**

The Commission considered Report [DC&PS/009](#) of the Head of Community Services. The report updated the Commission on the management of the Council's allotments, the delivery of these facilities and plans for future service provision.

Members' comments included:

- Concern expressed for site security for allotments across the town and in particular where inter-planting of boundaries with robust prickly hedging and plants to improve security could be introduced.
- Support for the starter (and 1/2 plots) to be introduced in existing and new sites.
- Encouragement for the inclusion of allotments into the 'Let's FACE it!' initiative, together with working with schools to promote allotmenting on school grounds.
- Support for improved communications with all allotment holders and specially site representatives.
- Acknowledgement that there was an inconsistency and under provision of allotment plots across different areas of the town particularly Pound Hill, Maidenbower and Ifield West. There was support for the allocation of allotments in new neighbourhood developments wherever possible, for example Forge Wood.
- Concern was expressed that some of the recommendations from the previous Scrutiny Panel Review had not been followed through. Assurance was given that this would not be the case in the future. There was an acknowledgement of the systems thinking review due to commence early 2015, which will examine the current service provision and providing the service in potentially new ways.
- It was proposed by one Member that the Commission put forward the following recommendations:
  - o The Commission would welcome more resources being brought forward to facilitate:-
  - o the council to increase the number of allotment plots available within the borough;
  - o the council to address the issues raised tonight by members of the public, particularly in Southgate;
  - o the council to look at improving regular communications to allotment plot holders,
  - o the council to look at improving security at allotment sites where trespassing is known including the use of inter-planting prickly plants

It was further discussed that whilst the Commission identified these particular points, the Cabinet Member should note all the other comments made by Members, including the recommendations proposed above, and that the Head of Community Services amalgamate these within the systems thinking review. The Commission would welcome a progress report following the systems thinking review (possibly through PMSP).

## **RESOLVED**

That the contents of the report be noted and the Cabinet Member and Head of Community Services expedite the comments through the review.

### **56. New Cemetery, Little Trees, Tollgate Hill, Crawley**

The Commission considered report [DC&PS/007](#) of the Director of Community and Partnership Services. The report made recommendations designed to ensure the continuity of the Council's burial service once the existing cemetery at Snell Hatch is closed.

During the discussion with the Cabinet Member and Environmental Services and the Strategic Projects Co-ordinator, Members:

- Acknowledged that this is a significant key landmark project for the community of Crawley, being delivered in a sensitive and environmentally-friendly manner.
- Welcomed the proposal to provide a new site and building for Crawley Girl Guides Association at Tilgate Park and the consequent new provision for the Evolutionary Martial Systems Club. The Commission appreciated the Uniform Organisation's support and understanding during this time.
- Were pleased to note and indeed support the proposal that the main access for the cemetery would be off the Tollgate Hill roundabout and highlighted the need for good all round transport accessibility.
- Strongly supported the intention to well maintain and keep open Snell Hatch Cemetery to the public for the foreseeable future.
- Appreciated the Council's response to public concern during the earlier consultation process in attempting to find a site for a new cemetery. Support too for the wider detailed consultation that will take place in Phase 2 of the project and beyond.

## **RESOLVED**

That the Commission agreed to endorse the recommendations to the Cabinet.

### **57. Crawley Town FC Travel Partnership Scrutiny Panel Implementation Update Report**

The Commission considered report [DC&PS/005](#) of the Head of Partnership Services. The report updated the Commission on the progress since the Crawley Town FC Travel Partnership Scrutiny Panel's final report. A discussion was held with the Senior Leisure Officer.

During the discussion, the following points were expressed:

- Noted that the Broadfield Stadium Travel Plan Steering Group continues to meet bi-annually and addresses areas of concern with partners.
- Recognition that nuisance parking may have slightly eased this season due the reduction in gate numbers, however Members wished Crawley Town Football Club (CTFC) well for the remainder of the season.
- Evidence that there is improved use of overspill car parks as a result of improved publicity. However, other suggestions were made concerning the use of 'Crawley Live' or further leafleting.
- Appreciation that communications with CTFC have improved and the Club is more proactive.
- Confirmation that WSCC is progressing the introduction of yellow-lines at junctions within certain areas but it was noted that enforcement is still an issue on some occasions
- Observation that there is an area of WSCC land in the South West corner of the ground which is uneven and not easily accessible. An even path would assist members of the public accessing the ground from the overspill car parks. It was acknowledged that the majority of the Panel's recommendations were outside the remit of CBC or CTFC and could be referred to the West Crawley County Local Committee. It was discussed that communication with WSCC could be progressed so that joint problems or concerns could be actioned within a reasonable time limit.

## **RESOLVED**

That the report be welcomed and the contents of the report be noted.

## **58. Scrutiny Panels**

### **Performance Monitoring Scrutiny Panel (PMSP)**

The previous meeting of PMSP took place on Wednesday 19 November 2014. The Panel received an update on the new waste and recycling contract, which was well received by Members. The Panel also received the Check presentation from Development Control which highlighted it would be beneficial if all Development Control records could be amalgamated. It also raised concerns about the validation process. The Redesign phase would commence with trialling individual areas and processing individual applications through the new process. This will include the 'twin-tracking' of old and new processes during re-design.

Representatives from Parkwood Leisure will be invited to attend the meeting in February and the Chair requested that if Members wished to submit questions for the event to send them to the Chair or the Democratic Services Officer.

The next meeting would take place on 24 February 2015.

### **Fairness Commission Scrutiny Panel**

The first meeting of the Panel took place on Monday 24 November 2014 and Members agreed the scope for the review. As a guide, the Panel will aim to look at the terms of reference of other Fairness Commissions together with the structure of representation on the Commissions. Witnesses will be invited to attend the forthcoming meeting and additionally a site visit may be arranged to a 'neighbouring' authority. The Chair suggested that a substitute member for this Panel may be useful given the small number of Members on this Panel.

**59. Forward Plan – 1 January 2015 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 referrals included:

**12 January 2015**

Amendments to the Under Occupation Policy

**60. Closure of Meeting**

The meeting ended at 9.20pm.

**W A WARD**  
**Chair**

**Appendix A**

**Members' Disclosure of Interests**

| <b>Member</b>           | <b>Minute Number</b> | <b>Subject</b>                                                                 | <b>Type and Nature of Disclosure</b>                               |
|-------------------------|----------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Councillor R G Burgess  | Minute 57            | Crawley Town FC Travel Partnership Scrutiny Panel Implementation Update Report | Personal - Season Ticket Holder, Crawley Town Football Club        |
| Councillor R G Burgess  | Minute 57            | Crawley Town FC Travel Partnership Scrutiny Panel Implementation Update Report | Personal – Member of Broadfield Stadium Travel Plan Steering Group |
| Councillor C A Cheshire | Minute 57            | Crawley Town FC Travel Partnership Scrutiny Panel Implementation Update Report | Personal - Season Ticket Holder, Crawley Town Football Club        |
| Councillor C A Cheshire | Minute 57            | Crawley Town FC Travel Partnership Scrutiny Panel Implementation Update Report | Personal – Member of Broadfield Stadium Travel Plan Steering Group |
| Councillor M G Jones    | Minute 57            | Crawley Town FC Travel Partnership Scrutiny Panel Implementation Update Report | Personal – Member of WSCC                                          |
| Councillor R A Lanzer   | Minute 57            | Crawley Town FC Travel Partnership Scrutiny Panel Implementation Update Report | Personal – Member of WSCC                                          |

# Crawley Borough Council

## Minutes of Audit and Governance Committee

2 December 2014 at 6.30pm

### Present:

Councillor I T Irvine (Chair)  
Councillors R D Burrett, T Lunnon and K Sudan

### Also in Attendance:

Councillors S J Joyce and C J Mullins  
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 |
| Gillian Edwards | Audit and Risk Manager                  |
| Chris Harris    | Head of Community Services              |
| Karen Hayes     | Deputy Head of Finance                  |

### 20. Apologies for Absence

Councillor L A Walker (Vice Chair).

### 21. Members' Disclosures of Interests

There were no disclosures of interest.

### 22. Minutes

The minutes of the meeting of the Committee held on **24 September 2014** were approved as a correct record and signed by the Chair.

### 23. Fraud Team Report

The Committee considered report **FIN/352** of the Corporate Fraud and Inspections Manager, which focused on activity for the period from 10 September 2014 to 13 November 2014. The Committee acknowledged that the Team continued to look into a wide range of fraud and loss against the Council.

- The Team had completed its examination of properties, both new and empty, to help determine the claim to the Department for Communities and Local Government (DCLG) regarding New Homes Bonus. The Team had identified 84 properties which had previously been declared as long term empty, as being in use and occupied. The value of the bonus was estimated to be £711,465 which was a guaranteed sum paid by DCLG over the next 6 years.
- A further three 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 five further properties from being allocated and lost from the Council's stock.
- Work was also ongoing in terms of investigating Right to Buy applications, with two further applications having been stopped.
- The Committee acknowledged that service performance continued to improve generally, including the application of various sanctions, of which there had been two further prosecutions, which related to housing benefit fraud.
- The total of all overpaid benefit identified by the Team for this reporting period was £124,070.
- In response to Members' enquiries as to the percentage of overpayments that were actually repaid, the Corporate Fraud and Inspections Manager indicated a high range percentage of repayments recovered, whilst confirming that he would provide a more definitive response for the Committee's next meeting.
- 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, and with the Fraud and Inspections Manager detailing investigatory routes engaged by the Team to prevent fraud, Members further conveyed their thanks and appreciation to the Team for the excellent progress it was continuing to achieve.

## **RESOLVED**

That the report be noted.

### **24. Variation to the Order of Business**

The Chair announced a change in the order of business, so that the next item to be considered by the Committee would be the report on Maidenbower Pavilion, Community Club – Update Report (Item 10 of the Agenda). On completion of that Item, the Committee would resume with the remaining business as set out in the Agenda, with the next item being Item 5 (Review of Terms of Reference of the Audit and Governance Committee).

### **25. Maidenbower Pavilion, Community Club – Update Report**

The Committee considered the joint report **DC&PS/008** of the Director of Community and Partnership Services and the Cabinet Member for Leisure and Cultural Services. The report had been requested by the Committee at its last meeting, and also related to issues raised by the Chair and Vice Chair of the Committee during subsequent and associated discussions with Officers.

The Head of Community Service referred the Committee to the seven measures of progress which had been agreed with the Maidenbower Park Community Club (MPCC) and advised Members of the Council's intention to continue to work with the Club and the CVS on the requirements and expectations within those measures. The purpose of the report was to provide the Committee with an update on the progress to date, and in so doing identify the work and initiatives undertaken to address concerns raised and provide assurance in terms of achieving the future success of the Club. In referring to the progress made, the Cabinet Member for Leisure and Cultural Services advised the Committee that he had recently met with the Club's newly appointed Committee who had assured him that they were keen to keep their constitution / operational progress under review to best serve the needs of the local community, whilst inviting, as observers, Ward Councillors to their Committee meetings to enable an overview and understanding of the future activities and governance of the Club. Members acknowledged that there needed to be a balance which allowed the Club to manage its ongoing affairs whilst providing reassurance to the Council, as the owner of the Pavilion, that the activities (including accounting and communication processes) were being effectively managed.

The Chair and other Members commented that with the Committee having now received the assurances sought, and bearing in mind the extensive consideration given to the Pavilion generally over recent years, it was now perhaps appropriate that the Committee should cease its consideration of this operational matter. The Chair thanked the Cabinet Member and Head of Service for the work they had undertaken. It was agreed that all future work in relation to the Club's operations should be considered through other mechanisms, whilst the future monitoring of progress by the Cabinet Member and Officers was welcomed by the Committee. In response to comments made by Members, it was felt that lessons had been learnt, which would be utilized and considered should in future community facilities, such as the Maidenbower Pavilion, be managed under similar arrangements.

## **RESOLVED**

- (1) That the report be noted, and
- (2) That the Cabinet Member for Leisure and Cultural Services considers the Committee's feedback in order to ensure the future success of the MPCC.

## **26. Review of Terms of Reference of the Audit and Governance Committee**

The Committee considered report **LDS/084** of the Head of Legal and Democratic Services which reviewed the Committee's current Terms of Reference and proposed a number of amendments including changing the name of the Committee from "Audit and Governance Committee" to "Audit Committee". The Committee noted that the General Purposes Committee had considered and supported a similar report in terms of changing its Terms of Reference and its name to that of "Governance Committee" at its meeting held on 24 November 2014.

Whilst the Committee welcomed the changes for the reasons outlined in the report, its attention was drawn to functions 5 and 6 of the current Terms of Reference, which Members acknowledged had inadvertently been omitted from the proposed Terms of Reference. The inclusion of function 6 would be made with the deletion of the words "Audit Commission". With Members referring to some changes of wording when comparing the proposed Terms of Reference with those currently in place, Officers

indicated that whilst this was the case, there was no change in emphasis from the recognised role and purpose of an audit committee.

The Committee discussed whether matters relating to the Regulation of Investigatory Powers Act 2000 should be the responsibility of the proposed Governance Committee or whether it would be better placed with the proposed Audit Committee. The Committee was informed that the Act did not solely relate to anti-fraud and corruption matters as authorisations for surveillance could cover a number of Council functions. The General Purposes Committee had suggested that matters relating to the Regulation of Investigatory Powers Act 2000 remained the responsibility of the Governance Committee unless the Audit and Governance Committee felt otherwise. The Committee discussed this matter in detail, and whilst acknowledging that such matters could relate to the work of either Committee, it was felt that on balance the responsibility for the Act should be incorporated in the Terms of Reference of the proposed Audit Committee.

It was requested that the Terms of Reference as updated to take account of the issues raised above, be presented to the Chair for his agreement prior to submitting for formal approval to the forthcoming meeting of the Full Council

Note by the Head of Legal and Democratic Services:

The Chair had now confirmed his approval of the updated Terms of Reference.

## **RESOLVED**

### **RECOMMENDATION 4**

Subject to its approval of the Recommendation submitted by the General Purposes Committee, the Full Council is recommended to approve the revised Terms of Reference for the Audit and Governance Committee, including the change of name from Audit and Governance Committee to Audit Committee, as set out in the Appendix 1 to these minutes.

## **27. Regulation of Investigatory Powers Act 2000 (RIPA)**

The Committee considered report **LDS/093** of the Head of Legal and Democratic Services. The purpose of the report was to inform Members of the Inspection visit by the Office of Surveillance Commissioners (OSC) and the outcome of that Inspection. In addition, Members were asked to note the Council's response to the Recommendation arising from the Inspection. Further, the report informed and updated Members about issues relevant to the use of the Regulation of Investigatory Powers Act 2000 and developments that had taken place since the last report to the Committee in December 2012.

The Report of Inspection by the OSC, dated 18 August 2014, was set out in Appendix A to the report. The Committee acknowledged that the inspection went well and that the Council had received positive feedback on the way that RIPA was used. The inspector had made one recommendation that the Council's policy and procedures be revised to include advice and guidance on the use of the internet and social media in investigations. The Committee acknowledged that the recommendation had been accepted and since implemented.

The Council had a Corporate Policy and Procedural Guidance document for the Regulation of the Investigatory Powers Act 2000 (RIPA) which was regularly updated to take account of changes in legislation, guidance and statutory Codes of Practice. A copy of that Corporate Policy and Procedural Document, as updated, was before the Committee as Appendix B to report LDS/093. Whilst this was the case, the Committee was advised that two new Codes of Practice were to take effect on 10 December, and that the Corporate Policy and Procedural Document would again be updated to include a link to the updated Codes. In response to Members questions it was agreed that consideration would in future be given to reporting the number of RIPA applications against the number authorised, whilst further clarification would be provided to Members with regard to the six month threshold test for Directed Surveillance

## **RESOLVED**

- (1) That the Office of Surveillance Commissioners' Inspection report, dated 18 August 2014, be noted.
- (2) That the Council's acceptance of the Recommendation be noted.
- (3) That the updated Council's Corporate Policy and Procedural Guidance Document on RIPA be approved.
- (4) That the statistical information on the use of RIPA since the last Committee Report be noted.
- (5) That the key points of the Office of Surveillance Commissioners' Annual Report (2014) be noted.

## **28. Annual Audit Letter**

The Committee considered the Annual Audit Letter from Ernst and Young LLP. The Letter was attached as **Enclosure E** to the agenda. Paul King presented the Letter which provided a summary of Ernst and Young's assessment of the Council for 2013 / 2014 and highlighted the key messages.

Those messages included the fact that an unqualified audit opinion had been issued on the financial statements (2013/14) and that an unqualified conclusion had been issued in relation to value for money. In response to comments from Members regarding the Council's Risk Management Strategy, the Committee was reminded that a report on this matter would be considered as the next item of this meeting's agenda.

## **RESOLVED**

That the Annual Audit Letter be noted.

## **29. Risk Management Strategy**

The Committee considered report FIN/351 of the Audit and Risk Manager which reviewed the effectiveness of the Council's Risk Management Strategy, including the identified strategic risks as set out in Appendix 1 to the report.

As part of its discussions on this matter, and in response to Members comments that they should always be made fully aware of all relevant risks as part of the decision making process, it was indicated that every endeavour continued to be made to ensure that this was case. The process of identifying and reviewing risks, and ensuring that Members were satisfied that their attention was being drawn to all known risks, was an issue that was undertaken through various mechanisms. Reference was made, for example, to the submission of regular Internal Audit Progress Reports and the provision of audit opinion, as well as the submission of the Annual Governance Statement, and regular Member briefings - including those with Cabinet Members. The audit planning process involved regular dialogue with managers on what processes were being undertaken to mitigate risk, and whether it was felt any particular issues should be incorporated in the Audit Plan as part of that risk mitigation process. Major capital projects did have a risk register which was reviewed at each capital project progress meeting. It was acknowledged that the aim was get the right level of information to see what actions were being taken in tracking the nature of risk and the work undertaken to mitigate risk. Members felt that an update of strategic risks should be the subject of a quarterly report to this Committee, which would include a review of the quantification of those risks and an overview of the mitigating actions being undertaken, and which might, for example, include reference to associated reports to be submitted to Cabinet and other forums.

### **RESOLVED**

That subject to the Members comments above, the Risk Management Strategy, including the Council's strategic risks, be supported.

### **30. Internal Audit Progress Report as at 10<sup>th</sup> November 2014**

The Committee considered report **FIN/350** 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 2014 / 2015 Internal Audit Plans, and to report on the progress made in implementing the previous recommendations.

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 an issue raised by the Chair, the Deputy Head of Finance indicated that she would provide him with further clarification as to where in the Council's accounts, information could be found in relation to the Crawley Deposit Service (formerly known as the Rent Deposit Scheme).

### **RESOLVED**

That the Internal Audit Progress report, and the progress made for the period up to 10 November 2014 be noted.

### **31. Closure of Meeting**

The meeting ended at 8.16 pm.

I T IRVINE  
Chair

## APPENDIX 1

### RESPONSIBILITY FOR COUNCIL FUNCTIONS AUDIT COMMITTEE

**The role of the Audit Committee** will be to review and assess the adequacy of the Council's internal audit and risk management arrangements.

**The powers and duties of the Council relating to the functions set out below are delegated to the Audit Committee**

**Membership:** Not more than one member shall be a Cabinet member and that Member shall not Chair the Committee.

Councillors: I T Irvine (Chair), L A Walker (Vice Chair), R D Burrett, T Lunnon and K Sudan (Substitutes: C A Cheshire and C R Eade)

#### Functions of the Audit Committee

- (1) Consider and review the adequacy of the Internal Audit Budget and Resource Plan.
- (2) Approve the Internal Audit Plans ensuring that appropriate risk assessments have been carried out when formulating these; and to monitor performance against the plans.
- (3) Review Internal Audit Progress Reports which outline the main issues arising, and seek assurance from management, directly or via the Audit and Risk Manager, that appropriate action has been taken where necessary.
- (4) Review the effectiveness of the Council's Risk Management Arrangements

#### Delegation of Functions (concurrently with the Audit Committee)

### Functions of the Audit Committee

- (5) Consider reports received from External Audit and other external inspection agencies.
- (6) Contribute to the Council's response to the External Auditors (Ernst and Young):
  - Annual audit and inspection letter to the Council
  - Opinion and reports to Members
- (7) Receive the Annual Report of the Audit and Risk Manager.
- (8) Seek assurance that there is effective liaison between External and Internal Audit and other relevant bodies.
- (9) Consider the effectiveness of the Council's Counter Fraud and Anti-corruption arrangements.
- (10) Approve the Council's Financial Statements and seek assurances from the Governance Committee that the Annual Governance Statement properly reflects the risk environment and any actions required to improve it.
- (11) To consider matters referred to the Committee in relation to petitions submitted under the Crawley Borough Council Petitions Scheme.

### Delegation of Functions (concurrently with the Audit Committee)

The following function is delegated to the Chief Executive, a Director, a Head of Service, the Monitoring Officer, the Deputy Monitoring Officer, the Fraud and Inspections Manager or the Audit and Risk Manager.  
Referral of cases of fraud to the police.

### **Functions of the Audit Committee**

- (12) To consider matters relating to the Regulation of Investigatory Powers Act 2000 (RIPA).

### **Delegation of Functions (concurrently with the Audit Committee)**

The following function is delegated to the Head of Legal and Democratic Services.

To make minor administrative and/or technical changes to the Council's Corporate Policy and Procedural Guidance on RIPA.

# Crawley Borough Council

## Minutes of Cabinet Wednesday 3 December 2015

### 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 Oxlade     | (Cabinet Member for Community Engagement)                     |
|            | D J Shreeves | (Cabinet Member for Customer and Corporate Services)          |
|            | P C Smith    | (Cabinet Member for Planning and Economic Services)           |

### Also in Attendance:

Councillors W Ward and D Crow

### Officers Present:

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

### Apologies for Absence:

Councillor C J Mullins

## 50. Members' Disclosure of Interests

The following disclosures of interests were made by Members:-

| Member         | Minute number | Subject                        | Type & nature of disclosure       |
|----------------|---------------|--------------------------------|-----------------------------------|
| Cllr S J Joyce | Minute 57     | Review of the Local Government | Personal as a member of the Local |

|                                                        |           |                                                                  |                                                                                                        |
|--------------------------------------------------------|-----------|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
|                                                        |           | Pension Scheme Discretions Policy                                | Government Pension Scheme                                                                              |
| Cllr C C Lloyd                                         | Minute 57 | Review of the Local Government Pension Scheme Discretions Policy | Personal as a member of the Local Government Pension Scheme                                            |
| Cllr D J Shreeves                                      | Minute 57 | Review of the Local Government Pension Scheme Discretions Policy | Personal as a member of the Local Government Pension Scheme                                            |
| Ann-Maria Brown<br>Head of Legal & Democratic Services | Minute 57 | Review of the Local Government Pension Scheme Discretions Policy | AMB disclosed membership of the LGPS on behalf of all officers present who were members of the scheme. |

## 51. Minutes

The minutes of the meeting of the Cabinet held on 12 November 2014 were approved as a correct record and signed by the Chair.

## 52. Public Question Time

Public question time took place and Mr Stephen Mitchell asked a question regarding the Residential Parking Improvement Programme at Gossops Green Scheme. A note of the questions and the Cabinet Member's responses are set out in **Appendix A** to these minutes.

## 53. Matters Referred to the Cabinet

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

## 54. Energy Procurement Contract Arrangements (Customers & Corporate Services Portfolio)

The Cabinet considered report [DC&PS/003](#) of the Head of Partnership Services. The report contained proposals for the Council's continued (since 2008) participation in a flexible energy procurement, under a framework contract with LASER (Local Authority Energy Buying Group), which was due for renewal.

The Cabinet Member for Customer & Corporate Services advised that the recommendation required the inclusion of the dates of the 4 year contract period in question, and this was agreed, to read as follows:

'That participation in the LASER Framework Contract for energy procurement for the period 1 October 2016 to 30 September 2020 be approved.'

## **RESOLVED**

That participation in the LASER Framework Contract for energy procurement for the period 1 October 2016 to 30 September 2020 be approved.

### **Reason for Decision**

1. LASER benchmarks their purchasing performance each year and shares this information with its customers. This benchmarking exercise indicates that LASER has been able to deliver prices to customers at 4% below the market average over the last 4 years. Based on current consumption this level of performance would equate to a total saving in energy costs over the next 4 year contract period from 1 October 2016 to 30 September 2020 of £60,000 assuming similar performance levels.
2. Given the estimated savings achieved through a flexible procurement strategy, it is recommended that the Council continue its arrangement with LASER and participate in the framework contract for the 4 year period from 1 October 2016 to 30 September 2020.

## **55. New Cemetery, Little Trees, Tollgate Hill, Crawley (Environmental Services Portfolio)**

The Cabinet considered report [DC&PS/007](#) of the Director of Community & Partnership Services, which made recommendations designed to ensure that continuity of the Council's burial service was maintained once the existing cemetery at Snell Hatch is closed for new burials. A new site known as Little Trees (Pease Pottage Girl Guides) at the top of Tollgate Hill has been identified as the most favourable area to develop a new cemetery site in the Borough.

The Cabinet Member for Environmental Services introduced the report and addressed the subject of additional costs that would be incurred if the scheme was approved, and referred to a separate report that will go to Cabinet on associated issues relating to this project.

The matter had been considered at the meeting of the Overview and Scrutiny Commission on 1 December 2014. Councillor Ward presented the Commission's comments, which:

- Acknowledged that this is a significant key landmark project for the community of Crawley, being delivered in a sensitive and environmentally-friendly manner.
- Welcomed the proposal to provide a new site and building for Crawley Girl Guides Association at Tilgate Park and the consequent new provision for the Evolutionary Martial Systems Club. The Commission appreciated the Uniform Organisation's support and understanding during this time.

- Were pleased to note and indeed support the proposal that the main access for the cemetery would be off the Tollgate Hill roundabout and highlighted the need for good all round transport accessibility.
- Strongly supported the intention to well maintain and keep open Snell Hatch Cemetery to the public for the foreseeable future.
- Appreciated the Council's response to public concern during the earlier consultation process in attempting to find a site for a new cemetery. Support too for the wider detailed consultation that will take place in Phase 2 of the project and beyond.

The Commission agreed to endorse the recommendations to the Cabinet, and the Cabinet thanked the Commission for its comments.

The Cabinet Member for Planning & Economic Services expressed his appreciation to the Girl Guides for bringing the proposal forward and asked that this be recorded.

The Council's Head of Legal & Democratic Services advised the Cabinet that in para 8.3 of the report, reference was made to section 123 of the Local Government Act 1972 which related to the advertisement for the disposal of public open space. The Council only had to consider objections, and this had to be reflected in Recommendation 2.2 3. It was therefore proposed that an amendment be made to Recommendation 2.2 3. This was formally agreed and seconded, to read as follows:

'To authorise the Head of Partnership Services to accept the surrender of the Crawley Girl Guides Association's existing lease on the Little Trees site and to enter into a new lease to relocate the Crawley Girl Guides Associations to Hut 23 Tilgate Park, subject to the advertisement of the proposal in accordance with section 123 of the Local Government Act 1972 and consideration of any objections to a public open space advertisement at a future meeting of the Cabinet.'

The Cabinet agreed all other recommendations.

## **RESOLVED**

### **RECOMMENDATION 5**

That the Full Council be RECOMMENDED:

- 1) To agree the Little Trees site as the location of the new cemetery site for the Borough of Crawley,
- 2) That the Little Trees site comprising approximately 12 acres (4.8 hectares) as identified in Appendix A of report [DC&PS/007](#) be appropriated under Section 122 of the Local Government Act 1972 for use as a cemetery.
- 3) To authorise the Head of Partnership Services to accept the surrender of the Crawley Girl Guides Association's existing lease on the Little Trees site and to enter into a new lease to relocate the Crawley Girl Guides Associations to Hut 23 Tilgate Park, subject to the advertisement of the proposal in accordance with section 123 of the Local Government Act 1972 and consideration of any objections to a public open space advertisement at a future meeting of the Cabinet
- 4) To agree to authorise the Head of Partnership Services to accept the surrender of the Evolutionary Martial Systems' existing lease on Hut 23 Tilgate Park and

to enter into a new lease for the provision of a new building within the recreational huts site at Tilgate Park.

- 5) To agree to authorise the Head of Partnership Services to invite tenders for the implementation of the Phase 1 works at the new cemetery site, subject to the necessary planning approvals and in consultation with the Portfolio Holder for Environment and the Head of Finance, Revenue and Benefits to accept the most economically advantageous tender and thereafter to enter into a contract for the works with the successful Tenderer.
  
- 6) To agree to approve a supplementary capital estimate of £979,000 to the existing capital budget provision of £721,000 and future revenue implications reflected within the Budget Strategy.

### **Reason for Decision**

In order to ensure service continuity, the Council has for some time been seeking to identify a site for a new cemetery. The site at Little Trees of Tollgate Hill has been identified as the recommended site for a new council cemetery.

### **56. Residential Parking Improvement Programme (Environmental Services Portfolio)**

The Cabinet considered report [SHAP/042](#) of the Head of Strategic Housing & Planning Services. The current residential parking improvement programme, approved in 2012, completes the financial year 2014/2015. Feasibility work on the reserve schemes for inclusion in the programme (subject to availability of funding) was now being progressed, and these schemes were capable of delivery during 2015/2016, subject to final approval from the Cabinet Member for Environmental Services under delegated powers. The report sought Cabinet approval to take forward feasibility work for a further list of schemes identified as priority areas for improvement, to extend the existing programme by a further year to 2016/2017.

The Cabinet Member for Environmental Services introduced the report and highlighted the fact that a comprehensive review of the Council's approach to delivering parking improvements was programmed for Autumn 2015. The Leader of the Opposition, whilst welcoming the review, expressed disappointment that it would not commence until Autumn 2015. He hoped Members would have the opportunity to feed in to the review. He added that if there was more focus on where spaces were needed, there was the potential to do more.

The Cabinet Member for Environmental Services recognised it would be preferable to hold the review sooner but with many others taking place during 2015, this review had to be phased in and to take its place in the programme. He added that officers had re-checked the roads under review, and in some cases the same problems still existed, but this meant at least that the consultation had been refreshed. The Leader agreed that the scheme was a stop-gap measure until the review commenced, and advised that Members would be consulted in the future; he said it was not practical to do both Member consultation and to advance the scheme in the same year. A Member also

expressed the view that parking problems as a whole would not be solved with this sort of scheme.

## **RESOLVED**

- a) That the priority list of schemes set out in paragraph 5.4 of report [SHAP/042](#) to form the delivery programme for 2016/2017 be approved;
- b) That officers be authorised to progress these schemes for final approval by the Cabinet Member for Environmental Services in accordance with existing delegated powers

## **Reason for Decision**

- 1) To provide a mechanism to maintain an uninterrupted programme of delivery pending the outcome of review work.
- 2) To preserve the integrity of the scheme selection process.
- 3) To ensure proportionate use of resources.

## **57. Review of the Local Government Pension Schemes Discretions Policy (Customers & Corporate Services Portfolio)**

The Cabinet considered report [PAT/022](#) of the Head of People & Technology which set out proposals in relation to the adoption of discretions set out in the Local Government Pension Scheme 2014 (LGPS) and sought approval for the Council's Policy on the exercise of those discretions.

## **RESOLVED**

### **RECOMMENDATION 6**

That the Full Council be RECOMMENDED:

- 1) To adopt and approve the LGPS Employer's Pensions Discretions Policy as set out in Appendix 2 of report [PAT/022](#);
- 2) To delegate further reviews and approval of the Policy to the Head of People & Technology and the Head of Finance, Revenues & Benefits (Section 151 Officer) in consultation with the Cabinet Member for Customer and Corporate Services.

## **Reason for Decision**

West Sussex County Council administer the Local Government Pension Scheme (LGPS) on behalf of Crawley Borough Council. They have provided updated information to all councils in the West Sussex Pension Scheme on the relevant new discretions available to employers and have asked that all councils review their current scheme of discretions to ensure that they have guidance on any discretion on which the Council will rely in a retirement situation.

**58. Closure of Meeting**

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

P K LAMB  
**Chair**

## **Public Question Time**

Set out below are the points made at Public Question Time along with the Cabinet Member's responses:

Mr Stephen Mitchell was not sure if the proposed changes to parking in Lavant Close, Gossops Green, would include the removal of landscaping, i.e. bushes, outside No.6 Lavant Close. He tabled colour photographs of his home and the parking bays, bushes and kerbs in question. He made the following points in this regard:

- Would prefer to keep the bushes which he regularly maintains. These also offer a degree of protection to the cars next to them
- 6 Lavant Close is on a walkway from Gossops Drive, and is used by schoolchildren, people using the bus stop on Gossops Drive as well as those visiting the shops and pubs
- Cyclists using Lavant Close reach high speeds by the time they reach No.6 and currently can negotiate around the bushes; however, if the bushes were removed, it would be detrimental to the look of the close, would reduce the pavement width and therefore make it much harder to negotiate
- Removal of the bushes would also leave parked vehicles susceptible to damage
- Mr Mitchell's family has a disabled bay as his son is severely disabled and has a blue badge. Wheelchair access is required at all times and there is only one dropped kerb – in front of the bushes – which might be lost.
- Mr Mitchell's son, as well as an elderly neighbour, is collected by day care transport from the dropped kerb daily
- If the bushes are removed, it would make it more difficult for the Mitchell family to park one car behind the other, which affects no-one but them. If Mr Mitchell had to park elsewhere, he would be taking up another parking space.
- Creating extra parking would be the sensible approach: there is a lot of space in the large green in the close so perhaps landscaping could be incorporated into that scheme and the current prickly bushes in and around the green could be removed.

Councillor C Lloyd, Cabinet Member for Environmental services, thanked Mr Mitchell for his comments and said that the key to good consultation was considering the residents who may be affected. The Leader, Councillor P Lamb, said that the item was before the Cabinet to agree in principle, and that there would be further consultation once the scheme reached a more detailed stage. He added that it was important for the public to benefit from these schemes and as such, Mr Mitchell's comments and concerns had been taken on board. Mr Mitchell suggested that if the large wide paving opposite his house was taken back, there would be parking space available and vehicles could park at a 45 degree angle. Councillor Lloyd said the scheme was relatively small – only 4 proposed extra spaces – but there was nonetheless much to consider and discuss.