

Crawley Borough Council

Minutes of the Full Council

Wednesday 5 April 2017 at 7.30 p.m.

Present: Councillor R Sharma (Mayor)
Councillor B J Quinn (Deputy Mayor)

Councillors M L Ayling, T G Belben, R G Burgess, R D Burrett, C A Cheshire, D Crow, C R Eade, R S Fiveash, F Guidera, I T Irvine, K L Jaggard, M G Jones, S J Joyce, P K Lamb, R A Lanzer, T Lunnon, K McCarthy, B McCrow, C J Mullins, C Portal Castro, D M Peck, T Rana, A C Skudder, B A Smith, P C Smith, J Stanley, M A Stone, K Sudan, J Tarrant, G Thomas and L Vitler.

Also in Attendance: Mr P Nicolson – Appointed Independent Person.

Officers Present: Ann-Maria Brown Head of Legal and Democratic Services.
Peter Browning Acting Chief Executive

Chris Pedlow Democratic Services Manager

101. Apologies for Absence

Councillors Dr H S Bloom, B J Burgess and M W Pickett
Mr A Quine – Honorary Freeman and Alderman

102. Members' Disclosures of Interests

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

103. Communications

The Mayor on behalf of the Council wished both Councillors Dr Bloom and Pickett well following their recent operations.

104. Public Question Time

Questioner's Name Subject	Name of Councillor(s) Responding
Mr O'Neil, (Bewbush)	Cllr P Lamb – (Leader of the Council)
I attended the last meeting of the	I sorry I had to rearrange the originally

Questioner's Name Subject	Name of Councillor(s) Responding
<p>Council and asked a question about the complaints procedure which should have led to a meeting with the Leader, which was cancelled.</p> <p>My question is why hasn't due process been taken in respect of two complaints I've put in October, against the Chief Executive and Head of Legal and Democratic Services respectively. It is now April nothing has happened?</p> <p>Also I don't feel the minute from the previously meeting reflected my question.</p>	<p>scheduled meeting, but I am happy to meet Mr O'Neil on this matter.</p> <p>The process that Members are involved and assess complaints, is not through the Full Council meeting. The Constitution clearly sets out the process for dealing with complaints.</p> <p>Only when a clear case had been assessed and follows the identified process, could this trigger a Councillors involvement. Only at that stage of the process could it lead to Councillors assessing if a dismissal of a senior officer would be the appropriate course of action.</p> <p>It is worth bearing in mind that one of those officer's mentioned was no-longer an employee of the Council, therefore it's hard to see what value there would be in taking that complaint further.</p>

105. Minutes

The minutes of the meetings of the Full Council held on 22 February 2017 and 22 March 2017 were approved as a correct record and signed by the Mayor.

106. Items for Debate (Reserved Items)

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

Page no.	Committee/ Minute no. <i>(and the Member reserving the item for Debate)</i>	Subject <i>(Decisions previously taken under delegated powers, reserved for debate only).</i>	Subject <i>(Recommendation to Full Council, reserved for debate)</i>
30	Planning Committee 27 February 2017 (Minute 61) Conservative Group	CR/2016/0662/FUL Car Park, 11-13 The Boulevard, Northgate, Crawley.	
51	Cabinet – 22 March 2017 (Minute 66) Conservative Group	Town Centre Regeneration Programme (Phase 2) Queensway and The Pavement	

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54	Cabinet – 22 March 2017 (Minute 66) Conservative Group		Council Enabled Affordable Housing (Recommendation 1)

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

Moved by Councillor Quinn (as the Deputy Mayor), and

RESOLVED

That the following reports be received:-

- a) Planning Committee – 27 February 2017
- b) Audit Committee – 7 March 2017
- c) Governance Committee – 15 March 2017
- d) Overview and Scrutiny Commission – 20 March 2017
- e) Planning Committee – 21 March 2017
- f) Cabinet – 22 March 2017

108. Reserved Items

These included the reserved items containing a recommendation to Full Council which were dealt with as set out in Minute Numbers 111 below:-

109. CR/2016/0662/FUL, Car Park, 11-13 The Boulevard, Northgate, Crawley. – Planning Committee, 27 February 2017

Councillor Jaggard, on behalf of the Conservative Group, stated that the rationale for bringing forward this item for debate was firstly over the number and height of the ‘high-rise’ developments being agreed within the Town Centre, which goes against the original design for Crawley as a New Town. Also that the application and many other developments does not identify enough parking provision for the number of residents that would be dwelling in those properties. On the application itself, the provision of only 20 parking bays for 91 flats was clearly not enough. The report to planning committee contains views of the Council’s urban design officer and states that the development fails to address the Town Centre SPG, and also contains limited outdoor space. With all this in mind the decision was to permit, even though developers’ were not following our guide lines on those types of developments.

Councillors Burrett, Lamb, P Smith and Irvine also spoke on the subject.

110. Town Centre Regeneration Programme (Phase 2) Queensway and The Pavement – Cabinet, 22 March 2017.

Councillor Guidera, on behalf of the Conservative Group, stated that the rationale for bringing forward this item for debate was that the Town Centre regeneration was coming along nicely, which was great, but some of small businesses have been affected by the works. Previously Councillors had been informed that phase 2 of the redevelopment would take place a year later than the first phase had been completed. However the gap now appears to have moved to a 6 month gap, noting that does include the crucial Christmas period. The reason for raising this now was as to why has the gap reduced, were the businesses informed and has the impact of reducing the period been assessed as to the effect it might have on the small businesses that were already being impacted by the important and necessary phase one works.

Councillors Crow, and P Smith also spoke on the subject.

111. Council Enabled Affordable Housing – Cabinet, 22 March 2017 (Recommendation 1)

The Full Council considered reports SHAPS/58 and SHAPS/58.5 of the Head of Strategic Housing and Planning Services, which had been previously considered at both the meeting of the Overview and Scrutiny Commission and the Cabinet on 20 March 2017 and 22 March 2017 respectively.

Councillor Joyce presented the report, with Councillors Crow, Burrett, Lamb and P. Smith also having spoken on the recommendation and associated report.

RESOLVED

That the Full Council approves:

- 1) the College Car Park scheme:
 - i) the supplementary capital estimate, as detailed in Section 5 of report SHAPS/58, to secure up to 95 affordable housing units on the College Car Park site, funded from usable capital resources.
 - ii) delegates authority to the Head of Strategic Housing and Planning Services and the Head of Finance Revenues and Benefits, in consultation with the Cabinet Member for Housing and the Head of Legal and Democratic Services, to conclude nomination and funding agreements with a Housing Association, as named in the report.
- 2) enabling affordable housing with Right To Buy (RTB) 1-4-1 receipts:
 - i) approves a supplementary capital estimate, as detailed in Section 5 of report SHAPS/58 to be funded from the RTB 1-4-1 receipts, which will enable Officers to respond to existing and emerging opportunities to allocate funding for additional affordable housing units and/or additional rental units.
 - ii) delegates authority to the Head of Strategic Housing and Planning Services and the Head of Finance, Revenues and Benefits, in consultation with the

Cabinet Member for Housing and the Head of Legal and Democratic Services, to allocate funding to successful RSL bidders and enter into appropriate funding and nomination agreements with them to protect the Council's interests.

112. Members' Written Questions

Members' written questions, together with the answers, were tabled as follows:-

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

113. Announcements by Cabinet Members

Cabinet Member	Subject
Councillor Thomas (Cabinet Member for Environmental Services and Sustainability).	<p>Three items of announcement were made.</p> <ul style="list-style-type: none"> • That West Sussex County Council had recently stopped selling the 'revive' compost, made directly from collected green and garden waste. • That the new streetscene patch working had successfully rolled out and that the first grass cutting scheduled would be completed by Easter. • An update on rubber bands/Postal workers, following the question raised at the last meeting. He confirmed that he had spoken to the Post Office via their Union and they stated their flexibility in addressing the rubber band issue.
Councillor Mullins – (Cabinet Member for Wellbeing).	<p>Two items of announcement were made.</p> <ul style="list-style-type: none"> • That the new Madagascan Zone of the Nature Centre in Tilgate Park had now open. • Contained within that week's Members' Information Bulletin, was a commercially sensitive proposal that the Council had received and he wanted to flag it up to Councillors, so they could have a look at it. If they had any strong feeling on the matter, he asked that they feedback to him.

114. Questions to Cabinet Members

Name of Councillor asking Question Subject	Name of Cabinet Member(s) Responding
<p>Councillor Crow to the Cabinet Member for Public Protection and Community Engagement</p> <p><i>With the recent unauthorised Traveller incursion at Tilgate Park coach park, had anything been done to prevent such incursions from happening again?</i></p>	<p>Councillor Jones – <i>(Cabinet Member for Public Protection and Community Engagement)</i></p> <p><i>I was aware of the incursion and we have taken the matter seriously. I have spoken to our officers about what could be done to improve the security. The preliminary advice was that it would be difficult to put any significant measures in place as they would adversely affect coaches and legitimate traffic from visiting the Park. I've asked for further work and I've not ruled out anything as yet.</i></p>
<p>Councillor Cheshire to the Cabinet Member for Environmental Services and Sustainability</p> <p><i>Would you support our Civil Enforcement officers, being issued with monitors to be used to identify fraudulent 'Blue parking badges'? And if so would you look into how their current handheld devices could be equipped to carry out such a duty?</i></p>	<p>Councillor Thomas – <i>(Cabinet Member for Environmental Services and Sustainability)</i></p> <p><i>I support the principle of the idea, but I would need to investigate the matter further and will come back to you directly.</i></p>
<p>Councillor Tarrant to the Cabinet Member for Resources</p> <p><i>Would you agree to review the Council's approach to face to face contact, since the removal of the reception desk, especially considering the floor workers were struggling with the handheld equipment, both due to its size and the physical strain in holding it all day and the IT not working and from a resident's side over their lack of privacy and general confusion on where and whom to go to?</i></p>	<p>Councillor Skudder – <i>(Cabinet Member for Resources)</i></p> <p><i>Yes, I'll pass over those concerns to the appropriate officers. A survey had recently been completed, possibly this week, to review how the approach has worked over the last three months. The results were mainly positive on the new approach.</i></p>

<p>Councillor Guidera to the Leader of the Council</p> <p><i>Following the recent press on the former Queen's Square mosaic, would it be possible to have the mosaic included in phase 2 of the Town Centre regeneration, possibly next to the new location of the band stand?</i></p>	<p>Councillor Lamb – <i>(The Leader of the Council)</i></p> <p><i>A number of locations were being considered as possible sites for the mosaic, as it was in good condition. The most realistic location seems to be within Tilgate Park currently and it was unlikely to be in the Town Centre as it doesn't appear to fit with the aesthetics of regeneration. But we were keeping an open mind to the mosaic's final location.</i></p>
<p>Councillor McCarthy to the Cabinet Member for Housing</p> <p><i>Now we have seemingly removed the maximum number of Dwellings per Hectare (DPH) at the Forge Wood development, could you please tell me what would be regarded as an acceptable maximum DPH value and how would this be enforced, as I am fearful that the affordable housing would bear the brunt of this change?</i></p> <p>Follow up clarification question by: <i>Councillor McCarthy to the Cabinet Member for Housing</i></p> <p><i>The change being referred to was in respect of 'Condition 1 of the outline planning permission' from a maximum of 41 DPH to a minimum of 41 DPH?</i></p>	<p>Councillor Joyce – <i>(Cabinet Member for Housing)</i></p> <p><i>I was unaware that the maximum number of dwellings on Forge Wood of 1900 had changed. As a result of the issues with the flood plain there was less land that could be built upon in Forge Wood, but there still was a requirement for 1900 properties to be built on the site.</i></p> <p>Councillor Joyce – <i>(Cabinet Member for Housing)</i></p> <p><i>I wasn't aware of that change and I will therefore have to get back to you outside of the meeting with an answer.</i></p> <p>Councillor P Smith – <i>(Planning and Economic Development)</i></p> <p><i>It's quite a difficult technical question to be asked at Full Council, and to receive a satisfactory answer. Just to confirm that the permission for Forge Wood was granted in outline by the Secretary of State, with the requirement of 1900 properties on that site and that is what we as a Council were doing.</i></p> <p><i>I know many Members have concerns over the density of the different phases and hopefully the member seminar being arranged should help councillors understand what can and can't be achieved within the planning rules.</i></p>

<p>Councillor R Burgess o the Cabinet Member for Wellbeing</p> <p><i>With the introduction of petanque facility in the Borough would the Cabinet Member consider any further investment in the Borough's Croquet facilities, such as a new club house?</i></p>	<p>Councillor Mullins – <i>(Cabinet Member for Wellbeing)</i></p> <p>At worth park we have an excellent croquet provision. There is a limited usage of the facility with the Club having about 15 Members, which I wished was larger.</p> <p>It is a worthwhile and beautiful facility to have in the Borough, if the usage and the Club grows, and then we could consider whether further investment would be viable.</p>
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115. Questions to Committee Chairs

<p>Name of Councillor asking Question Subject</p>	<p>Name of Cabinet Member(s) Responding</p>
<p>Councillor Lanzer to the Chair of Planning Committee</p> <p><i>As over half the Cabinet were now on the Planning Committee, does the Chair of the Committee have any concerns over perception externally over the objective nature of the committee, especially when some of the applications concerned by Members, were developments/ projects that had already been agreed by some or all of Cabinet?</i></p>	<p>Councillor Irvine – <i>(Chair of Planning Committee)</i></p> <p><i>Our Code of conduct in relation to planning matters, arose from the model code in 2008, when the Conservatives were in control of the Council. It was decided then to exclude the LGA's suggestion that Cabinet Members on Planning Committee's should not vote on any decisions relating to their portfolios.</i></p> <p><i>I've never heard any members of the public question the committee's impartiality.</i></p>
<p>Councillor Crow to the Chair of Governance Committee</p> <p><i>In light of the previous question and as the Governance Committee had recently set up a Working Group to look at the constitution, would he support the request that the Planning Code of conduct be specifically looked at as part of the Working Group review?</i></p>	<p>Councillor Stanley – <i>(Chair of Governance Committee)</i></p> <p><i>The purpose and remit of the Constitutional Review Working Group was to investigate all elements of the Constitution and therefore this would naturally be part of the review.</i></p>

<p>Councillor Burrett to the Chair of Planning Committee</p> <p><i>Arising from the Chair's previous answer, Councillor Burrett asked if the Chair agreed that possibly the reason why the LGA recommendation was not introduced by the previous administration was that their practice was to appoint only one Cabinet Member to serve on the Committee, being the Cabinet Member for Planning and Economic Development. As such there was not such a need for that recommendation, unlike the current scenario.</i></p>	<p>Councillor Irvine – <i>(Chair of Planning Committee)</i></p> <p><i>I was not here in 2008 so I couldn't comment on that. But as far as I'm concerned any Councillor on the Planning Committee serves on that Committee as an individual Councillor, not as a result of having a Cabinet Portfolio.</i></p>
<p>Councillor Lanzer to the Chair of Planning Committee</p> <p><i>Would the Chair of Planning accept that there could be a public perception of a conflict of interest with a significant number of Cabinet Members being on planning and that some self-regulation might be required?</i></p>	<p>Councillor Irvine – <i>(Chair of Planning Committee)</i></p> <p><i>I am not aware of any perception of a conflict of interest.</i></p>
<p>Councillor Guidera to the Chair of Planning Committee</p> <p><i>Can you sit on the Planning Committee if you as the portfolio holder for housing, having worked on the concept of a housing development and then be seen by the public, to be independently voting on that application without any predetermination?</i></p>	<p>Councillor Irvine – <i>(Chair of Planning Committee)</i></p> <p><i>I am quite confident that applications, both accepted and rejected are decided upon on planning related grounds. I do not believe that any decision taken by the Committee occurs because of any other grounds, nor do I believe that the public feels that to be the case and I've been on and off the committee since 1986.</i></p>

116. Closure of Meeting

The meeting ended at 8.51pm

R Sharma
Mayor

Appendix A

Members' Disclosures of Interests

Member	Agenda Item No.	Name and date of Cabinet/ Committee and Minute No.	Page No.	Subject or Planning Application No.	Type and Nature of Disclosure.
Councillor C Portal Castro	7(1)a)	Planning Committee – 27 February 2017 Minute 61	30	CR/2016/1030/FUL 7 Titmus Drive, Tilgate, Crawley.	Predetermination as he had been in discussion with the Applicant and would be speaking on their behalf as Ward Member. Councillor Portal Castro left the meeting once he had addressed the Committee and took no part in the discussion or voting on the item.
Councillor R D Burrett	7(1)d)	Overview and Scrutiny Commission – 20 March 2017 Minute 92	42	Health and Adult Social Care Select Committee (HASC).	Personal Interest as a Member of West Sussex County Council.
Councillor A Skudder	7(1)e)	Planning Committee – 21 March 2017 Minute 69	45	CR/2016/1020/FUL 2 - 3 Gatwick Road, Northgate, Crawley.	Personal and Prejudicial Interest – Was an employee of Thales.
Councillor P C Smith	7(1)e)	Planning Committee – 21 March 2017 Minute 69	45	CR/2016/1020/FUL 2 - 3 Gatwick Road, Northgate, Crawley.	Personal Interest as he was a Local Authority Director of the Manor Royal Business Improvement District and was the Cabinet Member for Planning and Economic Development.