

## Crawley Borough Council

### Cabinet

Agenda for the **Cabinet** which will be held in **Committee Room A & B - Town Hall**, on **Wednesday, 29 November 2017** at **7.30 pm**

Nightline Telephone No. 07881 500 227



#### Head of Legal and Democratic Services

Membership:  
Councillors

P K Lamb (Chair)  
S J Joyce (Vice-Chair)  
M G Jones  
  
C J Mullins  
A C Skudder  
P C Smith  
  
G Thomas

Leader of the Council  
Cabinet Member for Housing  
Cabinet Member for Public Protection and  
Community Engagement  
Cabinet Member for Wellbeing  
Cabinet Member for Resources  
Cabinet Member for Planning and Economic  
Development  
Cabinet Member for Environmental Services  
and Sustainability

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The order of business may change at the Chair's discretion

## Part A Business (Open to the Public)

	<b>Pages</b>
<b>1. Apologies for Absence</b>	
<b>2. Disclosures of Interest</b>	
In accordance with the Council's Code of Conduct, Councillors of the Council are reminded that it is a requirement to declare interests where appropriate.	
<b>3. Minutes</b>	
To approve as a correct record the minutes of the Cabinet held on 25 October 2017.	
<b>4. Public Question Time</b>	
To answer any questions asked by the public which are relevant to the functions of the Cabinet.	
Public Question Time will be concluded by the Chair when all questions have been answered or on the expiry of a period of 15 minutes, whichever is the earlier.	
<b>5. Further Notice of Intention to Conduct Business in Private and Notifications of any Representations</b>	
The Monitoring Officer will report on any responses to representations received in relation to why items 17, 18 and 19: Acquisition of College Car Park Scheme - An Affordable Housing Opportunity, Authority to Appoint a Contractor to 83-87 Three Bridges Road, Crawley Development and Multi-Functional Devices (MFD) Tender Process should not be held in Part B Business – (Closed to the Public).	
<b>6. Matters referred to the Cabinet and Report from the Chair of the Overview and Scrutiny Commission</b>	
To consider any matters referred to the Cabinet (whether by a scrutiny committee or by the Council) and those for reconsideration in accordance with the provisions contained in the Scrutiny Procedure Rules, the Budget Procedure Rules and the Policy Framework Procedure Rules set out in Part 4 of the Council's Constitution.	
<b>7. Treasury Management Mid Year Review 2017-2018</b>	7 - 18
<i>The Leader's Portfolio</i>	
To consider report FIN/426 of the Head of Finance, Revenues and	

	<b>Pages</b>
Benefits which was referred to the meeting of the Overview and Scrutiny Commission held on 27 November 2017.	
<b>8. Town Centre Signage &amp; Wayfinding</b>	19 - 40
<i>Planning and Economic and Development Portfolio</i>	
To consider report PES/252 of the Head of Economic and Environmental Services which was referred to the meeting of the Overview and Scrutiny Commission held on 27 November 2017.	
<b>9. Town Centre Regeneration Programme 2nd Edition</b>	41 - 58
<i>Planning and Economic Development Portfolio</i>	
To consider report PES/261 of the Head of Economic and Environmental Services which was referred to the meeting of the Overview and Scrutiny Commission held on 27 November 2017.	
<b>10. Crawley 2030: Supplementary Planning Document (SPD) - Affordable Housing</b>	59 - 64
<i>Planning and Economic Development Portfolio</i>	
To consider report SHAP/66 of the Head of Strategic Housing and Planning Services.	
<b>11. Civil Penalties, Rent Repayment Orders - The Housing and Planning Act 2016</b>	65 - 80
<i>Housing Portfolio</i>	
To consider report SHAP/61 of the Head of Strategic Housing and Planning Services.	
<b>12. Brownfield Land Register</b>	81 - 90
<i>Planning and Economic Development Portfolio</i>	
To consider report SHAP/65 of the Head of Strategic Housing and Planning Services.	
<b>13. Quarterly Monitoring 2017/18 Quarter 2</b>	91 - 108
<i>The Leader's Portfolio</i>	
To consider report FIN/427 of the Head of Finance, Revenues and Benefits.	
<b>14. Community Infrastructure Levy (CIL) - Delegation of Enforcement Powers</b>	109 - 114
<i>Planning and Economic Development Portfolio</i>	
To consider report PES/262 of the Head of Economic and	

	<b>Pages</b>
Environmental Services and the Head of Legal and Democratic Services.	
<b>15. Supplemental Agenda</b>	
Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.	
<b>16. Exempt Information – Exclusion of the Public (Subject to Agenda Item 5)</b>	
The Committee is asked to consider passing the following resolution:- That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraphs specified against the item.	
<b>17. Acquisition of College Car Park Scheme - An Affordable Housing Opportunity</b>	115 - 118
<i>Housing Portfolio</i>	
(Exempt Paragraph 3)	
Information relating to financial and business affairs of any particular person (including the Authority holding that information).	
To consider Report CH/178 of the Head of Crawley Homes, which was referred to the meeting of the Overview and Scrutiny Commission held on 27 November 2017.	
<b>18. Authority to Appoint a Contractor for 83-87 Three Bridges Road Crawley Development</b>	119 - 124
<i>Housing Portfolio</i>	
(Exempt Paragraph 3)	
Information relating to financial and business affairs of any particular person (including the Authority holding that information).	
To consider report CH/176 of the Head of Crawley Homes.	
<b>19. Multi-Functional Device (MFD) Tender Process</b>	125 - 128
<i>Resources Portfolio</i>	
(Exempt Paragraph 3)	
Information relating to financial and business affairs of any particular person (including the Authority holding that information).	
To consider report PAT/29 of the Head of People and Technology.	

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# Agenda Item 7

## Crawley Borough Council

**Report to Overview and Scrutiny Commission  
27 November 2017**

**Report to Cabinet  
29 November 2017**

### **Treasury Management Mid-Year Review 2017/2018**

Report of the Head of Finance, Revenues and Benefits, **FIN/426**

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#### **1. Purpose**

- 1.1 This report provides an update on the Council's Treasury Management Strategy for the two first quarters of 2017/2018

#### **2. Recommendations**

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet

That the Cabinet is recommended to:

- note the report and the treasury activity for the first two quarters of 2017/2018;

#### **3. Reasons for the Recommendations**

- 3.1 The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management recommends that members be updated on treasury management activities regularly (Treasury Management Strategy Statement, annual and midyear reports). This report, therefore, ensures this Council is implementing best practice in accordance with the Code.

#### **4. Interest rate forecasts**

- 4.1 The Council's treasury advisor, Capita Asset Services, has provided the following forecast:

	Dec-17	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20
Bank rate	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.75%	0.75%
5yr PWLB rate	1.50%	1.60%	1.70%	1.70%	1.80%	1.80%	1.90%	1.90%	2.00%	2.00%
10yr PWLB rate	2.20%	2.30%	2.30%	2.40%	2.40%	2.50%	2.50%	2.60%	2.60%	2.70%
25yr PWLB rate	2.90%	2.90%	3.00%	3.00%	3.10%	3.10%	3.20%	3.20%	3.30%	3.30%
50yr PWLB rate	2.70%	2.70%	2.80%	2.80%	2.90%	2.90%	3.00%	3.00%	3.10%	3.10%

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- 4.2 The increase to 0.5% at the November MPC meeting raises the question as to whether the MPC will stop at just withdrawing the emergency Bank Rate cut of 0.25% in August 2016, after the result of the EU withdrawal referendum, or whether they will embark on a series of further increases in Bank Rate during 2018.
- 4.3 The overall balance of risks to economic recovery in the UK is currently to the downside but huge variables over the coming few years include just what final form Brexit will take, when finally agreed with the EU, and when.

## 5. Annual Investment Strategy

- 5.1 The Treasury Management Strategy Statement (TMSS) for 2017/18, which includes the Annual Investment Strategy, was approved by this Council on 22 February 2017. It sets out the Council's investment priorities as being:
- Security of capital
  - Liquidity; and
  - Yield.

## 6. Compliance with Treasury and Prudential Limits

- 6.1 It is a statutory duty for the Council to determine and keep under review the affordable borrowing. The Council's approved Treasury and Prudential Indicators (affordability limits) are included in the approved TMSS.
- 6.2 During the financial year to date the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement and in compliance with the Council's Treasury Management Practices. The prudential and treasury Indicators are shown in Appendix 3.

## 7. Investment Portfolio 2017/18

- 7.1 The Council held £137.0m of investments as at 30 September 2017 (£118.2m at 31 March 2017).

Investments	31 March 2017 £'000	30 September 2017 £'000	Rate/ Return	Average Life yrs
Local Authorities	51,000	56,000	0.81%	0.60
UK Banks	6,887	19,558	0.50%	0.35
UK Building Societies	3,500	7,000	0.35%	0.32
Money Market Funds	3,290	4,890	0.21%	0.00
Overseas Banks	39,510	42,352	0.49%	0.47
Corporate Bonds	13,996	7,175	0.59%	0.16
<b>Total</b>	<b>118,183</b>	<b>136,975</b>	<b>0.61%</b>	<b>0.46</b>

A full list of investments held as at 30th September 2017 is in appendix 2.

- 7.2 In addition to the treasury investments in 7.1 above, the Council also has £14.12m invested in Investment Properties. These investments are deemed capital expenditure, and as such are an application (spending) of capital resources. As such, these investments are not included in the treasury management indicators, but have been included in the list of investments in appendix 2. There is a further budget of £5.0m to purchase additional investment properties.



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- 7.3 The Head of Finance, Revenues and Benefits confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2017/18.
- 7.4 Investment performance for the financial year to date as at 30 September 2017:

Benchmark	Benchmark Return	Council Performance	Investment Interest Earned
7 day LIBID + 0.2%	0.31%	0.63%	£418,669

The performance above is the return achieved for the half year. This is different from the table in 7.1 as this shows the average rate on the investments actually held on 30 September.

## 8. Borrowing

- 8.1 The Council borrowed £260.325m in March 2012 for HRA self-financing. The average borrowing rate is 3.19%. There has been no requirement for further borrowing in 2017/2018.

## 9. Implications

- 9.1 The Council is under a duty to manage its resources prudently and therefore due consideration must always be given to its borrowing and lending strategy. A wide range of local authority financial activities, including borrowing, lending, financial management, and the approval of types of investment vehicle are governed by legislation and various regulations. The Council is obliged to comply with these. There are no other legal implications arising in this report.
- 9.2 The financial implications are addressed throughout this report.
- 9.3 Risks are highlighted throughout this report, but appendix 1 addresses risks in the interest rate forecast, and appendix 3 addresses the risk to security, liquidity and yield of the Council's investment strategy.

## 10. Background Papers

[Treasury Management Strategy for 2017/2018 – Cabinet, 8 February 2017 \[report FIN/404 refers\]](#)

Quarterly Budget Monitoring 2017/2018 Quarter 2 – Cabinet, 29 November 2017 [report FIN/427 refers]

[Budget and Council Tax for 2017/18 - Cabinet, 8 February 2017 \[report FIN/401 refers\]](#)

“Treasury Management in the Public Services - Code of Practice and Cross-Sectoral Guidance Notes”, 2011 Edition - Chartered Institute of Public Finance and Accountancy

“The Prudential Code for Capital Finance in Local Authorities”, 2011 Edition - Chartered Institute of Public Finance and Accountancy

[DCLG Guidance on Local Government Investments \(Second Edition\)](#)

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### Economic background

**UK.** After the UK economy surprised on the upside with strong growth in 2016, growth in 2017 has been disappointingly weak; quarter 1 came in at only +0.3% (+1.7% y/y) and quarter 2 was +0.3% (+1.5% y/y) which meant that growth in the first half of 2017 was the slowest for the first half of any year since 2012. . The main reason for this has been the sharp increase in inflation, caused by the devaluation of sterling after the referendum, feeding increases in the cost of imports into the economy. This has caused, in turn, a reduction in consumer disposable income and spending power and so the services sector of the economy, accounting for around 75% of GDP, has seen weak growth as consumers cut back on their expenditure. However, more recently there have been encouraging statistics from the manufacturing sector which is seeing strong growth, particularly as a result of increased demand for exports. It has helped that growth in the EU, our main trading partner, has improved significantly over the last year. However, this sector only accounts for around 11% of GDP so expansion in this sector will have a much more muted effect on the average total GDP growth figure for the UK economy as a whole.

The Monetary Policy Committee (MPC) meeting of 14 September 2017 surprised markets and forecasters by suddenly switching to a much more aggressive tone in terms of its words around warning that Bank Rate will need to rise. The Bank of England Inflation Reports during 2017 have clearly flagged up that they expected CPI inflation to peak at just under 3% in 2017, before falling back to near to its target rate of 2% in two years time. Inflation actually came in at 2.9% in August, (this data was released on 12 September), and so the Bank revised its forecast for the peak to over 3% at the 14 September meeting MPC. This marginal revision can hardly justify why the MPC became so aggressive with its wording; rather, the focus was on an emerging view that with unemployment falling to only 4.3%, the lowest level since 1975, and improvements in productivity being so weak, that the amount of spare capacity in the economy was significantly diminishing towards a point at which they now needed to take action. In addition, the MPC took a more tolerant view of low wage inflation as this now looks like a common factor in nearly all western economies as a result of increasing globalisation. This effectively means that the UK labour faces competition from overseas labour e.g. in outsourcing work to third world countries, and this therefore depresses the negotiating power of UK labour. However, the Bank was also concerned that the withdrawal of the UK from the EU would effectively lead to a decrease in such globalisation pressures in the UK, and so would be inflationary over the next few years.

Following the guidance from the MPC it became likely that the MPC would increase Bank Rate to 0.5% in November, which proved to be the case. The big question after this rise will be whether this will be a one off increase or the start of a slow, but regular, increase in Bank Rate. As at the start of October, short sterling rates are indicating that financial markets do not expect a second increase until May 2018 with a third increase in November 2019. However, some forecasters are flagging up that they expect growth to improve significantly in 2017 and into 2018, as the fall in inflation will bring to an end the negative impact on consumer spending power while a strong export performance will compensate for weak services sector growth. If this scenario were to materialise, then the MPC would have added reason to embark on a series of slow but gradual increases in Bank Rate during 2018. While there is so much uncertainty around the Brexit negotiations, consumer confidence, and business confidence to spend on investing, it is far too early to be confident about how the next two years will pan out.

**EU.** Economic growth in the EU, (the UK's biggest trading partner), has been lack lustre for several years after the financial crisis despite the ECB eventually cutting its main rate to -0.4% and embarking on a massive programme of QE. However, growth picked up in 2016 and now looks to have gathered ongoing substantial strength and momentum thanks to this stimulus. GDP growth was 0.5% in quarter 1 (2.0% y/y) and 0.6% in quarter (2.3% y/y). However, despite providing massive monetary stimulus, the European Central Bank is still struggling to get inflation up to its 2% target and in August inflation was 1.5%. It is therefore unlikely to start on an upswing in rates until possibly 2019.

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**USA.** Growth in the American economy has been volatile in 2015 and 2016. 2017 is following that path again with quarter 1 coming in at only 1.2% but quarter 2 rebounding to 3.1%, resulting in an overall annualised figure of 2.1% for the first half year. Unemployment in the US has also fallen to the lowest level for many years, reaching 4.4%, while wage inflation pressures, and inflationary pressures in general, have been building. The Fed has started on a gradual upswing in rates with three increases since December 2016; and there could be one more rate rise in 2017 which would then lift the central rate to 1.25 – 1.50%. There could then be another four more increases in 2018. At its June meeting, the Fed strongly hinted that it would soon begin to unwind its \$4.5 trillion balance sheet holdings of bonds and mortgage backed securities by reducing its reinvestment of maturing holdings.

**Chinese economic growth** has been weakening over successive years, despite repeated rounds of central bank stimulus; medium term risks are increasing. Major progress still needs to be made to eliminate excess industrial capacity and the stock of unsold property, and to address the level of non-performing loans in the banking and credit systems.

**Japan** is struggling to stimulate consistent significant growth and to get inflation up to its target of 2%, despite huge monetary and fiscal stimulus. It is also making little progress on fundamental reform of the economy.

Detailed holdings at 30 September 2017

APPENDIX 2

Counter Party	Deal Ref	Issue	Maturity	Days to Mature	Interest Rate	Nominal (£m)	Total (£m)	Limit (£m)	Rating
<b>AUSTRALIA BANKS</b>									
Australia and New Zealand Banking Group	2436	17/08/2017	03/08/2018	307	0.400%	0.996	0.996	10.000	AA-
Commonwealth Bank of Australia	2422	24/05/2017	23/05/2018	235	0.520%	5.000			
	2439	01/09/2017	31/08/2018	335	0.500%	2.000	7.000	10.000	AA-
National Australia Bank Ltd	2409	17/01/2017	08/11/2017	39	0.547%	1.808	1.808	10.000	AA-
<b>UK BANKS</b>									
Goldman Sachs International Bank	2391		notice account	182	0.755%	2.000			
	2432	31/07/2017	31/01/2018	123	0.560%	3.500			
	2438	01/09/2017	01/03/2018	152	0.550%	2.000	7.500	10.000	A+
Lloyds Bank plc	20		01/10/2017	1	0.150%	2.057	2.057	10.000	A
The Royal Bank of Scotland plc	2427	28/06/2017	27/06/2018	270	0.660%	2.000			
	2428	04/07/2017	29/06/2018	272	0.613%	3.002	5.002	15.000	BBB+
Sumitomo Mitsui Banking Corporation	2424	02/06/2017	01/12/2017	62	0.360%	3.000			
	2430	17/07/2017	17/01/2018	109	0.370%	2.000	5.000	10.000	A
<b>UK BUILDING SOCIETIES</b>									
Coventry BS	2440	01/09/2017	01/03/2018	152	0.350%	2.000			
	2442	07/09/2017	07/03/2018	158	0.350%	2.000	4.000	10.000	A
Nationwide BS	2421	15/05/2017	15/11/2017	46	0.370%	1.500			
	2435	08/08/2017	08/02/2018	131	0.320%	1.500	3.000	10.000	A+
<b>CANADA BANKS</b>									
Toronto Dominion Bank	2444	18/09/2017	17/09/2018	352	0.510%	2.000	2.000	10.000	AA-
<b>CORPORATE BONDS</b>									
BG Energy Capital plc	2403	14/12/2016	07/12/2017	68	0.591%	1.996	1.996	2.000	A
Daimler AG	2399	05/12/2016	08/11/2017	39	0.703%	2.000	2.000	2.000	A-
Deutsche Bahn Finance BV	54	11/08/2016	30/10/2017	30	0.389%	1.769	1.769	2.000	AA-
Prudential plc	2411	25/01/2017	19/01/2018	111	0.658%	1.410	1.410	2.000	A
<b>DENMARK BANKS</b>									
Danske Bank	2441	05/09/2017	05/03/2018	156	0.282%	2.001	2.001	10.000	A
<b>FRANCE BANKS</b>									
Credit Industriel et Commercial	2437	31/08/2017	28/02/2018	151	0.350%	1.500	1.500	10.000	A+

Counter Party	Deal Ref	Issue	Maturity	Days to Mature	Interest Rate	Nominal (£m)	Total (£m)	Limit (£m)	Rating
<b>GERMANY BANKS</b>									
Landesbank Hessen-Thuringen Giroze	2392	01/11/2016	31/10/2017	31	0.660%	3.000			
	2426	27/06/2017	26/06/2018	269	0.480%	1.500			
	2431	31/07/2017	31/01/2018	123	0.310%	2.000	6.500	10.000	A
<b>LOCAL AUTHORITIES</b>									
Dundee City Council	2401	15/12/2016	14/12/2017	75	0.450%	3.000	3.000	15.000	AA
East Dunbartonshire Council	2397	24/11/2016	23/11/2017	54	0.420%	2.000	2.000	15.000	AA
Glasgow City Council	2393	05/12/2016	04/12/2017	65	0.410%	5.000	5.000	15.000	AA
Kingston-Upon-Hull City Council	36	02/12/2013	02/12/2021	1524	2.750%	5.000	5.000	15.000	AA
London Borough of Enfield	2396	28/11/2016	27/11/2017	58	0.440%	5.000	5.000	15.000	AA
Mid Suffolk District Council	2419	27/04/2017	27/10/2017	27	0.450%	5.000	5.000	15.000	AA
Newcastle City Council	2412	03/04/2017	29/03/2018	180	0.500%	3.000	3.000	15.000	AA
North Tyneside MDC	2402	13/12/2016	12/12/2017	73	0.480%	3.000	3.000	15.000	AA
Peterborough City Council	33	11/03/2013	12/03/2018	163	1.750%	4.000	4.000	15.000	AA
Slough Borough Council	2413	20/02/2017	19/02/2018	142	0.600%	2.000	2.000	15.000	AA
Staffordshire Moorlands District Co	42	03/11/2014	03/11/2017	34	1.600%	2.000	2.000	15.000	AA
Stockport MBC	2415	03/04/2017	29/03/2018	180	0.580%	6.000	6.000	15.000	AA
Telford & Wrekin Council	2418	13/04/2017	19/10/2017	19	0.430%	4.000	4.000	15.000	AA
Thurrock Borough Council	2405	06/01/2017	05/01/2018	97	0.450%	2.000			
	2408	06/01/2017	05/01/2018	97	0.450%	2.000	4.000	15.000	AA
Warrington Borough Council	2398	29/11/2016	28/11/2017	59	0.450%	3.000	3.000	15.000	AA
<b>MONEY MARKET FUNDS</b>									
Standard Life Investments LF	4		01/10/2017	1	0.203%	2.890	2.890	6.000	AAA
Federated Prime Rate Cash Man	1		01/10/2017	1	0.209%	2.000	2.000	6.000	AAA
<b>NETHERLANDS BANKS</b>									
Rabobank Group	2390	13/10/2016	12/10/2017	12	0.600%	2.500			
	2404	15/12/2016	01/11/2017	32	0.604%	1.517			
	2406	05/01/2017	01/11/2017	32	0.559%	0.520			
	2407	05/01/2017	04/01/2018	96	0.490%	2.500	7.037	10.000	AA-
<b>SINGAPORE BANKS</b>									
DBS Bank Ltd	2423	26/05/2017	26/02/2018	149	0.450%	5.000	5.000	10.000	AA-
United Overseas Bank Ltd	2429	11/07/2017	11/01/2018	103	0.350%	2.500	2.500	10.000	AA-
<b>SWEDEN BANKS</b>									
Svenska Handelsbanken	17		01/10/2017	1	0.100%	0.010	0.010	10.000	AA

Counter Party	Deal Ref	Issue	Maturity	Days to Mature	Interest Rate	Nominal (£m)	Total (£m)	Limit (£m)	Rating
<b>SWITZERLAND BANKS</b>									
UBS AG	2420	15/05/2017	11/04/2018	193	0.573%	2.000			
	2434	02/08/2017	21/06/2018	264	0.492%	1.001			
	2443	12/09/2017	11/09/2018	346	0.480%	3.000	6.000	10.000	AA-
				<b>172</b>			<b>136.975</b>		
Investment Properties							14.124		
							<b>151.099</b>		

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Prudential and Treasury Indicators as at 30<sup>th</sup> September 2017

APPENDIX 3

Treasury Indicators	2017/18 Strategy £'000	30 September Actual £'000
Authorised limit for external debt	270,325	260,325
Operational boundary for external debt	260,325	260,325
Investments	83,110	136,975
<b>Maturity structure of fixed rate borrowing - upper and lower limits:</b>		
Under 12 months	0% - 10%	0%
12 months to 2 years	0% - 10%	0%
2 years to 5 years	0% - 10%	0%
5 years to 10 years	0% - 30%	24.5%
10 years to 20 years	0% - 80%	68.8%
20 years to 30 years	0% - 15%	6.7%
30 years to 40 years	0% - 10%	0%
40 years to 50 years	0% - 10%	0%
<b>Upper limit of fixed interest rates based on:</b>		
- Debt only	270,325	260,325
- Investments only	140,000	130,018
<b>Upper limit of variable interest rates based on:</b>		
- Debt only	10,000	0
- Investments only	40,000	6,957
Weighted average life of investments	Avg. 0.70 years Max 1.20 years	0.47
Short term deposits (<1 week's notice)	2,000	6,957
Upper limit for principal sums invested over 364 days	50,000	5,000

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Prudential Indicators	2017/18 Strategy £'000	Quarter 2 Forecast £'000
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## General Fund

Capital expenditure	13,901	7,591
Capital Financing Requirement (CFR)	0	0
Annual change in CFR	0	0
In year borrowing requirement	0	0
Ratio of financing costs to net revenue stream	-4.51%	-6.91%

## HRA

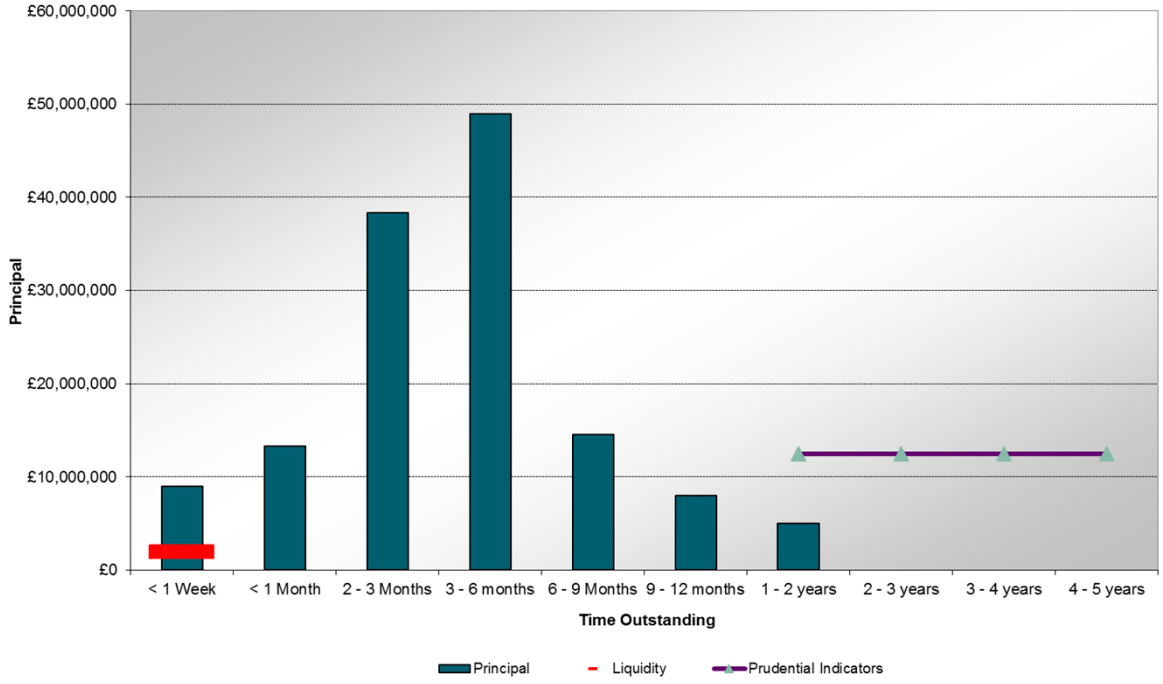
Capital expenditure	37,468	23,820
Capital Financing Requirement (CFR)	260,325	260,325
Annual change in CFR	0	0
In year borrowing requirement	0	0
Ratio of financing costs to net revenue stream	17.59%	17.60%

Incremental impact of capital investment decisions:-		
a) Increase in council tax (band change) per annum.	Nil	Nil
b) Increase in average housing rent per week.	Nil	Nil

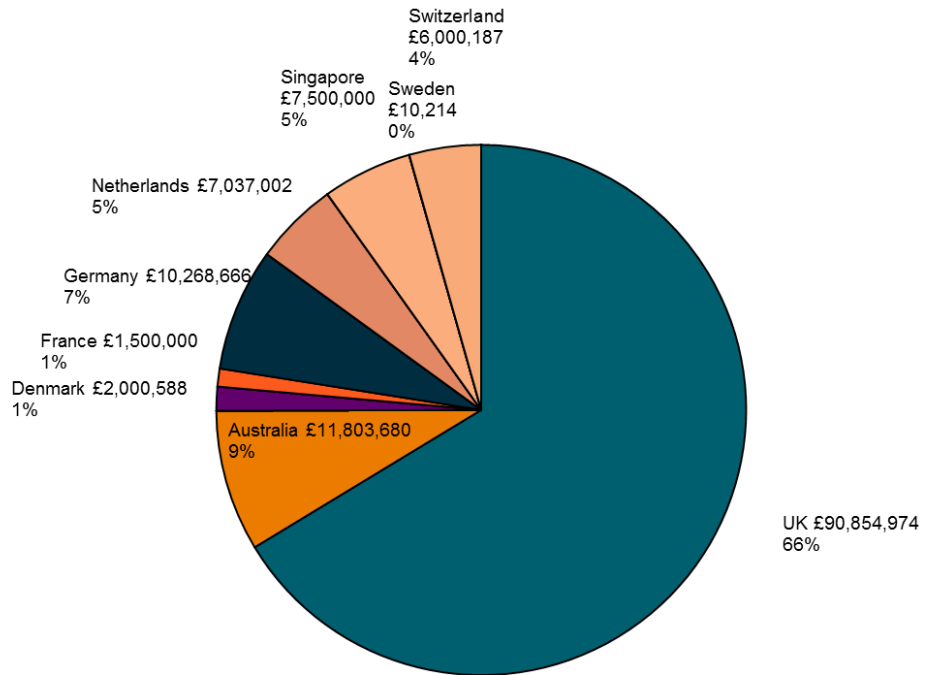


# Agenda Item 7

## Compliance with Liquidity and Prudential Indicator Limits

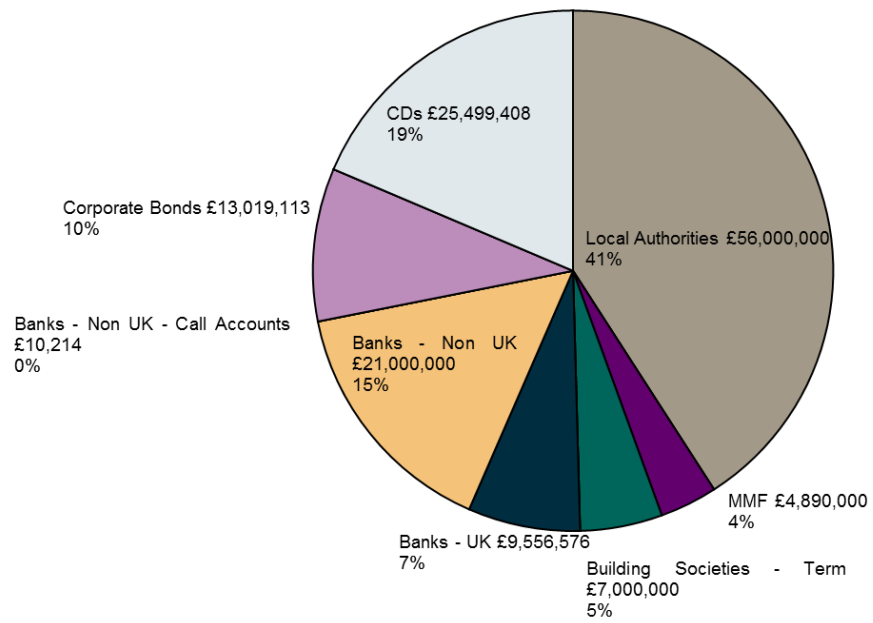


## Country Limits



# Agenda Item 7

## Sector Diversification



# Agenda Item 8

## Crawley Borough Council

### Report to Overview and Scrutiny Commission 27 November 2017

### Report to Cabinet 29 November 2017

### Town Centre Signage & Wayfinding

Report of the Head of Economic and Environmental Services, **PES/252**

---

#### 1. Purpose

- 1.1 To note the findings of a signage and wayfinding audit in the town centre and the recommendations arising from that audit (Appendix A).
- 1.2 The report seeks Cabinet approval to draw down £180,000 from the approved Crawley Growth Programme budget of £2.8m.
- 1.3 The report requests that Cabinet grant delegated approval to the Head of Economic and Environmental Services in consultation with the Cabinet Member for Planning and Economic Development to agree the final design and placement locations of the signs.

#### 2 Recommendations

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet

The Cabinet is recommended to:

- a) Note the findings and recommendations of the signage and wayfinding audit in the town centre.
- b) Delegate authority to the Head of Economic and Environmental Services in consultation with the Cabinet Member for Planning and Economic Development to spend up to the allocated budget of £180,000 on the Town Centre signage and Wayfinding project.
- c) Delegate authority to the Head of Economic and Environmental Services in consultation with the Cabinet Member for Planning and Economic Development to agree the final design and placement locations of the signs.

# Agenda Item 8

## **3 Reasons for the Recommendations**

- 3.1 This project will replace the town centre's existing tired and broken signage with modern, high quality and easily maintainable signage.
- 3.2 Effective wayfinding situated in suitable locations, and including maps, will enable residents and visitors to better navigate and explore the town centre.

## **4 Background**

- 4.1 The redevelopment of Queens Square presented an opportunity to replace the poor signage in this area with modern, informative and eye-catching signs.
- 4.2 This led to a wider review of signage across the town centre and highlighted a need to reconsider the provision, location and design of all signage in order to improve navigation and to encourage people to explore the whole town centre, encouraging a more even distribution of footfall.
- 4.3 The Town Centre Regeneration Programme includes high quality signage and wayfinding as a key priority in terms of marketing, branding and inward investment.
- 4.4 In April 2017, a design brief was issued and, following a robust procurement exercise, Wood and Wood were appointed to:-
  - a) undertake an audit of existing town centre signage and wayfinding;
  - b) identify improvements and make recommendations as to the numbers and placement of signage and wayfinding infrastructure across the town centre;
  - c) recommend designs for new town centre signage, based on a branding, philosophy and style, championed by the Town Centre Partnership Board.

## **5 Description of Issue to be resolved**

- 5.1 The town centre has been subject to considerable development since the formation of the new town and as a result, signage is somewhat fragmented and, in some areas, non-existent.
- 5.2 The current directional and informational signs in the town centre are unattractive, of poor quality and offer limited information.
- 5.3 Opportunities to promote and signpost key areas beyond the town centre boundary are lacking e.g. Manor Royal, Three Bridges, The Hawth, K2.

## **6 Information & Analysis Supporting Recommendation**

- 6.1 Wood and Wood identified 10 existing signs in the town centre (Appendix A, pages 2-4) which were in a variety of styles and condition. Following a number of site visits and desktop studies, they were able to identify the primary and secondary pedestrian route networks in the town centre and the

# Agenda Item 8

key locations or landmark sites that are featured. They also looked at car parks, cycle routes and public toilets (including the new Changing Places facility).

- 6.2 Wood and Wood have recommended the installation of 12 x monolith signs and 8 x finger posts and the proposed locations are shown in Appendix A - Draft Crawley Legibility Report, pages 7-10.
- 6.3 Wood and Wood have developed concept designs for the new signs, following new town centre branding guidelines, developed for the Town Centre Partnership. After broad consultation with town centre stakeholders, these designs have been refined, including an alternative design which better fits the character of the High Street conservation area, which has the endorsement of the Crawley Central Area Conservation Committee.
- 6.4 The design and locations of signs have been agreed in principle with West Sussex County Council's Highways Team.
- 6.5 The following stakeholders have been consulted on the proposed signage at various stages of design, and their feedback and comments have informed the final design proposals which are shown in Appendix A - Draft Crawley Legibility Report, pages 11-16:
  - Town Centre Partnership
  - Historic High Street Business Forum
  - Professional Services Business Forum
  - Crawley Central Area Conservation Committee
  - Town Access Group
  - Cabinet Member for Planning & Economic Development
  - Economic Regeneration Member Working Group (meeting on 12 July)
  - Community Services (Neighbourhood Services)
  - Development Management
  - Forward Planning
  - Community Services
  - Environment Team
  - West Sussex County Council (Highways)
  - West Sussex County Council via Growth Board
- 6.6 In response to specific comments received during the consultation period, the following action has been taken:
  - a) The content of the signs has been developed in accordance with best practice principles as used by towns and cities across the UK including London, Bristol, Manchester and Leeds to work to ensure they are as easy to read as possible and that the colours are contrasting. This will ensure the signs are dementia friendly.
  - b) The land at the Leisure Park is not owned by the council, and attempts to engage the leisure park in the consultation process have been unsuccessful. Therefore a new sign will be located at the nearest practical space at the northern end of the High Street, at a junction with the entrance to the Travelodge hotel. The Leisure Park itself is featured on

# Agenda Item 8

the map and finger post signs in the area will direct people to and from the Park, highlighting its cinema, bowling and food and beverage outlets.

- c) QR codes are not widely used and the function to scan them is not included on new mobile devices as standard. Therefore, the decision has been taken not to include them on the new signs.
- d) The signs have been designed to require the least amount of maintenance. Their stainless steel construction is easy to clean and does not show scratches easily. Consultation with Community Services assessed the cleaning required and what was possible within existing resources.
- e) Extra stocks of the toughened glass panels will be kept in case of vandalism and new graphics can be printed and delivered within a matter of days.
- f) The signs will feature 5 principal town centre retailers to add value where landmark buildings do not exist or are not obvious – e.g. Asda, Morrisons, Debenhams on the edge of the town centre. This will be an important means of facilitating wayfinding. If those retailers were to depart, we would simply update the glass panels. NB hotels have been included to assist tourists and visitors to find their way to their accommodation.
- g) The signs will include the Crawley Borough Council logo.
- h) Two of the twelve monolith signs will have “Crawley – A Place to Call Home”, however the others will include different brand straplines according to their location – e.g. “A Place to Enjoy” for Queens Square.
- i) The signs have been thoroughly checked to ensure content is accurate with correct spelling.

## 7 Implications

### 7.1 Staffing

Resources are in place to manage the project and there are no additional staffing implications associated with these recommendations.

### 7.2 Financial

The total cost of manufacture and installation of the town centre signage and wayfinding is £180,000, of this £50,000 would come from Section 106 Agreement funds, subject to the approvals process and the balance from useable capital receipts.

Regular cleaning and maintenance of the signs will be carried out by the Community Services (Neighbourhood Services) team using existing resources.

The cost of updating the content or design of the sign vinyls will be £430 per sign. This is likely to be required on an ad hoc basis every few years to ensure the information is up to date. The intention is for these costs to be funded from advertising income received from a new digital sign in Queens Square which, subject to planning permission, will be installed in the next few months.

### 7.3 Legal

A contract will be entered into, following a robust procurement exercise, to install new signage across the town centre.

# Agenda Item 8

## 7.4 Equalities

Using best practice guidelines, and having consulted with the Town Access Group, new signage will be designed to improve legibility and accessibility of the town centre for all.

## 8 **Background Papers**

[Crawley Town Centre Regeneration Programme](#)

[Crawley Economic Growth Programme – report to Cabinet 4 October 2017 \(PES/259\)](#)

### **Contact Officer:**

Lynn Hainge, Economic Regeneration Manager  
01293 438336

# Crawley Town Centre Wayfinding Analysis

**Draft 6**

20 October 2017





# Agenda Item 8



Queensway, College Road junction



Queensway, The Pavement junction



Queens Square



High Street, Church Walk junction



High Street



High Street, Broad Walk junction

# Agenda Item 8



High Street, Orchard Street junction






High Street, The Boulevard junction

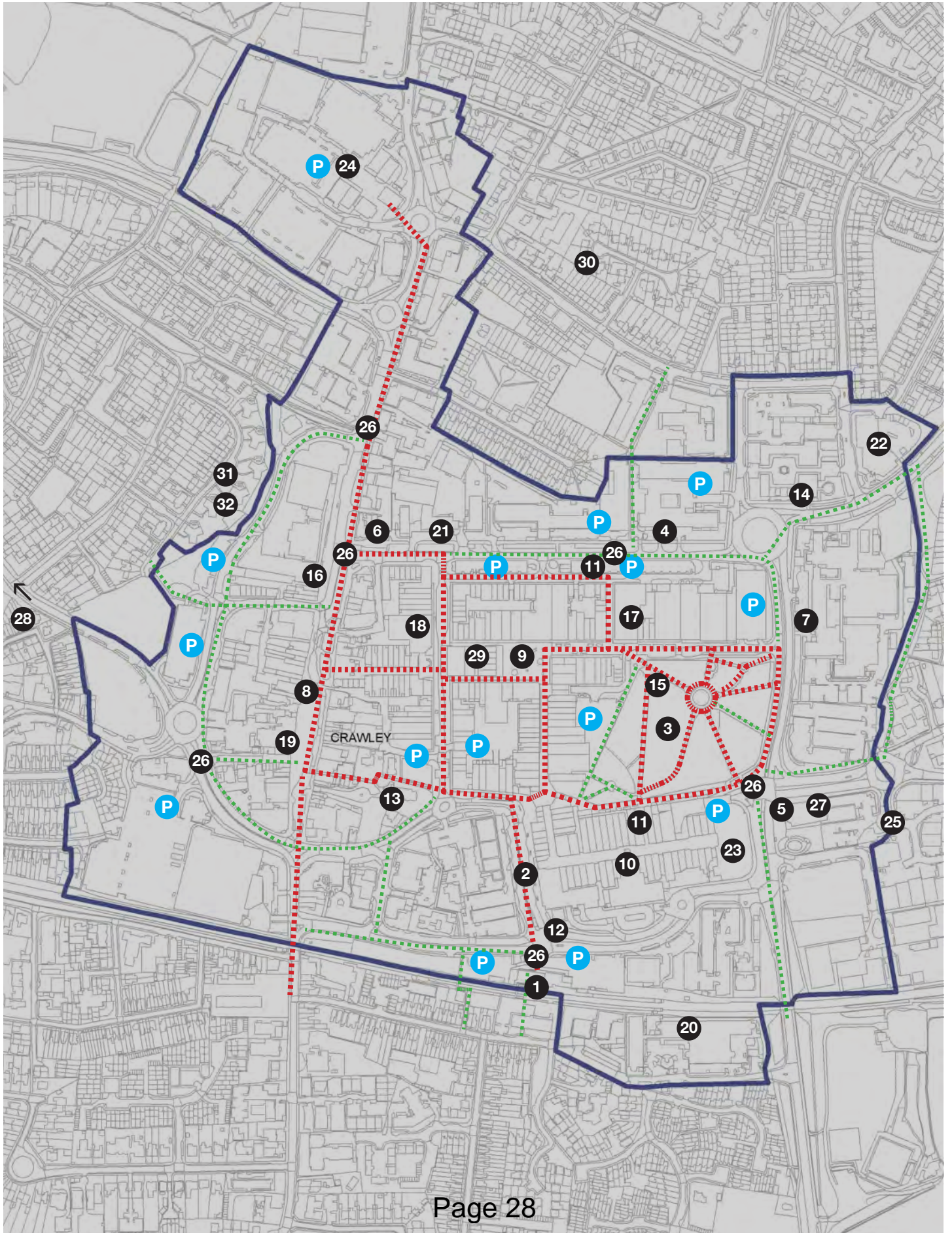


The Boulevard, The Broadway junction



The Broadway, Broad Walk junction

-  Project Area
-  Car Park
-  Destination/Landmark/Map Content



## Primary Destinations

*To be signed on fingerposts and node directional legends*

1. Crawley Railway Station
2. Bus Station
3. Memorial Gardens
4. Town Hall
5. Library
6. Crawley Museum
7. Central Sussex College
8. High Street
9. Queens Square
10. County Mall
11. Toilets
12. Changing Place

## Further Destinations

*To be included on town mapping*

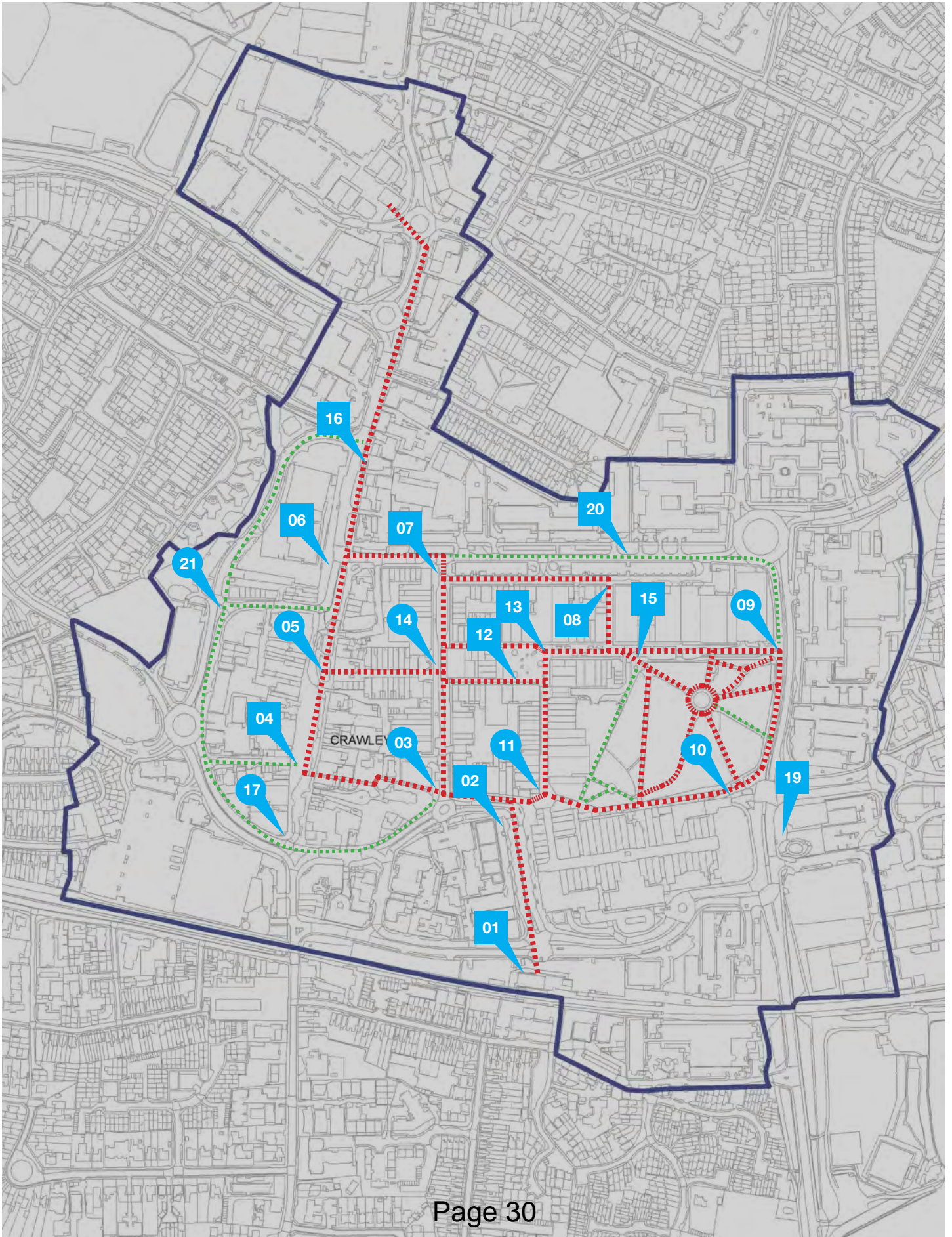
- |                          |                        |
|--------------------------|------------------------|
| 13. St Johns Church      | 29. The Pavillion      |
| 14. Magistrates' Court   | 30. Dyers Almshouses   |
| 15. Bandstand            | 31. Sunnymead Flats    |
| 16. Morrisons            | 32. Conservation Areas |
| 17. Marks & Spencer      |                        |
| 18. Wilco                |                        |
| 19. The George           |                        |
| 20. Arora Hotel          |                        |
| 21. Post Office          |                        |
| 22. Police Station       |                        |
| 23. Debenhams            |                        |
| 24. Crawley Leisure Park |                        |
| 25. Denvale Trade Park   |                        |
| 26. Pedestrian Crossings |                        |
| 27. Register Office      |                        |
| 28. Crawley Hospital     |                        |

01

8 x Fingerposts

01

12 x Nodes



# Agenda Item 8

Proposed Sign Locations  
at Key Decision Points



Railway Station Forecourt



Bus Station/Friary Way



Junction Church Walk/Broadway



Junction Church Walk/High Street



Junction High Street/Broad Walk



Junction High Street/The Boulevard



Junction The Boulevard/The Broadway



Junction The Boulevard/Passageway

# Agenda Item 8

Proposed Sign Locations  
at Key Decision Points



College Road/Entrance Memorial Gardens



Passageway adjacent to Memorial Gardens/County Mall



Junction Parkside/The Martlets



Queens Square



Queens Square



Junction The Broadway/Broad Walk



Queensway/Entrance Memorial Gardens



Junction London Road/Peglar Way



# Agenda Item 8

Proposed Sign Locations  
at Key Decision Points



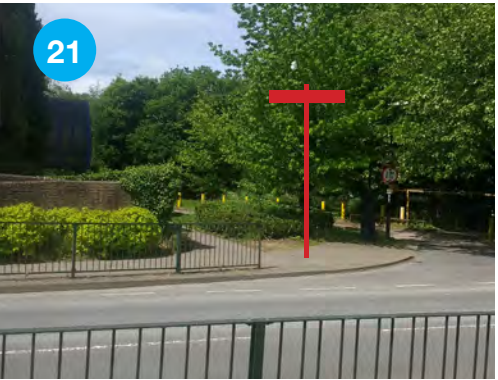
Junction High Street/Peglar Way



Crawley Library

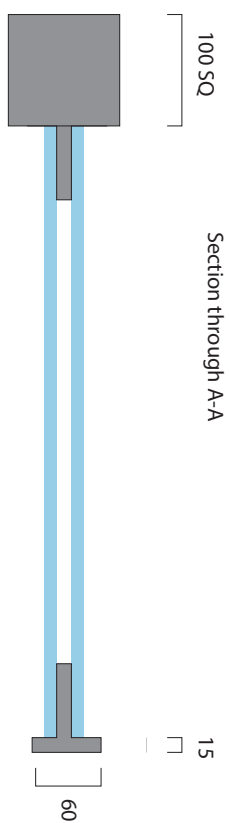
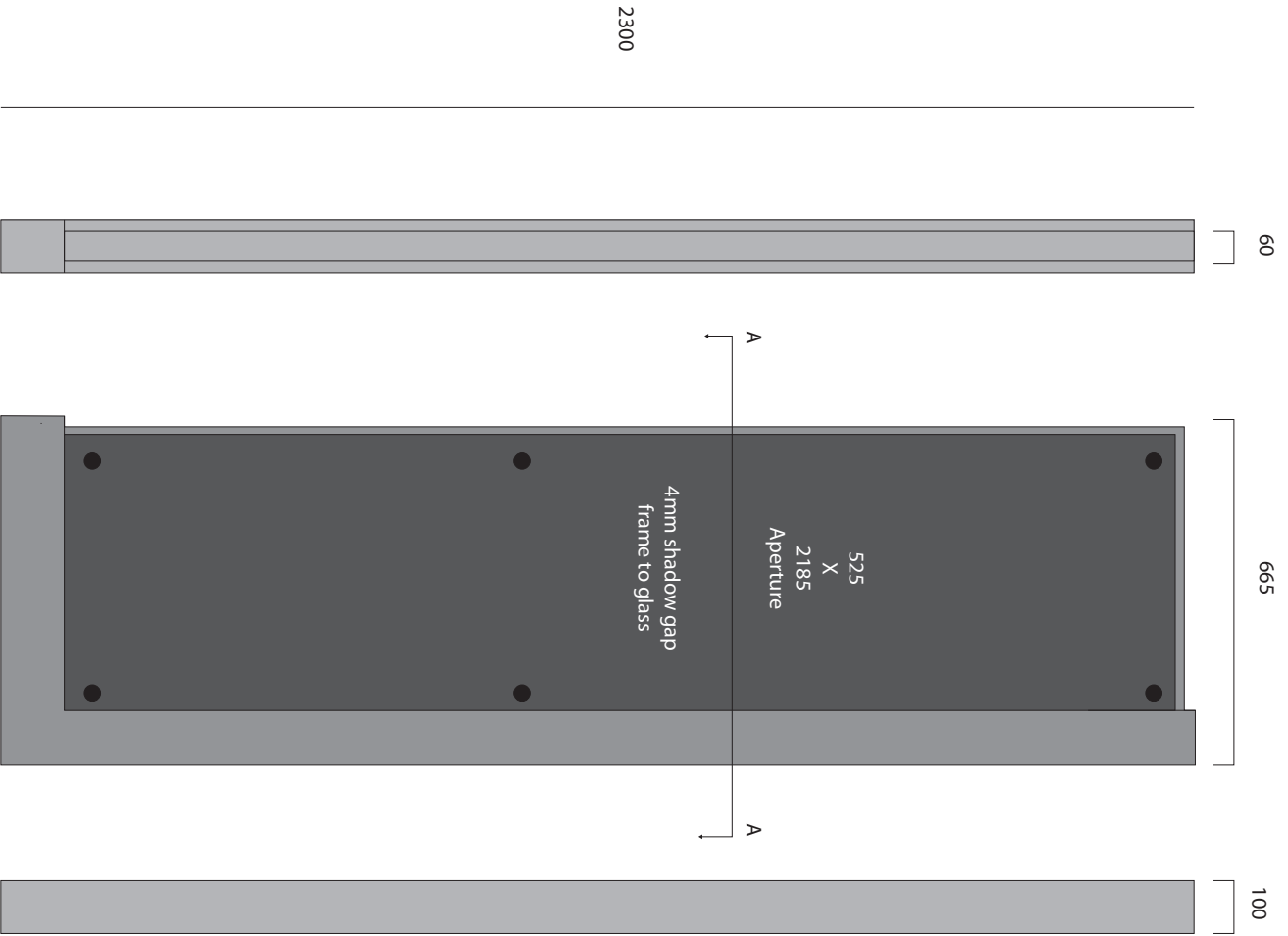


The Boulevard/Town Hall



Peglar way

# Agenda Item 8



- Fabricated shot peened 316 grade stainless steel post and frame
- Reverse applied vinyl graphics behind low iron glass
- Countersunk glass anti-tamper fixings, powder coated RAL TBC
- Assume Scheme Quantities
- 11 x nodes
- 5 x fingerposts

## Queens Square

- ↑ Memorial Gardens
- ↑ Town Hall
- ↑ Crawley College
- County Mall →
-  Bus Station →
-  Changing Places →
-  Crawley Station →


















Crawley  
A PLACE TO ENJOY

## Historic High Street

- ↑ Crawley Railway Station 
- ↑ Queens Square
- ↑ Memorial Gardens
- ← Church Walk
- ← Town Hall
- ← Central Sussex College

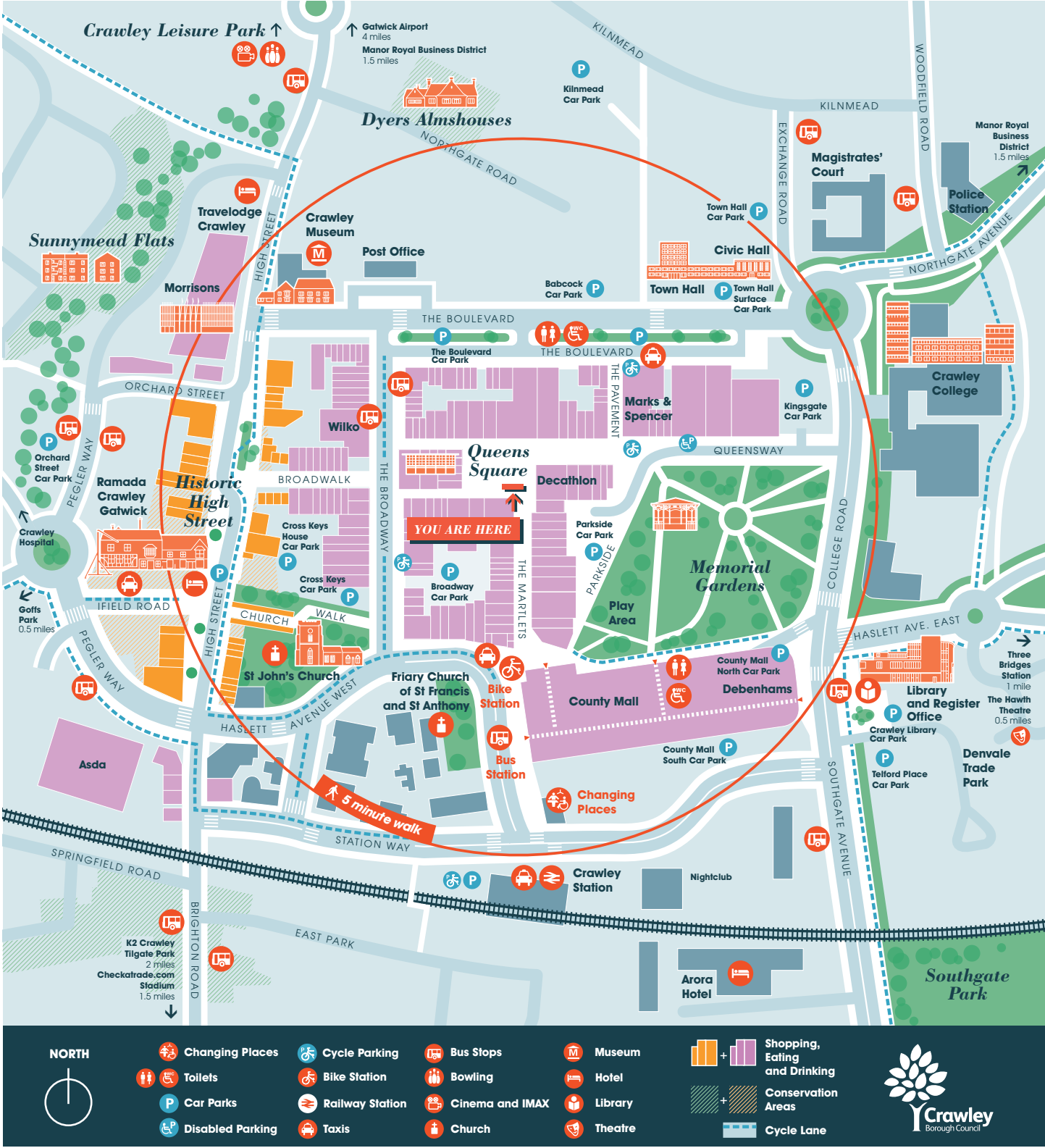


**Crawley** A PLACE TO ENJOY

**Crawley**  
A PLACE TO ENJOY

# Agenda Item 8

## Node Map



# Agenda Item 8



Crawley Museum

Post Office

Town Hall Car Park

Civic Hall

Babcock Car Park

Town Hall  
Town Hall Surface Car Park

THE BOULEVARD

P



P

The Boulevard Car Park

THE BOULEVARD



Marks & Spencer

Wilko

THE PAVEMENT

QUEENSWAY

Queens Square

Decathlon

BROADWALK

**YOU ARE HERE**

Parkside Car Park

P  
PARKSIDE

Memorial Gardens

Play Area

P  
Broadway Car Park

THE MARTLETS

County Mall North Car Park

Debenhams

St John's Church

Friary Church of St Francis and St Anthony

Bike Station

County Mall

County Mall South Car Park

Changing Places

Bus Station

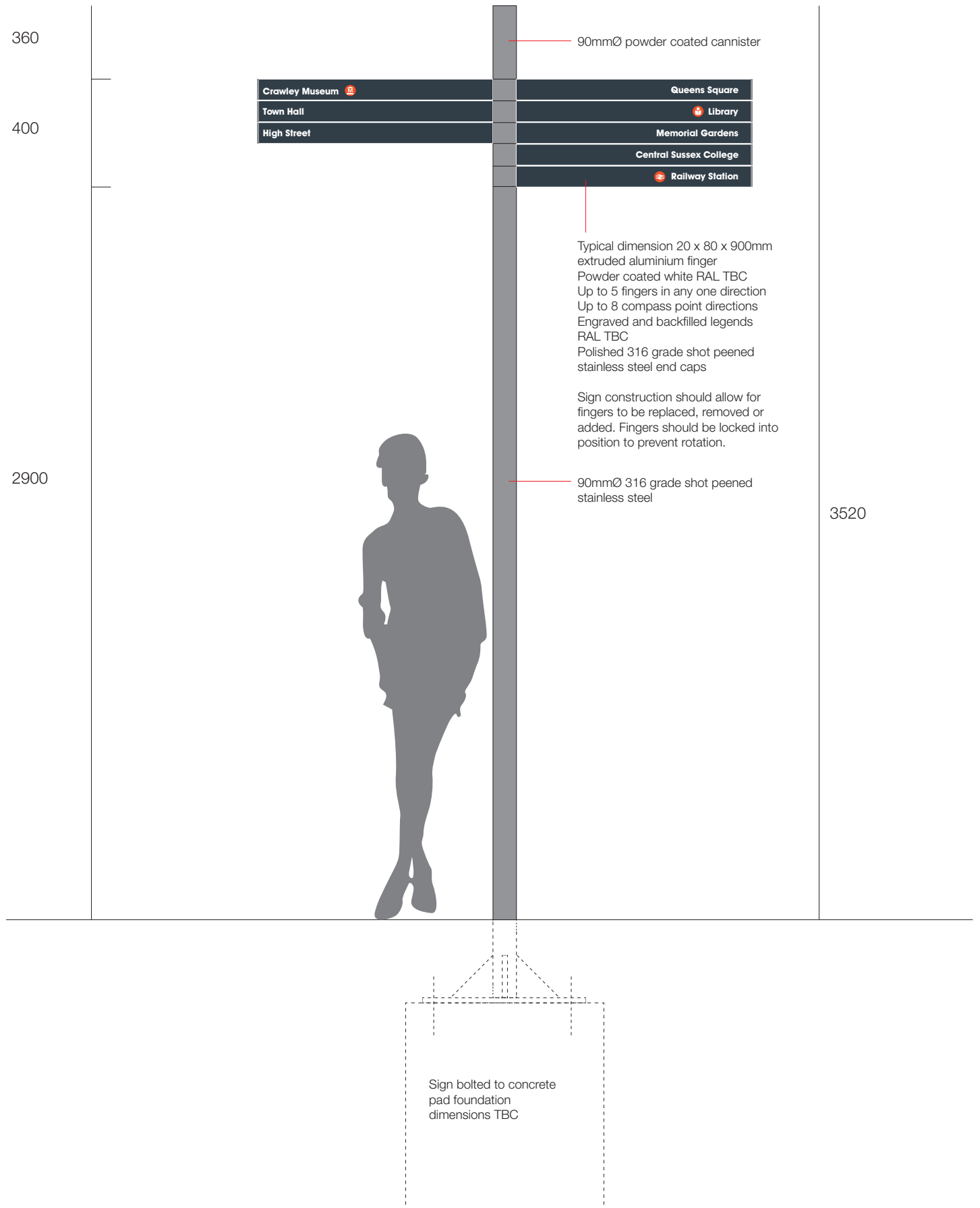
5 minute walk

STATION WAY

Crawley Station

Nightclub

EAST PARK



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## Crawley Borough Council

### Report to Overview and Scrutiny Commission

27 November 2017

### Report to Cabinet

29 November 2017

## Town Centre Regeneration Programme Second Edition

Report of the Head of Economic and Environmental Services, **PES/261**

---

### **1. Purpose**

- 1.1 The Town Centre Regeneration Programme (TCRP) was first published in February 2016 and significant progress has been made since then in terms of programme delivery. This report presents a summary of that progress and seeks approval of a revised, updated version of the TCRP.

### **2 Recommendations**

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet

The Cabinet is recommended to:

- 2.2.1 Approve the draft, updated Town Centre Regeneration Programme (Appendix A), prior to a period of stakeholder consultation as set out in section 7.2 of the report
- 2.2.2 Delegate authority to the Head of Economic and Environmental Services in consultation with the Cabinet Member for Planning and Economic Development to:
- a) Approve the final draft of the Town Centre Regeneration Programme, noting and considering any responses or representations received following the period of stakeholder consultation;
  - b) Regularly update the programme to take into account the delivery details of the individual town centre regeneration schemes listed within it, as they come forward;

### **3 Reasons for the Recommendations**

- 3.1 This report seeks Cabinet approval for the draft, updated TCRP prior to a period of consultation with stakeholders, businesses, employers and the local community.

# Agenda Item 9

## **4 Background**

- 4.1 The regeneration of Crawley Town Centre is one of the top priorities for the Council's administration.
- 4.2 Originally approved by Cabinet in December 2015, and launched in February 2016, the Town Centre Regeneration Programme sets out Crawley Borough Council's ambition and objectives for regeneration across the Town Centre, both physically and economically.
- 4.3 Development of the first TCRP began in Spring 2015 with a comprehensive programme of consultation with stakeholders and partners, intentionally cementing commitments and putting partnership working at the heart of the document and its subsequent outputs.

## **5 Description of Issue to be resolved**

- 5.1 Created as a 'living document', the programme is now nearly two years old and significant progress has been made following the successful completion or further development of a number of key regeneration objectives and activities
- 5.2 Furthermore, in September 2017, a substantial Local Growth Fund investment of £14.6m was awarded to Crawley Borough Council and West Sussex County Council to deliver the Crawley Growth Programme. The Crawley Growth Programme includes a range of infrastructure improvements and physical regeneration designed to support significant increases in new homes, business investment and employment growth in the town centre and Manor Royal
- 5.3 The Town Centre Regeneration Programme has therefore been updated to:
  - recognise and celebrate our achievements, demonstrate progress and promote future plans
  - promote the excellent outcomes from the Queens Square regeneration scheme
  - highlight current activity whilst championing the Council's continued commitment to partnership working and its ongoing renewal and expansion.
  - ensure that priority schemes are aligned with those identified in the Crawley Growth Programme, complementing the Borough Council's "Growth Deal" with the County Council.
  - maintain the document's usability and significance for the council, partners and stakeholders

## **6 Information & Analysis Supporting Recommendation**

- 6.1 The TCRP has being updated in accordance with the guidelines associated with Crawley's new place branding "Crawley – A Place to Grow".
- 6.2 A comprehensive programme of stakeholder engagement took place during development of the original TCRP and this engagement has continued for both individual regeneration projects and the programme as a whole. This engagement has supported the successful approach being taken by the council and endorses the ongoing commitment from key partners and stakeholders.
- 6.3 As a result of this, the original aims and objectives remain the same, as follows:-

# Agenda Item 9

Ambition: To become a dynamic business growth hub with a bold a vibrant community heart for Crawley and the Gatwick Diamond. This will drive a diverse retail offer, excellent public realm, high quality town centre living and a thriving evening economy.

Objectives:

1. Excellent public realm
2. Vibrant community heart for Crawley and the Gatwick Diamond
3. Diverse retail and business offer
4. High quality town centre with a rich mix of uses
5. Dynamic business growth

The objectives are supported by the following seven themes.

1. Investing in revitalised public realm, highways and infrastructure
2. Bringing forward key town centre opportunity sites
3. Creating the conditions for new high grade business space
4. Developing town centre neighbourhood amenities
5. Governance, engagement and co-ordination
6. Marketing, branding, inward investment
7. Complementary policy.

6.4 Thanks to the support of our partners and Crawley Borough Council's commitment to the Town Centre Regeneration Programme, a lot of work has taken place since the first edition was created in 2015/16. Key achievements include:

- **Queens Square Regeneration Scheme** – a flagship transformational public realm improvement scheme, completed within budget and opened October 2017
- **Local Enterprise Partnership (LEP) Funding for the Crawley Growth programme** – successful bid to the LEP for £14.6m to unlock a combined private/public sector £60 million investment, which will deliver a range of large scale regeneration, public realm improvements and sustainable transport schemes.
- **Station Gateway** – outline planning permission granted for a large mixed-use development including a new train station and over 300 high quality apartments
- **Queensway and The Pavement** – funding approved to extend the Queens Square scheme along Queensway and The Pavement and improve links to Memorial Gardens. Planning application submitted October 2017.
- **Employment & Skills Plan** – published in February 2016 to improve local prospects and opportunities for Crawley residents. New 'Employ Crawley' service launched in October 2017 and over 50 people assisted within the first month.
- **Town Hall** – Demolition and redevelopment of existing site to enable creation of a mixed use development including a new civic hall, residential and commercial accommodation. Work set to start in 2018 (subject to planning)
- **Crawley Museum** – one of the town's oldest buildings has been converted to house the town's new museum
- **Planning permission granted for over 1400 residential units in the town centre.**
- **Professional Services Business Forum** – new forum established in March 2017 with the aim of making a demonstrable difference to the town centre's day and night time economies, local skills and employment.
- **Historic High Street Forum** – established May 2017 tasked with improving the environment and footfall in the High Street conservation area.

# Agenda Item 9

- **Investor Relations and Inward investment** – Crawley business guide published and a range of inward investment marketing and events already delivered including 'Spotlight on Crawley' in September 2017. New and improved inward investment website being developed.

## 7 Implications

- 7.1 Subject to Cabinet approval of this second draft, a period of wider consultation with key partners and stakeholders, businesses and the public will run for six weeks (30 November to 12 January). This will include making the TCRP available on the Regenerating Crawley website for comment, face to face meetings, promotion via social media and direct email to a number of public and private sector contacts.
- 7.2 Following completion of the consultation period, responses and representations will be noted and considered by the Head of Economic and Environmental Services in consultation with the Cabinet Member for Planning and Economic Development and the draft outline TCRP will be updated and launched in February 2018.
- 7.3 Staffing  
Resources are in place to deliver the programme and there are no additional staffing implications associated with these recommendations.
- 7.4 Financial  
There are no direct financial implications associated with this report
- 7.5 Legal  
There are no direct legal implications associated with this report.
- 7.6 Equalities  
Equality impact assessments will be carried out where and when appropriate in respect of the individual regenerations schemes listed in the programme

## 8 Background Papers

[Crawley Economic Growth Programme – report to Cabinet 4 October 2017 \(PES/259\)](#)

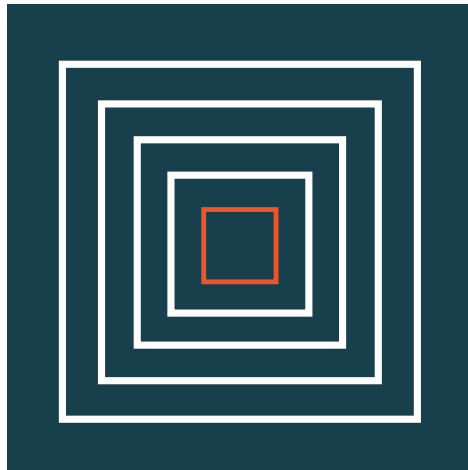
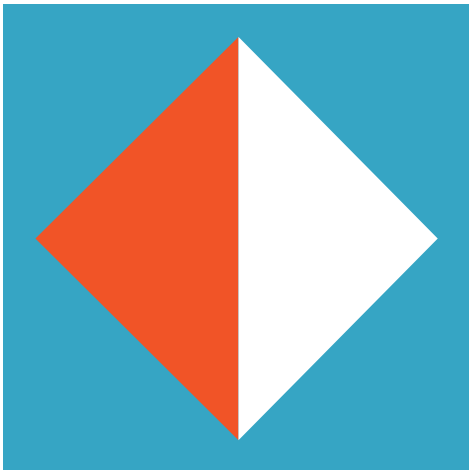
[Crawley Town Centre Regeneration Programme Outline First Draft - report to Cabinet 2 December 2015 \(PES/195\)](#)

[Crawley Growth Deal – December 2016](#)

### Contact Officer:

Lynn Hainge, Economic Regeneration Manager  
01293 438336

# *Crawley* A PLACE TO GROW





# Foreword



Crawley Borough Council and partners have embarked on a programme to regenerate the town centre – breathing new life into key locations in order to realise the area’s full potential as a fantastic place to visit, live, work and do business.

A large new development including Turtle Bay, Morrisons, Travelodge and Creams Cafe opened to the northwest of the retail centre in 2014; £3.2m of improvements to Queens Square, the heart of the town centre, were completed in 2017 and a further £2.2m is committed to improving the adjoining Queensway, set to open in 2019.

Impressively for a fairly compact town centre, this is just the tip of the iceberg – a range of developments are in the pipeline including a new train station, business space and high-quality accommodation, along with major improvement plans to public space and road networks.

Helping to bring our ambitions to fruition is £18m of capital secured from the Coast to Capital Local Enterprise Partnership, with further funding promises on the horizon; this will unlock new jobs and homes and better connect the town centre with key Crawley locations including Gatwick Airport, Manor Royal and Three Bridges.

Crawley town centre already sees more than 200,000 visitors a week, has a catchment dominated by the most affluent communities, has a developing knowledge-based economy, a growing retail catchment and an increasing number of town centre residential developments – to top it off, trade is good and getting even better.

At the heart of this programme is our work with stakeholders, ensuring everyone sees the benefit of a regenerated Crawley town centre. Crawley Borough Council and partners are committed to embracing the sustainable regeneration of the town centre as a prime retail, leisure, business and residential location.

## Working in partnership to deliver regeneration



# Our ambition for Crawley town centre

To become a dynamic business growth hub with a bold and vibrant community heart for Crawley and the Gatwick Diamond. This will drive a diverse retail offer, excellent public realm, high quality town centre living and a thriving evening economy.

## Our objectives

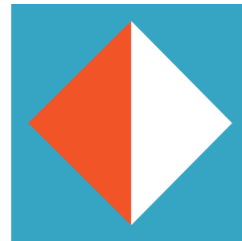
1. Excellent public realm
2. Vibrant community heart for Crawley and the Gatwick Diamond
3. Diverse retail and business offer
4. High quality town centre with a rich mix of uses
5. Dynamic business growth

## Regeneration in action

Seven key themes will help us transform the town centre and bring our vision to life:

1. Investing in revitalised public realm, highways and infrastructure
2. Bringing forward key town centre opportunity sites
3. Creating the conditions for new high grade business space
4. Developing town centre neighbourhood amenities
5. Governance, engagement and co-ordination
6. Marketing, branding and inward investment
7. Complementary policy

Page 47



Queens Square



4 Crawley Town Centre Regeneration Programme

# Crawley - a town of opportunities

Crawley already has a thriving business presence and a great retail and leisure offer but it still has a lot more to give. Just some of the existing town centre retailers and businesses include:

## Business:

- ASB Law
- ASSI (Air Safety Support International)
- RSM
- DMH Stallard
- Grant Thornton
- Irwin Mitchell
- PwC
- Rapidata
- RBS
- Regus
- Theradex
- Travelopia

## Retail:

- Debenhams
- Decathlon
- Hotel Chocolat
- iStore
- M&S
- Monsoon/Accessorise
- Next
- Pret a Manger
- Primark
- Superdry
- Topshop / Topman
- Turtle Bay
- Wildwood

Along with a diverse retail offer which continues to grow, a steady number of town centre residential properties are opening which is set to see a town centre neighbourhood develop soon. This will help to create a vibrant \*10-10 location desired by retailers and property owners alike.

Leisure options are excellent in the town with a large leisure park home to top names like Hollywood Bowl, Cineworld and Nuffield Health, along with a wide range of restaurants.

Supporting the vibrancy and neighbourhood facilities is Crawley College; recently merged with the OFSTED outstanding Chichester College group, the facility offers education opportunities to thousands of students each year.

## Key strategic opportunity sites include:

- Crawley Station
- Telford Place
- County Buildings
- Land north of the Boulevard
- The Broadway and Crosskeys
- Town Hall

There's still room for business to grow and we're looking to create more space to enable a diverse range of businesses to both start and develop.

Recent years and months has seen a host of successful new openings and moves into the town centre like Grant Thornton, Decathlon, Travelodge, Morrisons, Turtle Bay, Starbucks, not to mention a good range of independents.

\*A vibrant mixed-use location open after normal shopping hours (this was used as a footnote in first edition)



Crawley Town Centre Regeneration Programme 5

## Progress so far

Thanks to the support of our partners and Crawley Borough Council's commitment to the Town Centre Regeneration Programme, a lot of work has taken place since the first edition was created in 2015/16.

**Queens Square:** This £3.2m joint investment in the public space at the heart of the town centre is now complete – see page 8 for more details.

**Crawley Museum:** One of the town centre's oldest buildings has now been converted to house the town's museum. See page 16 for more details.

**Queensway and The Pavement:** £2.2m of joint funding to improve the public space in the streets adjoining Queens Square. Design partners appointed; design consultation complete; planning application submitted; work set to start in 2018. See page 8 for more information.

**Station Gateway:** Outline planning approved for large residential-led mixed-use development including a new train station. Work set to start in 2018. See page 8 for more details.

**Town Hall:** Demolition and redevelopment of existing site, creating a mixed-use development including a new civic hall, residential and office space. Work set to start in 2018 subject to planning. See page 10 for more details.

**Place branding project:** A new town brand has been developed and agreed by the Town Centre Partnership following research and consultation. The brand supports a sense of place and identity and can be used by all stakeholders. Its implementation began in autumn 2017. See page 20 for more information.

**Signage and wayfinding:** New town centre signage has been developed in line with the new

place branding design. Implementation has started following analysis of existing signage and current needs. See page 20 for more details.

**LEP funding:** Successful bid to the Coast to Capital Local Enterprise Partnership for £14.6m helps pay for a number of large scale improvements including public realm and road infrastructure, sustainable transport and business space acquisitions. See page 8 for more information.

**Town Centre Professional Services Forum:** New forum set up in March 2017 with the aim of making a demonstrable difference to the town centre's day and night economy and local skills and employment. Meeting monthly working through a clear set of objectives. See page 18 for details.

**Historic High Street Forum:** Forum of High Street businesses tasked with improving the environment and footfall in the High Street conservation area which benefits existing and new businesses. Meeting monthly since May. See page 16 for more information.

**Investor relations / inward investment:** New Crawley business guide published and a range of inward investment marketing and events already delivered. Contractor appointed to assist in delivery of further work. Inward investment prospectus and video being developed. See page 20 for more information.

**Employment and Skills Plan:** Launched to improve the prospects and opportunities for Crawley residents in 2016, this programme of work has seen some significant progress including the Employ Crawley Hub. See page 16 for more information.

# Crawley

A PLACE TO INVEST





# Investing in revitalised public spaces

Joint partners, Crawley Borough Council (CBC) and West Sussex County Council (WSCC), have been successful in securing £14.6m of funding from the Local Enterprise Partnership (LEP). The funding will support the joint WSCC and CBC Crawley Growth Programme to deliver a range of public space, infrastructure and highways improvements, along with a potential property acquisition for modern business space. The work will be carried out over the next four to five years.

**Queens Square – 2015-2017:** A £3.2m project jointly funded by WSCC and the LEP. Construction work to regenerate the heart of the town centre began in 2016 and included high-quality granite paving, greatly improved lighting, granite seating/planters and a central, lit water feature. The project is now complete and is already acting as a catalyst for wider investment, attracting the likes of Decathlon and a quality seasonal ice rink, as well as improvements to some exteriors of privately owned buildings in the square.

**Queensway and The Pavement – 2017-2019:** A £2.2m project jointly funded by CBC and WSCC. Funding for the project has been secured and a planning decision is expected in early 2018. If successful, construction will begin during 2018 and will greatly improve the paving, lighting and general environment in two streets connecting to Queens Square. Plans aim to open up the adjacent Memorial Gardens creating good sight-lines and attractive space, as well as building for use as a market location. Work is set to be complete in 2019, subject to planning.

**Station Gateway, including Friary Way and the bus station – 2018-2021/2022:** Integrated highways and public space improvement scheme

also supporting major redevelopment of Overline House and Crawley train station. The £5.5m project, jointly funded by CBC, WSCC, LEP, Arora and Metrobus will include greatly improved cycle and pedestrian access between Crawley train station, bus station, County Mall and The Broadway. It includes reducing the dominance of the car, improving bus and traffic flows and softening the landscape.

**Eastern Gateway – 2018-2021:** An £8.3m project to improve the public space, connectivity and reduce the existing severance of the town created by large roads. Work will soften the landscape and reduce the dominance of the car, creating a pleasant environment and supporting key development opportunities at the Town Hall, County Buildings, Telford Place and Crawley College.

**Sustainable transport improvements – 2017-2021:** Funded by CBC, WSCC, LEP, Arora and Metrobus, the project will support sustainable living in the town centre, reducing the need for a car and associated parking spaces as well as improving the environment and urban living conditions. Work includes a new bus station, enhanced bus stops, new low emission buses and enhanced bus routes.

**Improving walking and cycling – 2017-2019:** Working with Sustrans, WSCC and CBC have identified key cycle priorities in the town centre. £1.1m drawn down from the Crawley Growth Fund will help to improve connectivity by removing physical barriers and improving crossing facilities at locations where a need has been identified.

**The Broadway and Crosskeys – undetermined:** There is potential for public space improvements subject to developable sites coming forward in the area. Drawing on other funding sources may also be an option here.

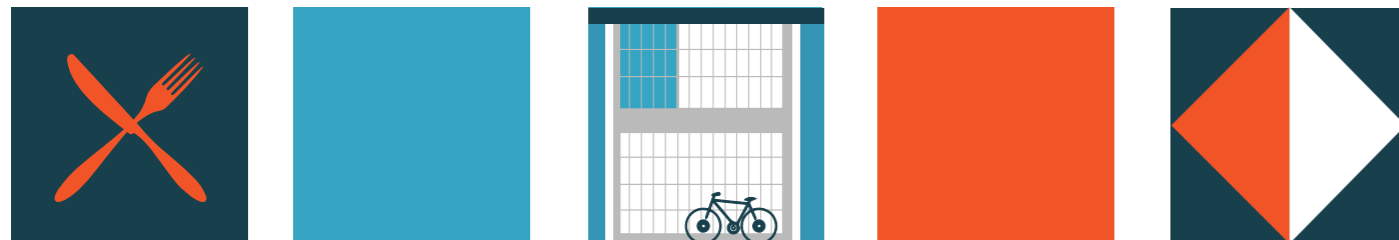
Broadway



Queensway



15-29 The Broadway



## Opportunity sites – seizing the moment

There are a number of key town centre sites either in the pipeline or still representing opportunities. As town centre living continues to grow, all sites are of mixed use.

**Station Gateway:** Outline planning has been approved for this large-scale redevelopment of Overline House and adjoining car parks. The Arora Group Ltd hope to commence work in 2018, creating 308 high-quality apartments, a brand new train station, station plaza and car parking, along with retail space and flexible business space. Current timelines for this complex build estimate completion in 2021. The scheme is set to be complemented by public realm and highways improvements (see Station Gateway 8/9 for details).

**Town Hall:** Crawley Borough Council (CBC) and developers Westrock propose a significant development including demolishing the existing Town Hall and two storey car park and replacing it with a mixed use development, new Town Hall with up to five storeys of grade A office space above, new public square, public realm improvements, commercial units and infrastructure for a district heat network. The Planning application will be submitted shortly and current timescales indicate construction between 2018 and 2022 over two phases.

**Telford Place:** Purchased by Crawley Borough Council in 2015, this is a key gateway into the town centre. The 1.9 acre site is designated for a

residential-led mixed use development comprising between 180 and 300 apartments with an active ground floor frontage. CBC is exploring options with potential developer partners.

**County Buildings:** Crawley Borough Council is working closely with owners, West Sussex County Council (WSCC), to find partners with the aim of delivering a mixed-use development at this key town centre site. Its location makes it prime for high-grade commercial use along with residential. Currently segregated from the town centre by the busy Northgate Avenue roundabout, highways and public space improvement plans (see Eastern Gateway pages 8/9) aim to reduce the dominance of the car and soften the landscape.

**The Broadway and Cross Keys:** Currently under multiple ownership including one site with outline planning permission for ground floor retail units and 78 apartments at 15-29 The Broadway. The planning vision is to establish vibrancy in this part of town through the activation of unused areas, increased permeability to the historic High Street and the strengthening of perimeter sites including active edges on all sides of developments. This area can be viewed in a wider context to create the interest and intrigue desired by Crawley Borough Council.

**Southern Counties:** Construction is underway by Crest Nicholson for 218 flats and basement parking. Crawley Borough Council will purchase up to 87 units to secure much-needed affordable housing in the town centre, providing a sustainable living environment for Crawley people.

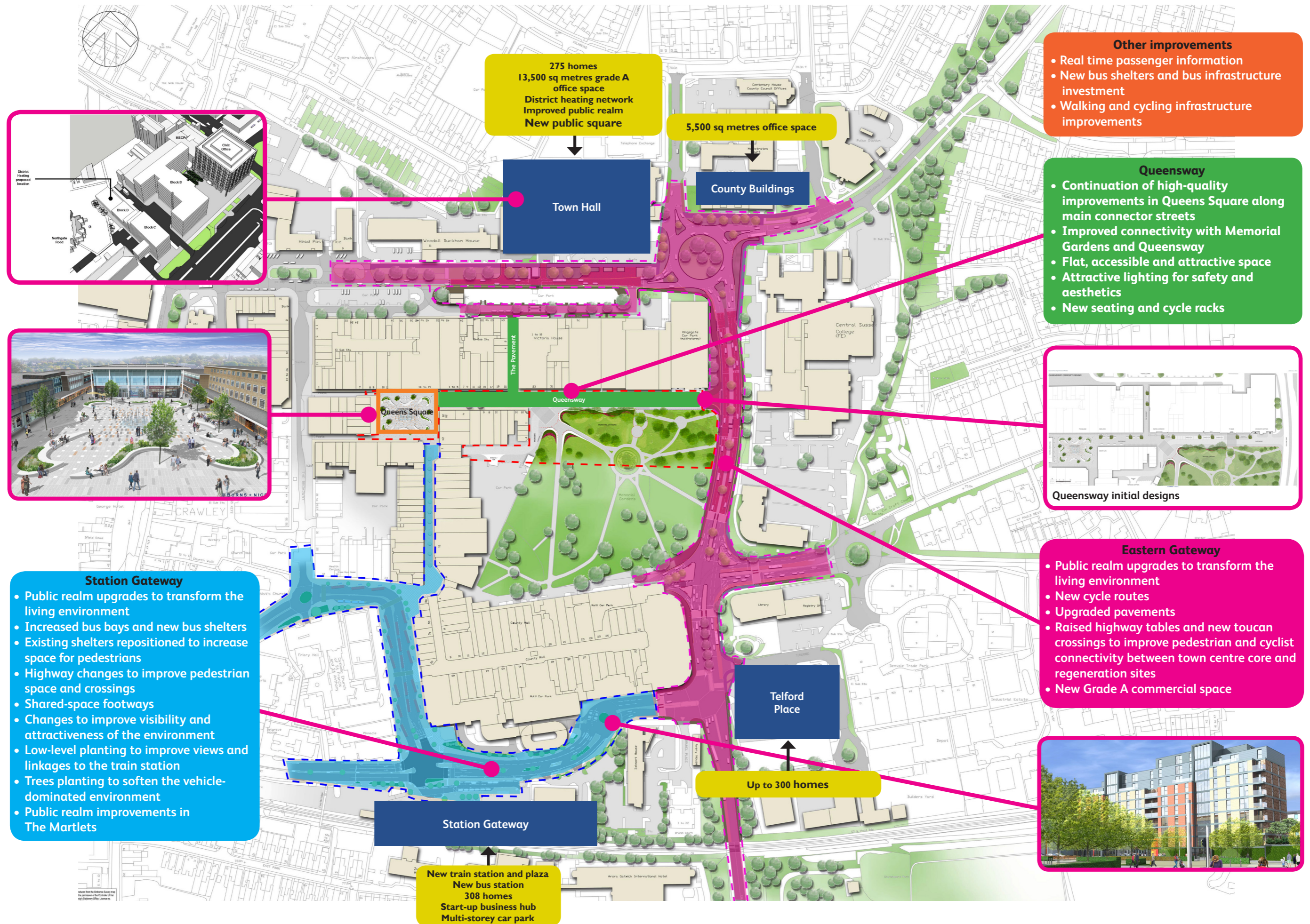
Station Gateway (before)



Station Gateway (after)

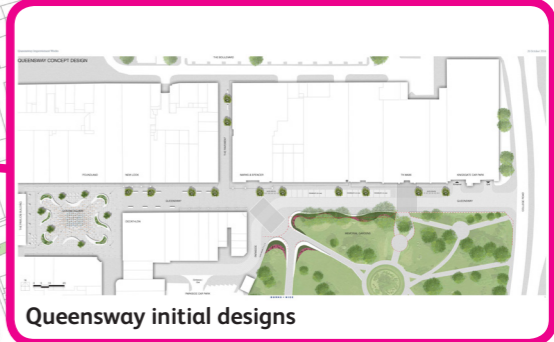


# Growth programme plans - Crawley town centre



- Other improvements**
- Real time passenger information
  - New bus shelters and bus infrastructure investment
  - Walking and cycling infrastructure improvements

- Queensway**
- Continuation of high-quality improvements in Queens Square along main connector streets
  - Improved connectivity with Memorial Gardens and Queensway
  - Flat, accessible and attractive space
  - Attractive lighting for safety and aesthetics
  - New seating and cycle racks



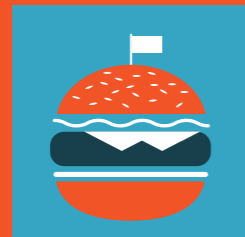
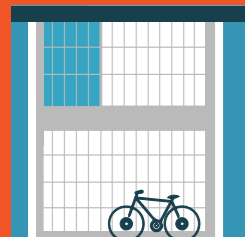
- Eastern Gateway**
- Public realm upgrades to transform the living environment
  - New cycle routes
  - Upgraded pavements
  - Raised highway tables and new toucan crossings to improve pedestrian and cyclist connectivity between town centre core and regeneration sites
  - New Grade A commercial space



- Station Gateway**
- Public realm upgrades to transform the living environment
  - Increased bus bays and new bus shelters
  - Existing shelters repositioned to increase space for pedestrians
  - Highway changes to improve pedestrian space and crossings
  - Shared-space footways
  - Changes to improve visibility and attractiveness of the environment
  - Low-level planting to improve views and linkages to the train station
  - Trees planting to soften the vehicle-dominated environment
  - Public realm improvements in The Martlets

## Great space for great business

- **Business Networking Hub:** Working with stakeholders, we aim to provide a prominent venue for businesses and local entrepreneurs to hot-desk, meet and to do business. Its location will maximise its usage by business people on the move. The granted Station Gateway site comprises a small hub space in a prime location at Crawley railway station. Other suitable sites will continue to be considered/encouraged for this use.
- **Live-work space:** Aiming to attract professionals keen to access office space close to home in order to reduce costs and improve work/life balance.
- **Small business space:** The council is working with West Sussex County Council to identify suitable locations for high-grade small business space.
- **Innovation centre and incubation space:** The council is exploring options for bringing forward a business innovation centre to nurture and encourage business growth, innovation and enterprise. It is also considered that an innovation centre would help stimulate a local and innovative supply chain that will enhance the vibrancy of Crawley's unique business community.
- **Upgrade of retail space:** Creating and improving relationships with property owners will help to encourage building upgrades. Enforcement powers will be considered where properties are of a poor quality and owners are not willing to make the necessary improvements.



Crawley College



Crawley Campus



## Supporting a town centre neighbourhood

As the way we live continues to change and the need to find more space for housing while reducing our impact on the environment, town centres can provide an excellent solution for a more sustainable living environment. Encompassing good quality living, a wealth of facilities and jobs and excellent sustainable transport options which reduce car use and the need for parking. Sustainable developments are required within the town centre which are defined as 'development that meets the social, economic and environmental needs of the present without compromising the needs of the future.'

- **New town centre based museum:** A combination of Heritage Lottery fund and Crawley Borough Council capital funds have enabled the conversion of The Tree, one of the oldest buildings in the town centre into Crawley's new museum.
- **Memorial Gardens:** Ensure this flagship town centre park is used to its full potential. This will be assisted by the redevelopment of Queensway which opens up the entrance of the park providing clearer lines of sight. The relocation of the bandstand to Memorial Gardens will also support this aim.
- **Crawley market:** Crawley's existing market has been moved from Queens Square to The Broadway and Haslett Avenue. Proposed work on Queensway and The Pavement includes specifically designed market space to enable a quality market to grow and thrive.
- **GP Surgery/NHS Clinic/dentist services:** Officers will review these services with health sector colleagues to determine if additional provision is required, both as amenities for the new neighbourhood and to attract footfall.
- **Employ Crawley hub:** A flagship project within Crawley Council's Employment and Skills Programme, Employ Crawley is an exciting new venture launched in Autumn 2017 in

collaboration with West Sussex County Council and a range of partners. The partnership hub based at Crawley Library, offers a range of services provided by the public and private sector to help local people get the right jobs and local employers get the right people. See pages 16 and 21 for more information.

- **Helping Crawley College to expand its town centre role:** Officers will work closely with the college to develop more town centre initiatives. These could include apprenticeships benefiting both young people and town centre businesses; 'skills academies' on town centre regeneration sites allowing the college to train local people in construction skills to access on-site construction jobs and apprenticeships; plus engaging students to support the design of town centre public realm improvements.
- **High Street action: strengthening existing evening economy:** The prospect of more than 1,800 new residential units in the next few years and more jobs through business growth presents excellent opportunities for Crawley High Street and its businesses, creating a stronger focal point for the evening economy. The council is working with High Street businesses and retailers to develop a proactive and relevant High Street action plan to boost footfall.
- **Improving public toilet provision:** Along with reviewing existing provision to ensure modern facilities are provided in the right location, an innovative new provision was opened in the shopping mall courtesy of County Mall / Standard Life. The Ryan Box Changing Place opened in June 2017 offering hoist assisted facilities and an adult sized changing bench to provide a safe, hygienic and dignified experience for people with disabilities. There will be further investment in public toilet provision as an integral part of town centre regeneration schemes going forward
- **Town Centre maintenance and cleaning:** The council will provide a robust town centre maintenance and cleaning programme to ensure the quality of public spaces is kept to a high standard. This includes the purchase of a new wet cleaning vehicle to ensure the new granite paving in Queens Square is well maintained.

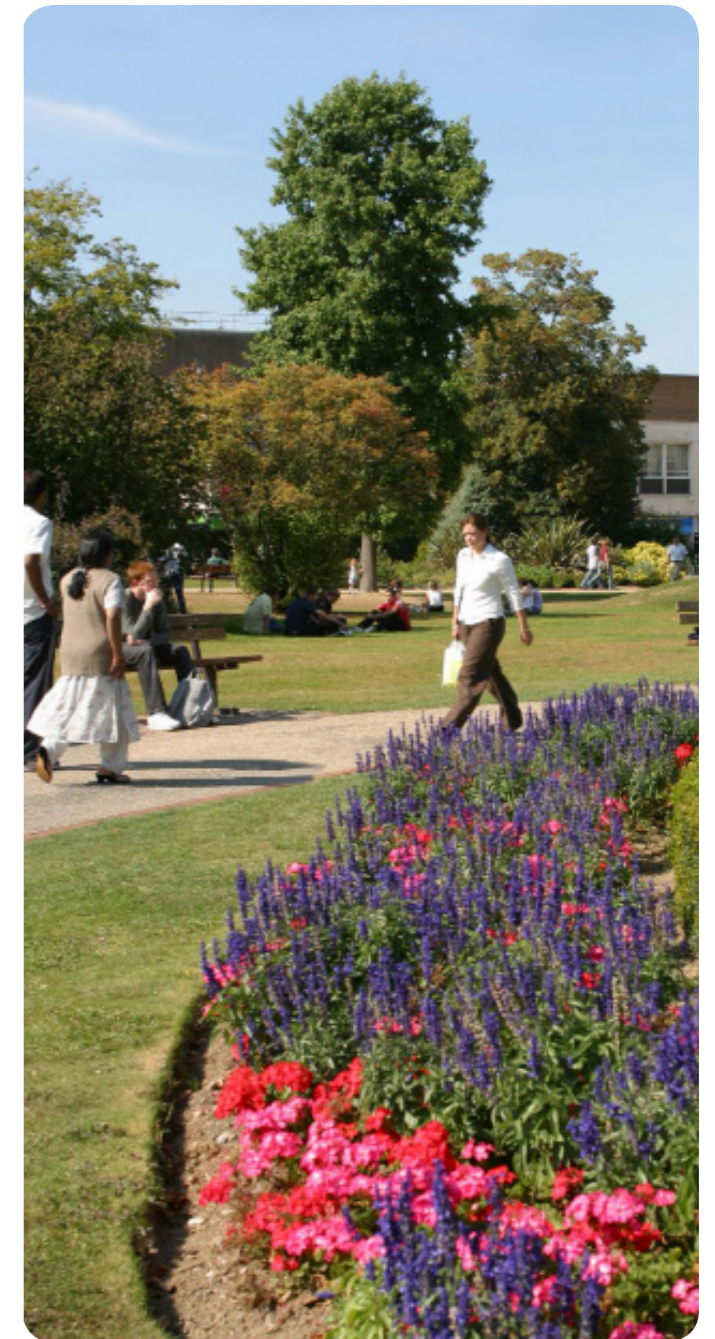
High Street



Market



Memorial Gardens



Crawley Museum



## Governance, engagement and co-ordination

- **Engagement and partnership with town centre site owners/landlords:** The council is strengthening relationships with town centre site owners and landlords in order to work together to attract new retailers, to develop a common vision for town centre regeneration and to establish co-operation and partnership in regeneration delivery.
- **Town Centre Partnership Board:** The Partnership is being strengthened by broadening its representation across retailers, restaurants, non-retail employers and property agents. The board will assist in the development of a number of key sub-groups representing specific town centre interests. The TCP Board, together with sub-groups, will support delivery of the Town Centre Regeneration Programme, contributing to design and implementation of individual initiatives.
- **Independent retailers sub-group:** Enable independent retailers to have a strong voice within town centre plans and help them take part in its delivery. Support them to access services which strengthen businesses.
- **Town Centre Professional Services Business Forum (PSBF):** This forum was formed in March 2017 with the aim of making a demonstrable difference to the centre's day and night economies, and local skills and employment - complementing and supporting objectives

outlined in both the Town Centre Regeneration Programme and the Employment and Skills Plan. Work on their current six objectives is underway. The group consists of town centre banks, law and accountancy firms, commercial agents, architects and Crawley College; they meet monthly.

- **Historic High Street Business Forum:** A new group of High Street businesses was formed in May 2017 with a view to improving the business environment and footfall. They are currently working on a High Street action plan to support their work. The group meets monthly.
- **Healthy High Streets:** Continue to work with and support this network of major retailers in its aim to assist in town centre regeneration. The network includes M&S, Boots, Santander, Greggs and EE who are providing expertise to help strengthen the town centre business environment. Official Healthy High Street support ended in summer 2017 but they continue to work together to build on work already undertaken.
- **Town Centre Business Improvement District:** Explore the potential, including resources and feasibility, of a dedicated business improvement district for the town centre.
- **Strengthen links between the town centre and Manor Royal:** Explore and define how town centre stakeholders should co-operate more closely with the Manor Royal BID. Strengthen business and commercial links between the town centre and Manor Royal.

County Mall



Church Walk



Town centre



## Marketing, branding and inward investment

- **Vibrant town centre events programme:** Help to create a clear identity and character for the town centre while also generating footfall and promoting a positive reputation through a high quality programme of events. This will be achieved through a partnership approach with stakeholders including the Town Centre Partnership, Healthy High Streets, retailers and non-retail business. The council has formed an internal events team and hired an Events Officer.
- **Strong town centre place branding:** A strong, dynamic and honest place brand has been developed by the Town Centre Partnership Board through partnership work and research with stakeholders. The brand, which it is hoped will be owned by stakeholders, is currently being rolled out over various platforms and aims to help create a positive image and attract more footfall, business and resident pride. It was adopted through the Town Centre Partnership in spring 2017.
- **High quality signage and wayfinding:** New monolith and finger posts have been designed. Following stakeholder consultation, particularly

Page 5

### Wayfinding monoliths



around the Historic High Street, it will begin to be rolled out in late 2017.

- **Investor relations communication:** Excellent relationships have been formed with commercial agents, some landowners and local businesses to help create an environment where the public and private sector work together to support the aims of this programme.
- **Open for business networking events:** A stakeholder event on regeneration progress was held in September 2017 which encouraged positive debate about the town's future direction. An investor tour around the town in November showed interested parties the progress made so far and highlighted opportunities.
- **Town centre regeneration micro-site:** The council has launched a new website to promote and consult on the physical, economic and community regeneration of the town centre. It will be to highlight commercial and community assets including The High Street and its evening economy. Visit [www.regeneratingcrawley.org.uk](http://www.regeneratingcrawley.org.uk) for regular updates on Town Centre Regeneration Programme projects. This site is currently undergoing complete redevelopment featuring the town's new place branding and an interactive map of regeneration and opportunities.

# Crawley

## A PLACE TO INSPIRE

### Complementary policy

- **The Crawley 2030 Local Plan/Town Centre Supplementary Planning Guidance:** The council has developed clear guidance to enable the sustainable regeneration of the town centre. The appropriate balance of mixed uses across the area will be highlighted, all of which will contribute to a vibrant new neighbourhood and a dynamic hive of business and economic activity in the town centre.
- **Employment and Skills Plan:** The council, in partnership with stakeholders, has developed a clear plan of action to tackle some of these issues affecting some Crawley residents. The plan highlights the town's qualification, employment level and pay deficits when compared to surrounding areas and the in-commuting workforce.
- **Employ Crawley:** A flagship project within the Employment and Skills Plan, Employ Crawley opened in autumn 2017. A physical hub based in Crawley Library, it offers an holistic approach to supporting residents both into work and into higher skilled, higher paid employment. Visit [www.regeneratingcrawley.org.uk/employcrawley](http://www.regeneratingcrawley.org.uk/employcrawley) to find out more.
- **Town Centre Skills Academy:** Establish CITB skills academy status across town centre regeneration sites. Skills academy status is granted by the CITB if there is a commitment from site developers, working with the college, Job Centre Plus, and the council, to maximise the recruitment of local residents into construction site jobs and apprenticeships. This scheme is featured in the Crawley Employment and Skills Plan.
- **Community safety:** Work with police, voluntary sector and local agencies to uphold the town centre as a safe and friendly environment with a positive reputation.
- **Action through enforcement :** Working with colleagues in the Town Centre Partnership and other stakeholders, the council will consider taking enforcement action (Section 215 powers) to oblige town centre property owners to tackle and improve poor quality buildings. This will improve the town centre environment and encourage pride, footfall and investment.
- **Affordable housing:** The council is committed to ensuring affordable housing developments are unlocked within the town centre.

### Employ Crawley



## A regeneration plan founded on stakeholders

Achieving this ambitious long-term goal for a vibrant and dynamic town centre can only be achieved through a comprehensive public/private

partnership. We will continue to work with town centre stakeholders to make it happen. We would like to take this opportunity to thank all of our existing town centre partners for their work so far and look forward to creating a bright and prosperous future for the town centre.

Working in partnership to deliver regeneration



“Crawley town centre is an important hub for our people and we welcome the exciting plan to bring more activities and a much improved environment.”

**THALES**

“We have invested a lot into County Mall. We strongly support the vision to attract new development throughout the town which will attract many more people to Crawley.”

**Standard Life**

“Crawley is clearly a great opportunity and it is down to businesses like ours to support its continued growth and success.”

**pwc**

This is the final draft of the town centre regeneration programme and the council and its partners are keen to gather the thoughts of the wider public and businesses. To comment or to send in your ideas please email [towncentre@crawley.gov.uk](mailto:towncentre@crawley.gov.uk)

Visit [www.regeneratingcrawley.org.uk](http://www.regeneratingcrawley.org.uk) for regeneration updates.



# Agenda Item 9



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# Agenda Item 10

## Crawley Borough Council

**Report to Cabinet  
29 November 2017**

### **Crawley 2030: Supplementary Planning Document (SPD) Affordable Housing**

Report of the Head of Strategic Housing and Planning Services, **SHAPS/66**

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#### **1. Purpose**

- 1.1 This report recommends adoption of the Affordable Housing Supplementary Planning Document (SPD).
- 1.2 The report outlines a summary of the SPD, together with a brief overview of the representations received through the consultation and the changes made to the document since its publication for consultation. SPDs should be used where they can help applicants make successful planning applications or aid infrastructure delivery. The Affordable Housing SPD has been prepared to aid the interpretation and implementation of the relevant policies within the adopted Crawley Borough Local Plan (Crawley 2030)<sup>1</sup>.
- 1.3 Owing to the size of the Supplementary Planning Document and Guidance, a hard copy has been placed in the Members' Room, along with the background documents listed in the Cabinet report and should any Member require a hard copy they should make a request to the report author. However an electronic copy has also been included as a supplemental appendix to this report.

#### **2. Recommendations**

- 2.1 To the Cabinet
  - 2.1.1 The Cabinet is recommended to:  
Adopt the Affordable Housing Supplementary Planning Document as a Council planning policy document to be taken into account as a material planning consideration in the determination of relevant residential planning applications.

#### **3. Reasons for the Recommendations**

- 3.1 Following the adoption of the Crawley Borough Local Plan 2015-2030 in December 2015, it was recognised that a number of the new policies would benefit from expansion and explanation to ensure the Council helps facilitate the delivery of development and maintains an efficient and high quality development management process. Supplementary Planning Documents (SPDs) assist in supporting successful planning applications, clarifying policy requirements, and also providing examples of best practice and setting out the Council's aspirations which developers may be able to help deliver.
- 3.2 The Affordable Housing SPD has been produced to aid the interpretation of the Crawley Borough Local Plan Policies H3: Housing Mix and H4: Affordable and Low Cost Housing. Following public consultation, Cabinet approval is now sought to strengthen its use as a material planning consideration.

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<sup>1</sup> Crawley 2030: Crawley Borough Local Plan 2015 – 2030 (December 2015) CBC; Policy H3: Housing Mix and Policy H4: Affordable and Low Cost Housing

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## 4. Background

- 4.1 The Affordable Housing SPD was subject to an informal 'early engagement' period of consultation throughout its early preparation. This early engagement was undertaken, commencing in early October 2015, through notification of stakeholders and consultees on the intention of the Council to produce a set of SPDs across a range of identified topic areas. Those contacted were invited to sign up for further updates in relation to particular topics, and directed to a dedicated page on the Council's website providing further information about the function of the SPDs and their proposed scope. The webpage also invited interested parties to respond to nine broad questions about their coverage and approach. At this stage, a number of stakeholders requested being kept informed of the progress on the Affordable Housing SPD, and a few comments were raised in relation to questions regarding its scope and content.
- 4.2 The SPD was subject to a formal period of public consultation of six weeks, in accordance with national Regulations<sup>2</sup> and the Council's adopted Statement of Community Involvement (SCI)<sup>3</sup>. This formal public consultation took place between 21 June and 2 August 2017.
- 4.3 The SPD is accompanied for its adoption by a Consultation Statement which sets out the detail of the consultation undertaken, the representations received and the Council's officer response (a hard copy of this document is provided in the Members' Room along with the SPD and Summary Guidance document, see paragraph 5.3 below).

## 5. Description of Issue to be resolved

- 5.1 Supplementary Planning Documents aim to amplify some of the more complex planning policies in the adopted Local Plan and provide more detailed guidance for developers, investors, landowners, and householders, as to how new development can satisfy the requirements of the policies.
- 5.2 The Affordable Housing SPD has been prepared to support applicants and the Council to apply the Local Plan Policies relating to:
- Affordable and Low Cost Housing (Policy H4)
  - Housing Mix (Policy H3)
- 5.3 A Summary Guidance Note has been prepared to accompany the full SPD to assist in applying the policies to small residential developments.
- 5.4 The SPD has been prepared to support applicants, agents and developers undertaking residential development within Crawley borough. The Local Plan affordable housing policy applies to planning applications which would result in a net increase in housing within the borough, from a single additional dwelling to large residential schemes. On this basis, the SPD seeks to increase the efficiency of the negotiations between the Council and the applicant, and ensure the delivery of affordable dwellings of a tenure, type, size and affordability that helps to meet housing needs within Crawley, and ensure that it is effectively integrated within development sites in terms of location and design to create mixed and balanced communities.
- 5.5 The SPD highlights the thresholds at which affordable housing will be expected on-site and establishes the mechanism for calculating off-site payments in-lieu of onsite provision. It outlines the factors that may reduce the percentage of affordable housing or adjust the tenure mix, and the mechanisms that will be used to assess viability, and clarifies the preferred types of tenure and the 'cascade' options in the event of viability constraints.

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<sup>2</sup> Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>3</sup> Crawley Borough Council Statement of Community Involvement (2017) CBC

# Agenda Item 10

- 5.6 In addition, the SPD provides opportunity to clarify the Council's approach to applying the policy to developments below the previous Core Strategy policy threshold of 15 dwellings, and the government's threshold of ten dwellings or less. In particular, it sets out the exceptional circumstances in Crawley and the Council's evidence which justifies seeking contributions from small sites below the national threshold.

## **6. Information & Analysis Supporting Recommendation**

- 6.1 The SPD has been prepared jointly by Strategic Housing and Planning Services with other internal officers with expertise in this topic area involved from an early stage. Development Management and Housing Services had a significant involvement.
- 6.2 All Members were notified, by email in September 2015, of the commencement of work on various SPDs. This highlighted the topic areas which, at that time, were being considered for progression which included: Climate Change, Green Infrastructure, Town Centre and Urban Design<sup>4</sup>, in addition to Affordable Housing. Member engagement was considered key in the early preparation of the documents, and Members were asked to specify which documents they were particularly interested in, and the methods they felt would be helpful for engagement to take place. A high proportion of those Members who responded expressed an interest in more than one topic area, with six Members highlighting Affordable Housing as a topic of interest to be involved in. The favoured method of engagement was for a meeting.
- 6.3 An All Members' Seminar was carried out in January 2016, to present the SPD topic areas to all Council Members, and seek input into the emerging principles and scope for each. Issues of particular interest to the Affordable Housing SPD focused on the need to promote the positive benefits of affordable housing, and why providing it as part of new development is a good thing. The current policy relating to no threshold for affordable housing requirements being triggered was clarified. These have been taken into account in preparing the SPD. In addition, Members were invited to contact the Forward Planning team and the Lead Officer for each of the SPD topic areas separately if there were further queries or concerns. The draft SPD and summary guidance document was circulated to all Members ahead of the start of the formal period of public consultation.
- 6.4 Public consultation for the draft Affordable Housing SPD ran for six weeks, during June to August in 2017. The documents<sup>5</sup> were published on the Council's website and available to view in hard copy in the Town Hall and Crawley Library. Letters and emails were sent out to all organisations and individuals on the Crawley Borough Local Plan consultation database notifying the start of the consultation, followed up with a reminder ahead of the close of consultation.

### **Results of Consultation**

- 6.5 Responses were received from five statutory consultees<sup>6</sup>, two interested planning agents, and two local residents. These are set out in the Consultation Statement accompanying the SPD.
- 6.6 Representations received considered matters including a concern that viability issues will reduce the number of affordable housing units secured, promotion of a particular rent to buy model of housing tenure, and a concern in relation to the application of the policy to extra care and other forms of care development.

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<sup>4</sup> The other four SPDs were adopted by Cabinet on 5 October 2016.

<sup>5</sup> The consultation documents included: the draft Affordable Housing SPD; the Summary Guidance Document for Small Residential Developments; and the draft Consultation Statement.

<sup>6</sup> Natural England, Gatwick Airport Limited, Environment Agency, Southern Water, and Highways England

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- 6.7 No representations were received raising concern in relation to the proposed financial contributions calculator nor the application of the policy below the national threshold of ten dwellings or less.
- 6.8 The consultation has led to an additional term to be included and defined in the Glossary. Further changes to the document following consultation include updating the list of Registered Providers in Appendix E and the removal of the alternative consultation options in relation to the financial contributions calculation.
- 6.9 One representation raised a significant question in relation to the application of the policy to extra care and other forms of care development. As this representation was submitted with accompanying legal advice, the Council sought its own legal advice.
- 6.10 The legal advice received by the Council clarified the position. This recommended the SPD be amended by removing reference to the application of the Policy to Use Class C2 (Residential Institutions including residential care/nursing home) self-contained units (in particular, paragraphs 1.2, 1.6 and 2.9 in the consultation draft SPD). The Council's response to this and the relevant amendments to the final SPD are set out in the Consultation Statement (pages 45-46).

## **7. Implications**

- 7.1 The SPD was carefully prepared to closely relate to the policies within the adopted Crawley Borough Local Plan. Preparation of the SPD has been undertaken in accordance with the statutory process as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. It does not create new policy or increase the financial burden on developments beyond that considered as part of the Whole Plan viability assessment already robustly tested through the Local Plan Examination process and found 'sound' by the independent Planning Inspector. Furthermore, planning applications remain subject to their own detailed viability testing where this argument is progressed in relation to flexibility with the Local Plan requirements, on a case-by-case basis.
- 7.2 The preparation of the SPD has primarily taken place in-house utilising the expertise of existing staff and the evidence base created for the Local Plan. However, external legal advice was sought in relation to the representations received raising concerns with the application of the Policy to Care Homes.
- 7.3 There are no additional financial implications arising from the adoption of the SPD as they reflect the Planning Policies which would be applicable through the adoption of the Local Plan.
- 7.4 Conversely, not adopting the SPD may result in increased costs to the Council through the additional officer time necessary to provide the information contained within them to each proposed development, on a case-by-case basis, and potentially wasted time for the Council and applicants with the submission of invalid planning applications, or applications which require further information to be gathered during the planning application process. In addition, the weight of the SPD containing the Council's explanation of applying the Policy to seek affordable housing contributions to developments below the national "threshold" will support the Council's position in appeal situations, particularly as this element of the SPD wasn't challenged through either the Local Plan or the SPD consultations.
- 7.5 Any person who feels aggrieved by the adoption of the Affordable Housing SPD may apply to the High Court to seek a judicial review of the decision to adopt the SPD. This application must be made within three months of the date of adoption of the SPD.
- 7.6 It is not considered that the SPD will have any detrimental impact on diversity and equality in the borough.

# Agenda Item 10

## 8. Background Papers

Crawley 2030: Crawley Borough Local Plan 2015-2030 (December, 2015) CBC  
Crawley Borough Council's Local Development Scheme 2015 – 2018 (December, 2015) CBC

[www.crawley.gov.uk/crawley2030](http://www.crawley.gov.uk/crawley2030)

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## Crawley Borough Council

**Report to Cabinet  
29 November 2017**

### **Civil Penalties, Rent Repayment Orders - The Housing and Planning Act 2016**

Report of the Head of Strategic Housing and Planning Services – **SHAP/61**

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#### **1. Purpose**

- 1.1 Legislation has come into force enabling local authorities to pursue civil penalties of up to £30,000 as an alternative to prosecution for a number of specified offences under the Housing Act 2004. In addition, the use of rent repayment orders has been extended to cover illegal eviction and other specified offences. This report seeks approval to use civil penalties and rent repayment orders as laid out in the Housing and Planning Act 2016 as further tools to assist the Council in improving standards within the private rented sector.

#### **2. Recommendations**

- 2.1 The Cabinet is recommended to:
- 2.2.1 Note and agree to the use of the new powers allowing the Council to impose civil penalties and to apply for rent repayment orders, as summarised in Section 4.1 - 4.13 of this report.
- 2.2.2 Approve the proposed policy relating to the Council's use of these new powers as set out in Appendix One.
- 2.2.3 Delegate authority to the Head of Strategic Housing and Planning Services in consultation with the Head of Legal and Democratic Services to agree the sum of civil penalties to be issued on a case by case basis in accordance with the proposed policy.

#### **3. Reasons for the Recommendations**

- 3.1 The recommendations will enable the Council to utilise additional legislative powers in driving up management standards within the private rented sector.

#### **4. Background**

- 4.1 The Housing and Planning Act 2016 amended the Housing Act 2004 and introduced a range of measures to assist Local Authorities to tackle rogue landlords and managing agents, including:
- The imposing of civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences, as detailed in 4.2 below
  - Extension of rent repayment orders to cover illegal eviction, breach of a banning order and certain other specified offences, as detailed in 4.8 below.

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- 4.2 Civil Penalties – The legislation gives local authorities the power to impose a civil penalty as an alternative to prosecution for the following offences under the Housing Act 2004:
- Failure to comply with an Improvement Notice
  - Contravention of an Overcrowding Notice
  - Failure to comply with HMO Management Regulations
  - Having control of or managing a HMO which is required to be licensed but is not so licensed
  - Having control of or managing a HMO and knowingly permitting the property to be occupied by more households or persons than authorised by the licence
  - Failure to comply with any condition of the HMO licence
- 4.3 The maximum civil penalty which may be imposed per an offence is £30,000.
- 4.4 The legislation requires that a local housing authority must have regard to any guidance given by the Secretary of State about the exercise of its functions in relation to the issuing of civil penalties. In April 2017 the Secretary of State issued guidance. The guidance states that local housing authorities are expected to develop and document their own policy on when to prosecute and when to issue a civil penalty, and that which option a local authority wishes to pursue will be decided on a case-by-case basis in line with that policy.
- 4.5 The guidance also sets out the factors which a local housing authority should take into account when deciding the appropriate level of penalty. These factors are:
- The severity of the offence
  - The culpability and track record of the offender
  - The harm caused or likely to be caused as a consequence of committing the offence
  - Punishing the offender and deterring them from repeating the offence
  - Deterring others from committing similar offences
  - Removing any financial benefit the offender may have obtained as a result of committing the offence
  - The landlord/letting agents assets and income
- 4.6 Where a landlord and a letting/managing/property agent have committed the same offence, a civil penalty can be imposed on both as an alternative to prosecution. The amount of penalty may differ depending on the circumstances of each party's involvement.
- 4.7 A person who has been issued with a civil penalty has a right of appeal to the First-Tier Tribunal and this will involve a re-hearing of the Council's decision to impose the civil penalty. The Tribunal has the power to confirm, vary (increase or reduce) or cancel the civil penalty that the Council has issued. The landlord or agent will be notified of their rights of appeal when served with a civil penalty.
- 4.8 Rent Repayment Orders - A local housing authority may apply to the First Tier Tribunal to make a rent repayment order to repay an amount of housing benefit or the housing component of universal credit, where a landlord has committed one or more of the following offences:
- Violence for securing entry to a premises – Criminal Law Act 1977
  - Eviction or harassment of occupiers of a premises – Protection from Eviction Act 1977
  - Failure to comply with an improvement notice – Housing Act 2004
  - Failure to comply with a prohibition order – Housing Act 2004

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- Control or management of an unlicensed HMO – Existing power under the Housing Act 2004
- Control or management of an unlicensed house – Existing power under the Housing Act 2004
- Breach of a banning order (this offence has not yet come into force) – Housing and Planning Act 2016

- 4.9 The amount of a Rent Repayment Order made by the First Tier Tribunal will be dependent upon the offence committed, the amount of rent paid during the specific 12 month time period and who is applying (whether it is a local authority or tenant). The amount the First Tier Tribunal may require the landlord to repay must not exceed the amount of rent paid (by the tenant) or the amount of housing benefit or housing component of Universal Credit that the landlord received (from the local authority) in respect of rent.
- 4.10 The legislation also requires that local authorities must have regard to any guidance given by the Secretary of State when deciding whether to apply for rent repayment orders. The Secretary of State has issued guidance that states that local housing authorities are expected to develop and document their own policy on when to prosecute and when to apply for a rent repayment order, and should decide each case independently.
- 4.11 Section 48 of the Act also places a new duty of local housing authorities to consider applying for a rent repayment order if they become aware that a person has been convicted of an offence (as 4.6 above) in relation to housing in that authority's area.
- 4.12 Tenants also have a right to apply to the First Tier Tribunal to make a rent repayment order. Section 49 of the Act specifies that local housing authorities may help a tenant to do this and may, for example, help the tenant to apply by conducting proceedings and by giving advice to the tenant.
- 4.13 A landlord may appeal against a decision of the First-tier Tribunal to the Upper Tribunal provided that permission to appeal has been given by the First-tier Tribunal or the Upper Tribunal.

## **5. Description of Issue to be resolved**

- 5.1 The provisions of the Housing and Planning Act 2016 which empower local authorities to impose Civil Penalties and apply for Rent Repayment Orders are now in effect. This report is to request that Cabinet endorse the use of these powers by the Council.
- 5.2 Section 3.3 of the Civil Penalties Guidance document (see Background Papers) states that local authorities are expected to develop and document their own policies on when to prosecute and when to issue a civil penalty. Section 3.1 of the Rent repayment orders guidance (see Background Papers) also states that local authorities are expected to develop and document their own policies. This report therefore seeks to endorse the proposed text included as Appendix One, to be added as an addendum to the Council's existing General Enforcement Policy.

## **6. Information & Analysis Supporting Recommendation**

- 6.1 Links to government guidance regarding the use of civil penalties and rent repayment orders are provided in section 8 of this report.

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## 7. Implications

- 7.1 Financial – The Council has the discretion to determine the size of civil penalty to be issued. The First Tier Tribunal determine the size of the rent repayment order.
- 7.2 Income received by the Council from a civil penalty, or from a rent repayment order (where the landlord was ordered to repay monies received as housing benefit/universal credit) can be retained by the local housing authority but it may only be used to further the local housing authority's statutory functions in relation to their enforcement activities covering the private rented sector.
- 7.3 Whilst the enforcement activity listed is expected to generate an income for the Council, the amount it is likely to generate is difficult to predict as it is entirely dependent on the circumstances of each case. However given that the number of prosecutions taken annually [for the offences listed] is low, the income generated is also likely to be low (less than £10,000 per annum).
- 7.4 Legal – There are several legal implications for the Council:
- Work will be required to develop administrative and legal procedures for imposing civil penalties and applying to the First Tier Tribunal for rent repayment orders.
  - Upon imposing a civil penalty, the landlord has a right of appeal, to which the Council will need to respond.
  - Unlike with a criminal prosecution where the criminal courts pursue payment of a fine (which does not go to the Council) and costs (which is paid to the Council), non-payment of rent repayment orders and civil penalties can be recovered as civil debts and this means that the Council itself will need to pursue, potentially including taking civil debt proceedings in court, to recover any unpaid civil penalties and rent repayment orders.
- 7.5 Equalities Impact – The Equalities Impact Assessment (as carried out by the Strategic Housing Performance, Policy and Project Officer) has identified that the implementation of this legislation will not have an adverse equalities impact. A copy of the assessment is at Appendix 2.
- 7.6 Environmental – There are no environmental implications resulting from use of this legislation.

## 8. Background Papers

<http://www.legislation.gov.uk/ukpga/2016/22/contents>

Civil penalties under the Housing and Planning Act 2016, Secretary of State's Guidance for Local Housing Authorities, April 2017 (<https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016> )

Rent repayment orders under the Housing and Planning Act 2016, Secretary of State's Guidance for Local Housing Authorities, April 2017 <https://www.gov.uk/government/publications/rent-repayment-orders-under-the-housing-and-planning-act-2016>

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## APPENDIX ONE

### The use of civil penalties and rent repayment orders under the Housing Act 2004

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#### 1.0 Introduction

Local authorities already have powers to apply for a rent repayment order for the following specified offences under the Housing Act 2004:

- Section 72 – Having control or management of an unlicensed House in Multiple Occupation (HMO) which is required to be licensed under Part 2 of the Housing Act 2004
- Section 95 – Having control or management of an unlicensed house which is required to be licensed under Part 3 of the Housing Act 2004

Part 2, Chapter 4 of the Housing and Planning Act 2016 introduced powers to apply for a rent repayment order for the following specified offences:

- Section 30, Housing Act 2004 – Failure to comply with an Improvement Notice
- Section 32, Housing Act 2004 – Failure to comply with a Prohibition Order
- Section 21, Housing Act 2004 – Breach of a Banning Order (once they come into force)
- Using violence to secure entry to a property under section 6 of the Criminal Law Act 1977
- Illegal eviction or harassment of occupiers of a property under section 1 of the Protection from Eviction Act 1977

Section 126 of the Housing and Planning Act 2016 gave local authorities the power to impose a civil [financial] penalty as an alternative to prosecution for specified offences under the Housing Act 2004:

- Section 30 – Failure to comply with an Improvement Notice
- Section 72 – Offences in relation to licensing of Houses in Multiple Occupation (HMO's)
- Section 95 – Offences in relation to licensing of houses under Part 3 of the Housing Act 2004
- Section 139 – Offences of contravention of an overcrowding notice
- Section 234 – Failure to comply with management regulations in respect of HMO's

The Department for Communities and Local Government (DCLG) published: “Rent Repayment Orders under the Housing and Planning Act 2016: Guidance for Local Authorities” and “Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities” as statutory guidance to which local authorities must have regard. They state that local authorities are expected to develop and document their own policy on determining when to apply for a rent repayment order and/or issue a civil penalty. This addendum to the Council's General Enforcement Policy seeks to guide Officers in use of these powers.

The offences to which these powers relate are enforced by the Private Sector Housing Team. If such an offence occurs, the Officer may, in consultation with the Private Sector Housing Manager, make a recommendation to the Head of Strategic Housing and Planning Services and the Head of Legal and Democratic Services who will jointly consider the recommendation. This approach ensures that enforcement decisions are consistent, balanced and fair.

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## 2.0 *Rent Repayment Orders*

### 2.1 *Deciding whether to apply for a Rent Repayment Order*

If a landlord has been convicted of any offence for which a rent repayment order (RRO) can be made and the offence was committed in their area, it *must consider* applying for a rent repayment order. Where there has not been a prior conviction, the local authority *may consider* applying for a rent repayment order.

If a conviction for a relevant offence has been obtained then it is normally expected that a rent repayment order will be pursued (where the Council have paid housing benefit, or the housing element of Universal Credit). The Tribunal must, in these cases, order that the maximum amount (12 months) of rent be repaid in these circumstances.

Where no conviction has taken place, the matrix below should be followed to help determine whether to pursue a RRO and the amount of rent to reclaim:

No.	Question	Outcome
1.	Has evidence been obtained to confirm that housing benefit/universal credit was paid directly or indirectly to the landlord over the relevant period?	If no – no case for RRO. If yes, proceed to step 2.
2.	Is there sufficient evidence to prove 'beyond reasonable doubt' that a relevant offence has been committed? (Is the evidence reliable? Is there no credible defence?)	If no – no case for RRO. If yes, proceed to step 3.
3.	Is it in the public interest to proceed to apply for an RRO? (consider the level of harm that has been caused)	If no – no case for RRO. If yes, proceed to step 4.
4.	Is pursuing an RRO proportionate to the offence?	If no – no case for RRO. If yes, proceed to step 5.
5.	Does the offender have any previous related convictions?	If yes – proceed to 2.2 below. If no, proceed to step 6.
6.	Where no previous offence – is the issuing of a RRO likely to deter offender from future offences?	If yes – proceed to 2.2 below. If no, consider closing and not pursuing.

### 2.2 *Mitigating and other factors which might tend against applying for an RRO*

Where the above indicates that the Council ought to proceed with an RRO, the Council should then consider whether applying for an RRO is likely to cause substantial hardship to the offender and/or whether there are mitigating circumstances or other factors which suggest that the Council should not proceed.

### 2.3 *Final decision whether to apply for an RRO*

The final decision as to whether to apply for an RRO will be made on a case by case basis. Each decision should be carefully considered, proportionate and balanced and should take all factors (including those in 2.2) into account.

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## 3.0 Civil Penalty Orders

### 3.1 Deciding whether to Prosecute or Issue a Civil Penalty

In deciding whether to undertake a prosecution or issue a civil penalty, the Officer will have regard to section 3.3 “Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities”. Each case will be decided on its own merits, however the following general principles will be considered when a decision is made whether to issue a civil penalty or to commence with a prosecution:

- A civil penalty will usually be preferred to prosecution where it is the person’s first offence (or first known offence), however where the offence is considered to be more serious a prosecution will be considered;
- For a second offence, if the offence is considered less serious a civil penalty will usually be considered, but in cases where the offence is considered to be more serious, a prosecution will usually be preferred;
- For subsequent offences, prosecution would usually be preferred.

### 3.2 Deciding the Amount of Penalty

If it has been determined that the use of a civil penalty is appropriate, section 3.5 of “Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities” sets out factors that should be considered in setting the penalty:

- Severity of the offence.
- Culpability and track record of the offender.
- The harm caused to the tenant.
- Punishment of the offender.
- Deter the offender from repeating the offence.
- Deter others from committing similar offences.
- Remove any financial benefit the offender may have obtained as a result of committing the offence.

In determining the level of a civil penalty, officers are to have regard to the matrix set out in table one below, which is to be read in conjunction with the associated guidance below. The matrix is intended to provide an indicative scale under the various offence categories, with the final level of the civil penalty being adjusted in each case to take into account other relevant or aggravating factors.

Table One – Scoring matrix

Band number	Severity of offence	Band width
1	Moderate	£0 - £4,999
2		£5,000 - £9,999
3	Serious	£10,000 - £14,999
4		£15,000 - £19,999
5	Severe	£20,000 - £24,999
6		£25,000 - £30,000

## 3.3 Use of the Scoring Matrix

### **Failure to comply with an Improvement Notice:**

Where a person or body controls five or fewer properties\*, the failure to comply with the requirements of an Improvement Notice would be viewed as a **moderate** matter, representing a minimum band 3 offence and attracting a civil penalty with an initial starting point of £10,000.

*\*For the purpose of this policy, this and every other reference to 'property' or 'properties' means any flat, house or other building (including a HMO whether or not it is licensed or required to be licensed) let as residential accommodation, or any combination of these.*

Where a person or body controls six or more properties, the failure to comply with the requirements of an Improvement Notice would be viewed as a **severe** matter, representing a minimum band 5 offence and attracting a civil penalty with an initial starting point of £20,000.

In determining the final level of civil penalty to be imposed, the Council will have regard to the non-exhaustive list of aggravating factors set out below and the non-exhaustive list of mitigating factors at 3.4. When determining the final level of penalty, officers should identify whether any combination of these factors, or other relevant factors, should result in an adjustment up (including up into another band) or down from the initial starting point specified above:

#### Aggravating factors:

- If there are present multiple hazards and/or severe/extreme hazards that are considered to have a significant impact on the health and/or safety of the tenant[s] in the property to justify an increase in the level of the civil penalty
- A previous history of non-compliance would justify an increased civil penalty. Examples of previous non-compliance would include works in default, and breaches of regulations/obligations, irrespective of whether these breaches had been the subject of separate formal action.

### **Failure to licence a mandatory HMO or breach of a condition of an HMO licence:**

Failure to comply with HMO licence conditions would be viewed as a **moderate** matter, representing a minimum band 1 offence and attracting a civil penalty with an initial starting point of £1,000.

Where a person or body controls five or fewer properties, the failure to licence a mandatory HMO would be viewed as a **serious** matter, representing a minimum band 3 offence and attracting a civil penalty with an initial starting point of £10,000. Where a person or body controls six or more properties, the failure to licence a mandatory HMO would be viewed as a **severe** matter, representing a minimum band 5 offence and attracting a civil penalty with an initial starting point of £20,000.

In determining the final level of civil penalty to be imposed, the Council will have regard to the non-exhaustive list of aggravating factors set out below and the non-exhaustive list of mitigating factors at 3.4. When determining the final level of penalty, officers should identify whether any combination of these factors, or other relevant factors, should result in an adjustment up (including up into another band) or down from the initial starting point specified above:

#### Aggravating factors:

- The condition of the unlicensed property and if the nature and extent of any significant hazards that are present would justify an increase in the level of the civil penalty. Equally, a



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mandatory HMO that was found to be poorly managed and/or lacking amenities/fire safety precautions and/or overcrowded would also justify an increased civil penalty.

- Any demonstrated evidence that the landlord/agent was familiar with their need to obtain a property licence e.g. being a named licence holder or manager in respect of an already licensed premises
- A previous history of non-compliance whether or not the subject of separate formal action.

## ***Breach of HMO regulations:***

In determining the level of penalty, the Council will initially consider the number and nature of the breaches of the HMO regulations. The circumstances of each breach can vary widely from case to case but, as a guide:

Where a person or body who controls five or fewer properties breaches the regulations by failing to provide tenants with their contact details or by failing to address minor disrepair, this will be regarded as **moderate** band 1 offence, attracting a civil penalty with an initial starting point of £1,000. Where a person or body controls six or more properties, these same offences would be regarded as **moderate** band 2 offences, attracting a civil penalty with an initial starting point of £5,000.

Where a person or body who controls five or fewer properties, breaches any other regulation/s this will be regarded as a **serious** minimum band 3 offence, attracting a civil penalty with an initial starting point of £10,000. Where a person or body controls six or more properties, these same offences would be regarded as a **severe** minimum band 5 offences, attracting a civil penalty with an initial starting point of £20,000.

In determining the final level of civil penalty to be imposed, the Council will have regard to the non-exhaustive list of aggravating factors set out below and the non-exhaustive list of mitigating factors at 3.4. When determining the final level of penalty, officers should identify whether any combination of these factors, or other relevant factors, should result in an adjustment up (including up into another band) or down from the initial starting point specified above:

Aggravating factors:

- The nature of the licence condition breaches and their impact upon the occupiers
- A previous history of non-compliance whether or not the subject of separate formal action.

## ***Failure to comply with an Overcrowding Notice:***

Where a person or body controls five or fewer properties fails to comply with an Overcrowding Notice, the offence would be regarded as a **serious** minimum band 3 offence, attracting a civil penalty with an initial starting point of £10,000. It would be considered a **severe** minimum band 5 offence, attracting a civil penalty with a starting point of £20,000, for a person or body controlling six or more properties.

In determining the final level of civil penalty to be imposed, the Council will have regard to the non-exhaustive list of aggravating factors set out below and the non-exhaustive list of mitigating factors at 3.4. When determining the final level of penalty, officers should identify whether any combination of these factors, or other relevant factors, should result in an adjustment from the initial starting point specified above:

Aggravating factors:

- The level of overcrowding present
- A previous history of non-compliance whether or not the subject of separate formal action.

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## ***Failure to comply with a Banning Order:***

Banning Orders are reserved for the most serious housing-related offences. In the event that the Council was satisfied that the offence of breaching a Banning Order had occurred, this would normally be the subject of prosecution proceedings. Where it was determined that a civil penalty would be appropriate in respect of a breach of a Banning Order, this would normally be set at the maximum level of £30,000 to reflect the severity of the offence.

## **3.4 *Mitigating factors***

Examples of mitigating factors that may be considered:

- The offender complied with the identified breach (for example by making an application to licence a previously unlicensed property) by the end of the representation period at the 'Notice of Intent' stage.
- The offender has taken other significant steps to remedy any deficiencies (such as significant steps to comply with an improvement notice).
- The offender fully cooperated with the Council in investigating the offence e.g. turned up for a PACE interview
- Acceptance of responsibility e.g. accepts guilt for the offence(s)
- The offender has joined a recognised landlord accreditation scheme
- Health issues impacted the offenders ability to comply – mental health, unforeseen health issues, emergency health concerns
- No previous convictions
- Vulnerable individual(s) where there vulnerability is linked to the commission of the offence

## **4.0 *Approval***

[If this addendum is approved by Cabinet the date of approval will be referenced here].

## APPENDIX TWO - EQUALITY IMPACT ASSESSMENT

<b>Name of activity:</b>	<b>Introduction of powers through the Housing and Planning Act 2016</b>	<b>Date Completed:</b>	<b>14<sup>th</sup> August 2017</b>		
<b>Division responsible for activity:</b>	<b>Strategic Housing &amp; Planning Services</b>	<b>Lead Officer:</b>	<b>Hannah Martin</b>		
<b>Existing Activity</b>	<input type="checkbox"/>	<b>New / Proposed Activity</b>	<input checked="" type="checkbox"/>	<b>Changing / Updated Activity</b>	<input type="checkbox"/>

### What are the aims / main purposes of the activity? (Why is it needed? What are the main intended outcomes?)

New powers have been introduced through the Housing and Planning Act 2016 to assist local authorities to tackle rogue landlords and letting agents:

- The use of civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences
- The extension of rent repayment orders to cover illegal eviction, breach of a banning order and certain other specified offences

Civil Penalties - The power to have the option of imposing a civil penalty as an alternative to prosecution was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016 for the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice
- Offences in relation to licensing of Houses in Multiple Occupation
- Offences in relation to licensing of houses under Part 3 of the Act
- Offences of contravention of an overcrowding notice
- Failure to comply with management regulations in respect of Houses in Multiple Occupation

A civil penalty can be imposed as an alternative to prosecution where the authority is satisfied beyond all reasonable doubt that an offence has been committed. However section 234(3) of the Housing Act 2004 provides that a person commits an offence if he fails to comply with a regulation. Hence, each failure to comply with HMO regulations constitutes a separate offence for which a civil penalty can be imposed. The maximum penalty per an offence is £30,000. The amount of penalty is to be determined by the authority and considered on a case by case basis. In determining an appropriate level of penalty, regard should be had to:

- The severity of the offence
- The culpability and track record of the offender
- The harm caused to the tenant
- Punishing the offender and deterring them from repeating the offence
- Deterring others from committing similar offences
- Removing any financial benefit the offender may have obtained as a result of committing the offence
- The landlord/letting agents assets and income

Where a landlord and letting/managing agent have committed the same offence, a civil penalty can be imposed on both as an alternative to prosecution. The amount of penalty may differ depending on the circumstances of the case.

Rent Repayment Orders - A local housing authority may apply to the first tier residential property tribunal to make a rent repayment order to repay an amount of housing benefit or universal credit, where a landlord has committed one or more of the following offences:

- Violence for securing entry to a premises
- Eviction or harassment of occupiers of a premises
- Failure to comply with an improvement notice
- Failure to comply with a prohibition order
- Control or management of an unlicensed HMO
- Control or management of an unlicensed house
- Breach of a banning order (this offence has not yet come into force and is expected to in October)

The amount of the Rent Repayment Order is dependent upon the offence committed, the amount of rent paid during the specific 12 month time period and who is applying (whether it is a local authority or tenant). The amount the landlord may be required to repay must not exceed the amount of rent paid (by the tenant) or the amount of Universal Credit that the landlord received (from the local authority) in respect of rent.

In determining the amount the tribunal will take into account:

- The conduct of the landlord
- The financial circumstances of the landlord
- Whether the landlord has been convicted that offence [for which they are receiving a rent repayment order]

Where the local housing authority becomes aware that a person has been convicted of an offence, under section 48 of the Act the Council must consider applying for a Rent Repayment Order.

#### **What are the main actions and processes involved?**

Legislation has come into force to allow local authorities to pursue civil penalties of up to £30,000 as an alternative to prosecution for a number of specified offences (as named above) under the Housing Act 2004, and the use of rent repayment orders has been extended to cover illegal eviction and other specified offences (as named above).

#### **Who is intended to benefit & who are the main stakeholders? (e.g. tenants, residents, customers or staff. How will they benefit?)**

These powers were introduced by Government to tackle rogue landlords and managing agents and are designed to benefit [the increasing number of] households that are living in private rented accommodation.

Have you already consulted on / researched the activity? **(What consultation has taken place & what were the key findings? What evidence already exists? Are there any gaps that need further investigation? What still needs to be done?)**

Government carried out a consultation in 2016 therefore further consultation is not required.

**Impact on people with a protected characteristic** (What is the potential impact of the activity? Are the impacts high, medium or low?)

Protected characteristics / groups	Is there an impact (Yes / No)	If Yes, what is it and identify whether it is positive or negative
<b>Age</b> (older / younger people, children)	No	Civil penalties and rent repayment orders can be applied if certain specified offences have been committed. The Act advises on the factors to be considered when deciding whether to pursue action under this legislation. The age of the offender or victim is not a factor in deciding whether to take action, nor will it affect/impact the outcome.
<b>Disability</b> (people with physical / sensory impairment or mental disability)	No	Whether a person has a disability or not has no bearing on the use of this legislation or the impact.
<b>Gender reassignment</b> (the process of transitioning from one gender to another.)	No	Whether a person is undergoing gender reassignment has no bearing on the use of this legislation or the impact.
<b>Marriage &amp; civil partnership</b>	No	Whether a person is married or in a civil partnership or not has no bearing on the use of this legislation or the impact.
<b>Pregnancy &amp; maternity</b> (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	No	Whether a person is pregnant or on maternity has no bearing on the use of this legislation or the impact.
<b>Race</b> (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	No	A person's race has no bearing on the use of this legislation or the impact.
<b>Religion &amp; belief</b> (religious faith or other group with a recognised belief system)	No	A persons religious beliefs have no bearing on the use of this legislation or the impact.
<b>Sex</b> (male / female)	No	A person's gender has no bearing on the use of this legislation or the impact.

<b>Sexual orientation</b> (lesbian, gay, bisexual, heterosexual)	No	A person's sexual orientation has no bearing on the use of this legislation or the impact.
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Whilst <b>Socio economic</b> disadvantage that people may face is not a protected characteristic; the potential impact on this group should be also considered	No	Whilst a person's socio economic status has no bearing on whether this legislation would be used, by law a landlord or managing agent's financial circumstances is to be taken into account when deciding the level of civil penalty to pursue. The residential property tribunal determine the size of the rent repayment order therefore the Council are not responsible for this decision.
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**What evidence has been used to assess the likely impacts?** (e.g. demographic profiles, research reports, academic research, benchmarking reports, consultation activities, staff surveys, customer surveys, public surveys, complaints, grievances, disciplinary cases, employment tribunal cases, ombudsman cases, media reports)

Government have already carried out an impact assessment, a link to which is included in the Cabinet report.

**What resource implications are there to deliver actions from this EIA?** (Quantify: people, time, budget, etc.)

Financial – The Council has the discretion to determine the size of civil penalty to be issued. Income received from a civil penalty can be retained by the local housing authority provided that it is used to further the local housing authority's statutory functions in relation to their enforcement activities covering the private rented sector. The first tier property tribunal determine the size of the rent repayment order.

Legal – These powers have been brought in through legislation to enable local authorities to more efficiently deal with problematic landlords. No adverse impacts are anticipated from their use. A policy will be published in due course regarding use of these enforcement powers.

**Outcome following initial assessment**

Does the activity have a <b>positive</b> impact on any of the protected groups or contribute to promoting equality, equal opportunities and improving relations within target groups?	No	
Does the activity have a <b>negative impact</b> on any of the protected groups, i.e. disadvantage them in any way.	No	

**Decision following initial assessment**

<b>Continue with existing or introduce new / planned activity</b>	Yes	<b>Amend activity based on identified actions</b>	No
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**Action Plan** (Has the EIA identified any positive or negative impact on any of the protected groups which requires action? E.g. adjustments to the approach or documents, changes to terminology, broadening parameters of policy, etc. If so record any actions to be undertaken and monitored)

Impact identified	Action required	Lead Officer	Deadline
Periodically review the use of civil penalties and rent repayment orders to ensure that we are being fair and proportionate in their application and that we are consistent in the fines imposed [for civil penalties].	Periodically review use of civil penalties and rent repayment orders	HM	NA
<b>Monitoring &amp; Review</b>			
<b>Date of last review or Impact Assessment:</b>		Not applicable	
<b>Date of next 12 month review:</b>		August 2018	
<b>Date of next 3 year Impact Assessment (from the date of this EIA):</b>		August 2020	

<b>Date EIA completed:</b>	14 <sup>th</sup> August 2017
<b>Signed by Person Completing:</b>	Hannah Martin
<b>Date Sent to HR and Equalities Team:</b>	10 <sup>th</sup> August 2017
<b>Approved by Head of Service:</b>	19 <sup>th</sup> October 2017

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## Crawley Borough Council

**Report to Cabinet  
29 November 2017**

### **Brownfield Land Register**

Report of the Head of Strategic Housing and Planning, **SHAP/65**

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#### **1. Purpose**

- 1.1 The council is legally required to publish a Brownfield Land Register before 31 December 2017 and review it at least annually thereafter.
- 1.2 A decision is sought both regarding the publication of the draft Brownfield Land Register in December 2017, and regarding arrangements for the future discharge of the council's responsibilities relating to the Register.

#### **2. Recommendations**

##### 2.1 To the Cabinet

##### 2.1.1 That the Cabinet

- 1. Notes the representations and responses to the Consultation;
- 2. Approves the Brownfield Land Register as set out in Appendix 1 for publication;
- 3. Delegates to the Head of Strategic Housing and Planning in consultation with the Cabinet Member for Planning and Economic Development the revision and maintenance of Part 1 of the Brownfield Land Register, such revision being limited to taking account of new planning permissions, or new allocations of land for housing made via the Local Plan review process.

##### 2.1.2 That the Cabinet recommend to Full Council that the Constitution be amended so the following functions are the remit of the Planning Committee:

- 1. Power to approve sites for entry into Part 2 of the Brownfield Land Register;
- 2. Power to decline to approve sites for entry into Part 2 of the Brownfield Land Register;
- 3. Power to determine applications for Permission in Principle;
- 4. Power to determine applications for Technical Details Consent;

And that those functions 1-4 be delegated to the Head of Economic and Environmental Services.

#### **3. Reasons for the Recommendations**

- 3.1 The recommended approach will enable the council to comply with the requirement to publish a Brownfield Land Register by 31 December 2017, and to subsequently perform its functions regarding the Register, in a lawful and appropriate manner.

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## 4. Background

- 4.1 The preparation, maintenance and publication of The Brownfield Land Register is a new legal requirement, established by the Housing and Planning Act 2016, and introduced by the Town and Country Planning (Brownfield Land Register) Regulations 2017. It is a Register of previously developed land, within the area of a local authority, meeting certain criteria regarding potential for residential development.
- 4.2 The Register is intended to publicise brownfield sites with the aim of facilitating their use to deliver 'housing-led' development, in support of the government's agenda of increasing the supply of housing.
- 4.3 As well as functioning as an information source, the Brownfield Land Register is also designed as a means of granting a new type of planning consent called 'Permission in Principle'. Permission in Principle is a stepping-stone towards planning permission. In order to achieve planning permission a further consent called 'Technical Details Consent' must be secured.
- 4.4 The 2017 Regulations require The Brownfield Land Register to be produced into two parts:
- Part 1 is a list of all sites which are considered to meet the legislative criteria of being "suitable, available and achievable" for development and
  - Part 2 of the Register will comprise only of those sites in Part 1 that the Local Planning Authority (LPA) has decided would be suitable for a grant of Permission in Principle.

Part 1 must be published and reviewed at least annually according to the Regulations. The entry of sites on Part 2 of the Register is a discretionary, non-executive, function, subject to procedures similar to other types of planning permission. There is no intention for sites to be included in Part 2 of the Register at this stage.

- 4.5 All sites which meet the criteria set out in the Regulations should be included in Part 1 of the Register. Sites for inclusion in Part 1 must meet the following criteria:
- Land area of at least 0.25ha or the site have capacity to support at least 5 dwellings;
  - Must be **available**<sup>1</sup>;
  - Must be **achievable**<sup>2</sup>.

For the site to be considered **suitable** for housing development, it may be allocated in the Local Plan; have planning permission for residential development; or be considered suitable by the local planning authority, when considering adverse impact upon the natural or built environment or the amenity of occupiers or neighbouring properties, in having regard to the Local Plan policies and the National Planning Policy Framework (NPPF).

- 4.6 The government has published a [Data Standard](#) setting out what information should be included regarding each site on the Register, and how it should be presented. The Register is required to be presented in spreadsheet form. The prescribed information is mostly descriptive, but Register entries are also required to include figures for site capacity. Maximum dwelling totals are required where there is no

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<sup>1</sup> Capable of development within 15 years.

<sup>2</sup> Landowner has the intention to develop or a developer has indicated such an intention, or the local authority does not consider there are any issues relating to the ownership of the land or legal impediment which might prevent residential development of the land taking place.

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permission or consent in place, and minimum totals are required for all sites. Except where sites are granted Permission in Principle via the Register these figures have no direct consequences in terms of the planning process, and are not binding on future planning applications.

## Public Consultation

- 4.7 The legislation allows for discretionary consultation on Part 1 of the Register, and this was considered appropriate in light of the Council's Statement of Community Involvement and the novel nature of the Register. A draft of the proposed Register and an accompanying summary document were published on the Council's website for a four-week consultation between 2 October and 30 October 2017. In addition, the Council carried out a Call for Sites consultation over the same period, inviting members of the public and interested parties to submit details of additional sites meeting the Register criteria. For this purpose a response form and associated guidance were published on the Council's website.
- 4.8 Representations arising from the consultation and Officers' responses to them are set out in Appendix 3. The main changes arising are as follows:
- Inclusion of Fire Station, Ifield Avenue, West Green, as a site capable of providing between 0 and 48 dwellings (with the maximum dependent on removal of the fire station to a different site). This site already features in the council's Housing Trajectory with an indicative capacity of 48.
  - Amendment to the boundary shown on the site plan for the Ambulance Station, Ifield Avenue, to exclude non-Brownfield land.
  - Additional information provided in the 'Notes' column regarding site constraints. This is taken from existing public sources.
- 4.9 No new sites were put forward in response to the Call for Sites.

## Final Brownfield Land Register

- 4.11 The Brownfield Land Register proposed for approval to publish as the final version is attached as Appendix 1. In order to meet the government requirements, this will be published in the following formats:
- CSV
  - Excel
  - PDF Summary Document (attached as [Appendix 2](#))

## **5. Description of Issue to be resolved**

- 5.1 As described in sections 1 to 3 above, the recommendations are seeking to respond to the new legal requirements introduced by the Town and Country Planning (Brownfield Land Register) Regulations 2017.

## **6. Information & Analysis Supporting Recommendation**

- 6.1 The recommendations seek to comply with the requirements of the Regulations within the required time frame without diverting resources unnecessarily from other key work areas and priorities.
- 6.2. Apart from the recommendations detailed in sub-paragraph 2.1.2 the proposed approach is concerned only with Part 1 of the Register. Since the inclusion of sites in Part 2 of the Register is discretionary there are currently no plans to undertake further work in this area, but the recommendations detailed under 2.1.2 will give the Planning Committee the ability to add sites to Part 2 if the Council chooses to put any forward for consideration in future.

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- 6.3 The recommendations relating to Part 1 of the Register are largely considered to follow on mechanically from the legal requirements set out in the Regulations. However, particular attention is drawn to the following areas where the council has some discretion:
- Arrangements for delegation of approval of future updates to the Register (recommendation 3 under sub-paragraph 2.1.1);
  - Approach to setting 'maximum' and 'minimum' dwelling totals for Register sites, where required. The figures given are explained in the final three columns of the spreadsheet.
- 6.4 Individual entries in Part 1 of the Register may be amended or removed in response to new information as part of the process of review required by the Regulations.

## **7. Implications**

### Financial Implications

- 7.1 There are no identified items of expenditure arising from the recommendations.
- 7.2 A [letter](#) from the Chief Planning Officer to Local Planning Authorities in England dated 31/03/2017 stated as follows in respect of the duties arising from the Regulations:  
'Each local authority responsible for making planning decisions will receive a new burdens grant payment of £14,645 for 2016/17. Local planning authorities will receive further grant payments for 2017/18, 2018/19 and 2019/20; the amount of funding from 2016/17 onwards will be kept under review.'

### Legal Implications

- 7.3 As set out in paragraph 4.1, The Town and Country Planning (Brownfield Land Register) Regulations 2017 places a duty on Local authorities to prepare, maintain and publish a register of brownfield sites suitable for residential development by 31<sup>st</sup> December 2017. By publishing the Register before the end of 2017, the Council will comply with this duty.
- 7.4 Regulation 19 specifically excludes any decision to include land in Part 2 of the Register and to grant planning permission in principle from being an executive decision. The recommendations detailed in sub-paragraph 2.1.2 are considered to enable the council to fulfil its functions under the Regulations in a lawful and proportionate manner.

### Staffing Implications

- 7.5 Work on the Brownfield Land Register Part 1 will be ongoing and will require input both from the Forward Planning and the Development Management teams. This is to be met from existing staff resources. There is some overlap with existing Forward Planning responsibilities such as the monitoring of housing land supply, so not all the work involved will be additional to current functions.
- 7.6 The consideration of sites for entry in Part 2 of the Register is not currently proposed, but would require significant additional input from the Forward Planning and Development Management teams.

### Customer Implications

- 7.7 The Brownfield Land Register is intended to make information about brownfield sites clearer and more easily accessible, and to facilitate the delivery of new housing-led

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development. This should have benefits for local residents and businesses as well as landowners and developers.

## Equalities Implications

- 7.8 The relevant implications are the Customer Implications detailed above. These are considered to have no adverse impact on any group protected by the Equalities Act 2010, and should instead have net benefits, e.g. through the availability of a wider choice of new homes.

## Environmental Implications

- 7.9 The sites in the draft Register have already been subject to some degree of consideration via the planning process or the Local Plan examination, and their inclusion in the Register does not supersede any requirement for further permissions. In particular the approach taken by the Register falls within the framework of the Local Plan Policies listed below, which have been subject to Sustainability Appraisal:
- SD1: Presumption in Favour of Sustainable Development;
  - H1: Housing Provision;
  - H2: Key Housing Sites;
  - EC6: Development Sites within the Town Centre Boundary

## Risks

- 7.10 The main risk is that the Register may overestimate the number of dwellings which a site is capable of providing and/or fail to take account of site constraints, thereby encouraging the purchase of land at inflated prices, and making it harder later on to secure sustainable, policy-compliant development. The proposed Register is therefore cautious in estimating site capacity.

## **8. Background Papers**

Legislation:

[Housing and Planning Act 2016 \(sections 150-151\)](#)

[The Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#)

[The Town and Country Planning \(Permission in Principle\) Order 2017](#)

Guidance:

[Brownfield Land Register & Permission in Principle FAQs](#)

[Brownfield Land Registers](#)

[Permission in Principle](#)

[Brownfield Land Registers Data Standard](#)

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01293 438644

Organisation/URI	OrganisationLabel	SheetReference	Previousity	SiteNameAddress	Siteplan	Coordinate(GeoX)	GeoY	Hectares	Ownership	Deliverable	PlanningStatus	Permissions	Permissions	PlanningProposed	MinNetDwellings	DevelopmentDescription	NonhousingDevelopment   Part2	NetDwellings	NetDwellings	Hazardous5	SiteInformation	Notes	FirstAdvised	LastUpdated	MinNetDwellingsComment	NetDwellingsRange	NetDwellingsRange	Comment
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018001		14, 20 The Broadway, Red	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11116	-0.1977678	0.11	not owned by us	not deliverable	not commissioned	full planning	2016-08-20		Demolition of existing building and erection of 18 residential units at ground level		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Planning permission CR2015006	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the allocation figure given in Local Plan policy H2 (Key Housing Sites) and on previously approved (now expired) scheme CR2013005FUL				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018002		171 Brook Walk, Northgate	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11116	-0.1866292	0.06	not owned by us	not deliverable	not commissioned	full planning	2015-06-04		Change of use of first floor retail space to 3 x private flats and 4 x one bedroom flats with associated works to ground floor existing use		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Planning permission CR2015011	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the assumption of implementation of approved scheme CR2015003FUL				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018004		144 Goffs Park Road, Normy	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11111	-0.1977453	1.01	not owned by us	not deliverable	not commissioned	not commissioned					0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Allocated as a residential key site	2017-12-13	2017-12-13	Minimum Dwellings of 0 reflects the Minimum Dwellings of 0 based on allocation figure in Local Plan Policy H2 (Key Housing Sites) (C3 scenario)				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018006		17, 13 The Broadway A1, 1	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11116	-0.1978675	0.09	not owned by us	not deliverable	not commissioned	full planning	2016-03-01		Conversion of 4 alterations to 1st & 2nd floors for retention & refurbishment of existing ground floor retail (A1) units		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Planning permission CR2015005	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the assumption of implementation of approved scheme CR2015004FUL				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018007		Waterways House, Station Way	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11113	-0.1883793	0.16	not owned by us	not deliverable	not commissioned	full planning	2017-08-01		Prior approval for change of use of ground floor (part), 1st floor, 2nd floor (part) and 3rd floor from B1 (office) to C3 (residential) for 28		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Prior approval CR2017047343	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on an initial assessment, assuming a policy-compliant scheme and retention of the existing building				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018008		Car Park adjacent to Central	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11112	-0.1814658	0.05	not owned by us	not deliverable	not commissioned	full planning	2017-07-18		Demolition of existing car park and the erection of a car 3 storey, car 6 storey & car 9 storey building to provide a total of 91 flats with		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Identified as the Local Plan Housing	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the assumption of implementation of approved scheme CR2016008FUL, which the council has resolved to grant planning permission subject to completion of a S106 agreement				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018009		Car Park, 11-13 The Rode	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11115	-0.1866388	0.15	not owned by us	not deliverable	not commissioned	full planning	2017-08-31		Prior approval for change of use from B1 (office) to C3 (residential) for 9 apartments, with cycle parking and refuse storage		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Planning permission CR20170464943	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on an initial assessment, assuming a policy-compliant scheme and retention of the existing building				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018010		1 Cowley Buildings, Normy	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11117	-0.1830162	1.07	not owned by us	not deliverable	not commissioned	full planning	2017-08-31		Prior approval for change of use from B1 (office) to C3 (residential) for 9 apartments, with cycle parking and refuse storage		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Identified as a Town Centre Key	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the assumption of implementation of approved scheme CR2016006FUL				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018012		First & Second Floor 34-40	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11115	-0.1866388	0.15	not owned by us	not deliverable	not commissioned	full planning	2017-08-31		Prior approval for change of use from B1 (office) to C3 (residential) for 9 apartments, with cycle parking and refuse storage		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Identified as a Town Centre Key	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on an initial assessment, assuming a policy-compliant scheme and retention of the existing building				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018013		Former local authority SW	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11111	-0.2011686	0.03	not owned by us	not deliverable	not commissioned	full planning	2017-08-25		Construction of 22 flats in four blocks and 22 houses in five terraces		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Allocated as a residential key site	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the assumption of implementation of approved scheme CR20161053FUL				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018014		Former FSB Site, Broomfield	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11111	-0.1807814	0.13	not owned by us	not deliverable	not commissioned	full planning	2017-08-10		Construction of 49 flats		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Allocated as a residential key site	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the allocation figure given in Local Plan policy H2 (Key Housing Sites)				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018015		Former Post Office, Stone	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11118	-0.1867187	0.02	not owned by us	not deliverable	not commissioned	full planning	2017-08-10		Construction of 2 flats		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Allocated as a residential key site	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the assumption of implementation of approved scheme CR2016006FUL				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018019		Land sold and on 24 Broomfield	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11111	-0.1868879	0.26	not owned by us	not deliverable	not commissioned	full planning	2015-03-03		Erection of 14 new apartments, 20m and 30m of office floor space		0	182		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Identified as a residential key site	2017-12-13	2017-12-13	Minimum Dwellings of 0 reflects the Minimum Dwellings of 0 based on the emerging Town Hall redevelopment scheme				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018020		Land sold and on 24 Broomfield	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11112	-0.1866382	0.09	not owned by us	not deliverable	not commissioned	full planning	2017-08-10		Erection of 14 new apartments, 20m and 30m of office floor space		0	48		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Allocated as a residential key site	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the assumption of implementation of approved scheme CR2016006FUL				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018021		Former House, Station Way	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11112	-0.1863636	0.07	not owned by us	not deliverable	not commissioned	full planning	2017-08-10		Full-time residential use, 20m and 30m of office floor space, and associated works, including use of		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Identified as a Town Centre Key	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the assumption of implementation of approved scheme CR2016006FUL				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018022		Former House, London Road	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11112	-0.1872059	0.02	not owned by us	not deliverable	not commissioned	full planning	2016-02-26		External alterations and extensions to existing building in connection with its use as 111 flats (use class C4), together with site works to		0	111		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Planning permission CR2015004	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the assumption of implementation of approved scheme CR20150465FUL				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018027		Waterford House, Broomfield	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11114	-0.1882014	0.02	not owned by us	not deliverable	not commissioned	full planning	2016-10-11		Prior notification of office to residential (C3) conversion 2/30 studio apartments, with 200 cycle parking spaces and 160 parking spaces		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Prior approval CR20160064943	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on an initial assessment, assuming a policy-compliant scheme and retention of the existing building				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018028		Tyford Place, Three Bridges	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11104	-0.1821256	1.48	not owned by us	not deliverable	not commissioned	full planning	2016-02-26		Prior notification of office to residential (C3) conversion 2/30 studio apartments, with 200 cycle parking spaces and 160 parking spaces		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Identified as a Town Centre Key	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the assumption of implementation of approved scheme CR2015003FUL				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018029		12 High House, East Park	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11112	-0.1865361	0.13	not owned by us	not deliverable	not commissioned	full planning	2017-08-10		Construction of 69 flats		0	69		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Allocated as a residential key site	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the assumption of implementation of approved scheme CR2016006FUL				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018030		Ambridge Station, Field A	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11122	-0.1872088	0.18	not owned by public authority	not deliverable	not commissioned	full planning	2017-08-10		Construction of 5 flats with 10m of office floor space		0	5		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Identified as the Local Plan Housing	2017-12-13	2017-12-13	Minimum Dwellings of 0 is based on the allocation figure given in Local Plan policy H2 (Key Housing Sites), and on formerly approved (now expired) planning permission CR20160223FUL				
<a href="http://openedatocouncils.org/organisation/crawley-borough-council">http://openedatocouncils.org/organisation/crawley-borough-council</a>	Crawley Borough Council	CR2018031		Fire Station, Field Avenue	<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	E11112	-0.1866763	0.42	not owned by public authority	not deliverable	not commissioned	full planning	2017-08-10		Demolition of existing building and erection of 48 residential units at ground level		0	0		<a href="http://www.crawley.gov.uk">http://www.crawley.gov.uk</a>	Identified as the Local Plan Housing	2017-12-13	2017-12-13	Minimum Dwellings of 0 reflects the Minimum Dwellings of 0 based on the figure given in the Crawley Borough Local Plan Housing Trajectory, and assumes removal of fire station from the site.				

### SHAP/65 APPENDIX 3: CONSULTATION REPRESENTATIONS<sup>1</sup>

Representor	Site	Summary of comments	Council response
Savills, on behalf of Aberdeen Asset Management PLC	Former TSB Site, Russell Way, Three Bridges (CBCBLR002)	Recommended that minimum net dwelling total be increased from 40 to 95, bearing in mind: <ul style="list-style-type: none"> <li>- Pre-application discussions</li> <li>- Proximity of site to public transport connections and local facilities/amenities</li> <li>- Unmet housing need within Crawley and wider Housing Market Area, after taking account of planned delivery</li> </ul>	Logically these are considered to be reasons relevant to the <i>maximum</i> rather than the <i>minimum</i> net dwelling total. Internal work regarding capacity of site is ongoing, but at present the council is not in a position to set a specific figure above 40 dwellings. This does not prejudice future applications for schemes exceeding this figure.
Aerodrome Safeguarding, Gatwick Airport Limited	All	Request consultation regarding any sites being put forward for Part 2 of the Register to gain 'Permission in Principle'	Noted.
Historic England	All	Refers to published advice; general recommendations on methodology concerning impact on heritage assets	Noted.
Natural England	All	General advice regarding approach to consulting NE and taking account of environmental/biodiversity issues	Noted.
Mr W Singh-Kakol	21 Broad Walk, Northgate (CBCBLR014)	Supports inclusion of site in Brownfield Register	Support noted.
Sport England	All	No comments, bearing in mind that no playing fields are affected.	Noted.
Sussex Wildlife Trust	All	General Guidance provided  Recommends publication of an Annex of rejected sites	Noted.  No additional sites were put forward in response to the Call for Sites. The Annex may be something to consider in future but it is also considered that

<sup>1</sup> This does not include representations which purely consisted of information regarding site ownership.

	Ambulance Station, Ifield Avenue, West Green (CBCBLR030)	<p>Recommends provision of further information on sites constraints/mitigation required in the 'notes' column</p> <p>Recommends consultation on future sites added to Part 1 of the Register</p> <p>Queries inclusion of site and requests specifically that site boundary shown is amended to take account of proximity of Ewhurst Wood Local Wildlife Site</p>	<p>this would be more appropriate for the SHLAA, which is not subject to the same detailed data standards.</p> <p>Additional information available from existing sources in the public domain has been added.</p> <p>Since there are statutory consultation requirements for Part 2, and since Part 1 must be reviewed at least annually this further form of consultation for Part 1 is not considered necessary</p> <p>The boundary shown for consultation purposes was the same as used in the SHLAA, but it has been amended for reasons given and in light of government guidance re sites which are not wholly Brownfield.</p>
Savills, on behalf of Thames Water	All Ambulance Station, Ifield Avenue, West Green (CBCBLR030); Former TSB Site, Russell Way, Three Bridges (CBCBLR014); Longley Building, East Park, Southgate (CBCBLR020); Telford Place, Three Bridges (CBCBLR028); Town Hall, the Boulevard (CBCBLR018); Zurich House, East Park, Southgate (CBCBLR029)	<p>General advice.</p> <p>On information available to date concerns are not envisaged in relation to these sites regarding wastewater infrastructure capacity</p>	<p>Noted.</p> <p>Noted.</p>



<p>Valuations and Estates, West Sussex County Council</p>	<p>County Buildings, Northgate (CBCBLR010)</p> <p>Fire Station, Ifield Avenue, West Green</p> <p>Land Adjacent Desmond Anderson, Tilgate</p>	<p>Site can accommodate a higher maximum than the Local Plan allocation of 50 – refers to ongoing feasibility work</p> <p>Notes that this Housing Trajectory Site is not included in the draft Register, and recommends inclusion</p> <p>Notes that this Housing Trajectory Site is not included in the draft Register, but that since the site is allocated in the Local Plan this should not be an impediment to its being brought forward</p>	<p>On basis of early feasibility work maximum total of 150 is included. This does not prejudice future applications for schemes exceeding this figure.</p> <p>Considered that this site can be included. Maximum net dwelling total of 48 from Local Plan on basis that this excludes a fire station on site. Minimum of 0 allowing for commercial redevelopment.</p> <p>Noted.</p>
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## Crawley Borough Council

**Report to Cabinet  
29 November 2017**

### **2017/2018 Budget Monitoring - Quarter 2**

Report of the Head of Finance, Revenues & Benefits, **FIN/427**

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#### **1. Purpose**

- 1.1 The report sets out a summary of the Council's actual revenue and capital spending for the second Quarter to September 2017. It identifies the main variations from the approved spending levels and any potential impact on future budgets.

#### **2. Recommendations**

- 2.1 The Cabinet is recommended to:

**a) Note the projected outturn for the year 2017/2018 as summarised in this report.**

**b) Request that each member of Corporate Management Team in consultation with the Head of Finance, Revenues and Benefits, use their virement delegations to make a one off payment to staff of £250.00 (pro-rata for part time staff) as outlined in Section 8 of this report.**

- 2.2.1 The Cabinet request that **Full Council**

**Agree to allocate £8.0m of 1-4-1 receipts and approximately £7.5m of General Fund receipts for affordable housing on the Town Hall site development as outlined in paragraph 9.24 of this report.**

#### **3. Reasons for the Recommendations**

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

#### **4. Background**

- 4.1 As part of the Budget Strategy, the Council has in place robust budget monitoring systems to ensure that unapproved overspends are avoided. The Council also manages and analyses underspending to identify potential savings that could help meet current and future years' priorities.

- 4.2 Budget monitoring is undertaken on a monthly basis with budget holders. There are quarterly budget monitoring reports to Cabinet with the Corporate Management Team receiving monthly update reports on key areas and any other areas of concern. The Overview and Scrutiny Commission also have the opportunity to scrutinise

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expenditure. Quarterly monitoring information is also included in the Councillors' Information Bulletin.

- 4.3 This report outlines the projected outturn for 2017/2018 as at the end of September 2017.

## 5. Budget Monitoring Variations

### 5.1 General Fund

The table below summarises the projected variances in the relevant Portfolio at Quarter 2.

[F indicates that the variation is favourable, U that it is unfavourable]

Further details of these projected variances are provided in Appendix 1(i & ii) attached to this report.

	Variance at Quarter 2 £'000		Variance at Quarter 1 £'000
Cabinet	(17)	F	(38)
Public Protection & Community Engagement Resources	16	U	19
Environmental Services & Sustainability	79	U	(30)
Housing	(97)	F	(35)
Wellbeing	(674)	F	(417)
Planning & Economic Development	(107)	F	(21)
	(69)	F	(12)
Investment Interest	(228)	F	(122)
New Homes Bonus	(8)		(8)
<b>TOTAL SURPLUS</b>	<b>(1,105)</b>	<b>F</b>	<b>(664)</b>

In addition there is £69,000 available for investment in Tilgate Park and Nature Centre (this was £106,000 at quarter 1). The poor weather over the summer months reduced this projected surplus

### 5.2 Significant variances variations over £20,000

#### 5.2.1 Cabinet

There are no significant variations to report this quarter.

#### 5.2.2 Public Protection & Community Engagement

There are no significant variations to report this quarter.

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## 5.2.3 Resources

The cost of the audio equipment for future members meetings has been met from underspends identified within Legal and Democratic services, this equipment can be used in different meeting rooms.

## 5.2.4 Environmental Services & Sustainability Services

Imported food – due to the lack of trade for imported food at the airport the budget for disposal charges is not required, this will be removed from future years budgets.

## 5.2.5 Housing Services

There are more overpaid housing benefit claims being identified through HMRC data matching, this is where income has not been disclosed to the benefits team. This is an initiative which matches data from several sources such as pay and pension income. A provision for these overpayments has been built into future financial projections.

The numbers in nightly paid accommodation are significantly lower compared to the same time last year: 18 compared to 61, this is due to a real drive to reduce the cost of expensive nightly paid accommodation and the overall time spent in all forms of Temporary Accommodation (TA) to achieve a better flow through our own TA stock. We have managed to maintain the low numbers in nightly paid TA despite the number of new builds and available properties decreasing (as predicted) through the temporary quota system on the Allocations Policy.

## 5.2.6 Wellbeing

Tilgate Park & Nature Centre was projecting additional income of £106,000 at quarter one. This projection has reduced to £69,000 as at quarter two. The surplus is transferred to a reserve for reinvestment in the park at the end of each financial year; as part of the five year Tilgate Park investment plan.

The community arts team currently has a vacancy, in addition the team is looking at being more commercial and achieving more income.

There have been several vacancies within the Streetscene team, these posts are in the process of being filled and are not ongoing.

## 5.2.7 Planning & Economic Development

There are staff savings within the property team, a restructure is taking place and will result in a permanent saving, in addition income targets are slightly over budget.

## 5.2.8 Investment Income

A review of interest projections have been undertaken, taking into account the latest projections in the capital programme. The recent increase in interest rates has also been factored into these projections.

## 6. Virements

Virements up to £50,000 can be approved by Heads of Service under delegated powers and reported to Cabinet for information.

- 6.1 The building survey undertaken for the letting of the Hawth Theatre identified the air conditioning unit would require replacing from 2017 onwards. A sum of £45,000 was approved for this work. When further reviews were undertaken on the units it was reported that they were in a good standard of repair and would not require replacing for

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some time. The lifecycle report for Broadfield Stadium identified a critical failure with the direct fired water system which required replacement. The cost of this replacement is £45,000, a virement was therefore agreed by the Head of Partnership Services to undertake this work.

## 7. Council Housing Service – Revenue

7.1 The table below provides details of the 2017/2018 HRA variances.

### HOUSING REVENUE ACCOUNT

	Q2 Variation £000's		Q1 Variation £000's
Income			
Rental Income	(118)	F	(118)
Other Income	(47)	F	(40)
Interest Received on balances	0		0
	(165)	F	(158)
Expenditure			
Employees	63	U	89
Repairs & Maintenance	(253)	F	0
Other running costs	(10)	F	(30)
Support services	0	F	0
	(199)	F	59
Net (Surplus) / Deficit	(364)	F	(99)
Available to fund future investment in housing	364		99

Further details of these projected variances are provided in Appendix 1(iii & iv).

7.2 There is a predicted underspend of £230,000 on cyclical maintenance mostly as result of improvements to the flow of work in gas serving and boiler renewals creating additional capacity for engineers. This has meant reduced need for both agency staff and sub-contractors to meet peaks in demand.

7.3 As part of the decant process documents have been archived onto the EIM system in order to reduce paperwork within Crawley homes, the cost of this is £37,000.

## 8. One off payment to staff

8.1 The projections above show both underspends on the General Fund and the HRA.

8.2 It is recommended that the Cabinet instructs Heads of Service to make a one off additional payment of £250 as part of the Crawley Allowance to each member of staff in their December pay; this payment will be made pro rata for part time staff. Also that Cabinet approve the equivalent payment, via virement for the Chief Executive, Deputy Chief Executive and the other Heads of Services.

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- 8.3 This payment would be in recognition that staff have had pay freezes followed by a pay cap of 1% over several years. Locally and nationally Local Government employees have seen the impact of this long term pay freeze. The recent increase in interest rates may have further impacted upon staff. Whilst this is not part of the collective national pay negotiation the Crawley allowance is locally determined. The cost of this payment will be approximately £145,600 for the General Fund and £32,500 for the HRA. After deductions for Income Tax, National Insurance and Employee Pensions contributions the average take home payment received by staff will be approximately £153.00 for grades up to 'K' and £120.00 for higher graded posts.
- 8.4 Heads of Service, The Chief Executive and Deputy Chief Executive have been consulted on this proposal which can be funded from the in-year underspend and is within the Heads of Service's delegated virement limits.

## 9. Capital

- 9.1 The table below shows the 2017/18 projected capital outturn and proposed carry forward into 2018/19. Further details on the Capital Programme are provided in Appendix 2 to this report.

	Latest Budget 2017/18	Spend to Qtr 2	Estimated Outturn 2017/18	Re-profiled to/(from) future years	Under Spend
	£000's	£000's	£000's	£000's	£000's
Cabinet	3,559	1,519	2,192	880	487
Customer and Corporate services	381	101	281	100	
Environmental Services & Sustainability	1,335	519	1,302	25	8
Planning & Economic Development	0	0	0	0	
Public Protection & Community Engagement	119	82	95	24	
Housing Services	1,291	322	925	366	
Wellbeing	3,334	526	2,730	585	19
<b>Total General Fund</b>	<b>10,019</b>	<b>3,069</b>	<b>7,525</b>	<b>1,981</b>	<b>513</b>
Council Housing	26,293	8,359	23,820	1,984	489
<b>Total Capital</b>	<b>36,312</b>	<b>11,428</b>	<b>31,345</b>	<b>3,964</b>	<b>1,002</b>

- 9.2 The projected spend on Town Centre schemes in the current financial year is £165,000. The balance of this fund will be used as part of the Crawley growth programme as match funding.
- 9.3 The Queens Square project is currently forecast to be under budget by around £390,000. This underspend is West Sussex County Council (WSSC) funding. A request has been submitted to WSSC to use this sum towards Crawley growth programme and to be used to support future schemes. In addition a contribution of £1.1m has been received from WSSC towards the Queensway project.

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- 9.4 Due to changes in the feed-in tariff schemes a number of sites are now uneconomical to pursue for solar PV schemes, as a result there is a projected underspend on this budget of £96,500 against the two approved schemes (£33,500 and £63,000).
- 9.5 Due to the tendering process £100,000 of the enterprise content management project (Website) will be slipped to 2018/19.
- 9.6 Disabled facilities grants are funded from the WSCC better care fund, any slippage will be ring-fenced for DFG's in future years.
- 9.7 Ifield Community facilities is projecting an underspend of £22,800.
- 9.8 Delays on some play schemes including Ditchling Hill are as a result of negotiations with other parties around access to land, therefore there has been slippage to future years.
- 9.9 We are continuing to review the benefits of the investment at Cherry Lane Adventure Play area and trialling new initiatives to bring in income and attract additional footfall. So moving the future improvement works at the next Adventure Playground to 2019/20 to incorporate lessons learnt.
- 9.10 The process of checking suitable suppliers and contractors has required in-depth research and site visits to obtain the required level of confidence that the proposed Water Source Heat Pump at Tilgate Park will deliver what is required of the system. This front end verification process has pushed back the initial programme of works communicated. It is anticipated that the project will be delivered by July 2018
- 9.11 There has been some slippage in the HRA Development projects as follows: Report CH/174 reported underspends of £50,000 on Gales Place and £300,000 on Goffs Park Depot. This underspend was to be reallocated to Dobbins Place.
- 9.12 There is a saving of £123,500 on the Barnfield Road scheme, contractor costs are less than anticipated.
- 9.13 Revised projections for Southern Counties will result in slippage of £97,000 to 2018/19.
- 9.14 The Telford Place scheme is still in the development stage, the scheme is likely to be completed in future years.
- 9.15 Woolborough Road has been moved to 2018/19 as this is a corner plot and has given design challenges to achieve a suitable scheme.
- 9.16 257/259 Ifield Road, the original scheme was for 6 two bedroom properties, during the design process this was reduced to 5 properties due to the noise from the adjacent dual carriageway and construction to the end property in relation to the tree route protection zones. There is likely to be a saving but this has yet to be quantified.
- 9.17 In the second quarter of 2017/2018 twenty Council Houses with a sale value of £3,406,000 were sold, which is the same number as in the second quarter last year. Of these receipts £258,000 was paid over to the Government with the balance being retained by the Council with £812,000 available for general capital investment and £2,336,000 set aside for 1-4-1 receipts. [The 1-4-1 arrangement is one where the Council retains a larger proportion of right to buy receipts than they otherwise would, in return for a commitment to spend the additional receipts on building or acquiring properties.]
- 9.19 The total cumulative 1-4-1 receipts retained is £16,035,778 which can be used to fund 30% of any expenditure on new affordable housing for rent. It cannot be used on schemes supported by HCA Funding or intermediate tenure. This could leverage a



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total affordable housing programme of £53,452,593 with remaining funding coming from the HRA or RSLs.

- 9.20 As was explained when the decision was taken to retain the 'right to buy receipts' (Cabinet report CH/95 13 June 2012) any of these receipts that are not spent within 3 years have to be returned to the government with interest. Although this is a very tight timescale the Council has been very successful in spending these receipts and to date, £7,736,000 of 1-4-1 receipts has been used to partially fund the purchase of properties.
- 9.21 Unfortunately recently, there have been significant delays in the delivery of some housing schemes, where it was planned to spend 1-4-1 receipts. These delays were outside of the council's control but have meant that £1,236,676 has had to be repaid to the government, in addition to £190,370 in interest. The first scheme was an enabling scheme that was progressing well until it was 'pulled' by the Registered Social Landlord (RSL), as a result of the Grenfell Towers disaster. An option for this land to be used to provide homes for the Housing Revenue Account is and to utilise 1-4-1 receipts is elsewhere on this Agenda. Others include the Forge Wood development, Kilnmead and Goffs Park which has been delayed owing to difficulties meeting planning requirements.
- 9.22 In order to reduce the risk of having to repay 1-4-1 receipts in future years, an opportunity has arisen to utilise these receipts to enhance the affordable housing offer on the Town Hall site. Council at its meeting of 22 February 2017, resolved to allocate up to £10m to deliver 40% affordable housing on the Town Hall site. While 40% delivery is possible, based on recent 'expressions of interest' by RSLs, the tenure mix would be 50% rental units and 50% shared ownership. By utilising 1-4-1 receipts it would be possible to achieve 70% rental and 30% shared ownership (which is also compliant with the Local Plan policy)
- 9.23 In order to achieve 70% rental and 30% shared ownership (76 rental units and 33 shared ownership units), it is estimated that £8.0m of 1-4-1 receipts and £7.5m of useable general fund capital receipts would be required. This is less than the £10m previously allocated from the general fund and could also result in lower borrowing than previously estimated. In addition this will assist in reducing the risk of having to repay 1-4-1 receipts in future years. The Council will be utilising its 1-4-1 receipts in lieu of HCA grant on the rental units.
- 9.24 Cabinet are therefore recommended to request that Full Council allocate £8.0m of 1-4-1 receipts and approximately £7.5m of General Fund receipts for affordable housing on the Town Hall site development.

## 10. Background Papers

[2017/18 Budget and Council Tax FIN/401](#)  
[Treasury Management Strategy 2017/18 FIN/404](#)  
[Financial Outturn 2016/2017 FIN/411](#)  
[Treasury Management Outturn 2016/17 FIN/412](#)

### Cabinet Reports 6th September 2017

- Enc B – 2017/2018 Budget Monitoring – Quarter 1 FIN/418
- Enc 1 – Budget Strategy 2018/19 – 2022/23 FIN/417

Treasury management mid year review FIN426 elsewhere on this agenda.

Contact Officer: - Karen Hayes, Head of Finance, Revenues and Benefits.  
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## Appendix 1 (i)

### REVENUE MONITORING SUMMARY 2017/18 GENERAL FUND

	Original Estimate £000's	Latest Estimate £000's	Projected Outturn £000's	Variance £000's
Cabinet	1,435	1,435	1,418	(17)
Public Protection & Community Engagement Resources	1,595	1,545	1,561	16
Environmental Services & Sustainability	1,129	1,231	1,309	79
Housing	5,917	5,949	5,852	(97)
Wellbeing	3,131	3,131	2,457	(674)
Planning & Economic Development	7,098	6,997	6,890	(107)
	(2,561)	(2,561)	(2,630)	(69)
	17,745	17,726	16,856	(870)
Depreciation	(3,425)	(3,425)	(3,425)	0
Renewals Fund	400	400	400	0
NET COST OF SERVICES	14,720	14,701	13,831	(870)
Investment Interest	(645)	(695)	(922)	(228)
Council Tax	(6,624)	(6,624)	(6,624)	0
RSG	(1,036)	(1,036)	(1,036)	0
NNDR	(4,983)	(4,983)	(4,983)	0
New Homes Bonus	(1,432)	(1,432)	(1,440)	(8)
	(14,720)	(14,770)	(15,005)	(236)
<b>Net contribution from / (-to) Reserves before Business Rates retention</b>	<b>0</b>	<b>(69)</b>	<b>(1,174)</b>	<b>(1,105)</b>

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## Main Variations identified for 2017/18 - General Fund

Appendix 1 (ii)

	Q2 Variation £000's	Q1 Variation £000's	
<b><u>Cabinet</u></b>			
Corporate Policy - vacant post	(36)	(35)	one-off
Minor variations	19	(3)	
	<b>(17)</b>	<b>(38)</b>	
<b><u>Public Protection &amp; Community Engagement</u></b>			
Minor variations (community development and NASB)	16	19	
	<b>16</b>	<b>19</b>	
<b><u>Resources</u></b>			
IT Business support – staffing costs (service to be reviewed)	33	24	-
Legal & Democratic Services - vacancies / audio equipment	(13)	(39)	one-off
Print Services – vacant posts	(13)	(32)	Under review
Contact centre – no vacancies	19	0	one-off
Town Hall – minor works	19	0	one-off
Minor variations – various areas	34	17	
	<b>79</b>	<b>(30)</b>	
<b><u>Environmental Services &amp; Sustainability</u></b>			
Community Warden – standby and vacant hours	(16)	(21)	one-off
Gatwick - Imported food disposal charges	(27)		ongoing
Minor variations including additional income and vacancies in several areas	(54)	(14)	
	<b>(97)</b>	<b>(35)</b>	
<b><u>Housing</u></b>			
Benefits Administration – vacant posts	(69)	(74)	one-off
Increased benefit overpayments recovered – included in the budget strategy	(492)	(350)	ongoing
Temporary accommodation – reduced numbers in nightly paid accommodation (not included in budget strategy because of new Homelessness Reduction Act requirement)	(149)	0	one-off
Minor variations	36	7	
	<b>(674)</b>	<b>(417)</b>	
<b><u>Wellbeing</u></b>			
Community Arts – vacant post	(30)	0	one-off
Streetscene – vacant posts which are being filled	(47)	0	one-off
Minor variations	(30)	(21)	

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	<b>(107 )</b>	<b>(21 )</b>	
	Q2 Variation £000's	Q1 Variation £000's	
<b><u>Planning &amp; Economic Development</u></b>			
Commercial property / increased rental income and part year vacant post	(60)	0	ongoing
Minor variations	(9)	(12)	
	<b>(69 )</b>	<b>(12 )</b>	
<b>TOTAL GENERAL FUND VARIANCES</b>	<b>(869 )</b>	<b>(534 )</b>	
Investment interest above budget	(228)	(122)	Ongoing/ updated strategy
New Homes Bonus	(8)	(8)	
<b>TRANSFER TO GENERAL FUND RESERVE</b>	<b>(1,105 )</b>	<b>(664 )</b>	

# Agenda Item 13

Appendix 1 (iii)

<b>HOUSING REVENUE ACCOUNT</b>			
<b>Expenditure Description</b>	<b>Latest Estimate</b>	<b>Projected Outturn</b>	<b>Variation</b>
	£'000s	£'000s	£'000s
<b>Income</b>			
Rental Income	(44,888)	(45,006)	(118)
Other Income	(1,854)	(1,901)	(48)
Interest received on balances	(79)	(79)	25
<b>Total income</b>	<b>(46,821)</b>	<b>(46,986)</b>	<b>(165)</b>
<b>Expenditure</b>			
Employees	3,433	3,496	63
Repairs & Maintenance	10,883	10,630	(253)
Other running costs	2,212	2,202	(10)
Support services	2,650	2,650	0
	<b>19,177</b>	<b>18,978</b>	<b>(199)</b>
<b>Net (Surplus) / Deficit</b>	<b>(27,643)</b>	<b>(28,008)</b>	<b>(364)</b>
Use of Reserves:			
Debt Interest Payments	8,309	8,309	0
Depreciation, Revaluation & Impairment	14	14	0
Financing of Capital Programme & Transfer to Housing Reserve for Future Investment	19,321	19,685	364
<b>Total</b>	<b>27,643</b>	<b>28,008</b>	<b>364</b>

## Main Variations Identified - Housing Revenue Account

	Q2 Variation £'000s	Q1 Variation £'000s
<b>Income</b>		
<u>Rental Income</u>		
Dwellings rental income - Voids re-let at target rent	(70)	(70)
83, 85 & 87 Three Bridges Road Hostel rental income - delay in decant	(55)	(55)
Shared Owners shortfall due to 3 buy backs	7	7
<u>Other Income</u>		
Income recovered for Fire & Travellers Insurance Claims	(29)	(29)
83, 85 & 87 Three Bridges Road Hostel service charge - delay in decant	(11)	(11)
Increased Lifeline Income due to an increase in Customers	(7)	0
	<b>(165)</b>	<b>(158)</b>
<b>Employees</b>		
Leasehold Services Post part year vacancy	(33)	(33)
Repairs Team - Maternity leave	(27)	(27)
Programmed Works Team - Vacant post/unfilled hours	(20)	0
Sheltered Management Restructure - Including Temporary worker for the rest of the year	60	55
Vacancy Provision not met within services due to no vacant posts	68	78
Minor Variations	15	16
	<b>63</b>	<b>89</b>
<b>Repairs &amp; Premises Costs</b>		
Cyclical Maintenance savings due to systems thinking review	(230)	0
Minor Variations	(23)	0
	<b>(253)</b>	<b>0</b>
<b>Other Running Costs</b>		
Leasehold Premises Insurance Premium - following a tender, the premium rate was reduced significantly	(54)	(54)
Council Tax due to continuous extensive voids work	15	15
Housing Management - Document Archiving	37	0
Minor Variations	(7)	9
	<b>(10)</b>	<b>(30)</b>
<b>TOTAL VARIANCES</b>	<b>(364)</b>	<b>(99)</b>

**CAPITAL PROGRAMME TO QUARTER 2**

**Appendix 2**

Scheme Description	Budget 2017/18 £000's	Spend to Date £000's	Projected Outturn £000's	Under/(Over Spend) £000's	Slippage £000's	Budget 2018/19 £000's	Budget 2019/20 £000's
Crawley Growth Programme	955,400	0	165,000		790,400	2,635,000	0
Town Centre						71,100	
Queens Square Env Imp	1,977,800	1,240,191	1,587,800	390,000		0	0
Queensway	36,000	22,430	36,000			2,155,000	0
Town Centre Signage	11,000	5,500	11,000			0	0
High Street Safety Improvmnts	30,000	0	30,000			0	0
Broadfield Barton	2,500	0	2,500			0	0
Photovoltaic Sys - Cncl Bldngs	33,500	0	0	33,500		0	0
Town Hall - Mtce	217,500	217,500	217,500	0			
Town Hall Refurbishment	52,100	30,915	52,100			0	0
Solar Pv Cbc Operational Bldgs	243,000	2,160	90,000	63,000	90,000	90,000	0
<b>TOTAL CABINET PORTFOLIO</b>	<b>3,558,800</b>	<b>1,518,696</b>	<b>2,191,900</b>	<b>486,500</b>	<b>880,400</b>	<b>4,951,100</b>	<b>0</b>

Scheme Description	Budget 2017/18 £000's	Spend to Date £000's	Projected Outturn £000's	Under/(Over Spend) £000's	Slippage £000's	Budget 2018/19 £000's	Budget 2019/20 £000's
Ict Capital - Future Projects	115,400	0	115,400			0	0
On Line Self Service	35,200	35,200	35,200			0	0
Enterprise Content Migration	116,200	0	16,200		100,000	100,000	0
Relocation Of Data Centre	10,500	0	10,500			0	0
Mobile Working (Ict)	30,000	20,576	30,000			0	0
Ict Replacements	4,200	0	4,200			0	0
Navmap Replacement	15,500	15,767	15,500			0	0
Q - Matic	16,100	16,143	16,100			0	0
Modern Gov	21,000	4,500	21,000			0	0
Online Planning	17,325	8,663	17,325			0	0
<b>TOTAL CUSTOMER &amp; CORPORATE SERVICES PORTFOLIO</b>	<b>381,425</b>	<b>100,849</b>	<b>281,425</b>	<b>0</b>	<b>100,000</b>	<b>100,000</b>	<b>0</b>

Scheme Description	Budget 2017/18 £000's	Spend to Date £000's	Projected Outturn £000's	Under/(Over Spend) £000's	Slippage £000's	Budget 2018/19 £000's	Budget 2019/20 £000's
New Cemetery	441,800	297,483	441,800			0	0
Cycling Signage Infrastructure	3,300	439	3,300			0	0
K2 Heat Network (Heat N Power)	0	4,530				625,500	0
Cycle Paths	25,300	0			25,300	25,300	0
High St Sussex Hse Cycle Path	9,700	0	2,000	7,700		0	0
Boulevard Cycle Path	0	0				0	94,000
A2crawters-B1/14mall Cycle Pth	103,000	16,225	103,000			0	0
Heat Network	2,000	644	2,000			1,247,400	0
Ifield Drive	20,500	372	20,500			0	0
Camber Close	64,800	26,126	64,800			0	0
Lavant Close	85,900	51,575	85,900			0	0
Fisher Close	46,000	1,869	46,000			0	0
Scallows Close	83,000	49,806	83,000			0	0

Flooding Emergency Works	30,000	15,823	30,000			0	0
Ifield Mill Pond Improvements	41,300	16,470	41,300			0	0
Tilgate (Ea Flood Alleviation)	1,900	0	1,900			0	0
Grattons Park P/Hill Flood Wks	14,100	11,417	14,100			0	0
Creaseys Dr B/Field Flood Wks	65,100	3,145	65,100			0	0
Flood Alleviation	0	0	0			0	0
Cheals Broadfield Pond	50,000	835	50,000			0	0
Titmus Lake Tgate & F/Green	42,000	0	42,000			0	0
Stafford Bridge Ifield Green	0	0	0			78,900	0
Waterlea Furnace Grn Flood Wks	124,900	2,722	124,900			0	0
Billington Drive Maidenbower	0	493	0			28,000	0
Tilgate Silt Lake Flood Works	1,000	0	1,000			0	0
Balcombe Road P/Hill Flood Wks	0	0				34,700	0
Broadfield Brook Flood Works	0	0				115,000	0
River Mole Flood Works	0	0				30,000	0
Telemetry Measuring Equipment	30,000	640	30,000			0	0
Northgate Add Flood Atten Wrk	0	0				42,000	0
Crabbett Prk P/Hill Flood Wks	0	0				33,000	0
Crawters Brook Flood Wrks	0	0				100,000	0
Leat Stream Ifield Flood Allev	49,200	18,683	49,200			0	0
Park Close M/Bower Flood Wks	0	0				0	0
<b>TOTAL ENVIRONMENT PORTFOLIO</b>	<b>1,334,800</b>	<b>519,296</b>	<b>1,301,800</b>	<b>7,700</b>	<b>25,300</b>	<b>2,359,800</b>	<b>94,000</b>

Scheme Description	Budget 2017/18 £000's	Spend to Date £000's	Projected Outturn £000's	Under/(Over Spend) £000's	Slippage £000's	Budget 2018/19 £000's	Budget 2019/20 £000's
Community Safety Initiatives	118,900	81,586	95,000		23,900	23,900	0
<b>TOTAL PUBLIC PROTECTION &amp; COMMUNITY ENGAGEMENT PORTFOLIO</b>	<b>118,900</b>	<b>81,586</b>	<b>95,000</b>	<b>0</b>	<b>23,900</b>	<b>23,900</b>	<b>0</b>

Scheme Description	Budget 2017/18 £000's	Spend to Date £000's	Projected Outturn £000's	Under/(Over Spend) £000's	Slippage £000's	Budget 2018/19 £000's	Budget 2019/20 £000's
Investment Property Aquisition		0	0			0	5,000,000
Manor Royal Business Group	0	0				200,000	0
Three Bridges Station	0	0				1,500,000	0
<b>TOTAL PLANNING &amp; ECONOMIC DEVELOPMENT PORTFOLIO</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,700,000</b>	<b>5,000,000</b>

Scheme Description	Budget 2017/18 £000's	Spend to Date £000's	Projected Outturn £000's	Under/(Over Spend) £000's	Slippage £000's	Budget 2018/19 £000's	Budget 2019/20 £000's
Housing Enabling	20,000	0	20,000			1,200,000	0
Future Schemes	0	0				1,842,800	0
Temp Accom Acquisitions	273,700	0	273,700			0	0
College C/Pk - Affordable Hsg	0	0				3,465,000	0
Disabled Facilities Grants	946,330	291,394	580,000		366,330	414,330	0
Home Insulation Grants	1,080	1,082	1,082	-2		0	0
Improvement/Repair Loans	50,000	29,821	50,000			50,000	54,700
<b>TOTAL HOUSING (GENRAL FUND) PORTFOLIO</b>	<b>1,291,110</b>	<b>322,296</b>	<b>924,782</b>	<b>-2</b>	<b>366,330</b>	<b>6,972,130</b>	<b>54,700</b>



Scheme Description	Budget 2017/18 £000's	Spend to Date £000's	Projected Outturn £000's	Under/(Over Spend) £000's	Slippage £000's	Budget 2018/19 £000's	Budget 2019/20 £000's
Vehicle Replacement Program	265,500	116,957	265,500			0	0
Travellers Prevention Measures	0	0				15,000	0
Broadfield Barton -Play Refurb	56,500	2,500	56,500			0	0
Ifield Community Facilities	22,800	0		22,800		0	0
3gpitch Artificial Pitch	0	0				0	0
Refurb Playgrounds Future Sche	39,600	0			39,600	39,600	0
Skate Park Equipment	0	0				46,000	0
Memorial Gardens Imprvmnt	36,900	0	36,900			0	0
New Museum Tree (Hlf)	742,300	22,991	742,300			0	0
K2-Poolside Timing Equipment	85,200	0	95,207	-10,007		0	0
K2-Poolside Sauna & Steam Room	40,000	0	40,000			0	0
Hawth Air Conditioning Replace	5,000	0	5,000			0	0
Water System Broadfied Stadium	40,000		40,000				
Pm-Ch/Lane Cc Windows & Doors	0	0				10,400	0
Worth Park Discovery Trail	40,000	0	40,000			0	0
Pm-Mbower Cc Toilet Refurb	9,600	10,549	10,549	-949		0	0
Pm-Sgate West Cc Roof Improve	0	0				46,000	0
P/H Wakehams 15/16 Ply Refurb	65,000	0			65,000	65,000	0
West Green 15/16 Ply Refurb	5,000	0			5,000	5,000	0
K2-Replace Artificial Turf Pch	0	0				185,000	0
K2-Expansion Of Fitness Area	940,400	169,306	939,078	1,322		0	0
Tilgate Park & Nature Centre	179,500	65,745	119,500		60,000	150,000	0
Nature Ctre Wildlife Ctre	174,300	106,870	174,300			109,000	0
Railey Road Allotments	2,800	0		2,800		0	0
Ifield Rd West Grn Allotments	2,800	0		2,800		0	0
Tilgate Pk&Nc Sustainable Heat	249,000	0	25,000		224,000	224,000	0
Ditchling Hill 17/18 Play Rfb	65,000	0			65,000	65,000	0
Ewhurst Rd 17/18 Play Rfb	65,000	0			65,000	65,000	0
Gainsborough Rd 17/18 Play Rfb	65,000	0	65,000			0	0
Kilnmead Cl 17/18 Play Rfb	13,000	0	13,000			0	0
Three Bridges Play Area	61,500	0			61,500	61,500	0
Tilgate Park Access Road	34,000	22,755	34,000			0	0
Pm-Vehicle Wkshp Heat Plnt Rep	0	0				19,000	0
Tilgate Pk Pedestrian Crg	8,000	7,992	8,000			0	0
Adventure Playgrounds	0	0					400,000
K2 Additional Parking	20,000	178	20,178	-178		150,000	0
<b>TOTAL WELLBEING SERVICES PORTFOLIO</b>	<b>3,333,700</b>	<b>525,844</b>	<b>2,730,012</b>	<b>18,588</b>	<b>585,100</b>	<b>1,255,500</b>	<b>400,000</b>

Scheme Description	Budget 2017/18 £000's	Spend to Date £000's	Projected Outturn £000's	Under/(Over Spend) £000's	Slippage £000's	Budget 2018/19 £000's	Budget 2019/20 £000's
<b>TOTAL GENERAL FUND</b>	<b>10,018,735</b>	<b>3,068,566</b>	<b>7,524,919</b>	<b>512,786</b>	<b>1,981,030</b>	<b>17,362,430</b>	<b>5,548,700</b>

Capitalisation Of Repair Work	0	0				0	0
Rewiring	1,200,000	234,599	1,215,491	-15,491		1,200,000	1,200,000
Roof Structure (I.E Soffits)	600,000	285,186	366,862	233,138		600,000	600,000
Windows	300,000	156,622	332,719	-32,719		300,000	300,000
Structural Works	80,000	49,381	183,696	-103,696		80,000	80,000

Renovation And Refurbishment	200,000	8,282	208,821	-8,821		200,000	200,000
Insulation	200,000	70,020	262,635	-62,635		250,000	250,000
Kitchens	850,000	468,258	849,602	398		850,000	850,000
Bathrooms	550,000	161,138	547,383	2,617		550,000	550,000
Common Areas	20,000	60,053	66,727	-46,727		20,000	20,000
Adaptations For The Disabled	300,000	124,993	262,889	37,111		300,000	300,000
Sheltered Major Works	250,000	331,676	502,424	-252,424		100,000	100,000
Boilers	1,800,000	915,512	1,756,894	43,106		1,800,000	1,800,000
Disabled Adaptations-Mjr Room	950,000	455,079	981,388	-31,388		950,000	950,000
Legionella	50,000	31,208	60,708	-10,708		50,000	50,000
Energy Efficiency- Lighting	80,000	104,742	216,907	-136,907		80,000	80,000
External Environmental Work	50,000	32,161	70,137	-20,137		100,000	100,000
Intercom Upgrade	50,000	42,626	88,460	-38,460		50,000	50,000
Major Insulation Energy Efficcy	2,800,000	836,418	2,790,645	9,355		1,800,000	1,800,000
Hostels	600,000	53,258	184,325	415,675		500,000	250,000
Ren Con Studio Flats Blocks	350,000	145,686	350,160	-160		100,000	100,000
Garages	386,000	116,463	351,435	34,565		200,000	200,000
<b>TOTAL HRA IMPROVEMENTS</b>	<b>11,666,000</b>	<b>4,683,361</b>	<b>11,650,308</b>	<b>15,692</b>		<b>10,080,000</b>	<b>9,830,000</b>

Scheme Description	Budget 2017/18 £000's	Spend to Date £000's	Projected Outturn £000's	Under/(Over Spend) £000's	Slippage £000's	Budget 2018/19 £000's	Budget 2019/20 £000's
151 London Road (New Build)	0	0		0		250,000	0
Acquisitions Buy Back Of Dwgs	221,250	221,250	221,250			0	0
Acquisitions Of Land	0	0				0	0
Purchase Of Properties	1,778,750	0	1,778,750			1,000,000	1,000,000
Kilmead - Hra	310,000	40,988	310,000			4,507,000	765,300
Gales Place (Hra New Build)	80,000	0	30,000	50,000		0	0
Forge Wood (Hra Development)	300	0	300			2,421,000	131,000
Southern Counties Hsg	2,933,870	0	2,836,600		97,270	4,722,400	0
Telford Place Development	250,000	4,844	20,000		230,000	6,254,200	5,667,000
Woolborough Road Northgate	543,000	21,956	21,956		521,044	1,225,088	555,000
Goffs Park -Depot Site - Hra	2,350,000	8,601	2,000,000	300,000	50,000	4,734,000	409,000
83-87 Three Bridges Road - Hra	185,000	49,775	185,000			2,392,000	0
Dobbins Place -Hra	255,000	28,043	255,000			1,441,000	0
Barnfield Road- Hra	873,500	0	450,000	123,500	300,000	300,000	0
Forge Wood Phase 2	1,983,000	1,362,842	1,983,000			939,000	8,869,000
257/259 Ifield Road	510,000	14,966	25,000		485,000	945,000	300,000
Forge Wood Phase 3	2,253,000	1,922,524	1,953,000		300,000	2,834,000	4,641,000
Prelims	100,000	0	100,000			400,000	0
<b>TOTAL OTHER HRA</b>	<b>14,626,670</b>	<b>3,675,790</b>	<b>12,169,856</b>	<b>473,500</b>	<b>1,983,314</b>	<b>34,364,688</b>	<b>22,337,300</b>

Scheme Description	Budget 2017/18 £000's	Spend to Date £000's	Projected Outturn £000's	Under/(Over Spend) £000's	Slippage £000's	Budget 2018/19 £000's	Budget 2019/20 £000's
<b>TOTAL HRA</b>	<b>26,292,670</b>	<b>8,359,151</b>	<b>23,820,164</b>	<b>489,192</b>	<b>1,983,314</b>	<b>44,444,688</b>	<b>32,167,300</b>

<b>TOTAL CAPITAL PROGRAMME</b>	<b>36,311,405</b>	<b>11,427,717</b>	<b>31,345,083</b>	<b>1,001,978</b>	<b>3,964,344</b>	<b>61,807,118</b>	<b>37,716,000</b>
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**FUNDED BY**

Capital Receipts	6,973,131	6,933,642	5,555,110	112,286	1,479,700	11,977,700	5,454,700
Capital Reserve	0	0	25,000			0	0

Disabled Facilities Grant	946,330	291,394	580,000		366,330	414,330	0
Lottery & External Funding	1,326,868	263,063	782,871	390,000			0
MRR	22,590,259	2,655,814	20,420,669	347,142	1,388,320	35,415,995	25,766,110
Replacement Fund/Revenue Financing	339,625	162,029	283,357			1,164,000	0
Section 106	432,781	101,798	298,581	10,500	135,000	135,000	94,000
1-4-1	3,702,411	1,019,976	3,399,495	142,050	594,994	12,700,093	6,401,190
<b>TOTAL FUNDING</b>	<b>36,311,405</b>	<b>11,427,717</b>	<b>31,345,083</b>	<b>1,001,978</b>	<b>3,964,344</b>	<b>61,807,118</b>	<b>37,716,000</b>

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## Crawley Borough Council

**Report to Cabinet  
29 November 2017**

### **Community Infrastructure Levy (CIL) – Delegation of Enforcement Powers**

Joint Report of the Head of Economic and Environmental Services  
and the Head of Legal and Democratic Services  
**PES/262**

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#### **1. Purpose**

- 1.1 To seek Cabinet approval to delegate to officers duties and powers associated with the Community Infrastructure Levy (CIL) Regulatory Framework.
- 1.2 This will ensure that the Council can administer the levy efficiently and comprehensively within Crawley, notably in relation to the Council's responsibilities for collecting CIL liabilities and enforcing against non-payment of CIL.

#### **2. Recommendations**

2.1 The Cabinet is recommended to :

- (a) Approve the exercise of the duties and powers set out in Appendix A (1-4) to this report that are delegated to the Head of Economic and Environmental Services, that the exercise of duties and powers relating to the provision of land and or infrastructure in Kind as set out in Appendix A( 5) be delegated to the Head of Economic and Environmental Services in consultation with the stet
- (b) Approve a limited power to accept a "land payment" or "infrastructure payment" is delegated to the Head of Economic and Environmental Services, in consultation with relevant the Cabinet Member for Planning and Economic Development, subject to defined limits as follows:
  - Land with a value of less than £200,000
  - Infrastructure with a value of less than £250,000Further that it be delegated to the Head of Economic and Environmental Services in consultation with the Cabinet Member for Planning and Economic Development to agree the infrastructure that the council would be willing to except as an infrastructure payment and to publish these details on the council's website. (In all other cases the decision will remain with the Cabinet).
- (c) Approve the Policy on Surcharges and the Levy of late Payment Interest as set out in Appendix B
- (d) Request that Full Council approve the proposed constitutional changes as set out Appendix A.

# Agenda Item 14

## **3. Reasons for Recommendations**

- 3.1 The Introduction of the Community Infrastructure Levy (CIL) brings with it a number of new obligations, duties and powers for the Council. This includes responsibility for determining liability, serving notices, collecting funds and enforcing non-payment as set out in the Community Infrastructure Levy (CIL) Regulations 2010 as amended.
- 3.2 Whilst the current scheme of officer delegation for planning functions includes a wide range of provisions relating to the operation of the Planning and Development functions, it does not cover the specific activities set out in the CIL regulatory framework. To enable the levy to be administered effectively, efficiently and properly, delegation of a number of the Council's duties and powers to officers is recommended.
- 3.3 The vast majority of decisions relating to CIL will be of a routine administrative nature and these functions should be delegated to officers.
- 3.4 Regulation 73 of the CIL Regulations authorises the Council to accept a 'land payment' (an acquisition of land from a person liable to pay a CIL charge) or an 'infrastructure payment' (the provision of one or more items of infrastructure from a person liable to pay a CIL charge) in satisfaction of the whole or part of a CIL charge. However, before an infrastructure payment can be accepted the Council must publish a document on its web site giving notice of its willingness to accept infrastructure payments and the document must also incorporate a policy statement setting out the infrastructure projects or types of infrastructure that the Council would be willing to accept. Cabinet is therefore requested to approve the recommendation set out in section 2.1(b) above.
- 3.5 There are a number of provisions in the CIL Regulations which gives the Council a power to impose a surcharge or levy late payment interest – hence why Cabinet is requested to approve the recommendation set out in section 2.1(c) above.

## **4. Background**

- 4.1 The Cabinet will recall that at their meeting on 29<sup>th</sup> June 2016, a report was considered and subsequently approved by Council on 20<sup>th</sup> July 2016, to adopt the Community Infrastructure Levy (CIL) Charging Schedule as well as the Regulation 123 list for planning applications approved on or after 17<sup>th</sup> July 2016.
- 4.2 The Council further resolved to approve an Instalments Policy as well as a Discretionary Social Housing Relief Policy. Delegations were also granted to the Head of Strategic Housing and Planning in consultation with the Portfolio Holder for Planning and Economic Development for non-substantive alterations to be made to the CIL Charging Schedule, and the Regulation 123 list and the two approved policies (Council Minute 26 refers).
- 4.3 The CIL charging schedule came into effect on 17<sup>th</sup> August 2016. All qualifying development granted planning permission after this date is CIL liable.
- 4.4 Section 3 above explains the reasons why there needs to be further delegation of powers related to CIL's Regulatory Framework to officers and this is expanded on further below.

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## 5. Further Information and Analysis in Support of the Recommendations

- 5.1 Appendix A sets out the recommended delegations to officers to reflect the introduction of CIL. These duties and powers focus on the day to day implementation of CIL particularly:
- a. Charging, including determination of liability, applications for relief and the issue of statutory notices;
  - b. Collection and enforcement.
- 5.2 The use of these powers is clearly prescribed by the CIL Regulations and as such the volume of discretion in each case is relatively limited. Additionally, the Regulations require either a response within a set timeframe (e.g. reviews of chargeable amounts) or decisive action (in the case of enforcement) for a number of the duties proposed for delegation. Cabinet is therefore requested to recommend these delegations to Council.
- 5.3 However the CIL Regulations do provide for some decisions to be taken which will clearly involve elements of Policy discretion and which therefore should not be delegated to officers. Those decisions are:
- Substantive amendments and withdrawal of the Discretionary Social Housing Relief Policy;
  - Substantive amendments and withdrawal of the Instalments Policy;
  - Substantive amendments to the Charging Schedule and Regulation 123 list.
- 5.4 The Council's proposed Policy on Surcharges and the Levy of Late Payment interest is as set out in Appendix B

## 6. Implications

- 6.1 There are no direct financial implications. The Council's ability to pursue and secure CIL payments are reinforced as a consequence of the powers given to it via the CIL regulatory framework. The recommendations in this report serve to give officers the ability to implement these powers in a more efficient and effective way. The legal powers and duties are set out in The Community Infrastructure Levy Regulations 2010 as amended

## 7. Programme

- 7.1 Subject to Cabinet approval of the recommendations set out in Section 2 of this report, Council officers will become equipped with the necessary powers to take enforcement against non-payment of CIL liabilities, strengthening the Council's ability to fulfil the CIL regulations and to unlock resources to invest in infrastructure, which will assist Crawley to accommodate the cumulative impact of its ongoing growth.

## 8. Background Papers

None

## **Delegation of Functions**

1. Exercise the Council's duties and powers in relation to the enforcement of the Community Infrastructure Levy (CIL) as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.

Delegated to the Head of Economic Development and Environmental Services and/or the Head of Legal and Democratic Services.

2. Exercise the Council's duties and powers in relation to the calculation of the chargeable amount and the determination of liability, in respect of the Community Infrastructure Levy (CIL) as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.

Delegated to the Head of Economic Development and Environmental Services

3. Exercise the Council's duties and powers in respect of appeals relating to the Community Infrastructure Levy (CIL) as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.

Delegated to the Head of Economic Development and Environmental Services

4. Exercise the Council's duties in relation to the assessment of claims for exemption and/or relief from the Community Infrastructure Levy (CIL), in accordance with any relevant policies adopted by the Council as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.

Delegated to the Head Economic Development and Environmental Services

5. Exercise the Council's duties in relation to administration of CIL, including determination of applications to satisfy CIL through the provision of land and/or infrastructure in-kind, and completion of any associated agreements as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.

Delegated to the Head of Economic Development and Environmental Services in consultation with relevant Portfolio holders.



## **Crawley Borough Council**

### **Community Infrastructure Levy – Policy on Surcharges and Late Payment Interest**

#### **Surcharges and Interest**

<b>Failure to Assume Liability</b> <b>Regulation 80</b>	<p>The Council will impose a surcharge of £50 on each person liable to pay CIL in respect of a chargeable development if</p> <ol style="list-style-type: none"><li>1. nobody has assumed liability to pay CIL in respect of the chargeable development; and</li><li>2. the chargeable development has commenced.</li></ol>
<b>Apportionment of Liability</b> <b>Regulation 81</b>	<p>When the Council is required to apportion liability to pay CIL between each material interest in the relevant land, the Council will impose a surcharge of £500 in respect of each of those interests.</p>
<b>Failure to submit a Notice of Chargeable Development</b> <b>Regulation 82</b>	<p>When a chargeable development has commenced before the Council receives a valid commencement notice it will impose a surcharge equal to 20% of the chargeable amount payable in respect of the development or £2,500 whichever is the lower amount.</p>
<b>Failure to submit a Commencement Notice</b> <b>Regulation 83</b>	<p>The Council will impose a surcharge equal to 20% of the chargeable amount payable in respect of the development or £2,500 whichever is the lower amount.</p>
<b>Disqualifying Events</b> <b>Regulation 84</b>	<p>If a person who is required to notify the relevant authority of a disqualifying event, fails to do so before the end of the period of 14 days beginning with the day on which the disqualifying event occurs, the Council will impose a surcharge equal to 20% of the chargeable amount or £2,500, whichever is the lower amount.</p>

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<p><b>Late Payment Surcharge</b></p> <p><b>Regulation 85</b></p>	<p>When the CIL payment due is not received in full after the end of the period of 30 days beginning with the day on which the payment is due, the Council will impose a surcharge of 5% of the monies due or £200 whichever is the greater amount.</p> <p>In addition, the Council will impose further surcharges of 5% or £200 (whichever is the greater amount) on any amounts of CIL that remains unpaid six months and twelve months after the due date.</p>
<p><b>Late Payment Interest</b></p> <p><b>Regulation 87</b></p>	<p>If CIL payment due is not received on the date it is due, the Council will impose and add Late Payment Interest. Late Payment Interest is calculated from the period starting on the day after the payment was due and ending on the day the unpaid amount is received, at an annual rate of 2.5% above the Bank of England base rate.</p>
<p><b>Failure to Comply with an Information Notice</b></p> <p><b>Regulation 86</b></p>	<p>When a person fails to comply with any requirement of an information notice before the end of the period of 14 days beginning with the day on which the notice is served, the Council will impose a surcharge of 20% of the relevant amount or £1,000 whichever is the lower amount.</p>

# Agenda Item 17

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Agenda Item 18

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of the Local Government Act 1972.

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# Agenda Item 19

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