

# Crawley Borough Council

## Cabinet

Agenda for the **Cabinet** which will be held **Virtually - Microsoft Teams Live**, on **Wednesday, 30 September 2020 at 7.00 pm**

Nightline Telephone No. 07881 500 227



**Head of Legal, Democracy and HR**

**Membership:**

**Councillors**

P K Lamb (Chair)  
I T Irvine  
G S Jhans

C J Mullins  
B A Smith

P C Smith

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

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In order to allow committee members to take decisions without disruption, only those Councillors who are members of the Committee or are presenting a report will be entitled to join the meeting feed. All other non-Committee members must view the meeting through the public feed. Exceptions to this will be made at the Chair's discretion and requires advance consent.

There will be no in-person public question time at any Council meeting while virtual Committee meetings are being held. All written questions submitted in **advance and accepted** in line with the Constitution will be published within a supplementary agenda. These will be read to the Committee and be followed by a response. The questioner will receive an emailed copy of the response given at the meeting. There will be no supplementary questions.

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Published 18 September 2020



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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>	5 - 18
To approve as a correct record the minutes of the Cabinet held on 24 June 2020.	
<b>4. Public Question Time</b>	
To consider any written questions that were submitted in advance and accepted in-line with the Constitution. These will be read to the Committee and be followed by a response. The questioner will receive an emailed copy of the response given at the meeting. There will be no supplementary questions.	
<b>5. 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>6. Public Spaces Protection Order - Alcohol Consumption</b>	19 - 44
<i>Public Protection and Community Engagement Portfolio</i>	
To consider report HCS/23 of the Head of Community Services, which was referred to the meeting of the Overview and Scrutiny Commission held on 28 September 2020.	

	<b>Pages</b>
<b>7. 2020/2021 Budget Monitoring - Quarter 1</b>	45 - 62
<i>The Leader's Portfolio</i>	
To consider report FIN/505 of the Head of Corporate Finance, which was referred to the meeting of the Overview and Scrutiny Commission held on 28 September 2020.	
<b>8. Supplemental Agenda</b>	
Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.	

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## Crawley Borough Council

### Minutes of Cabinet

Wednesday, 24 June 2020 at 7.00 pm

#### Councillors Present:

P K Lamb (Chair)	Leader of the Council
I T Irvine	Cabinet Member for Housing
G S Jhans	Cabinet Member for Environmental Services and Sustainability
C J Mullins	Cabinet Member for Wellbeing
P C Smith	Cabinet Member for Planning and Economic Development and Deputy Leader

#### Also in Attendance:

Councillor D Crow, R D Burrett and T Rana

#### Officers Present:

Natalie Brahma-Pearl	Chief Executive
Ann-Maria Brown	Head of Legal, Democracy and HR
Ian Duke	Deputy Chief Executive
Karen Hayes	Head of Corporate Finance
Chris Pedlow	Democratic Services Manager
Heather Girling	Democratic Services Officer
Karen Dodds	Head of Crawley Homes
Clem Smith	Head of Economy and Planning
Louise Skipton-Carter	Sustainability Manager

#### Apologies for Absence:

Councillor B A Smith

#### 1. Disclosures of Interest

No disclosures of interests were made.

#### 2. Minutes

The minutes of the meeting of the Cabinet held on 11 March 2020 were approved as a correct record and signed by the Leader.

### 3. Public Question Time

There were no questions from the public.

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

It was reported that no representations had been received in respect of agenda items 14 and 15: *Appointment of Supplier for the implementation and support of a new Fully Integrated Housing and Asset Management Database System* and *HRA Budget for Purchase of Land or Property*, respectively.

### 5. Matters referred to the Cabinet and any Report from the Chair of the Overview and Scrutiny Commission

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

### 6. Treasury Management Outturn for 2019/20

The Leader presented report [FIN/502](#) of the Head of Corporate Finance which set out details of the Council's annual treasury management review of activities and the actual prudential and treasury indicators for 2019/20. The Cabinet noted that regulations required treasury management policy to be reviewed annually. It was noted that the Council's financial decisions for 2019/20 were taken in line with the Ethical Investment Policy.

Councillor Rana presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on 22 June 2020, which included:

- That confirmation had been provided that the major repairs reserve reduction had been spent throughout the year on capital spend mostly on new council dwellings.
- Acknowledgment that investments were restricted as the Council was governed by CIFPA and the Government, and that the Treasury Strategy prioritises investments accordingly whilst providing an appropriate balance between security, liquidity, yield and ethical considerations.
- Recognition that investment properties were evaluated annually and the neighbourhood parades were classed as non-operational properties, along with others with a similar description within the portfolio.

A recorded vote was taken on the recommendations in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendations, along with any abstentions, are recorded as set out below:

For the recommendations:

Councillors Irvine, Jhans, Lamb, Mullins, and P Smith. (5)

Against the recommendations:

None.

Abstentions:  
None.

## RESOLVED

That the Cabinet:

- a) approves the actual 2019/20 Prudential and Treasury Indicators as set out in the report;
- b) notes the Annual Treasury Management Report for 2019/20.

## Reasons for the Recommendations

The Council's financial regulations, in accordance with the CIPFA Code of Practice for Treasury Management, requires an annual review following the end of the year describing the activity compared to the Strategy. This report complies with these requirements.

## 7. Financial Outturn 2019/20 Budget Monitoring - Quarter 4

The Leader presented report [FIN/500](#) of the Head of Corporate Finance which set out a summary of the Council's outturn for both revenue and capital spending for the financial year running from 1 April 2019 to 31 March 2020. It identified the main variations from the approved spending levels and any potential impact on future budgets. The Cabinet noted that the report had been prepared toward the beginning of the COVID-19 crisis, and thus the full financial consequences of the crisis were not included within the report and would instead be reported on in future Budget Monitoring reports.

Councillor Rana presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on 22 June 2020, which included:

- Recognition that the flood programme had been reprioritised, allowing for Tilgate Lake bank erosion works to commence ahead of schedule.
- Confirmation that the under/over spend and slippage on the HRA improvement works had been listed as a whole programme of works as opposed to being broken down on individual projects. It was commented that further breakdown would be beneficial.
- Explanation sought and obtained on the reserves for expenditure in Tilgate Park and Nature Centre as part of the 5 year investment plan.
- Acknowledgement that revenue implications needed to be taken into account for new properties to avoid overspend.
- Whether the S106 money in 8.15 referred to the Ewhurst playing fields in Ifield (as documented in December 2013 Cabinet report) or Ewhurst Road Play Area as set out in recommendation in 2.2(b) (which is in West Green). It was requested Cabinet clarify the arrangement for the S106 funding given the inconsistencies.

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It had since been confirmed that recommendation 2.2(b) concerned Ewhurst playing fields, Ifield.

Councillor Crow was invited to speak on the item. Matters raised included:

- Clarification was sought that the figure of £26,000 in savings, as a result of the cancellation of the May 2020 local elections, was correct.
- A query regarding the potential to create further savings in business rates, after a £42,000 saving was made due to the demolition of parts of the Town Hall building.
- Acknowledgement that expected effects on port health services due to Brexit did not materialise, resulting in unplanned income of £37,000.
- Recognition that budget-saving decisions may need to be taken by local authorities in the future, including by Crawley Borough Council, in order to 'balance the books'.

The Leader offered the following responses:

- May 2020 also saw the Local Police and Crime Commissioner election cancelled. It was expected that further savings in this area would be announced next quarter.
- Business rates paid by the Council on the Town Hall building could not be avoided.
- The expected decrease of £37,000 in port health services was predicted at the last budget, at which time a Brexit deal had not yet been established.
- Savings of around £2 million would need to be made, in conversation with residents, in order to reduce the impact of the economic consequences of COVID-19.

All Cabinet Members present spoke as part of the discussion on the report. It was acknowledged that the 2019/20 budget surplus of £245,000, although welcomed, was not expected to be maintained in the face of the predicted £4 million shortfall following the COVID-19 crisis. The implications on specific Cabinet Member Portfolios were also discussed. It was noted that the 2019/20 financial year was the fifth consecutive year that the Council had seen a budget surplus.

A recorded vote was taken on the recommendations in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendations, along with any abstentions, are recorded as set out below:

For the recommendations:

Councillors Irvine, Jhans, Lamb, Mullins, and P Smith. (5)

Against the recommendations:

None.

Abstentions:

None.

## **RESOLVED**

That the Cabinet



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- a) notes the outturn for the year 2019/20 as summarised in this report and to note that future years impact as a result of Covid-19 will be presented in the monitoring report to Cabinet in September 2020.
- b) approves a supplementary capital estimate of £1,500 which will be funded from S106 contributions for the Ewhurst Road Play Area as outlined in paragraph 8.15 of the report.

That Full Council be recommended to

retrospectively approve a transfer of £1.192m to the business rates equalisation reserve as outlined in paragraph 9.2.

## Reasons for the Recommendations

To report to Members on the outturn for the year compared to the approved budget for 2019/20.

## 8. Forward Programme of Key Procurements

The Leader presented report [FIN/501](#) of the Head of Corporate Finance which set out the procurement forward programme. The programme identified the Council's key procurements that will require tendering over the coming six month period, which consisted of the following contracts:

- Disabled Adaptations (Crawley Homes)
- Unified Telecoms
- Temp Agency Staff
- Building Repairs & Maintenance
- District Hear Network – Operation, Maintenance, Metering and Billing.

Councillor Rana presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on 22 June 2020, which included:

- Recognition that the Council's procurement is governed by the EU Public Procurement Directives and the Public Contracts Regulations 2015 and Council's Procurement Code. Confirmation that when the UK leaves the EU, advertising may change but the EU Public Procurement Directives were enshrined in UK law.
- Recognition that after the award of contracts there was involvement and consultation with the relevant Cabinet Member as posed in recommendation 2.2(c). It was felt that this engagement should also be included in recommendation 2.2(b) at the award of contract stage so as to further enhance the greater transparency and involvement. It was subsequently recommended that recommendation 2.2(b) be amended to include consultation with the appropriate Cabinet Member. Following an unanimous vote, it was agreed that the Cabinet be requested to consider this addition and recommendation 2.2(b) would now read: '*delegates authority to the Leader of the Council in consultation with the appropriate Cabinet Member, the relevant Head of Service, and Head of Legal, Democracy and HR to approve the award of the contract following an appropriate procurement process*'.

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Cabinet Members agreed that the proposed amendment to recommendation 2.2(b) be accepted.

A recorded vote was taken on the recommendations, including amended recommendation 2.2(b), in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendations, along with any abstentions, are recorded as set out below:

For the recommendations:

Councillors Irvine, Jhans, Lamb, Mullins, and P Smith. (5)

Against the recommendations:

None.

Abstentions:

None.

## **RESOLVED**

That the Cabinet

- a) approves the procurement forward programme June 2020 – December 2020.
- b) delegates authority to the Leader of the Council in consultation with the appropriate Cabinet Member, the relevant Head of Service, and Head of Legal, Democracy and HR to approve the award of the contract following an appropriate procurement process.
- c) delegates the negotiation, approval and completion of all relevant legal documentation, following the awarding of the contracts to the relevant Head of Service, Head of Legal, Democracy and HR, Head of Corporate Finance, in consultation with the appropriate Cabinet Member.

*(Generic Delegations 2 & 3 will be used to enact this recommendation)*

## **Reasons for the Recommendations**

By approving the procurement forward programme there is greater transparency of future procurement processes allowing more scope for internal stakeholders to input into how future contracts are delivered.

The approval of the forward programme provides a key decision that will enable the individual procurement processes to be awarded under delegated authority once the tender process has concluded giving the Council the ability to reduce the time required to complete a procurement process.

## **9. EV Charging Infrastructure Network**

The Cabinet Member for Environmental Services and Sustainability presented report [PES/364](#) of the Head of Economy and Planning. In December 2019, West Sussex County Council (WSCC) adopted an Electric Vehicle (EV) Strategy which set out a

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plan to procure a supplier to deliver a county-wide EV charging network. It had been requested that Crawley Borough Council partake in the scheme and nominate sites for the erection of EV charging points.

Councillor Rana presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on 22 June 2020, which included:

- Reduced emissions were welcomed but it was noted that the vehicle batteries had a finite lifetime and could not be recycled - however there were second uses for batteries such as energy storage.
- The additional pressure on the existing power infrastructure should be considered.
- Recognition that the list of sites was not definitive nor confirmed and was also in addition to those proposed by WSCC, and that there was currently an option to recommend sites on the WSCC website.
- Concerns surrounding the number of spaces and potential concentration of the sites, which may overwhelm some areas. Consultation with ward Councillors would be welcomed.
- Acknowledgement that the issue of parking remained throughout the town and enforcement could take place through the usual channels for penalty use of EV charging points.

Councillors P Smith, Lamb, Mullins, and Jhans spoke as part of the discussion on the report. Cabinet Members expressed general support for the proposals, and it was noted that creation of sufficient infrastructure for EV would facilitate a reduction in carbon emissions. The figure that 30% of households in the borough do not have off-road parking and thus would be unable to install an EV charging point was queried. Concerns were also raised about the potentially inhibitory cost of electric cars. It was recognised that there would be potential for the Council to suggest changes to the WSCC strategy, including the charging point sites, at a later date.

A recorded vote was taken on the recommendations in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendations, along with any abstentions, are recorded as set out below:

For the recommendations:

Councillors Irvine, Jhans, Lamb, Mullins, and P Smith. (5)

Against the recommendations:

None.

Abstentions:

None.

## **RESOLVED**

That the Cabinet

- a) approves, in principle that the Council takes part in the EV Charging Infrastructure Network scheme, led by WSCC who will procure an EV infrastructure provider, through a concession contract to deliver an extensive EV charging network across the Borough.

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- b) delegates authority to the Head of Economy and Planning, to undertake further discussions with WSCC, including consideration of any necessary associated documentation to progress the delivery of these services to benefit the borough.\*
- c) delegates authority to the Head of Economy and Planning, in consultation with the Leader of the Council and the Cabinet Member for Environmental Services and Sustainability, the approval of the Council entering into the scheme depending on the results of the tender process\*

*\*(Generic Delegation 7 will be used to enact this recommendation).*

## **Reasons for the Recommendations**

### **Tangible Action in response to the Climate Change Emergency Declaration**

Transport contributes over a third of the carbon emission across Crawley Borough (250 ktCO<sub>2</sub> pA) and is the one sector that is on an upward trend, and therefore in order to meet the obligations of our Climate Emergency declaration, the Council should work as quickly as possible to enable residents to switch to low emissions vehicles.

### **Lack of EV Charging Infrastructure is holding back EV take up**

One of the main barriers to increased take-up of low emissions vehicles is the lack of charging infrastructure. We know that residents would prefer to charge their car at or near their homes. We also know that 30% of households do not have access to off road parking and will find it hard to make the switch to EV. Providing chargers for these people is vital, and the scheme proposed by WSCC will address this.

### **No Maintenance Liability or Cost to CBC**

WSCC will be procuring a concession contract to install a network of EV charge points across the county. With the option to extend, the 7 year concession contract will be delivered entirely by the preferred supplier, who will be responsible for joint planning, funding, building, marketing and operating a publicly accessible charge point network across West Sussex, as well as providing an on-going 24/7 service (including the management of payments and support), with full responsibility for maintenance and repair to ensure the network is fully operational at all times.

### **The “Fast Track” roll out of EV Charging Infrastructure**

The scheme will use a portfolio based approach using commercially attractive sites to support less viable sites. Fast and rapid charge points will be installed on-street, in public sector car parks, and on community assets county wide, providing charging primarily for those residents and businesses who do not have access to off road parking. The provider will be contractually obliged to fast track infrastructure roll out.

### **Crawley will benefit from EV Infrastructure going elsewhere in West Sussex**

Horsham, Adur & Worthing, Arun and Mid Sussex District Councils are all planning to be involved in the scheme. The contract will be made available to other defined Contracting Bodies to join, such as district, boroughs, parish councils and incorporate parish halls, community centres etc. over the lifetime of the contract.

### **Improvements to Air Quality in Crawley**

Recent analyses pre-COVID 19 crisis have indicated that the air quality situation in parts of the Borough was getting significantly worse, particularly as regards NO<sub>x</sub> and particulate pollution. The rapid uplift in available EV charging infrastructure will incentivise conversion to electric vehicles to help enhance air quality.

## 10. Local Cycling and Walking Infrastructure Plan

The Cabinet Member for Environmental Services and Sustainability presented report [PES/363](#) of the Head of Economy and Planning which set out details of the draft Local Cycling and Walking Infrastructure Plan (LCWIP); a costed plan developed in line with Department for Transport guidance that aimed to establish borough-wide cycling and walking areas through a programme of infrastructure improvements. The draft LCWIP was to be approved for public consultation in order to identify further areas for inclusion in the Plan.

Councillor Rana presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on 22 June 2020, which included:

- The need to instil public confidence in cycling and walking through separate space for cycling lanes, bike security and encouraging active travel. On balance, those who were not able to easily travel should not be at a disadvantage by the infrastructure established.
- Acknowledgement that five sets of cycle counters were in place to evaluate cycle trips. Whilst not monitoring speed it was proposed that all newly developed cycle routes would include a plan for monitoring and evaluating their use and effectiveness.
- Concern was raised regarding some of the traffic management plans proposed within the appendices. It was noted these may have a detrimental effect on other users and it was therefore suggested that it would be beneficial that ward and county councillors were included in the consultation of any potential scheme.

Councillor Crow was invited to speak on the item. Matters raised included the costing of the LCWIP, which was estimated at £23.5 million, and the possibility that the LCWIP could be seen by members of the public to penalise motorists instead of ensuring a balance to benefit all road and pavement users.

All Cabinet Members present spoke as part of the discussion and expressed general approval for the proposals in the report. Discussion occurred on parking, the climate emergency, and air quality in the borough, as well as the need to ensure the safety of cyclists and pedestrians. It was noted that the cost of the proposed plans was an estimate. The Cabinet also noted that the plans formed part of a national Government initiative to improve walking and cycling infrastructure.

Upon receiving a query regarding who was to be responsible for the ongoing maintenance of the proposed plans in the LCWIP, the Cabinet Member for Environmental Services and Sustainability suggested that this would fall to the Highways authority at WSCC.

A recorded vote was taken on the recommendations in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendations, along with any abstentions, are recorded as set out below:

For the recommendations:

Councillors Irvine, Jhans, Lamb, Mullins, and P Smith. (5)

Against the recommendations:

None.

Abstentions:  
None.

## RESOLVED

That the Cabinet:

- a) approves the draft Crawley LCWIP that has been developed for consultation
  - b) delegates authority to the Head of Economy and Planning\*, in consultation with the Cabinet Member for Environmental Services and Sustainability, to consider the responses to the consultation and either:
    - i) make minor amendments to the Crawley LCWIP in response to the consultation and adopt the amended the LCWIP\*
- or
- ii) if there are major amendments required to the draft plan then produce an updated version of the Crawley LCWIP follow further Cabinet consideration and adoption.

*\*(Generic Delegation 7 will be used to enact this recommendation).*

## Reasons for the Recommendations

The LCWIP provides a key document to inform the planning authority Local Plan. This enables clear discussions with developers on providing safe, accessible, connected, people-centred neighbourhoods for homes and business, ensuring full linkage with the wider town cycle network and formally evaluated walking routes.

Having an LCWIP will put Crawley Borough Council in a favourable position to apply for government funding for walking & cycling schemes when this comes forward.

## 11. Exempt Information – Exclusion of the Public (Subject to Agenda Item 5)

### RESOLVED

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

## 12. Appointment of Supplier for the implementation and support of a new Fully Integrated Housing and Asset Management Database System

**Exempt Paragraph 3 – Information relating to financial and business affairs of any particular person (including the Authority holding that information)**

The Cabinet Member for Housing presented report CH/189 of the Head of Crawley Homes which sought Cabinet approval for the award of contract to the preferred successful bidder, following a competitive tender exercise and evaluation process, for

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the award of a contract for the supply and implementation of a hosted housing management software solution.

It was noted that the proposed contract was for a six-year term period commencing on 13 July 2020, with a four-year optional extension period, subject to the suppliers' satisfactory performance.

A recorded vote was taken on the recommendations in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendations, along with any abstentions, are recorded as set out below:

For the recommendations:

Councillors Irvine, Jhans, Lamb, Mullins, and P Smith. (5)

Against the recommendations:

None.

Abstentions:

None.

## RESOLVED

That the Cabinet

- a) approves the appointment of Bidder 3 for the supply and implementation of a fully hosted Housing Management software solution for a period of six years from 13 July 2020, with the option to extend for a further four years.
- b) delegates to the Head of Crawley Homes and the Head of Legal, Democratic and HR Services to complete and enter into the contract.\*
- c) delegates to the Head of Crawley Homes and the Head of Legal, Democratic and HR Services the ability to apply the four year extension at the end of the initial term subject to performance review.\*

\*(Generic Delegation 2 will be used to enact this recommendation).

## Reasons for the Recommendations

Following a tender exercise and evaluation, the provider identified in paragraph 2.2 of this report has submitted the most economically advantageous tender to ensure a fully integrated Housing and Asset Management Database System to assist in

## 13. HRA Budget for Purchase of Land or Property

**Exempt Paragraph 3** – *Information relating to financial and business affairs of any particular person (including the Authority holding that information)*

The Cabinet Member for Housing presented report CH/190 of the Head of Crawley Homes which sought changes to agreed budgets and delegations to enable the Council to purchase land or property for the delivery of housing within the HRA.

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Councillors Mullins also spoke in support of the report.

A recorded vote was taken on the recommendations in accordance with the Council's Virtual Committee Procedure Rules. The names of the Councillors voting for and against the recommendations, along with any abstentions, are recorded as set out below:

For the recommendations:

Councillors Irvine, Jhans, Lamb, Mullins, and P Smith. (5)

Against the recommendations:

None.

Abstentions:

None.

## **RESOLVED**

That the Cabinet recommends to ask Full Council to:

- a) agrees to change to the budget heading of Acquisition Buy Back of Dwellings to Acquisition of Land or Dwellings.
- b) agrees to change the budget heading of Purchase of Edinburgh House to Purchase of Properties.
- c) delegates joint authority to the Head of Crawley Homes and the Head of Corporate Finance\* in consultation with the Cabinet Member for Housing and the Leader of the Council to purchase suitable land or property for the delivery of housing within the limits of the HRA budgets identified in 2.1 a and b.  
  
\*(Generic Delegation 8 will be used to enact this recommendation).
- d) amends the financial approval levels within the Constitution to ensure that they reflect the ability of the Council to purchase acquisitions efficiently within the agreed budgets

## **Reasons for the Recommendations**

There are opportunities to purchase either land or property that would benefit the council's ambition to develop affordable housing, but the process of agreement through Cabinet and Full Council means that the council is not able to act quickly and can lose out to other developers.

This will allow the Council to continue the delivery of dwellings funded from the HRA as part of HRA business plan and the Council's RTB Receipts (one-for-one) funding programme and provide housing for Crawley residents in need from the housing register.



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## **Closure of Meeting**

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.35 pm

**P K LAMB**  
Chair

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# Agenda Item 6

## Crawley Borough Council

**Report to Overview and Scrutiny Commission**  
**28 September 2020**

**Report to Cabinet**  
**30 September 2020**

### **Public Spaces Protection Order – Alcohol Consumption**

Report of the Head of Community Services, **HCS/23**

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#### **1. Purpose**

- 1.1 To consider a proposal for the making of a Public Spaces Protection Order (PSPO) to prohibit the consumption of alcohol where that consumption contributes to, is linked to or is associated with nuisance or annoyance to members of the public or a section of the public, or to disorder.
- 1.2 An order has been in place in Crawley since 2006 to address alcohol related anti-social behaviour firstly as a Designated Public Places Order (Intoxicating Liquor) and more recently as a transitioned PSPO. The proposed new PSPO will replace the current alcohol PSPO when it expires on 19 October 2020.

#### **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) Endorse and request that Full Council make a PSPO in the form of the draft (at Appendix A to this Report, HCS/23) having first considered the outcome of the consultation exercise and all other relevant matters, and provided that Full Council is satisfied on reasonable grounds that the 2 conditions in section 59(2) and (3) of the Anti-social Behaviour, Crime and Policing Act 2014 are met (as set out in paragraph 4.3 of this Report, HCS/23);
- b) Agree that the level for Fixed Penalty Notices which may be issued for a breach of the PSPO (in the event that Full Council makes the PSPO in the form of the draft at Appendix A of this Report, HCS/23) be set at £100.

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

- 3.1 PSPOs can target a range of behaviours and can prohibit specified activities or require certain things to be done by people engaged in certain activities. PSPOs can send a clear message that these behaviours will not be tolerated and help reassure residents and businesses that unreasonable conduct is being addressed. The proposed PSPO will not

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restrict consumption of alcohol in a public place, but will be used to address anti-social and behaviour associated with alcohol consumption which has a detrimental effect on the town and community.

- 3.2 The proposed PSPO, if made by Full Council, will provide the Police and Local Authority with an additional powers to complement existing enforcement strategies and legislation. The proposed PSPO seeks to regulate specific activities in public places that have a detrimental effect on the local community and would be used as part of suite of options available to the council and police to enable a combined approach in tackling the problems associated with alcohol related nuisance, annoyance and disorder.

## 4. Background

- 4.1 PSPOs were introduced under the Anti-social Behaviour, Crime and Policing Act 2014 to deal with persistent anti-social behaviour in a local area that is detrimental to the community's quality of life. They do so by imposing conditions on the use of that area to ensure everyone can use and enjoy public spaces without experiencing nuisance or annoyance.
- 4.2 The Act gives local authorities the power to make PSPOs in respect of any public space within its own area, including any space to which the public has access as of right or by virtue of express or implied permission, provided the required test is met.
- 4.3 The Act 2014 sets out that a local authority can make a PSPO if satisfied, on reasonable grounds that the following two conditions are met:

Condition 1 is that—

- (a) that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

Condition 2 is that the effect, or likely effect, of the activities—

- (a) is, or is likely to be, of a persistent or continuing nature,
  - (b) is, or is likely to be, such as to make the activities unreasonable, and
  - (c) justifies the restrictions imposed by the notice.
- 4.4 A PSPO can last for up to 3 years, after which it will expire unless before then a decision is made to extend it for a further period of time. A PSPO can be extended more than once. PSPOs can be varied at any time to change the restricted area or to alter or remove a prohibition or requirement included in the PSPO, or to add a new one.
- 4.5 Where a PSPO includes a prohibition on the consumption of alcohol section 63 of the Act is engaged, and the following applies:
- (a) Where a constable or authorised local authority officer reasonably believes that a person is or has consumed alcohol in breach of a PSPO, or intends to do so, then they may require that person:
    - (i) not to consume, in breach of the order, alcohol or anything which the constable or authorised officer reasonably believes to be alcohol; or

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- (ii) to surrender anything in the person's possession which is, or which the constable or authorised officer reasonably believes to be, alcohol or a container for alcohol.
  - (b) When imposing one of the above requirements, the officer must tell the person that failing without reasonable excuse to comply with the requirement is an offence.
  - (c) The imposition of a requirement will not be valid if the person asks the officer to show evidence of their authorisation and the officer does not do so.
  - (d) Consuming alcohol in breach of the PSPO will not in itself be an offence, however, it would be a criminal offence for a person to fail, without reasonable excuse, to comply with a requirement imposed on him/her. A person guilty of this offence is liable on conviction in a Magistrates' Court to a fine not exceeding level 2 on the standard scale.
  - (e) A constable or authorised officer may dispose of anything surrendered in compliance with a requirement however he or she thinks appropriate.
- 4.6 Within 6 weeks of a PSPO being made, an individual who lives in the restricted area or who regularly works in or visits that area can apply to the High Court to question the validity of the PSPO. This right of appeal also applies when a decision is made by a local authority to vary an existing PSPO.
- 4.7 Before a local authority decides whether to make, extend, vary or discharge a PSPO, there are requirements regarding consultation, publicity and notification. This includes consultation with the local chief officer of police, police and crime commissioner, owners and occupiers of the affected land, and appropriate community representatives. The requirement to consult with the owner or occupier of land within the proposed restricted area does not apply to land that is owned and occupied by the local authority, and applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land. Any public consultation should be of duration that allows for meaningful engagement.
- 4.8 There is a requirement for a newly made PSPO to be published on the local authority's website and signage to be erected on or adjacent to the place the Order relates. Signage does not need to set out all the provisions of the PSPO but needs to clearly state where this information can be found.

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

- 5.1 Reports of alcohol related nuisance and anti-social behaviour in public spaces which impact on the quality of life of nearby residents and the enjoyment of the wider community in areas affected by this behaviour continue to be received. Numerous complaints and concerns have been raised by individuals who both reside, work or visit our borough, the behaviour is further evidenced by reports from key multi agency partnerships, such as Shop watch. The behaviour demonstrates an ongoing and continuous pattern of unacceptable nuisance behaviour that is at times threatening, often intimidating and of a nature that has led to an enduring and sustained negative impact on the wider community. This behaviour also impacts on the perception of Crawley and its economic stability. Although this behaviour is wide-spread throughout the borough particular neighbourhood hotspot areas include town centre, Tilgate Park, Goffs Park, Gossops Green Playing Field (Dormans), Dobbins Place, Three Bridges Playing Field and Jubilee Field. Having a borough wide PSPO (excluding Gatwick) enables the police and council to address this behaviour wherever it arises in a robust manner.

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5.2 Alcohol related anti-social behaviour and disorder has been a long standing issue, the current PSPO and previous DPPO have been used to good effect and there is an expectation from the public that the council and police continue to utilise all the powers available to them to address this behaviour.

## 6. Information & Analysis Supporting Recommendation

6.1 The current alcohol PSPO came into effect in October 2017 when the former Designated Public Places Order (DPPO) transitioned into a PSPO under arrangements set out in the Anti-Social Behaviour, Crime and Policing Act 2014. The DPPO had been in place since 1<sup>st</sup> April 2006. The DPPO gave the police and authorised council officers the authority to 'require a person in a DPPO area not to drink alcohol' and to 'ask the person to surrender the alcohol and any opened or sealed containers in their possession'. The same prohibitions apply to the current alcohol PSPO.

6.2 Consuming alcohol would not be a breach of the proposed PSPO (if made). The PSPO would allow a constable or authorised person to impose the requirements (as described in 4.5 above) where they believed that the consumption of that alcohol contributes to, is linked to or is associated with nuisance, annoyance or disorder or that the person intends to consume alcohol in circumstances in which doing so would be in breach of the prohibitions. It would be the failure to comply with an imposed requirement that is an offence.

6.3 The proposed PSPO will not prevent an individual from enjoying an alcoholic beverage in a public place as long as the consumption does not contribute to, is linked to or associated with nuisance, annoyance or disorder.

6.4 If made, the PSPO would not restrict the consumption of alcohol in any premises which are licensed for the supply of alcohol including any outdoor area within the curtilage of such licensed premises (other than council operated licensed premises). This means, for example, the proposed PSPO would not apply to a beer garden of a pub where the beer garden is part of the licensed premises. If made, the PSPO would also not apply to premises where a temporary event notice has been given under Part 5 of the Licensing Act 2003, or where the sale or consumption of alcohol is permitted by virtue of permission granted under section 115E of the Highways Act 1980. These exclusions are set by statute. The intention of excluding such premises from a PSPO which includes prohibitions on consuming alcohol is that the licensing regime already includes safeguards and measures to address anti-social behaviour and disorder associated with alcohol consumption within such premises.

6.5 All of the other district and boroughs in West Sussex, with the exception of Mid Sussex, have PSPOs restricting alcohol consumption where it is associated with anti-social behaviour. This sends a clear message that this type of behaviour is not tolerated in West Sussex.

6.6 The current PSPO signage in the borough covers both the current alcohol PSPO and the car cruising PSPO. If this new alcohol PSPO is granted there will be no need to amend the current signage as the information about the current PSPO will apply to the proposed PSPO (if made). However if the PSPO is not granted, the current signage will need to be amended to remove any reference to the alcohol PSPO.

6.7 With regard to the use of FPNs, it is anticipated that there will be limited use of these in relation to the street community, as compliance from this group of individuals has not previously resulted in any further action to be taken. When asked to stop drinking and hand over a vessel believed to contain alcohol (under current powers), it is reported that

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they have generally complied with these requirements. PSPOs are part of a suite of powers available to officers to address anti-social behaviour. Other powers contained within the Anti-Social Behaviour, Crime and Policing Act 2014 can and have been used to target specific unwanted behaviours. Community Protection Notices have been used with success. For some individuals, receiving a Community Protection Notice Warning has been sufficient. Criminal Behaviour Orders can also be applied for where a person is convicted of an offence such as breach of a Community Protection Notice. So far in 2020, nine Community Protection Notice Warnings have been issued to individuals from the street community, of which two have been progressed to the issue of a Community Protection Notice. The behaviours these warnings have been used for include: not congregating in groups of more than two, not being under the influence of alcohol and/or drugs and not entering premises they have been banned from.

- 6.8 The area to which the current PSPO (formerly the DPPO) applies is the borough of Crawley excluding Gatwick Airport. A borough wide DPPO was originally made to prevent any displacement of the problem from the hotspot areas identified at the time. This area became the restricted area under the current PSPO when the DPPO transitioned into a PSPO in 2017. It is the same area which would become the restricted area under the proposed PSPO (if made).
- 6.9 A suite of measures will be developed to monitor the use, compliance and impact of the PSPO, these will be monitored by the local strategic community safety board.
- 6.10 Police recorded data relating to alcohol related crime and alcohol related public place crime has shown an increase year on year for the last three years.

	Alcohol related crime	Alcohol related public place crime
2017/18	1257 (+1.9%)	462 (+2.9%)
2018/19	1525 (+21.3%)	588 (+27.3%)
2019/20	1554	605

- 6.11 Between 01/06/19 – 31/05/20 there were 76 ASB reports relating to street drinking compared to 69 for the previous 12 month period. The town centre received the most reports, 29 and 33 respectively. West Green and Three Bridges were the neighbourhood areas with the highest number of ASB reports. The table below shows the number of street drinking ASB reports to the police by neighbourhood.

	01/06/18 – 31/05/19	01/06/19 – 31/05/20
Bewbush	3	1
Broadfield	5	4
Crawley town centre	33	29
Furnace Green	2	1
Gossops Green	0	3
Ifield	2	2
Langley Green	2	3
Maidenbower	1	0
Northgate	1	8
Pound Hill	1	4
Southgate	0	3
Three Bridges	13	5
Tilgate	0	2
West Green	6	11
<b>Total</b>	<b>69</b>	<b>76</b>

Source: Sussex Police – Anti-Social Behaviour by neighbourhood

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- 6.12 Records have been kept in relation to alcohol confiscation, figures for the last four years are shown below. Compliance is high when individuals are requested to stop consuming alcohol and surrender any vessels believed to contain alcohol.
- 2016/17 – 85
  - 2017/18 – 21
  - 2018/19 – 62
  - 2019/20 - 3
- 6.13 In 2019 there was an increase in the use of Community Protection Notice Warnings in relation to the street community, 18 were issued compared to only two in 2018. Of the 18 issues in 2019 four were progressed to Community Protection Warnings and subsequently two of these were progressed to Criminal Behaviour Orders. Not being under the influence of alcohol was an element included in the majority of these.
- 6.14 Letters were sent via email to Sussex Police, via the local District Commander, the Police and Crime Commissioner and WSCC, regarding the proposal for a new PSPO when the current PSPO expires. No negative feedback was received. Chief Inspector Shane Baker, District Commander for Crawley and Mid Sussex was supportive of continuing to have an alcohol consumption PSPO for Crawley.
- 6.15 Public Consultation
- Consultation took place from the 13<sup>th</sup> July 2020 to 9<sup>th</sup> August 2020. A copy of the consultation questions is included in Appendix B. The consultation was made available online with paper copies on request. A copy of the draft order and details of the issue was made available on the Council website
  - Promotion of the consultation was done through:-
    - Publicity via local press
    - Use of social media via promotion on the councils Facebook and Twitter
    - Awareness of the PSPO consultation circulated to chairs of Neighbourhood Forum Groups, Neighbourhood and Community Forums, Community Development Facebook pages, Residents Associations, Forum Facebook pages, Rivers for Women, Crawley Town Community Foundation, Crawley Community Youth Services, Sussex Oakleaf, Barnardos, Early Help WSCC, Love Your Neighbour Initiative, Crawley Interfaith Network, Crawley College, YMCA and abandofbrothers.
    - Awareness of the PSPO consultation was also aimed at the business community through the Town Centre Partnership, town centre business contacts and neighbourhood parade tenants.
    - The display of posters in all Neighbourhood notice boards, all three train stations, Tilgate Park, Goffs Park, Jubilee Fields/Three Bridges playing field, Church Walk, Memorial Gardens and High Street (near Brewery Shades) making people aware of the proposed PSPO and consultation process inviting them to express a view.
  - Due to Covid19 we were unable to hold face to face consultation and utilise community facilities such as community centres and libraries to promote the consultation, due to these being closed to the public.
- 6.16 Analysis of the Consultation responses:
- 206 responses were received, the key finding were as follows:-
- 97% of all respondents agreed with the proposal to implement the PSPO.
  - 100% of business owners and community group representatives agreed with the proposal to implement a PSPO
  - An average of 95% stated that implementing the PSPO would have a positive impact for those either visiting or living and working within the town.



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- 91% of all respondents thought alcohol related anti-social behaviour was either a big problem or somewhat of a problem in Crawley.
- Respondents emphasised the need to ensure the PSPO is enforced throughout its duration so that alcohol related anti-social behaviour is effectively and properly addressed.

## 7. Implications

### 7.1 Financial Implications

- Resources – no additional resources will be required.
- Signage –The current signage covers both the current alcohol PSPO and car cruising PSPO. The wording of the current signage will not need to be amended unless the proposed PSPO is not made. The cost of replacing the current signage would be £1,320 plus installation.
- Fixed Penalty Notice Books – there will be no need to produce new FPN books as the current FPN books already include a code for use regarding breach of PSPO.
- Training – training was provided on PSPO Enforcement and Fixed Penalty Notice Training for the car cruising PSPO. Further training will not be required.
- Legal Costs in the event of prosecutions

### 7.2 Legal and Risk Implications

The consultation process and making of PSPOs around the country to address some issues have received wide public criticism, particularly where they have sought to address behaviours linked to homelessness and begging. However Crawley has had an order prohibiting the consumption of alcohol when associated with nuisance, annoyance or disorder, or it believed it will lead to nuisance, annoyance or disorder since 2006 initially via the DPPO and as a PSPO since 2017, therefore the risk, if the proposed PSPO is made, is assessed to be low as it would not be a new provision for Crawley.

Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 gives local authorities the powers to make a PSPO. The procedure for making a PSPO is set out in section 72 of the 2014 Act and in the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 made under that Act.

Before making a PSPO the Council must publicise the text of the proposed order and:

- consult with the chief police officer and the local policing body
- consult with such community representatives as the Council thinks appropriate
- consult (as reasonably practicable) the owners or occupiers of land in the area of the proposed order
- consider any representations made

The Council has complied with the above requirements and in order to complete the process, the Council must take into account any consultation responses before making a decision whether to make the proposed PSPO. In order to make the proposed PSPO, the Council must also be satisfied that the legal test (see 4.3) is met.

The Cabinet is reminded of the requirement under the Public Sector Equality duty (Section 149 of the Equality Act 2010) to have due regard to the duty when making this decision.

### 7.3. Equality Implications

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An Equalities Impact Assessment has been carried out and this is included as Appendix C.

## **8. Background Papers**

None

**Report author and contact officer:**

**Trish Emmans, Community Safety Officer x8482**

## Appendix A

### CRAWLEY BOROUGH COUNCIL ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

#### Alcohol Consumption Public Spaces Protection Order No.1 of 2020 (“Order”)

#### **PUBLIC SPACES PROTECTION ORDER**

This order is made by Crawley Borough Council (the “Council”) and shall be known as the Alcohol Consumption Public Spaces Protection Order No 1 of 2020.

#### **PRELIMINARY**

1. The Council, in making this order is satisfied on reasonable grounds that:
  - 1.1 The activities identified below have been carried out in public places within the Council’s area and have had a detrimental effect on the quality of life of those in the locality, and
  - 1.2 that the effect, or likely effect, of the activities:
    - 1.2.1 is, or is likely to be, of a persistent or continuing nature,
    - 1.2.2 is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions imposed by this order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this order are lawful, necessary and proportionate.

#### **THE ACTIVITIES**

4. The activities prohibited by this order are (“the Activities”):
  - 4.1 The consumption of alcohol in circumstances where it contributes to or is linked to or is associated with nuisance or annoyance to members of the public or a section of the public; and
  - 4.2 The consumption of alcohol in circumstances where it contributes to or is linked to or is associated with disorder.

## **THE PROHIBITION**

5. A person shall not engage in the Activities in any Public Place within the Restricted Area.
6. This Prohibition is subject to the Exceptions stated below.

## **THE EXCEPTIONS**

7. Section 62 of the of the Anti-Social Behaviour Crime and Policing Act 2014 has the effect that the prohibition in paragraph 5 of this order shall not apply to any of the premises specified in that provision.

## **OTHER**

8. Section 63 of the of the Anti-Social Behaviour Crime and Policing Act 2014 applies where there is a breach of the prohibition in paragraph 5.

## **DEFINITIONS**

9. For the purpose of this order the following definitions will apply:
  - 9.1 “alcohol” has the meaning given by section 191 of the Licensing Act 2003;
  - 9.2 “Public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
  - 9.3 “Restricted Area” has the meaning given by section 59(4) of the Anti-Social Behaviour, Crime and Policing Act 2014 and for the purposes of this order is shown delineated by the black line on the plan annexed at Schedule 1 to this order, but excluding the area hatched in red,

## **PERIOD FOR WHICH THIS ORDER HAS EFFECT**

10. This Order will come into force at midnight on [ ] and will expire at midnight on [ ].
11. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in

the frequency or seriousness of those activities after that time. The Council may extend this order more than once.

## **WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

Section 63 of the Anti-Social Behaviour Crime and Policing Act 2014 says that where a constable or authorised local authority officer reasonably believes that a person is or has consumed alcohol in breach of a prohibition in a public spaces protection order, or intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition, then they may require that person:

- (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised officer reasonably believes to be alcohol; or
- (b) to surrender anything in the person's possession which is, or which the constable or authorised officer reasonably believes to be, alcohol or a container for alcohol.

However, a requirement (not consume alcohol or to surrender alcohol /container for alcohol, as described above) is not valid if the person requests the constable/authorised officer for evidence of their authorisation and the constable/authorised does not do so: section 63(4).

The constable or authorised officer who imposes the requirement must tell the person that failing without reasonable excuse to comply with the requirement is an offence: section 63(4).

It is a criminal offence under section 63(6) to fail, without reasonable excuse, to comply with a requirement (not consume alcohol or to surrender alcohol /container for alcohol, as described above). A person guilty of an offence is liable on conviction in a Magistrates Court to a fine not exceeding level 2 on the standard scale.

A constable or authorised officer may dispose of anything surrendered in compliance with a requirement however he or she thinks appropriate.

## **FIXED PENALTY**

An Authorised Officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 63 of the Anti- Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

## **APPEALS**

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. "Interested person" means an individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated.....

THE COMMON SEAL of CRAWLEY )  
BOROUGH COUNCIL was pursuant to a resolution )  
of the Council hereunto affixed to this Deed in the )  
presence of:- )

Proper Officer of the Council

## Section 67 Anti-Social Behaviour Crime and Policing Act 2014

(1) It is an offence for a person without reasonable excuse-

- (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale

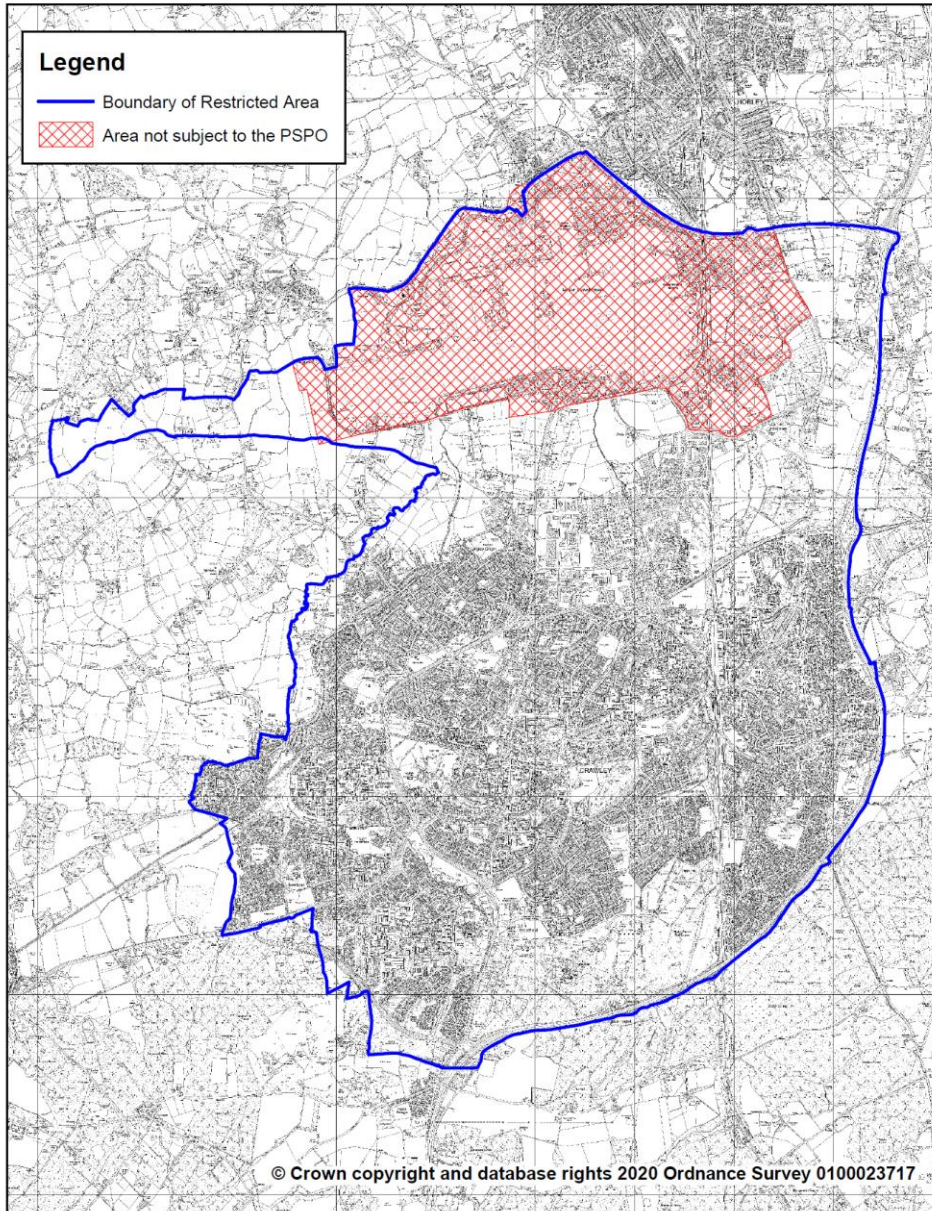
(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order

## Schedule 1 to this Order

Master plan of the Restricted Area and detailed plans referred to as [ ]



Public Spaces Protection Order (2020) Restricted Area  
Anti-Social Behaviour, Crime and Policing Act 2014







## Public Space Protection Order (PSPO)

Crawley Borough Council is proposing to implement a Public Spaces Protection Order (PSPO) under Section 59 Anti-Social Behaviour, Crime and Policing Act 2014, designating the area of Crawley edged in blue on the plan referred to in the PSPO as a restricted area for alcohol related anti-social behaviour, for 3 years. The PSPO will be a tool available to the police and council to reduce the impact that alcohol related nuisance and anti-social behaviour has on the community of Crawley.

There is currently an Alcohol PSPO in place which expires in October, this transitioned from a Designed Public Places Order (Consumption of Intoxicating Liquor) in 2017. The Designated Public Places Order had been in place since 2006. The new PSPO would replace the current PSPO when it expires.

The Order will prohibit the consumption of alcohol in a public place where it is associated with nuisance and anti-social behaviour or it is believed it will lead to nuisance and anti-social behaviour. The Order will give the police and authorised council officers the power to request an individual to stop drinking and hand over any open or sealed container(s) believed to contain alcohol. It will be an offence for anyone to engage in the activity prohibited by the PSPO, when asked to stop. Both the police and council officers will be able to enforce the order and issue fixed penalty notices.

If you wish to support/object to the proposal to implement a new PSPO after the current one expires, please complete our short questionnaire.

Q1 Do you support the implementation of a Public Spaces Protection Order (PSPO) for alcohol related anti-social behaviour?

Yes .....   
 No .....

If 'No' please state your reason(s) why:

Q2 What impact do you think having a PSPO will have on:

	Positive Impact	Negative Impact	No Impact
People living in Crawley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People working in Crawley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People visiting Crawley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q3 How much of a problem do you think alcohol related anti-social behaviour is in Crawley?

It is a big problem .....   
 It is somewhat of a problem.....   
 Not sure .....   
 It isn't really a problem .....   
 It isn't a problem at all.....

Q4 Which best describes you?

Member of the public .....   
 Community group representative .....   
 Business owner .....   
 Other .....

If other, please specify:

Q5 If you have any further comments regarding the PSPO please use the space below:

Thank you for taking the time to share your views with us on this issue.

Please return your completed survey to:

Communications Team  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
RH10 1UZ

If you wish to speak to someone regarding the proposal or require further information, please contact Trish Emmans on 01293 438482 or [communitysafety@crawley.gov.uk](mailto:communitysafety@crawley.gov.uk)

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## EQUALITY IMPACT ASSESSMENT

<b>Name of activity:</b>	<b>Public Spaces Protection Order</b>	<b>Date Completed:</b>	<b>19.08.20</b>		
<b>Directorate / Division responsible for activity:</b>	<b>Community Services</b>	<b>Lead Officer:</b>	<b>Trish Emmans</b>		
<b>Existing Activity</b>	<input type="checkbox"/>	<b>New / Proposed Activity</b>	<input 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?)

Introduction of a new PSPO for alcohol consumption to replace current PSPO when it expires in October 2020. The purpose of the PSPO is to provide the police and authorised officers with powers to prohibit the consumption of alcohol in a public place where the consumption of alcohol is associated with anti-social behaviour or it is believed the consumption of alcohol will lead to anti-social behaviour. The PSPO will target the behaviour of the street drinking community as well alcohol related anti-social behaviour of individuals/groups in parks and open spaces across the borough. The PSPO will contribute to making the town safer and more pleasant place to live, work and visit.

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

The Anti-Social Behaviour, Crime and Policing Act 2014 sets out that a local authority can make a PSPO if satisfied, on reasonable grounds that the following two conditions are met: (1) that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect. (2) that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature; is, or is likely to be, such as to make the activities unreasonable; and justifies the restrictions imposed by the notice.

The council must carry out necessary consultation, publicity and notification before a PSPO is made. Consultation has been undertaken with the police, OSPCC and WSCC, along with public consultation.

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

Residents, visitors and businesses to benefit through an improved public environment.

All key public sector providers (e.g. ambulance, fire service, A&E) through reduction demand on their resources.

Council and police as they will be the agencies enforcing the order.

**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?)

A four week public consultation was undertaken to find out whether there was public support or not for a new PSPO when the current PSPO expires. 206 responses were received, the key finding were as follows:-

- 97% of all respondents agreed with the proposal to implement the PSPO.
- 100% of business owners and community group representatives agreed with the proposal to implement a PSPO
- An average of 95% stated that implementing the PSPO would have a positive impact for those either visiting or living and working within the town.
- 91% of all respondents thought alcohol related anti-social behaviour was either a big problem or somewhat of a problem in Crawley.
- Respondents emphasised the need to ensure the PSPO is enforced throughout its duration so that alcohol related anti-social behaviour is effectively and properly addressed.

Last year saw an increase in reports and complaints relating to the presence of the street community in the town centre and Memorial Gardens. Although the street community are not a new issue for the council and partners to deal with, last year saw an increase in the number and visibility of the street community in the public realm. The impact was felt by both the public and businesses. The individuals within this community have complex needs and as such there is no quick fix to dealing with this particular cohort of individuals. However their alcohol related behaviour has had and continues to have a significant impact on the wider community.

Data provided by Sussex Police shows that street drinking ASB has increased from 69 reported incidents between 1 June 2018 and 31 May 2019 to 76 reported incidents between 1 June 2019 and 31 May 2020. The majority of reports for both time periods related to the town centre 33 and 29 respectively. Alcohol related public place crime has also increased. In 17/18 there were 462 this increased to 588 in 18/19 and increased again in 19/20 to 605.

**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)	Yes	<p><u>Positive Impact</u> Although the PSPO is designed to prohibit certain behaviours it also looks to make Crawley a safer and more welcoming place. Anecdotally we know that some sections of the community don't feel that Crawley is a safe and welcoming place and this has a negative impact on these individuals and the likelihood on them choosing to visit the town e.g older people or families with young children. The PSPO could have a positive impact for these individuals.</p> <p><u>Negative Impact</u></p>
<b>Disability</b> (people with physical / sensory impairment or mental disability)	Yes	<p><u>Positive Impact</u> PSPO will positively impact on those individuals with additional support needs, protected or hidden characteristics and or disabilities to feel safer when accessing the town centre and other key public locations.</p> <p><u>Negative Impact</u> The PSPO could adversely impact those with mental health concerns and those with alcohol dependency, particularly those associated with the street community.</p>
<b>Gender reassignment</b> (the process of transitioning from one gender to another.)	No	<p><u>Positive Impact</u></p> <p><u>Negative Impact</u></p>
<b>Marriage &amp; civil partnership</b> (Marriage is defined as a 'union between a man and a woman'. Civil partnerships are legally recognised for same-sex couples)	No	<p><u>Positive Impact</u></p> <p><u>Negative Impact</u></p>
<b>Pregnancy &amp; maternity</b> (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	No	<p><u>Positive Impact</u></p> <p><u>Negative Impact</u></p>

<b>Race</b> (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	No	<u>Negative Impact</u>  <u>Positive Impact</u>
<b>Religion &amp; belief</b> (religious faith or other group with a recognised belief system)	No	<u>Positive Impact</u>  <u>Negative Impact</u>
<b>Sex</b> (male / female)	No	<u>Positive Impact</u>  <u>Negative Impact</u>
<b>Sexual orientation</b> (lesbian, gay, bisexual, heterosexual)	No	<u>Positive Impact</u>  <u>Negative Impact</u>
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	Yes	<u>Positive Impact</u>  <u>Negative Impact</u> Homeless/rough sleeper community - The PSPO will be used to address anti-social street drinking which has a detrimental effect on the quality of life for those live, work and visit the town and witness this type of behaviour. Anti-social street drinking is associated with the street community, of which those who are homeless/rough sleeping fall into. The PSPO is not designed to solely target this group. The council work with key partners such as Crawley Open House and CGL to provide support to those who are rough sleeping/homeless off the street and into accommodation and to provide them with the support needed to address their addictions. Positive engagement with this community could mean that this is translated into a positive impact.



**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)

As a PSPO has previously been in place we have evidence of its impact on the wider community and for groups that may have protected characteristic. The evidence has compelled us to propose to make a new PSPO based on the evidence that this disproportionately positively impacts on these groups. Ongoing consultation and engagement with community development services shows that this is a well-received initiative that supports Crawley to be a safer and more welcoming environment for all.

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

CBC and public sector partners have been delivering to this PSPO and resources are available to undertake and resource this PSPO.

**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?	Yes	If yes, record the evidence below. If no STOP and re-examine the activity. Existing intelligence, data and engagement with these communities demonstrate the need for such an activity and the likely benefits. Ongoing consultation shows the impact on communities and businesses, with increased confidence that authorities are actively taking action to make Crawley a safer and more welcoming place.
Does the activity have a <b>negative impact</b> on any of the protected groups, i.e. disadvantage them in any way.	No	If yes, identify necessary changes and record appropriate actions below. If no, record the evidence and assessment is complete.

**Decision following initial assessment**

<b>Continue with existing or introduce new / planned activity</b>	Yes	<b>Amend activity based on identified actions</b>	Yes / No
---	-----	---	----------

<b>Action Plan</b> (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)			
<b>Impact identified</b>	<b>Action required</b>	<b>Lead Officer</b>	<b>Deadline</b>
n/a			

<b>Monitoring &amp; Review</b>	
<b>Date of last review or Impact Assessment:</b>	n/a
<b>Date of next 12 month review:</b>	August 2021
<b>Date of next 3 year Impact Assessment (from the date of this EIA):</b>	August 2023

<b>Date EIA completed:</b>	19.08.20.....
<b>Signed by Person Completing:</b>	Trish Emmans.....
<b>Date Sent to HR and Equalities Team:</b>	.....
<b>Approved by Head of Service:</b>	.....

NB – The original signed hard copy & an electronic copy should be kept within your Department for audit purposes. Send an electronic copy to the OD Officer in HR & Development. Also, please complete the summary document overleaf. This will be included on the Council’s website.

The EIA Toolkit provides guidance on completing EIAs & HR&D can provide further advice.

# Crawley Borough Council Equality Impact Assessment



Completed Equality Impact Assessment	Key findings	Future actions
<p><b>Directorate / Division:</b></p> <p><b>Function or policy name:</b></p> <p><b>Officer completing assessment (Job title):</b></p> <p><b>Date of assessment:</b></p>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

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# Agenda Item 7

## Crawley Borough Council

### Report to Overview and Scrutiny Commission

28th September 2020

### Report to Cabinet

30th September 2020

## 2020/2021 Budget Monitoring - Quarter 1

Report of the Head of Corporate Finance, **FIN/505**

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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 first Quarter to June 2020. It identifies the main variations from the approved spending levels and any potential impact on future budgets.

### 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:

Note the projected outturn for the year 2020/2021 as summarised in this report.

### 3. Reasons for the Recommendations

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

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- 4.3 This report outlines the projected outturn for 2020/2021 as at the end of June 2020.

## 5. Budget Monitoring Variations

### 5.1 General Fund

The table below summarises the projected variances in the relevant Portfolio at Quarter 1.

	Variance Projected at Quarter 1
	£'000's
Cabinet	(133)
Public Protection & Community Engagement	(59)
Environmental Services & Sustainability	289
Housing	734
Wellbeing	2,014
Planning & Economic Development	(113)
Additional Funding Received	(1,499)
<b>TOTAL (SURPLUS)/DEFICIT</b>	<b>1,233</b>

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

- 5.2 The Table below shows the impact of Covid-19 on the current year budget and the mitigations taken, together with Government support to date.

<b>Covid – additional expenditure</b>		
Homelessness	150	
Rough sleeping	404	
Sports, Leisure and community facilities	618	
Revenues and benefits expansion	123	
Shielding	33	
PPE	94	1,422
<b>Covid – lost income</b>		
Car parking	343	
Recreation and sports	1,290	
Culture related losses including community centres	227	
Planning and development	161	
Sales, fees and charges	340	
Commercial income	102	
Other income	405	2,868
<b>Total Covid related budget pressures</b>		<b>4,290</b>
Other unexpected costs (including pay award)		217
In-year savings/mitigations identified		(1,775)
Additional funding – Covid-19 grant		(1,369)
Additional funding – Business grants new burdens		(130)
<b>TOTAL (SURPLUS)/DEFICIT</b>		<b>1,233</b>

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## 5.3 Significant variances variations over £100,000

### 5.3.1 Cabinet

Costs of the anticipated 2.75% pay award are higher than budgeted (2%) which will result in additional costs of £138,000.

There has been savings of £187,000 identified by a tender of the insurance contract.

Savings of £100,000 were achieved from a reduction in Rateable Value of the Town Hall, due to the demolition & letting of part of the building.

Direct Covid-19 costs are projected to be £113,000. This includes creation of "The Hub" at K2 Crawley, delivery of food to vulnerable residents & essential PPE.

In year savings have been recognised due to a number of vacant posts within various teams, these total £112,000.

### 5.3.2 Public Protection & Community Engagement

There are no significant variations to report this quarter.

### 5.3.3 Environmental Services & Sustainability Services

Car parking income is forecast to be lower by £253,000 due to Covid-19 and decreased demand in our car parks. Free parking was also provided at Orchard Street for NHS staff, with Crawley Hospital choosing to suspend all pay and display parking until the end of June.

### 5.3.4 Housing Services

Benefit Overpayments recovery is forecast to be £299,000 less than anticipated due to Covid-19 regulations and the inability to enforce debt.

In response to Covid-19, the Government launched the "Everyone in" scheme, whereby local authorities were encouraged to move all rough sleepers into temporary accommodation. This is projected to cost an additional £404,000 than originally budgeted. Admin costs associated with the running of this scheme are expected to be an additional £145,000.

### 5.3.5 Wellbeing

K2 Crawley reopened on 25<sup>th</sup> July and is expected to remain open at limited capacity for the remainder of the year. This will result in lost income and additional costs of £1,528,000 being incurred to ensure the centre remains open to the public. This includes £915,000 of lost revenue and an additional costs of £629,000 payable to Everyone Active.

Tilgate Nature Centre closed on the 17<sup>th</sup> March following government advice, this coupled with restrictions on travel has had significant impact on the income received by both the centre and car park. The Nature Centre has since reopened on the 20<sup>th</sup> July with reduced numbers to enable social distancing, but with strong demand. The projected total deficit for the year is £331,000

Community Centres have also been closed with anticipated lost income of £360,000. This includes operational savings made to mitigate losses where possible.

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There is an underspend of £221,000 due to vacancies and operational savings within Play and Neighbourhood Services.

## 5.3.6 Planning & Economic Development

There is an underspend on £122,000 due to vacancies within the Property & Corporate Facilities teams.

Reduced Planning & Building Control revenue of £161,000 is expected due to a slowdown in building work due to Covid-19 restrictions and reduced economic activity.

## 5.3.7 Investment Interest & Other Income

Government have now paid out three tranches of Covid-19 funding, the total available being £1,369,000 to meet additional expenditure needs. A new burdens grant of £130,000 has also been received to compensate for additional work with distributing small business and retail and hospitality grants.

## 6. Virements

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

There have been no virements in the quarter

## 7. Council Housing Service – Revenue

7.1 The table below provides details of the 2020/21 HRA (Crawley Homes) variances.

### Housing Revenue Account Variations

	Variation £000's
<b>Income</b>	
Rental Income	543
Other Income	0
Interest Received on balances	0
	<b>543</b>
<b>Expenditure</b>	
Employees	(59)
Repairs & Maintenance	0
Other running costs	(63)
Support services	0
	<b>(122)</b>
<b>Net (Surplus) / Deficit</b>	<b>421</b>
Transfer (from) Housing Investment Reserve	(421)

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



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- 7.1.1 Delays in the handover of new developments at Forge Wood and Bridgefield House due to Covid-19 regulations and ongoing social distancing have meant a loss of expected revenue. The estimated rental loss at this stage is £502,000.
- 7.1.2 An increase in cancelled garage accounts and the inability to have keys safely returned to the Town Hall for many months has led to an anticipated shortfall of rental income by £41,000.
- 7.1.3 Costs of the anticipated 2.75% pay award are higher than budgeted (2%) which will result in additional costs of £27,000.
- 7.1.4 A tender of the insurance contract has achieved savings of £80,000.
- 7.1.5 Vital PPE is expected to cost an additional £58,000.

## 8. Capital

- 8.1 The table below shows the 2020/21 projected capital outturn and proposed carry forward into future years. Further details on the Capital Programme are provided in Appendix 2 to this report.

	Latest Budget 2020/21	Spend to Qtr 1	Estimated Outturn 2020/21	Re- profiled (to)/from future years	Under spend/over spend
	£000's	£000's	£000's	£000's	£000's
New Town Hall Redevelopment Programme – Joint responsibility	31,529	2,589	24,874	6,655	0
Environmental Services & Sustainability	544	99	460	84	
Housing Services	5,887	327	3,763	2,117	7
Planning & Economic Development	11,684	83	7,049	4,623	12
Wellbeing	1,527	24	540	607	380
<b>Total General Fund</b>	<b>51,171</b>	<b>3,122</b>	<b>36,686</b>	<b>14,086</b>	<b>399</b>
Council Housing	27,213	2,652	25,861	1,350	2
<b>Total Capital</b>	<b>78,384</b>	<b>5,774</b>	<b>62,547</b>	<b>15,436</b>	<b>401</b>

- 8.2 Town Hall - the original budget was set before the cashflow had been received from the developer and was based on the Finance team assumptions. The projections are now more realistic and in line with the project delivery.
- 8.3 Flooding works are being undertaken at Cranmer Walk, Maidenbower. This site has been identified as an emergency flooding project due to the risk to local housing and footpath within the area. The rest of the emergency flooding budget is to be slipped into 2021/22, the budget can be brought back into the current financial year if it is needed.

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- 8.4 The flooding works at Crabbett Park, Pound Hill will be moved to 2021/22 due to changes in staffing. This will mean that £33,000 will be slipped to 2021/22.
- 8.5 The Temporary Accommodation Acquisition budget of £273,700 will be brought forward to 2020/21 from future years as it is proposed to purchase a property that will help to ease homelessness within the Borough should a suitable opportunity become available.
- 8.6 Longley House planning application has been delayed and they now anticipate commencing construction in April/May 2021 as a result the budget of £2,000,000 has been moved to 2021/22.
- 8.7 A change to the type of rental properties in another development at 15-29 The Broadway has meant that the council will not be in receipt of S106 Affordable Housing monies for that property. The result is that there will be less S106 for the Longley House phase 2 scheme in 2022/23. The budget has therefore been reduced, alternative external funding will be sought.
- 8.8 The Disabled Facilities budget has had a slow start in 2020/21 due to Covid-19 which affected the amount of work that could be carried out in April and May 2020 it is therefore proposed to slip £390,490 into 2021/22.
- 8.9 In 2019/20 the Council purchased Kingsgate Car Park as an investment property. There was a residual budget left for any unforeseen costs: £12,741 has now been given up as an underspend.
- 8.10 The Crawley Growth Programme is slipping £4,342,621 of its budget. As reported in Q4 2019/20 there are ongoing discussions and the projects are interdependent of each other. This is reported to the Growth board
- 8.11 The ICT budgets have been reviewed and £150,000 of the ICT Capital – Future Projects and £130,000 of the ICT Transformation Future has been moved to 2021/22
- 8.12 The Vehicle replacement programme has reviewed what is necessary to replace and it was found that some vehicles did not need replacing in 2020/21 so slipping £35,661 into 2021/22.
- 8.13 The Tilgate Park & Nature Centre Sustainable Heat scheme could not be delivered within the original scope and budget. Following the detailed design stage the budget was increased however the reworked scheme then no longer achieved the required Return on Investment therefore the scheme is no longer going ahead resulting in an underspend £289,000.
- 8.14 The Allotment programme budget has been slipped by one year due to the impact of Covid-19.
- 8.15 The Adventure play budget of £200,000 has been slipped to 2021/22 as part of the work that is ongoing to review the play strategy.

## Housing

- 8.16 Programme maintenance has been affected by access to properties and shortages of building materials due to Covid-19. Causing a slippage of £632,492 into 2021/22.
- 8.17 Bridgefield House  
This housing project will be completed during 2020/21 and £120,000 has been drawn down from the contingency budget within the capital programme. In

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addition £194,000 has been slipped forward from 2021/22 for the final payments.

- 8.18 Telford Place Development  
Discussions with The Clarion Group to deliver this project have yet to reach conclusions, giving slippage of £19,672.
- 8.19 Forge Wood Phase 2  
This phase at Forge Wood is continuing with sub-phase 2b site works commencing. Covid-19 has had an impact of slowing progress and £31,276 budget slipping to 2021/22.
- 8.20 5 Perryfield  
Due to staff changes and Covid-19 this project will slip £518,000 to 2021/22 and £50,900 to 2022/23.
- 8.21 Fairlawn House  
Delays in this project have resulted in the budget being moved to future years.
- 8.22 Milton Mount Major Works  
This project has been impacted by Covid-19 and £150,000 will be slipped to 2021/22.
- 8.23 Prelims  
A draw down from the Contingencies budget is required to enable prelims to continue. The majority of this budget is to progress a scheme at Shackleton Road and 11 other small sites to Planning stage.
- 8.24 In the first quarter of 2020/2021 **three** Council Houses with a sale value of £526,600 were sold compared to nine the first quarter last year. Of these receipts £257,863 was paid over to the Government with the balance being retained by the Council with £124,770 available for general capital expense and £143,967 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.]
- 8.25 The total cumulative 1-4-1 receipts retained is £32,434,151 which can be used to fund 30% of any expenditure on new affordable housing. It cannot be used on schemes supported by HCA Funding.
- 8.26 To date, £25,930,296 of 1-4-1 receipts has been used to partially fund the purchase of properties. Any unused 1-4-1 receipts that are unspent within 3 years are to be returned to the Government with interest. The risk of returning any unspent 1-4-1 receipts is managed by closely monitoring all affordable housing schemes.

## 9. Background Papers

[Budget Strategy 2020/21 – 2024/25 FIN/483](#)

[2020/21 Budget and Council Tax FIN/491](#)

[Treasury Management Strategy 2020/21 FIN/493](#)

[Treasury Management Outturn 2019/20 FIN/502](#)

[Financial Outturn 2019/20 Budget Monitoring – Quarter 4 FIN/500](#)

Contact Officer: - Paul Windust, Chief Accountant.  
Direct Line: - 01293 438693

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Appendix 1

(i)

<b>GENERAL FUND</b>			
	Latest Estimate £000's	Projected Outturn £000's	Variance £000's
Cabinet	1,895	1,762	<b>(133)</b>
Public Protection & Community Engagement	1,628	1,569	<b>(59)</b>
Environmental Services & Sustainability	5,127	5,416	<b>289</b>
Housing	2,743	3,477	<b>734</b>
Wellbeing	9,221	11,235	<b>2,014</b>
Planning & Economic Development	<b>(2,661)</b>	<b>(2,774)</b>	<b>(113)</b>
	17,953	20,685	<b>2,732</b>
Depreciation	<b>(3,410)</b>	<b>(3,410)</b>	<b>0</b>
Renewals Fund	750	750	<b>0</b>
<b>NET COST OF SERVICES</b>	15,293	18,025	<b>2,732</b>
Investment Interest	<b>(613)</b>	<b>(613)</b>	<b>0</b>
Council Tax	<b>(7,532)</b>	<b>(7,532)</b>	<b>0</b>
RSG	<b>(60)</b>	<b>(60)</b>	<b>0</b>
NNDR	<b>(6,344)</b>	<b>(6,344)</b>	<b>0</b>
New Homes Bonus	<b>(1,831)</b>	<b>(1,831)</b>	<b>0</b>
Levy Account Surplus	<b>(82)</b>	<b>(82)</b>	<b>0</b>
Additional Funding Received	0	<b>(1,499)</b>	<b>(1,499)</b>
	<b>(16,462)</b>	<b>(17,961)</b>	<b>(1,499)</b>
<b>Net contribution from / (-to) Reserves</b>	<b>(1,169)</b>	<b>64</b>	<b>1,233</b>

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## Main Variations Identified for 2020/21 – General Fund

## Appendix 1 (ii)

	<b>Q1 Variation £'000s</b>
<b><u>Cabinet</u></b>	
Pay Award	138
Insurance Tender Savings	(187)
Anticipated Additional Audit Costs	32
Covid-19 Food, PPE & Hub Costs	113
Revenues Additional Demand	81
Election Delay Savings	(41)
Town Hall Business Rates	(100)
Contact Centre In Year Vacancies	(60)
HR In Year Vacancies (BAG agreed post but delays due to CV-19)	(24)
Transformation In Year Vacancies	(28)
Printing and Mailing	(29)
Minor Variations	(28)
	<b>(133)</b>
<b><u>Public Protection &amp; Community Engagement</u></b>	
Community Development Unfilled Hours	(33)
Minor Variations	(26)
	<b>(59)</b>
<b><u>Environmental Services &amp; Sustainability</u></b>	
Port Health Lost Income	91
Licensing Lost Income	48
Car Parking Lost Income	253
Additional Green Waste Customers	(24)
Public Conveniences Operational Savings	(20)
Cemeteries Additional Income	(29)
Minor Variations	(30)
	<b>289</b>
<b><u>Housing</u></b>	
Benefits Administration Additional Demand	31
Benefit Overpayments Lower Recovery Due to Covid-19 Regulations	299
Housing Survey Grant Received	(41)
Disabled Facilities Grant – Capitalisation of Staff Time	(79)
Temporary Accommodation “Everyone In” Strategy	404
Homelessness Administration Costs	145
Minor Variations	(25)
	<b>734</b>

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## Wellbeing

Tilgate Park Lost Revenue	331
Community Centre Lost Revenue	360
K2 Crawley Lost Revenue & Additional Contract Costs	1,528
Patch Working – In Year Vacancies & Operational Savings	(122)
Play – In Year Vacancies & Operational Savings	(99)
Minor Variations	16

**2,014**

## Planning & Economic Development

Property Team Vacancies	(62)
Corporate Facilities Team Vacancies	(60)
Planning Lost Revenue	87
Building Control Lost Revenue	74
Commercial Property Income	(50)
Town Centre Vacancy & Operational Savings	(61)
ICT Operational Savings	(31)
Minor Variations	(10)

**(113)**

## **TOTAL GENERAL FUND VARIANCES**

**2,732**

## **Additional Funding Received**

**(1,499)**

## **TOTAL VARIANCES**

**1,233**

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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	(48,591)	(48,048)	543
Other Income	(2,120)	(2,120)	0
Interest received on balances	(132)	(132)	0
<b>Total income</b>	<b>(50,843)</b>	<b>(50,300)</b>	<b>543</b>
<b>Expenditure</b>			
Employees	3,888	3,829	(59)
Repairs & Maintenance	11,421	11,421	0
Other running costs	2,112	2,049	(63)
Support services	3,096	3,096	0
	<b>20,517</b>	<b>20,395</b>	<b>(122)</b>
<b>Net (Surplus) / Deficit</b>	<b>(30,326)</b>	<b>(29,905)</b>	<b>421</b>
Use of Reserves:			
Debt Interest Payments	8,309	8,309	0
Depreciation, Revaluation & Impairment	6,353	6,353	0
Financing of Capital Programme & Transfer to Housing Reserve for Future Investment	15,664	15,243	(421)
<b>Total</b>	<b>30,326</b>	<b>29,905</b>	<b>(421)</b>

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Appendix 1 (iv)

## Main Variations Identified - Housing Revenue Account

	Q1 Variation £'000s
<b>Income</b>	
Delayed new builds, budgeted income not receivable until later date	502
Void Garages and delays in receiving keys & re-letting	41
	<b>543</b>
<b>Employees</b>	
Agency Staff savings	(35)
Pay Award	27
Leasehold Vacancies in Year	(31)
Minor Variations	(20)
	<b>(59)</b>
<b>Other Running Costs</b>	
Covid-19 Costs, PPE	58
Savings and Efficiency exercise	(63)
Insurance Tender	(80)
Minor Variations	22
	<b>(63)</b>
<b>TOTAL VARIANCES</b>	<b>421</b>



Scheme Description	Budget 2020/21	Spend to Date	Projected Outturn	Under / (Over Spend)	Slippage
	£	£	£	£	£
<b>New Town Hall Redevelopment - Joint responsibility</b>	<b>31,529,017</b>	<b>2,589,434</b>	<b>24,873,795</b>	<b>0</b>	<b>6,655,222</b>

Budget 2021/22	Budget 2022/23	Budget 2023/24
£	£	£
<b>19,655,222</b>	<b>0</b>	<b>0</b>

New Cemetery	91,230	70,529	91,230		
Cycle Paths	25,300		25,300		
Crawters / Manor Royal Cycle Path	67,172	1,507	67,172		
Flooding Emergency Works	122,267	825	70,000		52,267
Billington Drive Maidenbower	15,000		15,000		
Broadfield Brook Flood Works	31,935		31,935		
River Mole Flood Works	30,000		30,000		
Telemetry Measuring Equipment	8,929	5,395	10,000		(1,071)
Northgate Flood Attenuation Works	20,410	20,410	20,410		0
Crabbett Park Pound Hill Flood Works	33,000				33,000
Leat Stream Ifield Flood Alleviation	7,289		7,289		
Tilgate Lake Bank Erosion	91,187		91,187		0
Solar PV CBC Operational Buildings					
<b>TOTAL ENVIRONMENTAL SERVICES &amp; SUSTAINABILITY PORTFOLIO</b>	<b>543,719</b>	<b>98,666</b>	<b>459,523</b>	<b>0</b>	<b>84,196</b>

171,196	80,835	
33,000		
	60,000	
<b>204,196</b>	<b>140,835</b>	<b>0</b>

Temp Accommodation Acquisitions			273,700		(273,700)
Open House Moving Acquisition	14,235		14,235		
Affordable Housing Town Hall	2,450,798	110,000	2,450,798		
Longley House	2,000,000				2,000,000
Disabled Facilities Grants	1,390,490	216,499	1,000,000		390,490
Improvement/Repair Loans	31,817		25,000	6,817	
<b>TOTAL HOUSING (GENERAL FUND) PORTFOLIO</b>	<b>5,887,340</b>	<b>326,499</b>	<b>3,763,733</b>	<b>6,817</b>	<b>2,116,790</b>

	3,138,750	
2,000,000	1,400,000	
390,490		
25,000		
<b>2,415,490</b>	<b>4,538,750</b>	<b>0</b>

Investment Property Acquisitions	12,741			12,741	
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Scheme Description	Budget 2020/21	Spend to Date	Projected Outturn	Under / (Over Spend)	Slippage	Budget 2021/22	Budget 2022/23	Budget 2023/24
	£	£	£	£	£	£	£	£
Manor Royal Business Group						200,000		
Gigabit						2,700,000		
<u>Crawley Growth Programme</u>								
Queensway	243,716	31,121	243,716					
Town Centre Signage and Wayfinding	39,933		39,933					
Town Centre General	71,100				71,100			71,100
Manor Royal Cycle Improvements	310,632				310,632	310,632	1,465,303	
Town Centre Cycle Improvements	300,000	5,199	300,000			726,449		
Manor Royal Super Hub	263,028				263,028	263,028		
Station Gateway	2,197,042	1,280	2,000		2,195,042		2,195,042	2,799,474
Town Centre Super Hub	74,231				74,231	74,231		
Town Centre Acquisition	6,000,000		6,000,000					
Three Bridges Station	1,428,588				1,428,588	1,428,588		
<b>Total Crawley Growth Programme</b>	<b>10,928,270</b>	<b>37,600</b>	<b>6,585,649</b>	<b>0</b>	<b>4,342,621</b>	<b>2,802,928</b>	<b>3,660,345</b>	<b>2,870,574</b>
ICT Capital - Future Projects	179,646		29,646		150,000	150,000		
On Line Self Service	2,202	1,575	2,202					
New Website And Intranet	68,728	15,152	68,728					
Mobile Working (ICT)	41,598	29,148	41,598					
Digital Works	61,000		61,000					
ICT Transformation Future	300,000		170,000		130,000	130,000		
Unified Communications/Telephony	30,000		30,000					
Migration to Cloud Evaluation	40,000		40,000					
Power and UPS	20,000		20,000					
<b>TOTAL PLANNING &amp; ECONOMIC DEVELOPMENT PORTFOLIO</b>	<b>11,684,185</b>	<b>83,475</b>	<b>7,048,823</b>	<b>12,741</b>	<b>4,622,621</b>	<b>5,982,928</b>	<b>3,660,345</b>	<b>2,870,574</b>

Scheme Description	Budget 2020/21	Spend to Date	Projected Outturn	Under / (Over Spend)	Slippage
	£	£	£	£	£
Vehicle Replacement Programme	185,172	23,291	149,511		35,661
Refurb Playgrounds Future Schemes	39,600		39,600		
Skate Park Equipment					
Memorial Gardens Improvements	33,400				33,400
Wakehams Play Refurbishment	65,000		65,000		
Tilgate Park	154,710				154,710
Nature & Wildlife Centre	143,817		50,000		93,817
Tilgate Park & Nature Centre Sustainable Heat	289,000			289,000	
Ewhurst Playing Fields Play Area	226		226		
Allotments	40,000				40,000
Adventure Playgrounds	200,000				200,000
Memorial Gardens Play Improvements	25,378	1,231	25,378		
4 Type A Play Areas Ifield	50,011		50,011		
2 Type A Play Areas Pound Hill	25,339		25,339		
Perkstead Court Play Area Bewbush	18,142		18,142		
1 Type A Play Areas Bewbush	13,000		13,000		
Medler Close Langley Green	63,679		63,679		
Meadowlands West Green	40,000		40,000		
K2 Crawley Climbing Wall	140,000			90,000	50,000
<b>TOTAL WELLBEING PORTFOLIO</b>	<b>1,526,474</b>	<b>24,522</b>	<b>539,886</b>	<b>379,000</b>	<b>607,588</b>

<b>TOTAL GENERAL FUND</b>	<b>51,170,735</b>	<b>3,122,596</b>	<b>36,685,760</b>	<b>398,558</b>	<b>14,086,417</b>
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Rewiring	1,184,681	65,261	1,324,681		(140,000)
Roof Structure (i.e. Soffits)	725,000	525	969,229		(244,229)
Windows	450,000		450,000		
Structural Works	100,000				100,000

Budget 2021/22	Budget 2022/23	Budget 2023/24
£	£	£
35,661		
	46,000	
33,400		
154,710		
93,817		
40,000	45,000	
200,000	200,000	
50,000		
<b>896,588</b>	<b>291,000</b>	<b>0</b>

<b>28,865,424</b>	<b>8,630,930</b>	<b>2,870,574</b>
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1,060,000	1,500,000	
355,771	600,000	
300,000	300,000	
180,000	80,000	

Scheme Description	Budget 2020/21	Spend to Date	Projected Outturn	Under / (Over Spend)	Slippage
	£	£	£	£	£
Renovation And Refurbishment	100,000		100,000		
Insulation	250,000	30,692	250,000		
Kitchens	750,000		750,000		
Bathrooms	550,000	285	550,000		
Common Areas	20,000	934	20,000		
Adaptations For The Disabled	300,000	30,015	300,000		
Sheltered Major Works	100,000				100,000
Boilers	900,000	258,850	800,000		100,000
Disabled Adaptations-Major Room	950,000	30,078	950,000		
Legionella	50,000				50,000
Energy Efficiency - Lighting	80,000	520	80,000		
External Environmental Work	100,000				100,000
Intercom Upgrade	80,000		80,000		
Major Insulation Energy Efficiency	1,800,000	82	1,565,000		235,000
Hostels	350,000	22,126	68,279		281,721
Major Renovation, Flats, Blocks etc.	100,000		100,000		
Garages	200,000		150,000		50,000
<b>TOTAL HRA IMPROVEMENTS</b>	<b>9,139,681</b>	<b>439,368</b>	<b>8,507,189</b>	<b>0</b>	<b>632,492</b>

Hra Database	453,020	4,250	453,020		
151 London Road (New Build)	231,196	72,644	236,349		(5,153)
Bridgefield House	4,338,030	853,365	4,532,030		(194,000)
Acquisition Of Land Or Dwellings	1,893,500	334,949	1,893,500		
Kilnmead	3,600		500		3,100
Gales Place (HRA New Build)	10,000	7,985	7,985	2,015	
Forge Wood					
Apex Apartments	3,000		3,000		

Budget 2021/22	Budget 2022/23	Budget 2023/24
£	£	£
200,000	200,000	
250,000	250,000	
850,000	850,000	
550,000	550,000	
20,000	20,000	
300,000	300,000	
200,000	100,000	
1,100,000	1,000,000	
950,000	950,000	
100,000	50,000	
80,000	80,000	
200,000	100,000	
200,000	50,000	
2,635,000	1,800,000	
551,721	230,000	
100,000	100,000	
250,000	500,000	
<b>10,432,492</b>	<b>9,610,000</b>	<b>0</b>

67,000		
432		
1,000,000		
6,100		

Scheme Description	Budget 2020/21	Spend to Date	Projected Outturn	Under / (Over Spend)	Slippage
	£	£	£	£	£
Telford Place Development	80,000	30,973	60,328		19,672
Woolborough Road Northgate	480,507	285,516	499,252		(18,745)
Goffs Park - Depot Site					
83-87 Three Bridges Road					
Dobbins Place	2,500		2,500		
Barnfield Road					
Forge Wood Phase 2	3,206,317	9,682	3,175,041		31,276
257/259 Ifield Road	202,911	195,822	216,160		(13,249)
Forge Wood Phase 3	580,217	391,915	580,217		
Forge Wood Phase 4	769,253	3,290	769,253		
Purchase Of Properties	3,500,000		3,500,000		
5 Perryfields	620,000	225	51,100		568,900
Carey House	130,000		130,000		
Fairlawn House	210,000		105,000		105,000
Milton Mount Major Works	740,000		590,000		150,000
Contingencies	309,546		309,546		
Prelims	309,376	21,644	239,376		70,000
<b>TOTAL OTHER HRA</b>	<b>18,072,974</b>	<b>2,212,260</b>	<b>17,354,157</b>	<b>2,015</b>	<b>716,802</b>

<b>TOTAL HRA</b>	<b>27,212,655</b>	<b>2,651,628</b>	<b>25,861,346</b>	<b>2,015</b>	<b>1,349,294</b>
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<b>TOTAL CAPITAL PROGRAMME</b>	<b>78,383,390</b>	<b>5,774,224</b>	<b>62,547,106</b>	<b>400,573</b>	<b>15,435,711</b>
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Budget 2021/22	Budget 2022/23	Budget 2023/24
£	£	£
1,979,450	8,060,336	7,597,235
500		
4,976		
2,000		
1,798,770	112,090	
500		
562,758		
344,235		
518,000	50,900	
105,000		
150,000		
70,000		
<b>6,609,721</b>	<b>8,223,326</b>	<b>7,597,235</b>

<b>17,042,213</b>	<b>17,833,326</b>	<b>7,597,235</b>
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<b>45,907,637</b>	<b>26,464,256</b>	<b>10,467,809</b>
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**FUNDED BY**

Capital Receipts	(32,104,501)	(2,859,944)	(28,847,795)	(348,558)	(2,908,148)
Capital Reserve	(68,728)	(15,152)	(68,728)		(0)
Better Care Fund (formally DFGs)	(1,390,490)	(216,499)	(1,000,000)		(390,490)

(4,290,548)	(2,979,342)	(171,100)
(390,490)		

Scheme Description	Budget 2020/21	Spend to Date	Projected Outturn	Under / (Over Spend)	Slippage
	£	£	£	£	£
Lottery & External Funding	(6,976,916)		(4,485,453)		(2,491,463)
HRA Revenue Contribution	(23,748,001)	(2,096,272)	(22,549,708)	(2,015)	(1,196,278)
Replacement Fund/Revenue Financing	(325,172)	(23,291)	(149,511)	(50,000)	(125,661)
Section 106	(1,603,928)	(7,708)	(454,272)		(1,149,656)
1-4-1	(6,344,654)	(555,358)	(4,991,639)		(1,353,015)
Borrowing	(5,821,000)		0		(5,821,000)
<b>TOTAL FUNDING</b>	<b>(78,383,390)</b>	<b>(5,774,224)</b>	<b>(62,547,106)</b>	<b>(400,573)</b>	<b>(15,435,711)</b>

Budget 2021/22	Budget 2022/23	Budget 2023/24
£	£	£
(3,728,957)	(3,031,680)	(2,699,474)
(15,434,921)	(15,594,633)	(5,318,065)
(85,660)	(23,000)	
(1,169,770)	(840,533)	
(2,807,291)	(3,808,068)	(2,279,170)
(18,000,000)	(187,000)	
<b>(45,907,637)</b>	<b>(26,464,256)</b>	<b>(10,467,809)</b>