

Crawley Borough Council

Cabinet

Agenda for the **Cabinet** which will be held in **Ashurst Main Hall - The Charis Centre**, on **Wednesday, 12 January 2022** at **7.00 pm**

Nightline Telephone No. 07881 500 227



Chief Executive

Membership:
Councillors

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

M G Jones

C J Mullins
P C Smith

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

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

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
2. Disclosures of Interest	
In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.	
3. Minutes	5 - 20
To approve as a correct record the minutes of the Cabinet held on 24 November 2021.	
4. Public Question Time	
To answer any questions asked by the public which are relevant to the functions of the Cabinet.	
Public Question Time will be concluded by the Chair when all questions have been answered or on the expiry of a period of 15 minutes, whichever is the earlier.	
5. Matters referred to the Cabinet and Report from the Chair of the Overview and Scrutiny Commission	
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.	
6. Information on Option 3 in relation to Petition – 'Keep your dog on a lead in Tilgate Park'	21 - 28
<i>Wellbeing Portfolio</i>	
To consider report HCS/34 of the Head of Community Services, which was referred to the meeting of the Overview and Scrutiny Commission on 10 January 2022.	

	Pages
<p>7. Forward Programme of Key Procurements January 2022 – June 2022</p> <p><i>The Leader's Portfolio</i></p> <p>To consider report FIN/541 of the Head of Corporate Finance.</p>	29 - 36
<p>8. Modern Slavery and Human Trafficking Transparency Statement</p> <p><i>The Leader's Portfolio</i></p> <p>To consider report FIN/539 of the Head of Corporate Finance.</p>	37 - 44
<p>9. Provision of Internal Audit Services</p> <p><i>The Leader's Portfolio</i></p> <p>To consider report FIN/540 of the Head of Corporate Finance.</p>	45 - 48
<p>10. Supplemental Agenda</p> <p>Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.</p>	

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Crawley Borough Council

Minutes of Cabinet

Wednesday, 24 November 2021 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
M G Jones	Cabinet Member for Public Protection and Community Engagement
C J Mullins	Cabinet Member for Wellbeing
P C Smith	Deputy Leader & Cabinet Member for Planning and Economic Development

Also in Attendance:

Councillor D Crow, R D Burrett and T G Belben

Officers Present:

Natalie Brahma-Pearl	Chief Executive
Karen Hayes	Head of Corporate Finance
Chris Pedlow	Democracy & Data Manager
Clem Smith	Head of Economy and Planning
Kate Wilson	Head of Community Services
Louise Skipton-Carter	Sustainability Manager

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor P Smith	"One Town" - Crawley Economic Recovery Plan Consultation Findings and Final Version (Minute 12)	Personal Interest – As Councillor P Smith is the Council's representative to the Town Centre BID Board–
Councillor P Smith	"One Town" - Crawley Economic Recovery Plan Consultation Findings and Final Version (Minute 12)	Personal Interest – As Councillor P Smith is the Council's representative to the Manor Royal BID Board

Agenda Item 3

Cabinet (23)
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Councillor
P Smith

Crawley Innovation Centre –
Draft Business Case
(Minute 15)

Personal Interest –
As Councillor P Smith is the
Council's representative to the
Manor Royal BID Board

2. Minutes

The minutes of the meeting of the Cabinet held on 29 September 2021 were approved as a correct record and signed by the Leader.

3. Public Question Time

Q1. Dawn Corrie (Bewbush)

I have a special interest in climate change, and it is the biggest issue for the world and should be at the heart of everything the Council and the Government does. My questions, relating to the report on the agenda (Climate Emergency Action Plan) are whether it would be possible to talk to Councillors over the outcome of COP climate change conference and how the target with your Action Plan for 2050 should as a result be changed based on the view of the IPCC?

Councillor Jhans – (Cabinet Member for Environmental Services and Sustainability)

The target to reduce carbon emissions generated by Council activities by at least 45% by 2030 and to zero by 2050, those targets were the minimum, and the Council should and would be striving to meet them as early as possible. When the targets were set in 2019 there was a lot of to-ing and fro-ing as to what the targets should be, however it was realised that there was the need for a lot of feasibility studies to take place to fully understand the implication, including the likely cost to achieve net zero and then plan how that could be funded along with our other services.

Q1. Supplementary Question –

I understand it not cheap, but the consequences for Crawley residents and for the world such as climate refugees migrating cannot be underestimated. Please take this subject matter seriously and prioritise finances on this. Let me talk to Councillors on this matter.

Councillor Peter Lamb – (Leader of the Council)

As a Council we are legally required to have a balance budget and provide services to our residents. We can't spend what we don't have, the Council is doing what it can to meet the proposed targets and to exceed through targets. But we have not costed at lot of the elements within the action plan and we might have to stop or reduce some service to fund the action plan. However residents need to come on the journey with us so they understand the sacrifice required. Otherwise there is an election 3 out of 4 years and they can then change the administration who may not do it full stop.

Councillor Jhans – (Cabinet Member for Environmental Services and Sustainability)

We as the Cabinet and the Council are taking this seriously. Within the action plan is that requirement to have a communication strategy and I'm more than happy to discuss this with you on how we engage with our residents and get across your passion on the importance of climate change.

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Q2. Robin Burnham (Bewbush)

On what date has the Council decided to make a final decision on the fate of the adventure playgrounds?

Councillor Peter Lamb – (Leader of the Council)

The final decision was taken at the budget meeting in February 2021.

Q2. Supplementary Question –

At the last Full Council meeting a petition was put forward with a plan of action and I spoke about ways of potentially finding saving to save the adventure playgrounds. So there are two action plans with the financial to be sent in. When will that be decided?

Councillor Peter Lamb – (Leader of the Council)

In terms of the other options such as the Delta Security option, once they were fully submitted to the Council, they would be worked through by officers to see their viability and then decisions would be taken on them at that point. It was not a process where you could put set dates on it as it relies on a back-and-forth communication over their proposal.

Q3. Iain Dickson (Gossops Green)

This relates to the adventure playgrounds. At the last Full Council the Leader asked for any options for saving the adventure playgrounds and making them viable. So the proposal I wish to raise was potential options for the building at the adventure playgrounds that might bring in a new revenue stream.

- *Use them as a local community repair hub*
- *Information centre for the Council or the community*
- *Community run café*
- *Education centre including cooking lessons*
- *Set up as a charity to attract further funding and get local business to help fund them.*

Those could be ways of bring revenue in whilst keeping the facilities open and they were there for you consideration.

Councillor C Mullins – (Cabinet Member for Wellbeing)

Thank you for the question and the interest. It was important having community interest in those facilities.

Please can you send me an email of your suggestions I would be happy to review them with officers. We were not intending for the building to be abandoned. To be clear Mill Pond and Cherry Lane were not closing they were changing. We are currently looking to ensure that there were toilets and freely accessible water also.

We have had some approach over the buildings already involving revenue streams for the Council, but still open minded.

Q.3 Supplementary Question –

With the Council's problem of net zero by 2050, which should be earlier, repair hubs would help with this as our society is too quick to throw things away. In the past we

used to repair and reuse items and we could tie this in to schools and the college as part of their learning.

Councillor C Mullins – (Cabinet Member for Wellbeing)

I don't disagree with that concept, please send through your ideas and we'll look at them.

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 17 and 18: *Telford Place Development Opportunity* and *Approval to Award a Contract for Professional Services (Architects) – Proposed Housing Sites*.

5. Matters referred to the Cabinet and 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. Budget Strategy 2022/23 – 2026/27

The Leader of the Council presented report [FIN/537](#) of the Head Corporate Finance. The report set out the projected financial position for 2022/23 to 2026/27 for the General Fund, Housing Revenue Account, capital programme and the underlying assumptions. The report also set the policy framework for the budget process, recognising that there were a range of options for capital investment, income generation, savings and Council Tax levels; none of which were to be considered in isolation. The overall objective was to work towards a balanced General Fund budget over a four-year period, this however may be difficult due to the impact of the Coronavirus pandemic. The Leader commented that the difficult decisions taken last year had meant that the Council was in a better position than expected and similar decisions were not required to be taken this year.

It was noted that currently there was a budget deficit of £138,566 for 2022/23 before use of reserves and before any savings are identified, on the basis of a Council tax increase of 2.31% which is £4.95 on a Band D in property 2022/23. It was proposed also to budget a further £948,460 for new capital schemes.

Councillor T Belben presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [22 November 2021](#), which included:

- Acknowledged that any costs associated with the climate change action plan had not been budgeted and may require in savings being sought.
- The Commission were pleased that the pension fund had surpassed expectations resulting in a £145,000.
- Also noting the floor letting of the Town Hall was slower than expected in light of the impact of the pandemic and the new ways of working and that might lead to the need for further savings in the future.

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Councillor Crow was invited to speak on the item commenting that the budget projections were pleasing, but the Council should remain vigilant as it was finely balanced, and a small knock could easily affect the projection.

Councillor Jones complimented the Budget Strategy and commented that it was a real achievement in light of a very difficult year.

RESOLVED

That the Cabinet recommends to Full Council the approval of the Budget Strategy 2022/23 to 2026/27 and:

- a) Notes the uncertainties around Government funding prior to the settlement in December and the delay in Local Government Funding reforms such as business rates retention and the future of New Homes Bonus.
- b) Notes, for the purpose of projections, the current budget deficit of £138,566 for 2022/23 before use of reserves, on the basis of a Council tax increase of 2.31% which is £4.95 on a Band D in property 2022/23.
- c) Works towards balancing this over a four-year period, including putting back into reserves when the Budget is in surplus. There may be a need to use reserves over the next three to four years to balance the budget together with ongoing savings, efficiencies and additional income through the transformation programme.
- d) Notes elsewhere on this Agenda there is a report on the Climate Change Emergency Action Plan. The costs identified in 2022/23 are included within existing budgets, however there will be a need to fully cost the plan over the coming years and decisions will be required on how to fund the plan.
- e) Notes that savings previously agreed and included in the Budget Strategy are required to ensure a sustainable budget.
- f) Delegates to the Leader of the Council in consultation with the Chief Executive and the Head of Corporate Finance to approve a discretionary business rates scheme to distribute the share to Crawley Borough Council of the £1.5b business rates relief as outlined in Section 5.3 of report [FIN/537](#).
- g) Notes that items for the Capital Programme are driven by the need for the upkeep of council assets and environmental obligations and schemes will also be considered that are spend to save or spend to earn but that such prioritisation should not preclude the initial consideration of capital projects that could deliver social value.
- h) Agrees the inclusion of new capital schemes in future budgets with the value of £948,460 as identified in Table 8 of report [FIN/537](#).
- i) Reduces the Gigabit capital programme of £2.7m to £1.35m funded from the West Sussex business rates pool to avoid duplication with Towns Fund Gigabit scheme as identified in section 9.3 of report [FIN/537](#).
- j) Approves the revised Crawley Homes capital investment plan in Appendix D of report [FIN/537](#) which includes the financial year 2024/25 and the garage repairs capital budget which was transferred to the General Fund.

- k) Notes that the Budget is aligned to the Council's Corporate Priorities.

Reasons for the Recommendations

- a) To continue with the implementation of the Council's budget strategy and to deal with the Council's projected budget deficit which is higher than previously projected due to the impact of the pandemic on future Council tax and Business rates income projections and also impacting other income sources such as fees and charges.
- b) To reaffirm the criteria for capital programme bids.
- c) To note that until the Local Government Finance Settlement is known in December 2021 these projections are highly likely to change.

7. Treasury Management Mid Year Review 2021-2022

The Leader of the Council presented report [FIN/538](#) of the Head of Corporate Finance. The report provided an update on the Council's Treasury Management Strategy for the first two quarters of 2021/22. The Leader emphasised that the income gained by its investment was used as revenue to support services. It was noted that the Council prioritises its investments as security of capital, liquidity, yield and ethical.

Councillor T Belben presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [22 November 2021](#), including praising officers for the in-house investments.

RESOLVED

That the Cabinet notes the report and the Council's treasury activity for the first two quarters of 2021/2022.

Reasons for the Recommendations

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

8. 2021/2022 Budget Monitoring - Quarter 2

The Leader of the Council presented report [FIN/535](#) of the Head of Corporate Finance. The report set out a summary of the Council's actual revenue and capital spending for the quarters to September 2021 together with the main variations from the approved spending levels and impact on future budgets.

Councillor T Belben presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [22 November 2021](#).

RESOLVED

That the Cabinet notes:

- a) the projected outturn for the year 2021/2022 as summarised in this report.
- b) the updated proposed spend of Contained Outbreak Management Fund (COMF) grant funding as outlined in Section 10 of report [FIN/535](#).

Reasons for the Recommendations

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

9. Crawley Homes Rent Overcharge

The Cabinet Member for Housing presented report [DCE/11](#) of the Deputy Chief Executive. The report considered the reasons behind the rental overcharge, the actions being taken to rectify this and the associated financial impact; and requested that Full Council approved the necessary financial changes.

Councillor T Belben presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [22 November 2021](#), which included emphasising the Commission's support for the approach taken to deal with the error, by doing the 'right thing' in repaying tenants and ensuring consistency with natural justice and transparency. It was noted that the Commission scrutinised the reasons behind the error and were comfortable that it should not be possible for such an incident to occur again.

Councillor Crow was invited to speak to the item, and he acknowledged that the Council has handled the communication well and hoped that the checks and balances were now in place.

Councillors C Mullins, Jones, Lamb and Irvine spoke as part of the discussion on the report.

RESOLVED

That the Cabinet:

- a) notes the reasons behind, and the actions being taken to rectify, the rent overcharge
- b) endorses that Full Council makes the necessary financial provision for both for the refund of rent and the lower income anticipated within the Housing Revenue Account in both the current and future years.

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The Cabinet recommends to Full Council to

- a) Note and comment on the reasons behind, and the actions being taken to rectify, the rent overcharge.
- b) Agree the necessary financial provision for both for the refund of rent and the lower income anticipated within the Housing Revenue Account in both the current and future years. The cost in the current and future financial years will result in less resource to fund future housing.
- e) Note that the cost of the refunds made to tenants/DWP will impact in the current financial year the sum that will be transferred to the major repairs reserve for investment in future housing stock. This will be reported in the Quarter 3 Budget Monitoring Report.

Reasons for the Recommendations

- a) In April 2021 the Council was contacted by the Regulator for Social Housing following a first mandatory data return about the setting of target rents. The Council was identified as an outlier in that its target rents were higher than the Government's formula rent and valuations suggested they should be.
- b) Forensic investigation identified that the issue dates back to changes to the Tenancy Agreement agreed in October 2013 and implemented in April 2014. One of the changes implemented was to move from charging rent based on a 48-week year to a 52-week year. Actual rents were changed but the target rents on the system were not. This has affected 2,259 tenancies, of which 1,757 are current tenancies.
- c) Existing tenancies were not affected by this change, and neither have new tenancies within properties built since April 2014. New tenancies since April 2014 within properties that pre-date April 2014 have consequently been overcharged in the region of 8%.
- d) Tenants have paid the rent they would have signed up to pay as part of their Tenancy Agreement, but that rent level was set higher than it ought to have been. Given that rents have been set as part of a valid Tenancy Agreement and that all subsequent actions have been taken in line with that Tenancy Agreement, the Council has acted legally throughout.
- e) The Leader and Cabinet Member were informed at the end of April 2021 and were clear that this needed to be resolved consistent with natural justice and transparency, and as quickly as possible. The Leader of the Opposition Group was also informed and agreed this needed to be resolved in a way that had the least possible impact on residents, and that wider communication should be at a time when the Council was ready to rectify the problem.
- f) Given the scale and complexity of the issue it has taken a number of months to put everything in place in order to proceed. All members and all affected tenants have been informed and from mid-November steps are being taken to reset the rents at the correct level and to refund all tenancies affected. These steps have been taken under existing delegated powers, but it is important that there is an official record of the steps being taken and the need to make the necessary financial adjustments.

10. Unsupervised Play Investment Programme

The Cabinet Member for Wellbeing presented report [HCS/33](#) of the Head of Community Services. The report sought agreement for the investment priorities and necessary capital programme for Unsupervised Play in Crawley for the period 2021/22 – 2022/23. In presenting the report it was noted that the proposed investment programme would be fully funded from S106 contributions.

Councillor T Belben presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [22 November 2021](#) including confirming their support.

Councillor Crow was invited to speak on the report, commenting that of the new schemes six or seven were west of the Town Centre and only one was in the east of the Borough. He also asked whether Loppetts Road play area could be looked at due to the feedback he had from residents on the condition of the equipment there. Councillor C Mullins confirmed he would investigate it with officers.

Councillor Lamb also spoke as part of the discussion, responding to the comment made by Councillor Crow, by stating the identified unsupervised play sites had been devised by the cross party Unsupervised Play Working Group, based on a neutral criteria that ignored location but focused on safety grounds and condition of the equipment.

RESOLVED

That the Cabinet:

- a) approves the proposed Investment Programme for Unsupervised Play for 2022/23 as set out in Appendix B to report [HCS/33](#) adding £218,000 to the capital programme fully funded from S106 contributions.
- b) delegates authority to the Cabinet member for Wellbeing in consultation with the Head of Community Services, to conduct review stage/s and agree where necessary to reprioritise the order of delivery for the relevant phase of the investment programme.

Reasons for the Recommendations

- a) The recommendations are made to agree a programme of improvement projects for Unsupervised Play facilities and set the priorities for capital spend, ensuring the continued up keep in the quality and condition of assets.
- b) It establishes a formal process for the regular review of the investment programme; and where necessary to reprioritise the order of investments if any project conditions change over time and where health and safety risks vary the urgency.

11. Climate Emergency Action Plan

The Cabinet Member for Environmental Services and Sustainability presented report [PES/390](#) of the Head of Economy and Planning. The report sought approval for the Climate Emergency Action Plan to enable the council to reduce the carbon emissions generated by its activities in line with the commitments made in the Climate Emergency Declaration of July 2019; that is to reduce carbon emissions by at least 45% by 2030 and to zero by 2050 as recommended by the Inter-governmental Panel on Climate Change (IPCC).

Councillor T Belben presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on 22 November 2021, which included the request to Cabinet that the Climate Change Emergency Action Plan be complemented with a public educational programme, because the Commission felt that further publicity would be beneficial in order to encourage the wider community to participate in carbon reduction.

Councillor Crow was invited to speak on the item. He commented that he was very supportive of the Action Plan as was his party. The only concern was the timescales could be seen as unambitious and other Councils were setting their targets at net zero by 2030. Councillor Crow requested that the Cabinet consider bringing the report to Full Council for a wider debate as it was an issue that affects the whole Borough. He emphasised that there would be no vote to bring down the Action Plan, should it go to Full Council only over the timing element. It was noted that the Call-in function was considered, but it was felt it was not a viable option as this could delay the work on the Action Plan until next year and fundamental support for the majority of it.

Councillors Lamb, P Smith, Jones and C Mullins also spoke in support of the report and the positive proposals contained within the Action Plan.

In considering the two additional requests before them, firstly on the Commission proposal, Councillor Jhans emphasised to the Cabinet that he considered that the public educational programme did not need to be an aspect as it was already a key element covered within the communications and engagement plan and thus there wasn't a need for the additional wording, which the Cabinet fully agreed with. Regarding Councillor Crow's request, the Cabinet felt that the current targets were ambitious yet achievable and realistic and the Council was far ahead of other authorities in terms of achieving reach net zero and being carbon neutral. As such the request was rejected.

RESOLVED

That the Cabinet:

- a) approves the 'Core Principles for Action' document (Appendix A) to report [PES/390](#) which underpins the Climate Emergency Action Plan.
- b) approves the Climate Emergency Action Plan delivery programme for 2022/23 (Appendix B) to report [PES/390](#), to enable the council to start delivery of the carbon reduction measures identified.
- c) approves in principle the overall Climate Emergency Action Plan to 2030 (Appendix B) to report [PES/390](#) to enable the Council to reduce the carbon emissions generated by its activities by at least 45% by 2030 and to zero by

2050, subject to consideration next year of a full funding plan being developed for continued delivery from 2023/24.

Reasons for the Recommendations

- a) In July 2019, Full Council declared a Climate Emergency and made a commitment to reduce the council's carbon emissions by at least 45% by 2030 and to zero by 2050.
- b) The Council believes that all governments (national, regional and local) have a duty to limit the negative impacts of Climate Breakdown; and has committed to aim for zero carbon emissions as soon as possible and, in doing so, to show leadership and encourage local residents, stakeholders and businesses to do the same.
- c) The Council has recognised that as a society we are now beyond taking small measures while generally carrying on with 'business as usual'. Deep cuts in greenhouse gas emissions are needed quickly to stabilise rising temperatures alongside rethinking agriculture and land use to restore ecosystems. This will impact on all aspects of our lives.
- d) Decisions made across national, regional and local authorities now will determine whether or not we are subject to catastrophic climate and ecological impacts or can transition to a stable and sustainable world. Although these decisions have to be taken at all levels of society, they need to be taken significantly by local authorities like the council, which has a critical lead role to play in driving down carbon emissions at the local level.
- e) The Climate Emergency Action Plan outlines the actions the Council needs to set in motion now in order to deliver on this commitment.

12. One Town - Crawley Economic Recovery Plan - Consultation Findings and Final Version

The Cabinet Member for Planning and Economic Development presented report [PES/391](#). In March 2021, the Cabinet gave approval for the draft Economic Recovery Plan to go out to consultation. The draft Plan outlined a vision for Crawley's future prosperity and recovery from the pandemic and proposed a number of schemes for delivery, setting out strategic priorities. The report presented the findings of that consultation together with a final version of the Crawley 'One Town' Economic Recovery Plan, for approval and publication.

Councillor T Belben presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [22 November 2021](#), which included putting forward to Cabinet a recommendation that:

"the partnership contributions of Metrobus and West SussexCC to the Crawley Growth Programme should be more explicitly referenced in this document (the One Town Crawley Economic Recovery Plan – Consultation Findings & Final Version)".

It was noted that the reason for the Commission's proposal was that whilst supporting the Recovery Plan, it was felt that it did not give credit to the Council.

Councillor Crow was invited to speak to the item, supporting the comments of the Commission.

Councillors Irvine and Lamb both spoke on the report and the proposal of the Commission. Councillor P Smith, in summing up the views expressed, stated that the 'One Town' Economic Recovery Plan was a Crawley Borough Council plan but worked in conjunction with partners, not all of whom were fully highlighted or referenced in the way the Commission referenced (including key partners the Arora Group or the Manor Royal Business District along with West Sussex CC). The Council works well with its partners and always credits them appropriately, but the Plan was supported and driven by Crawley Borough Council and this should be acknowledged accordingly.

Following the discussion, the Cabinet unanimously voted to reject the Overview and Scrutiny Commission's proposed change.

RESOLVED

That Cabinet approves the final version of the "One Town" Crawley Economic Recovery Plan 2022-2037 (Appendix A of report [PES/391](#)) and adopts it as Council policy.

Reasons for the Recommendations

Cabinet approval is sought to enable adoption of the "One Town" Crawley Economic Recovery Plan 2022-2037 as Council policy.

13. Town Centre District Heat Network (DHN) Phase 2

The Cabinet Member for Environmental Services and Sustainability presented report [HPS/29](#) of the Head of Major Projects and Commercial Services. The report sought approval for funding for a study to examine the technical feasibility and economic business case for the Phase 2 expansion of the Town Centre DHN to incorporate properties and developments adjacent to the existing DHN, including assessment of the potential to amend the fuel source from gas to a more sustainable heat source.

Councillor Lamb also spoke as part of the discussion on the report.

RESOLVED

That the Cabinet

- a) approves proceeding with the first phase of the study (feasibility) and reallocating £25,000 match funding from the existing £435,000 Town Centre capital budget.
- b) agrees to a new Capital programme scheme for the DHN phase 2 of £94,950 with the balance of £69,950 being funded from Heat Network Development Unit (HDNU) grant.

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- c) delegates authority to the Head of Major Projects and Commercial Services in consultation with the Cabinet Member for Environment and Sustainability to review findings of the feasibility study and decide whether to proceed with the second phase of the study (full business case) and earmark a further £55,000 match funding from the Town Centre capital budget for this purpose. (Generic Delegation 7 will be used to enact this recommendation).

Reasons for the Recommendations

- a) In October 2018, Cabinet approved the business case for the Town Centre DHN phase 1 (HPS 15) which is currently under construction.
- b) With the approval of the business case for phase 1, Cabinet also approved the recommendation to:

“Note the projected financial implications for phase 2 of the DHN and that future expansion will be subject to a further report to Cabinet once the capital costs and customer and commercial negotiations have progressed”

- c) With a number of developments in the Town Centre progressing that are potential connections to the DHN phase 2, a prompt examination of the phase 2 feasibility and business case is required. This will allow a decision on possible future construction to be made.
- d) The Council has also committed to carbon reductions of at least 45% by 2030 and to zero by 2050. It is therefore timely to examine the technical options and financial implications of switching the DHN from gas to a low carbon heat source.

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

RESOLVED

That in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it 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.

15. Crawley Innovation Centre - Draft Business Case

Exempt Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Cabinet Member for Planning and Economic Development presented report PES/392 of the Head of Economy and Planning. The report requested Cabinet to consider the business case for the design, build and delivery of the Crawley Fusion Innovation Centre, proposed to be located in Manor Royal, fully financed by the government's Getting Britain Building Fund through the Coast to Capital Local Enterprise Partnership. The Cabinet report included an evaluation of a full business case for the scheme.

Councillor T Belben presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [22 November 2021](#), which included the Commission's support for the Innovation Centre.

RESOLVED

That the Cabinet

- a) approves the submission of the Crawley Innovation Centre business case (Appendix A) to the Coast to Capital Local Enterprise Partnership in order to seek their approval to grant £8.6 million of Getting Building Fund to Crawley Borough Council to deliver the Crawley Innovation Centre project.
- b) delegates authority to the Head of Economy and Planning and the Head of Corporate Finance in consultation with the Cabinet Member for Planning and Economic Development to make any technical modifications required to the wording and content of the business case prior to submission of the final draft of the business case to the Coast to Capital Local Enterprise Partnership.
- c) delegates to the Asset Manager in consultation with the Chief Executive, the Leader of the Council, the Cabinet Member for Planning and Economic Development and the Head of Corporate Finance to acquire a suitable property if necessary for the Crawley Innovation Centre should one become available.

The Cabinet recommends to Full Council to

agree to increase the capital programme budget for the Innovation Centre by £8.6m subject to receiving approval from the LEP that the bid is successful and that they will provide the £8.6m grant. This is also subject to a viable business case that satisfies the s151 officer being received on the revenue financial implications to the Council of the project.

Reasons for the Recommendations

- a) To enable the Council to submit and present the business case for the Crawley Innovation Centre project to the Coast to Capital Local Enterprise Partnership (LEP) with a view to securing approval from the LEP for the allocation of £8.6 million of Getting Building Fund monies to the Council to deliver the Crawley Innovation Centre project.
- b) To enable the Council to acquire a suitable property should one become available if necessary to enable delivery of the Crawley Innovation Centre project.
- c) To enable the allocation of £8.6 million to the CBC capital programme, subject to:
 - LEP approval of the Getting Building Fund monies;
 - Full Council approval
 - The viability of the business case satisfying the Council's s151 officer

16. Acquisition of Properties for Temporary Accommodation

Exempt Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Cabinet Member for Housing presented report SHAP/84. The report requested Cabinet to approve the delegation to progress with making an offer for the acquisition of properties currently available on the market for the purposes of providing temporary accommodation.

RESOLVED

That the Cabinet delegates authority for the negotiation, approval and completion of all relevant legal documentation to complete the proposed purchase as described in Section 6 below, to the Head of Strategic Housing Services, Head of Legal, Governance and HR and Head of Corporate Finance, in consultation with the Leader of the Council and the Cabinet Member for Housing.

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

Reasons for the Recommendations

The Covid pandemic and the current economic climate has fuelled what is already a high demand on the homelessness service. In responding to this demand the Council has been forced to resort to some of the most expensive forms of temporary accommodation, such as bed and breakfast, commercial hotels and other forms of nightly paid accommodation.

Expanding the portfolio of Council owned temporary accommodation through the acquisition of properties will help alleviate some of these pressures.

17. CBC Parking Services Agreement with NHS Property Services Ltd

Exempt Paragraphs 3 & 5

- Information relating to the financial or business affairs of any particular person (including the authority holding that information)

- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Cabinet Member for Environmental Services and Sustainability presented report HCS/35. The report requested approval to update and renew the current agreement and processes with regard to CBC Parking Services and Crawley Hospital car park.

RESOLVED

That the Cabinet

- a) approves in principle the negotiation and securement of an agreement with NHS Property Services Ltd for CBC Parking Services to continue the operation and enforcement of the Off Street Parking Order (OSPO) at Crawley Hospital Car Park.

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24 November 2021

- b) delegates the negotiation, agreement terms, duration and approval and completion of all relevant legal documentation to the Head of Community Services in consultation with the Head of Legal, Governance and HR, Head of Corporate Finance and appropriate Cabinet Member. This will include:
- Fulfilment of the legislative requirements associated with the Off Street Parking Order
 - Lease agreement
 - Service Level Agreement

Reasons for the Recommendations

The recommendations are required to ensure that the operation and enforcement of the OSPO for Crawley Hospital Car Park are legally compliant and in place as soon as possible. The recommended approach aims to provide a balance between ensuring a compliant, high quality service which continues to support the wider needs of residents and businesses relating to local traffic congestion and mitigate any future potential risks.

Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.53 pm

P K LAMB
Chair

Agenda Item 6

Crawley Borough Council

Report to Overview and Scrutiny Commission 10 January 2022

Cabinet 12 January 2022

Information on Option 3 in Relation to Petition – 'Keep your dog on a lead in Tilgate Park'

Report of the Head of Community Services, **HCS/34**

1. Purpose

- 1.1 A Petition of 139 valid signatures named 'Keep your dog on a lead in Tilgate Park' was submitted and considered at the Overview and Scrutiny Commission and Cabinet meetings in September 2021.
- 1.2 Cabinet requested officers bring a further report back for its consideration, providing more detail with regard to the potential implementation of 'option 3' referred to within report [HCS/30](#), including:
 - the possible changes to service delivery and personnel
 - expected financial implications
 - legal aspects (including details on the use of byelaws, installation of a PSPO together with the associated statutory consultation requirements).

2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

Consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet:

The Cabinet is recommended to:

- 2.2.1 Agree in principle to the implementation of a Public Space Protection Order (PSPO) to prohibit dog related anti-social behaviour in Tilgate Park for a period of 3 years. This will require dogs to be kept on leads in all areas of the park unless explicitly specified otherwise. Dogs will not be permitted at all in the children's play area or Walled Garden.
- 2.2.2 Reinstatement a proactive and high profile education and information programme, as set out in section 3.5, encouraging owners to keep their dogs on leads in Tilgate Park.
- 2.2.3 Approve delivery of associated enforcement action from within existing revenue resource (Community Wardens service).

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- 2.2.4 Authorise the Head of Community Services, in consultation with the Head of Legal, Governance & HR, to commence a formal PSPO process, including the statutory public consultation, and to present the findings to Cabinet for a decision.

3. Background

- 3.1 The petition requested that the Council increases on site information signage and Community Warden patrols to inform and enforce the rules stated on the Council's website requiring dogs to be kept on leads in Tilgate Park, specifically around the lake.
- 3.2 Prior to this, a public consultation took place in 2017 which resulted in 146 external responses from park users who gave their views. The majority (54%) did not support a 'dogs on leads' policy, although there was significant support for it to be introduced (46%).
- 3.3 Further to the Cabinet meeting in September, there has been one further formal complaint involving a dog at Tilgate Park. As at 21st December 2021, there have been 10 formal reports involving dogs off leads in Tilgate Park (9 Council & 1 police reports), the most recent received on 18th December 2021 (please see Appendix A for detail). Complaints typically relate to the lake area (and main lawn) and involve dogs off lead approaching other park users uninvited. Anecdotally, complaints on social media channels have increased and staff have witnessed dogs causing nuisance to other park users during their working day.
- 3.4 There have been 22 dog related reports made to Sussex Police over a three year period (2018 – 2021). There have been no further complaints since the Cabinet meeting in September. As a comparison, 267 reports were made to Sussex Police over a similar timeframe when considering enforcement options for ASB relating to car cruising.
- 3.5 As an initial response to the petition, there was broad Cabinet support for the introduction of more robust measures to enforce against anti-social behaviour involving dogs in Tilgate Park. It was recognised that whilst the majority of formally reported and anecdotal incidents were largely focused around the lake and lawn areas, there was evidence of the issue affecting the entire park.
- 3.6 It was also acknowledged that there was likely to be under-reporting of incidents and the true scale of the issue was not necessarily reflected in formal complaints and reports, particularly in the case of dogs interfering with the park's wildlife.
- 3.7 Current policy, to educate/inform dog owners to put their dogs on leads, has largely been unsuccessful with signage repeatedly being removed or vandalised and community warden intervention often ignored.
- 3.8 Option 3, as set out in report HCS/30, had a dual focus, that being to redouble education/information efforts alongside the introduction of enforcement action for those in breach of the rules.

Redouble education/information efforts

- Installation of vandal proof signage
- Implementation of a Communication Plan
- Undertake Community Warden patrols
- Provide education and information to dog owners

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Introduce enforcement alongside education/information

- Introduce enforcement approach (CBC byelaws / Public Space Protection Order (PSPO) / Community Protection Notice (Warning)

- 3.9 Dedicated spaces where dogs are permitted to be “off lead”, such as the “Hound Ground” are being considered and will be reflected in the agreed enforcement approach.

4. Reasons for the Recommendation

- 4.1 The council recognises that many dog owners who visit Tilgate Park are responsible; they keep their dog under control and exercise it in a manner that doesn't cause distress to other park users. However, the council and Police do have to deal with complaints each year about irresponsible ownership and the impact on the public and wildlife.
- 4.2 An enforcement approach has not been pursued for dog related matters prior to now because of the preference for an incremental approach to managing the issue, focusing on education of dog walkers. This has largely been unsuccessful, although new approaches to effective education, such as “Keep Britain Tidy” guidance, are well evidenced and continue to be a key element of the recommended approach. This is particularly important to ensure that responsible dog owners aren't alienated and that enforcement is applied to those who choose not to engage with the requirements.
- 4.3 A PSPO offers the most appropriate and practical enforcement solution to robustly manage antisocial behaviour involving dogs at Tilgate Park since it is designed to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to ensure the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour. Authorised officers can issue a Fixed Penalty Notice immediately upon witnessing a breach of the PSPO.
- 4.4 Other enforcement options available to the Council – byelaws and a Community Protection Notice – are not considered to be appropriate or effective and are likely to be significantly more resource intensive.
- 4.5 Public Space Protection Orders must be evidence based. It is therefore necessary for decision makers to be satisfied, on reasonable grounds, that the required conditions are met, should they wish to proceed. This includes information received from the statutory public consultation.
- 4.6 The Council has successfully implemented PSPOs to address anti-social behaviour issues relating to car cruising and consumption of alcohol in public places.
- 4.7 Tilgate Park is already one of several patrol ‘hotspots’ for the Council's Community Warden Service and enforcement of the policy will be managed within existing resource. This will include daily patrols and regular days of action. Not only does this approach support the Council's requirement to achieve a balanced budget, it is proportionate to the scale of the issue and allows for resources to be adjusted according to need. This will be reviewed regularly against other service demands.
- 4.8 The Community Warden Service has suitably qualified, skilled and experienced personnel to enforce against the PSPO, requiring minimal training.

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5. Information & Analysis

Legal Implications

5.1 Byelaws

These are local rules made by local authorities but approved by central government which are enforceable as criminal offences.

Byelaws are quite an old fashioned way of dealing with local public order rules and Parliament has indicated that matters such as the control of dogs ought to be dealt with under the new types of orders which it has created – the current one being PSPOs which replaced dog control orders.

It therefore appears that in practice the legal route to making byelaws relating to dogs is effectively closed and, should CBC make byelaws and seek to have them confirmed by the Secretary of State (the procedure to make them valid), we may find that this request is refused leading to wasted effort, time and expense.

5.2 Community Protection Notices (CPNs)

CPNs can be served if satisfied on reasonable grounds that:

- The conduct of the person is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and
- the conduct is unreasonable.

However, there are preconditions to service of a CPN, which are:

- a written warning must first have been given to the person stating that the CPN will be issued unless the person's conduct ceases to have the detrimental effect, and
- the officer is satisfied that, despite the person having had enough time to deal with the matter, their conduct is still having that effect.

Pros

- Could be useful for repeat offenders if they can be identified.
- Enforcement can be via FPN (immediate).
- Reasonably straightforward and quick to introduce.

Cons

- Somewhat impractical for 'on the spot' one-off enforcement as written warnings are required.
- If a person does not provide their identity it would be very difficult, if not impossible, to enforce without police assistance.
- If a FPN is not paid, prosecution is the next step which can be lengthy and is resource-intensive.
- Resources required for enforcement (personnel on the ground required)

5.3 Public Spaces Protection Orders (PSPOs)

PSPOs were introduced under the Anti-social Behaviour Crime and Policing Act 2014. A PSPO is designed to address unreasonable and persistent behaviour that affects the quality of life of a local authority's residents. PSPOs last for 3 years

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unless extended before they expire. PSPOs can only be made where the Council is satisfied on reasonable grounds (i.e. there is evidence demonstrating):

- that there has been (or it is likely to be) activities carried on in a public place which have had (or are likely to have) a detrimental effect on the quality of life of those in the locality,
- 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.
 - justifies the restrictions imposed.

Pros

- Once made, enforcement can be via Fixed Penalty Notice (immediate).

Cons

- Cannot be made if there is not an evidence base to meet the statutory threshold.
- Lengthy and resource-intensive to make a PSPO, including public consultation (6 month process)
- If a FPN is not paid, prosecution is the next step which can be lengthy and is resource-intensive.
- Resources required for enforcement (personnel on the ground required).

Installation of a PSPO

- 5.4 A Public Space Protection Order (PSPO) could be implemented to prohibit dog related anti-social behaviour in Tilgate Park for a period of 3 years. This will require dogs to be kept on leads in all areas of the park unless explicitly specified otherwise. Dogs will not be permitted at all in the children's play area or Walled Garden.
- 5.5 Before making, varying, extending or discharging a PSPO, the council must carry out the necessary publicity, consultation and notifications and must publish information about the order in accordance with the regulations.
- 5.6 Consultation should include formal consultation with the chief officer of the police, Police and Crime Commissioner, local partners, including West Sussex County Council and the local community including the public and local businesses.
- 5.7 Breach of a PSPO is a criminal offence and can be dealt with by way of a fixed penalty notice (FPN) (currently set at £100) or a fine up to level 3 (£1000) on prosecution.
- 5.8 Within the confines of the legal framework, councils have the freedom to determine their own procedures for introducing a PSPO including satisfying themselves that the statutory requirements are met and giving final approval for the Order to go ahead.
- 5.9 The timeline for the consultation process is outlined in the table below;

Action	Date
Report to Cabinet to agree in principle to make a PSPO	January 2022

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Consultation Period - consult stakeholders, online survey, face to face surveys, social media	February / March 2022
Return to Cabinet with results of consultation and agree to implement orders as per terms consulted on	June 2022
Full Council – ratify making of PSPO	July 2022

Behaviour Change - The continued importance of education and information

- 5.10 There is evidence nationally that dog enforcement is emotive and divisive. It is important to note that the policy will advocate for a continuation of a positive and proactive educational and informative approach to dog owners, particularly in the six month period leading up to a decision on the making of a PSPO.
- 5.11 By making it easy for the majority of dog walkers to know what the rules are and what alternatives are available for an off-lead experience, the minority are likely to follow suit. It is impossible to achieve 100% compliance but a majority compliance will shine a spotlight on those with entrenched behaviours where enforcement is actually needed, rather than penalising those who want to be responsible but were unclear about the rules.
- 5.12 Offering alternatives such as the Hound Ground and guided group dog walks can positively enable dog walkers to move away from the areas which we are trying to manage and will instigate word of mouth.
- 5.13 Working with local professional dog walkers will rapidly help us to spread the word and gather support for the initiative. It carries weight with dog owners if their trusted dog walker is already on board with the changes and can promote the benefits of it.

Potential Changes to Service Delivery and Personnel

- 5.14 Dog walking at Tilgate Park typically begins from 0600hrs and the peak drops away from 2030hrs except in the height of summer with lighter and warmer evenings. The Community Warden Service currently operates 0800 to 2130hrs, 7 days a week, and patrols Tilgate Park on a daily basis. This is alongside other service priorities which include;
- Statutory duties regarding stray dogs
 - Investigating and enforcing fly tipping, dog fouling, dealing with ASB and enforcement of littering across the town
 - Visiting hotspot locations (parks, open spaces, neighbourhood parades)
 - Town centre focus dealing with littering and engaging with the street community.
- 5.15 The equivalent of an additional 3 full-time Community Wardens would be needed to cover all dog walking hours 7 days per week at Tilgate Park to enforce the policy. This would cost the Council an additional £100,000 per annum.
- 5.16 The equivalent of 1.5 full-time Community Wardens would be needed to cover 7 hours per day, 7 days per week at Tilgate Park to enforce the policy. This would cost the Council an additional £50,000 per annum.

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6. Implications

Financial

- 6.1 There would be no additional resource implications to enforce the policy because this work will be absorbed within existing resources.
- 6.2 Revenue resource, in the region of £5,000, would be required to invest in permanent signage in key locations.
- 6.3 There would be legal costs associated with enforcement policy related prosecutions although full costs would be sought from the courts in the case of a successful prosecution.

Legal

- 6.4 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 gives local authorities the powers to make, vary or renew a PSPO. The procedure 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.

Equalities

- 6.5 Assistance dogs are exempt from the dogs on leads policy and any associated enforcement.

7 Background Papers

[Petition "Keep your dog on a lead in Tilgate Park" HCS/30](#)

Report author and contact officer:
Kate Wilson, Head of Community Services

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Appendix A

Further Complaints received since report HCS/30 published

18/12/2021

Please describe the problem in as much detail as possible: Dog walker with 10 dogs none on a lead. When 1 dog a Dobermann made an attack run for me from around 30 meters away and hit my knee with its teeth, it didn't draw blood. The dog walker blamed me as I was on my bike. When I rode off it again chased after me.

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Crawley Borough Council

Report to Cabinet 12 January 2022

Forward Programme of Key Procurements (January – June 2022)

Report of the Head of Corporate Finance, **FIN/541**

1. Purpose

- 1.1 The purpose of this report is to present the procurement forward programme. The forward plan identifies the Council's key procurements over a contract value of £500k that will require tendering over the coming six-month period.
- 1.2 A brief update on the previous programme from July - December 2021 is also provided.
- 1.3 This report also seeks authority to enter into a shared service arrangement for the provision of insurance services.

2. Recommendations

- 2.1 The Cabinet is recommended to:
 - a) Approve the procurement forward programme January – June 2021.
 - b) Delegate authority to the Leader of the Council in consultation with the relevant Cabinet Member, Head of Service, and Head of Legal, Governance and HR to approve the award of the contract following an appropriate procurement process.
 - c) Delegate 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, Governance and HR, and Head of Corporate Finance, in consultation with the appropriate Cabinet member.
(Generic Delegations 2 & 3 will be used to enact this recommendation)
 - d) Approve Worthing Borough and Adur District Councils to provide the insurance service for Crawley Borough Council.
 - e) Authorise the Section 151 Officer to enter into the Joint Working Agreement by way of a service level agreement with Worthing Borough and Adur District Councils and finalise the arrangements.

3. Reasons for the Recommendations

- 3.1 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.

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- 3.2 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.

4. Background

- 4.1 The Council's procurement is governed by The Public Contracts Regulations 2015 along with its own internal rules which are set out in the Procurement Code. The Procurement Code dictates that any contracts awarded above the total value of £500k (across its duration) must be approved by Cabinet.
- 4.2 The attached forward programme at Appendix A identifies those high value procurement processes that the Council is currently aware of that are due to go out to tender in the next six months. This is subject to change.
- 4.3 There may be additional projects that are identified that require procurement action that are not currently on the current forward plan, however it is hoped that these will be minimal and are more likely to be one-off or construction-based procurements where additional funding/capital investment has been agreed.
- 4.4 Appendix B gives a brief update on the procurement projects that were previously identified.

5. Description of Issue to be Resolved

- 5.1 It is hoped that there is greater transparency and awareness of key procurement projects.
- 5.2 Allowing contracts to be awarded under delegation shortens the tender process.

6. Information & Analysis Supporting Recommendation

- 6.1 By identifying procurement processes in a forward programme, internal stakeholders can input into the process at an earlier stage where there is more ability to influence and make decisions on the future contract delivery model. The organisation can manage resources more effectively.

7. Insurance Shared Services

- 7.1 The insurance service was provided by the Treasury and Insurance Officer before the postholder retired in July 2020. It has subsequently been resourced through the use of temporary staff or by staff in other roles. The treasury element of the Treasury and Insurance Officer role has been moved into another post.
- 7.2 It is recommended that the Council enter into a Service Level Agreement with Worthing Borough and Adur District Councils for the provision of insurance services. These councils already provide a shared insurance service to other local authorities.
- 7.3 Joining an existing shared service offers a number of advantages as the councils have local government knowledge and are not for profit. They can provide flexibility,

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resilience and independence whilst also offering added value and sharing best practice.

- 7.4 If the Council joins, the initial agreement would be for 3 years, but could be terminated at the end of each financial year by notice from either party.
- 7.5 The cost of the service would be £30,000 in the first year and this would be funded from existing budgets.
- 7.6 There are no TUPE implications as the post is vacant.
- 7.7 Section 101 of the Local Government Act 1972 enables an authority to make arrangements for the discharge of its functions by a committee, sub-committee or officer of the authority or by another authority.

8. Implications

- 8.1 Whilst every effort will be made to ensure that procurement processes are identified and reported in the forward programme there may be some instances where this is not achieved, in which case an individual report will be taken as per the previous model.

9. Background Papers

- 9.1 Procurement Code
- 9.2 [Report to Cabinet - Forward Programme of Procurements](#)

Report author and contact officer: *Jo Newton-Smith, Procurement Manager (01293 438363) and Paul Windust, Chief Accountant*

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Appendix A – Procurement Forward Programme

Contract Title	Estimated Contract Value	Brief Description
Western Boulevard Cycleway Scheme	Up to £900k	A scheme to improve sustainable transport facilities in the town centre. Continuation of the cycling and walking infrastructure being implemented through the Eastern Gateway scheme, completing the link to existing infrastructure in the High Street. The scheme will enable more reliable bus journey times by giving them priority for turning into and out of the Broadway. Circa 10 million bus journeys are currently made through this junction. The intention is to use the Civils contract with Edburton to deliver the scheme – a contract variation and exemption will be completed as currently the contract allows for individual works up to the value of £500k. However, the total value going through the contract has been less than originally anticipated so the contract can accommodate this expenditure.
Towns Fund	Various depending on project	Crawley is developing comprehensive business cases for several projects / schemes relating to the £20m grant funding. Most of the projects will be delivered in the latter half of 2022 / 2023 and will be presented in future reports. Manor Royal Gigabit programme will commence earlier, a consultant is currently scoping the works required and this may result in multiple or a singular procurement process to be delivered prior to June 2022.

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Appendix B – Update on Procurements July - December 2021

Contract Title	Estimated Contract Value	Brief Update
Arboricultural Services Contract	£2.6m	Contract for the provision of Arboricultural Services (tree maintenance). The current contract which is with County Tree Surgeons expires in April 2022. The value of the future contract is approx. £200k p.a. The contract will be for a period of 5 years following which a detailed options appraisal will take place to determine future delivery method. The tender evaluation process is completed and the Council will be issuing a Contract Award notice at the end of November 2021.
Income Management System	£665k over 7 years £95,000 per annum.	Our current system Paye.net/AXIs is supplied by Capita and has been extended to March 2023. Value of contract anticipated at £95k p.a but will be more if acquirer fees are included which are currently £100k p.a. 5 year plus 2 year extension option. Mini comp to be run via Crown Commercial framework RM3821. Tender is currently at the evaluation stage and due to be awarded by end December 2021. Lead Officer: Mohammed Din
Town Hall CatC Fitout	£1.1m	The Council approved the development project for the new Town Hall in 2019. This associated budget includes the provision of fixtures, fittings and equipment for the council chamber, customer area and shared office space. The tender is currently being evaluated with a view to awarding the contract in December 2021. Lead Officers: Simon Jones & Sarah Barnes
Property Partnering Contract	£180k p.a Estimated value £1.1m based on 4+2 contract term.	The current contract expires on 30 th April 2022 with current expenditure in the region of £180k p.a. It is anticipated that the contract will be a minimum of 4 years with options to extend. The contract is for consultancy services including PM, structural engineering, CDM, civil engineering, clerk of works and drainage and flood alleviation consultancy. Delay in issuing tenders due to resource issues however on track for issue during December with contract award in March 2022. Lead Officer: Lisa Venn.
Building Repairs & Maintenance	£3.6m Approx. £900k p.a	The current contract is a framework agreement with multiple suppliers, the contract has expired. The contract covered planned and responsive repairs and maintenance of our non-housing assets including glazing, heating and plumbing, drainage, electrical works, ventilation, painting and decorating, lift maintenance, fire equipment testing etc. It includes town hall, community centres, depot, pavilions, public conveniences, Tilgate nature centre, Hawth, K2 Crawley etc. A review of our current assets and what model will be required for repairs & maintenance of the new town hall was being explored. Due to resource changes in Major Projects and Commercial Services no lead client has been identified to assist in developing the specifications required to take this contract forward. Lead Officers: Lisa Venn and Ben King (Major Projects and Commercial Services / Procurement).

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Crawley Borough Council

**Report to Cabinet
12 January 2022**

Modern Slavery and Human Trafficking Transparency Statement

Report of the Head of Corporate Finance, **FIN/539**

1. Purpose

- 1.1 The purpose of this report is to inform Cabinet members of our intent to publish a Modern Slavery and Human Trafficking Transparency Statement detailing our commitment to tackling this issue within our business activity and supply chain.

2. Recommendations

- 2.1 The Cabinet is recommended to:
- a) Approve the publication of the Modern Slavery and Human Trafficking Transparency Statement as attached at Appendix A.
 - b) Approve that the Leader of the Council be delegated the approval of minor amendments and subsequent annual statements for publication, in consultation with the Head of Legal, Governance and HR, Head of Community Services and Head of Corporate Finance.

3. Reasons for the Recommendations

- 3.1 The adoption and publication of a Modern Slavery and Human Trafficking Transparency Statement is considered best practice and is likely to become a statutory requirement within the next 12 months.
- 3.2 The approval of the statement shows the commitment of Crawley Borough Council to tackling modern day slavery in the community and in its supply chains. It also supports the principles set out in the Social Value Charter which is used within our procurement processes.

4. Background

- 4.1 The Modern Slavery Act 2015 applies to England and Wales and includes the offences of human trafficking and slavery, servitude and forced or compulsory labour. The Act consolidated and simplified existing offences and establishes a legal duty under Section 52 for public authorities to notify the Home Office where there is reasonable grounds to believe a person may be a victim of modern slavery.
- 4.2 In 2015, the Home Office estimated that 13,000 people were subject to modern slavery in the United Kingdom, although the National Crime Agency estimated that the true figure is likely to be in the 'tens of thousands', with recent research by the Centre for

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Social Justice (CSJ) and Justice in Care in 2020, estimating there are at least 100,000 victims. Due to modern slavery being a 'hidden' crime along with barriers for victims to come forward and the systems used to record cases at a local and national level it is difficult to provide exact data and the number of cases is expected to be significantly higher. In the last 12 months Sussex Police have recorded 195 crimes of Modern Slavery, which includes trafficking.

- 4.3 Many local cases involving young people occur through criminal exploitation and 'county lines' where local children are made to travel to other boroughs and counties to sell drugs. There are also cases of forced labour where individuals are made to work for little or no pay in various industries including construction sites, hospitality, cleaning services and the beauty industry.
- 4.4 Section 54 of the Modern Slavery Act states that every commercial organisation in the UK with a total annual turnover of £36m or more must produce a Modern Slavery and Human Trafficking Transparency Statement annually. Whilst this is not currently a mandatory requirement for local authorities many are doing so on a voluntary basis to demonstrate their commitment to tackling this issue. It is thought this will become a statutory requirement during 2021/22 when the law is amended to include reporting of public sector organisations.
- 4.5 Currently the statement must include "the steps the organisation is taking to ensure that slavery and human trafficking is not taking place in any of its supply chains, and in any part of its own business". The Act states that the Statement should include information about:
 - The organisation's structure
 - Its policies in relation to slavery and human trafficking
 - Its due diligence processes in its business and supply chains
 - The training that has taken place and is available to staff.
- 4.6 Appendix A contains the proposed Statement for the Council. It covers the period from January 2022 until the end of March 2023 when the Statement will need to be reviewed and updated which must include progress on what actions have been taken.
- 4.7 Current guidance advises that the Statement must be approved and signed annually by executive leaders prior to publishing. This Statement will therefore be updated annually for approval as per recommendation 2.1 (b) before being signed by the Leader and Chief Executive and published.
- 4.8 The Statement has been drafted in association with the Community Services team which works with partner organisations to tackle this issue within the community. The process has involved working with colleagues across Horsham District Council, Mid Sussex District Council and Mole Valley District Council who form part of the Shared Procurement Service. Best practice guidance was also used to inform the development of the Statement.

5. Description of Issue to be resolved

- 5.1 By producing the Statement it is hoped that there is greater transparency and awareness of modern slavery and human trafficking and the actions the Council is taking to eradicate it.
- 5.2 Producing a Statement gives a clear message to our supply chain of the importance of tackling this issue and our expectations of them to do the same.

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6. Information & Analysis Supporting Recommendation

- 6.1 Modern slavery is happening within the UK and within West Sussex. The Council has a duty to ensure that we safeguard our communities. By producing a Statement and implementing its actions we can raise awareness of this crime and ensure that mitigating actions are taken to minimise the risks.
- 6.2 The Statement also supports the Council's corporate priority to "create stronger communities", it also supports the Council's Social Value Charter ambitions to work with suppliers who are responsible and ethical employers.

7. Implications

- 7.1 There are no financial implications. There will be some resource implications on the delivery of the action plan, including providing appropriate training to staff and ensuring through contract management that we are monitoring the actions our suppliers are taking. The responsibility for taking forward the actions will sit with the Procurement team who will work closely with Community Services.
- 7.2 Section 54 of the Modern Slavery Act requires 'commercial organisations' to prepare a slavery and human trafficking statement for each financial year. It is not, as yet, a statutory requirement for the Council because we are not a commercial organisation, however it is regarded as industry good practice. Parliament is currently considering a change to legislation and it is thought this will become a statutory requirement for local authorities during 2021/22 when the law is passed.

8. Background Papers

- 8.1 Procurement Code
- 8.2 Social Value Charter

Report author and contact officer: *Jo Newton-Smith, Procurement Manager, 01293 438363*

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Modern Slavery and Human Trafficking Transparency Statement

Introduction

Modern slavery is a global problem and international crime, affecting millions of people worldwide, including many victims within the UK. Men, women and children of all ages and backgrounds can fall victim to human trafficking. Victims can be controlled by force, threats, coercion, abduction, fraud and deception.

Crawley Borough Council is a local authority which provides a wide range of services alongside partners, to the local community. We are making a clear commitment to tackle modern slavery by signing up to this Modern Slavery and Human Trafficking Transparency Statement.

The Modern Slavery Act 2015 places specific responsibilities on organisations to ensure slavery and human trafficking does not exist within its supply chain or in any part of its own business. The term 'modern slavery' captures a whole range of exploitation which includes:

- **Sexual exploitation:** this includes sexual abuse, forced prostitution and the abuse of children in order to produce child abuse images or videos
- **Domestic servitude:** this involves victims being forced to work in usually private households, performing domestic chores and childcare duties
- **Forced labour:** this can happen in various industries, including construction, manufacturing, laying driveways, hospitality, food packaging, agriculture, maritime and beauty (nail bars)
- **Bonded labour:** this includes descendant slavery when people give themselves into slavery as security against a loan or when they inherit a debt from a relative
- **Criminal exploitation:** this can be understood as the exploitation of a person to commit a crime, such as pick-pocketing, shoplifting, cannabis cultivation, drug trafficking and other similar activities that are subject to penalties and imply financial gain for the trafficker

Other forms of exploitation include organ removal, forced begging fraud, forced marriage and illegal adoption.

Our responsibilities

The abuse of human rights in our supply chains through modern slavery is gaining greater awareness. The Council has a responsibility to prevent slavery and human trafficking within our supply chain and in any part of the organisation. It expects the same high standards from all of our contractors, suppliers and other business partners.

This Statement sets out the Council's actions and commitments to understand all potential modern slavery risks related to our activities and to put in place steps to combat and prevent acts of slavery and human trafficking within our business and supply chains. It applies to everyone working for the Council or on our behalf in any capacity. The Council's Corporate Management Team has overall responsibility for ensuring this Statement complies with our legal and ethical obligations, and that all those under the Council's control comply with it.

The Council's commitment to addressing the issue of modern slavery in its business and supply chains will be communicated to all suppliers, contractors, and business partners at the outset of its business relationship with them and reinforced as appropriate thereafter.

Our Policies

The Council has a number of internal policies that help to ensure we are conducting business in an ethical and transparent manner and support compliance with Modern Slavery Act. These include;

- Procurement Code and wider Public Contract Regulations 2015
- Code of Conduct
- Equality, Diversity, and Inclusion Policy
- Safeguarding Policy
- Whistle-blowing policy

Due Diligence and Supply Chain Management

The Shared Procurement Service, who deal with most contracts worth £50,000 or more, will take the lead on tackling modern slavery within our supply chains, and will work in conjunction with stakeholder departments who may face the greatest risk of procuring goods, services or works associated with this crime. They will undergo training to ensure they are aware of the risks and issues and how to mitigate these in the procurement process.

The Council expects all suppliers regardless of size to actively work towards mitigating the risk of modern slavery within their organisations and its supply chain and may request evidence to demonstrate steps taken. In addition, the Shared Procurement Service has processes and due diligence mechanisms in place to ensure that modern slavery is tackled by its supply chain. These include:

- All relevant suppliers that wish to tender for Council contracts must provide evidence that they have met the requirements of the Modern Slavery Act 2015 to be able to bid – this is included in our Self-Declaration document contained in the tender pack. Any supplier who fails to evidence their compliance shall be excluded from participating further in the tender process.

- As part of our contract management processes, we undertake annual gathering and reviewing of Modern Slavery Statements for all suppliers with an annual turnover of £36m and over.
- We will include clauses in our standard contract terms that specify the supplier's contractual obligation concerning modern slavery.
- For all Above Threshold contracts or contracts where we believe there are likely to be greater supply chain risks, we will assess suppliers' recruitment policies and procedures to ensure that they are minimising the risk of modern slavery in their organisation.

The Shared Procurement Service commits to undertaking an annual risk assessment of its supply chain and will deliver training and guidance to contract managers to highlight the potential modern slavery risks.

The Council aims to monitor the commitments which our suppliers have pledged, including the identification and management of risks in relation to modern slavery and human trafficking. This is done by:

- Increasing openness, transparency and efficiency in the management of supply chains
- Improving ability to identify strengths, weaknesses, opportunities and threats in supply chains
- Improving communications with suppliers
- Enhancing relationships with suppliers

Our commitment

- We will disclose any identified instances of modern slavery.
- We will monitor our supply chains and report on any issues identified through non-compliance or insufficient information provided.
- We will ensure relevant staff have access to and are completing mandatory training which supports the Modern Slavery Act.
- We will evaluate the effectiveness of the training annually via feedback from participants.
- We will encourage the reporting of suspicions of slavery through the Council's Modern Slavery Single Point of Contact (SPOC). For Crawley Borough Council this is the Community Safety Officer.
- We will notify the Secretary of State of suspected victims of slavery or human trafficking under Sections 43, 52 and 54 of the Modern Slavery Act 2015.

Declaration

This Statement is made under Section 54(1) of the Modern Slavery Act 2015 for the financial year ending 31 March 2023. It is approved by the Council's Corporate Management Team and Cabinet and will be subject to review on an annual basis.

Signed:
Leader of the Council, Crawley Borough Council

Signed:
Chief Executive, Crawley Borough Council

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Crawley Borough Council

Report to Cabinet
13 January 2022

Provision of Internal Audit Services

Report of the Head of Corporate Finance, **FIN/553**

1. Purpose

- 1.1. With the retirement of all three members of the internal audit service over the past 10 months and the legal requirement to provide an internal audit service, this report seeks approval to enter into the Joint Working Agreement to receive internal audit services from [Southern Internal Audit Partnership](#) (SIAP) for the period of four years from 1 April 2022.
- 1.2. There is a statutory requirement to provide an internal audit service. The internal audit work is currently being undertaken by temporary members of staff with the management of the audits being undertaken on a temporary basis by SIAP until 31st March 2022. This is because of the short notice of period of staff involved.

2. Recommendations

- 2.1. To the Cabinet:
 - a) Approve, with effect from 1 April 2022, that Southern Internal Audit Partnership provides the internal audit service for Crawley Borough Council.
 - b) Authorise the Section 151 Officer to enter into the Joint Working Agreement by way of a deed of accession with Southern Internal Audit Partnership and finalise the arrangements.
 - c) Approve the Section 151 Officer or their representative to represent the Council's interests by becoming a voting member of the Southern Internal Audit Partnership Key Stakeholder Board.

3. Reasons for the Recommendations

- 3.1. To ensure that a statutory internal audit function is provided for the Council. By joining an existing shared service there will be access to qualified internal audit staff and specialisms not available to a team of two.

4. Background

- 4.1. Internal Audit is a statutory requirement in local government as defined in the Local Government Act 1972. The Accounts and Audit Regulations 2015 (Regulation 5) require the Council to "undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes; taking into

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account public sector internal auditing standards or guidance”.

- 4.2. The Council has delegated this responsibility to the Head of Corporate Finance (Section 151 Officer). Until recently the service has been provided by a small team employed by the Council. Prior to 1st April 2021 the team provided an internal audit service to Mid Sussex District Council. A member of the Audit team retired in April 2021 and as a result Crawley Borough Council stopped providing the service to Mid Sussex.
- 4.3. On 10th October 2021 the Audit and Risk Manager retired from the Council, leaving a final team member who also retired on 7th November 2021. This has left the Council with no permanent audit staff.

5. Provision of Internal Audit Services

- 5.1. As a result of the remaining two members of the Audit team retiring in the last four months the internal audit service is currently being provided by temporary staff and some additional support from SIAP, with oversight until 31st March 2022 also being provided by SIAP. SIAP is fulfilling the Audit and Risk Manager role to ensure that an adequate Audit Plan is completed and reported to the Audit Committee for the current financial year.
- 5.2. Joining an existing shared service offers a number of advantages as SIAP has local government knowledge and is not for profit. It can provide flexibility, resilience and independence whilst also offering added value and sharing best practice.
- 5.3. SIAP is able to provide a strong proposal. It currently provides services to a range of other organisations including schools, local government pension funds and other district and borough councils, including Mole Valley which forms part of the shared procurement service.
- 5.4. Recruiting to the two vacant posts would not give access to a range of specialist auditors including IT auditors or the resilience afforded through access to a pool of available auditors.

6. The Southern Internal Audit Partnership

- 6.1. The Southern Internal Audit Partnership (SIAP) is hosted by Hampshire County Council. It was established in 2012 and has a diverse portfolio of 25 public sector clients and provides 7,500 audit days.
- 6.2. SIAP's emphasis is on quality, professionalism and value adding services. It has a range of in-house specialists covering IT, procurement and contract management. SIAP has been externally assessed as compliant with the Public Sector Internal Audit Standards.
- 6.3. A report will be put before the Cabinet meeting in January 2022 recommending that the Council join as a partner as this would provide a number of advantages, rather than joining as a client where days can be requested annually. As a partner, the Council would become a member of the Key Stakeholder Board which would result in the Council having a say in the future direction of the Partnership, business planning, performance reporting, resourcing and updates. The Head of Corporate Finance (S151 Officer) or their representative would represent the Council's interests

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by becoming a voting member of the Southern Internal Audit Partnership Key Stakeholder Board.

- 6.4. In addition, each partner can flex the audit days purchased to meet business needs, so they can use additional days when required as long as parity is restored over a three year period.
- 6.5. The Council would be required to enter into the Joint Working Agreement by way of a deed of accession. The Joint Working Agreement provides for a partner to pay an annual financial contribution, which is a proportion of the costs incurred by the SIAP in delivering audit services calculated on the number of internal audit days required by the Council. The composite day rate is reviewed annually and reflects pay costs based on national pay awards and annual increments and any increase or decrease in the operating costs of the joint service. Any other increase or decrease would be subject to the agreement of the SIAP Key Stakeholder Board.
- 6.6. If the Council joins with effect from 1 April 2022, it would have a commitment of four years (to 31 March 2026). Should the Council wish to exit the SIAP after that initial four year period, it is required to give 12 months' written notice in order to bring its participation to an end as of a financial year end.
- 6.7. If Cabinet agrees the recommendation, the Head of Corporate Finance will work with SIAP to agree the Audit Plan with effect from April 2022. The current year internal Audit Plan is also being revised to ensure that SIAP has the assurance that corporate risks are being mitigated.

7. Views of the Audit Committee members

- 7.1. Members of the committee were asked for their views on the proposal. Feedback included.
 - a. Although the current situation is not ideal (i.e. shortage of auditors to recruit independently) the situation was out of the Council's control and the option to join a shared service appears to be the best alternative option.
 - b. Joining the shared service could potentially be beneficial to the Council as SIAP is independent and may provide more challenge.
 - c. Noted that the Council would have to give 12 months' notice to withdraw early from the agreement, at that time we could look for another provider or attempt to recruit internal staff.

Overall there was support from the Audit Committee members.

8. Implications

Financial

- 8.1. The SIAP option would be on par with the cost of two full-time salaries that the Council has budgeted for within internal audit. The day rate will be reviewed annually and any increase over the previous year shall be in line with inflation. There is no cost of joining the partnership.
- 8.2. There will therefore be no financial implications arising from this report as the cost of the service will be met from within existing budgets.

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- 8.3. There are no TUPE implications as all posts are vacant.
- 8.4. Other options were pursued including advertising for the vacant posts, however there are challenges in recruiting to professional roles such as auditors due to competition in the labour market. Another option pursued was outsourcing, however this was more costly due to SIAP being a not for profit organisation. The SIAP option therefore represents the best value for money in the current employment climate.

Legal

- 8.5. Under the Accounts and Audit Regulations 2015 the Council is required to ensure that it has a sound system of internal control which; (a) facilitates the effective exercise of its functions and the achievement of its aims and objectives; (b) ensures that the financial and operational management of the Authority is effective; and (c) includes effective arrangements for the management of risk.
- 8.6. Section 101 of the Local Government Act 1972 enables an Authority to make arrangements for the discharge of its functions by a Committee, Sub-Committee or officer of the Authority or by another Authority.
- 8.7. As is outlined above, if agreed by Cabinet, the Council will be entering into a Joint Working Agreement as a partner. The Joint Working Agreement regulates the relationship between all the partner authorities, including the governance structure, the roles and responsibilities of each partner authority towards the other partner authorities, the financial contribution arrangements, information sharing protocols, withdrawal/exit provisions together with the scope of internal audit services.
- 8.8. Under Section 101 of The Local Government Act 1972 a Council may arrange for the discharge of its functions to another Authority. Section 9EA of The Local Government Act 2000 and Regulation 5(2)(a) of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 enables Cabinet to delegate the discharge of one of its executive functions to another Authority. As the Council is not entering into a contract for services with SIAP (which is the other possible model), public procurement legislation does not apply as Crawley will be discharging its duty to another authority.

9. Background Papers

None.

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