



Crawley Borough Council

Agenda of the Full Council

To: The Deputy Mayor and Councillors

You are summoned to attend a meeting of the **Full Council** which will be held in **Ashurst Main Hall - The Charis Centre**, on **Wednesday, 23 February 2022 at 7.30 pm**

Nightline Telephone No. 07881 500 227

A handwritten signature in black ink, appearing to read 'S. Anufent'.

Chief Executive

Please contact Democratic Services if you have any queries regarding this agenda.
democratic.services@crawley.gov.uk

Published on 15 February 2022

Duration of the Meeting

If the business of the meeting has not been completed within two and a half hours (normally 10.00 pm), then in accordance with Council Procedure Rule 2.2, the Deputy Mayor will require the meeting to consider if it wishes to continue for a period not exceeding 30 minutes. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

Following the meeting's initial extension, consideration will be given to extending the meeting by further periods of up to 30 minutes if required however, no further extensions may be called to extend the meeting beyond 11.00pm when the guillotine will come into effect.



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The order of business may change at the Deputy Mayor's discretion

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
To receive any 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 - 16
To approve as a correct record the minutes of the meeting of the Full Council held on 15 December 2021	
4. Communications	
To receive and consider any announcements or communications, including any additional Cabinet Member announcements.	
5. Public Question Time	
To answer public questions under Full Council Procedure Rule 1.1-E. The questions must be on matters which are relevant to the functions of the Council, and should not include statements.	
One supplementary question from the questioner will be allowed.	
Up to 30 minutes is allocated to Public Question Time.	
6. Consideration of Full Council Recommendations and Call-In Decisions	17 - 58
To consider any recommendations before the Full Council or items which have been Called-In.	
<i>NB In advance of the meeting Political Groups will identify which recommendations they do not wish to reserve for debate.</i>	
7. Notification of Decisions Protected from Call-In (Recommendation 6)	
In line with the Call-In Procedure Rule 8.3, which is set out in the Council's Constitution, the Council is required to be informed when the Chief Executive has protected a decision from Call-In.	

The Leader, under the Urgent Action decision making powers set out in the Constitution, took the following three decisions which were also protected from Call-In (in accordance with Call-In Procedure Rule 8).

The first decision, which was taken on 10 January 2022, was to approve the revised Additional Restrictions Discretionary Business Grant (ARG) Guidance to take into account the priority areas as a result of the Omicron variant and give delegated authority to the Head of Economy and Planning and the Head of Corporate Finance to make grants within these guidelines. This decision was protected from Call-In so the Council could start supporting its businesses as soon as possible. The decision was reported in Councillors' Information Bulletin [IB/1113](#).

The second decision, which was also taken on 10 January 2022, was to approve the Council's Covid-19 Additional Relief Fund Discretionary Relief Guidelines and give delegated authority to designated senior officers to make relief awards within those guidelines. This decision was protected from Call-In so the Council could start supporting its businesses as soon as possible. The decision was also reported in Councillors' Information Bulletin [IB/1113](#).

The third decision, which was taken on 8 February 2022, was to amend the Crawley Borough Council (Off-Street Parking Places) (Civil Enforcement and Consolidation) Order 2009. This decision was protected from Call-In as the Kingsgate Car Park element of the Off Street Parking Order was time critical and urgent as the Car Park was not in use and as such had a negative impact on the Council's revenue as no income can be collected. Once a decision was made to amend the Parking Order to include Kingsgate Car Park it can be opened which will ensure the best value for money for the taxpayer. The decision was reported in Councillors' Information Bulletin [IB/1117](#).

RECOMMENDATION 6

The Full Council is requested to note the use of the Protection from Call-In provision by the Chief Executive in respect of the decisions taken by the Leader relating to the revised Additional Restrictions Discretionary Business Grant (ARG) Guidance and the Council's Covid-19 Additional Relief Fund Discretionary Relief Guidelines which were both taken on 10 January 2022; and the Amendments to the Crawley Borough Council (Off-Street Parking Places) (Civil Enforcement and Consolidation) Order 2009 which was taken on 8 February 2022.

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|-----------|--|---------|
| 8. | Provision of External Audit Services (Recommendation 7) | 59 - 66 |
| | To consider report FIN/559 by the Head of Corporate Finance | |
| 9. | Notice of Motion 1 - Additional Discretionary Council Tax Discount | 67 - 68 |
| | To consider, in accordance with Full Council Procedure Rule 1.1-H, the following Notice of Motion to be moved by Councillor Lamb and seconded by Councillor Peter Smith. | |

10. Notice Of Motion 2 - Donating The Mayoral Ball Budget To The Deputy Mayor's Charities

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To consider, in accordance with Full Council Procedure Rule 1.1-H, the following Notice of Motion to be moved by Councillor Khan and seconded by Councillor Crow.

11. Councillors' Questions Time

There will be a maximum of **30** minutes for Councillors' Question Time (CQT). Councillors may ask questions relating to either a portfolio issue or with regard to the functions delegated to a Committee.

There are **two** methods for Councillors asking questions:

1. Councillors can submit written questions in advance of the meeting and written answers will be provided on the evening of the Full Council.
2. Councillors can also verbally ask questions during the CQT.

Councillors have the opportunity to ask oral supplementary questions in relation to either of the methods above.

12. Receiving the Minutes of the Cabinet, Overview and Scrutiny Commission and Other Committees including Items for Debate

To receive the minutes of the meetings of the Cabinet, Overview and Scrutiny Commission and Committees, as listed on page 17, and set out in the appendices to this item and to debate any Reserved Items contained within those Minutes.

NB: In advance of the meeting Political Groups can identify any items they wish to debate as a Reserved Item. These Reserved Items will then be the only matters to be the subject of debate.

13. Supplemental Agenda

Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.

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Crawley Borough Council

Minutes of Full Council

Wednesday, 15 December 2021 at 7.30 pm

Councillors Present:

M Flack (Deputy Mayor)

Z Ali, J Bounds, R D Burrett, D Crow, K L Jaggard, G S Jhans, K Khan, M G Jones, P K Lamb, R A Lanzer, T Lunnon, S Piggott and P C Smith

Officers Present:

Natalie Brahma-Pearl Chief Executive

Chris Pedlow Democracy & Data Manager

Mez Matthews Democratic Services Officer

Apologies for Absence:

Councillor M L Ayling, A Belben, T G Belben, S Buck, B J Burgess, R G Burgess, C R Eade, R S Fiveash, I T Irvine, S Malik, K McCarthy, J Millar-Smith, M Morris, C J Mullins, S Mullins, M Mwagale, A Nawaz, D M Peck, A Pendlington, M W Pickett, S Raja and B A Smith

Note by the Head of Legal, Governance and HR: -

It was asked that, in respect of the Apologies for Absence, it be recorded that the Deputy Mayor, in discussion with both Group Leaders, had agreed to reduce the number of Councillors present at the meeting of the Full Council. That decision had been taken on health and safety grounds following the recent rise in the number of Covid cases due to the Omicron variant. As such, the absence of all Councillors listed as having sent their apologies was due to reducing the risk of exposure to, and transmission of, Covid.

1. Minutes

The minutes of the meeting of the Full Council held on 20 October 2021 were approved as a correct record and signed by the Deputy Mayor.

2. Disclosures of Interest

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

3. Communications

The Deputy Mayor informed the Full Council that in light of the reduce membership at the meeting, she was going to delay presenting the long service badges to the Councillors, detailed within the agenda, until the next Full Council meeting which was due to be held on 23 February 2022, so that more Councillors would be present. Also at that meeting she would provide a full update on her Deputy Mayoral events.

4. Public Question Time

There were no questions from the public.

5. Budget Strategy 2022/23 – 2026/27- (Recommendation 1)

The Full Council considered report [FIN/537](#) of the Head of Corporate Finance. The Leader of the Council presented the report which 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 could be considered in isolation. The overall objective in the past had been to work towards a balanced General Fund budget over a three year period, this however, due to the impact of the pandemic this had been increased to four years in the Budget Strategy report to Cabinet in November 2020.

It was noted that there was currently a budget £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 was £4.95 on a Band D in property 2022/23. It was proposed also to budget a further £948,460 for new capital schemes.

The item had been previously considered at the Overview and Scrutiny Commission and Cabinet meetings on 22 November 2021 and 24 November 2021 respectively. Councillor Lamb moved the recommendation which was seconded by Councillor P Smith. Both Councillor Lamb and Councillor P Smith spoke on the report.

Councillor Crow also spoke on the item and the recommendation.

The Deputy Mayor then called for the vote on the Recommendation, which was carried unanimously.

RESOLVED

That the Full Council approves 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 there was a report on the Climate Change Emergency Action Plan at the Cabinet meeting on 24 November 2021. The costs identified in 2022/23 are

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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

6. Crawley Homes Rent Overcharge (Recommendation 2)

The Full Council considered report [DCE/11](#) of the Deputy Chief Executive which had been previously considered by the Overview and Scrutiny and Cabinet meetings on 22 November 2021 and 24 November 2021 respectively. Councillor Lamb, as the Leader of the Council, presented the report and recommendations, which detailed the reasons behind the rental overcharge, the actions being taken to rectify this and the associated financial impact; and along with the proposal of the necessary financial changes that were before the Full Council for its consideration and approval.

Councillor Lamb moved the recommendation, which was seconded by Councillor P Smith. Both Councillor Lamb and Councillor P Smith spoke on the report.

Councillor Lanzer spoke on the item and the recommendation; in doing that he asked that that the Leader whether he would be happy to provide Councillors with the financial cost and the amount of resource which had been incurred by the Council as a result of dealing with the rents over charge.

As part of his right to reply Councillor Lamb confirmed that work had been undertaken within the Council day to day resource, but tracking the cost was currently being undertaken. He would ask officers that once the exercise had been completed, an item be including in the Councillors' Information Bulletin, detailing the total cost to the Council in responding to the rents over charge.

The Deputy Mayor then called for the vote on the recommendation, which was carried unanimously.

RESOLVED

That the Full Council

- a) Notes on the reasons behind, and the actions being taken to rectify, the rent overcharge.
- b) Agrees 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.
- c) Notes 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.

7. Crawley Innovation Centre - Draft Business Case (Part B Report) - Recommendation 3

The Full Council considered exempt report PES/392 of the Head of Economy and Planning, which had been previously considered by the Overview and Scrutiny Commission and Cabinet meetings on 22 November 2021 and 24 November 2021 respectively. The Cabinet Member for Planning and Economic Development presented report which detailed 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.

Councillors Lanzer and Burrett also spoke on the item and in support of the recommendation.

Councillor Lamb moved the recommendation which was seconded by Councillor P Smith.

The Deputy Mayor then called for the vote on the Recommendation, which was carried unanimously.

RESOLVED

That the Full Council approves the increase to 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.

8. **Notice of Motion 1 - Amending the Targets Within the Climate Emergency Action Plan**

The Full Council considered the Notice of Motion 1 - '*Notice of Motion 1 – Amending the Targets within the Climate Emergency Action Plan*' as set out on page 73 of the Full Council's agenda. The Motion was moved and presented by Councillor Crow who, in doing so, gave further explanation behind the reasoning for the Notice of Motion, emphasising that the Motion was not a criticism of the Climate Emergency Action Plan, but that the Motion intended to challenge the Council by having more aspirational targets on reducing emissions, rather than targets that were still challenging but were seemingly achievable.

Councillor Piggott seconded the Motion and spoke in support of it.

Councillors Lamb, Lanzer, Jhans, Burrett, Jaggard, P. Smith and Ali also spoke in support of the Motion.

The Deputy Mayor then called for the vote on the Notice of Motion, which was carried unanimously.

RESOLVED

The recent COP26 summit was an important event for the world in seeking to address climate change by working to limit global temperature rise to 1.5°C. It was widely agreed at COP26 that this decade, the 2020s, is a make-or-break decade for the world to act. Whilst several promising agreements were reached, it is widely recognised that there is more for the world to do.

In November 2021, this Council's Cabinet agreed the Council's Climate Emergency Action Plan which pledged to reduce emissions by 45% by 2030 and to reach net zero by 2050.

This Council notes that:

Nearly two thirds of English local authorities have pledged to reach net zero by 2030, including our own local upper tier authority, West Sussex County Council, as well as other District and Borough Councils within West Sussex.

This Council resolves that:

Crawley Borough Council's Climate Emergency Action Plan is amended to pledge to reduce emissions by at least 50%, and as close to net zero as possible by 2030, and to reach net zero by 2040 at the very latest.

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9. Councillors' Questions Time

Question	Response
<p data-bbox="347 353 826 421">Councillor Crow to the Leader of the Council –</p> <p data-bbox="347 454 879 1093"><i>We are all well aware of what is happening with Omicron, the new Covid-19 variant, and the ambition of the government to rapidly ramp up the booster programme. We know we are in a race against time to save lives, reduce hospital admissions, and not put the NHS in crisis over the winter period. Is there anything we can do as a council to help with the vaccination programme? I've seen lots of things going on nationally so perhaps we could, if council staff are available, suggest they volunteer to help with the vaccination programme and the council give time off in lieu as long as their jobs are not impacted. I would be supportive of anything we could do to support the booster vaccination programme.</i></p> <p data-bbox="347 1429 874 1832"><i>Thank you for your answer. We all recognise that vaccination is the best thing we can do. I am pleased to hear that the council is having conversations with partners. I'm contactable over the Christmas period if the Leader or the Chief Executive wants to contact me for any kind of support. We're all in this together and we hope the vaccination programme will be successful, and anything we can do to help my group will be supportive of that.</i></p>	<p data-bbox="901 353 1460 387">Councillor Lamb (Leader of the Council) –</p> <p data-bbox="901 421 1465 1429"><i>We stand ready to do anything necessary to help the vaccination programme. Clearly we have facilities we can make available, we also have a workforce that can be made available though it would depend upon the jobs that need doing. We are in conversation with the local NHS about this but the problem is there is a lack of people who have the medical qualifications to give the vaccinations. That's where the major shortage is in the system – and ultimately we don't have the trained staff. But if there is a need for volunteers in non-active vaccination roles then we can certainly provide that. We also need to send a very clear message about the importance of vaccination. It's the safest thing you can do for your own health, for the people you love, and for your community. If there's one thing to take from this evening's meeting it's that this is the first time in the town's history we've had to do a meeting like this – strip attendance down to the quorum in order to do it safely – if we're taking it this seriously it shows the need for local people to do the same. Ultimately people should get out there and get their vaccine and their booster, it's the only way life will get back to normal.</i></p>

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Councillor Jaggard to the Leader of the Council –

The council purchased Kingsgate car park around three years ago. As it's going to take approximately four months to bring it up to a safe standard, with hindsight was it value for money and was there enough oversight and scrutiny given to the pre-purchase survey that was undertaken? I'm confused as to how this rather dangerous building slipped through that survey.

Supplementary question –

The refurbishments that we're going to be doing are good for the safety of customers, particularly upgrades to the security and lighting to bring it up to the standard of Orchard Street car park. Obviously it's unfortunate timing for the NCP to abandon its contract just before Christmas. What were we doing as landlord before this to ensure the building wasn't deteriorating? Do we, on buildings we own, undertake regular inspections to make sure they're not deteriorating? And if not, why not?

Councillor Lamb (Leader of the Council) –

Some of that I can't answer for legal reasons but I can assure you there are things being investigated. In terms of the building itself, it was a really good purchase. One of the biggest concerns we've had around the leasing of floors in the new town hall building – which is essential if we are going to manage to afford the climate change plan, to maintain services and get them back to normal – was the lack of parking space. By having the most immediately adjacent car park to the building in the council's possession, and the changes we're making to it, we're effectively integrating that into that site. The long term plan was always to take it back from NCP, but better cooperation from the NCP would have been useful. The asset itself is good but the circumstances in which we took it back have not been great. But long-term we are effectively going to control most of the town's car parking supply moving forward which is not a bad position to be in. There may be other buildings that we can identify that might not have been great purchases, but the car park itself feeds into our wider strategies on a number of levels.

Response to supplementary question –

Each one of these buildings has been purchased by the council with an existing lease, and the terms of that lease will be the basis on which we'd be operating with that particular tenant. We'd be undertaking checks in line with the leases, but unfortunately not having drafted those leases we are not in a position to have a uniform policy across all sites. There will be a lot fewer of those previous tenants moving forward and we're going to have a lot more control over setting the terms and conditions in line with what we have elsewhere. Certainly when you look at the council's property elsewhere there is a very thorough regime in terms of inspecting them, such as on the shopping parades.

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Councillor Ali to the Leader of the Council –

In regard to the rent overcharge situation – how far along are we in the process of contacting residents and issuing refunds or account credit?

Supplementary question –

Thank you. I understand that legally, as was mentioned earlier, we could have kept that money but I'm very pleased the officers and the council as a whole agreed to do the right thing and refund the money back to our residents. It was mentioned to me that we have identified at least one resident who was evicted due to the error of this rent overcharge. Have we managed to contact or re-house this family? And have we come across any other similar cases?

Councillor Lamb (Leader of the Council) –

We have contacted everyone affected – at this time they have been written to twice. Of those, 61% have engaged with us. We're still waiting for the other 39% to engage but will continue to reach out to them. A lot of people are choosing to leave money on their rent account – they can take it back or leave it in their account – presumably because it's nice to have a bit of cash in there in case something happens down the road. But wherever they've asked for it back, we have been paying it back. There is one group which we haven't been able to refund yet, and that's because, after a certain date the Department for Work and Pensions does have data on what their level of benefit was and how that related to their overall amount of money received. The DWP will be subtracting a certain amount from that, but it's all on their end at the moment. We had hoped to get it all done before Christmas, but due, to that there are some that won't be able to be paid until afterward. If you get contacted, email Ian Duke who can get back to residents to let them know what's happening. We've been successful in reaching out to everyone we have contact details for, which unfortunately in most cases is only an address and not a telephone number.

Response to supplementary question –

It's only one case at the moment, and we are offering them a Crawley Homes property. I don't think it's necessarily appropriate to go into more detail about the case of a specific family but certainly we are working to try and ensure that anyone who has lost out is put back to where they should have been had the overcharge not happened. And for those who are in receipt of universal credit where the DWP hasn't been able to work out the figures, which is the vast majority of them, they'll actually be financially better off than if this had never happened.

10. Receiving the Minutes of the Cabinet, Overview and Scrutiny Commission and Other Committees including Items for Debate

Moved by Councillor Flack

RESOLVED

That the following reports be received:

Overview and Scrutiny Commission – 1 November 2021

Overview and Scrutiny Commission – 22 November 2021

Cabinet – 24 November 2021

Planning Committee – 30 November 20

It was noted that there were no other items reserved for discussion.

Closure of Meeting

With the business of the Full Council concluded, the Chair declared the meeting closed at 8.40 pm

**M Flack
Deputy Mayor**

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Appendix A

Disclosures of Interest Received

Councillor	Item and Minute	Meeting	Type and Nature of Disclosure
Councillor Lanzer	Budget Strategy 2022/23-2026-27 (Minute 4)	Overview and Scrutiny Commission 22 November 2021	Personal Interest – Member of WSCC
Councillor Burrett	Climate Emergency Action Plan (Minute 9)	Overview and Scrutiny Commission 22 November 2021	Personal Interest – Member of WSCC
Councillor Lanzer	Climate Emergency Action Plan (Minute 9)	Overview and Scrutiny Commission 22 November 2021	Personal Interest – Member of WSCC
Councillor Burrett	One Town – Crawley Economic Plan – Consultation Findings and Final Version (Minute 10)	Overview and Scrutiny Commission 22 November 2021	Personal Interest – Member of WSCC
Councillor Lanzer	One Town – Crawley Economic Plan – Consultation Findings and Final Version (Minute 10)	Overview and Scrutiny Commission 22 November 2021	Personal Interest – Member of WSCC
Councillor P Smith	One Town – Crawley Economic Plan – Consultation Findings and Final Version (Minute 10)	Overview and Scrutiny Commission 22 November 2021	Personal Interest – Local Authority Director of the Manor Royal Business Improvement District
Councillor P Smith	One Town – Crawley Economic Plan – Consultation Findings and Final Version (Minute 10)	Overview and Scrutiny Commission 22 November 2021	Personal Interest – Board member of the Town Centre Business Improvement District
Councillor Burrett	Crawley Innovation Centre – Draft Business Case (Minute 13)	Overview and Scrutiny Commission 22 November 2021	Personal Interest – Member of WSCC
Councillor Lanzer	Crawley Innovation Centre – Draft Business Case (Minute 13)	Overview and Scrutiny Commission 22 November 2021	Personal Interest – Member of WSCC
Councillor Burrett	Climate Emergency Action Plan (Minute 11)	Cabinet 24 November 2021	Personal Interest – Member of WSCC
Councillor Burrett	One Town – Crawley Economic Plan – Consultation Findings and Final Version (Minute 12)	Cabinet 24 November 2021	Personal Interest – Member of WSCC

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Councillor P Smith	"One Town" - Crawley Economic Recovery Plan Consultation Findings and Final Version (Minute 12)	Cabinet 24 November 2021	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)	Cabinet 24 November 2021	Personal Interest – As Councillor P Smith is the Council's representative to the Manor Royal BID Board
Councillor Burrett	Crawley Innovation Centre – Draft Business Case (Minute 13)	Cabinet 24 November 2021	Personal Interest – Member of WSCC
Councillor P Smith	Crawley Innovation Centre – Draft Business Case (Minute 15)	Cabinet 24 November 2021	Personal Interest – As Councillor P Smith is the Council's representative to the Manor Royal BID Board
Councillor Burrett	Planning application CR/2021/0243/FUL – Land East of Radford Road (and West of the Access Road to the Thames Sewerage Treatment Works), Radford Road, Crawley (Minute 4)	Planning Committee 30 November 2021	Personal Interest – had been approached by residents in his role as Councillor for Pound Hill North and Forge Wood to discuss the application site, but had expressed no view and remained impartial on the matter
Councillor Burrett	Section 106 Monies – Q4 2020/21 to Q2 2021/22 (Minute 5)	Planning Committee 30 November 2021	Personal Interest – Member of WSCC

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The list of minutes of the meetings of the Cabinet, Overview and Scrutiny Commission and Committees are set out in the following:

Appendix

- 6 a) Overview and Scrutiny Commission – 10 January 2022 (*page 19*)
- 6 b) Planning Committee – 11 January 2022 (*page 23*)
- 6 c) Cabinet – 12 January 2022 (*page 31*)
- 6 d) Overview and Scrutiny Commission – 31 January 2022 (*page 37*)
- 6 e) Cabinet – 2 February 2022 (*page 45*)

Recommendation 1 – 2022/2023 Budget and Council Tax – (Minute 6, page 46)

Recommendation 2 – Treasury Management Strategy 2022/2023 (Minute 7, page 48)

Recommendation 3 – Extension to Public Space Protection Order (PSPO) – Car Cruising (Minute 9, page 50)

Recommendation 4 – Crawley Innovation Centre – Draft Towns Fund Business Case – PART B (Minute 12, page 53)

- 6 f) Planning Committee – 8 February 2022 (*page 55*)
- 6 g) Notice of Precept 2022/2023 (*To Follow*) – **Recommendation 5**

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Crawley Borough Council

Minutes of Overview and Scrutiny Commission

Monday, 10 January 2022 at 7.00 pm

Councillors Present:

T G Belben (Chair)

K Khan (Vice-Chair)

M L Ayling, R G Burgess, R A Lanzer, S Mullins, A Pendlington and S Piggott

Also in Attendance:

Councillor R D Burrett and C J Mullins

Officers Present:

Heather Girling

Democratic Services Officer

Kate Wilson

Head of Community Services

Apologies for Absence:

Councillor A Nawaz

Absent:

Councillor B A Smith

1. Disclosures of Interest and Whipping Declarations

The following disclosures were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor R A Lanzer	HASC (Minute 4)	Personal Interest – WSSC Cabinet Member for Public Health and Wellbeing

2. Minutes

The minutes of the meeting of the Commission held on 22 November 2021 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions from the public were asked.

4. Health and Adult Social Care Scrutiny Committee (HASC)

A detailed update was unfortunately unable to be provided from the most recent HASC meeting due to absence. However the meeting covered the Adults Services Quality Assurance Update, the Performance Resources Quarterly Report, together with progress on the West Sussex Stroke Programme. The full minutes were available on the HASC [webpages](#). It was queried whether a substitute could be provided, however following investigation on the WSCC website, WSCC councillors appear to have substitutes and the district and borough were representatives. It was noted that all meetings were available to view via webcast [here](#).

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

The Commission considered report [HCS/34](#) of the Head of Community Services. At its meeting of 8 September 2021, Cabinet requested that Officers bring a further report back for its consideration, which would provide more detail with regards to the potential implementation of Option 3 referred to within the report [HCS/30](#). In order for Cabinet to make an informed decision, the requested report should provide information on Option 3, the possible changes to service delivery and personnel, expected financial implications and any legal aspects. Report [HCS/34](#) included details on the use of bye-laws and the installation of a PSPO together with the associated statutory consultation requirements.

During the discussion with the Cabinet Member for Wellbeing and the Head of Community Services, Councillors made the following comments:

- It was noted that the proposal and potential change for a Public Space Protection Order (PSPO) to be considered to prohibit dog related anti-social behaviour in Tilgate Park for a period of 3 years to require dogs to be kept on leads in all areas of the park unless explicitly specified otherwise, was emotive and divisive.
- It would be important to have a strong, positive, education and information approach in place prior to the decision and beyond, together with offering alternative options where dogs are permitted to be “off lead”, such as the Hound Ground. It would be important that any alternative considerations were viable in terms of cost.
- Acknowledgement there was a need to balance the education and information sharing with a robust and measured approach. However concerns were also recognised that there would be challenges if the PSPO was implemented and it was also mentioned that the introduction may change public behaviour and dog walkers to other parks in the town.
- Recognition that the many dog owners who visit Tilgate Park were responsible; they keep their dog under control and exercise it in a manner that does not cause distress to other park users. It was important not to alienate responsible dog owners but to manage anti-social behaviour.
- Acknowledgement 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 and 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 other areas of the park, particularly where wildlife was concerned.
- Acknowledgement that PSPOs must be evidenced based, and decision makers should be satisfied that the required conditions were met including the information received from the statutory consultation. Confirmation was provided that the consultation would be online, with alternative options available upon request.

- Confirmation provided regarding the evidence gathering and issuing of the fixed penalty notices. It was noted that only authorised officers can issue a Fixed Penalty Notice (FPN) immediately upon witnessing a breach of the PSPO.
- Concern was expressed regarding the finances available for the implementation of the PSPO together with the use of existing resources in light of the current financial climate.
- Clarification was sought as to the legal resources required following an unpaid FPN, as it was felt these would be common.
- Acknowledgement that at the expiration of the 3 years, the process would be reviewed to determine whether the threshold to sustain a PSPO was still being met and repeated if deemed necessary.
- It was queried whether the PSPO included Tilgate Golf Course and surrounding woodland. It was therefore recommended that a master plan (map) of the restricted areas outlining the exact geographical area affected by the PSPO be included in the report (similar to that in previous PSPO reports) as this would be advantageous. Officers confirmed this is a requirement of the PSPO process.
- It was queried whether professional dog walkers needed to be licensed or require a permit. In response, it was confirmed this was not the case, as it was noted that this was not currently a regulated licensable activity (DEFRA were looking into this). It was therefore requested that the Cabinet seek to investigate the opportunity to create a register of professional dog walkers in order to monitor the use.
- It was felt it would be beneficial to improve the education and information sharing for the public and the majority of the Commission were of the opinion that the reporting of dog off leads instances could be improved, whether via a specific webpage (portal) or link (similar to the council's '*report a problem*' page). This would further assist the gathering of data for other areas within the town, as currently no evidence had been received. Should further data be received in the future it would be beneficial for Councillors to be informed.

Having considered all the matters in detail, and as a result of the comprehensive discussion and subsequent voting, the Commission noted the report and felt that the views expressed along with the following recommendations were appropriate to be referred to the Cabinet:

RESOLVED

That the Commission:

1. Recommends a master plan of the restricted areas (map) outlining the exact geographical area affected by the PSPO be included in the PSPO report scheduled for Cabinet June 2022.
2. Requests that Cabinet investigate the opportunity to create a register of professional dog walkers in order to monitor the use.
3. Requests that Cabinet consider the implementation of a specific webpage (portal) or link (similar to the council's '*report a problem*' page) to improve information sharing and the reporting of dog off leads instances, which would assist with the gathering of data and evidence.

6. Forthcoming Decision List - and Provisional List of Reports for the Commission's following Meetings

The Commission confirmed the following reports:

31 January 2022

1. 2022/2023 Budget and Council Tax
2. Treasury Management Strategy 2022-2023
3. 2021/2022 Budget Monitoring - Quarter 3
4. Extension to Public Space Protection Order (PSPO) – Car Cruising
5. Towns Fund - To seek approval of business cases for 2 projects (PART B)

14 March 2022

1. Town Centre Regeneration Programme v3
2. Towns Fund - To seek approval of business cases for 8 projects (PART B)

Closure of Meeting

With the business of the Overview and Scrutiny Commission concluded, the Chair declared the meeting closed at 8.32 pm

**T G Belben
(Chair)**

Crawley Borough Council

Minutes of Planning Committee

Tuesday, 11 January 2022 at 7.00 pm

Councillors Present:

R D Burrett (Chair)

A Belben, I T Irvine, K L Jaggard, S Malik, S Raja and P C Smith

Officers Present:

Siraj Choudhury Head of Legal, Governance and HR

Jean McPherson Group Manager (Development Management)

Clem Smith Head of Economy and Planning

Jess Tamplin Democratic Services Support Officer

Hamish Walke Principal Planning Officer

Apologies for Absence:

Councillors Z Ali, S Buck and M Mwangale

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor P Smith	Planning application CR/2021/0174/FUL – Land at Faraday Road & Manor Royal, Northgate, Crawley (Minute 4)	Personal Interest – Local Authority Director of the Manor Royal Business Improvement District
Councillor P Smith	Planning application CR/2021/0247/FUL – The Office, Crawley Business Quarter, Manor Royal, Northgate, Crawley (Minute 5)	Personal Interest – Local Authority Director of the Manor Royal Business Improvement District
Councillor P Smith	Planning application CR/2021/0248/FUL – The Base, Fleming Way, Northgate, Crawley (Minute 6)	Personal Interest – Local Authority Director of the Manor Royal Business Improvement District
Councillor Irvine	Planning application CR/2021/0621/OUT – Car Park, Station Way, Northgate, Crawley (Minute 7)	Personal Interest – member of Crawley Walking and Cycle Forum (a consultee on the application)

Councillor
P Smith

Planning application
CR/2021/0621/OUT – Car Park,
Station Way, Northgate, Crawley
(Minute 7)

Personal Interest – member of
Crawley Walking and Cycle Forum
(a consultee on the application)

2. Lobbying Declarations

No lobbying declarations were made.

3. Minutes

The minutes of the meeting of the Planning Committee held on 30 November 2021 were approved as a correct record and signed by the Chair.

Update: Water Resources in Crawley

The Chair, together with Planning Officers, provided the Committee with a verbal update regarding water resources in Crawley. It was heard that Crawley was in an area of serious water stress, as identified by the Environment Agency, and a [position statement](#) by Natural England concluded that water extraction in the Sussex North Water Resource Zone may be having a potentially negative impact on wildlife and protected habitats. As a result all planning applications were now required to demonstrate that there would be the same or less water used on site than prior to development. The Chair reminded the Committee that for three of the applications (agenda items 5, 6, and 7) there had previously been a resolution to grant planning permission, but the applications had been subject to further work to ensure they fulfilled water neutrality requirements before permission could be granted. These applications had therefore returned to the Committee for further consideration.

4. Planning Application CR/2021/0174/FUL - Land at Faraday Road & Manor Royal, Northgate, Crawley

The Committee considered report [PES/378a](#) of the Head of Economy and Planning which proposed as follows:

Proposed demolition of existing buildings and construction of a new warehouse building with ancillary offices, associated service yard, parking, access alterations, infrastructure, landscaping and ancillary works.

Councillors A Belben, Burrett, Jaggard, and P Smith declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application, which the Committee previously resolved to permit on 31 August 2021. The application had since been affected by Natural England's position statement on water neutrality and therefore required further consideration. The report set out the proposed development's estimated water usage, which was likely to be notably lower than the current usage within the same site. This was demonstrated through a Water Neutrality Report, an Energy and Sustainability Strategy, and assessment of the existing and proposed floorplans. An appropriate assessment document was being drawn up by officers for consideration by Natural England.

The Officer updated the Committee that, since the publication of the report, further information had been provided which gave more accurate figures than those in the report. The current annual water consumption figure was to be corrected to 11,658m³/year (from 12,636m³/year) and the annual water consumption figure for the proposed development was to be corrected to 864m³/year (from 867m³/year).

The Committee then considered the application. It was clarified that the current annual water consumption figure was based on the building being fully occupied within its lawful use (rather than its actual partly-vacant occupancy). Committee members discussed the monitoring of water usage at the site. The Officer confirmed that the proposed conditions aimed to keep water usage to the agreed level; however if it was suspected that the conditions were not being complied with the Council was able to investigate and use enforcement powers if required.

A comment was made regarding the requirement within the Construction Management Plan to provide wheel washing facilities for construction vehicles – it was queried whether the Local Planning Authority had any means to monitor or control the amount of water used for this. In response the Committee was assured that wheel washing during construction was not likely to involve a significant amount of water. Nevertheless the Local Planning Authority could potentially condition or control the water used for this purpose.

RESOLVED

Delegate the decision to permit the application to the Head of Economy and Planning, subject to the conclusion of consultation with Natural England, the conclusion of a Section 106 Agreement, and the conditions set out in report PES378a.

5. **Planning Application CR/2021/0247/FUL - The Office, Crawley Business Quarter, Manor Royal, Northgate, Crawley**

The Committee considered report [PES/378b](#) of the Head of Economy and Planning which proposed as follows:

Demolition of existing building and associated structures and redevelopment for storage and distribution warehouse within use class B8.

Councillors A Belben, Burrett, Jaggard, and P Smith declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which the Committee previously resolved to permit on 20 July 2021. The application had since been affected by Natural England's position statement on water neutrality and therefore required further consideration. The report set out the proposed development's estimated water usage which was considered, via assessment, to be lower than that of the previous site occupant. This was demonstrated through a Water Neutrality Statement and an Energy and Sustainability Statement, and assessment of water usage records, building specifications, and the existing and proposed floorplans. An appropriate assessment document was being drawn up by officers for consideration by Natural England.

The Committee heard that since it had first considered the application, the applicant had used the delay to provide further information which removed the need for pre-commencement conditions. This information regarded proposed air quality mitigation measures as well as a number of new plans and documents, which were agreed to by all relevant consultees. There were also minor changes to the design and appearance of the building.

The Officer updated the Committee that, since the publication of the report, further information had required that minor amendments be made to conditions 6 and 27.

Eric Hall, the agent (TDH Estates) on behalf of the applicant, spoke in support of the application. Matters raised included:

- The reasons for the delays in the process of granting planning permission. The intended operator of the proposed development (Hermes) was fully committed to the scheme, which was otherwise ready to progress.
- Job creation, both during the construction period and once the warehouse becomes fully operational, which would also greatly increase the occupier's capacity for parcel delivery.
- A reduction in water demand and the BREEAM 'excellent' rated environmental performance of the scheme.

The Committee then considered the application. Following a query regarding the estimated water consumption at the proposed development, the Officer explained that the calculation was modelled on maximum occupancy of the building and 24 hour use of a vehicle wash system, but this was an overestimate that represented the highest possible water consumption as it was unlikely that the wash system would be in constant use. As there was a known occupier for the development, details of the specific wash system had already been provided so calculations of its estimated water usage were more precise than those of the two similar applications on the agenda.

A Committee member praised the proposed air quality mitigation measures and in doing so asked the Officer for clarification on the total mitigation figure required, which was confirmed as £47,000, and the actual mitigation figure to be provided, which was confirmed as £54,700.

RESOLVED

Delegate the decision to permit the application to the Head of Economy and Planning, subject to the conclusion of consultation with Natural England, the conclusion of a Section 106 Agreement, and the conditions set out in report PES378b including amended conditions 6 and 27 as follows:

6. The development hereby permitted shall be carried out in accordance with the Air Quality Assessment in particular Table 22 - Mitigation of Construction Activities, dated July 2021, The Air Quality Mitigation document dated 7th November 2021 and drawing P417 rev B Air Quality Mitigation Measures, submitted with the application which must be implemented during the construction of the development.

REASON: To ensure that the development does not have a negative impact on Air Quality in accordance with Policy ENV12 of the Crawley Borough Local Plan 2015 - 2030.

27. Prior to first occupation of the building hereby permitted, the water efficiency measures including the physical fittings and vehicle wash system as specified in the Technical Note 21171-WRC-TN-02 Rev C03 prepared by Water Environment (as set

out in the accompanying documents listed in paragraph 1.5 and 1.6 of this note) shall be implemented in full.

REASON: Taking account of the Natural England Position Statement on water neutrality received on 14 September 2021 and to ensure that the development does not cause an adverse impact upon protected habitats in the Arun Valley, including the Amberley Wild Brooks Site of Special Scientific Interest (SSSI), the Pulborough Brooks SSSI and the Arun Valley Special Protection Area/Special Area of Conservation and Ramsar sites, in breach of the Conservation of Species and Habitats Regulations 2017.

6. Planning Application CR/2021/0248/FUL - The Base, Fleming Way, Northgate, Crawley

The Committee considered report [PES/378c](#) of the Head of Economy and Planning which proposed as follows:

Demolition of the existing buildings and redevelopment of the site to provide two buildings (use class B8 - storage or distribution) with ancillary offices, parking and service yards, new site access, landscaping, boundary treatments and associated works.

Councillors A Belben, Burrett, Jaggard, and P Smith declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which the Committee previously resolved to permit on 29 June 2021. The application had since been affected by Natural England's position statement on water neutrality and therefore required further consideration. The report set out the proposed development's estimated water usage which was considered, via assessment, to be lower than that of the previous site occupant. This was demonstrated through a Water Usage Analysis Report, Water Neutrality Report, BREEAM water consumption calculations, and information on likely occupancy and metering rates. An appropriate assessment document was being drawn up by officers for consideration by Natural England.

The Committee heard that since it had first considered the application, the applicant had used the delay to provide further information which removed the need for pre-commencement conditions. This information included details of the materials and design of the building, a revised Construction Management Plan to address issues of ecology, an acceptable contamination strategy, and revised district energy network requirements.

The Officer updated the Committee that, since the publication of the report, minor amendments had been required to condition 5. Conditions 25 and 26 were also subject to amendment and were to be merged to create a single condition 25. It was also explained that the wording of the recommendation was to be changed to remove mention of the completion of a Section 106 agreement as this agreement had been finalised.

The Committee then considered the application. Upon receipt of a query regarding differences in the conditions compared to the original report (considered in June 2021) the Officer confirmed that changes had been made, such as the amalgamation of conditions, but assured the Committee that all relevant information was included. The Committee also discussed potential changes to the use class of the proposed

building in the future and the resulting impact on water usage. The Officer confirmed that condition 3 sought to restrict the use class to storage and distribution which removed permitted development rights for changes to more water-intensive uses. However the planning system was not able to control all scenarios, so a change of occupier within the same use class could be more difficult to regulate.

Committee members highlighted the unprecedented nature of the water situation in the local area and its unique impact on planning applications, and commended officers for the comprehensive information provided.

RESOLVED

Delegate the decision to amend condition 4 (subject to the finalisation of the materials schedule) and permit the application to the Head of Economy and Planning, subject to the conclusion of consultation with Natural England and the conditions set out in report PES378c, including amended conditions 5 and 25 as follows:

5. The window profiles, entrance doors and building finish details shall be constructed in accordance with approved drawing numbers C227/4012 Rev t1, C227/4013 Rev t1, C227/4015 Rev t1, C227/4016 Rev t1, C227/4018 Rev t1, C227/4019 Rev t1, C227/4020 Rev t1 and C227/4021 Rev t1 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To control the development in detail and to ensure a high quality development in accordance with policies CH2 and CH3 of the Crawley Borough Local Plan 2015-2030.

25. No above ground development shall take place until precise details of the low-flow water fittings and rainwater harvesting system to be installed for both units to achieve at least a 40% improvement on the BREEAM baseline standard and to meet the target of 3 credits for the WAT 01 category in line with the proposed water calculations set out in paragraph 3.89 and 3.10 of Water Environment Technical Note Rev C02 21171-WRC-TN-04 C02 have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.

REASON: In order to comply with the Natural England Position Statement on water neutrality received on 14 September 2021, to ensure that the development does not cause an adverse impact upon protected habitats in the Arun Valley, including the Amberley Wild Brooks Site of Special Scientific Interest (SSSI), the Pulborough Brooks SSSI and the Arun Valley Special Protection Area/Special Area of Conservation and Ramsar sites, that would be in breach of the Conservation of Species and Habitats Regulations 2017.

7. **Planning Application CR/2021/0621/OUT - Car Park, Station Way, Northgate, Crawley**

The Committee considered report [PES/378d](#) of the Head of Economy and Planning which proposed as follows:

Outline application for the redevelopment of the car park to form mixed use residential (indicative 15 flats) and commercial scheme at ground floor.

Councillors A Belben, Burrett, Jaggard, and P Smith declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application, which sought outline planning permission for a five storey block of flats and a commercial space, and outlined several updates that were to be made to the report. Since the publication of the report, the open space contribution figure had been amended due to an error in previous calculations. The report also stated that the Council's Environmental Health Officer was expected to comment on the application, but no comments had been received. The Committee noted that the proposed bin store now included a roller shutter door which could contribute to noise levels at the site, but that this had not been included in the applicant's noise report. The Officer then gave detail of the various relevant planning considerations as detailed in the report.

The Committee then considered the application. Clarification was sought regarding the planning history of the site – the Committee was reminded that it had refused a previous application by the developer at the site in January 2021, and the decision was upheld at appeal. The current application before the Committee was similar in principle with amendments made to the layout, design, and cycle parking provision.

Several Committee members commented on the size and bulk of the proposed development, which was deemed unsuitable for the size of the site. Concerns were raised regarding potential overshadowing on to Station Way and the proximity to neighbouring buildings. It was suggested that the currently derelict site would provide a good opportunity for re-development for a more appropriate proposal in terms of size and design.

RESOLVED

Refuse for the reasons set out in report PES/378d.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 8.35 pm.

**R D Burrett
(Chair)**

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Crawley Borough Council

Minutes of Cabinet

Wednesday, 12 January 2022 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:

Councillors T G Belben, R D Burrett and D Crow

Officers Present:

Natalie Brahma-Pearl	Chief Executive
Karen Hayes	Head of Corporate Finance
Amanda Kendall	Head of Crawley Homes
Chris Pedlow	Democracy & Data Manager
Clare Prosser	Tenancy Services Manager
Clem Smith	Head of Economy and Planning
Kate Wilson	Head of Community Services

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Cabinet held on 24 November 2021 were approved as a correct record and signed by the Leader.

3. Public Question Time

There were no questions from the public.

4. 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.

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

The Leader of the Council supported by the Cabinet Member for Wellbeing presented report [HCS/34](#) of the Head of Community Services. At its meeting of 8 September 2021, Cabinet had requested that Officers bring a further report back for its consideration, which provided more detail with regards to the potential implementation of Option 3 referred to within the report [HCS/30](#) Petition “Keep your dog on a lead in Tilgate Park”. In order for Cabinet to make an informed decision, it had been requested that the further report provide information on Option 3, the possible changes to service delivery and personnel, expected financial implications and any legal aspects. This should include details on the use of bye-laws and the installation of a Public Space Protection Order (PSPO) together with the associated statutory consultation requirements.

Members were reminded that the Council did have policies in place, especially round the main Tilgate Lake to try and discourage dog owners from having their dogs off the leads. However, there had been reports of wildfowl being killed and people either being chased or attacked by dogs which were not on a lead, which had lead to the submission of the original petition.

In evaluating the report and the concept of installing a PSPO at Tilgate Park, it was emphasised that one of the key elements in adopting any PSPO was the requirement for a public consultation, the feedback of which would help to inform any decision. It was reiterated that the final decision on any potential adoption of a PSPO would be a decision by the Full Council, and as such, all Councillors would be involved in the decision which was due to be taken at the July 2022 meeting of the Full Council.

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 10 January 2022. The comments included three recommendations that the Commission felt would enhance and support the concerns raised in the petition and the proposed PSPO. The Commission’s recommendations to Cabinet were:

1. *That a master plan of the restricted areas (map) outlining the exact geographical area affected by the PSPO be included in the PSPO report scheduled for Cabinet June 2022.*
2. *Requests that Cabinet investigate the opportunity to create a register of professional dog walkers in order to monitor the use.*
3. *Requests that Cabinet consider the implementation of a specific webpage (portal) or link (similar to the Council’s ‘report a problem’ page) to improve information sharing and the reporting of dog off leads instances, which would assist with the gathering of data and evidence.*

It was also noted that the majority of Commission members supported the implementation of a PSPO.

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

RESOLVED

That the Cabinet

- a) agrees 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.
- b) reinstate 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.
- c) approves delivery of associated enforcement action from within existing revenue resource (Community Wardens service).
- d) authorises 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.
- e) supports the proposals from the Commission that:
 - i. a master plan of the restricted areas (map) outlining the exact geographical area affected by the PSPO be included in the PSPO report scheduled for Cabinet June 2022.
 - ii. officers be instructed to investigate the opportunity to create a register of professional dog walkers in order to monitor the use.
 - iii. a specific webpage (portal) or link (similar to the Council's '*report a problem*' page) be created to improve information sharing and the reporting of dog off leads instances, which would assist with the gathering of data and evidence.

6. Forward Programme of Key Procurements January 2022 – June 2022

The Leader presented report [FIN/541](#) of the Head of Corporate Finance. The report sought approval for the current forward programme of key procurements (over £500,000) and sought delegated authority for contract award approvals following the appropriate procurement process. The report also provided an update on the previously identified procurements from July-December 2021.

The Cabinet asked that its thanks be recorded to Jo Newton-Smith, Procurement Manager, who was due move to pastures new after working for 20 years at the Council and the Joint Procurement Partnership.

RESOLVED

That the Cabinet:

- a) approves the procurement forward programme January – June 2021.
- b) delegates 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) delegates the negotiation, approval and completion of all relevant legal documentation, following the awarding of the contracts, to the relevant Head of Service, Head of Legal, 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) approves that Worthing Borough and Adur District Councils provide the insurance service for Crawley Borough Council.
- e) authorises 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.

Reasons for the Recommendations

- a) 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.
- b) 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.

7. Modern Slavery and Human Trafficking Transparency Statement

The Leader presented report [FIN/539](#) of the Head of Corporate Finance. The report sought approval for the publishing of the Council's Modern Slavery Statement which acknowledged the provisions set out in the Modern Slavery Act (2015) and recognised the need to eradicate modern slavery and human trafficking in its business and supply chain, including how the Council would work with its procured services to avoid exploitation. It was noted that it was a legal requirement for the Council to have an approved Statement. The Statement would be updated annually and would set out the Council's current position as well as future plans to ensure all modern slavery risks related to its business and supply chain were identified and mitigated.

It was sadly acknowledged that there had been an incident of modern slavery within the Borough, so having a Statement in place was a further way in which the Council could support its residents.

Councillor Crow was invited to speak to the item and welcomed the approach being taken on both establishing a Modern Slavery Statement and the details contained within it.

RESOLVED

That the Cabinet approves

- a) the publication of the Modern Slavery and Human Trafficking Transparency Statement as attached at Appendix A to report [FIN/539](#).
- b) that the Leader of the Council be delegated to approve minor amendments to the Statement 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.

Reasons for the Recommendations

- a) 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.
- b) 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 the Council's procurement processes.

8. Provision of Internal Audit Services

The Leader of the Council presented report [FIN/540](#) of the Head of Corporate Finance. The report sought approval to enter into a joint working agreement to receive internal audit from Southern Internal Audit Partnership following significant staffing changes in the Council's current internal audit function. The Council were part of similar partnerships for other services including Procurement and Building Control. The proposed approach was an efficient approach that would be good value for money and would keep the finances within the public purse. The Cabinet noted that there was a statutory requirement to have an internal audit function.

RESOLVED

That the Cabinet:

- a) approves, with effect from 1 April 2022, that Southern Internal Audit Partnership provides the internal audit service for Crawley Borough Council.
- b) authorises 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) approves that the Section 151 Officer, or their representative, represent the Council's interests by becoming a voting member of the Southern Internal Audit Partnership Key Stakeholder Board.

Reasons for the Recommendations

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.

Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 7.20 pm

P K LAMB
Chair

Crawley Borough Council

Minutes of Overview and Scrutiny Commission

Monday, 31 January 2022 at 7.00 pm

Councillors Present:

T G Belben (Chair)

K Khan (Vice-Chair)

M L Ayling, R G Burgess, R A Lanzer, T Lunnon, S Mullins, A Nawaz, A Pendlington and S Piggott

Also in Attendance:

Councillor M G Jones and P K Lamb

Officers Present:

Ian Duke	Deputy Chief Executive
Heather Girling	Democratic Services Officer
Karen Hayes	Head of Corporate Finance
Amanda Kendall	Head of Crawley Homes
Clare Prosser	Tenancy Services Manager
Clem Smith	Head of Economy and Planning
Paul Windust	Chief Accountant

1. Disclosures of Interest and Whipping Declarations

The following disclosures were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor R A Lanzer	HASC (Minute 10)	Personal Interest – Member of WSCC
Councillor R A Lanzer	HASC (Minute 10)	Personal Interest – WSCC Cabinet Member for Public Health and Wellbeing

2. Minutes

The minutes of the meeting of the Commission held on 10 January 2022 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions from the public were asked.

4. 2022/2023 Budget and Council Tax

The Commission considered report [FIN/549](#) with the Leader of the Council, Head of Corporate Finance and the Chief Accountant. The Council has a statutory responsibility to set a Council Tax and Budget in advance of the commencement of the new financial year. The Council Tax has to be set by March each year. During the past year the Council had continued to review its spending plans and considered options to amend spending to meet new priorities.

During the discussion, the following points were expressed:

- Due to the variation in the inflation estimate, the accuracy of this within the fees and charges was queried. The Council's financial advisors currently provide advice and model the inflation estimates. It was an assessment to increase fees whilst still providing services, without impacting on service users.
- Clarification as to whether an environmental review would take place on the essential and casual car user allowances, together with the employment benefit analysis. It was acknowledged it would be a substantial change for officers involved and there was a need to make savings at a time when the council was struggling to recruit. Whilst work had taken place there was not a demand to prolong the review.
- Given the current cost to the council for processing cheques it was queried if it was appropriate to charge an administration fee to discourage customers paying by cheque and incentivise other payment options. The pandemic had highlighted that other payment options were available but in other circumstances these had not been used. It was felt assistance should be offered to customers to transfer them to other methods.
- It was queried whether the revenue cost of borrowing as a percentage of revenue spend should be tabled within the report as the cost of borrowing for capital projects had increased. This could be included going forward given the council's current position.
- Confirmation provided regarding the increase capital budget for Tilgate Park lake erosion in that it had previously been agreed with the Park for a certain amount of capital in return for cost-neutrality. This increased fund was required for lake erosion works as a result of environmental improvements required.
- It was noted within the pay policy statement 2022/23 that the pay award had not been agreed within the current financial year. The exact date was currently unknown due to ongoing negotiations.
- Recognition that there were several aspects within the local government finance reforms that could affect the council; business rates, new homes bonus, the Levelling Up paper and any potential restructuring around local government could result in substantial change.
- Confirmation provided that some of the EU exit fund had been spent at Port Health but further funds needed to be allocated.
- Further discussion took place on the supplementary agenda. It was clarified that 121 units referred to households. There was always the need to ease the reliance on bed and breakfast accommodation and increase the provision of temporary accommodation as much as possible. Housing policy was strictly adhered to, and it was also noted that the numbers on the housing register had not reduced over the years.

RESOLVED

That the Commission noted the report, supplementary agenda and requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet.

5. Treasury Management Strategy 2022-2023

The Commission considered report [FIN/557](#) of the Head of Corporate Finance on the Treasury Management Strategy for 2022/2023 which the Council was required to approve before the start of the financial year in accordance with the CIPFA Code of Practice for Treasury Management and the Council's financial regulations.

During the discussion with the Leader of the Council, Head of Corporate Finance and Chief Accountant, Councillors made the following comments:

- Clarity sought and obtained on the likelihood of a negative interest rate and the value of investments as a result of a potential move to a negative rate. It was acknowledged that it was now unlikely to achieve negative interest rates.
- It was commented that commercial investments were shown at the market value from March 2021. It is estimated the investments would stay at the same value. It would be beneficial to have historic cost, valuation and re-valuation. This could be considered as part of the Treasury Outturn report.
- Confirmation that investment net rate of return (net of all costs) included rent *as it was due* for commercial investments: property.

RESOLVED

That the Commission noted the report and requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet.

6. 2021/2022 Budget Monitoring - Quarter 3

The Commission considered report [FIN/554](#) of the Head of Corporate Finance on the quarter 3 budget monitoring, which set out a summary of the Council's actual revenue and capital spending for the quarters to December 2021 together with the main variations from the approved spending levels and impact on future budgets.

During the discussion with the Leader of the Council, Head of Corporate Finance and Chief Accountant, Councillors made the following comments:

- Income streams continued to be affected by the pandemic but it was acknowledged that grant funding had been available to assist. It was recognised that this was not a long term sustainable solution.
- Recognition that although the overcharge refunds were going into quarter 3 figures for 2021/22 this was awaiting auditors' agreement.
- It was queried how the pandemic had impacted on contractors' sickness given the high levels of repairs and the costs required.
- Recognition that Three Bridges station was still listed as a capital project and clarification was sought as to the risk if the project did not proceed. It was identified that the funding had been allocated and there was an opportunity to improve the rail and bus infrastructure from the station. It was anticipated a planning application would come forward in March however it would be looking at

the same water neutrality implications and the constructions work would have an impact.

- Clarification was sought regarding the memorial gardens play improvements completion. (Note: unfortunately Covid had delayed the installation of a water fountain). Details were also sought as to the major works at Milton Mount flats.
- Confirmation that the 'contingencies' budget included all the major HRA projects.
- As this was potentially her last attendance at OSC, the Commission took the opportunity to record its thanks and gratitude to the Head of Corporate Finance, Karen Hayes for all her hard work, diligence, dedication and support she had provided not just the Commission but the Council as a whole, throughout her many years of service.

RESOLVED

That the Commission noted the report and requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet.

7. Extension to Public Space Protection Order (PSPO) - Car Cruising

The Commission considered report [CH/195](#) of the Head of Crawley Homes. The report sought approval to the extension of the Public Space Protection Order (PSPO) to prohibit car cruise activity by a further 3 years when the existing PSPO expires.

During the discussion with the Cabinet Member for Public Protection and Community Engagement, Deputy Chief Executive, Head of Crawley Homes and Tenancy Services Manager, Councillors made the following comments:

- Acknowledgement that additional measures were being investigated to prevent car cruise activity including enforcement, the issuing of warning letters and fixed penalty notices (FPN).
- It was paramount to liaise with local businesses and this had resulted in some successes in key locations associated with car cruises (for example Sainsbury West Green) where additional measures had been installed such as traffic calming and mobile CCTV units.
- Joint working and consultation with the police, WSCC, Manor Royal Business District and Gatwick Diamond Business Watch had proven positive.
- Recognition that whilst liaison had taken place between the police and the car cruise organisers it was not the council's position to propose alternative locations, merely to send a clear message through joint working and the extension of the PSPO that certain behaviours would not be tolerated and help reassure residents and businesses that unreasonable conduct relating to car cruise activity was being addressed.
- Acknowledgement that the FPN was currently set at a £100 which applied to all individuals taking part in car cruise activity. Following this, on non-payment of the FPN reminder letters can follow and subsequent court action if the fine remained unpaid. Warning letters had been a deterrent for the activity to cease in the past. The amount of fines collected currently resided within the NASB budget.
- Recognition that whilst during March 2019-October 2021 there were 146 incidents reported to the police and 131 incidents reported to the council during the same period, some of these could have been duplicated.
- Confirmation provided that since the PSPO was made, the council had issued 83 breach of PSPO letters. 4 of these related to repeat offenders. Until recently, no fixed penalty notices were issued, 32 have now been issued.

- Acknowledgement that the car cruise gatherings posed both a nuisance and danger to the wider public road users and it was felt the seriousness had not altered, however the frequency of the larger events had increased.
- Recognition that the current car cruise activity was a health and safety concern in addition to an anti-social behaviour issue and the Commission offered its general support for the extension to the Public Space Protection Order – Car Cruising to continue to enhance public safety through a targeted approach.

RESOLVED

That the Commission noted the report and requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet.

8. Exempt Information – Exclusion of the Public

RESOLVED

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

PART B BUSINESS - CLOSED TO THE PUBLIC

9. Crawley Innovation Centre - Draft Towns Fund Business Case

Exempt Paragraph 3

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

The Commission considered report PES/395 of the Head of Economy and Planning. The report presented the draft business case seeking Towns Fund monies for the Crawley Innovation Centre project, following endorsement and support for the project from the Crawley Town Deal Board and sought Cabinet approval for the Towns Fund business case for the Crawley Innovation Centre and for a summary version to be submitted to the government.

The Commission was advised of 3 amendments to the recommendations set out in section 2.2 of the report:

The Cabinet is recommended to

- 1) amend the following wording of recommendation 2.2 and in recommendation 2.2(d) as follows:

Amend '£8.6 million' to read '£8.4 million'

- 2) add the following recommendation to Crawley Innovation Centre – Draft Towns Fund Business Case FIN/395 before consideration of the report:

2.2(g) *“Authorise the Council's S151 Officer to request the Local Enterprise Partnership's powers of flexibility in order to ensure the Getting*

Building Fund (GBF) monies are defrayed in 2021-22 in accordance with the LEP's requirements by spending any residual GBF monies on the new Town Hall capital scheme and then rolling forward the equivalent sum from the Town Hall scheme into 2022-23 to ensure delivery of Crawley Innovation Centre project".

The Reason for Recommendation was further amended and a [supplementary agenda](#) would be published to document the changes.

During the discussion with the Head of Economy and Planning, the following comments were made:

- Recognition that the option proposed enabled the Council to acquire a suitable property should one become available to enable delivery of the Crawley Innovation Centre project.
- Acknowledgement that the option proposed enabled the Council to deliver on opportunities, whilst protecting, consolidating and enhancing economic diversity.
- There was overall support for the proposal which was poised to play a key and interesting role in delivering on aspirations, investment and future needs within the town.

RESOLVED

That the Commission noted the report, amendments, additional recommendation and requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet.

Re-Admission of the Public

The Chair declared the meeting reopen for consideration of business in public session.

10. Health and Adult Social Care Scrutiny Committee (HASC)

An update was provided from the most recent HASC meeting. Key items of discussion included:

1. The impact of temporary measures introduced as a result of Covid

Addressing the current backlog in dentistry care. NHS England is responsible for funding to support dentistry services and majority of budget is allocated on operations. Since the pandemic 7 practices had closed and during March-June 2020 dentists could only offer pain relief due to the restrictions in place, but urgent treatment centres were in place. This has subsequently increased but with limited patients, with approximately 85% now operating however there was a backlog and a struggle with recruitment. Additionally many people were finding it difficult to register and this lack of access to NHS dentistry sometimes impacted on other NHS services in West Sussex.

2. Financial Assessment Improvement Programmes

It was questioned how effective has the Financial Assessment had been and whether the previously identified priorities were appropriate, particularly as not all customers had been assessed since 2019.

Prepayment cards were currently being investigated and the procedure was going to reviewed to provide an improved more personalised service with more

communication. However unfortunately there are still some cases unresolved but all have ongoing dialogue to ensure that they would soon be determined. The debt recovery programme was going to be reviewed and further training was scheduled for assessors including disability awareness training. Assessments were now going to be carried out on time and the improvement programme was welcomed.

11. Forthcoming Decision List - and Provisional List of Reports for the Commission's following Meetings

The Commission confirmed the following reports:

14 March

1. Changes of the Essential Car User Scheme
2. Town Centre Regeneration Programme v3
3. Towns Fund - To seek approval of business cases (PART B)

4 July

1. Treasury Management Outturn 2021 – 2022
2. Financial Outturn 2021-2022 (Quarter 4)

Closure of Meeting

With the business of the Overview and Scrutiny Commission concluded, the Chair declared the meeting closed at 9.15 pm

**T G Belben
(Chair)**

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Crawley Borough Council

Minutes of Cabinet

Wednesday, 2 February 2022 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

Also in Attendance:

Councillors	D Crow, R D Burrett and K Khan
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Officers Present:

Natalie Brahma-Pearl	Chief Executive
Siraj Choudhury	Head of Legal, Governance and HR
Ian Duke	Deputy Chief Executive
Karen Hayes	Head of Corporate Finance
Chris Pedlow	Democracy & Data Manager
Amanda Kendall	Head of Crawley Homes
Clem Smith	Head of Economy and Planning
Laura Padgett	NASB Manager

Apologies for Absence:

Councillor P C Smith

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Cabinet held on 12 January 2022 were approved as a correct record and signed by the Leader of the Council.

3. Public Question Time

There were no questions from the public.

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

It was reported that no representations had been received in respect of agenda item 14: *Crawley Innovation Centre - Draft Towns Fund Business Case*

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. 2022/2023 Budget and Council Tax

The Leader presented report [FIN/549](#) of the Head of Corporate Finance. The Council had a statutory responsibility to set a Council Tax and Budget in advance of the commencement of the new financial year. It was noted that the report detailed each of the Revenue, Capital and Housing Revenue Accounts that combine together to formulate 'The Budget'. In proposing the level of Council Tax for the Financial Year 2022/23, each of those accounts identified had been considered. The proposed Council Tax for 2022/23 was to be increased by 2.31%.

The Leader emphasised that the proposed budget was being achieved without the need to make any cuts to services, instead the Council were going to use specifically created reserves to address any shortfall. The Council's aim was to achieve a balanced Budget over a four year period including putting back into the reserves when the Budget was in surplus. He informed the Cabinet that the proposed Budget had been produced based on the principles set in the Budget Strategy which had been approved by Full Council on 15 December 2021.

The Leader highlighted the additional recommendation contained within report [FIN/560](#) (in the supplementary agenda) that requested an increase to the temporary accommodation capital budget of £6,000,000 and also proposed a slight change to recommendation 2.2d) to include the words 'Three Years' so it would read '*to agree to increase the capital budget for Tilgate Park lake erosion by £150,000 funded from the capital programme reserve, this will be repaid over a **three year** period by the park.*'

Councillor Khan presented the Overview and Scrutiny Commission's [comments](#) on the report to the Cabinet following consideration of the matter at its meeting on 31 January 2022, which included:

- That the Commission sought confirmation regarding the increase to the capital budget for Tilgate Park lake erosion in that it had previously been agreed with the Park for a certain amount of capital in return for cost-neutrality. This increased fund was required for lake erosion works as a result of environmental improvements required.

- That the Commission noted within the pay policy statement 2022/23 that the pay award had not been agreed within the current financial year. The exact date was currently unknown due to ongoing negotiations.
- That the Commission had securitised the supplementary agenda and report and had been informed that there was always the need to ease the reliance on bed and breakfast accommodation and increase the provision of temporary accommodation as much as possible. Housing policy was strictly adhered to, and it was also noted that the numbers on the housing register had not reduced over the years.

Councillors Mullins, Irvine and Jones all spoke in support of the proposed Budget and the amendments.

The Cabinet asked that its thanks and gratitude be recorded, for all the hard work and dedication over the years, to Karen Hayes, Head of Corporate Finance as this would be the last Budget she produced for the Council as she would be entering semi-retirement later on this year.

RESOLVED

RECOMMENDATION 1

That the Full Council be recommended to approve the following items regarding the 2022/23 Budget:

- a) to approve the proposed 2022/23 General Fund Budget including savings rolled forward from the current financial year as set out in paragraph 6.4 of report [FIN/549](#), this includes a transfer from reserves to cover the additional costs of Covid-19 of £451,730,
- b) to approve the proposed 2022/23 Housing Revenue Account Budget as set out above and Appendix 3(ii) of the report [FIN/549](#) which includes the growth items as set out in Table 9,
- c) to agree to ringfence £1,055,000 of capital reserves for investment in the Towns Fund as a result of using an advance of 5% Government funding of the £21.1m in year. The requirement is to use this sum in year and set aside an equal sum of our own resources,
- d) to agree to increase the capital budget for Tilgate Park lake erosion by £150,000 funded from the capital programme reserve, this will be repaid over a three year period by the park,
- e) to approve the 2021/22 and future years Capital Programme and funding as set out in paragraph 11.6 of the report [FIN/549](#),
- f) to agree that the Council's share of Council Tax for 2022/23 be increased by 2.31% (£4.95) from £213.84 to £218.79 for a band D property as set out in paragraph 13.1 of report [FIN/549](#),

- g) to approve the Pay Policy Statement for 2022/2023 as outlined in paragraph 16.3 and Appendix 6 of report [FIN/549](#) noting that the pay award has yet to be agreed in the current financial year.
- h) to agree to increase the capital budget for Temporary Accommodation by £6,000,000, funded from grant funding of £1,000,000 and borrowing of £5,000,000 and to note the changes to table 11 paragraph 11.6 as detailed in report [FIN/560](#) which superseded the same table and paragraph in report [FIN/549](#).

Reasons for the Recommendations

To provide adequate funding for the proposed level of services and to fulfil the statutory requirement to set a Budget and Council Tax and report on the robustness of estimates.

Increasing the capital programme for temporary accommodation by £6,000,000 to £8,400,000 will provide approximately 65 units of temporary accommodation. There are currently 121 in nightly paid accommodation and the use of these units will reduce Bed & Breakfast costs, this would cover the cost of borrowing for the schemes.

7. Treasury Management Strategy 2022-2023

The Leader presented report [FIN/557](#) of the Head of Corporate Finance on the Treasury Management Strategy for 2022/2023 which the Council was required to approve before the start of the financial year in accordance with the CIPFA Code of Practice for Treasury Management and the Council's financial regulations. The strategy itself sets out how the Council would be investing its money across the course of the year. It was noted that the format of the report had changed compared to previous years and that was due to a change in the advisor used by the Council in devising the Strategy.

The Leader highlighted the additional recommendation contained within report [FIN/561](#) in the supplementary agenda that requested amendment to the prudential indicators in the Treasury Management Strategy 2022/2023 (report [FIN/557](#)) as set out in Section 4 of report [FIN/561](#) before considering the recommendations contain within it.

Councillor Khan presented the Overview and Scrutiny Commission's [comments](#) on the report to the Cabinet following consideration of the matter at its meeting on 31 January 2022, which included:

- That the Commission sought further clarity over the likelihood of a negative interest rate and the value of investments as a result of a potential move to a negative rate. It was acknowledged that it was now unlikely to achieve negative interest rates.
- That the Commission had commented that commercial investments were shown at the market value from March 2021 and it was estimated the investments would

stay at the same value. It would be beneficial to have historic cost, valuation and re-valuation. This could be considered as part of the Treasury Outturn report.

Councillor Crow was invited to speak on the item and commented over the ethical investment policy suggesting that crypto currency should be added to the list of investment activities that the Council would not be investing in as shown in Section 7.2. In response Councillor Lamb confirmed that he was fine with the Council not investing in crypto currencies.

RESOLVED

RECOMMENDATION 2

That the Full Council be recommended to approve the following items:

- a) the Treasury Prudential Indicators and the Minimum Revenue Provision (MRP) Statement contained within Section 5 of report [FIN/557](#);
- b) the Treasury Management Strategy contained within Section 6 of report [FIN/557](#);
- c) the Investment Strategy contained within Section 7 of report [FIN/557](#), with the addition of crypto currencies to the list in Section 7.2.
- d) to amend the prudential indicators in the Treasury Management Strategy 2022/2023 ([FIN/557](#)) as set out in Section 4 of this report ([FIN/561](#)) before considering the recommendations contain within it.

Reasons for the Recommendations

The Council's financial regulations, in accordance with the CIPFA Code of Practice for Treasury Management, requires a Treasury Management Strategy to be approved for the forthcoming financial year. This report complies with these requirements.

The recommended amendment to the Budget and Council Tax Report ([FIN/560](#)) would impact on the capital programme and prudential indicators in the Treasury Management Strategy. The recommendations in this report enable the financing of the revised capital programme.

8. 2021/2022 Budget Monitoring - Quarter 3

The Leader presented report [FIN/554](#) of the Head of Corporate Finance on the Quarter 3, Budget Monitoring, which set out a summary of the Council's actual revenue and capital spending for the quarters to December 2021 together with the main variations from the approved spending levels and impact on future budgets. It was noted that, as emphasised in the Budget Strategy, it is very difficult to accurately forecast the Council's financial position for the year due to the pandemic.

Councillor Khan presented the Overview and Scrutiny Commission's [comments](#) on the report to the Cabinet following consideration of the matter at its meeting on 31 January 2022, which included:

- Noting that the Council's income streams continued to be affected by the pandemic but it was acknowledged that grant funding had been available to assist. It was recognised that this was not a long term sustainable solution.
- Recognition that although the Housing overcharge refunds were going into Quarter 3 figures for 2021/22 this was awaiting auditors' agreement.

Councillor Mullins spoke as part of the discussion on the report especially in relation to his Wellbeing portfolio and the impact of the pandemic on those services. He was hopeful that with the seeming ending of restrictions it would lead to The Hawth Theatre and K2Crawley returning back to a level where they would bring back an income to the Council once resident return to using those facilities.

Councillor Crow was invited to speak on the item and asked whether, in further Quarterly reports, it would be possible to include forecast prediction for The Hawth Theatre and K2Crawley so Councillors could see a comparison against actual income and expected income. In response Councillor Lamb stated that he did not have an issue with that detail being included, but he would leave it to officers to see if that would be possible.

RESOLVED

That the Cabinet agrees to note the:

- a) projected outturn for the year 2021/2022 as summarised in report [FIN/554](#).
- b) updated proposed spend of Contained Outbreak Management Fund (COMF) grant funding as outlined in section 10 of report [FIN/554](#).

Reasons for the Recommendations

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

9. Extension to Public Space Protection Order (PSPO) - Car Cruising

The Cabinet Member for Public Protection and Community Engagement presented report [CH/195](#) of the Head of Crawley Homes. The report sought agreement to the extension of the Public Space Protection Order (PSPO) to prohibit car cruise activity by a further 3 years when the existing PSPO expired following a successful first three year period of the Order. The Cabinet were informed that the renewal of the PSPO had been fully supported by Sussex Police and a significant majority of the local business community who had been consulted as part of the renewal process. Councillor Jones informed the Cabinet that there had been a recent change in approach in respect of issuing fines for car cruise breaches of the PSPO, previously a warning letter would be sent to drivers and then a fine would follow, if they had been caught breaching the PSPO, but the Council was now just issuing fines for car cruise breaches. It was noted that the maximum amount set by statute for a PSPO fine was £100.

The Cabinet was informed, as part of the proposed renewal proposes that the Council would be purchasing a portable number plate recognition device that would allow the Council to be more proactive in tackling car cruise breaches, through setting up the mobile device in areas of the Borough where car cruise events were taking place.

Councillor Khan presented the Overview and Scrutiny Commission's [comments](#) on the report to the Cabinet following consideration of the matter at its meeting on 31 January 2022, which included:

- That the Commission sought confirmation over the number of warning letters sent regarding breaching the PSPO, 83, and fixed penalty notices 32.
- That the Commission acknowledged that the car cruise gatherings posed both a nuisance and danger to the wider public road users and it was felt the seriousness had not altered, however the frequency of the larger events had increased.
- Recognition that the current car cruise activity was a health and safety concern in addition to an anti-social behaviour issue and the Commission offered its general support for the extension to the Public Space Protection Order – Car Cruising to continue to enhance public safety through a targeted approach.

Councillor Crow was invited to speak to the item and commenting that he was in favour of the renewal and welcomed that going forward. the Council would be issuing fines rather than sending warning letters first.

Councillors Jhans and Lamb, both spoke as part of the discussion on the report and in support of renewing the PSPO due to its seeming success over the past three years.

RESOLVED

RECOMMENDATION 3

That the Full Council be recommended to approve the following items:

- a) the extensions for a period of 3 years the Borough wide Public Space Protection Order (PSPO) to prohibit vehicle related anti-social behaviour associated with car cruise activity in the borough of Crawley as set out in Appendix A of report [CH/195](#).
- b) that fixed penalties imposed for breaches of the PSPO be maintained at £100.

Reasons for the Recommendations

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

Council officers from a number of services including ASB, Community Wardens and Community Safety consider it necessary to extend the PSPO in order to prevent an

increase in the frequency and/or seriousness of car cruise activity after the current PSPO expires. The extension is also supported by the Police, Police and Crime Commissioner (PCC), and West Sussex County Council.

The current PSPO has had some success at controlling the incidence of car cruise activity, particularly in relation to repeat offenders. However, the incidence of car cruise incidents continues to occur and there are currently regular gatherings including those occurring late into the evening and early hours of the morning between the hours of 22:00 and 03:00.

The extension of the PSPO will continue to enhance public safety through a targeted approach to tackle the problems associated with car cruise activity.

10. Irrecoverable Debts 2021/22 (Over £50,000)

The Leader presented report [FIN/551](#) of the Head of Corporate Finance. The purpose of this report was to obtain approval to write-off a debt that was considered to be irrecoverable and exceeded the delegated limit of £50,000 per write-off. It was noted that a summary of debts to be written-off under delegated powers was also contained within the report. The Leader commented that he had been privy to the lengths that the Finance team chase debts to the Council and was satisfied that it was in the Council's best interest to write off the proposed debts for accounting purposes.

RESOLVED

That the Cabinet approves the write-off of the Business Rates debt as set out below

Name and Address	Reason	Total £
Azzurri Restaurants Ltd 49-51 High Street	In Liquidation	126,540.02
Total		126,540.02

Reasons for the Recommendations

The Council's Constitution necessitates amounts exceeding £50,000 requiring write-off to be approved by the Cabinet.

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

RESOLVED

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

12. **Crawley Innovation Centre - Draft Towns Fund 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 considered reports PES/395 and PES/398 of the Head of Economy and Planning. The original report (PES/395) documented the draft business case seeking Towns Fund monies for the Crawley Innovation Centre project, following endorsement and support for the project from the Crawley Town Deal Board and sought Cabinet approval for the Towns Fund business case for the Crawley Innovation Centre and for a summary version to be submitted to the government.

The supplementary report (PES/398) included revision to a figures contained in the recommendations and also added a further recommendation, which was proposed in order to be able to roll forward Getting Building Fund finances into next year to ensure delivery of the Crawley Innovation Centre project.

Councillor Khan presented the Overview and Scrutiny Commission's [comments](#) on the report to the Cabinet following consideration of the matter at its meeting on 31 January 2022, which included Commission's support for the Innovation Centre's business case.

RESOLVED

That Cabinet, subject to confirmation of approval by the Coast to Capital LEP Board of £8.4 million of Getting Building Fund monies for the Crawley Innovation Centre project,

- a) approves the Towns Fund business case for the Crawley Innovation Centre project (Appendix A) of report PES/395, and
- 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
 - i. make any technical modifications required to the wording and content of the business case.
 - ii. produce a summary version of the business case and to submit that summary version to the government.

RECOMMENDATION 4

That the Full Council be recommended to approve the following items:

- a) the addition of a new capital scheme to the capital programme for the Innovation Centre of £8.4m funded from the Getting Building Fund (subject to LEP board approval).

- b) to increase the capital programme budget for the Innovation Centre by £900,000 of Towns Fund monies subject to a viable business case that satisfies the s151 officer being received on the revenue financial implications to the Council of the project and receipt of approval from Government.
- c) to allocate £1.6 million of Towns Fund revenue funding to the Crawley Innovation Centre project subject to a viable business case and receipt of Government funding.
- d) to authorise the Council's S151 Officer to request the Local Enterprise Partnership's powers of flexibility in order to ensure the Getting Building Fund (GBF) monies are defrayed in 2021-22 in accordance with the LEP's requirements by spending any residual GBF monies on the new Town Hall capital scheme and then rolling forward the equivalent sum from the Town Hall scheme into 2022-23 to ensure delivery of Crawley Innovation Centre project".

Reasons for the Recommendations

To enable the Council to finalise and confirm approval of the business case for £2.5 million of Towns Fund monies to be allocated to the Crawley Innovation Centre project, as co-financing alongside the £8.4 million of Getting Building Fund monies from the Coast to Capital LEP.

To enable the Council to submit a summary version of the business case to the government in order to confirm that the project has been approved by the Council.

To enable the allocation of £900,000 of Towns Fund monies 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

To enable the allocation of £1.6 million of revenue finances from the Towns Fund to the Crawley Innovation Centre project.

In order to roll forward Getting Building Fund finances into next year to ensure delivery of the Crawley Innovation Centre project.

Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.00 pm

P K LAMB
Chair

Crawley Borough Council

Minutes of Planning Committee

Tuesday, 8 February 2022 at 7.03 pm

Councillors Present:

R D Burrett (Chair)

Z Ali, I T Irvine, K L Jaggard, S Malik, M Mwagale, S Raja and P C Smith

Officers Present:

Valerie Cheesman	Principal Planning Officer
Siraj Choudhury	Head of Legal, Governance and HR
Heather Girling	Democratic Services Officer
Jean McPherson	Group Manager (Development Management)

Apologies for Absence:

Councillor A Belben and S Buck

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor P Smith	Planning Application CR/2021/0763/FUL – Units 1-16 Oakwood Industrial Park, Gatwick Road, Northgate, Crawley (Minute 4)	Personal Interest – Local Authority Director of the Manor Royal Business Improvement District

2. Lobbying Declarations

No lobbying declarations were made.

3. Minutes

The minutes of the meeting of the Planning Committee held on 11 January 2022 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2021/0763/FUL - Units 1-16 Oakwood Industrial Park, Gatwick Road, Northgate, Crawley

The Committee considered report [PES/379a](#) of the Head of Economy and Planning which proposed as follows:

Alterations to Units 1-3 and 5-16 comprising overcladding existing roof material with profiled metal sheeting and translucent sheet rooflights and retention of profiled metal roof to Unit 4.

Councillors Ali, Burrett and P Smith declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application which sought permission to over clad the existing roof of Units 1-3 and 5-16 in the Oakwood Industrial Park, within the Manor Royal Business District. The existing roof material was corrugated asbestos cement sheeting with a number of translucent roof lights positioned across the roof. It was proposed to clad over the top of the existing roof, encapsulating the existing roof with a new profiled metal sheeting roof, resulting in a slight increase in height. New translucent roof lights would be positioned over the existing roof lights. Unit 4 already had the new metal roof and this application also sought to regularise this change.

The Committee was updated that, since the publication of the report, further information had led to amendments being made to conditions 3 and 5. This included confirmation of the roof material details together with receipt of the Construction Method Statement, which covered the issue of the impact on the protected trees to the eastern and southern boundaries. The Officer then gave detail of the various relevant planning considerations as detailed in the report and following this, the Committee then considered the application.

It was commented that it was unexpected to find a relatively new building containing asbestos. In response, it was noted the asbestos was not being removed and the construction of the new roof was specifically designed to address this situation and was subject to a condition.

A query was raised regarding the suitability of using cladding given the material's recent history and whether that being proposed within this application was fire resistant. It was clarified that the details of such building materials would come under the jurisdiction of Building Control regulations.

RESOLVED

Permit subject to the conditions and informative set out in report [PES/379a](#) including amended conditions 3 and 5 as follows:

3. The proposed new roof shall be constructed in Tata Steel HPS200 Ultra in Goosewing Grey (RAL 7038) unless otherwise agreed in writing by the Local Planning Authority. Only the approved details shall be implemented.

REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

*5. The development hereby permitted shall be carried out in accordance with the Method Statement by Advanced Roofing Services dated 28 January 2021 and the site set up image submitted with the application. Only the approved details shall be implemented and the approved measures shall be retained during the construction period.
REASON: To ensure the protection of the trees in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 - 2030.*

5. Objections to the Crawley Borough Council Tree Preservation Order – The Tweed - 06/2021

The Committee was informed that due to an administrative error, representations and notifications regarding the “Objections to the Crawley Borough Council Tree Preservation Order - The Tweed - 06/2021” needed to be thoroughly undertaken and completed for this item. Report [PES/396](#) was therefore deferred to the next scheduled meeting of the Committee.

RESOLVED

That the Committee agreed to defer report [PES/396](#) to the next scheduled meeting of the Committee.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 7.19 pm.

**R D Burrett
(Chair)**

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Crawley Borough Council

Report to the Full Council

23 February 2022

Provision of External Audit Services

Report of the *Head of Corporate Finance* –FIN/559

1. Purpose

- 1.1 The current auditor appointment arrangements cover the period up to and including the audit of the 2022/23 accounts. As agreed in report [FIN/397](#) in November 2016, the Council opted-in to the 'appointing person' national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA) for the period covering the accounts for 2018/19 to 2022/23.
- 1.2 PSAA is now undertaking a procurement for the next appointing period, covering audits for 2023/24 to 2027/28. All local government bodies need to make important decisions about their external audit arrangements from 2023/24. They have options to arrange their own procurement and make the appointment themselves or in conjunction with other bodies, or they can join and take advantage of the national collective scheme administered by PSAA. The purpose of this report is to decide to opt-in to the PSAA procurement. A decision by the Full Council is required before 11 March 2022 if the PSAA route is taken.
- 1.3. Although the formal meeting of the Audit Committee scheduled for 14 December 2021 did not take place due to 'Plan B' Covid restrictions, the Committee was consulted on previously published report [FIN/548](#) and provide a steer on whether to opt-in to the PSAA contract or not.
- 1.4 The Committee fed back that, even though it had been critical of the service provided by PSAA, it acknowledged that the decision whether to opt-in to the PSAA contract or not is very finely balanced and the additional administrative burden involved in opting-out and procuring alone would be too time consuming in the current climate with many other competing demands upon teams.
- 1.5 There is no doubt that our future audits will be more expensive than at present whichever route Council chooses. The large audit firms have told us it is likely timeliness will not improve whichever route the Council takes. Procuring alone carries the chance the Council may not find an auditor. In addition, if we were to procure alone the choice of auditors is limited, with the majority being the same auditors used by PSAA, this could mean we may not be seen as an attractive contract. Going alone also carries the risk that the Council will not be able to appoint an auditor at all and the [Financial Reporting Council](#) will do so on our behalf. Going alone also carries a high administrative burden.

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Recommendation 7

That the Full Council be recommended to continue the status quo and accept the Public Sector Audit Appointments' (PSAA) invitation to opt-in to the sector-led appointment to external auditors for five financial years from 1 April 2023.

2. Reasons for the Recommendation

- 2.1. The current auditor appointment arrangements cover the period up to and including the audit of the 2022/23 accounts. The Council opted-in to the 'appointing person' national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA) for the period covering the accounts for 2018/19 to 2022/23.
- 2.2. Under the Local Government Audit & Accountability Act 2014 ("the Act"), the Council is required to appoint an auditor to audit its accounts for each financial year. The Council has three options:
 - To appoint its own auditor, which requires it to follow the procedure set out in the Act.
 - To act jointly with other Authorities to procure an auditor following the procedures in the Act.
 - To opt-in to the national auditor appointment scheme administered by a body designated by the Secretary of State as the 'appointing person'. The body currently designated for this role is Public Sector Audit Appointments Limited (PSAA).
- 2.3. In order to opt-in to the national scheme, the Council must make this decision at a meeting of the Full Council and inform PSAA by 11 March 2022.

3. Background

- 3.1. The scope of a local audit is fixed. It is determined by the Code of Audit Practice (currently published by the National Audit Office), the format of the financial statements (specified by CIPFA/LASAAC) and the application of auditing standards regulated by the Financial Reporting Council. These factors apply to all local audits irrespective of whether an eligible body decides to opt-in to PSAA's national scheme or chooses to make its own separate arrangements. The requirements are mandatory; they shape the work auditors undertake and have a bearing on the actual fees required.
- 3.2. There are currently [nine audit providers](#) eligible to audit Local Authorities and other relevant bodies under local audit legislation. This means that a local procurement exercise would seek tenders from the same firms as the national procurement exercise, subject to the need to manage any local independence issues. Local firms cannot be invited to bid unless they are on this list. Local procurements must deliver the same audit scope and requirements as a national procurement, reflecting the auditor's statutory responsibilities.

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- 3.3. The auditor appointed at the end of the procurement process will undertake the statutory audit of accounts and Best Value assessment of the Council in each financial year, in accordance with all relevant codes of practice and guidance. In addition there would be a requirement to have a housing benefits audit/assurance on behalf of the Department of Works and Pensions. The appointed auditor is also responsible for investigating questions raised by electors and has powers and responsibilities in relation to Public Interest Reports and statutory recommendations.
- 3.4. The auditor must act independently from the Council, and the main purpose of the procurement legislation is to ensure that the appointed auditor is sufficiently qualified and independent.
- 3.5. The auditor must be registered to undertake local audits by the Financial Reporting Council and employ authorised Key Audit Partners to oversee the work. As the report sets out below there is a currently a shortage of registered firms and Key Audit Partners.
- 3.6. Auditors are regulated by the Financial Reporting Council, which will be replaced by a new body with wider powers called the Audit, Reporting and Governance Authority (ARGA) during the course of the next audit contract.
- 3.7. Councils therefore have very limited influence over the nature of the audit services they are procuring, the nature and quality of which are determined or overseen by third parties.
- 3.8. The Council may choose to appoint its own external auditor under the Act. To do this the Council would have to:
 - Establish an independent auditor panel to make a stand-alone appointment. This auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected Councillors (or officers) and their close families and friends. This means that elected Councillors will not have a majority input to assessing bids and choosing which audit firm to award a contract to for the Council's external audit.
 - Manage the contract for its duration, overseen by the Auditor Panel.

Due to other pressures upon the finance teams it would not be good use of their time managing this process.

3.9. **The National Auditor Appointment Scheme**

PSAA is specified as the 'appointing person' for principal local government under the provisions of the Act and the Local Audit (Appointing Person) Regulations 2015. PSAA procured five-year audit services contracts in 2017 for the first appointing period, covering audits of the accounts from 2018/19 to 2022/23. It is now undertaking the work needed to invite eligible bodies to opt-in for the next appointing period, from the 2023/24 audit onwards, and to complete a procurement for audit services. PSAA is a not-for-profit organisation whose costs are around 4% of the scheme with any surplus distributed back to scheme members.

In summary the national opt-in scheme provides the following:

- the appointment of a suitably qualified audit firm to conduct audits for each of the five financial years commencing 1 April 2023;
- appointing the same auditor to other opted-in bodies that are involved in

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formal collaboration or joint working initiatives to the extent this is possible with other constraints;

- managing the procurement process to ensure both quality and price criteria are satisfied. PSAA has sought views from the sector to help inform its detailed procurement strategy;
- ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise during the appointment period;
- minimising the scheme management costs and returning any surpluses to scheme members;
- consulting with Authorities on auditor appointments, giving the Council/Authority the opportunity to influence which auditor is appointed;
- consulting with Authorities on the scale of audit fees and ensuring these reflect scale, complexity, and audit risk; and
- on-going contract and performance management of the contracts once these have been let.

3.10. **Pressure Experienced by Crawley Borough Council Arising from the Market Issues**

3.10.1. Crawley Borough Council's PSAA appointed auditors for the current period are Ernst and Young (EY). The Finance team have completed the Council's draft accounts by the due date for all set deadlines to be ready for the audit. However EY audits, like other external auditors, have failed to meet deadlines throughout the audit. The current audit is still being undertaken. EY delayed Crawley due to the housing rents issue, however the audit was being pushed back significantly prior to them being informed of this issue.

3.10.2. Reasons for delays include lack of staff as well as instructions from senior management at EY to prioritise County and Unitary Authorities. The late audit this year is creating further pressure on the Finance, Property and Benefits teams at the same time as setting the budget, dealing with the housing issue and preparing for benefits annual billing.

3.10.3. A letter received from the Department for Levelling Up, Housing and Communities (DLUHC) stated that an unprecedented 91% of 2020/21 local audits have missed the statutory deadline for 30 September, the Crawley Borough Council audit has yet to be signed off.

3.11. **The Invitation from PSAA**

3.11.1. PSAA is now inviting the Council to opt-in for the second appointing period, for 2023/24 to 2027/28, along with all other eligible Authorities. Based on the level of opt-ins, it will enter into contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's auditor.

3.11.2. The prices submitted by bidders through the procurement will be the key determinant of the value of audit fees paid by opted-in bodies. PSAA has said it will:

- seek to encourage realistic fee levels and to benefit from the economies of scale associated with procuring on behalf of a significant number of bodies;
- continue to pool scheme costs and charge fees to opted-in bodies in accordance with the published fee scale as amended following consultations with scheme members and other interested parties ("pooling" means that everyone within the scheme will benefit from the prices secured via a competitive procurement process – a key tenet of the national collective scheme);

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- continue to minimise its own costs, around 4% of scheme costs and, as a not-for-profit company, will return any surplus funds to scheme members. In 2019 it returned a total of £3.5million to relevant bodies and in 2021 a further £5.6million was returned.

3.11.3. PSAA has said it will seek to encourage market sustainability in its procurement. Firms will be able to bid for a variety of differently sized contracts so that they can match their available resources and risk appetite to the contract for which they bid. They will be required to meet appropriate quality standards and to reflect realistic market prices in their tenders, informed by the scale fees and the supporting information provided about each audit. Where regulatory changes are in train which affect the amount of audit work suppliers must undertake, firms will be informed as to which developments should be priced into their bids.

4. Changes in the Audit Market Since the Last Audit Contract Was Awarded

- 4.1. Much has changed in the local audit market since audit contracts were last awarded in 2017. At that time the audit market was relatively stable, there had been few changes in audit requirements, and local audit fees had been reducing over a long period. 98% of those bodies eligible opted into the national scheme and attracted very competitive bids from audit firms. The resulting audit contracts took effect from 1 April 2018.
- 4.2. During 2018 a series of financial crises and failures in the private sector led to questioning about the role of auditors and the focus and value of their work. Four independent reviews were commissioned by Government: Sir John Kingman's review of the Financial Reporting Council, the audit regulator; the Competition and Markets Authority review of the audit market; Sir Donald Brydon's review of the quality and effectiveness of audit; and Sir Tony Redmond's review of Local Authority financial reporting and external audit. The recommendations are now under consideration by Government, with the clear implication that significant reforms will follow. A new audit regulator (ARGA) is to be established, and arrangements for system leadership in local audit are to be introduced. Further change will follow as other recommendations are implemented.
- 4.3. The Kingman review has led to an urgent drive for the Financial Reporting Council to deliver rapid, measurable improvements in audit quality. This has created a major pressure for audit firms to ensure full compliance with regulatory requirements and expectations in every audit they undertake.
- 4.4. This situation has been accentuated by growing auditor recruitment and retention challenges, the complexity of local government financial statements and increasing levels of technical challenges as bodies explore innovative ways of developing new or enhanced income streams to help fund services for local people. These challenges have increased in subsequent audit years, with Covid-19 creating further significant pressure for finance and audit teams.
- 4.5. None of these problems are unique to local government audit. Similar challenges have played out in other sectors, where increased fees and disappointing responses to tender invitations have been experienced during the last two years.

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5. Options for Procuring External Audit Services

5.1. There are two main options to consider in deciding whether to join the PSAA tender.

Option One – Join the PSAA Tender

For:

- Avoids the need for an independent panel.
- Lowest workload for the Council's officers in letting the contract.
- Administrative costs of running the contract are limited to 4%.

Against:

- Delivery will probably remain variable and put pressure on our Finance service if audits are completed after the 30 September deadline.
- Price will be higher than at present due to the 80/20 quality/price split. It is not clear from consultation whether this will be the best price available but it was in the 2017 contract let.
- Price increases in the contract period are made by the PSAA.

Option Two – Tender Alone

For:

- Crawley Borough Council with its independent panel will decide lot size.
- There is a chance our terms and conditions might lead to delivery on time, although they may not.

Against:

- There is a risk there will be no bids. Our understanding is this leads to an appointment of an auditor by the Financial Reporting Council or its successor body on behalf of the Government.
- The workload for Council officers will be higher than PSAA route but lower than tendering with others.
- Price will be higher than at present, it is not known if this will be cheaper or more expensive than the PSAA route. The PSSA has economies of scale.
- Housing benefit assurance audit would also be required, this may have to be separately procured due to the complexities of the audit and there are efficiencies of scale by using the same auditor.
- Administrative costs of running the contract are unknown.

5.2. In reality PSAA have a monopoly over the situation as there are currently nine audit providers eligible to audit Local Authorities and other relevant bodies under local audit legislation which means that even if the Council opted for a local procurement exercise it would be seeking tenders from the same firms as the national procurement exercise undertaken by PSAA.

6. Information & Analysis Supporting Recommendation

6.1. If the Council were to decide not to join PSAA arrangement the Head of Legal, Governance and HR will advertise for people to join the independent panel after the February 2022 full Council, prepare tender documents and advertise in late spring. The appointment of the auditor will be made by the Full Council no later than at its meeting in December 2022.

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7. Implications

Financial

- 7.1. Not joining PSAA will lead to more work for Council officers during the tender process and the audits.
- 7.2. The new audit contract will cost more than the current one. This is inevitable due to the changes in the industry. This will appear in the 2023/24 budget.

Legal

- 7.3. Section 7 of the Local Audit and Accountability Act 2014 (“the Act”) requires a relevant Council to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year, in this case 31 December 2022.
- 7.4. Section 8 of the Act governs the procedure for appointment including that the Council must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 provides that, where a relevant Council is a local Council operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the Council under those arrangements.
- 7.5. Section 12 of the Act makes provision for the failure to appoint a local auditor. In such an event, the Council must immediately inform the Secretary of State, who may direct the Council to appoint the auditor named in the direction or appoint a local auditor on behalf of the Council. This could occur if no listed auditors applied for the work.

8. Background Papers

Audit Committee on 14 December 2021 Provision of External Audit Services
[FIN/548](#).

[Appointment of External Auditor – Report to Audit Committee 29 November 2016 \(FIN/397\)](#)

Report author and contact officer:

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Agenda Item 9

Full Council

23 February 2022

NOTICE OF MOTION 1 – Additional Discretionary Council Tax Discount

Mover Councillor Lamb and Seconder Councillor Peter Smith

As part of the Government's ongoing support to local residents throughout the pandemic, the Government provided the Councils with Council Tax Hardship Funding in 2020/21 which was intended to give each working age household claiming CTR up to an additional £150.00 discount on their Council Tax bill. Where a taxpayer's liability for 2020-21 was, following the application of the current local council tax support scheme, less than £150, then their liability would be reduced to nil. Where a taxpayer's liability for 2020-21 was nil, no reduction to the council tax bill will be available. Any surplus Council Tax Hardship Funds could be used to fund other initiatives aimed at vulnerable residents.

Working with colleagues in the County Council, an opportunity has arisen to replicate the additional discretionary payment for a second year of £150.00 given in 2020/21 which will be funded by the Council Tax Support Grant from West Sussex County Council and the remaining balance of the surplus Hardship fund remaining with Crawley Borough Council.

West Sussex County Council will fund 89.06p in every £1 of discount – this is WSCC and Sussex Police and crime commissioner's proportion of the Council tax bill.

Section 13A(1)(c) of the Local Government Finance Act 1992 provides that a billing authority may reduce the amount of council tax that a person is liable to pay to such an extent as the billing authority thinks fit.

This Council resolves to:

Agree an additional discretionary council tax discount of up to £150.00 per household for working age Council tax reduction claimants. This will reduce Council tax bills by up to £150.00 for vulnerable working age residents.

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Full Council

23 February 2022

NOTICE OF MOTION 2 – DONATING THE MAYORAL BALL BUDGET TO THE DEPUTY MAYOR'S CHARITIES

Mover Councillor Khan and Seconder Councillor Crow

Due to the ongoing COVID-19 pandemic, it has unfortunately not been possible to host the usual fundraising functions for the Deputy Mayoral charities this year. The Mayor's Ball and other civic events could not be held.

In order to ensure that these charities, The British Red Cross, and SEDS (Sussex Ehlers-Danlos Syndromes and Hypermobility Support Group), receive the recognition and support they deserve, Full Council resolves to make a donation of £5000 (divided equally between the charities) from the ceremonial budget. This amount had been allocated for the Mayor's Ball along with other ceremonial and civic events for the 2021/22 Council year."

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