

Crawley Borough Council

Cabinet

Agenda for the **Cabinet** which will be held in **Committee Rooms A & B**
- Town Hall, on Wednesday, 6 July 2022 at 7.00 pm

Nightline Telephone No. 07881 500 227



Chief Executive

Membership:

Councillors

M G Jones (Chair)

S Buck

G S Jhans

S Malik

C J Mullins

S Mullins

A Nawaz

Leader of the Council

Cabinet Member for Housing

Cabinet Member for Environmental Services
and Sustainability

Cabinet Member for Resources

Deputy Leader of the Council and Cabinet
Member for Wellbeing

Cabinet Member for Public Protection and
Community Engagement

Cabinet Member for Planning and Economic
Development

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

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
2. Disclosures of Interest	
In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.	
3. Minutes	7 - 14
To approve as a correct record the minutes of the Cabinet held on 16 March 2022.	
4. Public Question Time	
To answer any questions asked by the public which are relevant to the functions of the Cabinet.	
Public Question Time will be concluded by the Chair when all questions have been answered or on the expiry of a period of 15 minutes, whichever is the earlier.	
5. Further Notice of Intention to Conduct Business in Private and Notifications of any Representations	
The Monitoring Officer will report on any responses to representations received in relation to why item(s) 16-20: Online Benefits, Telford Place Land Proposal, Water Neutrality Off-Setting Programme, Property Acquisition to Increase the Council's Portfolio of Temporary Accommodation; Crawley Innovation Centre Proposed Tender for works contractor should not be held in Part B Business – (Closed to the Public).	
6. Matters referred to the Cabinet and Report from the Chair of the Overview and Scrutiny Commission	
To consider any matters referred to the Cabinet (whether by a scrutiny committee or by the Council) and those for reconsideration in accordance with the provisions contained in the Scrutiny Procedure Rules, the Budget Procedure Rules and the Policy Framework Procedure Rules set out in Part 4 of the Council's Constitution.	

	Pages
<p>7. Public Spaces Protection Order - Keep your dog on a lead in Tilgate Park</p> <p><i>Wellbeing Portfolio</i></p> <p>To consider report HCS/41 of the Head of Community Services, which was referred to the meeting of the Overview and Scrutiny Commission held on 4 July 2022.</p>	15 - 48
<p>8. Treasury Management Outturn 2021 – 2022</p> <p><i>The Leader's Portfolio</i></p> <p>To consider report FIN/575 of the Head of Corporate Finance, which was referred to the meeting of the Overview and Scrutiny Commission held on 4 July 2022.</p>	49 - 66
<p>9. Financial Outturn 2021-2022 (Quarter 4)</p> <p><i>The Leader's Portfolio</i></p> <p>To consider report FIN/572 of the Head of Corporate Finance, which was referred to the meeting of the Overview and Scrutiny Commission held on 4 July 2022.</p>	67 - 90
<p>10. Forward Programme of Key Procurements (July - December 2022)</p> <p><i>The Leader's Portfolio</i></p> <p>To consider report FIN/571 of the Head of Corporate Finance.</p>	91 - 94
<p>11. Whistleblowing Policy</p> <p><i>The Leader's Portfolio</i></p> <p>To consider report FIN/574 of the Head of Corporate Finance.</p>	95 - 108
<p>12. Anti-Fraud and Corruption Policy</p> <p><i>The Leader's Portfolio</i></p> <p>To consider report FIN/576 of the Head of Corporate Finance.</p>	109 - 124
<p>13. Council's Representative on Business Improvement Districts - Local Authority Director</p> <p><i>The Leaders' Portfolio</i></p> <p>To consider report PES/416 of the Head of Economy and Planning.</p>	125 - 126

	Pages
<p>14. Supplemental Agenda</p> <p>Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.</p>	
<p>15. Exempt Information – Exclusion of the Public (Subject to Agenda Item 5)</p> <p>The Committee is asked to consider passing the following resolution:- That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraphs specified against the item.</p>	
Part B Business - Closed to the Public	
<p>16. Online Benefits</p> <p><i>The Leader's Portfolio</i></p> <p>Exempt Paragraph 3 <i>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</i></p> <p>To consider report FIN/573 of the Head of Corporate Finance, which was referred to the meeting of the Overview and Scrutiny Commission held on 4 July 2022.</p>	127 - 142
<p>17. Telford Place Land Proposal</p> <p><i>Housing Portfolio</i></p> <p>Exempt Paragraph 3 <i>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</i></p> <p>To consider report SHAP/86 of the Head of Strategic Housing Services, which was referred to the meeting of the Overview and Scrutiny Commission held on 4 July 2022.</p> <p>Report to be circulated separately as agreed by the Leader.</p>	
<p>18. Water Neutrality Off-Setting Programme</p> <p><i>Housing Portfolio</i></p> <p>Exempt Paragraph 3 <i>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</i></p> <p>To consider report CH/197 of the Head of Crawley Homes.</p>	143 - 148

	Pages
<p>19. Property Acquisition to Increase the Council's Portfolio of Temporary Accommodation</p> <p><i>Housing Portfolio</i></p> <p>Exempt Paragraph 3 <i>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</i></p> <p>To consider report SHAP/85 of the Head of Strategic Housing Services.</p>	149 - 154
<p>20. Crawley Innovation Centre - Proposed Tender for works contractor</p> <p><i>Planning and Economic Development Portfolio</i></p> <p>Exempt Paragraph 3 <i>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</i></p> <p>To consider report PES/417 of the Head of Economy and Planning.</p>	155 - 168

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Crawley Borough Council

Minutes of Cabinet

Wednesday, 16 March 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
P C Smith	Deputy Leader & Cabinet Member for Planning and Economic Development

Also in Attendance:

Councillors D Crow, R D Burrett and T G Belben

Officers Present:

Natalie Brahma-Pearl	Chief Executive
Chris Pedlow	Democracy & Data Manager
Lynn Hainge	Economic Development Manager
Nigel Sheehan	Head of Projects and Commercial Services
Nigel Tidy	Towns Fund Programme Officer
Kate Wilson	Head of Community Services

Apologies for Absence:

Absent

Councillor C J Mullins

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Cabinet held on 2 February 2022 were approved as a correct record and signed by the Leader.

3. Public Question Time

There were no questions from the public.

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

It was reported that no representations had been received in respect of agenda items 14 or 15: *Crawley Towns Fund – Project Business Cases* or *Metcalf Depot and Workshop – Redevelopment* respectively.

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. Proposed Changes to the Essential Car User Allowance Scheme

The Leader of the Council informed the Cabinet that the report on the “Proposed Changes to the Essential Car User Allowance Scheme” would no longer be considered as an item for business at the meeting. Unfortunately, a collective agreement with the Unison union could not be reached and the report had been deferred.

7. Town Centre Regeneration Programme Third Edition

The Cabinet Member for Planning and Economic Development presented report [PES/397](#) of the Head of Economy and Planning. The Town Centre Regeneration Programme (TCRP) was first published in February 2016, updated in 2018 and significant progress has been made since then in terms of programme delivery. The report presented a summary of that progress and sought approval of a revised, updated version of the TCRP.

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 14 March 2022, which included:

- Recognition that the Town Centre Regeneration Programme included a number of partner organisations whose contributions had been significant in delivering successful outcomes of the Crawley Growth Programme and Town Centre Regeneration Programme.
- With more residential accommodation, it was important to review the demand of other provision within the area such as GP surgeries or dental practices and amenities including improved public toilet provision.

Councillors Irvine and Lamb spoke as part of the discussion on the report.

RESOLVED

That the Cabinet

- a) approves the updated Town Centre Regeneration Programme (Appendix A) prior to a period of stakeholder consultation as set out in section 7.1 of report [PES/397](#).

- b) delegates authority to the Head of Economy & Planning in consultation with the Cabinet Member for Planning & Economic Development to approve the final version of the Town Centre Regeneration Programme, noting and considering any responses or representations received following the period of stakeholder consultation and undertaking minor modifications, if required.

Reasons for the Recommendations

To update the TCRP prior to a period of targeted consultation with stakeholders, partners and businesses.

8. Allocating Monies Collected Through CIL

The Cabinet Member for Planning and Economic Development presented report [PES/388](#) of the Head of Economy and Planning. The report provided Cabinet with an update on the collection and administration of Community Infrastructure Levy (CIL) monies. It was explained that as of January 2022 the Council had collected £2,017,565.75 in CIL contributions. It was noted that the proposed CIL strategic infrastructure spend priorities to the end of March 2025, was set out in section 7 of the report. The report also provided the Cabinet with an update on the fourth year of the pilot scheme for crowdfunding - Crowdfund Crawley.

RESOLVED

That the Cabinet

- a) endorses the Annual Review findings in this report, the CIL funds received to date and the overall anticipated CIL contributions, to be received by 2036/37.
- b) approves the proposed CIL strategic infrastructure spend priorities to end March 2025 (Section 7.4 of report [PES/388](#)), (unchanged from last year's review).
- c) approves that the Infrastructure Business Plan (Appendix A of report [PES/388](#)), including the funding programme, will continue to be reviewed on an annual basis to take into account any changes in strategic infrastructure priorities and fluctuations in CIL receipts compared to the forecast. The next review is proposed to take place in March 2023.
- d) agrees to continue the Crowdfund Crawley project for a further year with the administration costs associated with the site being paid for from the CIL contributions.
- e) agrees to increase the funding allocated to the Crowdfund Crawley project for 2022-23 to £50,000 of CIL monies.

Reasons for the Recommendations

To provide clarity on the way forward for Crawley's Infrastructure Business Plan and the priority schemes for the CIL Strategic Infrastructure strand spend.

To ensure best practice for the ongoing distribution of the Neighbourhood Improvement Strand CIL monies, in line with government regulations. The “Crowdfund Crawley” initiative will be reviewed over 2022/23 to assess the impact that Covid and reduction of additional funding sources has on the use of the site.

9. Leisure Contract – Extension of Variation Order

The Leader of the Council presented report [HPS/30](#) of the Head of Major Projects and Commercial Services. The report sought approval to extend the Leisure Contract Variation Order to cover the period 1 April 2022 – 30 September 2022.

RESOLVED

That the Cabinet approves the extension of the contract variation with Everyone Active under the terms set out in Section 5 of report [HPS/30](#).

Reasons for the Recommendations

The recommendation facilitates the continued re-opening of the leisure centres providing the opportunity to grow customer base and membership numbers while adhering to the Government’s Procurement Policy Note 02/20 (Supplier Relief Due to Coronavirus).

10. West Sussex County Council and Crawley Borough Council Agency Agreement in relation to Civil Parking Enforcement

The Cabinet Member for Environmental Services and Sustainability presented report [HCS/39](#) of the Head of Community Services. The report sought approval for the renewal of the West Sussex County Council and Crawley Borough Council Agency Agreement in relation to Civil Parking Enforcement (CPE). The current 5 year agency agreement would expires on 31 March 2022, and West Sussex County Council had proposed that the agreement be extend for a further three years.

RESOLVED

That the Cabinet

- a) approves in principle the negotiation and securement of the continuation of the Agency Agreement between West Sussex County Council and Crawley Borough Council in relation to Civil Parking Enforcement (CPE) for a further 3 years from April 2022 to April 2025.
- b) delegates the completion of all negotiations and relevant legal documentation to the Head of Community Services in consultation with the Head of Legal, Governance and HR, and appropriate Cabinet Member.

Reasons for the Recommendations

To enable the continuation of on-street parking enforcement to be carried out by Crawley Borough Council on behalf on West Sussex County Council within the borough.

Failure to renew the agency agreement would mean that the Council would be unable to carry out civil enforcement on behalf of WSCC in Crawley.

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

RESOLVED

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

12. Crawley Towns Fund Project Business Cases

*Exempt Part B - By Virtue of Paragraph 3
Information relating to the financial or business affairs of any particular person
(including the authority holding that information)*

The Cabinet Member for Planning and Economic Development presented report PES/399 of the Head of Economy and Planning. The report sought approval of the business cases for various Town Fund projects as set out in the Crawley Town Investment Plan Heads of Terms (confirmed by the Government in July 2021).

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 14 March 2022, which included the acknowledgement that the substantial Towns Fund monies awarded to the Council to deliver the Town Investment Plan included a number of transformative regeneration schemes, including those with a specific focus in the town that would unlock jobs as there was a need for a range of skills and technology. The business cases enabled the Council and partners to deliver on opportunities, aspirations, future and investment and would boost economic activity within the town.

RESOLVED

That the Cabinet

- a) approves in principle the Towns Fund projects listed in section 1.1 of report PES/399 for which the business cases for each project are summarised in Appendix A of report PES/399, subject to the completion of due diligence checks on the full business cases by officers to the satisfaction of the Council's S151 Officer.

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- 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) assess the full technical business cases for each project and make any technical modifications required to their wording and content, and
 - II) produce summary versions of the business cases and to submit those summary versions to the government for review

The Full Council is recommended to agree to:

- a) add the following new capital schemes to the capital programme and the respective capital allocations to each project as set out below, worth a total of £18.1m, subject to a viable business case and to the receipt of the Towns Fund government funding.
- 1B – “Invest in Skills for Crawley” - Skills training facilities - £4.4m
 - 1C – Green Tech Business Grants / Business Premises green retrofit - £2m
 - 2A – Crawley Bus Station Transformation - £2m
 - 2B – Town Centre-Manor Royal-Gatwick cycle route - £2m
 - 3A – Manor Royal “Gigabit” connectivity / business park - £1.95m
 - 4A – Crawley Town Centre Cultural Quarter design - £250,000
 - 4B – Manor Royal Business Environment Improvements £1.5m
 - 4C – “Green Retrofit” decarbonisation of homes in Crawley - £4m
- b) allocate up to £500,000 of Towns Fund revenue funding to the following Towns Fund projects, subject to a viable business case and to the receipt of the government funding.
- 1B – “Invest in Skills for Crawley” - Skills training facilities - £100,000
 - 1D – Commercial Eastern Gateway design - £150,000
 - 3A – Manor Royal “Gigabit” connectivity / business park - £50,000
 - 4A – Crawley Town Centre Cultural Quarter design - £200,000

Reasons for the Recommendations

To enable the Council to finalise and confirm approval of the business cases for a total of £18.6 million of Towns Fund monies to be allocated to the nine projects listed above.

The Full Council approval of the projects will enable submission of summary versions of the business cases to the government for ratification by their deadline of 24th April.

To enable the allocation of £18.1 million of Towns Fund monies to the CBC capital programme, subject to:

- The Full Council approval
- The viability of each of the individual project business cases satisfying the Council’s S151 Officer
- Confirmation of the funding from the government

To enable the allocation of up to £500,000 of revenue finances from the Towns Fund, subject to the requirements as set out above in section 3.3 of report PES/399.

13. Metcalf Way Depot and Workshop - Redevelopment

*Exempt Part B - By Virtue of Paragraph 3
Information relating to the financial or business affairs of any particular person
(including the authority holding that information)*

The Leader of the Council presented report HPS/31. The report sought agreement for progressing the redevelopment of the depot and workshop at Metcalf Way, project analysis and feasibility, together with the finances required.

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 14 March 2022, which included:

- Acknowledgement that the option proposed enabled the Council to deliver on opportunities, whilst protecting, consolidating, and enhancing the development of a key site.
- Recognition that the Metcalf Way Depot was currently under-utilised, and Neighbourhood Services intended to continue the move to a more dispersed model of smaller neighbourhood patch depots. The recommendations supported the move to more localised depots and facilitated redevelopment of the Metcalf Way site.

Councillors Irvine and Smith spoke as part of the discussion on the report.

RESOLVED

That the Cabinet

- a) endorses the redevelopment of the Metcalf Way Depot site, acknowledging that further funding is required to progress this scheme as highlighted in section 7 of report HPS/31.
- b) approves the principle of the relocation of the neighbourhood services activities from Metcalf Way to a number of local neighbourhood sites as set out in section 4 of report HPS/31.
- c) delegates to the Deputy Chief Executive authority to enter into a lease for alternative premises for the waste and recycling service, vehicle workshop and some residual neighbourhood services activities (if required).
- d) approves that a further report be brought back to the Cabinet late in 2022 with recommendations regarding the preferred option to redevelop the Metcalf Way site, is likely to include a request for a supplementary capital estimate to proceed with construction.

The Full Council is recommended to approve:

- a) the increase the capital programme by £995,000 funded from the capital programme reserve to fund the next stage of the scheme. In so doing, support the endorsement of the redevelopment of the Metcalf Way Depot.

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- b) that £300,000 be transferred from the General Fund Reserve to the Transformation and Project Delivery reserve and the rental in the short term is funded from this reserve.

Reasons for the Recommendations

The Metcalf Way Depot is currently under-utilised and Neighbourhood Services intend to continue the move to a more dispersed model of smaller neighbourhood patch depots. The recommendations will support the move to more localised depots and facilitate redevelopment of the Metcalf Way site. The scheme will make productive use of this Council site and provide a long term revenue stream for the Council.

Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 7.16 pm

P K LAMB
Chair

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Crawley Borough Council

**Report to Overview and Scrutiny Commission
4 July 2022**

**Report to Cabinet
6 July 2022**

Public Spaces Protection Order – Keep your dog on a lead in Tilgate Park

Report of the Head of Community Services, **HCS/41**

1. Purpose

- 1.1 To review the findings of the consultation and consider the options set out in the report for the making of a Public Spaces Protection Order (PSPO) to prohibit dog related anti-social behaviour in Tilgate Park.

2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

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

- 2.2 To the Cabinet

The Cabinet is recommended to:

- a) Request that Full Council make a PSPO as set out in Option 4 (section 5.10 and Appendix A), with the restricted area covering main lake, silt lake, Peace Garden and lawn area and golf course within Tilgate Park, as shown in Appendix B, all year round
- b) Resolve that the level for Fixed Penalty Notices which may be issued for a breach of the PSPO (in the event that Full Council makes the PSPO in the form of the draft at Appendix A of this Report, HCS/41) be set at £100.

3. Reasons for the Recommendations

- 3.1 A PSPO would provide a practical enforcement solution for the rules as stated on the Council's website regarding dogs at Tilgate Park and seek to deter anti-social behaviour relating to dogs off lead in other areas of the park. Report [HCS/34](#) set out information which demonstrates that both conditions (as set out in paragraph 4.6) are met.

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4. Background

- 4.1 At the Cabinet meeting on 12 January 2022, it was agreed in principle to implement a Public Spaces Protection Order (PSPO) to prohibit dog related anti-social behaviour in Tilgate Park for a period of 3 years, requiring dogs to be kept on leads in all areas of the park unless explicitly specified otherwise, subject to first undertaking a consultation exercise.
- 4.2 In addition, it was agreed to reinstate a proactive and high-profile education and information programme encouraging owners to keep their dogs on leads in Tilgate Park.
- 4.3 The decision to progress with the PSPO process was in response to a petition received by the Council requesting that the Council increases on site information signage and Community Warden patrols to inform and enforce the rules stated on the Council's website requiring dogs to be kept on leads in Tilgate Park, specifically around the lake.
- 4.4 In 2021 there were 10 formal reports involving dogs off leads in Tilgate Park (9 Council and 1 police reports). Complaints typically related to the lake area (and main lawn) and involved dogs off lead approaching park users uninvited. Over a three-year period (2018 – 2021) 22 dog related reports were made to Sussex Police specifically relating to Tilgate Park. Also anecdotally, complaints on social media channels had increased and staff had witnessed dogs causing nuisance to other park users during their working day.
- 4.5 It was recognised that whilst the majority of formally reported and anecdotal incidents were largely focused around the lake and lawn areas, there was evidence of issues affecting the entire park. It was also acknowledged that there was likely to be under-reporting of incidents and the true scale of issues was not necessarily reflected in formal complaints and reports, particularly in the case of dogs interfering with the park's wildlife.
- 4.6 PSPOs were introduced under the Anti-social Behaviour Crime and Policing Act 2014 and are designed to address unreasonable and persistent behaviour that affects the quality of life of a local authority's residents. PSPOs last for up to 3 years unless extended before they expire or discharged (revoked). PSPOs can only be made where the Council is satisfied on reasonable grounds (i.e. there is evidence demonstrating) the following 2 conditions:
- (1) that there has been (or it is likely to be) activities carried on in a public place which have had (or are likely to have) a detrimental effect on the quality of life of those in the locality,
 - (2) the effect (or likely effect) of the activities:
 - is (or is likely to be) of a persistent or continuing nature,
 - is (or is likely to be) such as to make the activities unreasonable.
 - justifies the restrictions imposed.
- 4.7 Breach of a PSPO is a criminal offence and can be dealt with by way of a fixed penalty notice (FPN) (currently set at £100) or a fine up to level 3 (£1000) on prosecution. Authorised officers are able to issue a FPN immediately upon witnessing a breach of PSPO.
- 4.8 The Council has already implemented two Borough wide PSPOs to address anti-social behaviour relating to consumption of alcohol in a public place and car cruising.

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5. Information & Analysis Supporting Recommendation

- 5.1 Before making a PSPO the Council must publicise the text of the proposed order and:
- consult with the chief police officer and the local policing body
 - consult with such community representatives as the Council thinks appropriate
 - consult (as reasonably practicable) the owners or occupiers of land in the area of the proposed order
 - consider any representations made.

5.2 Letters were sent via email to Sussex Police, via the local District Commander, the Police and Crime Commissioner, WSCC and The Kennel Club regarding the proposal for a new PSPO relating specifically to Tilgate Park. Sussex Police, WSCC and the Police and Crime Commissioner replied with no comments or feedback regarding the proposed PSPO.

5.3 The Kennel Club

The response from The Kennel Club advised that they would not condone a general dogs on lead PSPO, saying that “despite some reported cases of irresponsible dog ownership, local dog owners do have a duty of care to provide their dogs with adequate exercise, including off lead, and should be able to walk their dogs at their local park in order that they do not have to drive somewhere else to do so.”

The Kennel Club did highlight other strategies such as Acceptable Behaviour Contracts and Community Protection Notices could be used to target specific irresponsible dog owners and that the council could arrange awareness raising events in the park to welcome dog owners and communicate the importance of keeping their dogs under proper control.

They did acknowledge the concerns raised within the local area and in order that all access users are able to enjoy the park, that some areas within the park might benefit from a dogs on lead PSPO. They would not oppose this providing that the majority of the park remained open to dog walkers wishing to exercise their dogs off lead and that the land to do so is appropriate and safe and large enough.

The underlying principle that The Kennel Club seek to see applied is that dog controls should be the least restrictive to achieve a given defined and measurable outcome. And that in many cases a seasonal or time of day restriction will be effective and the least restricted approach rather than a blanket year-round restriction. For instance, a “dogs on lead” order for a picnic area is unlikely to be necessary in mid-winter.

The Kennel Club also recommended that the council communicates changes positively to dog walkers in order that they are still encouraged to use the park to exercise their pets.

- 5.4 All businesses operating in the park and tenants of the recreation huts were sent letters via email regarding the proposed PSPO and public consultation. All residents living within the park were hand delivered letters regarding the proposed PSPO and public consultation.
- 5.5 In addition, the Council has conducted a wide consultation exercise with the general public, as described below in 5.7.
- 5.6 In response to the consultation, the wording of draft PSPO (in Appendix A) has been amended to include the statutory definition of ‘public place’ and incorporated that into the definition of ‘restricted area’ to make it clear that a PSPO would only apply to land to

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which the public has access i.e. it would not apply to the private houses and gardens etc of those who live within the restricted area. Aside from this one minor amendment, the proposed draft wording which was circulated for the consultation exercise was as set out in Appendix A.

5.7 Public Consultation

- Consultation took place from the 25th February to 27th March 2022. A copy of the consultation questions is included in Appendix C. The consultation was made available online. A copy of the draft order and map showing the restricted area was made available on the Council's website.
- The consultation was also supported by drop-in sessions that were held at Tilgate Park on 12th and 17th March to enable users/visitors to the park to complete the consultation survey in person rather than completing it online. This led to 175 public interactions yielding 50 paper surveys. Promotional posters containing a QR code were displayed around the park informing the public about the consultation and drop-in sessions.
- The consultation was promoted via press release and online through the Council's website and social media channels. In addition to posters displayed within Tilgate Park, posters were also displayed in neighbourhood notice boards. Other businesses, churches, schools and surgeries and community groups in the Tilgate area were emailed the consultation link.
- A total of 2,803 responses were received.
 - 99.3% of respondents were members of the public.
 - 65.4% of respondents were dog owners
 - 86.9% of respondents were Crawley residents.

5.8 Analysis of the Consultation responses:

Question: Do you support the implementation of a Public Spaces Protection Order for dog related anti-social behaviour in Tilgate Park?

There were 2,795 responses to this question, with the majority not in support.

- 58.4% (1,631) of respondents did not support the implementation of a PSPO.
- 38.7% (1,082) of respondents did support the implementation of a PSPO
- 2.9% (82) of respondents did not know if they supported the implementation of a PSPO

70.3% of those who were not dog owners were in support of the PSPO compared to only 22% of those who owned dogs who were in support of the PSPO. The majority of those who owned dogs were not in support of the PSPO.

Those who were not in support or were uncertain about the implementation of the PSPO were given the opportunity to comment on why they had answered 'No' or 'Don't know'. 1,586 comments were made.

One of the most common reasons respondents were not in support of the proposed PSPO was that it was perceived as unfair that the majority of responsible dog owners would be penalised due to the actions of a minority of irresponsible owners.

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Respondents also stated that the PSPO area covering the whole of Tilgate Park was excessive, and owing to the size of the park, it will be too large to effectively patrol and enforce the PSPO effectively. However, respondents mentioned that having dogs on leads in areas, such as around the lake, would be appropriate in order to protect wildlife etc., whilst also being more practical to manage and enforce.

It was also questioned whether the PSPO was proportionate as many stated that they hadn't personally experienced anti-social behaviour from dogs being off lead and were concerned that the consultation documents did not provide evidence or data of anti-social behaviour issues being identified in the proposed area.

It was also noted that for many dogs, walking on lead only would not provide enough stimulation to keep dogs physically healthy.

Question: Would you support the provision of an area within Tilgate Park where dogs can be off lead?

- 63% (1,758) of respondents supported the provision of an area within Tilgate Park
- 26.4% (737) of respondents were not in support of the provision an area within Tilgate Park
- 10.5% (294) of respondents did not know if they support the provision of an area

In relation to those in support of an area within Tilgate Park where dogs can be off lead there was an even split between those who were dog owners (62.9% in support) and non dog owners (62.4% in support).

Those who were not in support or were uncertain about the provision of an area where dogs can be off lead within Tilgate Park were given the opportunity to comment on why they had answered 'No' or 'Don't know'. 931 comments were made.

The most common response from respondents indicated that they required further clarity and definition on the size and specification of the proposed designated area before making a decision to support such a proposal.

There was a concern over restricting dogs to one area of the park, with the potential for closer proximity between dogs potentially leading to issues.

Another reason stated for opposing a designated area was that it was felt dogs shouldn't be confined or limited to one area of the park to be allowed off lead.

Conversely, there were comments in opposition to a designated area on the basis that dogs should be on a lead throughout the park to ensure they are under control, and the proposal could create confusion around area boundaries.

At the end of the consultation survey respondents were given the opportunity to comment further on the proposed PSPO. A total of 1,285 responses were provided. These additional comments about the proposals mirrored those presented in the previous questions comment sections. Additional emerging themes are as follows:

- The subject of enforcement of the PSPO itself was raised, with respondents querying how it would be implemented in terms of both signage and visible patrols.

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- Concerns were also raised about behaviour from other park users causing issues around public safety with regards to cyclists, scooters and runners for example.
- In relation to areas of the park where dogs should be on or off lead, a common response was that wooded/forested areas and the golf course should be areas where dogs could be let off lead.
- It was also suggested that implementing a PSPO would be unlikely to affect the behaviour of irresponsible dog owners and addressing these owners with punitive action measures should be the primary focus.

In addition to the formal consultation, a number of individuals contacted the Council via email setting out their reasons for opposing the proposed PSPO. The general themes are as follows:

- Lack of evidence to justify implementing a PSPO
- Concerns for dog welfare if not allowed off lead
- Penalising owners with well-behaved dogs
- Focus should be on education for owners and training

In the general comments section, a number of responses refer to incidents involving dogs off lead taking place in Tilgate Park. The general theme of comments related to dogs off lead not being under control of their owners, running around jumping up at members of the public. There were multiple comments regarding owners not being aware of where their dog was or what their dog was doing, whilst off lead. Of particular concern was dogs off lead running up to children. There were several comments saying that they no longer came to the park as there are too many dogs off lead.

There were a number of comments relating to individuals having been bitten by dogs or having their own dog attacked by another dog off lead. Witnessing dogs off lead attacking ducks and cygnets. One comment stated that a horse rider's horse was attacked by a dog off lead causing the rider to be thrown off, sustaining a broken arm. In relation to the golf course, there were comments regarding disruption of those playing golf due to dogs running across the fairway and of dogs tearing around the greens and scratching up the turf. It is not known if any of these incidents were reported to either the council or police.

The table below provides further information regarding the types of comments made in relation to incidents/issues seen or experienced with regard to dogs off lead.

Unwanted attention from dogs off lead (this includes dogs jumping up at people, dogs chasing runners, dogs running over/interfering with picnics, being approached by dogs off lead)	88 comments
Dogs on lead approached by dogs off lead	21 comments
Bitten by dog off lead	7 comments
Dogs off lead attacking/fighting with other dogs	10 comments
Dogs off lead seen chasing/attacking wildfowl/wildlife (including one incident of a deer being chased)	21 comments
Dogs off lead doing their business and owners not clearing it up	11 comments
Dogs off lead a nuisance on fairway and greens	7 comments
Dogs off lead seen in the lake	9 comments

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Freedom of Information requests have also been received in relation to the proposed PSPO.

5.9 Officer comment re consultation and PSPO options

Reducing the restricted area is an approach that would be supported by The Kennel Club as they oppose blanket restrictions on dog walkers accessing public open Spaces. Having a reduced restricted area is also something that was supported by the public consultation.

Having a reduced restricted area without a physical boundary could present challenges regarding enforcement, as there could be issues identifying where the restricted areas starts and finishes. This would need to be taken into consideration when designing and installing signage.

Consideration of the PSPO being seasonal is also an approach that is supported by The Kennel Club. Making the PSPO enforceable between March and October around the main lake would protect ducklings, goslings and cygnets during the key months after hatching. Dogs being on lead on the main lawn area would also reduce the unwanted attention from dogs over the summer months when many visitors picnic on the lawn.

Under the Animal Welfare Act 2006, dog owners have a legal duty of care to provide their dogs with appropriate daily exercise. The Department for Environment, Food & Rural Affairs Code of practice for the welfare of Dogs states that “a dog needs regular exercise and regular opportunities to walk, run, explore, play, sniff and investigate”. Although there is no mention of this needing to be off lead, The Kennel Club in their response stated that in most cases this will be off lead whilst still under control. Reducing the restricted area would enable off lead exercise in other areas of park, as would the provision of a dedicated area for off lead exercise.

5.10 Options Appraisal

A number of options were considered based on evidence and the results of the consultation.

Option 1 - Decide not to recommend to Full Council to make a PSPO regarding dog control at Tilgate Park at this time.

Not making a PSPO is not an option, as although the number of formally reported incidents involving dogs off lead is comparatively low, the anecdotal evidence indicated that there are incidents and issues involving dogs off lead.

Option 2 - Recommend to Full Council that it makes a PSPO in the form set out in Appendix A with the restricted area covering the whole of Tilgate Park as per the consultation and as shown in Appendix D to include Tilgate Golf Course and forest to the boundary of the M23 to the south, the railway line to the east, Tilgate neighbourhood to the north and Forestry Commission land to the west.

The option of making a PSPO that covered the whole area of Tilgate Park has been ruled out based on the lack of evidence covering all areas of the park and the lack of support as demonstrated by the results of the public consultation.

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Option 3 - Recommend to Full Council that it makes a PSPO in the form set out in Appendix A but that the restricted area to be limited to around the main lake and lawn area as shown in Appendix E.

A reduced restricted area is supported, however limiting the restricted area to just the main lake and lawn does not address issues experienced in the wider areas surrounding the lake and the golf course.

Option 4 - Recommend to Full Council that it makes a PSPO in the form set out in Appendix A but the restricted area to be limited to an area to encompass the main lake, silt lake, Peace Garden, lawn area and surrounds and the golf course, as shown in Appendix B

This is the preferred option.. This option ensures that high footfall areas and the key areas of concern (main lake, lawns and surrounds and golf course) are covered by the requirement for dogs to be on lead at all times, whilst also providing areas within the park for dogs to be exercised off lead. A reduced restricted area was also an approach supported by The Kennel Club. Comments from those not in support of the PSPO said they would support a smaller restricted area that still enabled them to still let their dogs off lead, reference to the forest/wooded areas was mentioned frequently. Clear signage and a comprehensive communication plan will be required to ensure that all users of Tilgate Park are clear on what areas the PSPO applies to.

Option 5 - Recommend to Full Council that it makes a PSPO in the form set out in Appendix F which is the same as Appendix A except that it would apply only from 1st March to 31st October, and also which of the 3 restricted area options should apply to the PSPO (the full area as in Appendix D or the reduced area as in Appendix E).

Making the PSPO seasonal was not considered an option as Tilgate Park is used all year round not just by dog walkers but by other users of the park. Just over a third of reports to the police occurred between November and February. Having the PSPO only applicable part of the year could be confusing to visitors of the park and make enforcement more challenging.

6. Implications

Financial

- 6.1 There would be no additional resource implications to enforce the policy because this work will be absorbed within existing resources.
- 6.2 Revenue resource, in the region of £15,000, would be required to invest in permanent signage in key locations. This would come from within existing budget for Tilgate Park.
- 6.3 There would be legal costs associated with enforcement policy related prosecutions although full costs would be sought from the courts in the case of a successful prosecution.

Legal

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

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- 6.5 If Cabinet decides to recommend to Full Council to make a PSPO, a draft of it including a map of the restricted area will need to be published on the Council's website in advance of Full Council to comply with Section 72 of the Anti-social Behaviour Crime and Policing Act 2014.
- 6.6 Section 66 of the Act gives the right to any an individual who lives in the restricted area or who regularly works in or visits that area to challenge the validity of the PSPO in the High Court within six weeks of it being made. There are 2 grounds on which the validity of a PSPO can eb challenged: (1) that the Council did not have the power to make the PSPO or to include particular prohibitions or requirements within it; or (2) that the Council did not comply with a legal requirement in making the PSPO.

Equalities

- 6.7 The draft PSPO wording includes provision for an exemption for assistance dogs from the dogs on leads policy and any associated enforcement.

7. Background Papers

[HCS/30 Petition "Keep your dog on a lead in Tilgate Park" – 8 September 2022](#)
[HCS/34 Information on Option 3 in Relation to Petition – 'Keep your dog on a lead in Tilgate Park' – 12 January 2022](#)

Report author and contact officer:

Trish Emmans
Community Safety Officer
Trish.emmans@crawley.gov.uk

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

**Draft Dog Control (Tilgate Park) Public Spaces
Protection Order No. 1 of 2022 (“Order”)**

PUBLIC SPACES PROTECTION ORDER

This order is made by Crawley Borough Council (the “Council”) and shall be known as the Dog Control (Tilgate Park) Public Spaces Order No. 1 of 2022.

PRELIMINARY

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

DEFINITIONS

4. In this Order:
- 4.1 “authorised officer” means a police officer, a police community support officer (PSCO), a Council officer and any person authorised by the Council to enforce this Order.
- 4.2 “lead” means any rope, cord, leash, or similar item used to tether, control or restrain a dog but does not include any such item which is not actively used as a means of restraint or control of the dog.
- 4.3 “person in charge of a dog” means the person aged 18 years or older who has the dog in their possession, care or company or, if none, the owner or person who habitually has the dog in their possession.
- 4.4 “prescribed charity” shall mean any of the following charities:
- (a) Dogs for the Disabled (registered charity number 700454);
 - (b) Support Dogs (registered charity number 1088281);
 - (c) Canine Partners for Independence (registered charity number 803680);
 - (d) Dog A.I.D. (registered charity number 1098619);
 - (e) Dogs for Good (registered charity number 1092960);
 - (f) Guide Dogs (registered charity number 209617); and
 - (g) Hearing Dogs for Deaf People (registered charity number 293358).
 - (h) any charity created after this Order which trains dogs to assist persons with any disability affecting their mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects.
- 4.5 “public place” means any place to which the public or any section of the public has access.
- 4.6 “restricted area” has the meaning given by section 59(4) of the Anti-Social Behaviour, Crime and Policing Act 2014 and for the purposes of

this Order includes all public places within the area shown delineated by the blue line on the plan Schedule 1 to this Order.

THE ACTIVITIES

5. The activities are the inadequate and/or poor exercise of control of a dog by a person such that the dog causes nuisance, alarm and/or distress to other persons and/or animals.

THE PROHIBITIONS

6. Subject to the exceptions stated below, a person in charge of a dog within the restricted area shall not at any time take the dog into, nor shall they allow the dog to enter or remain, in any of the areas hatched in red on the plan in Schedule 1 to this Order, such areas being the children's playground, the Walled Garden and the Tilgate Nature Centre.

THE REQUIREMENTS

7. Subject to the exceptions stated below, a person in charge of a dog within the restricted area shall at all times keep the dog on a lead of not more than 2.0 metres in length.
8. Subject to the exceptions stated below, a person in charge of a dog within the restricted area shall provide, when asked by an authorised officer, their name and address to that authorised officer.
9. Subject to the exceptions stated below, a person in charge of a dog within the restricted area must at all times immediately comply with a direction given to them by an authorised officer to put and keep the dog on a lead.

THE EXCEPTIONS

10. The prohibition in paragraph 6 and the requirements in paragraphs 7, 8 and 9 do not apply to any person who:
 - 10.1 is registered as a blind person in a register compiled under section of the National Assistance Act 1949; or
 - 10.2 is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which that person relies for assistance; or

- 10.3 has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, and who is in control of a dog trained by a prescribed charity upon which that person relies for assistance.
11. The prohibition in paragraph 6 and the requirements in paragraphs 7, 8 and 9 do not apply to any person in control of a dog on official duty for a recognised law enforcement body (such as a police dog handler).
12. The prohibition in paragraph 6 and the requirements in paragraphs 7, 8 and 9 do not apply to any person:
- 12.1 in control of any canidae kept as an exhibit in the zoo collection of Tilgate Nature Centre; or
- 12.2 in control of any canidae during the transport of such animals to and from Tilgate Nature Centre.
13. The requirements in paragraphs 7, 8 and 9 do not apply to any person in charge of a dog whilst both they and the dog are within any completely fenced off area which the Council may in future designate for the purpose of dog activity and which is clearly marked as such by signage erected by the Council thereon.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

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

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in the Magistrates' Court to a fine not exceeding level 3 on the standard scale.

FIXED PENALTY

A constable, police community support officer or authorised Council officer may issue a fixed penalty notice to anyone they believe has committed an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

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

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

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
 - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

The COMMON SEAL of CRAWLEY)
BOROUGH COUNCIL was hereunto)
affixed the day of)
in the presence of:)

Schedule 1

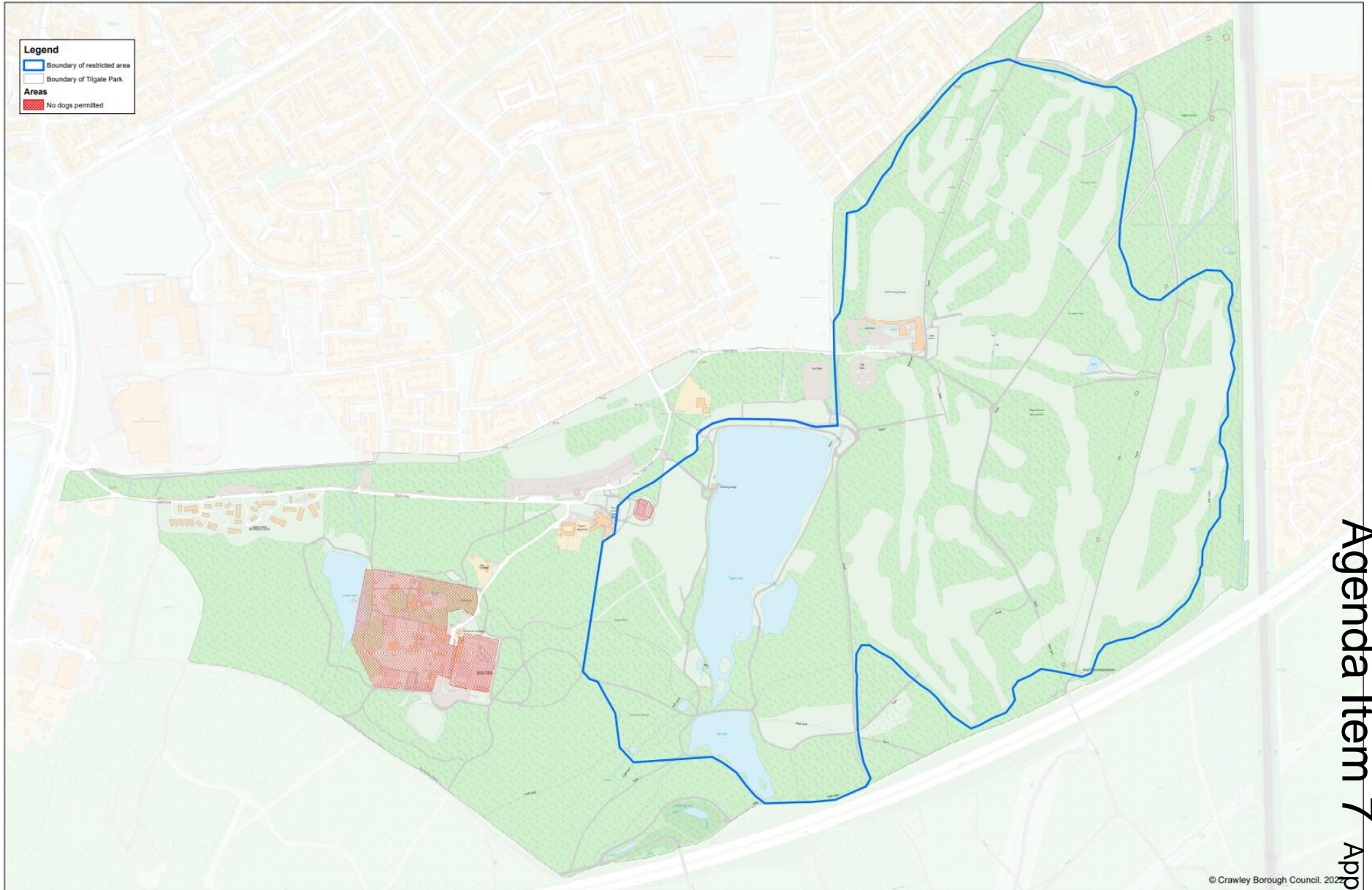
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Tilgate Park Public Spaces Protection Order Restricted Area Map

This map shows the restricted area for the Public Spaces Protection Order for dogs on leads at all times. It covers the main lake, silt lake, Peace Garden, lawn area and golf course.

Dogs off lead will be permitted in all areas outside of the restricted area.

The map also shows the areas where no dogs are allowed; these are Tilgate Nature Centre, the Walled Garden and the children's play area.



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Dog Control Public Spaces Protection Order: Have your say

Crawley Borough Council is proposing to implement a Public Spaces Protection Order (PSPO) under Section 59 Anti-Social Behaviour, Crime and Policing Act 2014, designating the area of Tilgate Park referred to in the PSPO as a restricted area for dog related anti-social behaviour for 3 years. The PSPO will be a tool available to the council to reduce the impact that dog related anti-social behaviour has on those living in, working in or visiting Tilgate Park.

The Order will require dogs to be kept on a lead at all times and no dogs will be permitted at all in the children's play area and Walled Garden. Council officers will be able to enforce the order and issue fixed penalty notices. Please note that this Order does not apply to a person in control of a working assistance dog which has been trained to assist that person who has a disability.

If you wish to support or object to the proposal to implement a new PSPO, please complete the short questionnaire below.

1. Which best describes you? Please select one option.

- Member of the public
- Community group representative
- Business representative
- Other (please specify below)

2. Are you a dog owner?

- Yes
- No

3. Are you a Crawley resident?

- Yes
- No

What is your postcode? Please write in the free text box below.

We are asking you this to understand the distribution of respondents by geography and if views differ. It will only be used for the purpose of which it has been given

4. Do you support the implementation of a Public Spaces Protection Order (PSPO) for dog related anti-social behaviour in Tilgate Park?

- Yes
- No
- Don't know

Please briefly explain below why you don't support, or are uncertain about, the implementation of the Public Space Protection Order for dog related anti-social behaviour in Tilgate Park:

5. Would you support the provision of an area within Tilgate Park where dogs can be off lead?

- Yes
- No
- Don't know

Please briefly explain below why you don't support, or are uncertain about, the provision of an area within Tilgate Park where dogs can be off lead:

6. If you have any further comments regarding the PSPO, please use the free-text box below:

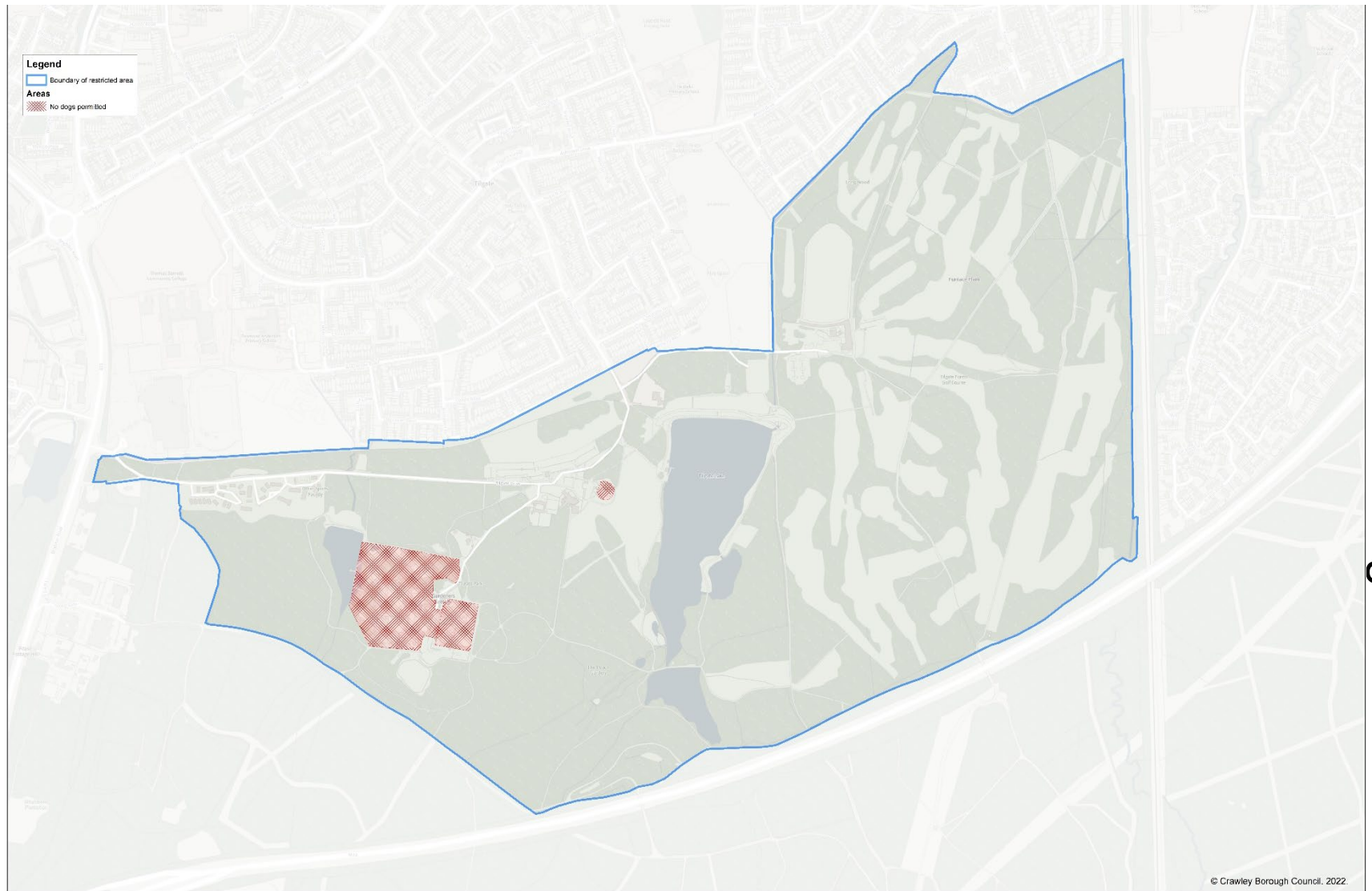
Thank you for taking the time to complete this questionnaire and sharing your views with us. If completing a paper version please return to Communications Team, Crawley Borough Council, Town Hall, The Boulevard, Crawley, RH10 1UZ

If you wish to speak to someone regarding the proposal or require further information, please email pspo@crawley.gov.uk

Tilgate Park Public Spaces Protection Order restricted area map

This map shows the area that would be covered by the Public Spaces Protection Order for dogs on leads at all times. It covers Tilgate Park, Tilgate Nature Centre and Tilgate Forest Golf Centre. The boundaries are the M23 in the south, the railway line in the east, Tilgate neighbourhood in the north and Forestry Commission land to the west.

The map also shows the areas where no dogs would be allowed; these are Tilgate Nature Centre, the Walled Garden or the children's play area.



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

**Draft Dog Control (Tilgate Park) Public Spaces
Protection Order No. 1 of 2022 (“Order”)
(Seasonal)**

PUBLIC SPACES PROTECTION ORDER

This order is made by Crawley Borough Council (the “Council”) and shall be known as the Dog Control (Tilgate Park) Public Spaces Order No. 1 of 2022.

PRELIMINARY

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

DEFINITIONS

4. In this Order:

- 4.1 “authorised officer” means a police officer, a police community support officer (PSCO), a Council officer and any person authorised by the Council to enforce this Order.
- 4.2 “lead” means any rope, cord, leash, or similar item used to tether, control or restrain a dog but does not include any such item which is not actively used as a means of restraint or control of the dog.
- 4.3 “person in charge of a dog” means the person aged 18 years or older who has the dog in their possession, care or company or, if none, the owner or person who habitually has the dog in their possession.
- 4.4 “prescribed charity” shall mean any of the following charities:
 - (a) Dogs for the Disabled (registered charity number 700454);
 - (b) Support Dogs (registered charity number 1088281);
 - (c) Canine Partners for Independence (registered charity number 803680);
 - (d) Dog A.I.D. (registered charity number 1098619);
 - (e) Dogs for Good (registered charity number 1092960);
 - (f) Guide Dogs (registered charity number 209617); and
 - (g) Hearing Dogs for Deaf People (registered charity number 293358).
 - (h) any charity created after this Order which trains dogs to assist persons with any disability affecting their mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects.
- 4.5 “public place” means any place to which the public or any section of the public has access.
- 4.6 “restricted area” has the meaning given by section 59(4) of the Anti-Social Behaviour, Crime and Policing Act 2014 and for the purposes of

this Order includes all public places within the area shown delineated by the blue line on the plan Schedule 1 to this Order.

THE ACTIVITIES

5. The activities are the inadequate and/or poor exercise of control of a dog by a person such that the dog causes nuisance, alarm and/or distress to other persons and/or animals.

THE PROHIBITIONS

6. During the period of 1st March to 31st October inclusive within any year, and subject to the exceptions stated below, a person in charge of a dog within the restricted area shall not at any time take the dog into, nor shall they allow the dog to enter or remain, in any of the areas hatched in red on the plan in Schedule 1 to this Order, such areas being the children's playground, the Walled Garden and the Tilgate Nature Centre.

THE REQUIREMENTS

7. During the period of 1st March to 31st October inclusive within any year, and subject to the exceptions stated below, a person in charge of a dog within the restricted area shall at all times keep the dog on a lead of not more than 2.0 metres in length.
8. During the period of 1st March to 31st October inclusive within any year, and subject to the exceptions stated below, a person in charge of a dog within the restricted area shall provide, when asked by an authorised officer, their name and address to that authorised officer.
9. During the period of 1st March to 31st October inclusive within any year, and subject to the exceptions stated below, a person in charge of a dog within the restricted area must at all times immediately comply with a direction given to them by an authorised officer to put and keep the dog on a lead.

THE EXCEPTIONS

10. The prohibition in paragraph 6 and the requirements in paragraphs 7, 8 and 9 do not apply to any person who:
 - 10.1 is registered as a blind person in a register compiled under section of the National Assistance Act 1949; or

- 10.2 is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which that person relies for assistance; or
 - 10.3 has a disability which affects his/her mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, and who is in control of a dog trained by a prescribed charity upon which that person relies for assistance.
11. The prohibition in paragraph 6 and the requirements in paragraphs 7, 8 and 9 do not apply to any person in control of a dog on official duty for a recognised law enforcement body (such as a police dog handler).
 12. The prohibition in paragraph 6 and the requirements in paragraphs 7, 8 and 9 do not apply to any person:
 - 12.1 in control of any canidae kept as an exhibit in the zoo collection of Tilgate Nature Centre; or
 - 12.2 in control of any canidae during the transport of such animals to and from Tilgate Nature Centre.
 13. The requirements in paragraphs 7, 8 and 9 do not apply to any person in charge of a dog whilst both they and the dog are within any completely fenced off area which the Council may in future designate for the purpose of dog activity and which is clearly marked as such by signage erected by the Council thereon.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

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

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in the Magistrates' Court to a fine not exceeding level 3 on the standard scale.

FIXED PENALTY

A constable, police community support officer or authorised Council officer may issue a fixed penalty notice to anyone they believe has committed an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

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

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

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
 - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
 - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order.

- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

The COMMON SEAL of CRAWLEY)
BOROUGH COUNCIL was hereunto)
affixed the day of)
in the presence of:)

Schedule 1

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Agenda Item 8

Crawley Borough Council

Report to Overview and Scrutiny Commission
04 July 2022

Report to Cabinet
06 July 2022

Treasury Management Outturn 2021-2022

Report of the Head of Corporate Finance – FIN/575

1. Purpose

- 1.1 This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2021/22. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.2 During 2021/22 the minimum reporting requirements were that the Full Council should receive the following reports:
 - an Annual Treasury Strategy in advance of the year (Council 24/02/2021, FIN/517)
 - a mid-year treasury update report (Council 15/12/2021, FIN/538)
 - an annual review following the end of the year describing the activity compared to the Strategy (this report)
- 1.3 The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.
- 1.4 This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Overview and Scrutiny Commission before they were reported to the Full Council.

2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

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

- 2.2 To the Cabinet

The Cabinet is recommended to:

- a) To approve the actual 2021/22 Prudential and Treasury Indicators as set out in the report;
- b) To note the Annual Treasury Management Report for 2021/22.

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3. Reasons for the Recommendations

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

4. The Council's Capital Expenditure and Financing

- 4.1 The Council undertakes capital expenditure on long-term assets. These activities may either be:
- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions, etc.), which has no resultant impact on the Council's borrowing need; or
 - If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.
- 4.2 The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

General Fund £'000	2020/21 Actual	2021/22 Budget	2021/22 Actual
Capital expenditure	19,514	44,989	31,416
Non-financial investments	0	0	0
Financed in year	19,514	28,989	31,416
Unfinanced capital expenditure	0	16,000	0

HRA £'000	2020/21 Actual	2021/22 Budget	2021/22 Actual
Capital expenditure	22,703	33,400	13,927
Financed in year	22,703	33,400	13,927
Unfinanced capital expenditure	0	0	0

5. The Council's Overall Borrowing Need

- 5.1 On 31st March 2022, the Council had net borrowing of £131.380m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in the table below.

£'000	31 March 2022 Actual
CFR General Fund	18,778
CFR HRA	240,625
Total CFR	259,403
External borrowing	260,325

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£'000	31 March 2022 Actual
Over borrowing	(922)
Less: Usable reserves	75,549
Less: Working capital	53,396
Net borrowing	131,380

- 5.2 Lower official interest rates have lowered the cost of short-term, temporary loans and investment returns from cash assets that can be used in lieu of borrowing. The Authority pursued its strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk and keep interest costs low.
- 5.3 **The authorised limit** - the authorised limit is the “affordable borrowing limit” required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2020/21 the Council has maintained gross borrowing within its authorised limit.
- 5.4 **The operational boundary** – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.

General Fund £'000	2021/22
Authorised limit	26,000
Maximum gross borrowing position during the year	5,000
Operational boundary	16,000
Average gross borrowing position	579
Financing costs as a proportion of net revenue stream	-0.63%

- 5.5 **Actual financing costs as a proportion of net revenue stream** - this indicator identifies the trend in the cost of capital, (borrowing and other long term obligation costs net of investment income), against the net revenue stream.

HRA £'000	2021/22
Authorised limit	270,325
Maximum gross borrowing position during the year	260,325
Operational boundary	260,325
Average gross borrowing position	260,325
Financing costs as a proportion of net revenue stream	17.52%

6. Treasury Position as at 31 March 2022

- 6.1 The Council measures and manages its exposures to treasury management risks using the following indicators.

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6.2 Security

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

Credit risk indicator	Actual 31 March 2022	2021/22 Target	Complied?
Portfolio average credit rating	AA-	A	✓

6.3 Liquidity

The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three month period, without additional borrowing.

Liquidity risk indicator	Actual 31 March 2022	2021/22 Target	Complied?
Total cash available within 3 months	£44.7m	£3m	✓

6.4 Interest Rate Exposures

This indicator is set to control the Council's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interests was:

Interest rate risk indicator	Actual 31 March 2022	2021/22 Target	Complied?
Upper limit on one-year revenue impact of a 1% <u>rise</u> in interest rates	£0.208m	£1m	✓
Upper limit on one-year revenue impact of a 1% <u>fall</u> in interest rates	£(0.208)m	£(1)m	✓

6.5 Maturity Structure of Borrowing

This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

	31 March 2021 Actual £000	2021/22 Original Limits	31 March 2022 Actual £000	Complied?
Under 12 months	0	10%	11,000 (4%)	✓
12 months and within 24 months	11,000 (4%)	10%	12,000 (5%)	✓
24 months and within 5 years	38,000 (15%)	20%	41,000 (16%)	✓
5 years and within 10 years	86,000 (33%)	40%	92,000 (35%)	✓
10 years and within 20 years	125,325 (48%)	55%	104,325 (40%)	✓
20 years and within 30 years	0	10%	0	✓
30 years and within 40 years	0	10%	0	✓
40 years and within 50 years	0	10%	0	✓

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Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

6.6 Principal sums invested for periods longer than a year

The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities greater than one year beyond the period end were:

	2021/22	2022/23	2023/24
Actual principal invested beyond year end	£10m	£0m	£0m
Limit on principal invested beyond year end	£20m	£20m	£20m
Complied?	✓	✓	✓

6.7 The treasury management position at 31st March 2022 and the change during the year is shown in the table below.

Treasury Management Summary	31.3.21 Balance £000	Movement £000	31.3.22 Balance £000	31.3.22 Rate %
Long-term borrowing	260,325	(11,000)	249,325	3.2
Short-term borrowing	0	11,000	11,000	2.6
Total borrowing	260,325	0	260,325	3.2
Long-term investments	0	9,996	9,996	0.29
Short-term investments	92,000	6,893	98,893	0.24
Cash and cash equivalents	17,094	2,962	20,056	0.62
Total investments	109,094	19,851	128,945	0.30
Net borrowing	151,231	(19,851)	131,380	

7. Borrowing Update and Outturn for 2021/22

- 7.1 The Authority was not planning to borrow to invest primarily for commercial return and so is unaffected by the changes to the Prudential Code.
- 7.2 At 31st March 2022 the Council held £260.325m of loans, no change from 31st March 2021, which was all for the HRA self-financing settlement.
- 7.3 The Council's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Council's long-term plans change being a secondary objective.
- 7.4 In keeping with these objectives, no new borrowing was undertaken.

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8. Investment strategy and control of interest rate risk

8.1 CIPFA published a revised Treasury Management in the Public Services Code of Practice and Cross-Sectoral Guidance Notes on 20th December 2021. These define treasury management investments as investments that arise from the organisation's cash flows or treasury risk management activity that ultimately represents balances that need to be invested until the cash is required for use in the course of business.

8.2 The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year, the Council's investment balances ranged between £109.1 and £157.6 million due to timing differences between income and expenditure. The investment position is shown in the table below.

INVESTMENT PORTFOLIO	Actual 31 March 2021 £000	Net Movement £000	Actual 31 March 2022 £000	31 March 2022 Income Return %	31 March 2022 Weighted Average Maturity Days
Treasury investments					
UK Banks	494	62	556	0.65%	1
Government	0	17,189	17,189	0.30%	286
Local authorities	92,000	(300)	91,700	0.23%	196
Money Market Funds	16,600	(7,100)	9,500	0.56%	1
Cash plus funds	0	10,000	10,000	0.67%	5
TOTAL TREASURY INVESTMENTS	109,094	19,851	128,945	0.27%	192

8.3 Both the CIPFA Code and government guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

8.4 Ultra low short-dated cash rates, which were a feature since March 2020 when Bank Rate was cut to 0.1%, prevailed for much of the 12-month reporting period which resulted in the return on sterling low volatility net asset value (LVNAV) Money Market Funds being close to zero even after some managers have temporarily waived or lowered their fees. However, higher returns on cash instruments followed the increases in Bank Rate in December, February and March. At 31st March, the 1-day return on the Authority's MMFs ranged between 0.51% - 0.58% p.a.

8.5 Similarly, deposit rates with the Debt Management Account Deposit Facility (DMADF) initially remained very low with rates ranging from 0% to 0.1% but following the hikes to policy, rates increased to between 0.55% and 0.85% depending on the deposit maturity. The average return on the Authority's DMADF deposits was 0.54%.

8.6 The progression of risk and return metrics are shown in the extracts from Arlingclose's quarterly investment benchmarking in the table below.

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Investments managed in-house	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (days)	Rate of Return %
31.03.2021	4.56	A+	16%	143	0.40
31.03.2022	4.39	AA-	8%	192	0.27
Similar Las	4.37	AA-	61%	43	0.46
All LAs	4.39	AA-	60%	14	0.46

8.7 Externally Managed Pooled Funds: £10m of the Council's investments is invested in externally managed strategic pooled funds where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability.

8.8 In light of Russia's invasion, Arlingclose contacted the fund managers of our MMF, cash plus and strategic funds and confirmed no direct exposure to Russian or Belarusian assets had been identified. Indirect exposures were immaterial. It should be noted that any assets held by banks and financial institutions (e.g. from loans to companies with links to those countries) within MMFs and other pooled funds cannot be identified easily or with any certainty as that level of granular detail is unlikely to be available to the fund managers or Arlingclose in the short-term, if at all.

Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Authority's medium- to long-term investment objectives are regularly reviewed. Strategic fund investments are made in the knowledge that capital values will move both up and down on months, quarters and even years; but with the confidence that over a three- to five-year period total returns will exceed cash interest rates.

9. Non-Treasury Investments

9.1 The definition of investments in CIPFA's revised Treasury Management Code now covers all the financial assets of the Council as well as other non-financial assets which the Council holds primarily for financial return. This is replicated in the Investment Guidance issued by Ministry of Housing, Communities and Local Government's (MHCLG), in which the definition of investments is further broadened to also include all such assets held partially for financial return.

Investment Guidance issued by the Department for Levelling Up Housing and Communities (DLUHC) and Welsh Government also broadens the definition of investments to include all such assets held partially or wholly for financial return.

9.2 The Council held £13.542m of commercial investments in directly owned properties.

A full list of the Council's commercial investments is in the table below:

	Purchase Cost £000	Fair Value as at	Income for year	Rate of return %
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		31/03/2022 £000	2021/22 £000	
Atlantic House	4,633	8,338	320	3.84
49-51 High Street	1,576	1,183	28	2.39
Ashdown House	7,915	4,021	627	15.59
TOTAL	14,124	13,542	975	7.20

Kingsgate car park was bought as an investment property for commercial purposes, but this transferred to an operational property after the lease was surrendered without notice on 11 October 2021. It therefore does not appear in the table above.

9.3 The Authority also held £57.699m of service investments in

- directly owned property £57.299m
- loan to The Hawth £0.4m

Service investments are not held primarily for financial return and support service objectives of the Council.

10. Investment Outturn for 2021/22

10.1 **Investment Policy** – the Council’s investment policy is governed by Government guidance, which was been implemented in the annual investment strategy approved by the Council on 24 February 2021. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies supplemented by additional market data such as rating outlooks and credit default swaps.

10.2 The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

10.3 **Resources** – the Council’s cash balances comprise revenue and capital resources and cash flow monies. The Council’s core cash resources comprised as follows.

Balance Sheet Resources (£'000)	31 March 2021	31 March 2022
General Fund Balance	5,457	5,457
HRA Balance	3,198	3,198
Earmarked reserves (Appendix 3)	33,389	20,056
Major Repairs Reserve	23,095	27,007
Usable capital receipts	31,160	19,831
Working capital	12,795	53,396
Total	109,094	128,945

10.4 **Investments held by the Council** - the Council maintained an average balance of £130,669,451 of internally managed funds. The internally managed funds earned an average rate of return of 0.32%. See appendix 2 for a list of investments held at 31 March 2022. Revisions of the capital programme in the year (see 4.2) led to higher investment balances than budgeted. The lower rates of return are discussed in paragraph 5.2 and appendix 1.

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11. Implications

- 11.1 The financial and legal implications are addressed throughout this report. The Council's investments were managed in compliance with the Treasury Management Code and the Prudential Code through the year.

12. Background Papers

[Treasury Management Strategy for 2021/2022 – Cabinet, 3 February 2021 \[FIN/517 refers\]](#)

[Treasury Management Mid-Year Review 2021/22 – Cabinet, 24 November 2021 \[FIN/538 refers\]](#)

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Economic background

The continuing economic recovery from coronavirus pandemic, together with the war in Ukraine, higher inflation, and higher interest rates were major issues over the period.

Bank Rate was 0.1% at the beginning of the reporting period. April and May saw the economy gathering momentum as the shackles of the pandemic restrictions were eased. Despite the improving outlook, market expectations were that the Bank of England would delay rate rises until 2022. Rising, persistent inflation changed that.

UK CPI was 0.7% in March 2021 but thereafter began to steadily increase. Initially driven by energy price effects and by inflation in sectors such as retail and hospitality which were re-opening after the pandemic lockdowns, inflation then was believed to be temporary. Thereafter price rises slowly became more widespread, as a combination of rising global costs and strong demand was exacerbated by supply shortages and transport dislocations. The surge in wholesale gas and electricity prices led to elevated inflation expectations. CPI for February 2022 registered 6.2% year on year, up from 5.5% in the previous month and the highest reading in the National Statistic series. Core inflation, which excludes the more volatile components, rose to 5.2% y/y from 4.4%.

The government's jobs furlough scheme insulated the labour market from the worst effects of the pandemic. The labour market began to tighten and demand for workers grew strongly as employers found it increasingly difficult to find workers to fill vacant jobs. Having peaked at 5.2% in December 2020, unemployment continued to fall and the most recent labour market data for the three months to January 2022 showed the unemployment rate at 3.9% while the employment rate rose to 75.6%. Headline 3-month average annual growth rate for wages were 4.8% for total pay and 3.8% for regular pay. In real terms, after adjusting for inflation, total pay growth was up 0.1% while regular pay fell by 1.0%.

With the fading of lockdown – and, briefly, the 'pingdemic' – restraints, activity in consumer-facing sectors improved substantially as did sectors such as oil and mining with the reopening of oil rigs but materials shortages and the reduction in the real spending power of households and businesses dampened some of the growth momentum. Gross domestic product (GDP) grew by an upwardly revised 1.3% in the fourth calendar quarter of 2021 according to the final estimate (initial estimate 1.0%) and took UK GDP to just 0.1% below where it was before the pandemic. The annual growth rate was revised down slightly to 7.4% (from 7.5%) following a revised 9.3% fall in 2020.

Having increased Bank Rate from 0.10% to 0.25% in December, the Bank of England hiked it further to 0.50% in February and 0.75% in March. At the meeting in February, the Monetary Policy Committee (MPC) voted unanimously to start reducing the stock of its asset purchase scheme by ceasing to reinvest the proceeds from maturing bonds as well as starting a programme of selling its corporate bonds.

In its March interest rate announcement, the MPC noted that the invasion of Ukraine had caused further large increases in energy and other commodity prices, with the expectation that the conflict will worsen supply chain disruptions around the world and push CPI inflation to around 8% later in 2022, even higher than forecast only a month before in the February Monetary Policy Report. The Committee also noted that although GDP in January was

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stronger than expected with business confidence holding up and the labour market remaining robust, consumer confidence had fallen due to the squeeze in real household incomes.

GDP growth in the euro zone increased by 0.3% in calendar Q4 2021 following a gain of 2.3% in the third quarter and 2.2% in the second. Headline inflation remains high, with CPI registering a record 7.5% year-on-year in March, the ninth successive month of rising inflation. Core CPI inflation was 3.0% y/y in March, was well above the European Central Bank's target of 'below, but close to 2%', putting further pressure on its long-term stance of holding its main interest rate of 0%.

The US economy expanded at a downwardly revised annualised rate of 6.9% in Q4 2021, a sharp increase from a gain of 2.3% in the previous quarter. In its March 2022 interest rate announcement, the Federal Reserve raised the Fed Funds rate to between 0.25% and 0.50% and outlined further increases should be expected in the coming months. The Fed also repeated its plan to reduce its asset purchase programme which could start by May 2022.

Financial markets

The conflict in Ukraine added further volatility to the already uncertain inflation and interest rate outlook over the period. The Dow Jones started to decline in January but remained above its pre-pandemic level by the end of the period while the FTSE 250 and FTSE 100 also fell and ended the quarter below their pre-March 2020 levels.

Bond yields were similarly volatile as the tension between higher inflation and flight to quality from the war pushed and pulled yields, but with a general upward trend from higher interest rates dominating as yields generally climbed.

The 5-year UK benchmark gilt yield began the quarter at 0.82% before rising to 1.41%. Over the same period the 10-year gilt yield rose from 0.97% to 1.61% and the 20-year yield from 1.20% to 1.82%.

The Sterling Overnight Rate (SONIA) averaged 0.39% over the quarter.

Credit review

In the first half of FY 2021-22 credit default swap (CDS) spreads were flat over most of period and are broadly in line with their pre-pandemic levels. In September spreads rose by a few basis points due to concerns around Chinese property developer Evergrande defaulting but then fell back. Fitch and Moody's revised upward the outlook on a number of UK banks and building societies on the Authority's counterparty to 'stable', recognising their improved capital positions compared to 2020 and better economic growth prospects in the UK.

Fitch also revised the outlook for Nordea, Svenska Handelsbanken and Handelsbanken plc to stable. The agency considered the improved economic prospects in the Nordic region to have reduced the baseline downside risks it previously assigned to the lenders.

The successful vaccine rollout programme was credit positive for the financial services sector in general and the improved economic outlook meant some institutions were able to reduce provisions for bad loans. However, in 2022, the uncertainty engendered by Russia's invasion of Ukraine pushed CDS prices modestly higher over the first calendar quarter, but only to levels slightly above their 2021 averages, illustrating the general resilience of the banking sector.

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Having completed its full review of its credit advice on unsecured deposits, in September Arlingclose extended the maximum duration limit for UK bank entities on its recommended lending list from 35 days to 100 days; a similar extension was advised in December for the non-UK banks on this list. As ever, the institutions and durations on the Authority's counterparty list recommended by Arlingclose remains under constant review.

Detailed holdings at 31 March 2022

APPENDIX 2

Counter Party	Deal Ref	Issue	Maturity	Days to Mature	Interest Rate	Nominal (£m)	Total (£m)	Limit (£m)	Rating
UK BANKS									
Lloyds Bank plc	20		01/04/2022	1	0.650%	0.556	0.556	10.000	A+
CENTRAL GOVERNMENT									
DMADF Cash Account	2712	15/03/2022	05/04/2022	5	0.530%	5.000			
	2715	28/03/2022	08/04/2022	8	0.550%	2.200	7.200	Unlimited	AA-
United Kingdom Gilts	2672	18/06/2021	31/01/2024	671	0.173%	4.886			
	2684	01/10/2021	31/01/2023	306	0.245%	4.959	10.000	15.000	AA-
LOCAL AUTHORITIES									
Birmingham City Council	2667	30/11/2021	29/11/2022	243	0.100%	5.000	5.000	15.000	AA-
Blackburn with Darwen BC	2643	13/09/2021	12/09/2022	165	0.200%	5.000	5.000	15.000	AA-
Cherwell District Council	2654	16/08/2021	16/08/2022	138	0.100%	5.000	5.000	15.000	AA-
Cheshire West and Chester Council	2671	04/01/2022	03/01/2023	278	0.100%	5.000	5.000	15.000	AA-
Derbyshire County Council	2653	28/10/2021	28/10/2022	211	0.100%	5.000	5.000	15.000	AA-
Gloucester City Council	2655	25/10/2021	24/10/2022	207	0.100%	3.700	3.700	15.000	AA-
Guildford Borough Council	2695	01/11/2021	01/11/2022	215	0.100%	5.000	5.000	15.000	AA-
London Borough Of Hillingdon	2661	20/12/2021	19/12/2022	263	0.100%	5.000	5.000	15.000	AA-
Lancashire CC	2690	01/11/2021	01/11/2022	215	0.200%	2.000	2.000	15.000	AA-
London Borough of Islington	2652	07/05/2021	06/05/2022	36	0.100%	5.000	5.000	15.000	AA-
City of Liverpool	2651	21/06/2021	20/06/2022	81	0.150%	5.000	5.000	15.000	AA-
Middlesborough Borough Council	2716	31/03/2022	30/09/2022	183	0.900%	5.000	5.000	15.000	AA-
Monmouthshire County Council	2697	27/01/2022	26/01/2023	301	0.180%	3.000	3.000	15.000	AA-
North Lincolnshire Council	63	01/04/2021	01/04/2022	1	1.750%	3.000	3.000	15.000	AA-
Royal Borough of Windsor & Maidenhe	2688	18/10/2021	19/04/2022	19	0.020%	5.000	5.000	15.000	AA-
Rotherham Metropolitan Borough Coun	2645	18/06/2021	16/06/2023	442	0.450%	5.000	5.000	15.000	AA-
Slough Borough Council	2657	29/10/2021	28/10/2022	211	0.100%	2.000			
	2659	19/11/2021	21/11/2022	235	0.100%	3.000	5.000	15.000	AA-
South Cambridgeshire District Counc	2658	15/12/2021	14/12/2022	258	0.100%	5.000	5.000	15.000	AA-
Uttlesford District Council	2641	14/09/2021	13/09/2022	166	0.200%	5.000	5.000	15.000	AA-
Warrington Borough Council	2668	30/11/2021	29/11/2022	243	0.110%	5.000	5.000	15.000	AA-
MONEY MARKET FUNDS									
Aberdeen Liquidity Fund	5		01/04/2022	1	0.507%	2.500	2.500	6.000	AAA
The Public Sector Deposit Fund	6		01/04/2022	1	0.579%	7.000	7.000	15.000	AAA
STRATEGIC FUNDS									
Royal London	2714		05/04/2022	5	0.670%	10.000	10.000	10.000	A+

Counter Party	Deal Ref	Issue	Maturity	Days to Mature	Interest Rate	Nominal (£m)	Total (£m)	Limit (£m)	Rating
				----- 177 -----			----- 128.945 -----		
INVESTMENT PROPERTIES									
Ashdown House							8.338		
49-51 High Street							1.183		
Atlantic House							4.021		
							----- 13.542 -----		
							----- 142.487 -----		

Earmarked Reserves

	Balance at 31 March 2021 £'000	Transfers Out 2021/22 £'000	Transfers In 2021/22 £'000	Balance at 31 March 2022 £'000
General Fund:				
Capital Programme	2,242	(152)	203	2,293
Restructuring Impact Reserve	400	-	-	400
Vehicles and Plant	1,015	(68)	685	1,632
Insurance Fund	378	-	-	378
ICT Replacement	170	(10)	100	260
Specialist Equipment at K2 Crawley and Hawth	166	-	100	266
Risk Management	175	-	90	265
Heritage Strategy	18	-	-	18
Pathfinder	24	-	-	24
Local Development Framework	443	(147)	127	423
Health & Wellbeing Grant	170	(6)	59	223
Connecting Communities	48	-	-	48
Homeless grant	141	-	-	141
Town Centre and Regeneration Reserve	124	(31)	161	254
Waste Collection	226	-	-	226
Worth Park HLF	33	-	-	33
Vol. Sector Transition Funding	24	-	34	58
Welfare Reform	430	(33)	-	397
Transparency	9	(16)	8	1
Shore gap fund	7	-	-	7
Parks Investment Reserve	-	(76)	344	268
Museum	60	(1)	-	59
Town Centre 75 th Entertainment	-	-	5	5
EU Exit Funding	338	(247)	-	91
Park Improvement Fund	87	-	-	87
Business Rates Pool Cycling	115	(13)	-	102
Homeless Accommodation Acquisition	1,529	-	-	1,529
Queen Square	381	-	-	381
Supported Accommodation	120	-	-	120
Town Funds	134	(1,144)	1,055	45

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	Balance at 31 March 2021 £'000	Transfers Out 2021/22 £'000	Transfers In 2021/22 £'000	Balance at 31 March 2022 £'000
Covid-19 Expenses Reserve	645	-	172	817
HMO Licenses	21	-	25	46
Transformation and Project Deliver	-	-	500	500
Woodland Trust Forestry Work	-	-	27	27
Climate Emergency	-	-	7	7
DEFRA Environment Health	-	-	17	17
Biodiversity Net Gain Grant	-	-	10	10
Garage maintenance	-	-	169	169
Learning and Development	-	-	55	55
Town Hall Equalisation	-	-	150	150
Licensing New Burdens	-	-	14	14
CBC Earmarked Reserves	9,673	(1,944)	4,117	11,846
Business Rates Equalisation*	21,821	(13,859)	-	7,962
Covid Grants*	1,813	(1,813)	167	167
Council Tax Income Guarantee*	81	-	-	81
Total Earmarked Reserves	33,388	(17,616)	4,284	20,056

Other Information

Revised CIPFA codes, Updated PWLB Lending Facility Guidance: In August 2021 HM Treasury significantly revised guidance for the PWLB lending facility with more detail and 12 examples of permitted and prohibited use of PWLB loans. Authorities that are purchasing or intending to purchase investment assets primarily for yield will not be able to access the PWLB except to refinance existing loans or externalise internal borrowing. Acceptable use of PWLB borrowing includes service delivery, housing, regeneration, preventative action, refinancing and treasury management.

CIPFA published its revised Prudential Code for Capital Finance and Treasury Management Code on 20th December 2021. The key changes in the two codes are around permitted reasons to borrow, knowledge and skills, and the management of non-treasury investments.

The principles of the Prudential Code took immediate effect although local authorities could defer introducing the revised reporting requirements until the 2023/24 financial year if they wish. The Council has opted to defer until 2023/24.

To comply with the Prudential Code, authorities must not borrow to invest primarily for financial return. This Code also states that it is not prudent for local authorities to make investment or spending decision that will increase the CFR unless directly and primarily related to the functions of the authority. Existing commercial investments are not required to be sold; however, authorities with existing commercial investments who expect to need to borrow should review the options for exiting these investments.

Borrowing is permitted for cashflow management, interest rate risk management, to refinance current borrowing and to adjust levels of internal borrowing. Borrowing to refinance capital expenditure primarily related to the delivery of a local authority's function but where a financial return is also expected is allowed, provided that financial return is not the primary reason for the expenditure. The changes align the CIPFA Prudential Code with the PWLB lending rules.

Unlike the Prudential Code, there is no mention of the date of initial application in the Treasury Management Code. The TM Code now includes extensive additional requirements for service and commercial investments, far beyond those in the 2017 version. The Council will follow the same process as the Prudential Code, i.e. delaying changes in reporting requirements to the 2023/24 financial year.

IFRS 16: The implementation of the new IFRS 16 Leases accounting standard has an optional delay until 2024/25. The Council have opted to adopt IFRS 16 from 1st April 2022.

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Crawley Borough Council

Report to Overview and Scrutiny Commission

4th July 2022

Report to Cabinet

6th July 2022

Financial Outturn 2021/2022: Budget Monitoring - Quarter 4

Report of the Head of Corporate Finance, FIN/572

1. Purpose

- 1.1 The report sets out a summary of the Council's actual revenue and capital spending for the financial year to March 2022. It identifies the main variations from the approved spending levels and any potential impact on future budgets. The report also gives an update of useable reserves.

2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

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

- 2.2 To the Cabinet:

The Cabinet is recommended to:

- a) **Note the outturn for the financial year 2021/22 as summarised in this report.**
- b) **Note that this has been an exceptional year where it has been very difficult to do accurate financial projections.**
- c) **Add £97,000 to the capital programme, funded from Government Grant for Changing Places Toilets as outlined in section 9.10 of this report.**

The Cabinet is recommended to ask Full Council to:

- d) **Agree to the transfers of reserves as outlined in section 10 of this report.**

3. Reasons for the Recommendations

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

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4. Background

- 4.1 As part of the Budget Strategy, the Council has in place robust budget monitoring systems to ensure that unapproved overspends are avoided. The Council also manages and analyses underspending to identify potential savings that could help meet current and future years' priorities.
- 4.2 Budget monitoring is undertaken on a monthly basis with budget holders. There are quarterly budget monitoring reports to Cabinet with the Corporate Management Team receiving monthly update reports on key areas and any other areas of concern. The Overview and Scrutiny Commission also have the opportunity to scrutinise expenditure. The financial year 2021/2022 was exceptionally difficult to project accurately due to the impact of the pandemic on the Council's finances together with Government support.
- 4.3 This report outlines the projected outturn for 2021/2022 as at the end of March 2022.
- 4.4 As discussed in the budget report and Budget Strategy, due to the pandemic it is very difficult to accurately forecast the Council's financial position for the year.

5. Budget Monitoring Variations

5.1 General Fund

The table below summarises the projected variances in the relevant Portfolio at Quarter 4. This shows an underspend of £656,000 against the original budget.

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

	Actual Variance at Quarter 4		Variance projected at Quarter 3
	£'000		£'000
Cabinet	267	U	337
Public Protection & Community Engagement	(85)	F	(71)
Environmental Services & Sustainability	21	U	305
Housing	162	U	161
Wellbeing	795	U	1,225
Planning & Economic Development	38	U	(47)
Resources	(84)	F	(2)
Sub Total	1,114	U	1,908
Investment Interest	(512)	F	(622)
Approved Coronavirus Budgets	(941)	F	(1,113)
Sales, Fees and Charges Grant Q1	(316)	F	(316)
New Homes Bonus	(1)	F	0
Net Variance	(656)		(143)

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

Significant Quarter 4 variances over £50,000

5.1.1 Cabinet

There are no significant variations to report this quarter.

5.1.2 Public Protection & Community Engagement

There are no significant variations to report this quarter.

5.1.3 Environmental Services & Sustainability Services

Upgraded security due to recent capital works has reduced the level of vandalism occurring within Crawley Borough Council car parks, combined with lower maintenance costs and an uptake in pay and display usage during quarter four, the actual overspend has been reduced to £62,000 from £146,000 reported at quarter 3.

New legislation has been approved which provides 100% business rates relief for public conveniences, backdated to April 2020. A refund has therefore been received for financial year 2020/2021 resulting in an in-year underspend of £51,000.

An underspend of £88,000 has occurred within the shrub bed regeneration team due to difficulty recruiting and retaining employees to work on fixed term contracts. Successful candidates were instead opting to take full-time patchworking vacancies. The lack of a complete team has then led to further underspends on some operational activities including planting of new shrub beds.

Other minor variations within street furniture and street cleansing combine to a total underspend of £59,000.

5.1.4 Housing Services

The homelessness team continue to see sustained pressure with rough sleeping and increasing numbers housed in temporary accommodation. This will likely continue to get worse in 2022/23 based on the latest numbers in nightly paid accommodation, this will be reported during the quarterly monitoring process.

5.1.5 Wellbeing

Quarter 4 saw Community Centre income return to near pre-covid levels with increased casual and regular hire. This has resulted in almost £150,000 of additional income from the quarter 3 projection. Adult social hire also recommenced on 25 March but had minimal impact on income levels.

The Hawth contract has underspent by a further £219,000 against quarter 3 as a result of a successful application to the Cultural Recovery Fund. This was utilised to offset revenue deficits during the year.

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5.1.6 Planning & Economic Development

Commercial property income is down £189,000 from the quarter 3 projection due to lease renewals on parades taking longer to agree than expected.

Vacancies within the property team have led to a total underspend of £124,000. Some of this underspend had been earmarked for the CCTV move to the new town hall, but funding for this has been utilised from elsewhere.

5.1.7 Resources

There are no significant variations to report this quarter.

5.1.8 Investment Interest

Investment interest is down £110,000 from the projection at quarter 3, mostly due to movements in the market value of the Council's investments in the last quarter. These are unrealised losses and will be reversed in future years.

6. Coronavirus Budget

- 6.1 The Budget Strategy and budget report allowed for lost sales, fees & charges and additional expenditure pressures due to Covid of £1.113m. This is set up of £813,000 Covid related budget and £300,000 set aside for lost income. The below table sets out the proposed use of those funds and any remaining balance.

Covid Related Variations	Q4 Actual Variance	Q3 Projection Variance
	£000's	£000's
Environmental Services & Sustainability Services		
Parking Reduced Income	62	146
Port Health Reduced Income	127	105
Licensing Reduced Income	29	29
	218	280
Housing		
Homelessness Temporary Accommodation	171	178
	171	178
Wellbeing		
PPE (Neighbourhood services)	25	40
Community Centres Reduced Income	107	254
The Hawth Reduced Management Fees	(270)	(51)
K2 Crawley Reduced Income & Additional Support	952	915
	814	1,158
Planning & Economic Development		
Planning Reduced Income	42	42
Building Control Reduced Income	12	30
	54	72

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Subtotal	1,257	1,688
Sales, Fees & Charges Grant Q1	(316)	(316)
Use of approved coronavirus budgets	941	1,113
Additional amount met by in year underspend / Covid reserve	0	259

Coronavirus budget transferred to reserve	172	0
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7. Virements

- 7.1 Virements up to £50,000 can be approved by Heads of Service under delegated powers and reported to Cabinet for information.
- 7.2 The Head of Major Projects and Commercial Services agreed a capital programme virement of £45,000 from K2 Crawley Climbing Wall to Broadfield 3G Lighting to replace all the pitch lighting on site with LRD lights as per 9.9 further down in this report.

8. Council Housing Service – Revenue

- 8.1 The table below provides details of the 2021/2022 HRA variances.

HOUSING REVENUE ACCOUNT (HRA)

	Q4 Variation £000's	Q3 Variation £000's
<u>Income</u>		
Rental Income	3,458	3,500
Other Income	(24)	(7)
Interest Received on balances	(220)	(215)
	3,214	3,278
<u>Expenditure</u>		
Employees	54	84
Repairs & Maintenance	349	1,361
Other running costs	(101)	45
Support services	0	0
	302	1,490
Net (Surplus) / Deficit	3,516	4,768
Transfer to the Housing Investment Reserve	(3,516)	(4,768)

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

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8.2 Repairs and Maintenance

Quarter 4 saw a substantial decrease in the level of repairs and void works taking place compared to the increase forecasted at quarter 3. Historically workloads increase over the winter months due to storms and other seasonal demands. The overspend on the repairs contract for the year was therefore £772,000.

Difficulty gaining access to buildings for contractors along with COVID absences has led to a delay in the programme of works on external decorations. Some properties were also in need of further repairs before the planned work could be completed. More detailed work should be completed in 2022/23. The total underspend was £469,000.

In preparation for the new fire safety bill, additional fire safety inspections and emergency testing was undertaken. Where needed any remedial work was also completed resulting in an overspend of £57,000.

8.3 Other Running Costs

It was expected that the HRA would contribute to a grounds maintenance project to accurately assess the responsibility for land within the borough. This has not been completed in year due to other demands on the service and has resulted in an underspend of £121,000.

Additional legal fees of £45,000 incurred due to a disrepair claim relating to leaky roof, including damp within the property. A service review of the disrepair claim process is taking place to help mitigate the occurrence of claims and the legal fees subsequently incurred.

9. Capital

9.1 The table below shows the 2021/22 capital outturn and proposed carry forward into 2022/23. Further details on the Capital Programme are provided in Appendix 2 to this report.

	Original Budget 2021/22	Revised Budget 2021/22	Outturn 2021/22	Under/ (over)spend	Re-profiled to/(from) future years
	£000's	£000's	£000's	£000's	£000's
New Town Hall Redevelopment Programme– Joint responsibility	27,424	21,977	21,337	0	640
Cabinet	330	191	181	0	10
Environmental Services & Sustainability	264	600	431	0	169
Housing Services	3,766	4,157	3,134	0	1,023

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Planning & Economic Development	9,227	5,310	5,177	0	133
Resources	3,294	677	215	25	437
Wellbeing	1,013	1,346	941	6	399
Total General Fund	45,318	34,258	31,416	31	2,811
Council Housing	33,070	17,217	13,927	(68)	3,358
Total Capital	78,388	51,475	45,343	(37)	6,169

The original capital budget for 2021/22 was £78.39m which has been revised during the year and reduced to £51.53m and the changes being reported to Cabinet each quarter. The main reasons for the movement between the original budget and the revised budget are due to water neutrality causing delays within planning for the housing programme and delays within the Crawley Growth programme.

The projected spend at Quarter 3 was £46.5m and the actual spend was £45.34m - the main variation was around a property purchase that could not be completed before the end of March 2022.

- 9.2 Crawlers/Manor Royal Cycle Path has slipped £65,665 into 2022/23 as delivery of the scheme has proved problematic due to the desired route and the individual landowners. The scheme is funded from S106 and will be redistributed in 2022/23.
- 9.3 The District Heat Network Phase 2 is at the feasibility stage and the budget of £94,950 has been slipped into 2022/23.
- 9.4 The Disabled Facilities Grant has slipped £45,120 into 2022/23. The budget for 2022/23 has been increased by £995,966 which is Crawley's allocation from the Better Care Fund, this is allocated to West Sussex County Council and redistributed to the Districts.
- 9.5 Crawley Growth Programme
Three schemes, Station Gateway, Town Centre Western Boulevard (cycle improvements) and Town Centre Commercial space which are CBC led schemes forming part of the Crawley Growth Programme are at design stage and progressing well. The Crawley Growth Programme will be reviewed during 2022/23 which will give certainty going forward of what will be delivered in the future. The current forecast is shown in Appendix 2.
- 9.6 Temporary Accommodation has slipped £998,258 into 2022/23 due to the delay in the purchase of 225 Three Bridges Road. The purchase of this property was completed early in April 2022.
- 9.7 ICT Cloud has slipped £150,000 into 2022/23 to be used on new infrastructure needed to support working in the cloud effectively.
- 9.8 Hardware Renewals has slipped £100,000 into 2022/23 as there has been a global shortage of computer hardware.
- 9.9 The lighting at Broadfield 3G pitches requires to be updated to LED lights to ensure the lighting levels are maintained to Football League standard. At present the lamps

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are being replaced every six months due to complaints which is very costly. By replacing the lights on site with LED lights there will also be significant energy saving and be part of the larger decarbonisation programme. £45,000 has been vired from K2 Crawley Climbing Wall to Broadfield 3G Lighting.

9.10 Housing

HRA Programme Maintenance

The HRA programme maintenance is slipping a total of £892,213 into 2022/23 the main reason for the slippage is due to waiting to hear the outcome of a Social Housing Decarbonisation Fund (SHDF) grant application for £690,000, which has been successful. This grant represents one-third of the capital expenditure required to complete the final phase of the Broadfield External Wall Insulation programme.

The forecast at quarter 3 was based on our contractors forecast of expected works to be completed in the fourth quarter of 2021/22, unfortunately they had a large amount of Covid illness and were unable to complete as much work as expected.

HRA Database

The HRA Database will be overspent by £68,084. The project has been delayed and as a result will incur additional costs of £38,083. It has also been identified that the project will benefit from additional functionality above the original specification at a cost of £30,000.

Acquisition of Land or Dwelling

In 2021/22 this budget has been used for the purchase of 1 dwelling to be added to the HRA stock, leaving £498,250 to be slipped into future years.

Forge Wood Phase 2

The budget of £949,141 has been slipped into 2022/23 due to the handover of properties being pushed back. Both developers are experiencing delays in deliveries of materials which has hampered the progress of two blocks of flats that are for the Council.

Milton Mound Major Works

Works have been delayed at Milton Mount. After an inspection and officer review by Sussex Building Control a major design amendment has been required having an impact on the progress of the project so slipping £758,961 into 2022/23.

9.11 Crawley has been successful in a grant application of £97,000 from the Department for Levelling Up, Housing and Communities (DHLUC) for two Changing Places toilets: one for Crawley K2 and one for The Hawth and it is recommended that this is added to the capital programme.

9.12 Within the fourth quarter of 2021/22 **eighteen** Council Houses were sold through Right to Buy with a sale value of £3,016,650 compared to nine in the fourth quarter of last year. Of these receipts a proportion will be paid over to the Government with the remainder being retained by the Council being set aside as 1-4-1 receipts and general capital receipts. [The 1-4-1 arrangement is one where the Council retains a larger proportion of right to buy receipts than they otherwise would, in return for a commitment to spend the additional receipts on building or acquiring properties.]

The total number of properties sold in 2021/22 was 51, compared to 39 in 2020/21

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- 9.13 The total cumulative 1-4-1 receipts retained is £42,187,510 which can be used to fund 40% of any expenditure on new affordable housing. It cannot be used on schemes supported by Homes and Community Agency (HCA) Funding.
- 9.14 To date, £31,987,918 of 1-4-1 receipts has been used to partially fund the purchase or construction of properties. Any 1-4-1 receipts that are unspent after 5 years are to be returned to the Government with interest. The risk of returning any unspent 1-4-1 receipts is managed by closely monitoring all affordable housing schemes.
- 9.15 From the 1st April 2021 there were changes to the use of the Right to Buy 1-4-1 receipts that will make it easier for the Council to manage this resource. The changes include the time limit for use of receipts has been extended from 3 years to 5 years; the percentage that can be used to fund any expenditure on new affordable homes has increased from 30% to up to 40%; and the expenditure can now include shared ownership dwellings. This was as a result to responses to [Government consultation](#) on Right to Buy receipts.

10. Reserves

- 10.1 A full breakdown of the reserves is given in the Treasury Management Outturn report elsewhere in this agenda (FIN/575). A summary of the transfers is shown in the table below:

Reserves	Transfer To	Use of
	£000's	£000's
Vehicles and Plant	685	(68)
ICT Replacement	100	(10)
Specialist Equipment at K2 and Hawth	100	0
Total Renewals Fund		807
Capital Programme	203	(152)
HMO Licenses	25	0
Welfare Reform	0	(33)
Museum	0	(1)
Parks Investment Reserve	344	(76)
Business rates pool cycling	0	(13)
Covid 19 Expenses Reserve	172	0
Town centre & regeneration reserve	161	(31)
Vol. Sector Transition Funding	34	0
Health & Wellbeing	59	(6)
LDF	127	(147)
Risk Management	90	0
Transparency	8	(16)
EU Exit Funding	0	(247)
Town Funds	1,055	(1,144)
Transformation and Project Delivery	500	0
Garage Maintenance	169	0
Biodiversity Net Gain Grant	10	0
DEFRA Env. Health	17	0
Climate Emergency	7	0
Town Centre 75th Anniversary	5	0
Woodland Trust Forestry Work	27	0

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Town Hall Equalisation	150	0
Licensing New Burdens	14	0
Learning and Development	55	0
<hr/>		
Total Transfer to/(from) CBC Reserves		1,366
<hr/>		
Business Rates equalisation reserve	0	(13,859)
Business grants & isolation payments	167	(1,813)
<hr/>		
Total Transfer to/(from) Reserves		(14,139)

It is recommended that the above transfers are approved. Further explanation of some of these transfers is given below.

10.2 Business Rates Equalisation Reserve

£13,858,792 has been transferred from the reserve at the end of the year to bring the balance from £21,821,110 to £7,962,318. Whilst this is shown in useable reserves, it is not available for general use and will be used in future years to pay back the deficit on the Collection Fund which is held in an unusable reserve (the Collection Fund Adjustment Account). Business rates income for the year is estimated in January at the same time the council sets the budget. However, due to the coronavirus pandemic, the government gave a number of business rate reliefs to businesses – in the case of Crawley, this amounted to £14m. The government compensates local authorities for the impact of any changes that they make due to the Business Rates Retention Scheme. As this change was made so late in the day, this compensation (in the form of a s.31 grant) was paid to the billing authorities so that their cashflow was not negatively impacted. Now that the financial year 2021/22 is closed, the end position can be calculated, and the payments will be adjusted:

- The Council received s.31 grant in advance, part of which must not be paid back to the government. This has already been adjusted for in the 2020/21 accounts and there is a creditor on the balance sheet for £22m.
- The Collection Fund has a deficit of £6m – this is repaid by the precepting authorities over future financial years. Crawley's share of the deficit is shown the Collection Fund Adjustment Account and is £2.5m – due to be repaid in 2023/24.

10.3 Town Hall Equalisation Reserve

Due to delays in the construction of the new town hall some duplicate budgets such as business rates which have been built into the budget for 2021/22 were not required. It is difficult to budget for the running of the new town hall, particularly in forecasting when the upper floors will be let. As a result, this duplicate budget has been set aside to help with smoothing. This reserve will also be used in the future to smooth the budget for periods of voids.

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10.4 Parks Investment Reserve

Additional income received from Tilgate park and nature centre has been set aside to fund lake erosion works and development of the “hound ground”. Any surplus funds will be reinvested into parks.

10.5 Garage Maintenance

The in-year underspend on garage maintenance has been earmarked for the future rolling programme of capital works.

11. **Contain Outbreak Management Fund (COMF)**

11.1 An [urgent decision](#) was taken by the Chief Executive on 8th July 2021 in consultation with the leader of the Council to allocate £642,362 of grant funding: this was included on the Councillor Information bulletin, dated [13th July 2021](#). The grant is ring-fenced for public health purposes to tackle Covid-19, working to break the chain of transmission and to protect the most vulnerable.

11.2 The funding was made of two elements, £167,553.74 direct grant to the council and £474,808 allocated from [West Sussex County Council](#) for redistribution. The purpose of the grant is to provide support to the Councils, as detailed, towards expenditure lawfully incurred or to be incurred in relation to the mitigation against and management of local outbreaks of COVID-19.

Area/ Activity -

- Testing
- Tracing
- Compliance measures
- Communication and marketing
- Support for the clinically extremely vulnerable
- Support for wider vulnerable groups, including rough sleepers
- Support for those self-isolating
- Targeted intervention for specific cohorts within the community
- Specialist support i.e. behavioural science
- Utilisation of local sectors (Academic, volunteers etc.)
- Support for educational outbreaks
- Other.....

During quarter four, a further grant of £95,000 has been received from West Sussex County Council. This brings total COMF funding to £850,190. The allocation of total COMF grant is outlined below.

	Spent during 2021/22	Carry forward to 2022/23
Compliance measures	£70,053	£277,000
Support to the wider community including rough sleepers	£113,888	£315,249
Targeted intervention for specific cohorts within the community	£35,000	£39,000
Total	£218,941	£631,249

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- 11.3 The release of the grant is dependent on the County Council providing a monitoring return on how the COMF allocation has been used. There is also a requirement for Crawley Borough Council to report in the monthly Government 'Delta return' on Covid spend.

12. Background Papers

[Budget Strategy 2021/22 – 2025/26 FIN/508](#)
[2021/2022 Budget and Council Tax FIN/514](#)
[Treasury Management Strategy 2021/22 FIN/517](#)
[Treasury Management Outturn for 2020/21 FIN/527](#)
[Treasury Management Mid-Year Review 2021-2022 FIN/538](#)
[2021/2022 Budget Monitoring – Quarter 1 FIN/531](#)
[2021/2022 Budget Monitoring - Quarter 2 FIN/535](#)
[2021/2022 Budget Monitoring – Quarter 3 FIN/554](#)
[Crawley Homes Rent Overcharge DCE/11](#)

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Appendix 1 (i)

REVENUE MONITORING SUMMARY 2021/22 GENERAL FUND

	Latest Budget £000's	Projected Outturn £000's	Variance £000's
Cabinet	951	1,218	267
Public Protection & Community Engagement	1,534	1,449	(85)
Environmental Services & Sustainability	5,282	5,303	21
Housing	5,967	6,129	162
Wellbeing	10,973	11,768	795
Planning & Economic Development	2,385	2,423	38
Resources	642	558	(84)
	27,734	28,848	1,114
Depreciation	(4,046)	(4,046)	0
Renewals Fund	807	807	0
NET COST OF SERVICES	24,495	25,609	1,114
Investment Interest	(400)	(756)	(357)
Minimum Revenue Provision	922	922	0
Interest Paid	117	(39)	(156)
Council Tax	(7,411)	(7,411)	0
RSG	(60)	(60)	0
NNDR	9,553	9,553	0
New Homes Bonus	(1,108)	(1,109)	(1)
Local Council Tax Support Grant	(363)	(363)	0
Lower Tier Services Grant	(169)	(169)	0
Sales, Fees & Charges Grant Q1	0	(316)	(316)
Use of Approved Coronavirus Budgets	0	(941)	(941)
Year End Financing	(10,781)	(10,781)	0
Net contribution from / (-to) Reserves	14,795	14,139	(656)
Net contribution from / (-to) CBC Reserves		(1,366)	
Net contribution from / (-to) Other Reserves		15,505	

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Main Variations identified for 2021/22 - General Fund Appendix 1 (ii)

	Q4 Actual Variation £'000s	Covid Related Variation £'000s	Other Variation £'000s	Q3 Projected Variation £'000s
<u>Cabinet</u>				
Unrealised Car Allowance/Out of Hours Savings	100	0	100	100
Pay Award (1.75%) Provision	290	0	290	300
Insurance Tender Savings	(118)	0	(118)	(100)
Delay to Finance system upgrade	(37)	0	(37)	0
Minor Variations	32	0	32	37
	267	0	267	337
<u>Public Protection & Community Engagement</u>				
Community Development Vacancies	(22)	0	(22)	(34)
Nuisance and anti-social behaviour vacancies*	(58)	0	(58)	(31)
Minor Variations	(5)	0	(5)	(6)
	(85)	0	(85)	(71)
<u>Environmental Services & Sustainability</u>				
Parking Reduced Income	62	62	0	146
Port Health Reduced Income	127	127	0	105
Licensing Reduced Income	29	29	0	29
Public Conveniences rates refund	(51)	0	(51)	0
Shrub bed regeneration team vacancies	(88)	0	(88)	0
Street furniture, cleansing & graffiti removal underspends	(59)	0	(59)	0
Minor Variations	1	0	1	25
	21	218	(197)	305
<u>Housing</u>				
Homelessness Temporary Accommodation	171	171	0	178
Minor Variations	(9)	0	(9)	(17)
	162	171	(9)	161
<u>Wellbeing</u>				
PPE (Neighbourhood services)	25	25	0	40
Community Centres Reduced Income	107	107	0	254
K2 Crawley Reduced Income & Additional Support	952	952	0	915
Play vacancies	(45)	0	(45)	0
The Hawth Reduction in Management Fee	(270)	(270)	0	(51)
Minor Variations	26	0	26	67
	795	814	(19)	1,225
<u>Planning & Economic Development</u>				
Commercial Property Income (Lease Renewals)	70	0	70	(119)

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Planning Reduced Income	110	42	68	83
Building Control Reduced Income	12	12	0	30
Property Built Environment Vacancies	(124)	0	(124)	(25)
Corporate Facilities Vacancies	(37)	0	(37)	0
Minor Variations	7	0	7	(16)
	38	54	(16)	(47)
Resources				
Legal Agency Staff Spend	62	0	62	48
Minor Variations	(146)	0	(146)	(50)
	(84)	0	(84)	(2)
TOTAL GENERAL FUND VARIANCES	1,114	1,257	(143)	1,908
Investment Interest	(512)	0	(512)	(622)
Sales, Fees & Charges Grant	(316)	(316)	0	(316)
Use of Approved Coronavirus Budgets	(941)	(941)	0	(1,113)
New Homes Bonus	(1)	0	(1)	0
TOTAL VARIANCES	(656)	0	(656)	(143)

*previously reported within "Minor Variations"

Agenda Item 9

Appendix 1 (iii)

QUARTER 4

HOUSING REVENUE ACCOUNT			
Expenditure Description	Latest Estimate £'000s	Outturn £'000s	Variation £'000s
Income			
Rental Income	(46,906)	(43,448)	3,458
Other Income	(1,802)	(1,826)	(24)
Interest received on balances	(150)	(370)	(220)
Total income	(48,858)	(45,644)	3,214
Expenditure			
Employees	3,850	3,904	54
Repairs & Maintenance	11,606	11,955	349
Other running costs	2,143	2,042	(101)
Support services	3,096	3,096	0
	20,695	20,997	302
Net (Surplus) / Deficit	(28,163)	(24,647)	3,516
Use of Reserves:			
Debt Interest Payments	8,309	8,309	0
Depreciation transferred to Major Repairs Reserve	7,336	7,336	0
Surplus Transfer to Housing Reserve for Future Investment	12,518	9,002	(3,516)
Total	28,163	24,647	(3,516)

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Appendix 1 (iv)

Main Variations Identified - Housing Revenue Account

	Q4 Variation £'000s	Q3 Variation £'000s
Income		
Shared equity deferred receipt interest	(220)	(215)
Rent overcharge & increase in void properties	3,458	3,500
Minor variations	(24)	(7)
	3,214	3,278
Employees		
Pay award (1.75%) provision	60	60
Unmet vacancy provision	21	21
Agency staff	(30)	0
Minor variations	3	3
	54	84
Repairs & Premises Costs		
Repairs & Maintenance increased demand and material cost	772	1,368
Difficulty accessing buildings for external redecorations/repairs	(469)	0
Additional fire safety inspections and testing	57	0
Minor variations	(11)	(7)
	349	1,361
Other Running Costs		
Voids contract cleaning	32	50
Ground maintenance project not completed in year	(121)	0
Unused consultancy budget no major procurement contracts in year. Likely to be used 22/23 upcoming contract/net zero work.	(46)	0
Legal fees for a disrepair claim	45	0
Minor variations	(11)	(5)
	(101)	45
TOTAL VARIANCES	3,516	4,768

Appendix 2

Note

Slippage is moving budgets between years. If the figure is not in brackets then we are moving the budget to future years, if it is in brackets we are bringing forward budgets from future years

2021/22 Qtr 4 Capital Appendix

Scheme Description	Budget 2021/22	Outturn	Under / (Over Spend)	Slippage
	£	£	£	£
New Town Hall Redevelopment - Joint responsibility	21,453,975	20,813,505	0	640,470
Manor Royal BID - Towns Fund	371,949	371,949		
Town Centre Fund				
Project Jupiter	150,837	150,837		
Joint responsibility	21,976,761	21,336,291	0	640,470
Garages	191,185	180,615		10,570
Cabinet	191,185	180,615	0	10,570

Budget 2022/23	Budget 2023/24	Budget 2024/25	Future Years
£	£	£	£
6,140,470	0	0	0
	410,000		
100,000	744,163		
6,240,470	1,154,163	0	0
510,571	200,000	338,897	
510,571	200,000	338,897	0

Environmental Services and Sustainability				
New Cemetery	18,694	16,164		2,530
Muslim Burial Ground Cemetery		13,150		(13,150)
Cycle Paths	25,300			25,300
Crawlers / Manor Royal Cycle Path	65,665			65,665
Kingsgate Car Park	300,000	300,623	(623)	
District Heat Network Phase 2	94,950			94,950
Flooding Emergency Works	50,000	33,800		16,200
Telemetry Measuring Equipment	4,605			4,605
Crabbett Park Pound Hill Flood Works	33,000	32,647	353	
Leat Stream Ifield Flood Alleviation	7,289			7,289

2,530			
319,850			
25,300			
65,665			
94,950			
73,357	56,804		
4,605			
7,289			

Scheme Description	Budget 2021/22	Outturn	Under / (Over Spend)	Slippage
	£	£	£	£
Tilgate Lake Bank Erosion				
Water Course Work		35,400		(35,400)
Solar PV CBC Operational Buildings				
TOTAL ENVIRONMENTAL SERVICES & SUSTAINABILITY PORTFOLIO	599,503	431,784	(270)	167,989

Budget 2022/23	Budget 2023/24	Budget 2024/25	Future Years
£	£	£	£
150,000			
80,925			
	60,000		
824,471	116,804	0	0

Housing Enabling (General Fund)				
Temp Accommodation Acquisitions	1,000,000	1,742		998,258
Affordable Housing Town Hall	2,131,298	2,158,798		(27,500)
Langley House				
Disabled Facilities Grants	1,000,000	954,880		45,120
Improvement/Repair Loans	25,000	18,296		6,704
TOTAL HOUSING (GENERAL FUND) PORTFOLIO	4,156,298	3,133,716	0	1,022,582

4,298,258	4,100,000		
	3,238,250		
70,000	430,000	1,200,000	1,700,000
1,000,000	909,537		
16,704	15,000		
5,384,962	8,692,787	1,200,000	1,700,000

Planning and Economic Development				
Manor Royal Business Group				
Crawley Fusion Innovation Centre	5,050,000	5,020,886		29,114
<u>Crawley Growth Programme</u>				
Queensway	92,322	76,239		16,083
Town Centre Signage and Wayfinding	10,000	10,529		(529)
Town Centre General				
Manor Royal Cycle Improvements				
Town Centre Western Boulevard (cycle improvements)	50,000	39,366		10,634
Manor Royal Super Hub				

	200,000		
2,629,114	1,000,000		
116,083			
11,487			
	71,100		
360,632	1,415,303		
960,307			
263,028			

Scheme Description	Budget 2021/22	Outturn	Under / (Over Spend)	Slippage	Budget 2022/23	Budget 2023/24	Budget 2024/25	Future Years
	£	£	£	£	£	£	£	£
Station Gateway		19,228		(19,228)	231,491	1,588,172		3,176,344
Town Centre Super Hub								74,231
Town Centre Commercial space	95,000			95,000	2,457,000	3,543,000		
Three Bridges Station	12,425	10,434		1,991	493,658	958,186		
Total Crawley Growth Programme	259,747	155,796	0	103,951	4,893,686	7,575,761	0	3,250,575
TOTAL PLANNING & ECONOMIC DEVELOPMENT PORTFOLIO	5,309,747	5,176,682	0	133,065	7,522,800	8,775,761	0	3,250,575
Resources								
Gigabit					1,350,000			
ICT Capital - Future Projects	40,000			40,000	108,079			
New Website And Intranet	1,170	1,170			52,406			
Digital Works					10,000			
ICT Transformation Future					75,000			
Unified Communications/Telephony	17,593	17,593						
Power and UPS						20,000		
ICT Cloud	314,000	163,976		150,024	300,024			
Income Management System	60,000			60,000	60,000			
Commercial Property System	25,000	22,824		2,176	2,176			
Sharepoint	50,000			50,000	50,000			
Agile Working	20,000			20,000	120,000			
Channel Shift	15,000			15,000	51,000			
Legal Case Management System	35,000	10,400	24,600					
Hardware Renewals	100,000			100,000	100,000			
TOTAL RESOURCES PORTFOLIO	677,763	215,963	24,600	437,200	2,278,685	20,000	0	0

Wellbeing								
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Scheme Description	Budget 2021/22	Outturn	Under / (Over Spend)	Slippage
	£	£	£	£
Vehicle Replacement Programme	168,077	141,489		26,588
Refurb Playgrounds Future Schemes				
Skate Park Equipment				
Memorial Gardens Improvements				
Tilgate Park	130,643	125,874		4,769
Nature & Wildlife Centre	121,703	75,798		45,905
Allotments	40,000			40,000
Adventure Playgrounds	275,000	60,670		214,330
Memorial Gardens Play Improvements				
Meadowlands				
Whichester Close	45,000	43,195	1,805	
Dormans Play Area	35,447	34,854	593	
Newbury Road	38,131	36,855	1,276	
Ninfield Court	15,000	13,850	1,150	
Rushetts Road	9,923	8,561	1,362	
Southgate Playing Fields	47,619			47,619
Perkstead Court Play Area Bewbush	20,000			20,000
Park Tennis				
Halley Close Play				
Curteys Walk Play				
Brideake Play				
Wakehams Play				
Puffin Road Play				
Browness Close Play				
Plantain Crescent Play				
Hawth Agreement	400,000	400,000		

Budget 2022/23	Budget 2023/24	Budget 2024/25	Future Years
£	£	£	£
232,001			
39,360			
46,000			
33,400			
4,769			
45,905			
45,000	40,000		
339,330			
16,933			
65,000			
50,851			
20,000			
160,460			
15,000			
15,000			
17,000			
55,000			
	18,000		
	18,000		
	15,000		

Scheme Description	Budget 2021/22	Outturn	Under / (Over Spend)	Slippage
	£	£	£	£
Broadfield 3G Lighting				
K2 Crawley Replacement Chiller				
TOTAL WELLBEING PORTFOLIO	1,346,543	941,146	6,186	399,211

Budget 2022/23	Budget 2023/24	Budget 2024/25	Future Years
£	£	£	£
45,000			
155,000			
1,401,009	91,000	0	0

TOTAL GENERAL FUND	34,257,800	31,416,197	30,516	2,811,087
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24,162,968	19,050,515	1,538,897	4,950,575
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Housing - HRA (Crawley Homes)				
Improvements -				
Decent Homes	5,391,027	5,198,984		192,043
Renovations	1,103,552	1,020,623		82,929
Insulation	1,348,959	1,073,846		275,113
Renewable Technology/Carbon Efficiency	50,000	31,380		18,620
Compliancy Works	553,087	631,295		(78,208)
Boilers & Heating	787,067	618,262		168,805
Electrical Test & Inspection	536,912	412,564		124,348
Adaptations For The Disabled	830,000	709,429		120,571
Hostels	50,000	62,008		(12,008)
TOTAL HRA IMPROVEMENTS	10,650,604	9,758,391	0	892,213

4,992,043	2,300,000	2,300,000	
732,929	650,000	650,000	
2,775,113	2,200,000	2,200,000	
268,620	250,000	250,000	
1,671,791	1,450,000	1,450,000	
1,668,805	1,800,000	1,800,000	
474,348	350,000	350,000	
1,370,571	1,300,000	1,300,000	
187,992	200,000	200,000	
14,142,212	10,500,000	10,500,000	0

Other HRA (Crawley Homes)				
HRA Database	106,475	174,559	(68,084)	
151 London Road (New Build)	27,492	27,492		
Bridgefield House	28,659	(24,117)		52,776
Acquisition Of Land Or Dwellings	578,250	80,000		498,250
Kilnmead	6,555	1,599	4,956	
Forge Wood				

293,273			
52,776			
298,250	2,000,000		
		1,235,389	1,904,632

Scheme Description	Budget 2021/22	Outturn	Under / (Over Spend)	Slippage
	£	£	£	£
Telford Place Development	48,924	40,451		8,473
Woolborough Road Northgate	109	109		
Goffs Park - Depot Site	2,969	2,969		
83-87 Three Bridges Road	996	996		
Barnfield Road	6,902	6,902		
Forge Wood Phase 2	4,374,694	3,425,553		949,141
Forge Wood Phase 4	152,161	152,161		
Purchase Of Properties				
5 Perryfields	28,041	13,041		15,000
Carey House		59,338		(59,338)
Fairlawn House	10,000	2,866		7,134
Milton Mount Major Works	874,196	115,235		758,961
Beezehurst Phase 2	34,740	25,215		9,525
Orchards Hostel				
Contingencies	164,459		(4,956)	169,415
Prelims	121,434	64,493		56,941
TOTAL OTHER HRA	6,567,056	4,168,862	(68,084)	2,466,278

TOTAL HRA	17,217,660	13,927,253	(68,084)	3,358,491
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TOTAL CAPITAL PROGRAMME	51,475,460	45,343,450	(37,568)	6,169,578
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FUNDED BY

Capital Receipts	(20,027,876)	(17,628,005)	270	(2,400,141)
Capital Reserve	(152,007)	(152,007)		
Better Care Fund (formally DFGs)	(1,000,000)	(954,880)		(45,120)

Budget 2022/23	Budget 2023/24	Budget 2024/25	Future Years
£	£	£	£
115,973	7,670,300	3,510,167	9,350,816
2,550,414			
194,234	3,514,583	4,825,064	3,900,000
2,700,000	800,000		
50,000	394,000	153,694	8,924
69,821			
207,134			
1,606,870			
945,961	5,663,733	8,000,000	211,320
21,000	317,485		
169,415		1,137,311	
424,624			
9,699,745	20,360,101	18,861,625	15,375,692

23,841,957	30,860,101	29,361,625	15,375,692
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48,004,925	49,910,616	30,900,522	20,326,267
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(5,716,329)	(8,110,160)		(1,223,465)
(152,406)	(744,163)	(314,000)	(586,000)
(1,000,000)	(909,537)		

Scheme Description	Budget 2021/22	Outturn	Under / (Over Spend)	Slippage
	£	£	£	£
External Funding	(5,358,076)	(9,918,380)		4,560,304
HRA Revenue Contribution	(15,803,257)	(12,426,660)	68,084	(3,444,681)
Replacement Fund/Revenue Financing	(1,220,562)	(408,302)	(24,600)	(787,660)
Section 106	(319,281)	(195,826)	(6,186)	(117,269)
1-4-1	(3,094,401)	(3,659,390)		564,989
Borrowing	(4,500,000)			(4,500,000)
TOTAL FUNDING	(51,475,460)	(45,343,450)	37,568	(6,169,578)

Budget 2022/23	Budget 2023/24	Budget 2024/25	Future Years
£	£	£	£
(7,138,746)	(2,779,344)		(3,076,344)
(21,001,905)	(23,963,053)	(22,462,363)	(9,225,415)
(2,863,134)	(200,000)	(338,897)	
(1,016,469)	(481,000)	(886,000)	(64,766)
(2,650,050)	(8,623,359)	(6,899,262)	(6,150,277)
(6,465,886)	(4,100,000)		
(48,004,925)	(49,910,616)	(30,900,522)	(20,326,267)

Agenda Item 10

Crawley Borough Council

**Report to Cabinet
6 July 2022**

Forward Programme of Key Procurements (July – December 2022)

Report of the Head of Corporate Finance – FIN/571

1. Purpose

- 1.1 The purpose of this report is to present the procurement forward programme. The forward plan identifies the Council's key procurements over a contract value of £500k that will require tendering over the coming six month period.
- 1.2 A brief update on the previous programme from January - June 2022 is also provided.

2. Recommendations

- 2.1 The Cabinet is recommended to:
 - a) Endorse the procurement forward programme July – December 2022 (appendix A).
 - b) Delegate authority to the Leader of the Council in consultation with the relevant Cabinet Member, relevant Head of Service, and Head of Governance, People & Performance to approve the award of the contract following an appropriate procurement process, with the exception of following procurements which will be subject to separate Cabinet reports during this period; Waste and Recycling; Metcalf Way Depot; Crawley Innovation Centre (Travel House).
 - c) Delegate the negotiation, approval and completion of all relevant legal documentation, following the awarding of the contracts to the relevant Head of Service, Head of Governance, People & Performance, Head of Corporate Finance, in consultation with the appropriate Cabinet Member. (*Generic Delegations 2 & 3 will be used to enact this recommendation*)

3. Reasons for the Recommendations

- 3.1 By approving the procurement forward programme there is greater transparency of future procurement processes allowing more scope for internal stakeholders to input into how future contracts are delivered.
- 3.2 The approval of the forward programme provides a key decision that will enable the individual procurement processes to be awarded under delegated authority once the tender process has concluded giving the Council the ability to reduce the time required to complete a procurement process.

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4. Background

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

5. Description of Issue to be resolved

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

6. Information & Analysis Supporting Recommendation

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

7. Implications

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

8. Background Papers

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

Report author and contact officer: *Becca Williams, Procurement Manager, 01403 215050*

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Appendix A – Procurement Forward Programme

Contract Title	Estimated Contract Value	Brief Description
Asset Valuation	c£310k Approx. £62k p.a.	Contract for the provision of Asset Valuation Services. The current contract is with Wilks Head Eve and expires 29 September 2022. This is a collaborative procurement with Horsham District Council, Mid Sussex District Council and Mole Valley District Council. Above Threshold tender will be issued in June 2022. Lead Officers: Jacob Hughes, Richard Gammie.
Property Partnering Contract	Crawley spend £540k p.a. Estimated value £2.7m based on 3+2 contract term.	Current contract ends in October 2022. The contract is for consultancy services and is split into the following lots: CDM, Civil Engineering, Clerk of Works, Drainage & Flood Alleviation, QS, and Structural Engineering. New contract is 3+2 years, with the ability for other councils in the Shared Procurement Service to access. Above threshold tender published 4 April 2022, with tenders being returned 20 May 2022. Contract award Summer 2022. Lead Officers: Lisa Venn, Jake Fisher.
Building Repairs & Maintenance	£3.6m Approx. £900k p.a.	Contract is a framework agreement with multiple suppliers, and covers planned and responsive repairs and maintenance of our non-housing assets including glazing, heating and plumbing, drainage, electrical works, ventilation, painting and decorating, lift maintenance, fire equipment testing etc. It includes town hall, community centres, depot, pavilions, public conveniences, Tilgate nature centre, Hawth, K2 etc. Currently looking at pre-market engagement to determine the route to market. Aim to publish tender Autumn 2022. Lead Officers: Colin Eves, Jake Fisher.
Waste and Recycling	Approx. £2m pa Estimated value £14m based on 7 year contract term	The current contract with Biffa ends 31 January 2024. Options appraisal underway to determine optimum route to market and delivery model. Lead Officers: Nigel Sheehan, Paul Baker. Further report for approval to go to Cabinet.
Metcalf Way Depot	£12m for construction of depot c£0.5m for demolition	Depot to be constructed, with existing premises demolished. Procurement process for main design and build contractor to commence Summer / Autumn 2022 via restricted tender process or framework agreement. Lead Officers: Nigel Sheehan, Becca Williams. Further report for approval to go to Cabinet in November 2022.
Crawley Innovation Centre (Travel House)	£3.5m for building refurbishment works	Travel House to be refurbished to become Crawley Innovation Centre; Tender process to commence July 2022. Lead Officer: Clem Smith. Further report for approval to go to Cabinet in July 2022.
Online Benefits System	Approx. £100k p.a.	Online benefits system is to be procured through a Crown Commercial Service framework, Autumn 2022. Lead Officer: Becky Pearce.

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Appendix B – Update on Procurements January – June 2022 Procurements

Contract Title	Estimated Contract Value	Brief Update
Western Boulevard Cycleway Scheme	Up to £900k	A scheme to improve sustainable transport facilities in the town centre: Continuation of the cycling and walking infrastructure being implemented through the Eastern Gateway scheme, completing the link to existing infrastructure in the High Street. The scheme will enable more reliable bus journey times by giving them priority for turning into and out of the Broadway. Around 10million bus journeys are currently made through this junction. Civils contract with Edburton has been utilised to implement the scheme. Completed.
Towns Fund	Various depending on project	Crawley has developed comprehensive business cases for several projects / schemes relating to the £20m grant funding from DHLUC. Most of the projects will be delivered in the latter half of 2022 / 2023 and will be presented in future reports. Gigabit project likely Autumn 2022.
Arboricultural Services Contract	£2.6m CBC contract value £310k pa	Contract for the provision of Arboricultural Services (tree maintenance). Collaborative procurement undertaken with Horsham DC, tender was split per authority. Contract is for 5 years with no extension. New supplier Idverde, contract started 1 April 2022 and expires March 2027. Completed.
Income Management System	£665k over 7 years	Our current system Paye.net/AXIs is supplied by Capita and has been extended to March 2023. Value of contract anticipated at £95k p.a but will be more if acquirer fees are included which are currently £100k p.a. 5 year plus 2 year extension option. Mini comp run via Crown Commercial framework RM3821.
Town Hall CatC Fitout	£1.1m	The Council approved the development project for the new Town Hall in 2019. This associated budget includes the provision of fixtures, fittings and audio visual equipment for the council chamber, customer area and shared office space. Contracts awarded to furniture suppliers (Showcase and Flexiform) and AV equipment supplier (ProAV) in January 2022. Completed.

Agenda Item 11

Crawley Borough Council

Report to Cabinet
6 July 2022

Whistleblowing Policy

Report of the Head of Corporate Finance – **FIN/574**

1. Purpose

- 1.1 To request approval for the adoption of the revised Whistleblowing Policy in appendix A

2. Recommendations

- 2.1 To the Cabinet

The Cabinet is recommended to:

- a) Approve the Whistleblowing Policy (Appendix A) for adoption and subsequent publication.
- b) Delegate authority to the Head of Corporate Finance, in consultation with the Leader, to review and make minor amendments to the Whistleblowing Policy as further changes to legislation and statutory guidance are introduced. (*Generic Delegation 7 will be used to enact this recommendation*).

3. Reasons for the Recommendations

- 3.1 To fulfil the Council's duty to review and publish a policy regarding the Whistleblowing and the Public Interest Disclosure Act 1998.

4. Background

- 4.1 This policy (Appendix A) seeks to provide a process that gives anyone with a concern about the Council the confidence to bring that concern to its attention.
- 4.2 The Council operates within legal requirements and regulations and expects its employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of inappropriate conduct is obliged and encouraged to report this activity. This policy also applies to contractors, consultants, partners, agency staff, volunteers and other stakeholders including Councillors.

5. Description of Issue to be resolved

- 5.1 The Council's existing Whistleblowing Policy was published in 2018. A review was carried out in 2022 and it was decided that an updated policy would be drafted based on that review.
- 5.2 The draft Whistleblowing Policy at Appendix A was prepared following the 2022 review and it is proposed that it will, if adopted, replace the Council's existing Whistleblowing Policy and would apply to all staff, members, consultants, partners, agency staff and contractors of Crawley Borough Council.

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- 5.3 The main changes that have been made from the existing policy in 2018 are:
- Removing management names leaving the post title only
 - Removing the name of the chair of the Audit Committee to leave title only
 - Updating the details of where to seek independent advice

6. Information & Analysis Supporting Recommendation

- 6.1 The Policy is based on the Whistleblowing and Public Interest Disclosure Act 1998 and the Council must fully comply with this legislation.
- 6.2 The Whistleblowing Policy explains how concerns should be raised (and to whom) and what disclosure are protected under the legislation.
- 6.3 Further guidance is given where external advice may be sought over the decision to Whistleblow.

7. Implications

- 7.1 Staffing – There are no direct staffing implications associated with implementing the Whistleblowing Policy
- 7.2 Financial – There are no financial implications associated with implementing the Whistleblowing Policy.
- 7.3 Legal - Adoption of the Whistleblowing Policy fulfils the Council's duty to have such a policy in place.
- 7.4 Equalities Impact Assessment. There are no impacts of note with implementing the Whistleblowing Policy.

8. Background Papers

[Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](#)

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Whistleblowing Policy and Procedure

Chris Corker
Operational Benefit & Corporate Fraud Manager



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Whistleblowing Policy and Procedure

Introduction

1. This policy seeks to provide a process that gives anyone with a concern about the Council the confidence to bring that concern to our attention.
2. The Council operate within legal requirements and regulations and expects its employees to co-operate in this by adhering to all laws, regulations, policies and procedures. Any employee becoming aware of inappropriate conduct is obliged and encouraged to report this activity. This policy also applies to contractors, consultants, partners, agency staff, volunteers and other stakeholders including Councillors.
3. All Organisations face the risk of things going wrong or of unknowingly harbouring malpractice. We have a duty to identify and take measures to remedy malpractice. Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. Other stakeholders are also in a position to identify concerns that affect Council services that may need to be addressed.
4. By encouraging a culture of openness within our organisation we believe we can prevent malpractice before it happens. We want to encourage you to raise issues which concern you at work.
5. Individuals with a concern may fear that they will be victimised or harassed if they raise the concern. In these circumstances it may feel easier to ignore the concern rather than report what may be a suspicion of malpractice.
6. Such fears are understandable, this policy is therefore developed to provide you with the information about the protections offered by the Public Interest Disclosure Act 1998 (PIDA) as well as a process by which you may raise your concerns.
7. This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in good faith. The Act makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

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The areas Whistleblowing covers

8. There are existing procedures in place to enable staff to raise a grievance about their own employment, customers are able to use the complaints procedure and there is a member Code of Conduct for concerns over Councillors. The whistleblowing policy is intended to cover concerns that fall outside these issues and this policy should not be used for such matters however if you have any doubts about the use of this policy speak to either your line manager or officers listed in this policy.

Areas that will be of concern may be about:

- Conduct which is an offence or a breach of law
- Unauthorised use of public funds
- A miscarriage of justice has occurred,
- Health and safety risks including risks to the public as well as employees
- The environment has been, is being or is likely to be damaged
- Action that is against standing orders or procurement code
- Action that is contrary to the councils financial regulations

The Procedure

9. **Tell your line manager.** If you are concerned about any form of malpractice you should normally first raise the issue with your line manager. There is no special procedure for doing this, simply tell them about the problem or put it in writing if you prefer.
10. At whatever level you raise the issue, you should declare whether you have a personal interest in the issue at the outset. If your concern falls more properly within the grievance procedure your manger will tell you.
11. **If you feel unable to tell your line manager.** In this case you should raise the issue with a more senior manager or you can raise your concerns with one of the following:

Operational Benefits & Corporate Fraud Manager	Ext 8598
HR & OD Manager	Ext 8095
Head of Governance, People & Performance	Ext 8292
Head of Corporate Finance (Responsible Financial Officer)	Ext 8263

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12. If you are an elected member who have had concerns brought to their attention, then you should raise those concerns with the Monitoring Officer in the first instance.

Roles and Responsibilities

13. Investigations should be undertaken by appropriate officers with diligence and expertise and be appropriate. The corporate fraud team and HR & OD will jointly ensure that investigations are timely and effective, and by someone with the relevant skills and experience.
14. The monitoring officer will lead on allegations relating to councillors.
15. In all contracts of employment there is an implied understanding of mutual trust and confidence between employer and employee. All employees therefore have a responsibility to raise concerns about work and they may do so in accordance with this policy or through the grievance policy.
16. After you have raised your concern we will decide how to respond in a responsible and appropriate manner. Usually this will involve making internal enquiries first but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised.
17. If you have raised a concern we will, as far as possible, keep you informed of the decisions taken and the outcome of any enquiries and investigations carried out. However, we will not be able to inform you of any matters which would infringe our duty of confidentiality to others.

Raising your concern externally

18. In all but the most exceptional of circumstances concerns about malpractice should be raised internally.
19. The purpose of this policy is to give you the opportunity and protection you need to raise your concerns internally without reporting the concern to external bodies. It is, therefore, expected that raising concerns internally will be the most appropriate action to be taken in almost all cases and so you must try to do so.
20. If, however, you feel you cannot raise your concerns internally the PIDA may afford you protection in relation to your disclosure but only if you are acting in the public interest. In such circumstances you may consider raising the

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matter with the police or appropriate regulator. If you take this route you may be required to demonstrate why you thought the normal internal procedure was not appropriate

21. You are strongly recommended to take advice before following this course of action as the PIDA only affords protection to whistleblowers in certain circumstances.

22. If you feel that the people within Crawley Borough Council with whom you could normally raise the issues with are parties to, or supportive of, the behaviour causing concern, you may report the matter to the chair Crawley Borough Council’s Audit Committee or to representatives of our external auditors.
 - The chair of the Audit Committee
 - Our external auditors, Ernst & Young.

23. **Wider whistleblowing disclosures.** If you have good reason for not using the internal or regulatory disclosure procedures you might consider making a wider disclosure by reporting the matter to the media, or making a posting on the internet.

Please note, if you have not followed internal procedures, whistleblowing disclosures to the media or by other public disclosure will generally be considered to be an unreasonable course of action. Reporting your concerns for public circulation, even if done in good faith, before raising them in accordance with these procedures may result in disciplinary proceedings, which could lead to dismissal.

You are recommended to take legal advice before following this course of action though, as the PIDA only affords protection to whistleblowers in certain circumstances. In particular, no protection is given if the disclosure is made for personal gain.

Sources of advice. It is recommended that you obtain advice about whistleblowing and PIDA at an early stage if you intend to report malpractice. This is important so that you know the extent of the protection which will be provided to you under PIDA.

If you are a member of Unison (or other trade union) you may wish to seek advice about raising an issue from a trade union representative. You may wish to seek advice from Public Concern at Work which is an independent charity set up to provide advice and guidance about whistleblowing issues.

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24. **Unproved or Untrue Allegations.** If an employee raises an allegation that is not subsequently confirmed by an investigation the whistleblower will have protection under this policy. If however you are found to have made allegations maliciously and/or not in the public interest, a disciplinary process may be instigated against you. This may result in your dismissal from Crawley Borough Council.

Supporting employees when an issue is raised

25. The Council is committed to this policy, if the policy is used to raise a concern in the public interest we give you our assurance that you will not suffer any form of retribution, victimisation or detriment as a result of your actions. In addition, the PIDA may provide you with legal protection in relation to your disclosures if you raise concerns in accordance with that Act.

26. Concerns will be treated seriously and actions taken in accordance with this policy. If you ask us to treat the matter in confidence we will do our utmost to respect your request. However, it is not possible to guarantee confidentiality. If we are in a position where we cannot maintain confidentiality and so have to make disclosures we will discuss this matter with you first.

Confidentiality

27. Employees are encouraged to raise concerns and to put their name to any allegation. The council will take appropriate action to protect an individual's identity when they do not want their name disclosed. However it must be appreciated there may be occasions when the investigation process may reveal the source of the information and a statement may be required as part of the evidence.

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the person raising the concern.

If you not give your name we will not be able to give you any feedback. It may also prevent or stall an investigation if the information is limited and we are not able to ask further questions to progress the investigation.

Frequently asked questions

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28. Q I told my line manager a number of weeks ago that I believe that a colleague is misusing resources. Nothing seems to have happened since. What should I do?

A Speak with your line manager to ask how the investigation is progressing. If you feel that no or insufficient progress has been made you may consider speaking to the managers listed in section 4.

Q I believe that a colleague is stealing from Crawley Borough Council. How do I deal with this?

A This issue should be dealt with by using the whistleblowing procedure. You must, therefore, inform your line manager.

Q I believe that malpractice is happening within Crawley Borough Council and I am thinking of going to the press about it. What are the implications of this?

A You should try to exhaust all internal mechanisms for whistleblowing. You should be aware that going directly to the press may limit your protection under the Public Interest Disclosure Act (PIDA) and could be liable for dismissal. It is advised that you seek advice from your trade union, if you are a member, or contact Public Concern at Work before taking this course of action.

Q What does PIDA do?

A PIDA protects workers who make a **protected disclosure** of information, concerning certain types of matters relating to their employment, from being dismissed or penalised by their employers as a result of the disclosure.

Q Who may claim the protection of PIDA?

A Members of staff (CBC staff, councillors & contractors) are **workers** within the definition contained in PIDA and may make a qualifying disclosure of information if they reasonably believe that the disclosure would tend to show that Crawley Borough Council is involved in a **relevant failure**.

Q What disclosures are protected?

A Not all disclosures of information are protected by PIDA. Protection only arises in relation to **protected disclosures**. **Protected disclosures** are:

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- **qualifying disclosures** (defined below) made to an appropriate party; and
- made in accordance with the differing conditions for disclosure applying to each different type of recipient of the information.

A qualifying disclosure is:

Any disclosure of information which, *in the reasonable belief of the worker making the disclosure is made in the public interest*, tends to show one or more of the following.

- (a) That a criminal offence has been committed, is being committed or is likely to be committed;
- (b) That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- (c) That a miscarriage of justice has occurred, is occurring or is likely to occur;
- (d) That the health and safety of an individual has been, is being or is likely to be endangered;
- (e) That the environment has been, is being or is likely to be damaged; or
- (f) That information tending to show any matter falling within any one of the preceding paragraphs has been, or is likely to be deliberately concealed.

PIDA refers to those matters covered by (a) to (f) above as **relevant failures**.

A disclosure will not be a qualifying disclosure if the person making it commits an offence in making the disclosure.

Q To whom may a disclosure be made?

A A protected disclosure may be made to one of five types of recipients, these are:

- the worker’s employer;
- a legal adviser;
- a minister of the Crown (in certain circumstances);
- a regulatory body
- a third party (e.g. the media)

The circumstances in which disclosures may be made vary depending upon the intended recipient of the information.

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To be protected by PIDA, a worker wishing to make a disclosure must make sure s/he reasonably believes that the disclosure tends to show a **relevant failure** and s/he must make the disclosure in good faith.

You may need independent legal advice to direct you in understanding this legislation.

Resources

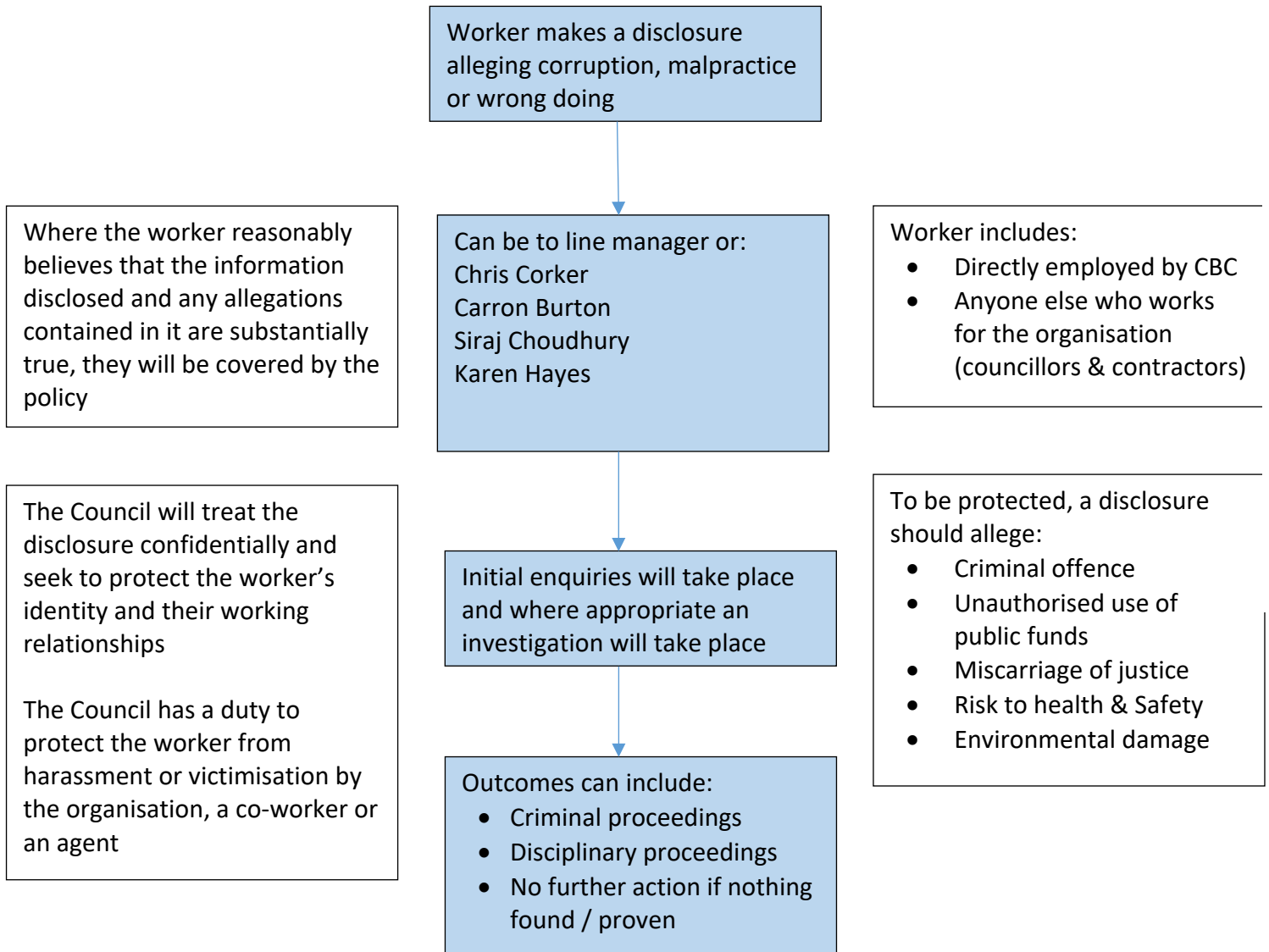
29. For more information on whistleblowing and related legislation visit Protect: www.protect-advice.org.uk

If you need independent advice about whistleblowing issue you can telephone Protect on 020 3117 2520 or complete a call back form at www.protect-advice.org.uk/contact-protect-advice-line

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WHISTLEBLOWING FLOWCHART

Appendix A



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Agenda Item 12

Crawley Borough Council

Report to Cabinet
6 July 2022

Anti-Fraud and Corruption Policy

Report of the Head of Corporate Finance – FIN/576

1. Purpose

- 1.1 To request approval for the adoption of the revised Anti-Fraud and Corruption Policy in appendix A.

2. Recommendations

- 2.1 To the Cabinet

The Cabinet is recommended to:

- a) Approve the Anti-Fraud and Corruption Policy (Appendix A) for adoption and subsequent publication.
- b) Delegate authority to the Head of Corporate Finance, in consultation with the Leader, to review and make minor amendments to the Anti-Fraud and Corruption Policy as further changes to legislation and statutory guidance are introduced. (*Generic Delegation 7 will be used to enact this recommendation*).

3. Reasons for the Recommendations

- 3.1 To fulfil the Council's duty to review and publish updated guidance relating to Anti-Fraud and Corruption.

4. Background

- 4.1 The Council takes its responsibilities to protect the public purse very seriously and is committed to the highest standards of openness and accountability in order to ensure the proper use and protection of public funds and assets.

5. Description of Issue to be resolved

- 5.1 The Council's existing policy was published in 2018. A review was carried out in 2022 and it was decided that an updated policy would be drafted based on that review.
- 5.2 The draft Anti-Fraud and Corruption Policy was prepared following the 2022 review and it is proposed that it will, if adopted, replace the Council's existing Fraud and Corruption Policy.
- 5.3 The main changes that have been made to the existing policy from 2018 are:
- Renaming titles where Heads of Service posts have changed
 - Internal audit is now replaced by Southern Internal Audit Partnership

Agenda Item 12

6. Information & Analysis Supporting Recommendation

6.1 The Policy is based upon three key themes:

- Acknowledge
- Prevent
- Pursue

6.2 The Council will not tolerate fraud or corruption by its employees, councillors, suppliers, contractors or service users and will take all necessary steps to investigate allegations of fraud or corruptions and peruse sanctions when appropriate.

7. Implications

7.1 Staffing – There are no direct staffing implications associated with implementing the Fraud and Corruption Policy

7.2 Financial – There are no financial implications associated with implementing the Fraud and Corruption Policy.

7.3 Legal - There are no legal implications associated with implementing the Fraud and Corruption Policy.

7.4 Equalities Impact Assessment. There are no impacts of note with implementing the Fraud and Corruption Policy.

8. Background Papers

Fraud Act 2006

Bribery Act 2010

Local Government Finance Act 1992

[Officer Code of Conduct](#)

[Code of Conduct for Councillors](#)

Whistleblowing Policy

[Financial and Budget Procedure Rules](#)

[Procurement Code](#)

Proceeds of Crime Act

Social Security Administration (Fraud) Act 1997

The Council Tax Reduction Schemes (Detection and Enforcement) 2013

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Anti-Fraud and Corruption Policy

Chris Corker
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SECTION 2 –SANCTION POLICY

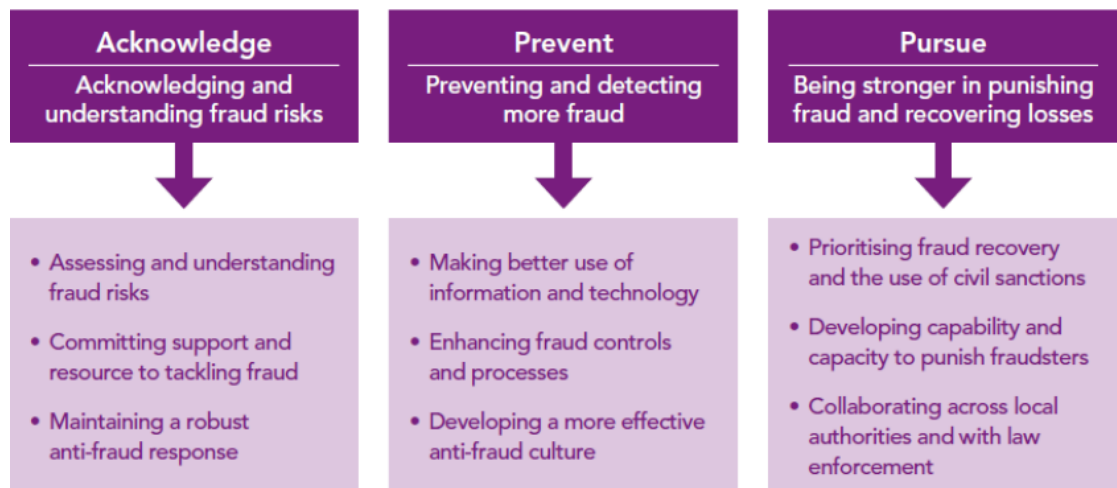
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SECTION 1 – ANTI-FRAUD AND CORRUPTION

Introduction

1. This document sets out the Council’s policy to fraud and corruption.
2. The Council takes its responsibilities to protect the public purse very seriously and is committed to the highest standards of openness and accountability in order to ensure the proper use and protection of public funds and assets.
3. To fulfil the Council’s corporate strategy we need to maximise financial resources available to us. In order to do this we must reduce fraud and misappropriation to a minimum.
4. The Council will not tolerate fraud or corruption by its councillors, employees, suppliers, contractors or service users and will take all necessary steps to investigate allegations of fraud or corruption and pursue sanctions available in each case, including removal from office, dismissal and/or prosecution.
5. Our policy is based upon three key themes: Acknowledge, Prevent and Pursue, and adhere to the Local Government Fraud Strategy: Fighting Fraud Locally.



6. This Anti-Fraud and Corruption Policy builds on the content of a number of corporate policies including;
 - Code of Conduct for Members

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- Officers code of Conduct
- Whistleblowing Policy
- Financial Procedure Rules
- Procurement Code
- Money Laundering Policy

What is Fraud?

7. The Fraud Act 2006 details the legal definitions of fraud and is used for the criminal prosecution of fraud matters. The Council also deals with fraud in non-criminal disciplinary matters.
8. For the purpose of this document fraud is defined as; the dishonest action designed to facilitate gain (personally or for another) at the expense of the Council, the residents of the borough or the wider national community.
9. The definition covers various offences including; deception, forgery, theft, misappropriation, collusion and misrepresentation. Use in this context is not intended to limit the full use of the Fraud Act 2006 in the investigation and prosecution, by the Council, of any offences.

What is Corruption?

10. Corruption is the offering or acceptance of inducements designed to influence official action or decision making. These inducements can take many forms including cash, holidays, events tickets and meals.
11. The Bribery Act 2010 introduced a new, modern and comprehensive scheme of bribery offences that will enable courts and prosecutors to respond more effectively to bribery at home and abroad.

What is theft?

12. Theft is stealing any property belonging to the Council or which has been entrusted to it (i.e client funds), including cash, equipment and data.
13. Theft does not necessarily require fraud to be committed. Theft can also include the stealing of property belonging to our staff or members whilst on Council property.

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Corporate Responsibilities

14. The Council’s enforcement of this policy sends a clear message that fraud against the Council will not be tolerated and where reported or identified will be dealt with in a professional and timely manner using all sanctions available. Through the creation of a strong Anti-Fraud culture the Council aims to deter potential perpetrators from targeting its finances and services.

15. There are a number of facets that exist to protect the Council against fraud these include;
 - The Constitution, Financial Regulations and Scheme of Delegation
 - An established Audit Committee
 - Head of Corporate Finance with statutory responsibility for the oversight of all financial affairs.
 - Head of Governance People & Performance with the responsibility for monitoring the legality of the Council’s affairs.
 - Declaration of interest and gifts and hospitality procedures for Members and Officers
 - Periodic checks by Internal Audit (Southern Internal Audit Partnership - SIAP)
 - Periodic checks by External Audit
 - Whistleblowing procedure
 - A Complaints Procedure available to the public
 - Relevant documents, including invoices over £500 being made available to the public.
 - A CBC enforcement forum attended by relevant investigation and enforcement officers.
 - Participation in the Cabinet Office National Fraud Initiative and membership to the National Anti-Fraud Network.

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- 16. The Council takes a holistic approach to anti-fraud measures which extend to the investigations of allegations and the prevention of fraud through system reviews carried out by internal audit (SIAP).
- 17. The Corporate Anti-Fraud Service employs a multi-disciplinary approach which includes pro-active work. In addition the team are free to work with other agencies in pursuance of the Council’s anti-fraud aims.
- 18. We aim to reduce fraud based on prevention, detection, sanction and deterrence which underpins an overarching anti-fraud culture.
- 19. Fraud is not acceptable and will not be tolerated.
- 20. We will seek to promote an anti-fraud culture across Crawley Borough Council. We will also seek to assist our partners and stakeholders to understand and reduce the threats of fraud. Furthermore we will seek to deter fraudsters through specific publicity and general campaigns.

Prevention

- 21. The Council recognises that fraud and corruption are costly, both in terms of financial losses and reputational risk. The prevention of fraud is therefore a key objective of the authority and fundamental roles and responsibilities are outlined below.

Councillors’ Responsibilities

- 22. The Council expects its Councillors to lead by example at all times and to maintain the highest probity and accountability in their dealings with the Council.
- 23. Councillors are required to declare any potential conflicts of interest which could be deemed to impact on the way they perform their roles for the Council. Councillors are also required to register any gifts or hospitality offered or received with an estimated value of £50.

Management Responsibilities

- 24. Managers are responsible for ensuring that adequate systems of internal control exist within their areas of responsibility and that such controls, checks and supervision operate in such a way as to prevent or detect fraudulent activity. The primary responsibility for the prevention and detection of fraud,

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therefore, rests with Managers. Managers need to assess the types of risks and scope for potential internal and external fraud associated with the operations in their area. Internal Audit (SIAP) undertake independent assessments of the key risks associated control within systems across the Council.

- 25. Managers should ensure that all staff receive training in ‘Fraud Awareness’. The level and extent of this will depend on the work the individual employees carry out.
- 26. Managers are required to report all instances of suspected, reported or detected fraud to Operational Benefits & Corporate Fraud Manager who will offer advice on the best approach to each incident. This insures that there is a consistent and co-ordinated professional approach to all investigations and that associated procedures are fully complaint with legislation.

Employee Responsibilities

- 27. Staff are a very important element in the Council’s efforts to combat fraud and corruption.
- 28. Crawley Borough Council ‘Employee Handbook’ requires employees to report suspected fraud and corruption with a senior manager.
- 29. The Council’s Procurement Code reminds employees that the Council regards any corrupt practices as completely incompatible with its public service role.
- 30. The Council’s policy on Anti Money Laundering arising from the Proceeds of Crime Act 2002 also places an employee under a duty to report matters. Where an employee is aware of or suspects through the course of their duties that money laundering is occurring and fails to report this they could be deemed to be personally liable under the legislation with a maximum term of 5 years imprisonment and unlimited fines. As well as covering large sums of money such as the ‘Right to buy schemes’ and contactors work on Council properties it can also include smaller sums and activities such as Council Tax Support.
- 31. Through its Whistleblowing policy the council provides employees and councillors with the means to report instances of suspected fraud, corruption and breaches of the Councils policies.

Contractors Responsibilities

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32. The Council expects all contractors it has dealings with to act with complete honesty and integrity in all dealings with the Council, its service users and residents. The Council requires the employees of contractors to report any suspicions or knowledge they may have in relation to fraud and/or corruption against the Council. Contractors or their employees should report all concerns to the Council’s client side staff who will in turn report the matter to the appropriate line manager.

Internal Audit (Southern Internal Audit Partnership - SIAP) Responsibilities

33. As part of the Council’s system of internal control Internal Audit (SIAP) are required to undertake a risk-based assessment of all major systems operating across the Council and undertake an agree plan of audits to test the controls are in place.

General Public Responsibilities

34. The Council’s expectation is that residents, service users and other members of the public will not tolerate abuse of the Council’s assets or services. They are therefore encourages to report any suspicions or knowledge they may have regarding any acts of fraud and corruption being perpetrated against the Council.

35. The public are made aware of reporting fraud to the Council via email or online forms.

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SECTION 2 – SANCTION POLICY

Introduction

1. The use of sanctions will be governed by the following policy and the principles of the policy shall apply equally to any fraud against the Authority or against funds for which the Authority has responsibility.
2. The objectives of this policy are:
 - To ensure sanctions are imposed in a just and consistent manner
 - That they are applied in an effective and cost efficient manner
 - The sanction decision making policy is stringent, robust and transparent.
3. The sanction decision will have regard at all times the Council’s Anti-Fraud policy objectives, the individual circumstances of each person concerned and the overall impact of the punishment to both the individual and the community.
4. A range of sanctions are available to the Council. These include disciplinary action, civil proceedings, criminal proceedings official cautions and administrative penalties. In appropriate cases several actions may be taken. e.g where an employee has defrauded the council we may take disciplinary, criminal and civil recovery action.
5. We recognise criminal proceedings is a serious step to take and the decision to refer cases for prosecution will not be taken lightly.
6. The ultimate decision on prosecution will be taken by the prosecuting body. In some case this will be Council, The Crown Prosecution Service or the party we are working jointly with such as The Department for Work and Pensions, NHS, Police or another Local Authority.
7. We will utilise the Council’s Investigators, Police or other Local Authorities in cases where their additional powers are required to secure evidence or recovery of funds.
8. The Operational Benefits Manger & Corporate Fraud Manager shall be responsible for ensuring investigations into suspected fraud are conducted in a professional manner in accordance with the Police and Criminal Evidence Act 1984 (PACE), Criminal Procedures in Investigations Act 1996 (CPIA), Human Rights Act and Regulatory Investigation Power Act 2000 (RIPA). All

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evidence gathering will comply either by the act being used to collect the information or by the Data Protection Act 1998. This is soon to be replaced by the EU General Data Protection Regulation (GDPR) from May 2018.

9. Each case is unique and must be considered on its own facts and merits. Investigators must be fair, independent and objective. They must not let any political views, or personal views about ethnic or national origin, sex, religious beliefs, or the sexual orientation of the suspect, victim or witness influence their decisions. They must not be affected by improper or undue pressure from any source.
10. It is the duty of the Council to make sure that the right person is prosecuted for the right offence. In doing so, the Council must always act in the interests of justice and not solely for the purpose of obtaining a conviction.
11. Where necessary, the Council will work in co-operation with other organisations such as the Police, National Crime Agency, Department for Work and Pensions, Home Office, NHS, HMRC and other Local Authorities. (This list is not restrictive)
12. In appropriate cases we will utilise the prosecution arm of the Department for Work and Pensions within the Crown Prosecution Service. This would usually be for any joint prosecutions which included Housing Benefit.
13. When considering a case for prosecution it is generally accepted that there are two 'tests', the evidential test and the public interest test. These are set out in The Code for Crown Prosecutors.
14. The Code for Crown Prosecutors is a public document, issued by the Director of Public Prosecutions that sets out the general principles Crown Prosecutors should follow when they make decisions on cases.

Evidential Stage test

15. Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. They must consider what the defence case may be, and how likely it is to affect the prospects of conviction. A case that does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.
16. When deciding whether there is sufficient evidence to prosecute, prosecutors must consider whether the evidence can be used and whether it is reliable.

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There will be many cases in which the evidence does not give any cause for concern but there will also be cases in which the evidence may not be as strong as it first appeared.

17. The evidence gathered will be examined in the first instance by the investigating officer line manager. They will then present the case to the Chief Finance Officer (Section 151 Officer) currently the Head of Corporate finance. If both are satisfied sufficient evidence exists to successfully prosecute and that the Public Interest Stage has also been satisfied the case will be passed onto either the Council’s legal team or the Crown Prosecution Service via the (DWP or Police). All prosecutors will then apply their own inspection of the evidence to ensure both tests are met.

Public Interest Test

18. Where there is sufficient evidence to justify a prosecution or to offer an out of court disposal, prosecutors must go on to consider whether a prosecution is required in the public interest.
19. A prosecution will usually take place unless the prosecutor is sure that there are public interest factors tending against prosecution which outweigh those tending in favour, or unless the prosecutor is satisfied that the public interest may be properly served, in the first instance, by offering the offender the opportunity to have the matter dealt with by the way of an out of court disposal.
20. The more serious the offence the defendant's criminal record will have an impact on the public interest.
21. Aggravating and mitigating factors will be taken into consideration when deciding on the appropriate sanction.

Officer Fraud and Corruption

22. In all cases of fraud, theft, financial misconduct, serious and intentional breach of financial regulations and corruption committed by officers we will seek disciplinary action. The normal recommendation would be ‘gross misconduct’.
23. Where a financial loss has been identified we will always seek to recover this loss either through the civil or criminal process.

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Housing Benefit Fraud

24. Although Housing Benefit fraud is now investigated by DWP additional sanctions are available to the Council such as administrative penalties. The Council will also work with DWP where required to assist in their investigations to Housing Benefit.

Administrative Penalties

25. In accordance with the Social Security Administration (Fraud) Act 1997 and The Council Tax Reductions Schemes (Detection of Fraud and Enforcement) (England) Regulation 2013 the Council May administer a fixed penalty arising from the offence. This is in addition to the total overpayment amount.

26. When the Council offers an Administrative Penalty the officer will:

- Explain details of the penalty; and
- Ask if the defendant wishes to accept it.

27. If the administrative penalty is not accepted then the matter will be referred for possible criminal proceedings.

28. In all cases of fraud we will seek to recover all overpaid benefits.

Tenancy Fraud

29. The Council's Corporate Anti-Fraud investigators support the work of the Housing Department and will investigate suspicions of Tenancy Fraud.

30. This includes;

- Unauthorised sub-letting
- Abandonment
- False succession applications
- Housing register / Homelessness applications
- Right to buy
- General tenancy breaches

31. The Prevention of Social Housing Fraud Act 2013 was introduced to tackle many of the above issues.

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32. In all cases of tenancy fraud the Council will seek to recover the property and recover any financial losses. One property lost to fraud is one less property available to use for genuine applicants.

Other Fraud

33. Good governance controls will not totally eliminate fraud within our systems and to say we have no fraud is not understanding the problem and a poor corporate strategy.

34. Other areas of fraud include Business rates, Council Tax, Payroll, Insurance claims, Procurement, Internal Fraud, Identity Fraud, No recourse to public funds, Immigration, enforcement and emerging cybercrime.

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The Leaders' Portfolio

PES/416

Council's Representative on Business Improvement Districts - Local Authority Director

Manor Royal Business Improvement District (BID)

The original campaign to establish the Manor Royal BID was launched in 2012. In February 2013, the Cabinet agreed to support the establishment of the Manor Royal Improvement District (BID), culminating in a successful BID Ballot in April 2013, where the majority of prospective Manor Royal levy payers voted in favour of its creation.

The Manor Royal BID commenced on 1 June 2013 with the establishment of the Manor Royal BID Company (MRBD Limited), a not-for-profit BID Company, limited by guarantee. It is legally and operationally responsible to the businesses in the BID area and for all BID activities. Under the "Executive Function (The Leader and Cabinet), within the Constitution the Cabinet Member for Planning and Economic Development is a member of the Outside Body/Company as the Council's representative.

Crawley Town Centre Business Improvement District (BID)

The original campaign to establish the Crawley Town Centre BID was launched by the Town Centre Partnership in 2019. In September 2019, the Cabinet agreed to support the establishment of the Crawley Town Centre Business Improvement District (BID), culminating in a successful BIN Ballot in November 2019. Under the "Executive Function (The Leader and Cabinet), within the Constitution the Cabinet Member for Planning and Economic Development is a member of the Outside Body/Company as the Council's representative.

External advice was sought and obtained in 2020 confirming that there is no issue with an individual sitting on more than one BID Board. It is therefore recommended that the Cabinet Member for Planning and Economic Development continue as the nominated representative.

Recommendation:

That the Cabinet is recommended to:

Endorse Councillor A Nawaz, the current Cabinet Member for Planning and Economic Development as the Council's representative to both the Town Centre BID Board via the Town Centre Partnership, and the Manor Royal Business Improvement District BID Board ("Local Authority Director").

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Agenda Item 16

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

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Agenda Item 18

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Agenda Item 19

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Agenda Item 20

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