

Crawley Borough Council

Agenda of the Full Council

To: The Mayor and Councillors

You are summoned to attend a meeting of the **Full Council** which will be held in **Ashurst Main Hall - The Charis Centre**, on **Wednesday, 20 July 2022 at 7.30 pm**

Nightline Telephone No. 07881 500 227



Chief Executive

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

Published Date Not Specified

Duration of the Meeting

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

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



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

Part A Business (Open to the Public)

	Pages
1. Apologies for Absence	
To receive any apologies for absence.	
2. Disclosures of Interest	
In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.	
3. Minutes	5 - 18
To approve as a correct record the minutes of the meeting of the Full Council held on 27 May 2022.	
4. Communications	
To receive and consider any announcements or communications, including any additional Cabinet Member announcements.	
5. Public Question Time	
To answer public questions under Full Council Procedure Rule 1.1-E. The questions must be on matters which are relevant to the functions of the Council, and should not include statements.	
One supplementary question from the questioner will be allowed.	
Up to 30 minutes is allocated to Public Question Time.	
6. Petition - 'We need truly affordable, publicly owned homes for Crawley people'	19 - 20
To consider report LDS/187 of the Head of Governance Performance and People as the Council's Petition Officer	
7. Notice of Motion 1 - Motion To Restore Decency In Public Life	21 - 22
To consider, in accordance with Full Council Procedure Rule 1.1-H, the following Notice of Motion to be moved by Councillor Jones and seconded by Councillor Lamb.	
8. Consideration of Full Council Recommendations and Call-In Decisions	23 - 116
To consider any recommendations before the Full Council or items which have been Called-In.	
9. Results of Southgate Borough By-Election - June 2022	117 - 118
To receive the Returning Officer's report on the results of the Southgate Borough By-Elections held on 9 June 2022, CEx/58.	

10. Councillors' Questions Time

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

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

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

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

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

To receive the minutes of the meetings of the Cabinet, Overview and Scrutiny Commission and Committees, as listed on page 21, and set out in the appendices to this item and to debate any Reserved Items contained within those Minutes.

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

12. Supplemental Agenda

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

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Crawley Borough Council

Minutes of Full Council

Friday, 27 May 2022 at 7.30 pm

Present:

Ms M Flack (Deputy Mayor)

Councillors

Z Ali, M L Ayling, A Belben, T G Belben, J Bounds, S Buck, B J Burgess, R D Burrett, D Crow, J Hart, H Hellier, I T Irvine, K L Jaggard, G S Jhans, K Khan, Y Khan, M G Jones, P K Lamb, R A Lanzer, T Lunnon, S Malik, K McCarthy, J Millar-Smith, M Morris, C J Mullins, S Mullins, M Mwangale, A Nawaz, D M Peck, A Pendlington, S Piggott, S Pritchard, S Raja, T Rana and S Sivarajah

Also in Attendance:

Mr Peter Nicolson and Mr Russell Brown

Officers Present:

Natalie Brahma-Pearl	Chief Executive
Siraj Choudhury	Head of Governance, People & Performance
Ian Duke	Deputy Chief Executive
Heather Girling	Democratic Services Officer
Chris Pedlow	Democracy & Data Manager
Hayley Thorne	Mayor & Members PA

1. Disclosures of Interest

There were no declaration of interest received.

2. Election of the Mayor for 2022-2023

Before calling for nominations for the election of the new Mayor, the outgoing Deputy Mayor welcomed newly elected Councillors Jilly Hart, Hazel Hellier, Yasmin Khan, Steve Pritchard, Tahira Rana and Sharmila Sivarajah to the Council and took the opportunity to make a short speech to the Council about her (deputy) Mayoral year, thanking those that had supported her and summarising her tenure during the unusual time during the pandemic and acknowledging the sense of community spirit in Crawley.

It was then proposed by Councillor Buck, seconded by Councillor Rana, that Councillor Hart be appointed as Mayor for the forthcoming year. A vote was taken.

RESOLVED

Agenda Item 3

Full Council (2)
27 May 2022

That Councillor Jilly Hart be elected as Mayor for the Council year 2022/2023. The newly elected Mayor was invested with the Mayoral Chain, made the statutory Declaration of Acceptance of Office.

Councillor Lamb and Councillor Crow respectively, welcomed the new Mayor on behalf of the Council. In response to the congratulations, the new Mayor, Councillor Hart made a speech conveying the honour to be elected Mayor of Crawley. She also announced that her children, would be her Consorts for her year in office. She also announced that her Mayoral charity would be the Olive Tree Cancer Support Centre.

Councillor Hart's Speech

'I would like to start by saying a big thank you to the residents of Ifield for putting their faith in me to serve as their Councillor. I would also like to thank my family and friends and the Labour party and my fellow Councillors for their unfailing support before, during and after the elections – you know who you are!

I first moved to Ifield when I was 18 months old and attended the local junior and secondary schools. I have seen Crawley grow and evolve into the town that is today – a town I am very proud of.

My Consorts for the coming year will be my children, Dee and Roy. My charity this year will be the Olive Tree Cancer Support Centre situated at Crawley Hospital. They offer all kinds of support for people diagnosed with cancer, receiving treatment for cancer or recovering from cancer.

Once again thank you for putting your trust in me as I take on this honour of being the Mayor of Crawley for the next year.'

3. Election of the Deputy Mayor 2022-2023

It was proposed by Councillor K Khan, seconded by Councillor Nawaz, that Councillor Rana be appointed as Deputy Mayor, whilst Councillor Millar-Smith, seconded by Councillor Burrett, proposed the appointment of Councillor Mwangale. Councillor Crow requested a recorded vote, which was seconded.

For Councillor Rana:

Ayling, Buck, Hart, Irvine, Jhans, Nawaz, Jones, K Khan, Y Khan, Lamb, Lunnon, Malik, C Mullins, S Mullins, Nawaz, Raja, Rana, Sivarajah, (18)

For Councillor Mwangale:

Ali, A Belben, T Belben, Bounds, B J Burgess, Burrett, Crow, Hellier, Jaggard, Lanzer, McCarthy, Millar-Smith, Morris, Mwangale, Peck, Pendlington, Piggott (17)

Abstentions: (0)

RESOLVED

That Councillor Tahira Rana be elected as Deputy Mayor for the Council year 2022/2023.

Agenda Item 3

Full Council (3)
27 May 2022

The newly elected Deputy Mayor was then invested with the badge of office and signed her declaration of office.

4. Extend a vote of thanks to the out going Mayoralty.

The Mayor presented the Councillor Malik and former Councillor Flack with commemorative badges to observe their time in office. Councillors Lamb, C Mullins, Crow and Irvine conveyed their thanks to Councillor Shahzad Malik and former Councillor Morgan Flack and words of appreciation on the outgoing Mayoralty.

5. Minutes

The minutes of the meeting of the Full Council held on 30 March 2022 were approved as a correct record and signed by the Mayor.

6. Communications

Election of Youth Mayor And Youth Deputy Mayor 2022-23, had been deterred until the next Full Council meeting on the 20 July 2022. The reason for the delay was that the Youth Council were still in the process of confirming their nominations for the position of Youth Mayor and Youth Deputy Mayor.

Crawley's City Bid –

Unfortunately the town's bid for city status was unsuccessful. However, the bidding process had provided an opportunity to celebrate and promote Crawley as wonderful town and to rebuild its optimism and pride after experiencing the worst economic impacts of the pandemic. The city bid document was an excellent record of how Crawley New Town had developed over the last 75 years as it was an opportunity to celebrate the towns 75th Birthday this year.

Queen's Platinum Jubilee -

The forthcoming Queen's Platinum Jubilee weekend provided lots of opportunities for events and street parties across Crawley for celebrating from 2-5 June 2022. These included amongst others: the Jubilee Beacon lighting in Tilgate, the Platinum Jubilee in the High Street, Big Jubilee Lunch and Crawley Armed Forces Day in Memorial Gardens and the Queen's Platinum Jubilee exhibition at the Crawley Museum. Related to the platinum jubilee, an ancient Hawthorn Tree in Tilgate had been chosen as one of 70 trees nationally as part of the Platinum Jubilee Queen's Green Canopy.

7. Results of Elections 2022 - 2023

The Council received the Returning Officer's report, on the results of the 2022 Borough Election, held on 5 May 2022.

8. Election of Leader of the Council and announcement of the Cabinet

It was proposed by Councillor Lamb, seconded by Councillor K Khan, that Councillor Michael Jones be appointed as Leader of the Council.

Agenda Item 3

Full Council (4)
27 May 2022

RESOLVED

That Councillor Jones be elected as the Leader of the Council for a four-year term of office or until such time as their term of office (as a councillor) expires. Councillor Jones then took the opportunity to thank Councillor Lamb as for his service as Leader and welcomed the forthcoming opportunities.

Following his election as Leader of the Council, Councillor Jones announced his Cabinet and the related Portfolio Holder responsibilities to the Council along with the Terms of Reference and Appointments for the Cabinet Advisory and Working Groups as set out in report [LDS/180](#). It was noted that there were key changes to the Cabinet:

	Councillor
Leader of the Council	Michael Jones
Deputy Leader and Wellbeing	Chris Mullins
Housing	Sandra Buck
Environmental Services and Sustainability	Gurinder Jhans
Resources	Shahzad Malik
Public Protection and Community Engagement	Sue Mullins
Planning and Economic Development	Atif Nawaz

9. Review of Political Proportionality, Constitution of Committees and Appointments to Outside Organisations 2022- 2023

The Full Council considered the [report](#) of the Head of Legal, Democracy and HR, [LDS/180](#) and [LDS/180a](#), which detailed the review of the representation of different Political Groups on the Council and to determine the size and membership of the Council's Committees, Outside Bodies and Cabinet's Advisory and Working Groups and Member Development Executive Support Group for the municipal year 2022/2023 in accordance with the requirements of the Local Government and Housing Act 1989 and associated Regulations. The report also detailed that the allocation of Chairs and Vice Chairs of those Committees. It was noted that the report contained a link to the latest version of the Constitution for Councillors' ratification.

The Mayor stated for the nominations for Council Appointed Outside Bodies positions where there are contested position, there would be individual votes on these appointments, once the non-contested items had been approved.

The Mayor called for a vote on the membership and nominations and the adoption of the Constitution (subject to any changes arising from this Full Council meeting being included prior to publication) which was carried unanimously.

RESOLVED

That the Full Council approves

1. the appointments and size of the Council's Committees (taking into account political proportionality) for the municipal year 2022/2023, along with the Chairs and Vice Chairs as for those Committees, the appointments for the non-contested Outside Bodies and Organisations for the municipal year 2022/2023 and the appointments and size of Cabinet's Advisory and Working Groups and Member Development Executive Support Group 2022/ 2023.

2. for publication the latest draft version of the Council's Constitution, subject to any changes arising from this Full Council meeting being included prior to publication.

Contested Votes – Outside Bodies

The Full Council then considered the appointments for the contested Outside Bodies and Organisations for the municipal year 2022/2023, where there were more nominations than places available. The Council determined who should be appointed by voting as follows:-

Court of the University of Sussex. There were two nominations for one place.

It was moved by Councillor Jones seconded by Councillor C Mullins, that Councillor Y Khan be the Council's appointment for the Court of the University of Sussex. Whilst Councillor Crow moved, seconded by Councillor McCarthy that Councillor Burrett be the Council appointment.

A vote was taken and Councillor Y Khan was appointed.

RESOLVED

That the Council approves the appointments to the Outside Bodies and Organisations, as listed in the individual votes above, and these be included within the Council's Appointments detailed within the Appendix A to these minutes.

Closure of Meeting

With the business of the Full Council concluded, the Chair declared the meeting closed at 8.28 pm

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Agenda Item 3

Committee Memberships and Chairs/Vice Chairs 2022/23

Audit Committee (5 councillors 3:2)	
<i>Not more than 1 member shall be a Cabinet member and that Councillor shall not chair the Committee.</i>	
M Ayling T Rana (Vice Chair) Y Khan	T Belben J Millar-Smith (Chair)

Governance Committee (11 councillors 6:5)	
M Jones G Jhans P Lamb (Chair) T Lunnon S Pritchard Y Khan	R Burrett D Crow J Bounds (vice-chair) R Lanzer K McCarthy

Licensing Committee (15 councillors 7:7:1)	
1) <i>Between 10 and 15 members (a quorum of 10 when dealing with matters under the Licensing Act 2003).</i>	
2) <i>This Committee includes Sub-Committee daytime meetings responsibilities.</i>	
M Ayling S Buck J Hart I Irvine (Chair) M Jones C Mullins A Nawaz	K Jaggard Z Ali (Vice-Chair) J Bounds B J Burgess K McCarthy M Morris D Peck

Planning Committee (11 councillors 6:5)	
S Sivarajah S Malik S Mullins S Raja S Pritchard Y Khan (Vice-chair)	R Burrett (Chair) Z Ali A Belben K Jaggard M Mwangale

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Overview and Scrutiny Commission (11 councillors 6:5)	
<i>Where there is more than 1 political group on the Council, either the position of Chair or Vice Chair of the Overview and Scrutiny Commission will go to a member nominated by an opposition group.</i>	
M Ayling I Irvine K Khan (Vice Chair) T Rana S Pritchard S Sivarajah	T Belben (Chair) H Hellier R Lanzer A Pendlington S Piggott

Council-owned Neighbourhood Parades Scrutiny Panel (6 councillors 3:3)	
M Ayling K Khan T Rana	R Lanzer (Chair) M Mwangale D Peck

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Employment Panel <i>(From a pool of councillors)</i>	
<ol style="list-style-type: none"> 1) <i>As far as possible, a politically balanced panel of between 3 and 7 councillors will be drawn from the following membership.</i> 2) <i>Political groups may add further names to the pool if they so wish.</i> 3) <i>At least one opposition Councillor is required on an Employment Panel when it meets.</i> 4) <i>The quorum and the size of the Employment Panel varies depending on the cases it is dealing with. See Constitution Part 1 Section 5 Employment Panel for exact details.</i> 	
M Ayling S Buck J Hart I Irvine G Jhans M Jones K Khan Y Khan P Lamb T Lunnon S Malik C Mullins S Mullins A Nawaz S Pritchard S Raja T Rana S Sivarajah	T Belben B J Burgess H Hellier R Burrett D Crow K Jaggard R Lanzer K McCarthy J Millar-Smith A Pendlington S Piggott

Grants Appeals Panel <i>(From a pool of councillors)</i>	
<ol style="list-style-type: none"> 1) <i>As far as possible, a politically balanced panel of 5 councillors will be drawn from the following membership.</i> 2) <i>Not to include any Cabinet members involved in the decision on the grant application(s).</i> 3) <i>Political groups may add further names to the pool if they so wish.</i> 	
M Ayling S Buck J Hart I Irvine G Jhans M Jones K Khan Y Khan P Lamb T Lunnon S Malik C Mullins S Mullins A Nawaz S Pritchard S Raja T Rana S Sivarajah	A Belben T Belben J Bounds R Burrett J Millar-Smith M Morris M Mwagale D Peck D Crow

Agenda Item 3

Appointments to Full Council Outside Organisations

Organisation	Appointments 2022/23
Age UK – West Sussex Trustee Board <i>One seat</i>	<i>Cabinet Member for Wellbeing</i>
Courage Dyer Recreational Trust <i>No appointment in 2022</i>	Brenda Smith (May 2019 to May 2023) Michael Jones (May 2021- May 2025) Sue Mullins (May 2021- May 2025) Cllr Malik - appointed automatically ex-officio as Mayor. <i>- 4 year appointments only</i> <i>- Once appointed, not required to remain a Councillor</i> <i>- Only 4 nominations in total.</i>
Crawley Arts Council (CAC) <i>Two seats One representative per Group</i>	S Sivarajah B Burgess
Crawley Ethnic Minority Partnership (CEMP) Board <i>One seat</i>	Y Khan
Crawley Community Action <i>Two seats One representative per Group</i>	Y Khan B Burgess
Crawley Museum Society <i>Two seats One representative per Group</i>	S Pritchard A Pendlington
Crawley Open House Management Committee <i>Two seats One representative per Group</i>	S Buck J Millar-Smith (Plus officer from Housing and Planning Strategic Services).
Crawley Town Twinning Association (CTTA)	T Rana S Piggott
Gatwick Airport Community Trust (GACT) <i>One representative for 4 year appointment.</i>	A Nawaz (May 2021-May 2025).

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<p>Relate - North & South West Sussex Trustee Board</p> <p><i>Two seats One representative per Group</i></p>	<p>S Mullins M Mwangale</p>
<p>Court of the University of Sussex</p> <p><i>One representative.</i></p>	<p>Y Khan</p>
<p>West Sussex Joint Scrutiny Steering Group*</p> <p><i>*Subject to confirmation at the next meeting of the Overview and Scrutiny Commission</i></p>	<p>T Belben as the Nomination for Chair of the Overview and Scrutiny Commission</p>
<p>West Sussex Health and Adult Social Care Select Committee*</p> <p><i>*Subject to confirmation at the next meeting of the Overview and Scrutiny Commission</i></p>	<p><i>Must be a member of the OSC.</i></p>
<p>West Sussex Mediation Service Management Committee</p> <p><i>Two seats per One representative per Group & Two Deputies one per Group</i></p>	<p>S Pritchard J Millar-Smith</p> <p>I Irvine (Deputy) H Hellier (Deputy)</p>

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The Leader of the Council and the Cabinet

	Councillor
Leader of the Council	Michael Jones
Deputy Leader and Wellbeing	Chris Mullins
Housing	Sandra Buck
Environmental Services and Sustainability	Gurinder Jhans
Resources	Shahzad Malik
Public Protection and Community Engagement	Sue Mullins
Planning and Economic Development	Atif Nawaz

Terms of Reference and Appointments for Advisory and Working Groups and Member Development Executive Support Group (Executive Function)

Notes

- 1) Lead officers appointed to each working group
- 2) To be chaired by the Cabinet member who holds the area of responsibility
- 3) Administration to be undertaken by each individual service department.

Working Groups & Terms of Reference	2022/23
<p>Economic Regeneration Working Group (ERWG)</p> <p>1. To receive and consider updates on economic regeneration initiatives and actions across the borough, including delivery of the Crawley Growth Programme, Town Centre Regeneration programme, Employment & Skills Programme, the delivery of individual economic regeneration schemes and partnership activities within the Manor Royal Business District.</p> <p>2. To receive and consider reports on economic regeneration activities in Crawley and to make recommendations, as necessary, to the Cabinet on the:-</p> <ul style="list-style-type: none"> • proposals to regenerate sites identified in the Local Plan, the Town Centre Supplementary Planning Document and the Manor Royal Supplementary Planning Document & Design Guide • identification and promotion of other economic regeneration opportunities to enhance the physical appearance and social, economic and educational attributes • communications with all interested parties to maintain confidence in the wider economic regeneration of Crawley. <p><i>Lead officer = Clem Smith</i></p>	<p><i>11 members (5:5:1)</i></p> <p>G Jhans K Khan Y Khan T Lunnon A Nawaz</p> <p>R Burrett D Crow R Lanzer J Millar-Smith H Helier</p>

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<p>Local Plan Working Group (LPWG)</p> <p>To consider and provide guidance on the process for reviewing the Local Plan and support the Local Plan Review to examination, if/when this is progressed.</p> <p><i>Lead officer = Clem Smith</i></p>	<p><i>9 members (5:4)</i></p> <p>I Irvine, T Lunnon, S Mullins, S Raja, A Nawaz</p> <p>Z Ali A Belben R Burrett D Crow</p>
<p>Member Development Executive Support Group (MDESG)</p> <ol style="list-style-type: none"> 1. To provide all-party support for a coordinated approach to member development and training across the Council. 2. To identify individual and Group training needs and to prioritise them accordingly. 3. To develop, monitor and evaluate all member development activities. 4. To promote learning and development opportunities amongst all members of the Council, encouraging the highest level of participation by members to organised training and development events. 5. To ensure that a comprehensive induction programme is made available to all newly elected Councillors. <p><i>Lead officer = Siraj Choudhury</i></p>	<p><i>4 members (2:2)</i></p> <p>M Jones, S Pritchard</p> <p>D Crow K McCarthy</p>
<p>Town Hall Project Members Working Group (THPMWG)</p> <p>To focus on the Town Hall development and primarily, although not exclusively, on the requirements for councillors' facilities and the civic areas of the new building.</p> <p><i>Co-Lead officers = Ian Duke and Nigel Sheehan</i></p>	<p><i>6 members (3:3)</i></p> <p>M Jones P Lamb C Mullins</p> <p>T Belben B J Burgess K McCarthy</p>
<p>Unsupervised Play Investment Programme Members Working Group (UPIPWG)</p> <ol style="list-style-type: none"> 1. To provide all-party support for a coordinated approach to investment in unsupervised play areas. 2. To consider the short term reprioritisation of the remaining twelve play areas in the current programme, with the view to postponing and / or bringing other key sites forward. 	<p><i>6 members (3:3)</i></p> <p>M Ayling M Jones C Mullins</p> <p>K McCarthy A Pendlington M Mwangale</p>

Agenda Item 3

<ol style="list-style-type: none">3. To agree prioritisation criteria; apply the criteria to the current stock; and agree a new unsupervised play area investment programme.4. To consider variations to the agreed programme in future years should circumstances require.	
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Agenda Item 6

Petition - "We need truly affordable, publicly owned homes for Crawley people"

LDS/187

Head of Governance Performance and People
as the Council's Petition Officer

This item seeks consideration of a petition that was received which contains over 1000 valid signatures. As the petition contains in excess of 1,000 signatures required for the matter to be debated at Full Council in accordance with the Council's Petitions Scheme.

The Petition states as follows: – ***"We need truly affordable, publicly owned homes for Crawley people"***

"We, the undersigned, are appalled at Crawley Borough Council's decision to charge council tenants so-called affordable rents at the maximum 80% of the market rate. This policy is causing unnecessary hardship and must be scrapped. Instead, we call upon the Council to borrow the money to build council houses at rents comparable to existing stock and use housing cooperatives to reduce the cost."

In accordance with the Council's Petition Scheme, Full Council has a maximum of 30 minutes at each meeting to consider petitions. Within this time each Principal Petitioner will be given five minutes to present the petition.

The Petition relates to a responsibility of the Cabinet, and as such Cabinet is required to take the final decision. At this meeting Full Council will consider the petition and decide whether or not to make recommendations to inform the Cabinet's decision.

The Principal Petitioner will receive written confirmation of this decision. The confirmation will also be published on the Council's website.

Full Council decisions, relating to petitions, which are not unanimous require a recorded vote/s.

Full Council is recommended to:

1. receive the contents of the petition and the views expressed by the Principal Petitioner.
2. decide which of the following options to take (noting that any of the options below **must** be formally moved and seconded):
 - a) Note the petition without making any recommendations
 - b) Note the petition and invite the Cabinet (at its meeting on 7 September 2022) to consider whether it wishes to bring forward viable options (including any financial implications) in relation to the proposal of the petition
 - c) Support the petition and request that the Cabinet (at its meeting on 7 September 2022) bring forward viable options (including any financial implications) in relation to the proposal of the petition
 - d) Make any other recommendations relating to the petition to Full Council for its consideration.

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Agenda Item 7

Full Council

20 July 2022

NOTICE OF MOTION 1 – MOTION TO RESTORE DECENCY IN PUBLIC LIFE

Mover Councillor Jones and Seconder Councillor Lamb

This Council notes:

That within the United Kingdom, every elected representative, from the Prime Minister to a parish councillor, is expected to honour the Seven Principles of Public Life: principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

That Boris Johnson at numerous points during his term as Prime Minister has failed to meet all seven of these fundamental principles.

That he was shown to have misled the Queen in seeking the unlawful prorogation of Parliament.

That he has enabled ministers to remain in office despite breaches of the ministerial code, leading to the resignation of his first Ethics Advisor.

That during his administration, the Government has faced repeated accusations of cronyism, from the awarding of contracts and peerages to Conservative donors and close associates, including widely reported abuses of the fast-track procurement process through the pandemic costing taxpayers billions of public money.

That the Electoral Commission found him to have broken electoral law around the refurbishments of his Downing Street flat.

That he enabled ministerial colleagues and advisors to remain in office despite breaking rules designed to stop the spread of a deadly pandemic. Rules which were followed by the people and businesses in Crawley, not only resulting in huge personal sacrifices but greater damage to the town's economy than that of any other in the country.

That after widespread flouting of these same rules at Downing Street, he has become the first Prime Minister in history to be issued with a penalty by the Police whilst in office.

That following a Conservative MP being found guilty of breaching rules on paid lobbying by PMs, he sought to change the parliamentary standards regime to avoid that MP being suspended.

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That he lost the confidence of his second Ethics Advisor after making it clear that his Government would seek to break international law.

That he has now been shown to have promoted Chris Pincher MP to ministerial office while being aware of allegations of sexual assault against him.

That in three years, the current Conservative benches have managed to accrue more numerous and serious scandals than in decades of previous UK administrations.

That the result of the 1922 Committee vote in early June shows that even at that time Boris Johnson had overwhelmingly lost the confidence of Conservative backbenchers, and that the ongoing resignations of senior ministers and advisors evidence that he has now lost the confidence of his closest confidants.

That polls have repeatedly and consistently shown that the British public believe that Boris Johnson needs to resign, with a majority of those who voted for the Conservative Party in 2019 now indicating that they too believe he should go.

That the UK Government now exists in a state of weakness and instability, during a period of international crisis and huge economic and domestic challenges at home. Chaos which continues to grow each day Boris Johnson remains in office.

This Council believes:

That as the only elected body solely representing Crawley, this council has a duty to speak on behalf of the people of the town.

That as a local authority, our ability to carry out our duties is dependent upon the effective operation of UK Government, something which is no longer possible under the leadership of Boris Johnson.

This Council resolves:

To call upon Boris Johnson to resign as Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

Agenda Item 8

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

Appendix

- a) Planning Committee – 4 April 2022 (page 25)
- b) Planning Committee – 25 April 2022 (page 29)
- c) Planning Committee – 6 June 2022 (page 33)
- d) Overview and Scrutiny Commission – 13 June 2022 (page 39)
- e) Licensing Committee – 20 June 2022 (page 43)
- f) Governance Committee – 21 June 2022 (page 47)

Recommendation 1 – Extension to the Current Councillors' Allowance Scheme
(page 49)

- g) Overview and Scrutiny Commission – 4 July 2022 (page 51)
- h) Cabinet – 6 July 2022 (page 59)

Recommendation 2 – Public Spaces Protection Order - Keep your dog on a lead in Tilgate Park* (page 62)

Recommendation 3 – Financial Outturn 2021-2022 (Quarter 4) (page 65)

Recommendation 4 – Water Neutrality Off-Setting Programme – (PART B report)
(page 71)

* A copy of the associated reports HCS/41 and HCS/41a have been included as appendix i) (page 75) and j) (page 105) respectively to this item to aid the decision on Recommendation 2

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Crawley Borough Council

Minutes of Planning Committee

Monday, 4 April 2022 at 7.00 pm

Councillors Present:

R D Burrett (Chair)

S Buck (Vice-Chair)

Z Ali, A Belben, I T Irvine, K L Jaggard, S Malik, M Mwangale and P C Smith

Officers Present:

Siraj Choudhury Head of Legal, Governance and HR

Jean McPherson Group Manager (Development Management)

Clem Smith Head of Economy and Planning

Jess Tamplin Democratic Services Officer

Hamish Walke Principal Planning Officer

Apologies for Absence:

Councillor S Raja

Also in Attendance:

Councillor B J Burgess

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Irvine	Planning Application CR/2021/0693/FUL – Hedley House, 225 Three Bridges Road, Three Bridges, Crawley (Minute 4)	Personal Interest – Cabinet Member for Housing

2. Lobbying Declarations

The following lobbying declarations were made by councillors:-

Councillor Burrett had received correspondence from a Ward Councillor for Three Bridges regarding application CR/2021/0693/FUL, but had not been directly lobbied and had not expressed views on the application in advance of the meeting.

3. Minutes

The minutes of the meeting of the Planning Committee held on 8 March 2022 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2021/0693/FUL - Hedley House, 225 Three Bridges Road, Three Bridges, Crawley

The Committee considered report [PES/381a](#) of the Head of Economy and Planning which proposed as follows:

Change of use from a six person house in multiple occupation (C4) to a hostel (sui generis) for six people to be managed by Crawley Homes.

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

The Principal Planning Officer provided a verbal summation of the application for a change of use, which related to a detached two storey, six bedroom house in Three Bridges. The Officer gave detail of the various relevant planning considerations as detailed in the report, which suggested that the proposed hostel would help meet Crawley's need for accommodation for homeless people and would not cause significant harm to neighbouring amenity.

Nikki Hargrave spoke on behalf of the applicant, Crawley Borough Council, in support of the application. Matters raised included:

- There was a growing need for accommodation for those finding themselves homeless; temporary accommodation such as nightly paid hotels were not a sustainable option. Multiple occupancy vacant properties were a good alternative.
- No change was to be made to the building itself nor to the number of occupants. The application sought only a change of use.
- The proposed hostel would be managed by the Council's Hostels Team, who would carry out welfare visits and weekly health and safety checks.

Brenda Burgess, Ward Councillor for Three Bridges, spoke on behalf of residents in objection to the application. Matters raised included:

- Neighbours of the site had described anti-social behaviour at the property under its current use, and had raised concerns that this could be exacerbated under the proposed new use.
- Clarity was sought over the number of occupants housed in each room.
- It was important to neighbours of the site that the property be regularly monitored by the applicant.

The Committee then considered the application. Following a query regarding the possible provision of a seventh bedroom within the property, the Planning Officer highlighted the importance of a large communal space for tenants to use for dining, relaxing, and socialising with one another. The Committee noted that the design of the house lent itself to six individuals sharing communal facilities rather than multiple family units with in-room amenities. It was confirmed that the property was proposed to be used by six people and that this was to be controlled by a condition; if approved, the number of occupants would not be able to be changed without the Local Planning Authority varying that condition. Tenants were not to be allocated a fixed term of residency at the dwelling, but were to be able to stay indefinitely. It was noted that the proposal sought to prevent homelessness.

It was recognised that the management of the proposed hostel by Crawley Borough Council would allow the property to be monitored and any issues addressed more easily and efficiently than under the current use.

The Planning Officer confirmed that no physical changes to the building were proposed as part of this application. Any future changes would require a separate planning application.

RESOLVED

Permit subject to conditions set out in report PES/381a.

5. Planning Application CR/2022/0008/FUL - 45 Shaws Road, Northgate, Crawley

The Committee considered report [PES/381b](#) of the Head of Economy and Planning which proposed as follows:

Erection of single storey side extension with pitched roof.

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

The Group Manager (Development Management) provided a verbal summation of the application, which sought permission for the addition of a bedroom and en-suite bathroom to an end-of-terrace house in Northgate. The Officer gave detail of the various relevant planning considerations as detailed in the report, which concluded that the proposed extension was in keeping with the character of the dwelling and was not considered to have a harmful impact on neighbouring properties.

The Committee then considered the application. The proposal's impact on car parking provision was discussed – it was recognised that two off-street parking spaces were proposed to be created on the existing hardstanding along the front of the house (an increase of one compared to the current off-street provision). A query was raised as to whether the space was sufficient for two cars due to the adjacent fence and the steps at the dwelling's front door. The Officer clarified that the fence was to be removed and the resulting space of approximately 11m x 3m was considered sufficient for two cars; standard parking spaces were 4.8m x 2.4m.

In response to a query from a Committee member, it was confirmed that the grassed area of land adjacent to the dwelling (edged in blue on the location plan) was within the applicant's control but was not considered to be within the boundary of domestic curtilage of the property and so functioned as amenity space.

RESOLVED

Permit subject to conditions set out in report PES/381b.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 7.48 pm.

R D Burrett (Chair)

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Crawley Borough Council

Minutes of Planning Committee

Monday, 25 April 2022 at 7.00 pm

Councillors Present:

R D Burrett (Chair)

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

Officers Present:

Siraj Choudhury Head of Legal, Governance and HR

Jean McPherson Group Manager (Development Management)

Clem Smith Head of Economy and Planning

Jess Tamplin Democratic Services Officer

Apologies for Absence:

Councillors Z Ali and S Buck

1. Disclosures of Interest

No disclosures of interests were made.

2. Lobbying Declarations

The following lobbying declarations were made by councillors:-

All councillors present had been lobbied regarding Item 7, Objections to the Crawley Borough Council Tree Preservation Order – Ewhurst Place No.1 – 08/2021, but had not expressed views on the application in advance of the meeting.

3. Minutes

The minutes of the meeting of the Planning Committee held on 4 April 2022 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2021/0766/TPO - Rear of 10 Graveney Road, Maidenbower, Crawley

The Committee considered report [PES/382a](#) of the Head of Economy and Planning which proposed as follows:

9972 oak – removal of lower stem growth up to crown break (amended description).

Councillors A Belben and Burrett declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which sought consent for minor works to the stem of a protected oak tree.

The Committee then considered the application. A Committee member highlighted that the report did not give details of any notifications sent to neighbours of the site regarding the proposed works to the tree. The Officer clarified that there was no legal requirement to directly notify site neighbours regarding works to trees which are the property of the Council – notification was given via a site notice.

RESOLVED

Consent subject to conditions set out in report PES/382a.

5. Planning Application CR/2021/0817/TPO - Land Parcel Adjacent to 6 Somerville Drive, Pound Hill, Crawley

The Committee considered report [PES/382b](#) of the Head of Economy and Planning which proposed as follows:

Oak 143552 – section fell.

Councillors A Belben and Burrett declared they had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which sought the felling of a protected oak tree which was infected with advanced bleeding canker and had suffered considerable loss of its crown.

The Committee then considered the application. It was recognised that a replacement oak tree was proposed to be planted at the site of the existing tree and this was recommended to be a nursery-size specimen. It was queried whether a larger and more mature specimen with higher amenity value could instead be selected – the Planning Officer explained that nursery specimens were selected for cost reasons, but a request could be made for a larger specimen.

In response to a query regarding the replacement tree, the Planning Officer confirmed that care of the tree would be the responsibility of Crawley Borough Council; it would be checked as part of routine inspections of Council-owned trees.

RESOLVED

Consent subject to conditions set out in report PES/382b.

6. Objections to the Crawley Borough Council Tree Preservation Order - Ewhurst Place No.1 - 08/2021

The Committee considered report [PES/400](#) of the Head of Economy and Planning which sought to determine whether to confirm the Tree Preservation Order (TPO) – Ewhurst Place No.1 – 08/2021 – with or without modification for continued protection, or not to confirm the TPO.

Councillors A Belben, Burrett, and P Smith declared they had visited the site. Councillor Jaggard was familiar with the site but had not visited it recently.

The Group Manager (Development Management) provided a verbal summation of the application, which related to two groups of trees on land between the formal grounds of Ewhurst Place and Ifield Drive in Ifield. The land was the subject of a planning application for residential development which was yet to be determined. In November 2021 the trees were protected under a six month provisional TPO, which the Committee was now requested to confirm with a modification to omit one of the two tree groups (group A2) from the TPO. This was due to group A2 lacking the same level of visual amenity as group A1, as well as the potential pressure of regular trimming and maintenance in the event that any future development were to take place at the site. The trees in group A1 were considered to have significant amenity value and provide an important screen between Ifield Drive and Ewhurst Place and protection was therefore sought.

The Chair called for the Committee to take a brief adjournment to examine documentation that had been sent by the landowners to Committee members prior to the meeting.

Trevor Harman, on behalf of the landowners, spoke in objection to the TPO. Matters raised included:

- The landowners had sought to work with the Local Planning Authority to bring forward a planning application for new homes at the same site, which proposed a new planting scheme. Confirmation of the TPO on the existing trees would hinder these proposals.
- Only one of the existing trees was considered arboriculturally important, and the arboricultural report showed that the life expectancy of the majority of the trees was approximately 10 to 20 years.
- The historic value of the trees was queried; archaeological surveys from the 16th century did not show trees in the same location.

The Committee then considered the application. The following matters were raised as part of the discussion:

- Life expectancy of the trees. A query was raised regarding the rationale behind protecting trees with limited life expectancy; it was explained that a TPO requires a tree to be replaced with a new specimen when the protected tree dies. TPOs therefore also secure the replenishment of trees in the future and any landscape feature they contribute to.
- The trees' categorisation and amenity value. Several Committee members commented that the trees in group A1 were not of especially high amenity value and therefore queried the need for their protection. The Planning Officer explained that the majority of the trees were of a lower category, but their value was in the tree group as a whole, which made a valuable visual contribution to the area.
- The link between the TPO confirmation and the planning application at the same site. It was clarified that the two matters were separate – if the Committee was to confirm the TPO this would not prevent the planning application from being determined. If the application required the protected trees to be removed, a mitigation/replanting scheme would need to be considered as part of the application along with other relevant planning considerations. If a separate application to remove the protected trees was made (outside of a planning application for development), there would be a requirement for the TPO to first be modified and a new specimen replanted.

- It was clarified that confirming the TPO would protect the trees from being removed or damaged without consent; any future works to the trees would require consent from the Local Planning Authority.

It was requested by Councillor Irvine that a recorded vote be taken on the application. The names of the Committee members voting for, against, or abstaining were as follows:

For the recommendation to consent: Councillors A Belben, Burrett, Irvine, Jaggard, Malik, Mwagale, and Raja (7).

Against the recommendation to consent: Councillor P Smith (1).

Abstentions: None.

RESOLVED

Confirm, with modification to remove tree group A2 from the TPO.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 8.14 pm.

R D Burrett (Chair)

Crawley Borough Council

Minutes of Planning Committee

Monday, 6 June 2022 at 7.00 pm

Councillors Present:

R D Burrett (Chair)

Y Khan (Vice Chair)

Z Ali, A Belben, K L Jaggard, S Malik, S Mullins, M Mwangale, S Pritchard and S Raja

Officers Present:

Siraj Choudhury Head of Governance, People & Performance

Jean McPherson Group Manager (Development Management)

Marc Robinson Principal Planning Officer

Clem Smith Head of Economy and Planning

Jess Tamplin Democratic Services Officer

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor A Belben	CR/2021/0844/FUL – 9 Mill Road, Three Bridges (Minute 4)	Personal interest – a neighbour of the site, who had raised an objection to the application, was known to him.
Councillor A Belben	CR/2022/0034/TPO – 8 Haversham Close, Three Bridges (Minute 5)	Personal interest – the applicant was known to him.
Councillor Burrett	CR/2022/0034/TPO – 8 Haversham Close, Three Bridges (Minute 5)	Personal interest – the applicant was known to him.
Councillor Jaggard	CR/2022/0034/TPO – 8 Haversham Close, Three Bridges (Minute 5)	Personal interest – the applicant was known to her.

The Head of Governance, People & Performance highlighted that the applicant for agenda item CR/2022/0034/TPO – 8 Haversham Close – was Brenda Burgess, a currently elected Crawley Borough Council Councillor. Those Committee members that had not declared an interest in the application confirmed that they knew or knew of Councillor Burgess, however a specific declaration of interest was not required as Councillor Burgess did not fall under the category of relative or friend. It was considered that all Committee members were able to approach the application with an open mind.

2. Lobbying Declarations

Councillor Pritchard had been lobbied regarding agenda item 5 (minute 4), planning application CR/2021/0844/FUL – 9 Mill Road, Three Bridges, but had not expressed views on the application in advance of the meeting.

3. Minutes

The minutes of the meeting of the Planning Committee held on 25 April 2022 (included in the supplemental agenda published on 6 June 2022) were approved as a correct record and signed by the Chair.

4. Planning Application CR/2021/0844/FUL - 9 Mill Road, Three Bridges, Crawley

The Committee considered report [PES/403a](#) of the Head of Economy and Planning which proposed as follows:

Erection of 1 x attached three bed dwelling in side garden space, and erection of single storey side and rear extension and internal alterations to existing dwelling.

Councillors Ali, A Belben, Burrett, Jaggard, Mwagale, and Pritchard declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application, which sought planning permission for an extension to 9 Mill Road in Three Bridges and a separate three bedroom house to the side of the existing property. The Officer updated the Committee that, since the publication of the agenda, the following amendments to the report were required:

- Part of paragraph 5.28 was now to read, 'The proposals could also provide adequate cycle parking *in the rear garden*'.
- Part of paragraph 5.29 was now to read, 'According to Policy CH5, a *two* storey 3 bedroom dwelling for 4 persons should provide a minimum internal floorspace of 90 sqm'.
- Part of paragraph 5.35 was now to read, 'The plans show that the FFL of the extension would be the same as the existing dwelling which would be +69.8m which would be 300mm higher than the *external ground level* at the rear of the existing dwelling'.

The Committee noted that, following the publication of the agenda, a supplemental agenda had been published which included a clearer plan of the application site.

Brenda Burgess, Ward Councillor for Three Bridges, spoke in objection to the application. Matters raised included:

- Local residents were concerned about the proposed development's effect on the streetscene.
- Mill Road was narrow with cars tightly parked – works vehicles may have difficulty accessing the site and this could cause congestion in the vicinity.
- A previous planning application for a dwelling at the same site had been refused.

The Committee then considered the application. Following a question from a Committee member, the Planning Officer explained that there had been two previous planning applications at the same site – a first which was for a separate dwelling and had been refused, and a second which was for an extension and had been permitted. It was clarified that these applications were separate to that in front of the Committee, but some weight should be given to the reasons for both the prior permission and the prior refusal in assessing the current application.

One of the previous applications was refused on flood risk grounds only. The only fundamental difference in the application now under consideration compared to the previously-refused application was a significantly reduced flood risk at the site following a re-assessment by the Environment Agency (EA), which had now placed the site in the lowest flood risk zone. It was noted that, according to the flood map created by the EA in November 2021, the application site was now predominantly in flood zone 1 (low probability) with a small part of the site in zone 2 (medium). Previously the site had been in zone 3 (high) and the risk of flooding had formed the reason for the refusal of the previous application for a dwelling at the site.

Committee members discussed the reasons for the change in flood zone – that the EA had updated its flood risk map as part of a routine review – and noted that the application complied with various flood-resilience requirements and advice. A Committee member raised a concern that a different flood map of the area, sourced from the Government's website, showed that the site was at a high risk of flooding. Planning officers agreed that it was unclear which classification was more recent and therefore the flood risk zone could not be confirmed at the meeting.

The Committee continued discussion of the application to help determine whether it would be able to make a decision at the meeting. Concerns were raised regarding an existing lack of on-street car parking on Mill Road – it was considered whether the application could lead to more cars needing to be parked on the road and therefore further pressure on the availability of parking spaces. The Principal Planning Officer clarified that in-person surveys undertaken by Crawley Borough Council officers had identified that there was parking capacity in the nearby streets and it was not therefore considered that the area was under parking stress. West Sussex County Council also had no objection to the proposal in terms of the impact upon the parking and the safe and efficient operation of the highway. A Committee member highlighted that the area was in a controlled parking zone (CPZ) so the number of cars parked would differ throughout the day based on the operation of the CPZ. It was confirmed that the surveys were undertaken outside of CPZ operation hours, at 17:45, 19:30, and 21:00. It was noted that the previous application for a dwelling at the site was refused on the grounds of flood risk, not on parking grounds. It was also heard that parking standards were taken into account on a case-by-case basis – in this case, the site was considered to be in a sustainable location close to local facilities with good public transport links and this mitigated the need for the creation of off-street parking spaces. The Committee felt that WSCC should be requested to undertake a site visit to assess the impact of the development.

Cycle storage facilities were discussed by the Committee. It was identified that there was no cycle storage at the front or to the side of the existing dwelling due to the small size of the site, so any bicycles were proposed to be carried through the house and stored in the rear garden. Concerns were raised about the practicality of this proposal and that it may discourage bicycle usage.

A Committee member raised the matter of water usage in relation to both the existing and proposed houses, and questioned how the development could be water neutral. In response, the Principal Planning Officer confirmed that the Council's specialist consultants had confirmed that the proposals were water neutral. The proposal to remove one bedroom from the existing dwelling implied a decrease in occupancy and therefore a decrease in water usage. It was also proposed to install water-saving fittings and fixtures including grey water recycling for toilet flushing for both of the resultant dwellings. Natural England had been consulted as required with regard to water use at the development, but had not responded (the consultation period had not yet finished).

The Committee also discussed the site access for works vehicles during the construction period; concerns were raised regarding the narrowness of Mill Road. It was noted that WSCC had not imposed a construction management plan on the application – this was due to the small area of the site, which meant that it was not possible to allocate certain areas for specific facilities (e.g. skips, vehicle wheel-washing) throughout the construction period. A Committee member requested that WSCC be asked for clearer information regarding construction vehicles' access to the site. Clarification of this was to be sought before the next scheduled meeting of the Planning Committee.

RESOLVED

As the Committee had become aware of two different maps which contradicted one another regarding the flood risk level at the site, it was clear that further clarification of this matter was required as this was fundamental to the consideration of the application. The Head of Governance, People & Performance advised that the Committee could defer the application to its next meeting on the basis that it required additional information. Planning officers were therefore requested to seek clarification from the EA regarding the flood risk level. Committee members were advised that if they decided to defer the application, they would be required to approach the matter at the next meeting with an open mind and a willingness to take into account all available information.

The Committee agreed that the application be deferred to the next scheduled meeting of the Planning Committee on 12 July 2022, to allow officers to obtain clarification of the flood risk at the application site, and from West Sussex County Council in relation to the highway.

5. Tree Preservation Order Application CR/2022/0034/TPO - 8 Haversham Close, Three Bridges, Crawley

The Committee considered report [PES/403b](#) of the Head of Economy and Planning which proposed as follows:

T1 sycamore: fell secondary sucker growth and smaller stem (circa 50 - 75mm) encroaching garage and car parking area. Crown spread of tree to remain unaffected.

T2 sycamore: lateral prune south aspect over property by approx. 1.5m to appropriate growth points to ensure minimum of 2m clearance from house. Remaining crown spread of approx. 3m.

T3 oak: crown reduce by approx. 2m to appropriate pruning points. Final height of approx. 10m and crown spread of approx. 5m on all aspects.

Councillors Ali, A Belben, Burrett, Jaggard, and Pritchard declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application, which sought consent for works to three trees, two of which were subject to Tree Preservation Orders (TPOs). The Officer updated the Committee that, since the publication of the report, the recommendation had been changed to read 'T1 sycamore: *remove* secondary sucker growth and smaller stem...' to clarify the nature of the works.

Brenda Burgess, the applicant, spoke in support of the application. Matters raised included:

- Works to the trees were sought due to branches encroaching on the property – full felling was not desired.
- Trimming of the trees had been undertaken in the past, but due to quick growth, works were once again required.
- Clarity was sought over which specimens were currently subject to TPOs.

The Committee then considered the application. Following a query regarding the frequency of works to protected trees, the Planning Officer explained that applications for works were made as and when trimming was required, and not according to a set timeframe – tree growth could be inconsistent and pre-scheduled works may not be appropriate for the health of the tree at those times. There was no charge for applications for works to protected trees.

The Planning Officer confirmed that the oak tree (T3) was not subject to a TPO. It was also clarified that removal of deadwood from protected trees did not require an application for consent.

RESOLVED

Consent subject to conditions set out in report PES/403b.

6. Supplemental Agenda

The Committee noted that the items included in the supplemental agenda, published on 6 June 2022, had been considered as part of the proceedings of the meeting.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 9.13 pm.

R D Burrett (Chair)

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Crawley Borough Council

Minutes of Overview and Scrutiny Commission

Monday, 13 June 2022 at 8.00 pm

Councillors Present:

T G Belben (Chair)

K Khan (Vice-Chair)

M L Ayling, H Hellier, I T Irvine, R A Lanzer, A Pendlington, S Piggott, S Pritchard, T Rana and S Sivarajah

Also in Attendance:

Councillor R D Burrett and S Malik

Officers Present:

Siraj Choudhury Head of Governance, People & Performance

Heather Girling Democratic Services Officer

Joe Mottershead HR Consultant

1. Disclosures of Interest and Whipping Declarations

The following disclosures were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor R A Lanzer	Appointments and Membership of Scrutiny Panels (HASC) (Minute 5)	Personal Interest – Member of WSCC
Councillor R A Lanzer	Appointments and Membership Of Scrutiny Panels (HASC) (Minute 5)	Personal Interest – WSCC Cabinet Member for Public Health & Wellbeing

2. Minutes

The minutes of the meeting of the Commission held on 14 March 2022 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions from the public were asked.

4. Staff Sickness Levels with Covid 19 and the Effects of Working from Home Update Report

Commission Members considered report [LDS/184](#) of the Head of Governance, People & Performance. In June 2021, Councillor T Belben under the Scrutiny Procedure Rules had requested a report on staff sickness levels with Covid19 and the effects and impacts of working from home and an update was provided in November 2021. It was recommended that the OSC receive an annual update on staff welfare, sickness and morale.

During the discussion, with the Head of Governance, People & Performance and HR Consultant, the following points were expressed:

- Throughout the pandemic the majority of staff worked from home, whilst those that were not able to do so, continued their operational duties following completed risk assessments.
- It was acknowledged that whilst staff had been previously testing this had resulted in more cases of Covid being documented. However, as testing requirements had eased the number of cases had decreased and the number of staff since May had not reached double figures. In terms of figures and Covid absences, during 2021/22 quarter 4 Covid sickness was 24%, and Covid isolation was 1%. This compared to Q3 figures of Covid sickness 13% and Covid isolation of 1%. In terms of overall sickness, during quarter 4 stomach, liver, kidney attributed to 11%, stress, depression and mental health 8% and other musculoskeletal 8%.
- Staff had been asked to have a presence in the office at least two days per week if full time and one day a week for part time staff and the Council had seen little resistance to this change and adaptation to hybrid working. It was anticipated that this hybrid working would continue as the Council progressed to the new Town hall.
- The Council had continued to provide flu vaccines for staff and this take up had increased annually. In 2019, 167 individuals took up the offer and this had increased to 174 in 2020 and again in 2021 to 215 individuals. The Council would shortly be rolling out the programme for 2022.
- The Council's offer of support to staff had been made through the learning and development programme. The support outlined in report [LDS/166](#) remained and was further documented in [LDS/184](#). Part of the offer with further workshops for all colleagues had been delivered by Microsoft Teams and CBC Learning Channel and the workshop offer for people managers had been increased, including introducing those 'in person'. The Council's Wellbeing Team also delivered various sessions as an aid to assist employees.
- Additional sessions and workshops had been arranged for people managers along with the launch of a revised appraisal scheme.
- There continued to be a take up of the counselling service. 123 staff members had used the service since 2019, although it was not apparent if the figures included repeated sessions during this period (2019 = 41, 2020 = 34, 2021 = 32, 2022 = 16 to date). The offer to staff is one round comprising of 6 sessions. The Council was seeing a number of people requiring more than the 6 sessions and in part this was attributed to the difficulty in obtaining GP referrals and NHS mental health service referrals. In general, the feedback from the counselling service following the completion of sessions was positive and the numbers requiring the service over the last few years had decreased.
- It was also recognised that the Council had Mental Health first aiders who were trained to listen and guide staff to appropriate support if required. They compliment, rather than replace, the essential relationship staff had with their line manager in helping individuals to stay both physically and mentally healthy in work.

- Staff surveys continued to be carried out and whilst the overall results continued to remain positive, one area that saw a downward trend was that staff were finding workload levels more challenging. It was hoped that the additional workshops and the refreshed appraisal scheme would assist in planning ahead for the coming year whilst looking to future support.
- It was recognised that whilst there was responsibility on the Council (as employer) to ensure it exercised its duty of care to staff there was also a need for staff to take responsibility for themselves, take advantage of the support and reach out when they were struggling.

Commission Members then raised a number of queries. The issues raised and the key responses included:

- Query was raised whether the Council had responded to the [LGA Covid-19 Workforce Survey 2022](#). It contained specific information and data, such as, of those authorities that responded, two-thirds (66%) of the staff were unavailable because of 'Non-Covid sickness' (4% of all staff) and 25% were unavailable due to 'Confirmed/suspected Covid' (1% of all staff). When asked to assess the Council overall, in terms of whether they had enough staff to run services normally or not, of those that had responded, 53% of councils reported they were not operating normally. In response, it was acknowledged that the Council had experienced operational pressures within specific services, but the gradual return of the workforce had assisted in minimising risk.
- It was acknowledged there was difficulty in recruitment to various professional roles due to a skill shortage. Work had been carried out in terms of marketing and adapting the current recruitment material.
- It was queried whether a cost/benefit analysis had been conducted with regards to permanent remote working as it was thought this may assist not only in recruitment but also capacity, workload and efficiencies. In response, recent staff survey results had indicated that a balanced approach had been the preference due to the impact full remote working had on individual's mental health together with the implications for working/social relationships and inductions. However further work could be investigated.
- There was appreciation for the support and counselling currently on offer for staff, but it was requested if a distinction could be made between office and operational staff attending counselling to determine any trends for further support. It was confirmed that those requiring the service were encouraged to attend counselling at a beneficial time and managers to support this.
- Recognition that the pandemic had resulted in added pressure on staff. It was recognised there was other challenges the workforce may face going forwards and there was a need to identify the workload pressures and gaps. The staff surveys assisted in identifying the demands, anxieties and staff satisfaction.
- It was acknowledged that the legacy of the Covid pandemic would remain with the Council for a long time to come.
- The Commission's gratitude was relayed to the officers, particularly the HR and OD Manager who had contributed to the report. It wished to continue to receive an annual update.

RESOLVED

That the Commission noted the report and progress, with the views expressed being acknowledged and documented by the officers.

5. Appointments and Membership of Scrutiny Panels

RESOLVED

That the Commission noted and approved the following memberships and appointments:

Council-owned Neighbourhood Parades Scrutiny Panel -
Councillors Ayling, K Khan, Lanzer, Mwangale, Peck, Rana, with Councillor Lanzer as Chair.

Health and Adult Social Care Scrutiny Committee (HASC)

It was moved by Councillor Khan, seconded by Councillor Ayling that Councillor Irvine be the Council's representative for HASC. There were no other nominations.

Councillor Irvine was appointed as the representative for the Health and Adult Social Care Scrutiny Committee.

West Sussex Joint Scrutiny Steering Group (JSSG)

Councillor T Belben

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

The Commission confirmed the following reports:

4 July

Treasury Management Outturn 2021 – 2022

Financial Outturn 2021-2022 (Quarter 4)

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

Online Benefits (Part B)

Telford Place Land Proposal (Part B)

Closure of Meeting

With the business of the Overview and Scrutiny Commission concluded, the Chair declared the meeting closed at 9.34 pm.

T G Belben (Chair)

Crawley Borough Council

Minutes of Licensing Committee

Monday, 20 June 2022 at 7.00 pm

Councillors Present:

I T Irvine (Chair)

Z Ali (Vice-Chair)

S Buck, B J Burgess, K L Jaggard, M G Jones, A Nawaz, K McCarthy, M Morris, C J Mullins, Bob Noyce and D M Peck

Officers Present:

Dan Carberry	Public Protection and Enforcement Manager
Kareen Plympton	Health, Safety and Licensing Team Leader
Jess Tamplin	Democratic Services Officer
Astrid Williams	Senior Lawyer (Solicitor)
Kate Wilson	Head of Community Services

Apologies for Absence:

Councillor M L Ayling, J Bounds and J Hart

1. Disclosures of Interest

No disclosures of interests were made.

Councillors Ali, Burgess, Jaggard, Jones, McCarthy, Mullins, Nawaz, and Peck confirmed that they had received some form(s) of lobbying in respect of agenda item 5 – Hackney Carriage Fares 2022 – 2023.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 1 March 2022 were approved as a correct record and signed by the Chair.

3. Public Question Time

There were no questions submitted by members of the public.

4. Hackney Carriage Fares 2022 - 2023

The Committee considered report [HCS/42](#) of the Head of Community Services, which set out a proposal to vary the fares charged by hackney carriages in Crawley. The Health, Safety and Licensing Team Leader presented the report and summarised the various increases in the fares, which were proposed to become the new maximum chargeable rates.

The Committee was requested to consider the approval of the proposed fare card with one amendment – the removal of tariff 2(e). This tariff was a duplication of tariff 4 and was included in error.

The Committee Chair invited Mr Amir Bhatti, the Chair of Crawley Hackney Carriage Association (CHCA), to speak on the item. Matters raised included:

- The last fare review was prior to the Coronavirus pandemic, in September 2019, so was overdue.
- An increase in the fares would assist licensed drivers in covering their expenses in light of the recent fuel price rises.
- The proposed fares would allow drivers to better handle rises in the cost of living.

The Committee then discussed the matter. In response to a query, the Health, Safety and Licensing Team Leader explained that on this occasion the fare increase was initiated by the CHCA, not the Council. There was however an intention for the two organisations to reinstate annual discussions regarding fares each September, for implementation in December, as was the case prior to the Coronavirus pandemic.

The Health, Safety and Licensing Team Leader clarified that some hackney carriage drivers also worked with private hire operators, and in these instances a journey may be unmetered and a fare agreed upon with the passenger in advance, however the charge should not be higher than set out in the fare card. It was noted that private hire vehicle fares were a separate matter and the Council was not responsible for setting these rates.

It was highlighted that the Licensing service was self-funding. Any time staff spent working on this proposal was therefore accounted for by incomings to the department – this included the oversight of fitting meters used to charge the new fares. The cost of installation of the meters fell to individual drivers.

The Committee discussed the £5 charge at the Gatwick Airport passenger drop-off area. It was clarified that this charge applied to any hackney carriage providers using the drop-off, but that this was usually passed on to the passenger as part of the total travel charge. The Health, Safety and Licensing Team Leader confirmed that meetings had taken place with Gatwick Airport to try to negotiate a lower drop-off charge for hackney carriages and private hire vehicles, but thus far, requests had been denied by Gatwick Airport. These discussions were to continue.

A number of Committee members expressed agreement with the proposed increase in fares and emphasised support for Crawley's hackney carriage drivers. It was recognised that consultation with drivers had been successful and the result was a proposed fare card that was reasonable and fair.

The Committee agreed to amend the proposed fare card by removing tariff 2(e).

RESOLVED

That the Committee:

- 1) Revises the wording of the fare card to make it easier for both drivers and the travelling public to understand.
- 2) Approves the table of fares put forward by the Chairman of the Crawley Hackney Carriage Association (on behalf of its members) as set out in Appendix C to report HCS/42 and as amended by the Committee.
- 3) Authorises the Head of Community Services to publish a public notice of the variation agreed upon and the period within which objections can be made in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 7.29 pm

I T Irvine (Chair)

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Crawley Borough Council

Minutes of Governance Committee

Tuesday, 21 June 2022 at 7.00 pm

Councillors Present:

P K Lamb (Chair)

J Bounds (Vice-Chair)

R D Burrett, D Crow, M G Jones, G S Jhans, Y Khan, R A Lanzer, T Lunnon, K McCarthy and S Pritchard

Officers Present:

Siraj Choudhury Head of Governance, People & Performance

Mez Matthews Democratic Services Officer

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Governance Committee held on 21 March 2022 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions were asked by the public.

4. Annual Governance Statement 2021-2022

The Committee considered report [LDS/183](#) of the Head of Governance, People and Performance which requested that the Committee provide any comments on the Annual Governance Statement ("the Statement") and Governance Action Plan ("the Plan") for incorporation into the final versions which would be considered at a future meeting of the Audit Committee. It was brought to the Committee's attention that the Statement for 2021/22 concluded that there were no significant governance issues to report.

During its consideration of both the Statement and the Plan the Committee raised several comments and queries. In response to those matters the Committee was provided with the following information:

- Given the retirement of the Audit and Risk Manager, the independent opinion on the overall adequacy of the effectiveness of the Council's governance, risk and control framework for 2021/22 had been provided by the Head of Legal,

Governance and HR (now retitled the Head of Governance, People & Performance).

- Due to a new Leader of the Council recently being elected, it was likely that the current (rather than the previous) Leader would sign the Statement for 2021/22.
- Although succession planning was in place within the Council, it was likely that the pandemic had led Audit staff to evaluate their retirement plans earlier than expected which had resulted in members of the Audit team retiring within a shorter timeframe than envisaged.
- The Corporate Management Team regularly considered data and trends regarding complaints. The Head of Governance, People & Performance agreed to look into whether key information regarding the nature and level of complaints could be shared with others (beyond the Leader and relevant Cabinet Member) e.g. Leader of the Opposition, Shadow Cabinet Member.
- Strategic Risk for 2021/22 had been recorded in narrative format however, future risks would be given a 1-5 score. This approach mirrored common practice in terms of risk monitoring.

The Committee expressed its support for both the Statement and the Plan and, in particular, it was pleased that the format and wording of the Statement had been improved from that of previous years. With regard to the Crawley Homes rent issue (an example used to demonstrate Principle 7 Accountability), the Committee expressed the view that the Council had dealt with the issue in an open, transparent and effective manner.

RESOLVED

That the comments made by the Committee be taken into consideration, and that the final versions of the Annual Governance Statement and Governance Action Plan be put before a future meeting of the Audit Committee for its endorsement.

5. Review of Public Written Questions at the Full Council and Public Question Time at Committees

When the “New” Constitution was considered by the Governance Committee and the Full Council in early 2020 it was agreed that the introduction of a provision for public written questions at Full Council and the provision for Public Question Time at Audit Committee, Governance Committee and Licensing Committee be trialled for one year with an evaluation report being submitted to a Governance Committee in 2021. However, when the Covid-19 pandemic hit in 2020 all formal meetings of the Council were held virtually and the Governance Committee therefore subsequently agreed that the trial period be extended by a year.

The Committee considered the details relating to the use of the provisions since their introduction which were set out in report [LDS/182](#) of the Head of Governance, People & Performance. The Committee was of the view that, as the provision for public written questions at Full Council had only been used once and no questions had been asked during Public Question Time at Audit Committee, Governance Committee and Licensing Committee, the provisions had not been abused and therefore no change to those provisions should be made.

Several Committee members commented that they were unsure how aware the public was about the provisions available to them regarding public involvement in formal meetings of the Council.

RESOLVED

That no change to the current provisions for public written questions at the Full Council or Public Question Time at the Audit Committee, Governance Committee and Licensing Committee be made.

6. Extension to the Current Councillors' Allowance Scheme

Historically the effective dates of the Councillors' Allowances Scheme ran from 1 April to 31 March. Officers considered that it would be more efficient and easier to manage if the Scheme were instead aligned with the Council's municipal year.

Following discussion with the members of the Independent Remuneration Panel the Committee was requested to consider extending the current Scheme (due to end on 31 March 2023) so it ceased on the day of the next Annual Meeting of the Full Council (currently scheduled for 26 May 2023). The Committee noted that, at this stage, it was only being requested to consider an extension to the current Scheme and a report of the Independent Remuneration Panel would be brought to a future meeting of the Committee.

The Committee considered the proposal, with the majority of its members holding the view that aligning the Scheme with the Council's municipal year would be both more practical and efficient, as well as eliminating the possibility of Councillors having a conflict of interests when considering the level of allowance proposed by the Independent Remuneration Panel.

At the request of the Chair, it was noted that Councillor Lunnon abstained from voting on the matter.

RECOMMENDATION 1

That the Full Council be recommended to agree an extension the current Councillors' Allowances Scheme, so it ceases on the day of the next Annual Meeting of the Full Council (currently scheduled to take place on 26 May 2023).

7. Date of the Committee Meeting

An important Electoral Commission information session had been arranged for 12 September 2022. That date clashed with the next scheduled meeting of the Governance Committee. The Committee noted that the Committee Chairs for both the Governance Committee and Licensing Committee had therefore agreed to amend the dates of their next scheduled meetings as follows:

- Governance Committee moved from 12 September 2022 to 19 September 2022.
- Licensing Committee moved from 19 September 2022 to 12 September 2022.

Closure of Meeting

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 7.55 pm

P K Lamb (Chair)

Crawley Borough Council

Minutes of Overview and Scrutiny Commission

Monday, 4 July 2022 at 7.00 pm

Councillors Present:

T G Belben (Chair)

K Khan (Vice-Chair)

M L Ayling, H Hellier, I T Irvine, R A Lanzer, A Pendlington, S Piggott, S Pritchard, T Rana and S Sivarajah

Also in Attendance:

Councillor J Bounds, S Buck, R D Burrett, K L Jaggard, M G Jones and C J Mullins

Officers Present:

Russell Allison	Housing Enabling and Development Manager
Chris Corker	Operational Benefits and Corporate Fraud Manager
Ian Duke	Deputy Chief Executive
Trish Emmans	Community Safety Officer
Heather Girling	Democratic Services Officer
Karen Hayes	Head of Corporate Finance
Matt Lethbridge	Community Services Manager
Becky Pearce	Transformation Officer
Chris Pedlow	Democracy & Data Manager
Paul Windust	Chief Accountant

1. Disclosures of Interest and Whipping Declarations

The following disclosures were made:

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

2. Minutes

The minutes of the meeting of the Commission held on 13 June 2022 were approved as a correct record and signed by the Chair.

3. Public Question Time

Questioner's Name	Name of Councillor Responding
<p>Michelle Mineau, Furnace Green <i>You have asked for public opinion on this subject of dog walking on leads and the majority has given a very firm 'no'. Do you intend to respect it?</i></p> <p>Supplementary –</p> <p><i>My worry is the way it will be implemented by asking people to spy on other people and report it on a special website. It doesn't build communities.</i></p>	<p>Councillor Chris Mullins (Cabinet Member for Wellbeing) –</p> <p><i>Following receipt of a petition the council sought views from the public who had great concerns and incidents at the park and also witnesses. As a result of a survey, a large majority were dog owners, but we need to look at incidents that take place within the park. We have amended our original proposals and taken on board the comments and are trying to find a compromise whilst listening to the safety concerns and taking into consideration the need to exercise dogs by putting in dog facilities. There is still a large area for dogs 'off lead' and I think it is a fair compromise.</i></p> <p>Councillor Ian Irvine –</p> <p><i>The Overview and Scrutiny Commission can only make a recommendation. Members tonight need to scrutinise the legislation and make sure views are taken into consideration and the final vote will be taken by Full Council as a whole. All opinions needed to be taken into account.</i></p> <p>Councillor Chris Mullins –</p> <p><i>We live in a society that has rules and legislation and all of us should obey those regulations. We want to run an education programme and inform dog walkers of why the changes have been introduced and help them train their dogs. I see it as an introduction, change and conditions of the park.</i></p>
<p>Peter Crosskey, Furnace Green</p>	<p>Councillor Chris Mullins</p>

<p><i>Does the council recognise the risk of conflict of interest in its relations between Parkwood Leisure or its subsidiary running the golf club and Crawley voters and Crawley residents?</i></p>	<p>(Cabinet Member for Wellbeing) –</p> <p><i>I don't see a conflict of interest as we need to be in a situation where we're all cooperating with each other. We want to enhance this with an education campaign and explain to dog owners whilst working together. It will be possible to walk the perimeters of the golf course into the woodland and we have 241 acres.</i></p>
<p>David Lightfoot, Furnace Green</p> <p><i>Two poorly publicised public consultations have apparently taken place. Both consultations found the public to be substantially opposed to the proposals. In which case on what grounds are these proposals being advanced? The curtailment of freedom for which evidence has been sighted must have very strong backing to merit the measures being proposed. The main issue is on what grounds are these proposals being put forward as I cannot think of any that are justified?</i></p> <p>Supplementary –</p> <p><i>I notice the proposal map, and I notice the area highlighted around the golf course. Is it not entirely orchestrated following pressure from the people that run the golf course to take dog owners off the golf course because they're a nuisance, even though we possibly make up a majority of users that make up those on that acreage?</i></p>	<p>Councillor Chris Mullins (Cabinet Member for Wellbeing) –</p> <p><i>I can provide witness sessions from individuals who have seen deer chased by dogs. We have chosen not to include the whole of the park, we have chosen areas of the park that include wildlife, the majority where the public go and where there are incidents. We are asking dog owners to be responsible.</i></p> <p>Councillor Chris Mullins –</p> <p><i>We are not banning dogs off the golf course. If a dog owner wishes to cross the golf course, the dog is kept on a lead. It is a safety concern for the dog as well as golfers. We are not keeping dog walkers off the golf course.</i></p> <p><i>Councillor Ian Irvine – Within the consultation responses the golf club has responded that they are not strongly in favour of a PSPO so I do not think we can say that they are strongly pushing this at all.</i></p>

4. Public Spaces Protection Order - Keep your dog on a lead in Tilgate Park

The Commission considered report [HCS/41](#) and [HCS/41a](#) of the Head of Community Services. The report reviewed the findings of the consultation and consider the options for implementing a Public Spaces Protection Order; Keep your dog on a lead in Tilgate Park.

During the discussion with the Cabinet Member for Wellbeing, the Community Services Manager and Community Safety Officer, the following comments were made:

- It was noted that the proposal and potential change was for a Public Space Protection Order (PSPO) to be considered to prohibit dog related anti-social

behaviour within specific areas of Tilgate Park: the main lake, Peace Garden, lawn area and golf course. It was acknowledged that the topic was sensitive and divisive. Yet it was important to find a balanced, fair, and reasonable approach to this emotive subject.

- There was recognition that the many dog owners who visit Tilgate Park were responsible; keeping their dog under control and exercise it in a manner that does not cause distress to other park users. It was important not to alienate responsible dog owners but to manage anti-social behaviour.
- Support was offered for the Hound Ground, together with the training facility/circuit area to be provided which would offer areas for dogs 'off lead'. However queries were raised regarding costs and operation. It was also noted that dogs needed to remain healthy and be exercised.
- Queries were raised with regards to the perimeter footpaths and clarification was provided with reference to the PSPO areas. In addition, any preservation of woodland and paths would be undertaken as necessary. Comments were raised concerning the woodland area from both Furnace Green and Maidenbower immediately into the PSPO area.
- Acknowledgement that at the expiration of the 3 years, the process would be reviewed to determine whether the threshold to sustain if a PSPO was still being met and repeated if deemed necessary. It was confirmed that reviews could take place within the 3-year period if amendments to the PSPO were required.
- Views were expressed that the item should be unwhipped at Full Council, however this was not felt to be a discussion point to comment upon further at the Commission's meeting.
- Confirmation was provided on the consultees and responses received. There was an acknowledgement that there was likely to be under-reporting of incidents and the true scale of the issue was not necessarily reflected in formal complaints and reports and that whilst the majority of formally reported and anecdotal incidents were largely focused around the lake and lawn areas, there was evidence of the issue affecting other areas of the park, particularly where wildlife was concerned. It was however noted that whilst incidents did occur in other areas, some of these were reported less frequently. It was suggested an overlap of incidents with the PSPO map would be beneficial (particularly the golf course).
- It was remarked that only the main lake had been included in the proposed PSPO and the Silt lake had not been included in the revised area ('Option X'). It was commented that wildlife existed around all lakes within the park, where dogs were walked and it was therefore moved by Councillor Lanzer (seconded by Councillor T Belben) that the Cabinet be requested to consider the inclusion of the Silt Lake within the PSPO area. A vote was taken and upon being put to the Commission, the proposal was declared to be lost.
- Concerns were expressed that public consultation had not taken place on the proposed PSPO. Although some members also queried if subsequent responses would significantly add value and would delay the implementation. It was proposed by Councillor Lanzer and seconded by Councillor K Khan that the Cabinet be requested to consider a further consultation exercise on the proposed 'Option X'. Following a vote, the recommendation was declared as carried.

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

RESOLVED

That the Commission:

Requests that the Cabinet consider a further consultation exercise on the proposed 'Option X'.

5. Treasury Management Outturn 2021 – 2022

The Commission considered report [FIN/575](#) with the Leader of the Council, Head of Corporate Finance and the Chief Accountant. The CIPFA Code of Practice for Treasury Management recommends that Councillors be updated on treasury management activities regularly and the report ensured the Council was implementing best practice in accordance with the Code. The report provided details of the outturn position for treasury activities and highlighted compliance with the Council's policies previously approved by Councillors.

During the discussion with the Leader of the Council, Head of Corporate Finance and Chief Accountant, the following points were expressed:

- Clarification was offered on the maturity structure together with number of detailed holdings. It was confirmed most were on fixed rate of return, with only the Money Market Funds and Strategic Fund being variable rate.
- Confirmation that there was an error within the Non-Treasury Investment table concerning the valuations for Ashdown House and Atlantic House were reversed. This resulted that the rate of return was incorrect for these two properties and should have read 7.96% for Atlantic House and 7.52% for Ashdown House. The Treasury report show only those investment properties that we purchased for that purpose.
- Recognition that the current investment properties were valued on an annual basis and provided a good rate of return. It was felt that it would be beneficial to receive a detailed holdings table of commercial properties to allow further analysis to take place
- Explanations were sought and obtained on the details provided within appendices.

RESOLVED

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

6. Financial Outturn 2021-2022 (Quarter 4)

The Commission considered report [FIN/572](#) of the Head of Corporate Finance on the quarter 4 budget monitoring, which set out a summary of the Council's outturn for the year for both revenue and capital spending for the financial year 2021/22. It identified the main variations from the approved spending levels and any potential impact on future budgets.

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

- Acknowledgement that the report documented the financial viability of the council. It was recognised that revenue streams had increased due to car parking and community centres together with the Hawth Theatre management fee.
- Confirmation that the Hawth agreement was the repayment of the capital grant occurring over the four-year contract extension period.

- Recognition that that the cost of living and inflation were a concern and would have an overall impact on the Council's finances in areas such as suppliers' costs and energy prices would be just one of the significant challenges in the future
- Verification was provided on the delay to major works at Milton Mount flats due to a late design change coming from Sussex Building Control.
- Clarification was sought on specific details within the report and those provided within appendices.

RESOLVED

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

7. Exempt Information – Exclusion of the Public

RESOLVED

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

8. Online Benefits

Exempt Paragraph 3

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

The Commission considered report [FIN/573](#) of the Head of Corporate Finance. The report sought approval for the procurement of an online Software system to enable customers to self-serve Benefits and Council Tax Reduction online, through an online portal.

During the discussion with the Leader of the Council, Head of Corporate Finance and Transformation Officer, the following comments were made:

- Support for the creation of a self-service channel for customers to make claims, report changes, access information and respond to communication online, via a secure portal which would be available 24/7.
- Recognition that as part of the Transformation programme there was an expectation and commitment to deliver channel shift by moving services online. However it was acknowledged that there was also a need to assist those who were more vulnerable or less 'internet savvy' to be supported by Older Persons Services, Housing Officers, Contact Centre and voluntary groups.
- Acknowledgement that the procurement approach would look to provide best value, whilst automating services and improving customer experience.

RESOLVED

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

9. Telford Place Land Proposal

Exempt Paragraph 3

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

The Commission considered report [SHAP/86](#) of the Head of Strategic Housing. The report requested the Cabinet to consider recommendations associated with the Telford Place site.

During the discussion with the Leader of the Council, Cabinet Member for Housing and the Housing Enabling & Development Manager, the following comments were made:

- Recognition that the site at Telford Place had significant potential to contribute towards meeting Crawley's housing needs. There was support for the mix of housing and it remained a site of strategic significance within the context of achieving residential development within the town centre.
- Acknowledgement that the development opportunity would be subject to a planning application, which would address development characteristics, water neutrality, scale of the building, car parking and any potential impacts.

RESOLVED

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

Re-Admission of the Public

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

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

An update was provided from the most recent [HASC](#) meeting. The key item of discussion included the scrutinising of Shaw Healthcare Contract. The committee was considering the performance against the current contract and whether the services will meet future demand.

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

The Commission confirmed the following reports:

5 September 2022

CBC Equality, Diversity & Inclusion Statement 2022-26
(The OSC would also consider the Review of the Transformation Plan)

3 October 2022

Budget Strategy 2023/24 – 2027/28
2022/2023 Budget Monitoring - Quarter 1
Proposed Changes to the Essential Car User Allowance Scheme

Closure of Meeting

With the business of the Overview and Scrutiny Commission concluded, the Chair declared the meeting closed at 10.05 pm

T G Belben (Chair)

Crawley Borough Council

Minutes of Cabinet

Wednesday, 6 July 2022 at 7.00 pm

Councillors Present:

M G Jones (Chair)	Leader of the Council
S Buck	Cabinet Member for Housing
G S Jhans	Cabinet Member for Environmental Services and Sustainability
C J Mullins	Deputy Leader of the Council and Cabinet Member for Wellbeing
S Mullins	Cabinet Member for Public Protection and Community Engagement
A Nawaz	Cabinet Member for Planning and Economic Development

Also in Attendance:

Councillor T G Belben, R D Burrett and D Crow

Officers Present:

Russell Allison	Housing Enabling and Development Manager
Natalie Brahma-Pearl	Chief Executive
Siraj Choudhury	Head of Governance, People & Performance
Ian Duke	Deputy Chief Executive
Karen Hayes	Head of Corporate Finance
Amanda Kendall	Head of Crawley Homes
Diana Maughan	Head of Strategic Housing
Chris Pedlow	Democracy & Data Manager

Apologies for Absence:

Councillor S Malik

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Jones	Property Acquisition to Increase the Council's Portfolio of Temporary Accommodation (Minute 17)	Personal Interest – Councillor Jones was aware of one of the owners of the properties the Council was proposed to buy, who was his former landlord 5 years previously.

2. Minutes

The minutes of the meeting of the Cabinet held on 16 March 2022 were approved as a correct record and signed by the Leader.

3. Public Question Time

Questioner's Name	Name of Councillor Responding
<p>Mr Symonds, Ifield Society –</p> <p><i>With the recent discovery of a possible 3,500-year-old Bell Barrow ancient burial ground to the West of Ifield, will this Council now consider a Platinum Jubilee National Nature Reserve and Heritage Park - combining Willoughby Fields Local Nature Reserve, Ifield Brook Meadows Local Green Space and Ifield Millpond and Bewbush Water Gardens SNCI?</i></p> <p>Supplementary –</p> <p><i>Regarding the updated Transport Study, specifically the local map, Local Plan and the roads infrastructure section. What will happen to Willoughby Fields Local Nature Reserve if the [to quote] "Indicative Search Corridor for a Western Relief Road Policy ST4" is given the go-ahead by the powers-that-be? The proposed link road is running straight through the Nature Reserve"</i></p>	<p>Councillor Nawaz (Cabinet Member for Planning and Economic Development) –</p> <p><i>Thank you for your question. I believe the area referred to is already designated as open space in the Local Plan and local wildlife site. Please kindly submit the map and archaeological evidence so we can look into it more closely. We can also provide you with a detailed answer to that through email.</i></p> <p>Councillor Nawaz –</p> <p><i>We are currently investigating this in more detail and will respond to you in due course. A written response will be provided to both questions.</i></p>
<p>Iain Dickson, Gossops Green –</p> <p><i>I would like to ask Crawley Borough Council to consider approaching Horsham District Council to work on the joint action plan to create a Jubilee Nature Reserve on Crawley's side of the West of Ifield and see if you can work together to create such a nature park?</i></p> <p>Supplementary –</p> <p><i>There is a big question about water neutrality for the West of Ifield Homes England development. There is a third consultation later in the year, if both councils put forward an idea for a nature park in that area that may be a way of solving the issue of water neutrality as</i></p>	<p>Councillor Jones (Leader of the Council) –</p> <p><i>I think we can consider looking into that matter further.</i></p> <p>Councillor Jones –</p> <p><i>I think with water neutrality we are in unchartered territory in general and it is an extremely technical area.</i></p>

<p><i>this may stop Homes England building so many houses. The nature park might be an alternative to the development. Do you think that is a viable possibility?</i></p>	
<p>Peter Temple-Smithson -</p> <p><i>I've been involved with Crawley Museum Society and also the renovation of Ifield Watermill. The water that comes from Ifield Watermill used to come from Bewbush Watermill. There used to be a big lake at Bewbush and that lake is now land being built upon with Kilnwood Vale. A few years ago there was very little flow from Horsham into Crawley from that area but now there seems to be a very large flow of water coming in this way. It would seem sensible as Horsham are doing a development on their side and affecting the people in Ifield that the Council should have some sort of liaison with Horsham. I am often flooded in Ifield and if the development were to go ahead, I'm sure that area would be flooded again because of the flow of water from Horsham into Crawley.</i></p>	<p>Councillor Nawaz -</p> <p><i>I think this kind of question deserves liaison with Horsham further.</i></p> <p>Councillor Jones –</p> <p><i>Thank you for your question. I think the water neutrality issue is very extensive indeed and a wider area of consideration.</i></p>
<p>David Lightfoot, Furnace Green –</p> <p><i>Having taken a public consultation not once but twice, what political or legal methodology is it that will be set aside and the decision to take and to introduce a policy that runs in opposition to a clearly expressed majority decision by the public having been asked by the Council as no doubt the tax payers have paid for any cost for gathering that information. I'd like to know under what procedural regulations it could be that the Council can overturn this clear indication of public will and carry on with this unpopular and poorly argued and evidenced proposal. The fact that people like myself will potentially be criminalised for walking my dog without any issues or problems to anyone.</i></p> <p>Supplementary –</p> <p><i>Is it not true that the will of the people has been expressed through the survey that this Council arranged which clearly showed they were opposed to this policy</i></p>	<p>Councillor C Mullins (Cabinet Member for Wellbeing) –</p> <p><i>I can understand how you feel. When we carried out the consultation it is to gauge public opinion and we have to consider a number of factors. We took into account that we received a petition, the safety elements for both public and dogs, together with other elements. We have a duty to all of the residents of Crawley, not just dog owners, as well as other members of the public to ensure they can enjoy the park on the main lawn and around the lake without dogs chasing the wildlife. We have evidence of dogs unfortunately recently attacking wildlife around the lake.</i></p> <p>Councillor C Mullins –</p> <p><i>We have reduced the area of the PSPO in the proposed area and to consider that the majority of residents in Crawley do not own dogs and we have to consider</i></p>

<p><i>and anything said cannot overturn that simple fact. Any of you that you believe in democracy should oppose this and if this is to protect the golf course.</i></p>	<p><i>everyone in the town.</i></p>
<p>Peter Crosskey, Furnace Green –</p> <p><i>On what basis does the golf club conclude that the golf course is part of the PSPO?</i></p> <p>Supplementary –</p> <p><i>The top end of Furnace Green by the railway is woodland and is in a poor state, the paths are overgrown.</i></p>	<p>Councillor C Mullins –</p> <p><i>We were in communication with the golf course and we had received some comments back from some golfers as well who had been disturbed by dogs loose on the course. It's also true that if dogs are not on a lead, they can defecate wherever they wish but there is also the safety issue for dogs if they were to be hit by a golf ball. We are setting up facilities in Tilgate for dogs, there will be an adjustment and change. Most dog owners are responsible.</i></p> <p>Councillor C Mullins –</p> <p><i>If there is damage to paths, I am more than happy to ask my officers to look at them to make sure they are in walkable condition.</i></p>

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 16, 17 18, 19 and 20: Online Benefits, Telford Place Land Proposal, Water Neutrality Off-Setting Programme, Property Acquisition to Increase the Council's Portfolio of Temporary Accommodation and Crawley Innovation Centre - Proposed Tender for Works Contractor 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. Public Spaces Protection Order - Keep your dog on a lead in Tilgate Park

The Cabinet Member for Wellbeing presented reports [HCS/41](#) and [HCS41a](#) of the Head of Community Services which reviewed the findings of the consultation and considered the options for implementing a Public Space Protection Order named 'keep your dog on a lead in Tilgate Park'.

Councillor T Belben presented the Overview and Scrutiny Commission's [comments](#) on the reports to the Cabinet following consideration of the matter at its meeting on 4 July 2022, which included that the Commission held a wide-ranging debate on all the positive and negative issues of the PSPO proposal including which areas should and

could be covered by the order. It was also noted that the Commission put forward a recommendation to Cabinet that it considers a further consultation exercise on the proposed 'Option X'.

Councillor Crow was invited to speak on the item. Matters raised included that he was in general support of a PSPO for the lake and the grass banks as those were the busiest areas of the park, but queried why the silk lakes had not been included in the proposal. He also commented however that he did not support the PSPO proposal covering the golf course as it would be difficult to enforce, did not seem proportionate, and would affect his ward residents.

Councillors Jhans and S Mullins also spoke as part of the discussion on the report including both in support of having a PSPO, and against the idea of holding of a further consultation due to the cost. It was highlighted that a PSPO only lasts for 3 years and could be altered during that period.

Following the conclusion of the debate the Leader of the Council stated that having heard and considered the views expressed by the Cabinet, the details and evidence contained within both reports including the consultation responses, the views of the Overview and Scrutiny Commission including their recommendation of a further public consultation on the options, and the views of the public presented both at Cabinet and at the Commission, he proposed the following amendment to the recommendation:

2.2 a) Requests that Full Council consider all the options set out in the original report, together with Option X (supplementary agenda) and whether a further public consultation is required.

Councillor Jones confirmed the rationale for the amendment was that the matter was brought to Councillors' attention through a public petition and has led to a large public consultation response on the initial PSPO proposal, so enabling all Councillors to have all the options is the most democratic approach. Councillor C Mullins seconded the amendment.

The Cabinet voted and carried the amendment. Councillor Jones then moved a further amendment this time in relation to recommendation 2.2 b, as a direct consequence of the previous proposal being carried. The second amendment was:

2.2 b) That Cabinet resolves 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 regarding dogs on leads in Tilgate Park) be set at £100.

Councillor C Mullins seconded the amendment. The Cabinet voted on the amendment and it was carried.

The Cabinet then voted on the substantive recommendations (as amended) which were carried unanimously.

RESOLVED

That the Cabinet approved 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 regarding dogs on leads in Tilgate Park) at £100.

RECOMMENDATION 2

That Full Council be requested to consider all the options set out in the report [HCS/41](#), together with Option X as set out in report [HCS/41a](#) and whether a further public consultation is required, before make a decision over making a PSPO regarding dogs on leads in Tilgate Park.

Reasons for the Recommendations

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.

7. Treasury Management Outturn 2021 – 2022

The Leader of the Council presented report [FIN/575](#) of the Head of Corporate Finance on the Treasury Management Outturn for 2021/2022. The CIPFA Code of Practice for Treasury Management recommends that Councillors be updated on treasury management activities regularly and the report ensured the Council was implementing best practice in accordance with the Code. The report provided details of the outturn position for treasury activities and highlighted compliance with the Council's policies previously approved by Councillors.

The Cabinet was informed that as of 31 March the Council held £129m of investments. Of this, only £76m belonged to the Council all of which was committed and held within its reserves. It was noted therefore that any new capital expenditure would need to be funded through borrowing. The remaining £53m was working capital that the Council holds including business rates that the Council would have pay back to the Government by the end of the current year. The Council had also borrowed £260,325,000 in 2012 for the HRA self-financing of which the Council was due to start paying back at the end of this year, with the future strategies detailing how this would be achieved.

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 4 July 2022, which included raising queries on the appendices and noting that there was an error within the Non-Treasury Investment table concerning the valuations for Ashdown House and Atlantic House and that they had been reversed.

RESOLVED

That the Cabinet approved the actual 2021/22 Prudential and Treasury Indicators as set out in report [FIN/575](#) and notes the Annual Treasury Management Report for 2021/22.

Reasons for the Recommendations

The Council's financial regulations, in accordance with the CIPFA Code of Practice for Treasury Management, requires an annual review following the end of the year

describing the activity compared to the Strategy. This report complies with these requirements.

8. Financial Outturn 2021-2022 (Quarter 4)

The Leader of the Council presented report [FIN/572](#) of the Head of Corporate Finance on the Quarter 4 Budget Monitoring, which set out a summary of the Council's outturn for both revenue and capital spending for the financial year 2021/22. It identified the main variations from the approved spending levels and any potential impact on future budgets.

The Cabinet was informed on the General Fund that at Quarter 3, there was a reported underspend of £143,000, but by the end of the financial year a confirmed underspend of £656,000. In addition, in Quarter 3 there was a forecast of £1.7m of Covid pressures which would be funded from the identified Covid budgets, grants and earmarked reserve, but at outturn this fell to £1.3m and as a result £172,000 was put back in to reserves for Covid pressures in 2022/23 and future years.

On the HRA, the net deficit reduced from £4.8m reported at Quarter 3 to £3.5m. Whilst on the Capital programme, total spend for the year was £45m against a revised budget of £51m. £6m has therefore been slipped into 2022/23.

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 4 July 2022.

Councillor Crow spoke on the item.

Councillor C Mullins commented as part of the discussion on the report and stated his concern over the impact of the cost of living crisis on residents and the knock-on effect on the discretionary and chargeable services over the next year.

RESOLVED

That the Cabinet:

- a) notes the outturn for the financial year 2021/22 as summarised in report [FIN/572](#).
- b) notes that this has been an exceptional year where it has been very difficult to do accurate financial projections.
- c) approves that £97,000 be added to the Capital programme, funded from Government Grant for Changing Places Toilets as outlined in Section 9.10 of report [FIN/572](#).

RECOMMENDATION 3

That Full Council be recommended to approve to the transfers of reserves as outlined in Section 10 of report [FIN/572](#).

Reasons for the Recommendations

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

9. Forward Programme of Key Procurements (July - December 2022)

The Leader of the Council presented report [FIN/571](#) of the Head of Corporate Finance, which sought approval for the procurement forward programme which identified the Council's key procurements over a contract value of £500k that will require tendering over the coming six month period.

RESOLVED

That the Cabinet:

- a) endorses the procurement forward programme July – December 2022 as set out as appendix A in report [FIN/571](#).
- b) delegates 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) delegates the negotiation, approval and completion of all relevant legal documentation, following the awarding of the contracts to the relevant Head of Service, Head of 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)

Reasons for the Recommendations

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

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

10. Whistleblowing Policy

The Leader of the Council presented report [FIN/574](#) of the Head of Corporate Finance which sought to provide a process that gave anyone with a particular concern about the Council the confidence to bring that concern to the Council's attention.

The Policy had 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.

It was confirmed that the policy was a refresh of the previous policy without any significant changes, however did include those required by legislative changes.

RESOLVED

That the Cabinet:

- a) approves the Whistleblowing Policy (Appendix A of report [FIN/574](#)) for adoption and subsequent publication.
- b) delegates authority to the Head of Corporate Finance, in consultation with the Leader of the Council 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).

Reasons for the Recommendations

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

11. Anti-Fraud and Corruption Policy

The Leader of the Council presented report [FIN/576](#) of the Head of Corporate Finance which sought approval for the Anti-Fraud and Corruption Policy which aimed to show 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. The policy was based upon three key themes: Acknowledge, Prevent and Pursue.

It was confirmed that the policy was a refresh of the previous policy without any significant changes, however did include those required by legislative changes.

RESOLVED

That the Cabinet:

- a) approves the Anti-Fraud and Corruption Policy (Appendix A of report [FIN/576](#)) for adoption and subsequent publication.
- b) delegates authority to the Head of Corporate Finance, in consultation with the Leader of the Council, 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).

Reasons for the Recommendations

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

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

The Leader of the Council presented report [PES/416](#) by the Head of Economy and Planning, which sought confirmation regarding the Council's representative on Business Improvement Districts – Local Authority Director.

It was noted that external advice had been obtained which confirmed that there was no issue with an individual sitting on more than one BID Board.

RESOLVED:

That the Cabinet endorses 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").

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

RESOLVED

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

14. Online Benefits

Exempt 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 [FIN/573](#) of the Head of Corporate Finance which requested Cabinet approval for the procurement of an online software system to enable customers to self-serve Benefits and Council Tax Reduction online, through an online portal. It was confirmed that the new system aligned with the Council's channel shift thinking and there would also be continual support to ensure no residents became digitally excluded though the introduction of the new system.

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 4 July 2022.

RESOLVED

That the Cabinet:

- a) approves that the Council to begin a tender process through the DAS Framework to engage with selected suppliers to provide a Document Management System to replace Civica W2 for Benefits and Council Tax for a period of 5 years from September 2022 (with option to extend for 2 years).
- b) approves that the Council to begin a tender process through the DAS Framework to engage with selected suppliers who are on the Crown Contract to provide an online Portal and forms package for self-service benefits. This will be for the period of 5 years from late 2022 (with option to extend for 2 years).
- c) delegates authority to the Leader of the Council in consultation with the relevant Cabinet Member, relevant Head of Service, and Head of Governance, People and Performance to approve the award of the contract following an appropriate procurement process, as identified in report [FIN/571](#).
- d) delegates the negotiation, approval and completion of all relevant legal documentation, following the awarding of the contracts, to the relevant head of service, Head of Governance, People and Performance, and Head of Corporate Finance, in consultation with the appropriate Cabinet member, as identified in report [FIN/571](#).

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

Reasons for the Recommendations

The Benefits self-service Project was formed to look at moving benefits such as Housing Benefit and Council Tax Reduction online for customers and automating processes. It quickly became apparent that our current DMS, W2 which has been in place since 2004 used for storing the documents for Housing Benefits, Council Tax and Business Rates was out of date and would not support newer technologies.

The current document management system, version W2, is now being de-supported by the vendor Civica from August 2022 as they have moved to their new product version W3. To achieve the best value for money and meet our requirements Crawley Borough Council would then go out to the market and tender for a new DMS for Benefits and Council Tax. This would be a cloud-based solution, meeting the Council's strategy for cloud first for software.

The Council will simultaneously go out to competitive tender from selected software providers who have experience in the Revenue and Benefits sphere to provide an online portal and forms builder, that will integrate with the current Northgate Revenue and Benefits system. This will create self-service where claimants can make claims, report changes, access information and respond to communications online, via a secure portal which will be available 24/7.

This is part of the Council's commitment to deliver channel shift by moving services online, as customers are guided through a process to claim benefits and ensure that the correct information is received to make a claim. This is expected to produce increases of processing speeds of up to 50%.

15. Telford Place Land Proposal

Exempt Paragraph 3

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

The Cabinet Member for Housing, with support from the Housing Enabling & Development Manager, presented report [SHAP/86](#) of the Head of Strategic Housing Services which requested that Cabinet consider recommendations associated with the Telford Place site.

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 4 July 2022, which included acknowledgement that the development opportunity would be subject to a planning application, which would address development characteristics, water neutrality, scale of the building, car parking and any potential impacts.

Councillor Jones spoke in support of the proposals contained within the report and asked that the Cabinet record its thanks to officers for their hard work in bringing forward the proposed deal to finally move forward with the Telford Place development, especially in light of the numerous previous attempts to develop the site having not been successful. Councillor C Mullins also spoke on the report.

RESOLVED

That the Cabinet is recommended to

- a) approves the proposed Telford Place procurement strategy towards achieving the objective of a policy-compliant residential development as detailed in Sections 5 and 6 of report [SHAP/86](#).
- b) approves the proposed Telford Place land strategy as the preferred procurement option to meet the Council's objectives of delivering a viable residential development as detailed in Sections 5 and 6 of report [SHAP/86](#).
- c) approves the proposed Telford Place planning strategy, along with any procurement requirements to deliver this strategy as detailed in Sections 5 and 6 of report [SHAP/86](#), in the event of Recommendation 2.2 b) not being approved or not proceeding into contract.
- d) delegate authority to the Head of Strategic Housing Services, the Head of Crawley Homes, the Head of Corporate Finance, and the Head of Governance, People & Performance, in consultation with the Leader of the Council and the Cabinet Member for Housing, to enter into the necessary contracts, and complete all relevant legal documentation to achieve any of the approved recommendations above

(Generic Delegation 2 and 3 will be used to enact this recommendation).

Reasons for the Recommendations

The Council acquired the Telford Place site in 2015 for the purposes of delivering this site as a policy compliant residential scheme. Following two failed attempts to procure a development partner the Council needs to consider alternative options for this site to be progressed. The options being proposed aim to safeguard the HIF funding and ensure the delivery of affordable housing on this site

16. Water Neutrality Off-Setting Programme

Exempt Paragraph 3

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

The Cabinet Member for Housing presented report [CH/197](#) of the Head of Crawley Homes which requested that Cabinet consider a revenue budget and procurement arrangements for implementing a retrofitting programme to address water neutrality requirements.

Councillors C Mullins and Jones both spoke in support of the report and the pilot scheme as it would be of benefit to the Council's tenants and the environment. As part of the discussion it was confirmed that the device being fitted to reduce water consumption would not impact on tenants' water pressure.

RESOLVED

That the Cabinet:

- a) approves the required budget necessary to implement a retrofitting programme of Council-owned housing stock aimed at reducing water consumption to provide sufficient water off-set to support selected new-build affordable housing developments, as detailed in Section 5.2 of report [CH/197](#).
- b) delegate authority to the Head of Crawley Homes, the Head of Corporate Finance, and the Head of Governance, People & Performance; in consultation with the Leader of the Council and the Cabinet Member for Housing, to enter into the necessary contracts, and complete all relevant legal documentation to achieve the above recommendation

(Generic Delegation 2 and 3 will be used to enact this recommendation).

RECOMMENDATION 4

The Full Council is recommended to approve the transfer of £170,000 from existing capital budgets, using existing capital funding, to create a new budget for water neutrality works on Crawley Homes properties as outlined in paragraph 5.2 c) in report [CH/197](#).

Reasons for the Recommendations

The requirement for new-build schemes to achieve water neutrality has resulted in all developments in the affected region being stalled until water savings can be found to off-set the water consumption of each respective development. This situation is unprecedented and requires bespoke measures at a significant scale to find the water savings necessary for the identified schemes to achieve water neutrality.

This recommendation follows on from a small pilot that is currently underway with a particular water saving measure, which has the potential of being rolled-out at pace, and if successful this budget request will enable this initiative to be rolled out further to provide the necessary off-set to support the identified schemes in achieving water neutrality prior to occupation.

In the event that the particular water saving measure that is currently being piloted does not satisfy expectations, it is then intended to pursue alternative water saving measures, with this requested budget being available to explore and implement alternative measures as may be required.

This initiative aims to pioneer a passage through the water neutrality blockage, as a pilot approach that will provide valuable evidence of the associated costs of achieving water neutrality, both in terms of the costs for new-build schemes to achieve water consumption at c.85 L/pp/pd, as well as the costs of finding sufficient water savings to off-set this consumption, which will help to strengthen the wider strategy being developed across the affected region.

17. Property Acquisition to Increase the Council's Portfolio of Temporary Accommodation

Exempt Paragraph 3

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

The Cabinet Member for Housing presented report [SHAP/85](#) of the Head of Strategic Housing Services which requested Cabinet approval to progress with the purchase of property currently on sale on the open market for the provision of additional temporary accommodation. It was noted that the property would be added to the Council's assets portfolio.

Councillor Crow was invited to speak on the item and commented that he was in support of the recommendation as it made good financial sense and helped to reduce the number of residents in paid temporary accommodation.

Councillors Jones and S Mullins spoke in support of the proposals contained within the report.

RESOLVED

That the Cabinet delegated authority for the negotiation, approval and completion of all relevant legal documentation to complete the proposed purchase as described in Section 7 of report [SHAP/85](#), to the Head of Strategic Housing Services, Head of Governance, People & Performance and Head of Corporate Finance, in consultation with the Leader of the Council and the Cabinet Member for Housing.

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

Reasons for the Recommendations

Expanding the portfolio of Council owned temporary accommodation aims to reduce the reliance on expensive nightly paid temporary accommodation, provide a good standard of temporary accommodation, minimise the risk of the council breaching its statutory homeless duties and generate an income and property asset to the Council.

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

This particular property will make a significant contribution to improving the Council's local Temporary Accommodation offer with minimum disruption to the surrounding area as it is already in use as a large House of Multiple Occupation (HMO).

18. Crawley Innovation Centre - Proposed Tender for works contractor

Exempt Paragraph 3

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

The Cabinet Member for Planning and Economic Development presented report [PES/417](#) of the Head of Economy and Planning which sought Cabinet approval to go out to tender to seek a contractor to undertake the necessary building refurbishment and site restructure works to physically establish the Crawley Innovation Centre facility in Manor Royal, subject to planning permission.

Councillors C Mullins and Jones spoke in support of the proposals contained within the report.

RESOLVED

That the Cabinet delegates authority to:

- a) the Head of Economy and Planning to undertake a procurement exercise in accordance with the Council's Procurement Code to select a suitable works contractor to convert, subject to planning permission, the "Travel House" building into the Crawley Innovation Centre.

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

- b) the Leader of the Council in consultation with the Cabinet Member for Planning and Economic Development, Head of Economy and Planning and Head of Governance, People & Performance to approve the award of the contract following the procurement exercise
- c) the Head of Economy and Planning, Head of Governance, People & Performance and Head of Corporate Finance, in consultation with the appropriate Cabinet Member for Planning and Economic Development, to negotiate, approve and complete all relevant legal documentation, following the awarding of the contract

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

- d) the Chief Executive in consultation with the Cabinet Member for Planning and Economic Development to approve the Crawley Innovation Centre detailed designs and to submit a planning application.

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

Reasons for the Recommendations

To enable the Council to progress as quickly as possible the delivery of the Crawley Innovation Centre project, following confirmation that the Getting Building Fund monies (£8.4m) and the Crawley Towns Fund monies (£2.5m) have been approved.

To ensure the Crawley Innovation Centre project remains on track to open in summer 2023, subject to planning permission and to completion of the building conversion works.

Closure of Meeting

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

P K LAMB
Chair

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.

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.

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

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.

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.

- 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

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.

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.

- 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
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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.

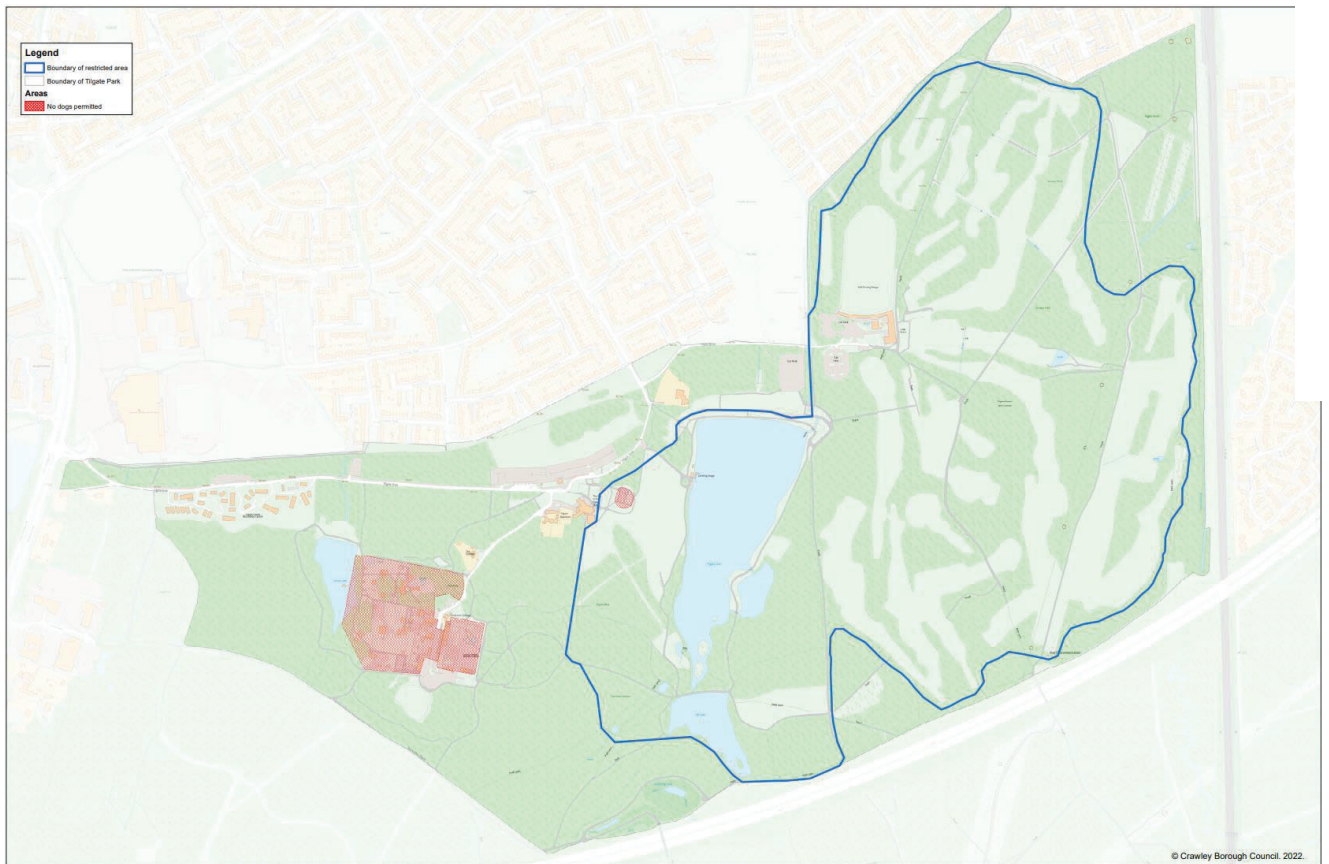
The COMMON SEAL of CRAWLEY)
BOROUGH COUNCIL was hereunto)
affixed the day of)
in the presence of:)

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:

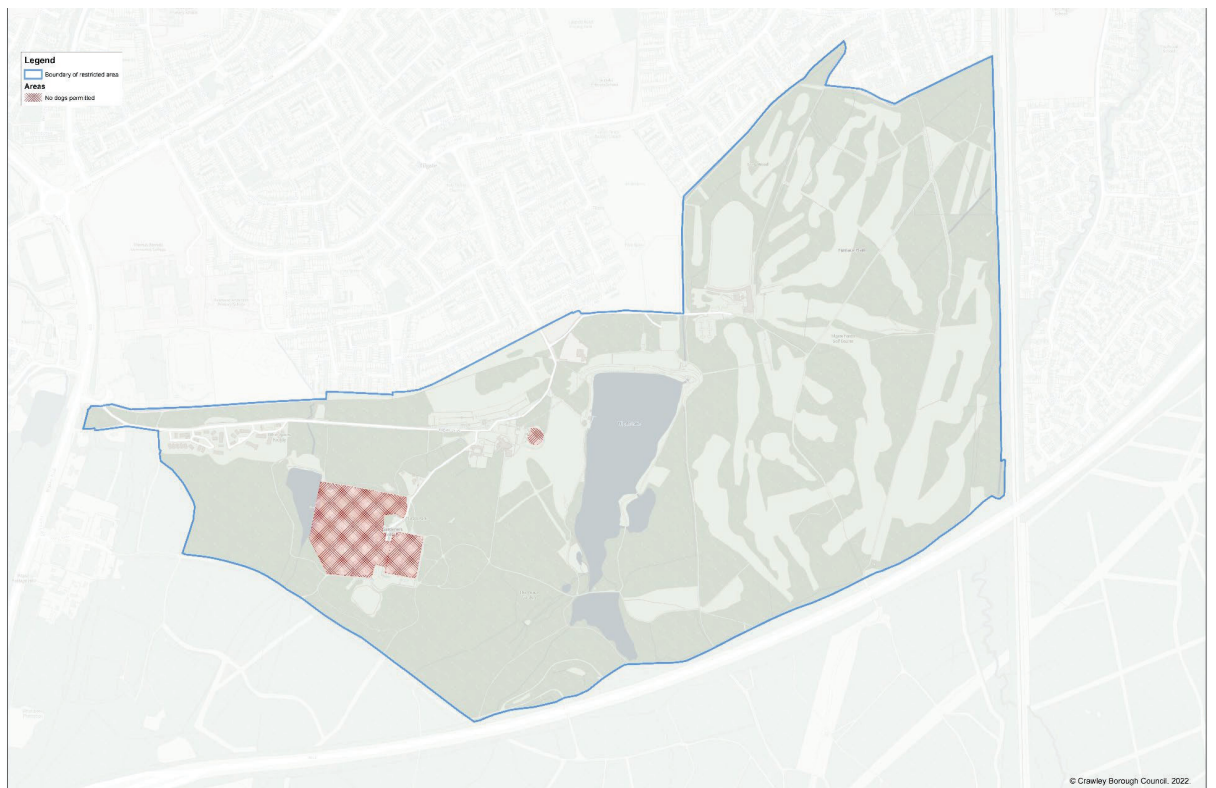
Thank you for taking the time to complete this questionnaire and sharing your views with us. If completing a paper version please return to Communications Team, Crawley Borough Council, Town Hall, The Boulevard, Crawley, RH10 1UZ

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 Warch 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 z alled Garden and the Tilgate Nature Centre.

THE REQUIREMENTS

7. During the period of 1st Warch 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 Warch 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 Warch 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 [oo 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 M

(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 COWWON SEAL of CRAZ LEY)
BOROUGH COUNCIL was hereunto)
affixed the day of)
in the presence of:)

**Further information regarding the Public Spaces Protection Order –
Keep your dog on a lead in Tilgate Park
HCS/41a**

Attached to this report HCS/41a is an Appendix A which contains Option X that details a revised restricted area for the proposed PSPO. The new proposed plan shows the restricted area covering the main lake, Peace Garden and lawn area and golf course only. Appendix B is a revised updated draft PSPO order.

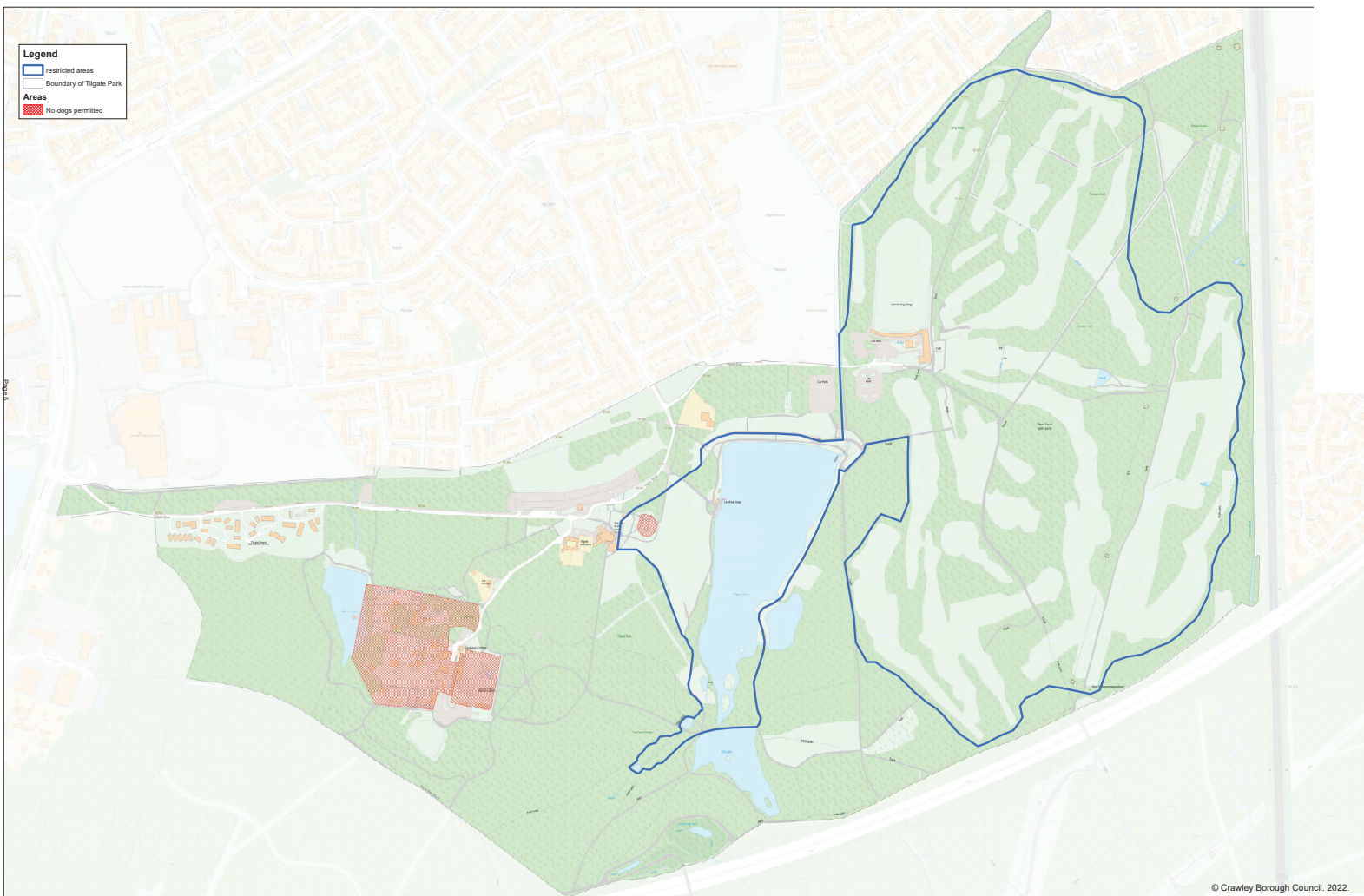
Proposed Amendment to the Recommendation 2.2.

- a) Request that Full Council make a PSPO as set out in Appendix B of report HCS/41a, with the restricted area covering main lake, Peace Garden and lawn area and golf course within Tilgate Park, as shown in the plan at Appendix A of report HCS/41a
- 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 B of this report, HCS/41a) be set at £100.

Also included at Appendix C is a document containing a number of advanced questions relating to the PSPO – Keep your dog on a lead in Tilgate Park raised by Cllr Tina Belben – Chair of the Overview & Scrutiny Commission, along with the responses by Cllr Chris Mullins – Portfolio Holder for Wellbeing

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Tilgate Park - PSPO restricted area **Option X**



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Advanced Questions relating to the PSPO – Keep your dog on a lead in Tilgate Park raised by Cllr Tina Belben – Chair of the Overview & Scrutiny Commission and responses by Cllr Chris Mullins – Portfolio Holder for Wellbeing

Qu 1) Have considered what other councils are doing regarding this . I know Horsham's Southwater Park, similar size to Tilgate, is strict ALL dogs on leads April to September but Banstead / Tandridge and Mid Sussex both have PSPO whereby Dogs owners have to put on a lead if requested by authorised official . Walthamstow have one area in their Lloyd park where dogs are allowed off lead for No Charge whatsoever .

Ans 1) A PSPO is specific to each individual area aimed at addressing concerns highlighted at a local level, each District and Borough would have their own reasons for introducing a PSPO or additional measures as necessary. Some research was undertaken in the early stages regarding the wording of a PSPO where it became apparent that responses varied greatly dependant on the challenges being faced.

Qu 2) Which brings me on to option 4 this is your preferred option . Does this implied that dogs can be exercised off leads in the woods and THAT it will not be a formal Hound Pound that has a Charge for its access.

Ans 2) Outside of the restricted area, dogs can be exercised off lead. There will still be a hound ground that people can pay to use, this is aimed at those who want/need to exercise their dog off lead but in a secure area, with exclusive use.

Qu 3) Have we given the managers of the golf course enough time to reply as their stance on this could be interesting for Members to know before deciding what the Commission thinks is the best option to recommend to Cabinet.

Ans 3) The golf course were sent a letter via email regarding the proposed PSPO and consultation. The following statement has been received from Glendale's General Manager at Tilgate Golf Club;

Thank you for your email. As we discussed our position is based on two factors which are the overall safety of both players and the wider public and secondly the playing experience of our customers.

The issue of dogs being off the leads clearly does impact on both of the above whilst on the playable areas of the course. We do however not have any reason to take issue with dogs off leads on the perimeter pathways as these are a sufficient distance away from any possible danger from golfing activities.

I hope this clarifies our position.

Qu 4) Does 5.7 contain all the consultation dataas I have had members query this.

Ans 4) Yes, a copy of the consultation can be provided, if required.

Qu 5) The statistics are also vital about the numbers of incidents but perhaps be good to know are these rising ?and How our numbers compare to national stats ?

Ans 5) In 2021 there were 10 formal reports involving dogs off leads in Tilgate Park. Between 2018 – 2021 there were 22 dog related reports made to Sussex Police. The severity of each incident is an important consideration regarding the proposal, alongside the actual number of reports.

Qu 6) Did we set up a web link where residents can easily report incidents as recommended by OSC in January?

Ans 6) A 'report it' function specifically relating to the PSPO will be investigated if the PSPO is introduced. Current dog related activity is reported directly to the Community Wardens and residents are also encouraged to report such incidents to Sussex Police and are provided with the relevant information at such time.

Qu 7) What was the response from the Police over the proposed PSPO?

Ans 7) Sussex PCC response – *this was considered and there were no issues.*

Sussex Police response – *Nothing further to feedback*

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);
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 - (e) Dogs for Good (registered charity number 1092960);
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 - (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 the area hatched in red on the plan in Schedule 1 to this Order, such area being the children's playground.

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.

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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 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

13. This Order will come into force at midnight on 1 August 2022 and will expire at midnight on 31 July 2025.
14. 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?

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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.

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- (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:)

DECLARATION OF RESULT OF POLL

Crawley Borough Council

CEx/58

Election of a Borough Councillor for

Southgate Ward

on Thursday 9 June 2022

I, Natalie Brahma-Pearl, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
KAIL Richard Martin	Green Party	144
NOYCE Robert Charles commonly known as NOYCE Bob	Labour Party	938 Elected
TARRANT Janice commonly known as TARRANT Jan	The Conservative Party Candidate	790

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	7
C writing or mark by which voter could be identified	1
D being unmarked or wholly void for uncertainty	6
E rejected in part	0
Total	14

Vacant Seats: 1

Electorate: 6478

Ballot Papers Issued: 1886

Turnout: 29.11%

And I do hereby declare that, Robert Charles Noyce is duly elected.

Dated Tuesday 12 July 2022

Natalie Brahma-Pearl
Returning Officer

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