

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, 19 October 2022 at 7.30 pm**

Nightline Telephone No. 07881 500 227



Chief Executive

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Published 11 October 2022

Duration of the Meeting

If the business of the meeting has not been completed within two and a half hours (normally 10.00 pm), then in accordance with Council Procedure Rule 2.2, the 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 - 34
To approve as a correct record the minutes of the meeting of the Full Council held on 20 July 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. Consideration of Full Council Recommendations and Call-In Decisions	35 - 102
To consider any recommendations before the Full Council or items which have been Called-In.	
<i>NB In advance of the meeting Political Groups will identify which recommendations they do not wish to reserve for debate.</i>	
7. Notification of Urgent Decisions Protected from Call-In (Recommendation 7)	
In line with Call-In Procedure Rule 8.3 and Access to Information Procedure Rule 16, which are set out in the Council's Constitution, the Full Council is required to be	

informed when the Chief Executive has protected a decision from Call-In and when the Special Urgency provisions are used.

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

The decision, which was taken on 27 July 2022, was to approve the Council's Covid-19 revised Additional Relief Fund Discretionary Relief Guidelines and give delegated authority to designated senior officers to make relief awards within those Guidelines. This decision was deemed urgent and protected from Call-In so the Council could start supporting businesses as soon as possible. The decision was reported in Councillors' Information Bulletin [IB/1141](#).

The decision, which was taken on 14 September 2022, was to approve the Council's Revised Energy Rebate Discretionary Guidelines and give delegated authority to designated senior officers to make relief awards within these guidelines. This decision was deemed urgent and protected from Call-In so that an online application process could become live to enable the Council to start supporting eligible residents as soon as possible. The Scheme needed to be rolled out as soon as possible to enable people to apply to assist them with increased costs of utility bills. The decision was reported in Councillors' Information Bulletin [IB/1148](#).

RECOMMENDATION 7

The Full Council is requested to note the use of the Special Urgency and Protection from Call-In provisions in respect of the decisions taken by the Leader relating to the Council's Covid-19 revised Additional Relief Fund Discretionary Relief Guidelines which was taken on 27 July 2022 and the Council's Revised Energy Rebate Discretionary Guidelines which was taken on 14 September 2022.

8. Notice of Motion 1 - Motion to protect Worth Forest

103 - 104

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

9. 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.

10. 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 35, 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.

11. Supplemental Agenda

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

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Crawley Borough Council

Minutes of Full Council

Wednesday, 20 July 2022 at 7.30 pm

Councillors Present:

J Hart (Mayor)

T Rana (Deputy Mayor)

Z Ali, M L Ayling, A Belben, T G Belben, J Bounds, S Buck, B J Burgess, R D Burrett, D Crow, 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, C J Mullins, S Mullins, M Mwagale, A Nawaz, B Noyce, D M Peck, S Pritchard, S Raja 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

Heather Girling

Democratic Services Officer

Chris Pedlow

Democracy & Data Manager

Apologies for Absence:

Councillors H Hellier, J Millar-Smith, M Morris, A Pendlington and S Piggott

1. Minute's Silence

The Mayor held a minute's silence in memory of former Councillor Doug Mayne who sadly passed in May 2022. The Mayor then invited representatives from each party to pay tribute. Councillors C Mullins, Burrett and Jones paid their respects.

The Mayor then held further a minute's silence in memory of former Councillor Mike Pickett who sadly passed a week prior. The Mayor then invited representatives from each party to pay tribute. Councillors Jones, McCarthy, Rana and K Khan paid their respects with touching tributes.

2. Disclosures of Interest

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

3. Minutes

The minutes of the meeting of the Full Council held on 29 May 2022 were approved as a correct record and signed by the Mayor.

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Full Council (20)
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4. Communications

The Mayor updated the Council on events since the last meeting, which included various Jubilee events, the opening of the new Open House Resource Centre, and Armed Forces Day. The presentation of long service badges and gifts to retired councillors would take place at the next ordinary meeting of the Full Council, along with the induction of the Youth Mayor and Deputy Mayor.

In other communications, Councillor Jones took the opportunity to convey his thanks to all Council staff who had continued to work during the recent record-breaking heatwave. It was noted this had been unprecedented and residents should continue to take care during hot conditions.

Councillor Nawaz also communicated that the town's economy had started to recover and improve and had been noted as being in the top 10% of the country. The continental market was returning to the town the following week, and this was welcomed.

5. Public Question Time

Questioner's Name	Name of Councillor Responding
<p>Richard Symonds, The Ifield Society</p> <p><i>My question relates to that asked of this Cabinet on July 6 two weeks ago, and another question asked at County Hall last Friday, concerning a possible 3,500-year-old Bell Barrow burial ground to the West of Ifield.</i></p> <p><i>My question also specifically relates to 'Specialist Archaeological Advice' by Place Services - advice given by letter two years ago in November 2020, another letter from Historic England on the same date two years ago, and a more recent Heritage Assessment by West Sussex County Council - all concerning SA101 Land West of Ifield.</i></p> <p><i>The 'Specialist Archaeological Advice' includes this statement: "There is high potential for significant palaeo-environmental deposits associated with both water courses [Ifield Brook and the River Mole], and their former routes". This has been confirmed by County Hall's recent Heritage Assessment which identified an Oxbow Lake and five Palaeo-channels. The Historic England also states -</i></p>	<p>Councillor Nawaz (Cabinet Member for Planning and Economic Development)</p> <p><i>Thank you for your question Mr Symonds. To be clear Crawley Borough Council is not looking to allocate the land west of Ifield for development and I would like to reiterate for the record that the Council opposed the development west of Ifield. This council has undertaken an heritage assessment however the land west of Ifield site falls outside Crawley Borough Council boundaries, in Horsham. Our understanding and expectations are that Horsham District Council is ensuring that the heritage assessment is indeed undertaken with regards to west of Ifield and this will take full account of the burial ground. The seriousness as to whether (or not) to allocate the site for residential use will be undertaken by Horsham District Council, should Homes England continue with the proposal. If there is any further technical information that you would like to share with us, please email the Council's Strategic Planning team who will respond to you in more detail via email.</i></p>

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Questioner's Name	Name of Councillor Responding
<p><i>disturbingly: "We think it essential that an integrated landscape approach to assessment of heritage assets (both designated and undesignated) is undertaken... The assessment should also consider the likelihood of alterations to drainage and ground water patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits and can also lead to subsidence of buildings and monuments".</i></p> <p><i>"Subsidence of buildings and monuments" I take to include St Margaret's 13th century Parish Church. So, my question is: as strongly advised by Historic England, has an integrated landscape approach to assessment of heritage assets been undertaken by this council?</i></p> <p>Supplementary question –</p> <p><i>If this Council is genuinely committed to protecting the community's heritage assets and wildlife, why are you proposing to build a link road straight through Willoughby Fields Local Nature Reserve?</i></p>	<p><i>The Council is not proposing to build a link road through Willoughby Fields, instead a draft search corridor for a potential Crawley western link road has been proposed in the draft Crawley Borough Council local plan which was subject to public consultation between January and June 2021. However, this does not establish a specification for a road. This Council expressed its position on the west of Ifield development, but it is not the decision-making authority, but should the west of Ifield development come forward we must make plans to address the development and impact that would have on Crawley's existing transport and infrastructure. In addressing the transport infrastructure, it may be a new link road is required as a multi-modal corridor including sustainable transport and serious consideration and assessments models will take place including environmental impacts of any proposed route.</i></p>
<p>Anthony Eden, Ifield</p> <p><i>I moved to Crawley as a young apprentice to APV in 1956. I have lived</i></p>	<p>Councillor Nawaz (Cabinet Member for Planning and Economic Development)</p>

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Full Council (22)
20 July 2022

Questioner's Name	Name of Councillor Responding
<p><i>in Crawley for more than 50 years. My daughter got married in St Margaret's church nearly 28 years ago. I also got married in St Margaret's Church 7 years ago. And I have since been a regular attendee. I am on the church's PCC, my wife and I regularly read at church are also welcomers at the Sunday morning services. I have only just been made aware of a letter sent by Historic England on 27 October 2020, ref PL00718972 to Horsham District Council that the proposed development on land west of Ifield "has the potential to impact on the Grade 1 listed St Margaret's Church". "The likelihood of alterations to drainage", "could lead to subsidence of buildings". May I ask what action has/are you taking to prevent such catastrophic results of St Margaret's Church, a heritage/historic, Crawley's Churches foundation crumbling?</i></p>	<p><i>That development is out of our hands I'm afraid as Horsham District Council has responsibility for decisions on the development. Detailed studies will take place on how it's going to impact on Crawley but we can look at this topic in more detail.</i></p>
<p>Dawn Corrie, Bewbush</p> <p><i>In relation to the shocking heatwave we've recently experienced – the changes are going much faster than scientists predicted and the world is getting warmer. In view of the fact that things have gone so much quicker, what is the council going to do to be more ambitious with its targets? In addition, I see lots of you have bottles of water and not many of you have brought your own so perhaps at all council events and meetings you should bring your own bottles and not use plastic.</i></p>	<p>Councillor Jhans (Cabinet Member for Environmental Services and Sustainability)</p> <p><i>Thank you for your question, I did bring my own bottle with me today which I reuse. I'm pleased to say the council on both sides takes this very seriously and as you know we actually enhanced our targets to meet net zero in 2040 rather than 2050, and to reduce emissions by at least 50% by 2030 or as close to net zero as possible. There are actions on the agenda to try and meet those targets such as retrofitting buildings, improving transport infrastructure and installing the district heat network. There is also the climate change action plan which we are currently developing the funding plan for to ensure there are the resources available to deliver this important work. The key message is that as a borough council we cannot do all the work alone and we need national government assistance. We all need to work together to make right and serious choices on a daily basis as to how we live our lives.</i></p>

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Full Council (23)
20 July 2022

Questioner's Name	Name of Councillor Responding
<p>Michelle Mineau, Furnace Green</p> <p><i>I found the Tilgate Park rules online and they state that barbecues are not allowed, dogs must be kept on a lead around the lake, dogs are not permitted in the nature centre, walled garden or play area, and cycling is allowed on the bridle paths. These are the current rules only available online however dogs walk off lead around the lake, barbecues are found around the park, and cycling around the park causes issues for people especially the elderly. There is no sign about these rules around the park or the lake. Are dog walkers being discriminated against? They are not the only ones creating problems.</i></p> <p><i>Does the council think the problem is being under-reported and they don't know the extent of the situation?</i></p> <p><i>Would it not be sensible to know exactly what is happening prior to setting rules around a bigger area and a punishment that may not cover all the issues? It would be cost effective to ensure the actual rules are known before they are extended to a bigger area by installing signage.</i></p>	<p>Councillor C Mullins (Cabinet Member for Wellbeing)</p> <p><i>We haven't arrived at the position we are in tonight simply because we are 'anti dog'. There will be 241 acres left in Tilgate where people can exercise dogs where they have done historically. We are making provision for dogs such as the hound ground, obstacle park and dog shower. We are trying to find a balanced approach.</i></p>
<p>Peter Crosskey, Furnace Green</p> <p><i>Upon what data and upon what grounds was the extension of the PSPO to cover the golf course based?</i></p>	<p>Councillor C Mullins (Cabinet Member for Wellbeing)</p> <p><i>We are trying to work with everybody. Dogs are not banned from the golf course – we are requesting they are placed on a lead when crossing it. We see the golf course as a dedicated area of sporting activity, we've taken on board where activities are concerned and we need to consider all users of the park.</i></p>
<p>Christine Cowell, Tilgate, speaking on behalf of Jackie Bradley (from Furnace Green)</p>	<p>Councillor C Mullins (Cabinet Member for Wellbeing)</p> <p><i>I think the consultation was done fairly and</i></p>

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Questioner's Name	Name of Councillor Responding
<p><i>Do CBC councillors and officers think that the PSPO public consultation was carried out fairly with enough advertising across the whole area with clear information and time allowed for all interested stakeholders to participate? The wording seemed biased and there was nothing on the golf course entrances for people on the golf course to see. Where are the 238 acres that dogs can roam freely?</i></p>	<p><i>openly. It can be judged by the responses – around 2,800 people participated. We have to consider all users of the park along with different activities. We could have gone for a complete ban on dogs like some of the royal parks. We have taken a reasonable approachable and want to work with dog owners, allowing certain areas where dogs can roam freely.</i></p>
<p>David Lightfoot, Furnace Green</p> <p><i>Given that Councillor Mullins has just said how satisfied he is with the consultation that took place that we all paid for, and I understand there were 2 consultations, the result of those consultations was that the majority of people were against these proposals. Therefore, if any of you believe in democracy is it not the case that you should actually be putting into place the will of the people that were consulted on the existence of this policy who have clearly told you they don't want it and that is what should be respected. Councillor Mullins has said he respects the process and therefore he should respect the outcome.</i></p>	<p>Councillor C Mullins (Cabinet Member for Wellbeing)</p> <p><i>I support the consultation process, which was to obtain opinions, but we also need to look at how those results break down, the reasons behind those results and the comments behind them. 86.9% were Crawley residents, 58.4% said no, 38.7% said yes, but one needs to further investigate the observations and remarks made.</i></p>
<p>Karen Sudan, Ifield</p> <p><i>We are currently experiencing a cost of living crisis. Before Coronavirus, Crawley was already about the fourth most expensive place to live in the UK, when housing costs are related to average wages. I'd like to ask whether the Cabinet Member for Housing is aware that the Council's policy for charging an affordable rent to new council tenancies (tenancies, not new tenants) is resulting in Crawley's council house rent being the highest in the country and the highest in the South East?</i></p>	<p>Councillor Jones (Leader of the Council)</p> <p><i>We are all very conscious in this Council of the pressures people are under with regards to the cost of living crisis as well as rental costs in general. I would dispute that the rents in Crawley, certainly council rents, are the highest in the country. Councillor Buck and myself are working hard to ensure that we get council housing and protect council housing in this borough and we are trying to do everything we can but we are doing it under the circumstances we find ourselves in.</i></p>

6. Petition - 'We need truly affordable, publicly owned homes for Crawley people'

The Full Council considered a petition which had been received by the Council's Petitions Officer. As the petition contained over 1,000 valid signatures it was required to be debated by the Full Council. The petition stated as follows – *"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."*

The Petition related to a responsibility of the Cabinet, and as such the Cabinet was required to take the final decision. The Full Council was to consider the petition and decide whether or not to make recommendations to inform the Cabinet's decision.

The Mayor reminded councillors that the Constitution limited debates on petitions to 30 minutes per meeting. Robin Burnham, the Principal Petitioner, presented the petition to the Full Council (a summary of the presentation is attached as Appendix B to these minutes).

Councillor Jones, the Leader of the Council, addressed the meeting and thanked the Principal Petitioner for submitting the petition. The following points were made:

Whilst sympathising with many of the sentiments within the petition, as of 31 March this year (including shared ownership), there were 8,071 properties, of which only 326 were charged at the affordable rate instead of the social rate. It was noted this was a small amount of the Council's stock, approximately 4%. The rest, existing tenants and any voids were all charged at the social rate. Even with the new units being built these were not all charged at the affordable rate with all of the new homes at Forge Wood being let at social rent rate. The Council has one of the best records in the country for bringing council housing forward. Whilst not an exhaustive list, the Council had new home developments in Breezehurst Drive, Forge Wood, the old Council depot, Bridgefield House, Apex Apartments, Dobbins Place and there were more to come. It was hoped the retrofitting for water neutrality would allow more homes in the near future as well. It was acknowledged there were restrictions around right to buy receipts and government grants, and yet still homes were being able to be delivered. Councillor Jones thanked the officers for assisting the housing delivery programme.

None of the issues within the petition leave the Council with enough money to reduce the rent without taking it straight out the repairs budget for other tenants, who would then be subsidising all of the tenants in the affordable units too. It would also mean that many of the important environmental implications to tackle the climate emergency would not be able to go ahead and the Council needs to action these within its housing stock. Most of the issues can only be addressed by central government but the Council still continued to do what it can as a local authority. Councillor Jones proposed that the petition be noted and this was seconded by Councillor Buck.

The Mayor then opened the debate to the floor.

Councillor Irvine acknowledged the need for more housing within the town, but it was noted that the Council had a good track record of council housing as it had performed better than the private sector and housing associations. It was thought that the best thing a council can do is to allocate a home to an individual and the Council had continued to build on its housing stock.

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Councillor Crow commented that housing was a big issue within town but unfortunately, with regards to the information that Mr Burnham had quoted from the government website, it was felt councillors had not been able to ascertain facts or analyse the information prior to the meeting and yet were being requested to make a decision without the evidence. In comparison, if there was a petition, West Sussex County Councillors were provided with an officer's report or briefing note to help inform them in advance of considering a petition. Councillor Crow moved that Councillors receive a briefing note containing background information on the petition. This was seconded by Councillor McCarthy.

Councillor Burgess felt that additional evidence would be welcomed via a background paper as this was a very important matter and one that residents deserve to know the Council has taken seriously.

Councillor Lanzer commented that it was under the Conservative administration in 2012 that the Council borrowed money, with the support of Labour opposition, to exit the HRA subsidy regime as part of the Localism Act 2011. The Council received an interest payment which enabled better maintenance of the housing new build programme. Whilst the petition had mentioned borrowing, decisions had previously been taken which had already been beneficial for the existing housing stock and for the addition of houses to that stock.

Councillor Buck noted that government grants had been used to fund the affordable homes and it was a condition of that grant that the Council set affordable not social rents. There was no flexibility due to government policy.

The Mayor called time on the debate at the conclusion of the 30 minute period. The Mayor confirmed that there had been two proposal options moved and seconded during the debate, by Councillor Jones and Councillor Crow respectively. It was also confirmed that the two proposals did not conflict with each other and individual votes would be held on each. The Full Council was reminded that the Constitution states that 'all petitions considered by the Full Council will be subject to a recorded vote where the decision is not unanimous'.

The Mayor called for a recorded vote on Councillor Jones' proposal of noting the petition and invited the Democracy and Data Manager to commence the recorded voting process.

For: Councillors Ayling, Buck, Hart, Irvine, Jhans, Jones, K Khan, Y Khan, Lamb, Lunnon, Malik, C Mullins, Nawaz, Noyce, Pritchard, Raja, Rana and Sivarajah (18)

Against: Councillors Ali, A Belben, T Belben, Bounds, Burgess, Burrett, Crow, Jaggard, Lanzer, McCarthy, Mwangale and Peck (12)

Abstain: (0)

The proposal was carried.

The Mayor then called for a vote on the proposal moved by Councillor Crow that councillors receive a briefing note on the background to the petition. The proposal was carried unanimously and as such a recorded vote was not required.

RESOLVED

1. That the contents of the petition and the views expressed by the principal petitioner be received.
2. That the petition be noted.
3. That councillors receive a briefing note on the background to the petition.

7. **Extension to the Current Councillors' Allowance Scheme - Recommendation 1**

Councillor Lamb as the Chair of the Governance Committee introduced the item to the Full Council, which proposed to extend the current Councillors' Allowances Scheme, which was due to end on 31 March 2023, to cease on the day of the next Annual Meeting of the Full Council (currently scheduled for 26 May 2023). Councillor Bounds seconded the recommendation.

RESOLVED

The Full Council approves an extension the current Councillors' Allowances Scheme, to ceases on the day of the next Annual Meeting of the Full Council (currently scheduled to take place on 26 May 2023).

8. **Public Spaces Protection Order - Keep your dog on a lead in Tilgate Park – Recommendation 2**

Councillor Jones introduced reports HCS/41 and HCS/41a 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' which had been considered at the Overview and Scrutiny Commission meeting on 4 July 2022 and the Cabinet meeting on 6 July 2022. In presenting the item, it was explained that the Cabinet decision was not to endorse a recommendation and instead recommend that a full discussion took place at the Full Council meeting to enable the decision to be made with all options available. Councillor Jones commented that unfortunately, there had been issues within the park, and it was important to consider an option to restrict dogs where incidents had taken place or where activities occur (such as the golf course) to ensure the safety of both users and dogs. He emphasised that there was not a proposal for a complete ban on dogs within the park but a fair and reasonable approach, which offered a compromise. Whilst non-dog owners were the minority responding to the consultation, they were clearly the majority of those who use the park and the proposal needed to reflect all park users. It was important to acknowledge that the decision can be reviewed, and it would be important for this to be analysed. Councillor Jones then moved the [technical amendment](#) following legal advice, as detailed in Agenda 14 in the Supplementary Agenda together with the proposed '[Option X](#)' as Agenda 15 in the Supplementary Agenda, which were both seconded by Councillor C Mullins.

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The Mayor then invited Councillor Crow to address the Full Council. Councillor Crow moved and presented the Furnace Green & Maidenbower Councillors' amendment, (as shown as '[Option 3](#)' in the Supplementary Agenda Order Paper). In doing so, Councillor Crow commented that it was an important decision and one that should be taken seriously. The golf course perimeter paths and woodland areas were far from the course greens and there was concern regarding access from the Tilgate and Maidenbower areas. The paths were designated public rights of way and whilst it was acknowledged there were issues in the central area of Tilgate Park it was believed that option 3 was a more considered and proportionate alternative. It was added that the additional enforcement requirements for the golf course area may preclude that required for the main core area around the lake and lawn area. The amendment was seconded by Councillor McCarthy.

The Mayor then opened the debate on the report and the amendments. The following points were raised by councillors during the debate.

Councillor Lunnon supported the introduction of the PSPO but acknowledged any PSPO would be difficult for officers to enforce.

Councillor T Belben emphasised that the item was before Full Council following a resident's petition. There had been many instances of dog-on-dog attacks, as well as on wildlife within Crawley's parks, and there should be a response to these as well as the need to protect the public. Concern was raised about the other parks in Crawley and whether there would be a marked increase in dog walkers and attack incidents and it was hoped any occurrences would be logged.

Councillor Burgess commented that the majority of dog owners were responsible but any dog can have an 'off day'. It is the owner's responsibility to ensure the safety of their pet as well as those within the vicinity.

Councillor S Mullins supported the PSPO but noted that it was important to represent all people within the town. There were lots of other green spaces within the borough to walk dogs off-lead and the PSPO can be reviewed within 3 years to ensure it is operating, managed and enforced effectively.

Councillor Lanzer commented that there remains a large number of acres for dogs to be walked off-lead and there are measures that needed to be established in order to protect wildlife. Other parks such as Richmond have a complete ban during deer birthing season, but the decision for a complete ban was not thought to be fair and reasonable. It was commented that extending the PSPO to the golf course was hard to justify as this had not been subject to full public consultation.

At this point Councillor Lanzer then moved a further amendment, that the Council goes out to further consultation on the option including the maps that Full Council approves for the PSPO, (subject to an option being selected). Councillor Ali seconded this amendment.

Councillor Buck commented that the PSPO was necessary and the extension to include the golf course provides further protection for all.

Councillor McCarthy acknowledged that the PSPO was necessary, but that the advantage of option 3 was that it was a smaller area that would be impacted. Option X, with the addition of the golf course, would prove difficult to enforce and would only add to the potential to disperse the Community Wardens' resources from the main lake and lawn area where the main instances would be occurring.

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Councillor Irvine commented that a PSPO is a serious piece of legislation and a serious decision for the Council as it can potentially lead to an individual being fined or a criminal record given. It was important to ensure both the established area and decision were fit for purpose.

Councillor Ali noted there had been a good response to the consultation, and whilst it was felt there was a need for a PSPO, this needed to be fair and reasonable.

Councillor Jaggard recognised that this was an emotive subject. Upon entering Tilgate park a map shows the main areas of the park, which does not include the golf course, and it was felt these areas would be considered to be Tilgate Park by the public. Concerns were addressed with regards to access from Maidenbower and the perimeter paths to the golf course. There would be a requirement for signs to be placed after the decision to clearly indicate the areas affected (and not before). Option 3 had been proposed as a result of the evidence from the consultation. There was concern that individuals would move dog-walking to other parks within the town and thus increase the borough's carbon footprint.

9. Vote to Extend the Meeting (Guillotine)

As the business of the meeting had not been completed within the scheduled two hours and 30 minutes, a vote on continuation in line with Council Procedure Rule 8.3 was held. The Mayor required the Full Council to consider if it wished to continue with the meeting.

Having put it to the vote, the Council agreed that the meeting be continued for an additional period not exceeding 30 minutes.

10. Public Spaces Protection Order - Keep your dog on a lead in Tilgate Park – Recommendation 2 (Continued)

Following the agreement of the Full Council to continue the meeting, the Mayor restarted the discussion on the proposed PSPO.

Councillor C Mullins then spoke on the proposals. Given the amount of green space within the borough it was welcomed that individuals and dog walkers took the opportunity to visit other parks within the town. There has had to be a recognition of all visitors to the park and where issues have occurred in certain areas. Safety has been considered for the wildlife, public as well as the dogs themselves. The Council wishes to work with dog owners and engage with them further going forward.

With no further speakers the Mayor invited Councillor Jones to use his right to reply. It was noted that there were few PSPOs within the town and each decision to implement had been taken seriously. Safety was the key factor to be considered and there had been incidents including those related to activities on the golf course. It was felt that a repeat consultation would not necessarily change the overall response and would create further delay. It was emphasised that dogs were not to be banned from the park but merely to be on-lead in certain areas as set out in the proposals and this could be reviewed within the three year period.

Following the conclusion of the debate on the proposed PSPO, the Mayor called for an adjournment to seek advice from the Monitoring Officer over the voting process to be used for this item.

Agenda Item 3

Full Council (30)
20 July 2022

On resumption of the meeting the Mayor confirmed the approach to be used for the various votes on the amendments/options before the Full Council. The first vote would be on the technical amendment contained within the Supplementary Agenda Order Paper, followed by a vote on the tabled amendment moved by Councillor Lanzer that a further consultation be held on the agreed PSPO. The final vote would be a straight vote between the two options for the proposed PSPO, namely Councillor Jones' moved option X or Councillor Crow's moved option 3 and this vote would be held as a recorded vote.

The Mayor called for a vote on the technical amendment of the replacement to paragraph 8 of the draft PSPO order contained on page 111 of the agenda, with the revision contained within the Supplementary Agenda Order Paper. The amendment was carried unanimously.

The Mayor then called for a vote on Councillor Lanzer's proposal that the Council goes out to further consultation on the option including the maps that Full Council approve for the PSPO. With 11 votes for, 19 against, and 1 abstention, the amendment fell and was not carried.

Finally the Mayor called for a recorded vote on options X and 3 and invited the Democracy and Data Manager to commence the recorded voting process.

For Option X – *(with the restricted area covering main lake, Peace Garden and lawn area and golf course within Tilgate Park)*

Councillors: Ayling, T Belben, Buck, Burgess, Hart, Irvine, Jhans, Jones, K Khan, Y Khan, Lamb, Lanzer, Lunnon, Malik, C Mullins, S Mullins, Nawaz, Noyce, Pritchard, Raja, Rana and Sivarajah. (22)

For Option 3 – *(with the restricted area covering main lake, Peace Garden and lawn area within Tilgate Park)*

Councillors: Ali, A Belben, Bounds, Burrett, Crow, Jaggard, McCarthy, Mwangale and Peck (9)

Abstentions – (0).

RESOLVED

The Full Council approves and makes the PSPO order as set out in Appendix C to these minutes (which includes the technical amendment) with the restricted area covering the main lake, Peace Garden, lawn area and golf course within Tilgate Park, as shown in the plan set out in Appendix D to these minutes.

11. Vote to Extend the Meeting (Guillotine)

As the business of the meeting had not been completed within the additional period of 30 minutes after the vote on continuation, a vote on a further 30 minute continuation in line with Council Procedure Rule 8.3 was held. The Mayor required the Full Council to consider if it wished to continue with the meeting.

Having put it to the vote, the Council agreed that the meeting be continued for an additional period not exceeding 30 minutes.

12. Financial Outturn 2021-2022 (Quarter 4) – Recommendation 3

Following the agreement of the Full Council to continue the meeting, the Full Council 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 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.

Councillor Jones moved the report. Councillor Jhans seconded the report and in doing so spoke on the recommendation.

Councillor Crow also spoke on the recommendation.

RESOLVED

The Full Council approves the transfers of reserves as outlined in Section 10 of report [FIN/572](#).

13. Water Neutrality Off-Setting Programme – (PART B report) – Recommendation 4

The Mayor informed the Full Council that it was the intention to hold the discussion on recommendation 4 - Water Neutrality Off-Setting Programme (report [CH/197](#) of the Head of Crawley Homes) from the Cabinet held on 6 July 2022 in open public session (Part A), noting that the report was an exempt (Part B) report.

The Full Council considered report [CH/197](#) of the Head of Crawley Homes that sought the transfer of £170,000 from existing capital budgets, using existing capital funding, to create a new budget for water neutrality works for Crawley Homes properties. This followed the Cabinet decision to implement a retrofitting programme of Council-owned housing stock aimed at reducing water consumption to provide sufficient water offset to support selected new-build affordable housing developments.

Councillor Jones moved the report. Councillor Buck seconded the report and in doing so spoke on the recommendation.

Councillor Crow also spoke on the recommendation.

RESOLVED

The Full Council approves 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.

14. Appointment of Independent Person – (Urgent Item of Business) – Recommendation 5

The Full Council considered report [LDS/188](#) of the Head of Governance, People & Performance (as the Council's Monitoring Officer), which sought the re-appointment for a further two year term of Mr Peter Nicolson as one of the Council's Independent Persons. Councillor Jones moved the report which was seconded by Councillor C Mullins.

Councillor Crow also spoke on the item and endorsed the nomination of Mr Nicolson.

RESOLVED

That Mr Peter Nicolson be appointed for a further two years until July 2024.

15. Notice of Motion 1 - Motion To Restore Decency In Public Life

The Full Council considered the [Notice of Motion](#) – Motion to Restore Decency In Public Life – as set out on page 21 of the agenda.

The Motion was moved and presented by Councillor Jones and in doing so gave further explanation of the reasoning behind the Motion.

Councillor Lamb seconded the Motion and also moved a Procedural Motion 11.1 m), *That the item/issue now be voted upon – (specifically immediately ending the debate on the Notice of Motion and hold the vote on the Motion)*, which was seconded by Councillor Lunnon.

The Mayor ruled that the moved Procedural Motion m) was valid and thus called for the vote on the Procedural Motion. A recorded vote was requested and the Mayor invited the Democracy and Data Manager to commence the recorded voting process.

For:

Ayling, Buck, Hart, Irvine, Jhans, Jones, K Khan, Y Khan, Lamb, Lunnon, Malik, C Mullins, S Mullins, Nawaz, Noyce, Pritchard, Raja, Rana and Sivarajah (19)

Against:

Ali, A Belben, Bounds, Burrett, Crow, Jaggard, and Lanzer. (7)

Abstentions: (0)

RESOLVED

That the item/issue now be voted upon – (specifically immediately ending the debate on the Notice of Motion and then hold the vote on the Motion).

Agenda Item 3

Full Council (33)
20 July 2022

The Mayor called for the vote on the Notice of Motion – Motion to Restore Decency In Public Life. A recorded vote was requested and the Mayor invited the Democracy and Data Manager to commence the recorded voting process.

For:

Ayling, Buck, Hart, Irvine, Jhans, Jones, K Khan, Y Khan, Lamb, Lunnon, Malik, C Mullins, S Mullins, Nawaz, Noyce, Pritchard, Raja, Rana and Sivarajah (19)

Against: (0)

Abstentions: (0)

RESOLVED

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.

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

Agenda Item 3

Full Council (34)
20 July 2022

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.

16. Receiving the Minutes of the Cabinet, Overview and Scrutiny Commission and Other Committees

Moved by Councillor Rana (as the Deputy Mayor): -

RESOLVED

That the following reports be received:

- Planning Committee – 4 April 2022
- Planning Committee – 25 April 2022
- Planning Committee – 6 June 2022
- Overview and Scrutiny Commission – 13 June 2022
- Licensing Committee – 20 June 2022
- Governance Committee – 21 June 2022
- Overview and Scrutiny Commission – 4 July 2022
- Cabinet – 6 July 2022

Agenda Item 3

Full Council (35)
20 July 2022

17. Results of Southgate Borough By-Election - June 2022

The Council received the Returning Officer's report on the results of the Southgate Borough By-Election, held on 9 June 2022.

18. Councillors' Question Time

The Council noted the responses provided to the submitted written councillors' questions as contained within the Order Paper.

Name of Councillor Asking Question	Name of Cabinet Member Responding
<p>Councillor Noyce to the Cabinet Member for Wellbeing</p> <p><i>With regards to Goffs Park and the changes that have taken place there recently, in particular the kiosk and pitch and putt, please can you kindly update us as to what is happening there?</i></p>	<p>Councillor Mullins (Cabinet Member for Wellbeing).</p> <p><i>Thank you for your question. The kiosk is open again and the pitch and putt is working. What we are now looking at is the future of Goffs Park as it's a growing interest for many people in Crawley and has a lot more potential for the town as the activities there are fabulous and it's an alternative place to go. Funding is an issue but the potential for Goffs Park is enormous.</i></p>

19. Guillotine and End of the Meeting

The Mayor informed the Full Council that as the business of the meeting had not been completed by 11.00pm, and in line with Council Procedure Rule 8.4, the guillotine must fall and the meeting was to end.

It was noted that Councillors' Question Time was unable to be fully completed and the only other item on the agenda that was unable to be dealt with following the falling of the guillotine was Agenda Item 11 – *Receiving the Minutes of the Cabinet, Overviews and Scrutiny Commission and Other Committees, specifically Items For Debate – Telford Place Land Proposal (Part B Item), Property Acquisition to Increase the Council's Portfolio of Temporary Accommodation (Part B Item), Proposed Tender for works contractor (Part B Item)*. All of these items were from the meeting of the Cabinet held on 6 July 2022

The Mayor closed the meeting.

Closure of Meeting

With the business of the Full Council concluded, the Chair declared the meeting closed at 11.03 pm

J Hart (Mayor)

Agenda Item 3

Full Council (36)
20 July 2022

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Disclosures of Interest

Appendix A

Councillor	Item and Minute	Meeting	Type and Nature of Disclosure
Councillor Irvine	Planning Application CR/2021/0693/FUL – Hedley House, 225 Three Bridges Road, Three Bridges, Crawley (Minute 4)	Planning Committee 4 April 2022	Personal Interest – Cabinet Member for Housing
Councillor A Belben	CR/2021/0844/FUL – 9 Mill Road, Three Bridges (Minute 4)	Planning Committee 6 June 2022	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)	Planning Committee 6 June 2022	Personal interest – the applicant was known to him.
Councillor Burrett	CR/2022/0034/TPO – 8 Haversham Close, Three Bridges (Minute 5)	Planning Committee 6 June 2022	Personal interest – the applicant was known to him.
Councillor Jaggard	CR/2022/0034/TPO – 8 Haversham Close, Three Bridges (Minute 5)	Planning Committee 6 June 2022	Personal interest – the applicant was known to her.
Councillor Lanzer	Appointments and Membership of Scrutiny Panels (HASC) (Minute 5)	Overview and Scrutiny Commission 13 June 2022	Personal Interest – Member of WSCC
Councillor Lanzer	Appointments and Membership Of Scrutiny Panels (HASC) (Minute 5)	Overview and Scrutiny Commission 13 June 2022	Personal Interest – WSCC Cabinet Member for Public Health & Wellbeing
Councillor Burrett	Health and Adult Social Care Scrutiny Committee (HASC) (Minute 10)	Overview and Scrutiny Commission 4 July 2022	Personal Interest – Member of WSCC
Councillor Lanzer	Health and Adult Social Care Scrutiny Committee (HASC) (Minute 10)	Overview and Scrutiny Commission 4 July 2022	Personal Interest – Member of WSCC

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Councillor Lanzer	Health and Adult Social Care Scrutiny Committee (HASC) (Minute 10)	Overview and Scrutiny Commission 4 July 2022	Personal Interest – WSCC Cabinet Member for Public Health & Wellbeing
Councillor Jones	Property Acquisition to Increase the Council's Portfolio of Temporary Accommodation (Minute 17)	Cabinet 6 July 2022	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.

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Appendix B – Summary of the Principal Petitioner’s Speech

Most councillors will have children, grandchildren so this petition is your family’s problem and a concern for all families in Crawley. We do have a housing crisis. You have tonight a unique chance to positively affect the following: the fact we have increasing numbers of homelessness in the town centre, the fact that there’s 3000 people on the housing list, the fact that there’s people particularly in my area of Bewbush charged £1500 a month to private landlords. Not only are people being superexploited but there no secure tenancies – 21 days and you could be out as the private landlord wants to charge you more rent. One Councillor has already told me that they are already very concerned about the situation.

The petition is in 3 parts;

Part One – end the so-called affordable housing. So-called affordable housing means the government allows councils to charge new builds or new tenants (if you’re going from one old property to another old property or a new tenant then that is still affordable housing as well as new builds being affordable housing) it allows councils to charge new builds or tenants rents between 50-80% of the market value. I’m an old billed tenant and I get charged 50% of the market value. Since 2012 the year affordable housing started the council has only built Forge Wood at council rents (see question put to Councillor Irvine at the March Council meeting). In 10 years 324 affordable housing have been built (see Crawley Observer article Karen Dunn). So in 10 years apart from Forge Wood only 32 homes have been built in Crawley each year and every one of these is at the 80% or market value which is not affordable. The council built flats by the college which is £170 a week I don’t call that affordable.

Not only is it unacceptable to be charged 30% more than me at a time when we have the greatest cost of living crisis in our lifetimes ie you eat or you heat your home but we have the scandal of this council charging dearer affordable rents than any other council in the country, please see the information left directly to government website

You don’t have to exploit our people, as the government allows you to charge 50% as I am charged. End so-called affordable housing and introduce council rents that are 50% of market value for all. Camden, Greenwich, Hackney, Haringey, Waltham Forest, Suffolk and Kensington are all charging 50% and so can you.

Part Two – borrow to built council houses with rents that are comparable to existing stock. You can now borrow to built council houses at council rents. In 2018 the housing revenue budget cap was lifted. Interest rates while they have gone up are still very low and this is the time to borrow but before you borrow you can use the £40m surplus in the housing revenue account and you can return the £300,000 year which has come from garages that was taken out of the housing revenue account and put into the general fund. And this was done in secret and tenants didn’t know about it and I suppose most councillors didn’t know about it. Building more council houses to clear the 3000 on the waiting list must be sustainable so we don’t just build anywhere and no one would agree with the 10,000 on the West of Ifield site. We appreciate that land is getting scarce but we’d argue that council homes at council rents should be built on land that is available.

Part Three – using housing qualities to achieve the cost. Housing craftsmen are always cheaper than always using big multinational building firms. Collection of workmen are not out to get super rich or rip people off so why not use them and stretch our money and obtain value for money.

Finally, there are two outcomes on the vote. The pessimist will say you won’t back the petition, you won’t do anything to cut homelessness, you won’t cut the waiting list, you won’t cut the private rents by offering an affordable alternative. But can I say that if you did this

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there would be a consequence that people won't vote for you. Today trust and respect for politicians is at the lowest level in my lifetime and I'm a pensioner. If I was a Councillor I would want to do everything I could to protect the citizens of Crawley otherwise what's the point of having councillors. I am optimistic you will back this petition. I will say to you go home tonight to your families and say I did something fantastic tonight I voted to change lives for the better and put money in people's pockets. Make your families proud of you and make your community proud of you.

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

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.

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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

Agenda Item 3

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 who is reasonably believed to have engaged in a breach of this Order 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

Agenda Item 3

- 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 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?

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

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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.

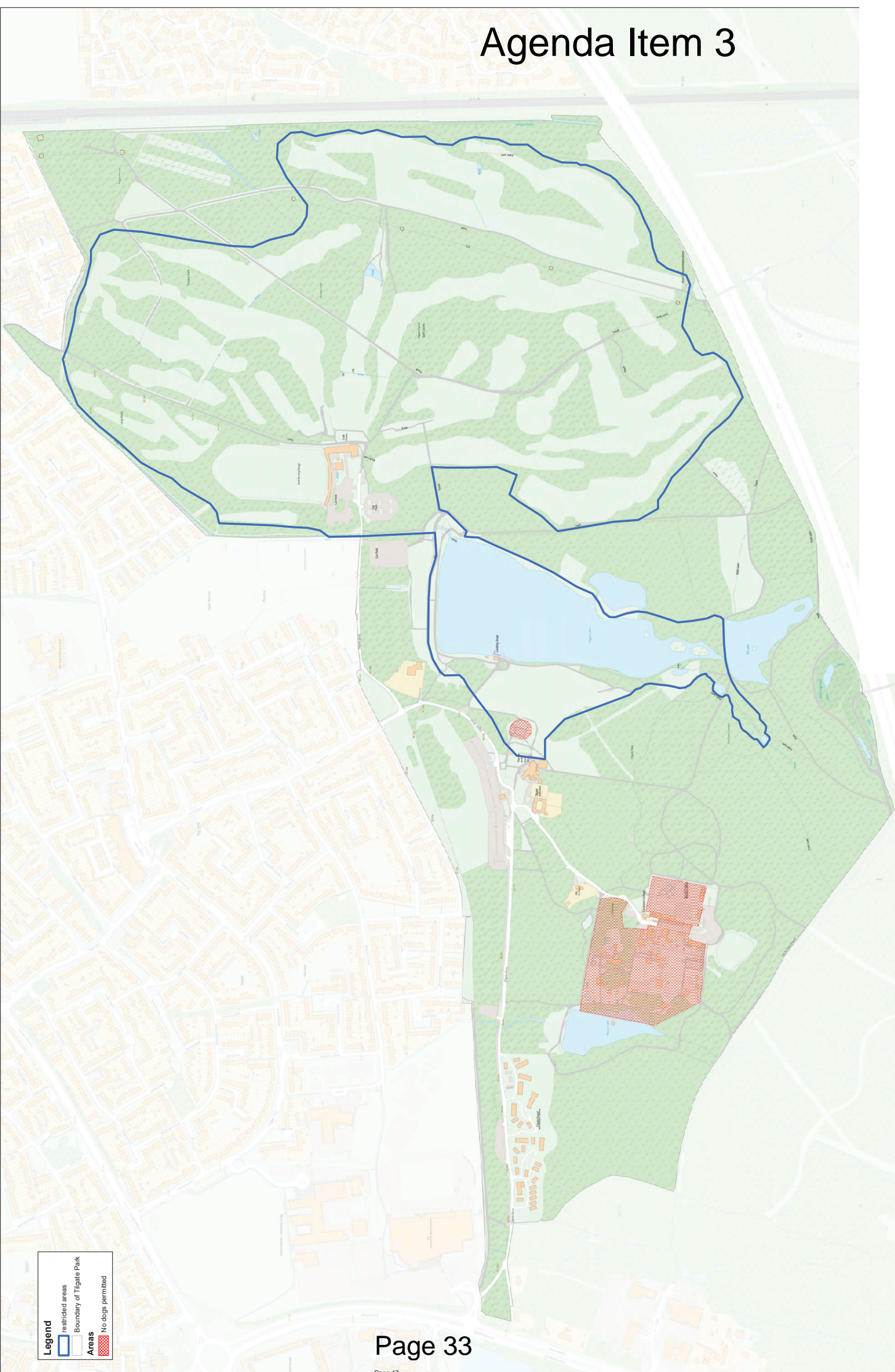
Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (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.

Agenda Item 3

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

Tilgate Park - PSPO restricted area



Legend

- restricted areas
- Boundary of Tilgate Park
- Areas
- No dogs permitted

Agenda Item 3

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Agenda Item 6

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 – 12 July 2022 (page 37)
- b) Audit Committee – 25 July 2022 (page 43)
- c) Licensing Committee – 17 August 2022 (page 49)
- d) Planning Committee – 30 August 2022 (page 59)
- e) Overview and Scrutiny Commission – 5 September 2022 (page 65)
- f) Cabinet – 7 September 2022 (page 75)
- g) Overview and Scrutiny Commission – 5 September 2022 (page 81)
- h) Planning Committee – 4 October 2022 (page 87)
- i) Cabinet – 6 July 2022 (page 95)

Recommendation 1 – Budget Strategy 2023/24 - 2027/28 (page 97)

Recommendation 2 – Proposed Increase of Weekly Rent to Council Owned Garages (page 99)

- j) Governance Committee – 10 October 2022 (To Follow)

Recommendation 3 – Polling Station Arrangements 2023: Schools (page TBC)

Recommendation 4 – Final Report of the Independent Remuneration Panel (Councillors' Allowances Scheme 2023/24 to 2026/27) (page TBC)

Recommendation 5 – Changes to the Constitution: Licensing Sub Committee (Taxis) Function (page TBC)

Recommendation 6 – Changes to the Constitution: Financial Approval Levels (page TBC)

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Crawley Borough Council

Minutes of Planning Committee

Tuesday, 12 July 2022 at 7.00 pm

Councillors Present:

R D Burrett (Chair)

Y Khan (Vice-Chair)

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

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

Apologies for Absence:

Councillor S Malik

1. Disclosures of Interest

No disclosures of interests were made.

Councillor A Belben highlighted that he had declared an interest at the previous Planning Committee meeting at which planning application CR/2021/0844/FUL was considered (*a neighbour of the site, who had raised an objection to the application, was known to him*). It was clarified that this person was no longer a neighbour of the site in question so the interest was not relevant on this occasion.

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 6 June 2022 were approved as a correct record and signed by the Chair subject to the following amendments:

- That Councillor S Sivarajah be marked as present at the meeting.
- That minute 5 (CR/2022/0034/TPO – 8 Haversham Close) be amended to show that Councillor S Pritchard had not visited the application site.

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

The Committee considered report [PES/404a](#) of the Head of Economy and Planning which proposed as follows:

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

Councillors Ali, A Belben, Burrett, Jaggard, S Mullins, Mwagale, Pritchard, Raja, and Sivarajah 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 application was originally considered by the Committee at its meeting on [6 June 2022](#) but was deferred to the 12 July meeting to allow officers to obtain clarification of the flood risk zone at the application site, seek further information regarding parking and access matters, and request that West Sussex County Council (WSSCC) as the Highways Authority visits the site. The Officer updated the Committee that, since the publication of the agenda, the following amendments to the report were required:

- Part of paragraph 5.13 was now to read, 'The neighbouring house has a garden that is approximately 31m in length and the proposals themselves would be located *14 metres at ground floor level and 16 metres at first floor level* from the boundary with this garden. It is therefore considered that as there would be approximately *30m* between facing windows...'
- Part of paragraph 5.34 was now to read, 'The internal floorspace of this dwelling would be *111sqm* which meets the standard.'

The Officer also updated the Committee that a further representation in objection to the application had been received since the publication of the report. The representation consisted of a letter and petition signed by 13 residents (11 of whom resided on Mill Road or the adjacent Hazelwick Road), and this was read to the Committee in full.

The Officer provided updates on the three matters relating to the deferral of the application.

- Flood risk:
The Committee had previously identified two different flood maps which gave conflicting information about the flood risk zone at the site. The Environment Agency (EA) had since confirmed that the map to be used for planning application purposes showed the majority of the site as being in flood zone 1 (with a small portion in zone 2). This map was a re-modelled, more precise, and more up-to-date version that replaced the map that had previously shown the site as in flood zone 3. The flood risk level was therefore reduced and this was a significant material change from earlier applications at the site.
- Parking:
The Committee had previously requested that WSSCC be asked to undertake a site visit to further assess the impact of the development on parking capacity in the area. WSSCC stated that there was no justification for doing so and

emphasised its position that it had no objection to the application, and therefore declined to visit the site. Crawley Borough Council officers had since undertaken a number of site visits at different times, including weekends and evenings, to assess the local parking situation. A number of on-street parking spaces were available nearby at every site visit. The proposal was likely to result in only a small increase in demand for parking in the area.

- Construction vehicle access/storage of materials:
It was confirmed that the recommendation did not include a condition requiring a construction management plan – due to the small size of the site the storage location of construction materials/vehicles could not be pre-arranged on site. If the applicant sought to store building materials on the highway, a separate application would need to be made by the applicant to WSCC, which would consider the request. Vehicles delivering materials may impede the operation of the highway on a temporary basis but no more significantly than on other roads or for other deliveries.

The Committee then considered the application.

Following a query from a Committee member regarding the estimated water usage at the proposed development, the Planning Officer outlined the water neutrality consultation process. It was confirmed that the Council's consultants had independently assessed the evidence relating to the application and based on the evidence supplied and the measures being proposed, the development was considered to be water neutral. In order for the application to be granted planning permission, approval by Natural England (NE) was required and therefore the recommendation in the report was for the Committee to delegate the decision to permit the application to the Head of Economy and Planning, subject to the conclusion of consultation with NE. A response had been expected by 10 July, but this had not yet been provided due to staff sickness at NE. If NE had any objection on water usage grounds the application would not be permitted and would return to the Committee for further consideration.

Concerns were raised that Mill Road may be temporarily blocked while deliveries of building materials were being made to the site or when accessed by construction vehicles. It was suggested that this may cause traffic problems, or access issues for emergency vehicles, especially due to the narrow one-way nature of the road. The Committee noted that other large vehicles, e.g. those making parcel deliveries, were already likely to stop to load and unload along Mill Road however the unloading of construction materials was thought to cause road blockages for longer time periods. The Committee was notified that WSCC had no objection to the application on these grounds, and that it accounts for emergency vehicle access as part of its assessment of an application's impact on the highway.

Many Committee members expressed discontent regarding WSCC's refusal to undertake a site visit to assess the impact of the development on the highway. The Planning Officer advised that WSCC uses its own assessment tools when considering highways matters (e.g. road traffic accident data) and there was reasoning behind the lack of a site visit and the lack of objection to the application. However the Committee highlighted that the area was different in character to much of Crawley, as a one-way road with no pavements, and a site visit was considered important to understanding the traffic flow and parking in the area. The Committee discussed the findings of the site visits undertaken by Crawley Borough Council officers and in turn heard that a Committee member had found similar capacity while undertaking personal site visits, however had observed two cars as being parked unsafely (one double parked at a junction and one parked on double yellow lines) which suggested that all safe parking spaces had been in use when the cars had arrived, pointing to a lack of capacity on

Mill Road. Committee members raised concerns about Mill Road residents having to walk to the far end of Hazelwick Road to park a vehicle. The Committee also discussed the controlled parking zone (CPZ).

Committee members agreed that they were aware of existing parking issues in Three Bridges and raised concerns that the addition of another dwelling and the loss of two off-street driveway parking spaces could amount to four extra cars on the road than presently, which had the potential to significantly diminish parking capacity in the area. This was considered to impact the operation and safety of the highway for car users and pedestrians, and also impede residents' ability to park their cars. It was also recognised that the Council's Parking Services Department had commented that CPZ permits remained available for the area, yet had still objected to the application on the grounds of a lack of parking provision.

Other matters were raised as part of the discussion:

- Confirmation was given that planning permission had been granted in the past (and remained valid) for an extension to the existing dwelling.
- The flood risk zone map was noted but concerns remained about the potential for flooding at the site. It was clarified that flood resilient materials were proposed to be used as part of the mitigation measures, and that condition 6 set out that ground floor rooms in both the extension and the separate dwelling should not be used as primary sleeping accommodation. A concern was raised about how this would be monitored.
- Affordable housing contributions were usually made after the granting of planning permission and prior to the commencement of construction or occupation.
- Policy CH6 of the Local Plan required a tree to be planted as part of the application, and it was confirmed that this would be planted on site in the rear garden.
- It was highlighted that the Section 106 agreement was not yet completed.

The Committee then voted on the recommendation to delegate the decision to permit to the Head of Economy and Planning, as set out in the report. The recommendation was overturned unanimously.

The Head of Governance, People & Performance advised on Committee procedure following the overturn of an officer's recommendation. The Committee discussed alternative proposals at length and revisited key points from its discussion on the application. Concerns were raised regarding the lack of parking provision for the new house and the loss of parking from the existing property (particularly considering the unusual characteristics of the narrow one-way street) which was contrary to the Council's parking standards. It was agreed that this was a key reason for the Committee's vote against permission. The non-completion of the Section 106 agreement was recommended as a further refusal reason by the Planning Officer.

It was moved and seconded that the application be refused. The Committee voted on the proposal to refuse the application, which was agreed unanimously.

RESOLVED

Refuse for the following reasons:

The development by reason of its lack of parking would not meet the operational needs of the proposed house and existing house and would result in an adverse impact on the on-street parking in the area, increasing the hazards to users of the

highway contrary to policies CH3 and IN4 of the Crawley Borough Local Plan 2015-30 and the guidance in the adopted Urban Design Supplementary Planning Document.

A legal agreement is not in place to secure the appropriate affordable housing contribution and water neutrality measures required to meet the development's off-site infrastructure requirements and secure the measures required to achieve water neutrality. The proposal is contrary to policies IN1, ENV2 and H4 of the Crawley Borough Local Plan 2015-2030, and fails to address the Natural England Position Statement on water neutrality received on 14 September 2021 that requires a development does not cause an adverse impact upon protected habitats in the Arun Valley, including the Amberley Wild Brooks Site of Special Scientific Interest (SSSI), the Pulborough Brooks SSSI and the Arun Valley Special Protection Area/Special Area of Conservation and Ramsar sites, in breach of the Conservation of Species and Habitats Regulations 2017.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 8.55 pm.

R D Burrett (Chair)

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Crawley Borough Council

Minutes of Audit Committee

Monday, 25 July 2022 at 7.00 pm

Councillors Present:

T Rana (Vice-Chair)

M L Ayling, T G Belben and Y Khan

Also in Attendance:

Councillor R D Burrett (observing)

Officers Present:

Chris Corker Operational Benefits and Corporate Fraud Manager

Karen Hayes Head of Corporate Finance

Mez Matthews Democratic Services Officer

Paul Windust Chief Accountant

Apology for Absence:

Councillor J Millar-Smith

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Audit Committee held on 15 March 2022 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions were asked by members of the public.

4. Internal Audit Annual Report 2021/2022

The Committee considered report [FIN/577](#) of the Head of Corporate Finance. The Chief Accountant presented the report on behalf of Southern Internal Audit Partnership (SIAP), the Council's Internal Auditors.

The Committee acknowledged that the Annual Report had been produced in accordance with the requirements set out in the Public Sector Internal Audit Standards. SIAP considered that in its overall opinion, for the period in question, the Council's framework of governance, risk management and control was "satisfactory" and audit testing had demonstrated controls were working in practice. SIAP thanked all staff for their continued engagement in the audit process in what continued to be a very difficult year with the ongoing pressures of the pandemic.

In response to questions from the Committee, the Head of Corporate Finance:

2020/21 Car Parks (Staff Permits) Audit:

- Provided clarification on the partially implemented recommendations, advising that staff were fully trained in the manual handling of stationery with practices and procedures being kept under review and advised that ensuring the relevant documents were stored securely had been implemented immediately.
- Stated that new procedures had been put in place following the implementation of ANPR technology in the car parks.

Health and Safety Handbook:

- Advised that the Handbook was due to be updated in 2020 but, since the Covid-19 pandemic hit, additional workload relating to the pandemic had taken precedence.

Cyber Security:

- Provided further information on the steps being taken by the Council to reduce the risk to the Council and the training being undertaken by staff to enhance the measures taken by them to increase security.

RESOLVED

That the Internal Audit Annual Report 2021/2022 be noted.

5. Internal Audit Progress Report

The Committee considered report [FIN/578](#) of the Head of Corporate Finance. The purpose of the report was to update the Committee on the status of 'live' internal audit reports, the progress against the Annual Audit Plan and provide a summary of internal audit as well as any significant issues which might impact the annual audit opinion.

The Chief Accountant presented the report on behalf of Southern Internal Audit Partnership (SIAP), the Council's Internal Auditors and advised that the Fraud Framework audit review identified in Section 7 (Rolling Work Programme) of the Appendix to the report had now been completed. The Committee noted all the Audit Plan Reviews in progress, along with other work as detailed in the report.

RESOLVED

That the Committee receive the report and note progress to date, as at 30 June 2022.

6. Fraud and Investigation Team Report

The Committee considered report [FIN/579](#) of the Operational Benefits and Corporate Fraud Manager, which focused on activity for the period from 28 February 2022 to 10 July 2022. The report indicated that the Team had continued to perform successfully.

The Committee was provided with details of cases investigated and the Team's investigations, whilst a discussion took place on the Team's work generally. The Committee sought and received clarification on a number of points raised, including the options available to the Council should an individual repeatedly offend, the financial cost to the Council in investigating fraud cases, the level of cases under investigation over time and the various ways in which the Council was alerted to potential fraud.

RESOLVED

That the Fraud and Investigation Team Report be noted.

7. Risk Management Update

The Committee considered report [FIN/580](#) of the Head of Corporate Finance which provided an update on the Council's Strategic Risks.

The Committee discussed the update provided on Strategic Risk Management and considered the Strategic Risk Register. Following queries from the Committee regarding the Strategic Risk Register, the Committee:

- Noted that the level of disruption to the infrastructure in the town centre and Manor Royal was due to works relating to improved broadband within the town and the development of the new Town Hall.
- Was advised that it would be incredibly costly to adapt all properties owned by the Council so they were carbon neutral, and as such the Council would need additional support if that were to be achieved.
- Noted that levels of homelessness in the Borough were currently at their highest level and remained concerned that the increase in cost of living would exacerbate the issue.
- Was informed that the Council was not responsible for housing refugees currently housed in hotels/B&Bs as those individuals/families were the responsibility of the Home Office.

The Committee did not make any comments which it wished to be drawn to the attention of the Chief Executive or the Cabinet.

RESOLVED

That the Committee confirm its satisfaction with the risk management arrangements.

8. Progress of Annual Audit 2020/21

The Chief Accountant provided the following update on the progress of the Annual Report for 2021 on behalf of Ernst and Young (EY), the Council's External Auditors:

- There was a small amount of testing outstanding which needed to be completed before the audit report on the financial statements could be issued.
- EY was aiming to sign the audit report by the end of August 2022.
- The proposed wording for the final version Audit Results Report (ARR) regarding the housing rents issue was currently with EY's Professional Practice Department for sign off. EY had completed its testing in that area and had not identified any significant weaknesses in arrangements that would impact on the value for money reporting. EY had identified one amendment required to the 2020/21 accounts for the impact of the payments in the 2020/21 audit year totalling £688k. The Council had chosen not to adjust for that amount and therefore it would be included as an unadjusted misstatement in the ARR and Letter of Representation.
- EY had not identified any further amendments required other than those reported in the ARR to the last meeting of the Audit Committee. EY would issue an updated ARR before signing the audit report and circulate to the Committee with any final amendments.

Following a query from the Committee the Chief Accountant agreed to obtain clarification on the estimated external audit fee in relation to the housing rents issue (now confirmed to be in the range of £10,000 to £15,000). That fee would be subject to approval by Public Sector Audit Appointments Ltd. The Committee noted that the Deputy Chief Executive had requested that EY include a breakdown of the costs in the Audit Results Report.

RESOLVED

That the Progress of Annual Audit 2020/21 be noted.

9. Approval of the 2020/21 Statement of Accounts

The Committee considered report [FIN/581](#) of the Head of Corporate Finance which sought the Committee's approval of the 2020/21 Statement of Accounts.

The Committee was advised that the audit of the 2020/21 Statement of Accounts had not concluded. At the Audit Committee meeting on [15 March 2022](#) (minute 10 of that meeting refers), delegated authority had been given to the Chair of the Committee to sign the accounts if there were minor or non-material amendments to the accounts following the conclusion of the audit. One material amendment had been made in relation to depreciation on infrastructure assets at a value of £759,000.

In light of this, the Committee was requested to delegate authority to the Chair of the Committee to approve the 2020/21 Statement of Accounts once the audit was concluded. The Committee was assured that a copy of the final Statement of Accounts would be circulated to the Committee prior to them being signed.

RESOLVED

- (1) That delegated authority be given to the Chair of the Audit Committee to approve the 2020/21 Statement of Accounts once the audit is concluded.
- (2) That the Chair of the Committee be authorised to sign the 2020/21 Letter of Representation.
- (3) That the Chair of the Committee be authorised to sign the 2020/21 Statement of Accounts on behalf of the Council.

10. Approval of the Annual Governance Statement 2021/22

The Committee considered report [LDS/186](#) of the Head of Corporate Finance which sought the Committee's approval of the Annual Governance Statement 2021/22. The Head of Corporate Finance thanked the Corporate Performance Manager for the work they had undertaken in producing the Annual Governance Statement.

The Committee noted that the Annual Governance Statement had been produced before the Southern Internal Audit Partnership (SIAP) had submitted its Internal Audit Annual Report 2021/2022 (report [FIN/577](#) considered earlier in the meeting). As a result, the second paragraph of the Internal Audit section of the Annual Governance Statement (on page 71 of the agenda pack) needed to be amended as it currently stated that the Council was compliant with the Public Sector Internal Audit Standards (PSIAS) whereas SIAP had identified that the Council had not met two key fundamental principles of the Public Sector Internal Audit Standards (PSIAS). The Committee was informed that the audit was not due to be undertaken until January 2023 and a revised Annual Governance Statement would be submitted to the Governance Committee in 2023 to note the change to the Statement.

RESOLVED

That the Committee endorse the Annual Governance Statement 2021/2022 as signed by the Leader and Chief Executive (noting an amendment was required to the Internal Audit paragraph of the Statement to reflect the findings identified by the Southern Internal Audit Partnership).

Closure of Meeting

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

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Crawley Borough Council

Minutes of Licensing Committee

Wednesday, 17 August 2022 at 7.00 pm

Councillors Present:

I T Irvine (Chair)

Z Ali (Vice-Chair)

M L Ayling, J Bounds, B J Burgess, J Hart, K L Jaggard, M G Jones, P K Lamb, K McCarthy,
C J Mullins, A Nawaz and B Noyce

Officers Present:

Dan Carberry	Public Protection and Enforcement Manager (observing)
Siraj Choudhury	Head of Governance, People & Performance (observing)
Ian Duke	Deputy Chief Executive (observing)
Heather Girling	Democratic Services Officer (observing)
Matt Lewin	Public Law Barrister (appointed as Legal Clerk for the Council)
Mez Matthews	Democratic Services Officer
Kareen Plympton	Team Leader Principal - Health, Safety and Licensing Services
Kate Wilson	Head of Community Services

Apologies for Absence:

Councillor D M Peck

Absent:

Councillor M Morris

1. Disclosures of Interest

The Legal Clerk advised that they had been made aware that some Councillors had been involved in matters relating to the dispute relating to the private hire operator at the concession at Gatwick Airport and some private hire drivers working at Gatwick. In light of this, the Legal Clerk advised the Committee to consider whether it had any disclosable Interests in the item of business before it. In addition, the Legal Clerk reminded the Committee that it was of fundamental importance that the

Committee remained open to listening to all the submissions put forward at the meeting and remained open to changing its mind in light of those submissions. Should any Committee Member believe they had pre-determined their position (i.e. that their mind was made up as to how they would vote prior to the meeting), they should declare as such and withdraw from the meeting.

At this point in the meeting a Committee Member raised a Point of Order, and questioned whether the Legal Clerk, who was not a Council employee but had been appointed to represent the Council for the meeting, was authorised to attend the meeting in the capacity of 'Legal Clerk'. The Committee was advised that the Legal Clerk had been properly appointed to represent the Committee and the Chair ruled that Mr Lewin be authorised to continue to represent the Council in that capacity for the meeting.

Following a query relating to pre-determination and whether the requirements and enforcement in relation to it were still in place following the Localism Act 2011, the Legal Clerk acknowledged that the rules regarding pre-determination had changed. The Legal Clerk however advised that the change did not remove the principle of pre-determination altogether and it was important that Councillors consider any matter before them with an open mind. The Legal Clerk reminded the Committee that it was a matter for each individual Committee Member to consider whether they might have pre-determined.

Councillor Jones stated they were not aware of any Committee Member, including himself, who had pre-determined their position in relation to the matter on the agenda.

Councillors Ali, Irvine, Jones, Lamb and Nawaz confirmed that they had received some form of lobbying in respect of Agenda Item 4 (Variation to the Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy). In response to a concern raised by a member of the Committee, the Democratic Services Officer assured the Committee that lobbying was not classed as an Interest and would be minuted as lobbying. During the debate of the agenda item Councillor Jones informed the Committee that, he had entered into some external correspondence, those discussions had not referenced teal plates nor the matter under discussion at this meeting.

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Irvine	Variation to the Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy (Minute 3)	Personal Interest – member of the Unite the Union.
Councillor Lamb	Variation to the Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy (Minute 3)	Personal Interest – member of the Unite the Union.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 20 June 2022 were approved as a correct record and signed by the Chair.

3. Variation to the Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy

The Committee considered report [HCS/043](#) of the Head of Community Services which advised that the Chair of the Licensing Committee had called the extraordinary meeting and requested that the Committee consider a variation or temporary suspension to section 2.11.6 of the [Crawley Borough Council Private Hire and Hackney Carriage Licensing Policy 2022-2026](#) ('the Policy'), which related to the colour of vehicle licence plates that must be displayed by licensed private hire vehicles when undertaking work exclusively from Gatwick Airport. The Team Leader Principal for the Health, Safety and Licensing Team presented the report in full to the Committee.

Although constitutionally there were no public speaking rights at the Licensing Committee, the Chair had used their discretion to grant permission to several relevant parties who had requested to address the Committee on the matter before it.

Mr Nick Venes (a licensed driver and Unite the Union representative) addressed the Committee and made the following points:

- Demand at Gatwick had been high recently due to cancelled flights, staffing issues and train strikes, but that demand had now reduced and was expected to remain at the current level.
- Drivers were happy with how the Council regulated licences and were proud to be so highly regulated as it reflected their professionalism.
- 90% of the drivers who serve Gatwick Airport lived and worked within the Borough.
- The teal plates set those private hire vehicles which serve Gatwick apart from those which serve the remainder of the town. That differentiation meant they could be easily identifiable.
- Gatwick was a different entity from other private hires and hackney carriages as the number of passengers from Gatwick fluctuated across the seasons.
- Suspending the teal plates would help going forward, and as such, it was requested that the Committee take that into consideration when making its decision.

Mr Ahjaz Ali (a licensed driver and Unite the Union representative) addressed the Committee and made the following points:

- They had been in dispute with the operator at Gatwick Airport and were of the view that recruiting additional drivers whilst in dispute was unfair.
- An unusually high number of teal plates had been issued recently in a short space of time which undermined the trade. The reasons for that were questioned and it was suggested that the issuing process had been sped up.
- The likelihood of drivers making a living wage and recouping the investment of their vehicle was at risk if they had to share the work with a lot of other drivers, especially as the level of trade at Gatwick during the winter months was minimal.
- The majority of the drivers at Gatwick lived locally. Those drivers supported the local economy and local residents.
- Raised concern as to how the new drivers had been introduced into Gatwick.

- Requested that an immediate suspension be put in place and a cap on the number of plates issued be applied.
- Proposed that temporary plates (to cover the summer period) could be introduced which could then revert back to yellow plates following peak season.

Mr Mohammed Azzaoui (a licensed driver and Unite the Union representative) addressed the Committee and made the following points:

- There was a significant level of stress for the drivers at Gatwick recently, particularly as a result of the private hire operator at Gatwick.
- The private hire drivers were attempting to find a solution to the dispute with the operator at Gatwick.
- Drivers had experienced difficult financial times recently under the current operator at Gatwick.
- Teal plate drivers had contacted Councillors and officers to try to seek help to support their colleagues.
- It appeared that Gatwick's private hire operator had oversold itself when it secured the contract at Gatwick with the drivers paying the consequence for that.
- Questioned why a large number of teal plates had been issued in recent weeks.

The Democratic Services Officer then read out a statement on behalf of Emma Rees, the Head of Real Estate and Surface Access for Gatwick Airport, which provided the following points:

- Disappointment that there had been no consultation or contact with Gatwick Airport Limited on the matter.
- Gatwick Airport had recently been contacted by a number of Councillors regarding the current dispute between the operator and the drivers at Gatwick.
- The teal plates had been introduced in 2013 to ensure the safety of the airport and passengers following consultation with Gatwick Airport and Sussex Police. That position had not changed.
- Asserted that a change to the Policy, either temporary or permanent, should not be considered.
- The report appeared to be premature as the introduction on 'dual plates' was due to be considered by the Committee at an upcoming meeting.
- In order to meet passenger demand and delivery of the Service Level Agreement it was necessary to recruit additional drivers. The number of passengers using Gatwick Airport had increased and was set to continue rising.
- Suspending the issue of teal plates would result in the recruitment of drivers with yellow plates which would jeopardise the security at Gatwick as the vehicles would not be easily identifiable.
- Requested that the status quo remain and that proper engagement with the Airport and Sussex Police be undertaken prior to any decision being taken.

Peter Bailey, Head of Operations and Commercial at Gatwick Cars, addressed the Committee and stated the following points:

- The original contract had bid on the basis that the drivers at Gatwick wanted to be 'workers' and paperwork had been issued on that basis. The drivers had now informed the operator that they wanted to remain as self-employed, the operator did not have an issue with this. The operator had been dealing with Unite the Union and was due to go to mediation to resolve the matter.

- Recruitment policies for private hire drivers were usually based on passenger numbers and Service Level Agreements and not the views of the drivers themselves.
- Several Councillors had contacted the management at Gatwick Cars to make representations on behalf of the drivers and suggested that the comments made by those Councillors could demonstrate a perception of bias against the operator and called into question those Councillors' ability to make a fair-minded decision.
- Mr Bailey suggested that the Council/Councillors were interfering in matters relating to the dispute between the operator at Gatwick and the drivers and putting pressure on the company to influence its business decisions.
- The need for additional teal plates could be made on economic grounds. The company wanted to increase local employment opportunities, support the local economy and create new jobs.
- The extraordinary meeting had been called by the Chair of the Licensing Committee to consider a variation to the Policy following receipt of communications by the Council with regard to the dispute. Those communications had not been shared with all parties and it was requested that that information be disclosed to the operator.

Ian Miller, Non-Executive Director at Gatwick Cars, addressed the Committee and made the following submission:

- Questioned the need for calling the extraordinary Committee meeting as it related to the current dispute between the operator at Gatwick Airport and its drivers.
- Limiting the number of teal plates would constrain the operator's ability to fulfil the needs of passengers at the Airport and limited the opportunity for local drivers to obtain a teal plate and work at Gatwick.
- Should there be a surplus of drivers during the winter period those drivers could swap their teal plate for a yellow plate as that was a quick and efficient process.
- Teal plates had been introduced in 2013 following consultation with the Council, Gatwick Airport and Sussex Police to improve safety and security at the Airport.
- Suspending or abolishing teal plates would undermine the sound reasons and rationale for introducing the teal plates. It was a contractual obligation of the operator to use teal plates.
- There had recently been a huge increase in passenger numbers at Gatwick and it was believed that would rise. It was necessary to recruit new drivers at the Airport as a matter of urgency in order to fulfil the conditions of the Service Level Agreement with Gatwick and reduce passenger waiting times. Those service levels had not been met in recent weeks due to a shortage of drivers.
- Self-employed drivers working for the operator had been informed of the need to recruit and had requested they be inputted in the process. That request had been politely declined as it was a matter for Gatwick Cars Management team.
- Questioned the timing of the Extraordinary Committee meeting given the recent lobbying by certain Councillors in an attempt to resolve the dispute between the self-employed drivers and Gatwick Cars Management team.

Prior to the Committee discussing the matter, the Legal Clerk reminded the Committee that it had resolved to adopt the Private Hire and Hackney Carriage Licensing Policy at its meeting on [1 March 2022](#) (minute 4 of that meeting refers) following full public consultation and that the revised Policy had come into effect in April 2022. The Legal Clerk then reiterated that the Committee's primary concern, as set out in the Policy, was public safety. The Committee was therefore advised to

consider the information before it and remain mindful that any change to Policy would need to be justified by public safety reasons.

In response to questions raised by the Committee the Team Leader Principal for the Health, Safety and Licensing Team:

- Advised that the employment status of the private hire drivers (i.e a 'worker' or 'self-employed') was an employment law matter and was not a consideration for the Committee.
- Clarified that the Unmet Demand Survey only applied to Hackney Carriages and it was unlawful to restrict the number of private hire licences in that way. The Council, as Licensing Authority, was required to issue a private hire licence unless a private hire driver was deemed not to be 'fit and proper' or a private hire vehicle did not meet the required specification.
- Informed the Committee that the Council had powers to suspend or revoke a licence in certain situations and that any such action was carefully documented and considered against the 'fit and proper' guidance to protect the public. The Licensing Team regularly considered such cases and, in addition to suspension and revocation, issued penalty points to drivers when appropriate.
- Advised that a Magistrate's Court decision meant that private hire vehicles serving an airport did not require door livery but had teal rear licence plates and "top boxes" to aid identification.
- Informed the Committee that the issuing of teal plates was an administrative function and was not related to the 'fit and proper' test. Should the Committee be minded to suspend the issuing of teal plates, when a driver applied for a teal plate the Council would legally be required to issue yellow plates in order to allow drivers to continue operating. It could not cease to issue licences. Thereby the Council would operate a 3-tier system: white/blue plates for hackney carriages, yellow plates with full livery for non-airport private hire vehicles, and yellow plates with no livery for airport private hire vehicles. Concern was expressed that the lack of livery for yellow-plated private hire vehicles serving the airport would make enforcing the trade more of a challenge for the Council and Sussex Police and that the teal plates had been instated upon the request from Gatwick Airport Limited (GAL), Sussex Police and the Council as Licensing Authority for regulatory purposes, to aid identification and promote public safety.
- Reassured the Committee that the speed at which teal plates were issued had not been expedited recently. When all the relevant information was submitted with an application, a plate was usually issued within 1-2 days. The Licensing Team aimed to issue plates as soon as practicable given it affected those individuals' livelihoods. That timeframe had remained unchanged.
- Informed the Committee that 27 applications to convert a yellow plate to a teal plate had been made since 1 July 2022. Of those, 15 had been issued and 12 had been named but were awaiting further information before they would be allocated.
- Explained it was difficult to provide a comparison between the number of plates issued recently to that of previous years as the industry had been affected by the Covid-19 pandemic, a consequence of which was that a number of drivers had sought alternative employment. The Committee was informed that the Council currently licensed approximately 890 licences, prior to Covid that figure had been approximately 1200.
- Advised that Gatwick Cars was licensed to operate 101+ private hire drivers, it currently operated 276 drivers and had operated more drivers pre-pandemic. Gatwick Cars had advised it was seeking to recruit more drivers to meet demand.

- Reiterated that changing a plate was an administrative function. Transferring from a yellow to teal plate was not uncommon and most drivers applying for a teal plate were not applying for a new licence but replacing a yellow plate with a teal one instead. It was common for private hire drivers who had been working from Gatwick Cars' sister company EVO with a yellow plate to move to work directly for Gatwick Cars with a teal plate. That was a business decision taken by Gatwick Cars.
- Reiterated that the primary and over-riding consideration of the licensing regime must be public safety, and identifying features, such as the colour of rear plates and other signage was key to fulfil that requirement.

The following motion was then proposed by Councillor Lamb and seconded by Councillor Ayling:

- “1) That the Private Hire and Hackney Carriage Licensing Policy be modified to enable the council to suspend the issuing of any category of licence.
- 2) That the power to take decisions around the suspension of issuing licences be delegated to a Licensing Sub-Committee.
- 3) That any such meeting of the Licensing Sub-Committee shall reflect the political make-up of the Council.
- 4) That the power to call the Sub-Committee be delegated to the Chair of the Licensing Committee.
- 5) That any Constitutional changes stemming from this decision be brought forward at the earliest opportunity.”

In submitting this motion Councillor Lamb reminded the Committee that its primary function was to ensure public safety and advocated that, due to a 'gap' in the Policy, Licensing Officers currently lacked the power to suspend the issuing of new licences. Councillor Lamb stressed that there had been cases when the lack of power to suspend licences had affected a Council's ability to act quickly to address an urgent public safety concern. The motion intended to rectify the fact that the current situation could potentially lead to a future safeguarding issue. Issuing licences was a non-Executive function, and as such the function could be undertaken by the Committee itself or Full Council, rather than being delegated to officers. Councillor Lamb asserted that suspending the issue of plates would not breach legislation, and best practice did not specify that the responsibility had to be taken at officer level. Councillor Lamb reminded the Committee that the Council's Cascade System allowed controversial applications to be taken further up the cascade rather than by officers. Councillor Lamb concluded that his proposed motion balanced the democratic process with the Council's moral obligations as well as futureproofing the Policy.

The Committee then discussed the proposed motion. Several Committee Members supported the proposed motion and were of the opinion that different levels of decision making would be advantageous.

Several Committee members were concerned that the Committee appeared to be involving itself with the business of the private hire operator and Gatwick and were conscious that the Council should not be seen to attempt to limit the number of private hire licences as it was not legal to do so. In addition, several Committee members were concerned that, should the Committee suspend the issuing of teal plates, any licence issued for Gatwick would be a yellow plate but would not need to be liveried,

potentially making enforcement more difficult and that public safety should be the key concern. Dissatisfaction was also expressed that an Extraordinary Committee meeting had been called and some were of the view that the item under consideration, which related to decision making routes and delegations, should have been tabled for a future scheduled meeting when there had been time to prepare a full report which included more detailed analysis of the advantages/disadvantages of suspending plates. A question was also raised as to why some Committee members were seeking to revise the Policy which had been approved unanimously by the Committee in March 2022. Unease was expressed by some Committee members that unnamed Councillors had been involved in discussions regarding the private hire drivers' dispute with Gatwick Cars and that, should those Councillors be members of the Committee, that situation could have left doubt as to those Councillors' ability to keep an open mind when considering the matter.

In response to a request from the Committee, the Legal Clerk provided legal advice and reminded the Committee that it would be unlawful for the Council to cease issuing plates, the Council could only refuse to issue a plate if a driver was deemed not to be 'fit and proper' or if the vehicle did not meet the required specification. The Legal Clerk also advised that the Constitution did not currently permit a Sub-Committee to take decisions around the suspension of issuing licences and, as the Constitution currently stood, any such decision would need to be taken by the Licensing Committee itself.

The Committee noted that a report would be submitted to the next Governance Committee to consider the consequential changes to the Constitution necessary to accommodate the resolution, if passed, with that Committee making a recommendation to the Full Council in relation to any proposed Constitutional changes. Concern was expressed that any changes to the Policy could take effect immediately with limited opportunity to scrutinise the consequences of the Policy change.

Following a vote on the proposed motion, the motion was declared to be carried.

RESOLVED:

1. That the Private Hire and Hackney Carriage Licensing Policy be modified to enable the Council to suspend the issuing of any category of licence.
2. That the power to take decisions around the suspension of issuing licences be delegated to a Licensing Sub-Committee.
3. That any such meeting of the Licensing Sub-Committee shall reflect the political make-up of the council.
4. That the power to call the Sub-Committee be delegated to the Chair of the Licensing Committee.
5. That any Constitutional changes stemming from this decision be brought forward (for consideration by the Governance Committee with a recommendation to the Full Council) at the earliest opportunity.

Clarification Note by Head of Governance, People & Performance:

Based on the resolution (above) and then the subsequent communications, the following clarification is provided for information:

- *The purpose was to change the Licensing Policy (and consequentially the Constitution) to allow a Licensing Sub-Committee to suspend the issuing of any category of licence. That would solely apply to Hackney Carriage (driver and vehicle) licences and Private Hire (driver/vehicle/operator) licences.*
- *Day-to-day business (i.e. the issuing, renewal and suspension of individual licences) will continue as normal save for any suspension decisions which might be made by the Licensing Sub-Committee.*

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.42 pm

I T Irvine (Chair)

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Crawley Borough Council

Minutes of Planning Committee

Tuesday, 30 August 2022 at 7.30 pm

Councillors Present:

R D Burrett (Chair)

Y Khan (Vice-Chair)

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

Officers Present:

Russell Allison Housing Enabling and Development Manager

Valerie Cheesman Principal Planning Officer

Siraj Choudhury Head of Governance, People & Performance

Marc Robinson Principal Planning Officer

Clem Smith Head of Economy and Planning

Jess Tamplin Democratic Services Officer

Also in Attendance:

Councillor M G Jones

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Ali	Section 106 Monies – Q3 2021/22 to Q1 2022/23 (Minute 6)	Personal interest – a West Sussex County Councillor.
Councillor Burrett	Section 106 Monies – Q3 2021/22 to Q1 2022/23 (Minute 6)	Personal interest – a West Sussex County Councillor.

2. Lobbying Declarations

As the two planning applications on the agenda were addendum reports and had been previously permitted by the Committee, Committee members were advised that it was not necessary for those who had been lobbied on the application upon its first consideration to declare this lobbying a second time.

No further lobbying declarations were made.

3. Minutes

The minutes of the meeting of the Planning Committee held on 12 July 2022 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2020/0024/FUL - Longley House, East Park, Southgate

The Committee considered report [PES/405a](#) of the Head of Economy and Planning which proposed as follows:

Demolition of Longley House (offices) & erection of building ranging between 4 to 9 storeys to provide 121 x residential units (class C3) with associated sub-station, car/cycle parking, tree works, public realm improvements and landscaping.

Councillors Ali and Mwangale declared they had visited the site since the application was previously considered by the Committee.

The Principal Planning Officer (VC) provided a verbal summation of the application, which the Committee previously resolved to permit on 3 November 2020. The application had since been affected by the Natural England (NE) position statement on water neutrality and therefore required further consideration solely on this matter. The proposed development's estimated water usage was likely to be higher than the current usage as office space. Water neutrality was to be achieved, however, through a combination of on-site water efficiency measures (water-saving fixtures/fittings, grey water recycling, and limitations to the watering of the landscaping and washing of vehicles) and off-site offsetting measures (through the Crawley Homes Water Neutrality Retrofit Programme).

The Officer updated the Committee that, since the publication of the report, the recommendation had needed to be updated to refer to the consultation with NE and the conclusion of the S106 legal agreement. The recommendation was therefore to delegate the decision to permit the application to the Head of Economy and Planning subject to the conclusion of consultation with NE, the conclusion of the S106 agreement, and the conditions as set out in the agenda.

Henry Courtier, the agent, spoke on behalf of the applicant in support of the application. Matters raised included:

- Since the original application had been permitted, the applicant had worked collaboratively with Crawley Borough Council's Housing and Planning teams to propose a scheme that achieved water neutrality.
- The proposals sought to implement water efficiency measures on-site and to utilise the Retrofit Programme.
- The granting of permission for these matters would allow work to begin on the delivery of the scheme, which was to provide 121 affordable homes in Crawley town centre.

The Committee then considered the application. Committee members sought clarification on the reasons for the application being put forward prior to others which had been delayed by water neutrality requirements. Officers explained that the two applications on the agenda had been previously permitted by the Committee and the

S106 agreements had almost been completed, so these applications were further progressed than other cases. It was also confirmed that it was the responsibility of a developer to present water neutrality solutions to the Local Planning Authority, and presently, the two applications on the agenda were the sole larger residential applications which had done so.

A Committee member noted that the development's estimated water usage was based on an 88% occupancy rate; it was queried as to whether this could lead to an underestimation of water usage. The Planning Officer clarified that this was not 88% of the total units being occupied, but 88% of the total number of people that could occupy the entire development.

Concerns were raised that the proposed limitations on vehicle washing would simply displace the water that would have been used to wash vehicles on-site to elsewhere in the borough. Officers confirmed that further detail was to be provided as part of the Section 106 agreement.

The Retrofit Programme was discussed in detail. Officers confirmed that the scheme was ongoing and data would be analysed to evaluate its success as it continued. So far 100 homes had been fitted with the flow regulator fitting and this was being rolled out selectively. Tenants were not required to have the fitting installed; those that did were able to have it removed if they changed their minds within six months.

Further questions were put to officers regarding the operation of the flow regulators. It was highlighted that the fittings had been shown to regulate and improve, rather than decrease, water pressure. Although the fittings did not reduce water usage when a specific volume of water was required, they did reduce usage through showers and hand washing. It was hoped that tenants would also see a benefit in the form of lower water bills.

A Committee member suggested that in the future, the Retrofit Programme be streamlined by installing water-saving fixtures and fittings between Crawley Homes tenancies, while properties were empty.

RESOLVED

Delegate the decision to permit the application to the Head of Economy and Planning, subject to the conclusion of consultation with Natural England, the conclusion of a Section 106 agreement, and the conditions set out in report PES/405a.

5. Planning Application CR/2020/0192/RG3 - Breezehurst Playing Fields, Breezehurst Drive, Bewbush

The Committee considered report [PES/405b](#) of the Head of Economy and Planning which proposed as follows:

Erection of 85 affordable houses & flats, comprising: 18 x one bedroom flats, 38 x two bedroom flats, 9 x two bedroom houses, 17 x three bedroom houses, 3 x four bedroom houses, access roads, car parking, sports pitch, open space & associated works (amended plans and description).

Councillor Mwagale declared she had visited the site since the application was previously considered by the Committee.

The Principal Planning Officer (MR) provided a verbal summation of the application, which the Committee previously resolved to permit on 8 February 2021. The application had since been affected by the Natural England (NE) position statement on water neutrality and therefore required further consideration solely on this matter. The proposed development's estimated water usage was to be higher than the current usage at the same site as it was currently undeveloped land in the form of a playing field. Water neutrality was to be achieved, however, through a combination of on-site water efficiency measures (water-saving fixtures/fittings, grey water recycling, and rainwater harvesting) and off-site offsetting measures (through the Crawley Homes Water Neutrality Retrofit Programme).

The Officer updated the Committee that, since the publication of the report, the recommendation had needed to be updated. The recommendation was therefore to delegate the decision to permit the application to the Head of Economy and Planning subject to the conclusion of consultation with NE, the conclusion of the S106 agreement, and the conditions set out in the agenda.

Lisa Venn, Crawley Borough Council Built Environment Manager, spoke on behalf of the applicant in support of the application. Matters raised included:

- The applicant had worked closely with the architects and with Crawley Homes to prepare the application for 85 affordable homes which was previously permitted by the Committee.
- This application was to be amended to address water neutrality requirements.
- The current Local Plan required water usage to fall below 110 litres per person per day. With the inclusion of the proposed water efficiency measures, water usage by future residents of the development was estimated to average 87 litres per person per day.

The Committee then considered the application. Committee members raised several queries, to which the officers provided the following clarifications:

- As the site was a playing field, and it did not have an irrigation system, there was currently no water used at the site.
- The estimated water usage differed between the houses on site (90.3 litres per person per day) and the flats (83 litres per person per day). This was to account for extra water used at the houses for watering gardens and washing cars.
- The applicant was required to prove to the Local Planning Authority that the development had met the water neutrality requirements during or post construction but prior to occupation.
- Southern Water would fit water meters at all of the dwellings.

Committee members highlighted the importance of saving water and praised the innovative solutions to the unprecedented issue of water neutrality.

RESOLVED

Delegate the decision to permit the application to the Head of Economy and Planning, subject to the conclusion of consultation with Natural England, the conclusion of a Section 106 agreement and the conditions set out in report PES/405b.

6. Section 106 Monies - Q3 2021/22 to Q1 2022/23

The Committee considered report [PES/401](#) of the Head of Economy and Planning.

The Head of Economy and Planning presented the report, which summarised all the Section 106 (S106) monies received, spent, and committed to project schemes between quarter 3 of the financial year 2021/22 and quarter 1 of 2022/23.

A Committee member requested further information on the decision process for allocating S106 monies. It was confirmed that the monies received through a planning application tended to be spent on projects in the same area as the development providing the funding. Recent changes to S106 agreements had led to more limitations on the ways in which the monies were allocated and spent.

A query was then raised as to why works to certain children's play areas across the borough had been funded before others – it was confirmed that there was a rolling programme of works which prioritised those most in need of refurbishment which was agreed between officers and a councillors' working group.

It was also clarified that each S106 contribution needed to be allocated or spent by a certain date which was established as part of each individual agreement.

RESOLVED

That the update on S106 monies received, spent, and committed between quarter 3 of the financial year 2021/22 and quarter 1 of 2022/23 was noted.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 9.08 pm.

R D Burrett (Chair)

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Crawley Borough Council

Minutes of Overview and Scrutiny Commission

Monday, 5 September 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 R D Burrett, M G Jones and S Malik

Officers Present:

Siraj Choudhury Head of Governance, People & Performance

Ian Duke Deputy Chief Executive

Richard Gammie Commercial Asset Manager

Heather Girling Democratic Services Officer

Karen Hayes Head of Corporate Finance

Simon Jones Head of Digital and Transformation

Jess Tamplin Democratic Services Officer

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	Crawley BC's Equality, Diversity & Inclusion Statement 2022-2026 (Minute 5)	Personal Interest – Member of WSCC –
Councillor R A Lanzer	Crawley BC's Equality, Diversity & Inclusion Statement 2022-2026 (Minute 5)	Personal Interest – WSCC Cabinet Member for Public Health & Wellbeing
Councillor R A Lanzer	Health and Adult Social Care Scrutiny Committee (HASC) (Minute 8)	Personal Interest – Member of WSCC

Councillor
R A Lanzer

Health and Adult Social Care
Scrutiny Committee (HASC)
(Minute 8)

Personal Interest –
WSCC Cabinet Member for Public
Health & Wellbeing

2. Minutes

The minutes of the meeting of the Commission held on 4 July 2022 were approved as a correct record and signed by the Chair, subject to the following amendments:

Item 3: Public Question Time - Councillor Irvine commented that the PSPO was a serious decision for the Council as it can potentially lead to an individual being fined (of up to £1000) or a criminal record.

Item 4: Public Spaces Protection Order - Keep your dog on a lead in Tilgate Park: the sentence “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” be removed from the minutes.

3. Public Question Time

Questioner’s Name	Name of Councillor Responding
<p>Ahmad Darvishi, Parade Tenant</p> <p>I have been a Crawley tenant for over 30 years and unfortunately, there have been lots of problems, particularly at Tilgate and Furnace Green. Last December there was an issue following a break in at the shop and also with flooding. Having contacted the Asset Team we were informed to complete the work, which was difficult given the time of year, but the issue is still ongoing. I’ve sent the documentation to the Council and I have yet to receive any insurance money. I have contacted the insurance department and I have not received any response. There is a lack of communication and support with the Council.</p> <p>Supplementary – I would like to thank Richard Gammie who came and saw the completion of the work. With regards to empty shops these should not be given to fast food outlets, as we have enough of these. Shops should be on a tender basis. Elderly residents require shops to be open on a parade. Please bring back the traditional shops; greengrocers, butchers and charge them less.</p>	<p>Councillor Belben (Chair of the Overview and Scrutiny Commission) -</p> <p>I apologise you do not feel you have not had the support from the Council but we will take your details away and look at this further.</p> <p>Councillor Jones (Leader of the Council) – I am not aware of the individual matters of this case, but I am sure we can look into the matter further and respond to our tenant.</p> <p>Richard Gammie (Commercial Asset Manager) - I am aware of the case and I’m afraid I do not have the latest information, but we will pick up the details separate to this discussion.</p> <p>Richard Gammie (Commercial Asset Manager) – I am happy to look at this if it relates to empty properties and marketing but it does need to be at the correct level of rent.</p> <p>Councillor Irvine (Overview and Scrutiny Commission Member) - I sympathise and agree. My concern would be with empty units at the parades and the decline of the parades as they equate to a large part of the Council’s income. Unfortunately some of the traditional choices</p>

	<p>do not exist anymore. Think the Council does its best to ensure the parades are viable.</p> <p>Councillor Hellier (Overview and Scrutiny Commission Member) - Furnace Green parade has two empty units on it and as a result of the empty units the trade has declined.</p> <p>Councillor Lanzer (Overview and Scrutiny Commission Member) - Sometimes a unit is physically empty but has already been let, however the tenant has yet to move in. Empty units cannot be determined by the frontages of the shops. National policy will dictate the use of Post Offices on the parades.</p> <p>Councillor Khan (Overview and Scrutiny Commission Member) - Huge concern when the post office closed in town particularly as the local post offices are important to residents.</p>
<p>Martin Stone, Business Owner Town Centre</p> <p>Firstly I would like to commend the Scrutiny Panel's report. With regards to 15.1a, "Maintain a list of essential/traditional and desirable parade uses to allow consideration of lower offers for essential/traditional trades" and I'm just wondering what that means? Does that mean the Council will be getting the right sort of shops on the parades and would be willing to offer 3-6 months rent-free periods as an incentive for them to take on the shops? In the report it does say, subject to still obtaining a market rent to be decided upon. What other areas would they be willing to support please?</p>	<p>Councillor Lanzer (Overview and Scrutiny Commission Member) -</p> <p>Thank you for your question and for your comments on the report. The market rent point is important but it is an obligation under the 1972 Local Government Act to secure a reasonable return for residents. Some uses will tend to command a higher return than others because they are profitable perhaps hot food takeaways and bookmakers. It is important for the Council to be transparent in its thinking of what trades it would like to see on the parades and the reason behind maintaining a list of trades and that would be something for Cabinet/Cabinet member to develop and it is used in other councils. Some of the uses increasingly reflect the way people live their lives and the return on certain businesses is helpful in terms of maintaining the viability of the neighbourhood parades overall, whilst not compromising the Council's desire to maintain a good balance of trade.</p>

4. Final Report of the Council-owned Neighbourhood Parades Scrutiny Panel

The Commission considered report [OSC/303](#) of the Chair of the Council-owned Neighbourhood Parades Scrutiny Panel, Councillor Lanzer.

The OSC was reminded that the main aims of the Scrutiny Panel were to examine the various roles of Crawley Borough Council's neighbourhood shopping parades, explore how effectively these were being discharged, and to consider any improvements that could be made. Commission members were informed that the Scrutiny Panel's large number recommendations were consciously framed with a whole Council approach, noting that contributions can be made by various departments beyond that responsible for the Property Strategy, and by partner organisations.

As a result of the final report and the discussion Councillor Lanzer (Chair of the Panel), the Head of Corporate Finance, Asset Manager and Democratic Services Officer (JT), the following points were expressed:

- There was general support for the report and the Panel's work. Panel members and officers were thanked for a thorough review and comprehensive report.
- The Commission considered the Panel's recommendations to be practical and offered support for actively encouraging the use of the borough's parades. It was commented that they provided a community hub for the neighbourhood and there was a need to focus on engagement and awareness going forward.
- It was felt disheartening that there had been a low response to the parade tenant section of the Panel's survey but acknowledged that tenants' attendance at the Panel's meetings and witness sessions had been positive and engaging.
- There was support for various points documented within the report including the cleanliness of the parades, safety aspects, local community engagement and the cost of living (ie affordability). It would be beneficial to look at the cost of living in parallel with the cost of services. It was acknowledged that signposting businesses was important to ensure they receive the support and assistance as and when required, particularly to providing information regarding the rent review process.
- Clarification sought and obtained on the maintenance responsibilities as outlined within each lease agreement; most of the responsibilities for building upkeep fell to the tenant.
- It was felt that there was a need to diversify the range of units on the parades as usage had changed over time. It was subjective as to what constituted a '*good range of parade shops*'. Demand for parade units was high and some may appear vacant but were already let. Traditional uses were popular with shoppers and the parades should reflect this however there was a need for balance of necessity and achieving rent rate. Additionally some use classes were more profitable than others and it was acknowledged that use classes under Planning legislation had become streamlined.
- It was recognised that legislation implemented during the pandemic had restricted the measures that the Council as landlord could take to recover owed funds. This legislation was due to fall away in September 2022 and whilst the majority of tenants worked well with the Council to manage their finances, it was noted a large portion of the substantial arrears was owed by a small number of tenants and this was unacceptable.
- Concern was raised regarding some of the Panel's recommendations given the financial pressures on the Council's General Fund and ultimately any proposals would need to be cost-effective. It was however noted that items for the Capital Programme were driven by the need for the upkeep of council assets and environmental obligations and schemes will also be considered that are spend to

save or spend to earn, but that such prioritisation should not preclude the initial consideration of capital projects that could deliver “*social value*”.

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.

5. **Crawley BC's Equality, Diversity & Inclusion Statement 2022-2026**

The Commission considered report [LDS/181](#) of the Head of Governance, People and Performance. The report sought approval for the refreshed and updated Council's Equality, Diversity & Inclusion (EDI) approach, including a revised statement and action plan.

During the discussion with the Cabinet Member for Resources and the Head of Governance, People and Performance, the following comments were made:

- Clarification sought as to the training to be offered for Councillors. It was acknowledged the training programme for officers and Councillors was currently being devised. It was identified that the training would need to be tailored for the range of roles which employees fulfil e.g. some roles are more public facing or work with particular vulnerable groups. Similarly, a specific course will be designed for councillors. This will be a starting point to cover the legal duty, the protected characteristics and to build awareness around this complex and developing field. It was confirmed that training would look to help employees and councillors to understand and identify unconscious biases which might potentially influence behaviour and decision making. External trainers will be considered subject to cost and considering that there is a large staff complement to train.
- Confirmation was provided that no feedback had been received from UNISON.
- Support for the work in Community Services with regards to the outreach work and identifying community champions. It was hoped this would provide better services and reduce barriers to participation, increasing access to health and wellbeing. The key was having EDI in mind when embarking on new projects or significant decisions.
- Concerns were expressed over equality and access when vehicles park on footpaths. It was noted that this was an enforcement issue and that if it was within the Council’s powers, it could act. All concerns and incidents should be reported directly to the Head of Community Services.
- Clarification sought as to whether assistance dogs would be permitted within not just the new Town Hall, but also the leased offices, as currently assistance dogs were allowed in the current building. Whilst it was anticipated assistance dogs would be permitted in the Council’s area, further discussion would be required for the leased offices. It was also confirmed induction loops were to be fitted in the new Town Hall.

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. Review of Transformation Plan

Commission Members considered report [DCE/13](#) of the Deputy Chief Executive. The Commission has within its function to review the council's transformation programme, measures, and performance information (including budgetary information) together with service reviews.

The Transformation Plan was revised in 2020 with a first review report to OSC in November 2020 and then again in November 2021 - [DCE/09](#), providing an update on progress to the six themes and activities. [DCE/13](#) provides an update to the Commission, identifying those activities that have been delivered sufficiently, where remaining activities are incorporated into service plans as business as usual or likely to carry across to the next iteration of the plan. Much progress had been made and the challenges of the Covid-19 pandemic accelerated the Transformation Plan, in particular in terms of new ways of working, values and behaviours and digital transformation.

The Transformation Plan included:

- Channel Shift – reflected the massive shift to online work, which included how residents wished to interact with the council. There were huge advantages to the council in terms of efficiencies. These were the simple, transactional and information driven activities such as myCrawley which had resulted in 37,998 registrations together with an option for eBilling for Council Tax. Work will continue to capitalise on this approach where possible whilst retaining options for more traditional phone or face to face interactions for those who require this. Just 5% of all traffic through the Contact Centre was now face to face.
- New Ways of Working – The Council continued to focus on how best to use new technology to release staff to work in a more agile way. The most significant project was the migration of the Council's infrastructure to the cloud along with a range of service led projects. The move to the new Town Hall had provided momentum to digitise historic data creating space, improving access to information and modernising working practices. Ultimately these will drive efficiencies and provide enhanced customer access. In addition the mobile working phase 3 project was underway and would see improvements in service areas.
- People Strategy – As the Council's ways of working evolve and change there was a need to review the employment offer and practices to ensure it continued to attract and retain the best workforce and get the most out of the talent the Council has. It was important to create and embed a culture of going forward to be more flexible and adaptable whilst providing support for all staff as the Council continued its journey to transform and develop.
- Service Re-design – This addresses services or functions where it was decided to undertake a review or make changes to improve services or deliver efficiencies. It was important to look at services in an holistic sense. myCrawley deals with multiple transactions and with the addition of links and pages can assist with supporting customers in the future.
- Commercialisation (PIPES model) - By adopting a more commercial mindset the Council is able to respond more flexibly and pragmatically in responding to the Medium-Term Financial Strategy (MTFS). There is a clear need to continue to offer high quality and sustainable services which must operate, as a minimum, as cost neutral. Achieving this at a time where residents and businesses are incurring a raft of increased prices is understandably, extremely sensitive. It does however minimise the need for future reductions in services by developing new ideas, new income streams, greater efficiencies and savings.

- Assets – Within the Council’s current estate there are a range of land and spaces subject to varying levels of use. Several of these offer opportunities for the Council in terms of disposal, development or repurposing. Initially work has focused on Metcalf Way depot and the relocation of its staff and services through a trial of the mobile Patch Teams, thereby freeing up the site for alternative use.

Following the discussion with the Deputy Chief Executive and Head of Digital and Transformation, Councillors raised a number of queries:

- Clarification sought and obtained on the condition and maintenance of the Council’s assets. It was acknowledged that in some case maintenance programmes had reduced due to the pandemic but it was important to contact the relevant departments where deterioration required reporting. Additionally any anti-social behaviour should be reported to the ASB Team or the Police.
- Confirmation that the Council would continue to accept cash payments via the self-pay kiosk. Some residents within the borough insist on paying cash, especially for housing tenancy. It would be a legitimate way for the Council, as a public service, to receive (debt) payment.
- Clarification was provided over the Contact Centre opening hours and call wait (queuing) times, together with potential new IT initiatives being explored as part of the Council’s option to shift demand away from the Contact Centre to provide additional capacity. However, it was noted that these initiatives would only be established once thoroughly tested and if they would generate additional value.
- It was acknowledged that the Council’s ‘report a problem’ page on the website was currently under review. A new page was scheduled for re-launch in the future.
- Explanations were sought and obtained on the details provided within the number of transactions, both internal and external.
- It was acknowledged that the cost of postage had risen since the return to the Town Hall following the pandemic and this was regularly monitored. However it was noted that whilst some efficiencies could be made, there were some items that required to be posted under legislation.

RESOLVED

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

7. Cabinet Member Discussion with the Cabinet Member for Resources

The Commission noted the update given by Councillor Malik and questioned him on a variety of issues relating to his [portfolio](#).

The following topics were discussed:

- The mobilisation into the new Town Hall would potentially commence during autumn 2022.
- A trial was underway for mobile Patch Teams within the borough to increase efficiencies. This also assisted in identifying and evaluating alternative use for the Council’s assets, in particular Metcalf Way.
- The IT programme had increased and was also developed its approach. Recently introduced the heightened cyber-security training.
- Governance, People and Performance Team had concentrated on the elections, together with the potential new voted-ID legislation, whilst the Legal Team has installed a new case management system which had resulted in improved

efficiencies. A change in both Audit and the new Corporate Performance Team had resulted in an improved ways of working throughout the organisation.

- Confirmation provided that currently no adjustment was being made on the rent levels of the new Town Hall due to the advantage of its design sustainability.
- Clarification sought and obtained on the risk strategy. There were various risk categories and different risk appetites were applied in individual areas of the Council.
- With regards to recruitment and staff vacancies, it was acknowledged that this was a challenge across the Council as 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 confirmed that the Council workplaces remained the nominated contracted place of work. However, it was important to offer flexibility and staff were encouraged to be present in the office for a minimum of two days per week for full time employees and one day a week for part time employees. It was queried whether there had been a desire to return to the Town Hall for additional hours/days as a result of the cost of living. However as yet there had not been a change in working patterns.

RESOLVED

That the Overview and Scrutiny Commission thanked Councillor Malik for attending and for the informative discussion that had ensued.

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

An update was provided from the most recent [HASC](#) meeting. Key items of discussion included:

- The Public Health and Wellbeing Programme was analysed and was making good, steady progress.
- Unfortunately Adult Services was currently experiencing issues with resources.
- It was confirmed that smoking rates within young people had increased and as yet there the reasons were unknown. The Committee asked to be signposted to the [Khan review](#): making smoking obsolete by 2030.
- Following a query by the Commission it was clarified that the review and figures referred just to smoking (and not vaping).

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

The Commission confirmed the following reports:

OSC 3 Oct

Budget Strategy 2023/24 – 2027/28

2022/2023 Budget Monitoring – Quarter 1

Proposals to Introduce New Conservation Areas and Change Existing Conservation Area boundaries

OSC 31 Oct

Climate Change Emergency Action Plan (OSC Update Report)
Environmental Services & Sustainability Cabinet Member Discussion

Closure of Meeting

With the business of the Overview and Scrutiny Commission concluded, the Chair declared the meeting closed at 10.09 pm

T G Belben (Chair)

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Crawley Borough Council

Minutes of Cabinet

Wednesday, 7 September 2022 at 7.00 pm

Councillors Present:

M G Jones (Chair)	Leader of the Council
S Malik	Cabinet Member for Resources
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:

Councillors A Belben, T G Belben, R D Burrett, D Crow and R A Lanzer

Officers Present:

Natalie Brahma-Pearl	Chief Executive
Siraj Choudhury	Head of Governance, People & Performance
Richard Gammie	Commercial Asset Manager
Karen Hayes	Head of Corporate Finance
Chris Pedlow	Democracy & Data Manager
Jess Tamplin	Democratic Services Officer

Apologies for Absence:

Councillors S Buck and G S Jhans

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Nawaz	Final Report of the Council-owned Neighbourhood Parades Scrutiny Panel (Minute 5)	Disclosable Pecuniary Interest – a tenant of a retail unit owned by Crawley Borough Council. Councillor Nawaz left the room and took no part in the

discussion or vote on this item.

Councillor S Mullins	Final Report of the Council-owned Neighbourhood Parades Scrutiny Panel (Minute 5)	Personal Interest – a previous member of the Scrutiny Panel (prior to becoming a Cabinet Member).
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2. Minutes

The minutes of the meeting of the Cabinet held on 6 July 2022 were approved as a correct record and signed by the Leader.

3. Public Question Time

There were no questions from the public.

4. Matters referred to the Cabinet and Report from the Chair of the Overview and Scrutiny Commission

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

5. Final Report of the Council-owned Neighbourhood Parades Scrutiny Panel

Councillor Nawaz left the room and took no part in the discussion or vote on this item.

Councillor Lanzer as Chair of the Council-owned Neighbourhood Parades Scrutiny Panel presented report [OSC/303](#), the Panel's final report to the Cabinet. The Cabinet was reminded that the main aims of the Scrutiny Panel were to examine the various roles of Crawley Borough Council's neighbourhood shopping parades, explore how effectively these were being discharged, and to consider any improvements that could be made.

The Cabinet was informed that the Scrutiny Panel's large number of recommendations were consciously framed with a whole Council approach, noting that contributions can be made by various departments beyond that responsible for the Property Strategy, and by partner organisations.

Councillor T Belben presented the Overview and Scrutiny Commission's comments on the report as detailed in report [OSC/304](#) to the Cabinet following consideration of the matter at its meeting on 5 September 2022, which included:

- Endorsement of the report and recommendations and thanks to all Panel members and officers involved in the process.
- Disappointment at the response rate to the parade tenant section of the consultation but recognition that further in-person consultation had been successful. The need for tenants to seek legal advice when signing a lease was discussed, and concerns were raised about the level of arrears owed.
- Some concern about the costs involved in some of the recommendations.

Councillor Crow was invited to speak on the item and in doing so thanked the Panel for its considerations and recognised the importance of the work that was done. Concerns were raised regarding the appropriateness and viability of recommendations (a), (b), and (m).

Councillors C Mullins and S Mullins spoke as part of the discussion on the report. It was considered important to ensure the neighbourhood parades continued to be community hubs with their own identities – the work of the Panel reflected this, but there were hesitations about the financial implications of some of the recommendations especially as it would be difficult to fairly distribute funds or resources across all parades. It was highlighted that there were problems of crime and anti-social behaviour in some areas and this was a matter for Sussex Police; it would not be appropriate or fair to request the Council's community wardens to undertake further work on this issue. Also discussed was the extent to which the Council should have influence on the balance of trades at the parades.

The Leader of the Council, having heard the views expressed by the Cabinet and the Overview and Scrutiny Commission, concluded that it was possible to adopt some of the Panel's recommendations. Others however were not financially viable at present in light of the current financial restraints on the Council, or not practicable (for example, because it was difficult to exercise control over the balance of trades/uses). It was also highlighted that the Council needed to maintain a professional tenant-landlord relationship with shop tenants and some of the recommendations were seen to confuse or compromise the balance of responsibilities between the two. The Leader presented each of the Panel's recommendations in turn and summarised which were to be approved, amended, or rejected, and gave the reasons for doing so.

RESOLVED

That the Cabinet:

- i) Engages the Council's Business and Economic Development Team to signpost all neighbourhood parade tenants to business and training support, advice, and resources (e.g., the West Sussex Retail Hub) at the beginning of and, when appropriate, during their tenancy.
- ii) Incorporates into any future review of CCTV coverage in the borough an assessment of any blind spots at any neighbourhood parades, including through representations to the Safer Crawley Partnership.
- iii) Prepares and sends an annual questionnaire to parade shop tenants, with the process reviewed after the second year, based on the experience of the extent of demands on officer time this creates.
- iv) Subjects the lease agreement to an external test of the language used (e.g. Crystal Mark accreditation) and produces a summary version in plain language, accompanying while not substituting for the legal content of the main lease, for which tenants must continue to ensure they obtain their own independent legal advice before signing.
- v) Requests the Cabinet Member for Public Protection and Community writes to the local district commander at Sussex Police requesting that they enhance

the arrangements of a zero-tolerance policy on alcohol consumption at the parades and increase patrols from Sussex Police/PCSOs.

- vi) Requests that Sussex Police provides tenants with updates on the mechanisms for crime and anti-social behaviour reporting.
- vii) Considers a capital resource allocation to assess a further round of neighbourhood parade improvements, to maintain the benefits delivered by the previous programme.
- viii) Requests that officers circulate to all councillors details of the Asset Team's small budget allocated for improvement works on the neighbourhood parades.
- ix) Raises awareness among parade businesses on options for putting together their own Business Improvement Districts (BIDs) if they consider that matters such as an enhanced inspection and cleaning regime and dedicated warden patrol patterns would be desirable as an increased priority for the neighbourhood parades.
- x) Gives instructions to the Asset Team that confirm that they must pro-actively prevent the build-up of unacceptably high tenant debt in the interests of the tenants and Council taxpayers, to include the realistic consideration of an early termination of tenancy in preference to allowing an increasing debt with no prospect of repayment.
- xi) Continues to maintain a web presence for all neighbourhood parade shops that wish to be represented, with this forming part of the offer of a new lease assignment.

Reasons for the Recommendations

The Panel's recommendations reflected the objectives set out in the scoping framework. The main aims of the Panel were to examine the various roles of Crawley Borough Council's neighbourhood shopping parades, explore how effectively these were being discharged, and to consider any improvements that could be made.

The recommendations were consciously framed with a whole Council approach, noting that contributions can be made by various departments beyond that responsible for the Property Strategy, and by partner organisations.

The Cabinet chose to adopt only those recommendations which it considered practical and viable considering the current financial restraints on the Council. The parades are run as a commercial concern and the need to do this helps in part to support paying for the Council's wider work and provision of services.

6. Crawley Borough Council's Equality, Diversity & Inclusion Statement 2022-2026

The Cabinet Member for Resources presented report [LDS/181](#) of the Head of Governance, People & Performance which sought approval of the Council's refreshed and updated Equality, Diversity & Inclusion (EDI) approach, including a revised statement and action plan.

Councillor T Belben presented the Overview and Scrutiny Commission's comments on the report as detailed in [OSC/304](#) to the Cabinet following consideration of the matter at its meeting on 5 September 2022, which included:

- Comments that the report and appendices were interesting and thorough.
- A wish to ensure detailed training is provided for councillors and officers to supplement the EDI documents. Whilst it would be ideal to hire specialist external trainers, the additional cost of this was recognised.
- Discussion of various inclusion matters such as assistance dogs, hearing loops, and suitable parking.

Councillors C Mullins and Jones spoke as part of the discussion on the report. There was agreement that the updated approach demonstrated the Council's commitment to equality, diversity and inclusion. It was considered essential to support the approach with training for councillors and officers on a range of EDI matters.

RESOLVED

That the Cabinet:

- a) approves the proposed EDI Statement 2022-2026 ([appendix A](#) of report LDS/181)
- b) approves the proposed EDI Action Plan 2022-2023 ([appendix B](#) of report LDS/181)
- c) approves the proposed Equality Impact Assessment template (EIA), ([appendix C](#)) together with the proposed guidance notes ([appendix D](#) of report LDS/181).
- d) delegates authority to the Head of Governance, People and Performance, in consultation with the Cabinet Member for Resources, to make minor amendments to the EDI Strategy, EDI Action Plan and EIA as further changes to legislation and statutory guidance are introduced and following an annual review of the action plan. (Generic Delegation 7 will be used to enact this recommendation).

Reasons for the Recommendations

The new approach and documents will:

- Refresh the Council's Equality, Diversity & Inclusion (EDI) approach.
- Ensure better communication with regards to the Council's EDI approach to employees, Councillors and to the local community.
- Ensure that the Council is undertaking the steps necessary to comply with the Equality Act 2010.
- Ensure that the Council factors in EDI when initiating new projects and when making important decisions.

7. Leisure Contract - Extension of Variation Contract

The Cabinet Member for Wellbeing presented report [HPS/32](#) of the Head of Major Projects and Commercial Services. The report recommended approval of the extension of the contract variation to 31 March 2023 with Everyone Active for the Sport & Leisure Management Contract. The recommendation facilitated the continued

re-opening of the leisure centres providing the opportunity to continue to grow the customer base and membership numbers while ensuring the Council was using mechanisms within the contract with EA to ensure a legally compliant approach.

The Head of Major Projects and Commercial Services provided the Cabinet with supplementary information about the current membership and attendance rates at K2 Crawley leisure centre, which were steadily increasing but had not yet returned to pre-pandemic levels.

Councillor Crow was invited to speak on the item and in doing so welcomed the growing membership and attendance figures. It was suggested that there should be no further extensions to the contract variation past March 2023.

Councillors S Mullins and Jones spoke as part of the discussion on the report. It was highlighted that the relationship between the Council and Everyone Active was important and that the proposed extension to the variation would allow attendance at leisure centres to continue to increase over the coming months. Cabinet members agreed that they hoped to return to the original contract in April 2023.

RESOLVED

That the Cabinet:

- a) approves the extension of the contract variation with EA under the terms set out in section 5 of report [HPS/32](#).
- b) requests a further report be brought to Cabinet in Spring 2023 to apprise councillors of the future of the leisure contract and associated payments.

Reasons for the Recommendations

The recommendation facilitates the continued re-opening of the leisure centres providing the opportunity to continue to grow the customer base and membership numbers while ensuring the Council is using mechanisms within the contract with EA to ensure a legally compliant approach.

Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.16 pm.

M G JONES
Chair

Crawley Borough Council

Minutes of Overview and Scrutiny Commission

Monday, 3 October 2022 at 7.00 pm

Councillors Present:

T G Belben (Chair)

K Khan (Vice-Chair)

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

Also in Attendance:

Councillor R D Burrett and M G Jones

Officers Present:

Natalie Brahma-Pearl

Chief Executive

Mario D'Andrea

Operations & Maintenance Manager

Heather Girling

Democratic Services Officer

Karen Hayes

Head of Corporate Finance

Apologies for Absence:

Councillor R A Lanzer

1. Disclosures of Interest and Whipping Declarations

No disclosures or whipping of interests were made.

2. Minutes

The minutes of the meeting of the Commission held on 5 September 2022 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions from the public were asked.

4. 2022/2023 Budget Monitoring - Quarter 1

The Commission considered report [FIN/586](#) of the Head of Corporate Finance on the quarter 1 budget monitoring, which set out a summary of the Council's actual revenue and capital spending for the quarter to June 2022 together with the main variations from the approved spending levels and impact on future budgets.

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

- Recognition that there was a projected overspend in year, following the impact of the pandemic and due to the cost-of-living crisis. The situation would be monitored over the next few months and continued to be reported in future monitoring reports.
- Support that K2 Crawley continued to move back to pre-pandemic usage and for the additional income projections at Quarter 1.
- It was noted that the budget for the 2022/23 pay award had an allowance for 2%, the projected overspend was therefore at least £800,000.
- Acknowledgement of the pressures and concerns within Homelessness as the service continued to see sustained pressures in all forms of temporary accommodation. It was noted that the service proactively sought suitable temporary accommodation (and it was difficult when this did not materialise), in order to minimise out of borough placements and nightly paid accommodation. In addition, it was anticipated that modular schemes may provide some solutions.
- Recognition that some of the capital schemes had slipped to future years such as Crawley Growth Programme and Gigabit.
- Whilst private commercial properties had previously taken the opportunity to convert buildings to accommodation through permitted development this was not a process that would benefit the Council's assets.
- Recognition that the Investment and Operational Properties' underspend related to additional income arising from rent renewals, which included debt provision.
- Clarification sought and obtained on the cycle paths and cycle improvements fund allocations.
- Confirmation was provided on the external funding, particularly S106 as identified within the appendices ('Funded By' table).

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.

5. Budget Strategy 2023/24 - 2027/28

The Commission considered report [FIN/583](#) of the Head of Corporate Finance. The report set out financial projections with particular reference to the period 2023/24 – 2027/28. The report set out the policy framework for improving financial efficiency and meeting the long-term investment needs of the Town, as well as proposals for the annual budget process.

The Commission received clarification on a number of points within the report during the discussion with the Leader of the Council, Head of Corporate Finance and Chief Executive. Councillors made the following comments:

- Acknowledgement that the Council's projected budget deficit was higher than previously anticipated due to the impact of increasing inflation, increased

homelessness costs, future Council tax and Business rates income projections and impact of the cost-of-living crisis on other income sources such as fees and charges.

- Recognition that the financial pressures were extensive and that the Corporate Management Team had undertaken a series of budget challenges that had resulted in savings both in year and future years to help mitigate these pressures. Acknowledgement that there was a need to strike a balance between competing priorities. Whilst the Council was currently benefiting from interest rates, there was a need to factor in other areas such as the reduction in national insurance.
- Concern expressed that the biggest demand for support was homelessness as there was a projected overspend on temporary accommodation in the current financial year, with the total annual budget spent in the first quarter. The current year budget was £900,000 with an estimated year end spend of £2.8m. It was anticipated that the situation would remain or increase as a result of the cost-of-living crisis. The Council had many forms of advice, support and signposting on offer. It was felt that these, along with the 'duty to refer' needed to be monitored in order to gauge future projections.
- Recognition that the budget for the 2022/23 pay award had an allowance for 2%, the projected overspend was at least £800,000.
- Clarification sought and obtained on the valuation of Telford Place car park.
- It was noted the costs of the Council's commitment to Climate Change had not been factored into future budget projections as some of the work had yet to be scoped.
- Confirmation that assumptions for the new Town Hall would be updated.
- Acknowledgement that budget modelling for future years was difficult and whilst individuals' household income had been affected, the Council's income streams were likely to continue to be impacted by any longer-term downturn in the economy and any future outbreaks. The cash flow and budgetary impact on the Council would be significant. There continued to be a growing gap between funding and service pressures, driven by demographic change and placing additional pressure on Council services.
- Members of the Commission commended officers from the Finance Team for their work in producing finance reports and dealing with challenging issues.

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. Proposed Increase of Weekly Rent to Council Owned Garages

The Commission considered report [CEX/59](#) of the Chief Executive. The report sought approval for the mid-year increase as part of the budget setting strategy with reference to weekly rent to Council-owned garages.

During the discussion with the Leader of the Council, the Chief Executive and the Operations & Maintenance Manager, the following comments were made:

- Recognition that increasing fees and charges at a time where residents and businesses were incurring other rising costs as a result of the cost-of-living crisis was understandably sensitive. It did however minimise the need for future reductions in services. Additionally, the Council was charging at the lower end in comparison with other local authorities.

- It was noted that the prices would still be competitive and garages rented to non-borough residents would pay a different rate to assist in ensuring garages met the demand of local residents as a priority. An additional charge for each subsequent garage would also be applicable for multiple garages.
- It was commented that the use of garages had subsequently changed over the years and were now mainly used for storage. Additionally, it was added the use of enforcement where garage entrances were blocked needed to be addressed.
- Acknowledgement that various options had been considered for administering the new procedure (including a sliding scale of implementation) but it was recognised any new process needed to be straight-forward to deploy and comprehend.
- Confirmation was provided on the review process together with the number of voids, tenancy agreements and maintenance programme. It was anticipated that marketing would take place once the new process was implemented.
- Clarification was sought and obtained on the make-up of garage tenancies and whether business use could potentially be a (future) opportunity.
- Concerns were raised that there was a higher charge adopted for Crawley resident private tenants than for Crawley Homes tenants. Despite favourable costs with other local authorities and a vat element to consider, it was remarked that the cost differential between the two charges was significant. It was therefore suggested that the pricing strategy (rental fees) for Crawley Homes tenants and Crawley resident private tenants was reviewed when the next increase was due. It was important that the Council needed to obtain the best value from its assets with regards to its pricing strategy on garages.

RESOLVED

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

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

An update was provided from the most recent [HASC](#) meeting. Key items of discussion included:

- Financial Assessment Improvement Plan – Unfortunately there had been a poor response following a [customer survey](#). It had indicated that respondents had an extremely mixed experience of the process for their most recent financial reassessment. Slightly more than one third (35%) of respondents were satisfied (satisfied/very satisfied) with the process, whilst 28% were dissatisfied (dissatisfied/very dissatisfied). It was acknowledged that there was a need for improvement in the services delivered and the council was committed to implementing the financial assessment improve plan.
- A presentation by UHSussex outlined the findings of inspections by the Care Quality Commission and the Trust's response - University Hospitals Sussex NHS Foundation Trust provided a presentation which highlighted findings from inspections by the Care Quality Commission and the Trust's response following inspection and the improvements that had been put in place at various hospitals. It documented actions taken to address areas of concern raised by the CQC that had been addressed.
- The Committee scrutinised the performance summary for the Public Health and Wellbeing Portfolio.

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

The Commission confirmed the following reports:

31 October

- 1) Proposals to Introduce New Conservation Areas and Change Existing Conservation Area Boundaries
- 2) Allocating Monies Collected Through CIL, Neighbourhood Improvement Strand – Provisional Referral
- 3) Climate Change Emergency Action Plan – OSC Update Report Only
- 4) Environment Services and Sustainability Cabinet Member Discussion

21 November

- 1) Budget Strategy Mid-Year Review
- 2) Treasury Management Mid-Year Review
- 3) Quarter 2 Budget Monitoring
- 4) Review of Statement of Licensing Policy – Gambling Act

Closure of Meeting

With the business of the Overview and Scrutiny Commission concluded, the Chair declared the meeting closed at 9.11 pm

T G Belben (Chair)

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Crawley Borough Council

Minutes of Planning Committee

Tuesday, 4 October 2022 at 7.30 pm

Councillors Present:

R D Burrett (Chair)

Y Khan (Vice-Chair)

A Belben, B J Burgess, K L Jaggard, S Malik, S Pritchard and S Raja

Officers Present:

Siraj Choudhury Head of Governance, People & Performance

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:

Councillors S Mullins, M Mwangale and S Sivarajah

Also in Attendance:

Councillor K McCarthy

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Burgess	CR/2022/0256/RG3 – Western End of The Boulevard, Northgate, Crawley (Minute 6)	Personal Interest – a West Sussex County Councillor
Councillor Burrett	CR/2022/0256/RG3 – Western End of The Boulevard, Northgate, Crawley (Minute 6)	Personal Interest – a West Sussex County Councillor

2. Lobbying Declarations

Councillors A Belben, Burrett, Jaggard, Malik, Pritchard, and Raja had been lobbied but had expressed no view on application CR/2022/0199/FUL - 54 St Mary's Drive, Pound Hill, Crawley.

3. Minutes

The minutes of the meeting of the Planning Committee held on 30 August 2022 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2022/0104/FUL - The Fleming Centre, Fleming Way, Northgate, Crawley

The Committee considered report [PES/406a](#) of the Head of Economy and Planning which proposed as follows:

Refurbishment of existing units to include respraying of cladding, new entrance canopies, PVS on the roofs, internal refurbishment of Unit D and associated car park and landscape works (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 permission for internal changes (to Unit D) and external refurbishment works to the four commercial buildings at a site in the Manor Royal Business District. The Officer updated the Committee that, since the publication of the report, the following correction to the response from the GAL Planning Department was required: 'Detailed comments that the amenity area to the north would be exposed to high levels of aircraft noise if a second runway as shown on the *Gatwick Masterplan (plan 21)* was to be delivered.' The Officer then gave detail of the various relevant planning considerations as detailed in the report.

The Committee then considered the application and in doing so sought further information regarding water consumption at the site. It was explained that the proposed internal refurbishments to Unit D would not normally be subject to planning control. However a restrictive condition was imposed on the development in 1984 which removed permitted development rights for alterations to the units – planning permission was therefore required, and so it was necessary for the applicant to demonstrate water neutrality. This was to be achieved by the replacement of dated and inefficient water fittings and the removal of two sinks and an outside tap. A new shower and additional WC were to be installed, however the floorspace and the use of the building were not proposed to be increased so there was no increase in demand. Calculations suggested that the average water consumption per person per day was to reduce from 87 litres to 68 litres.

Following a discussion regarding the management of parking at the site, a Committee member proposed an amendment to condition 9 which aimed to ensure the parking was used only by those vehicles in connection with the occupation of the units. The amendment was moved and seconded and was agreed by the Committee.

RESOLVED

Delegate the decision to permit the application to the Head of Economy and Planning, subject to the conditions set out in report PES/406a (including the amended condition 9 set out below) and to await receipt of satisfactory comments from Natural England on the appropriate assessment.

'9. The revised parking layout shall not thereafter be used for any purpose other than the parking/turning of vehicles *in connection with the occupation of the units* and those areas shall not be used for any outside storage of any goods or refuse associated with the business units.

REASON: To ensure that adequate and satisfactory provision is retained for the accommodation of vehicles clear of the highways in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.'

5. Planning Application CR/2022/0199/FUL - 54 St Mary's Drive, Pound Hill, Crawley

The Committee considered report [PES/406b](#) of the Head of Economy and Planning which proposed as follows:

Demolition of existing garage and erection of proposed two storey side, single storey side and single storey rear extensions.

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

The Group Manager (Development Management) provided a verbal summation of the application, which sought permission to extend a detached house on St Mary's Drive in Pound Hill. The Officer confirmed that the site was not within the Sussex North Water Resource Zone and was therefore not impacted by water neutrality restrictions, and then gave detail of the various relevant planning considerations as detailed in the report.

Kieran Gill, the applicant, spoke in support of the application. Matters raised included:

- The extension was sought to enable a multi-generational family to live together with sufficient space.
- Previous applications for an extension to the property had been submitted, withdrawn/refused, reduced in size, and resubmitted on two occasions.
- There were many different styles of home on St Mary's Drive, a number of which had been substantially extended, including the neighbouring houses. The proposal was therefore not out of character.

James Nayler, the agent, spoke in support of the application. Matters raised included:

- The size and mass of the proposed extension was appropriate – the two-storey side extension was in a large open area of the site, and the proposal resulted in a dwelling that was less deep than previously-refused applications at the same site.
- There was no negative impact on neighbours' amenity as the distances between the proposed dwelling and the neighbouring houses complied with standards.
- All materials used in the proposed design of the extensions were in keeping with the existing building.

The Committee then considered the application. Clarity was sought regarding the distances to neighbouring houses – it was confirmed that the nearest point from the proposed extension to the boundary with 24 Byron Close was 805mm. Committee

members discussed the relationship between the two properties and whether the proposal could have a negative impact on the neighbour's amenity. It was noted that the residents of 24 Byron Close had not objected to the proposal.

Following a query from a Committee member, the Officer clarified that the proposed single-storey extensions were not able to be constructed under permitted development rights due to the siting and size of each of the elements of the proposal. The cumulative impact of the resultant development needed to be considered in this case.

A Committee member raised the matter of the previously-submitted applications at the site, which had been withdrawn or refused based on their size. The Officer clarified that it was not within the remit of the Local Planning Authority to advise applicants on the detailed design specifications of any resubmitted applications.

Committee members queried the reasons for the Officer's recommendation to refuse the application and suggested that the proposals would not be out of place considering the mix of styles and sizes of properties in the area. The Officer clarified that a number of those properties were granted permission for extensions prior to the issuing of new guidance and policy (such as the Local Plan and Urban Design SPD) which set out tighter regulations on the size and style of residential extensions. It was also highlighted that there was an unusual relationship between no. 54 and the neighbouring properties, which made it difficult to compare to other extensions in the area. The Committee discussed the streetscene and noted that applications for extensions were taken on a case-by-case basis.

A vote was taken on the recommendation to refuse the application as set out in the report, which was overturned.

The Committee discussed alternative proposals and possible conditions to attach to the planning permission, were it to be granted. It was agreed that these should be based on the standard conditions for extensions to residential homes with any further conditions added as necessary (to be determined by the Planning Officers). A proposal to permit the application was moved and seconded – the Committee explained that it believed the design and appearance of the proposed scheme was in keeping with the streetscene due to the variety of unique properties in the local area. It was also highlighted that the distances between the dwelling and the neighbouring houses complied with all policy requirements, and there had been no objections from neighbours that related to material planning considerations.

The Committee then voted on the proposal to permit the application.

RESOLVED

Permit subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter: (Drawing numbers to be added)
REASON: For the avoidance of doubt and in the interests of proper planning.

3. The materials and finishes of the external walls and roofs of the proposed two storey side, single storey side and single storey rear extensions hereby permitted shall match in colour and texture to those of the existing dwelling.
REASON: In the interests of amenity in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the north, south or east elevations of the extension/building without the prior permission of the Local Planning Authority on an application in that behalf.
REASON: To protect the amenities of adjoining residential properties at 52 St Mary's Drive and 24 Byron Close, in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
5. The windows on the north elevation of the building shall at all times be glazed with obscured glass and apart from any top-hung vent, be fixed to be permanently non-opening.
REASON: To protect the amenities and privacy of the adjoining property at 24 Byron Close in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

NPPF Statement –

In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by:

- Seeking amended plans/additional information to address identified issues during the course of the application.

This decision has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in article 35, of the Town and Country Planning (Development Management Procedure) Order 2015.

6. Planning Application CR/2022/0256/RG3 - Western End of The Boulevard, Northgate, Crawley

The Committee considered report [PES/406c](#) of the Head of Economy and Planning which proposed as follows:

Road and access improvement works to encourage sustainable means of transport from the end of the Eastern Boulevard Scheme to the junction of the High Street.

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

The Principal Planning Officer provided a verbal summation of the application, which was submitted by Crawley Borough Council and sought a continuation of the recent road improvement works along The Boulevard which had formed part of West Sussex County Council's Eastern Gateway scheme. The Officer updated the Committee that, since the publication of the report, further information had been received from the applicant's Construction Project Manager which necessitated the addition of one

further condition (condition 6). The Officer then gave detail of the various relevant planning considerations as detailed in the report.

The Committee then considered the application. During a discussion regarding the proposed cycle paths and bus lanes, the Officer confirmed that these were to be one-way in order to continue the existing arrangements at the eastern end of The Boulevard. It was suggested that this could improve traffic along the road and at the junction with the High Street, especially with the service road on the north side of The Boulevard/outside the Post Office also becoming one-way (east to west).

Committee members discussed the proposal's impact on parking arrangements. It was confirmed that 14 spaces in total would be lost as a result of the proposed scheme. The chevron spaces which were to be retained were not currently in line with parking standards, so were to be revised to be at a greater angle and slanted against the direction of traffic flow. As a result of this, vehicles would reverse into the bays, which was considered safer than reversing out into oncoming traffic.

It was noted that the scheme proposed the removal (and subsequent replacement) of one tree. It was considered positive that all other trees in the area were to be retained.

RESOLVED

Permit subject to conditions set out in report PES/406c and the following additional condition:

'6. The development hereby approved shall be carried out in accordance with the details set out in the email from the Construction Project Manager dated 27 September 2022 regarding phasing, working areas, traffic control, storage and compound facilities unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of amenity and in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030'.

7. Planning Application CR/2022/0429/FUL - Land Enclosed by Creasys Drive and Broadfield Place, Broadfield, Crawley

The Committee considered report [PES/406d](#) of the Head of Economy and Planning which proposed as follows:

Installation of external wall insulation to properties on the Creasys Drive estate, Broadfield.

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

The Principal Planning Officer provided a verbal summation of the application, which sought permission for the fitting of energy-efficient insulation to the external walls of 48 dwellings owned by Crawley Borough Council. The Officer updated the Committee that, since the publication of the report, minor amendments were required to conditions 3, 4, 5, and 6. It was brought to the Committee's attention that the schedule of materials and finishes had not yet been finalised as discussions between the applicant and the Local Planning Authority were ongoing, so the recommendation was to be amended in order to delegate authority to the Head of Economy and Planning to permit the application. The Officer then gave detail of the various relevant planning considerations as detailed in the report.

The Committee then considered the application. Committee members discussed the proposed materials to be fitted over the insulation, and it was confirmed that the intention was to ensure that all replacement materials were of the same durability and were as weatherproof as the existing materials. It was possible that some materials (such as tiles) could be re-used, but those that could not would be replaced – wooden cladding, for example, was likely to be replaced with UPVC cladding.

A Committee member sought clarity over the ownership of the properties in receipt of the proposed insulation. The Officer confirmed that the 48 properties affected by the application were all Council-owned homes, some of which were terraced with or connected to privately-owned homes which were not included in the insulation project. In response to a further query as to whether the owners of those homes had been offered the insulation in order to create a greater positive environmental impact, officers agreed to seek this information from the applicant (the Council's Crawley Homes team). Previous similar schemes had involved dialogue with local homeowners so it was possible there had also been communication on this occasion.

It was confirmed that the blocks of flats within the area were not covered by the current application. It was suggested that insulation of the blocks could be explored as part of a further stage in the process – however the mix of Council-owned and privately-owned flats was likely to make the process of insulating the blocks more complex.

RESOLVED

Delegate the decision to permit the application to the Head of Economy and Planning, subject to receipt of a satisfactory schedule of materials and finishes and the conditions set out in report PES/406d – with conditions 3, 4, 5, and 6 amended as follows:

'3. No development, including site or setting up works of any description, shall take place on or adjacent to Nos. 14 Carman Walk, 8 Tatham Court and 11 Bevan Court unless and until the existing trees adjacent to those sites *have been protected by fences in accordance with the details shown on the Proposed Tree Protection Measures (SHDF W1B F58 – Tree) drawing*. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left unsevered. These measures shall remain in place until the works at these properties have been fully completed and all associated materials and equipment has been removed.

REASON: To ensure the retention and maintenance of trees which are an important feature of the area in accordance with Policy CH7 of the Crawley Borough Local Plan 2015 - 2030.'

'4. The development hereby approved to each house shall be carried out in accordance with the details set out in the email from the applicant dated 31 August 2022 regarding unloading locations and timeframes, resident engagement and the provision of barriers, minimum footpath widths and alternative temporary footpath provision *unless otherwise agreed in writing by the Local Planning Authority*.

REASON: In the interests of amenity and in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.'

'5. The development shall be carried out *in strict accordance with the schedule of materials and finishes received on (DATE TBC) unless otherwise agreed in writing by the Local Planning Authority.*

REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030 and the Urban Design Supplementary Planning Document.'

'6. The development shall be implemented in accordance with the details provided in the submitted document titled 'Appendix 1' dated July 2022, the submitted document titled '6.1: Archetypes Performance – Measures Modelled in the Assessments' dated June 2022, and the submitted document titled '6.2: PHPP Assessment' dated June 2022 *unless otherwise agreed in writing by the Local Planning Authority.*

REASON: In the interests of environmental sustainability, in accordance with Policy ENV6 of the Crawley Borough Local Plan 2015-2030 and the Planning & Climate Change Supplementary Planning Document.'

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 9.43 pm.

R D Burrett (Chair)

Crawley Borough Council

Minutes of Cabinet

Wednesday, 5 October 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
S Malik	Cabinet Member for Resources
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:

Natalie Brahma-Pearl	Chief Executive
Karen Hayes	Head of Corporate Finance
Chris Pedlow	Democracy & Data Manager
Clem Smith	Head of Economy and Planning
Siraj Choudhury	Head of Governance, People & Performance

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Nawaz	Proposed Manor Royal Business Improvement District (BID) Renewal ('BID 3') (Minute 8)	Personal and Prejudicial Interest – Local Authority Director of the Manor Royal Business Improvement District, as the Cabinet Member for Planning and Economic Development Councillor Nawaz left the room for this item

2. Minutes

The minutes of the meeting of the Cabinet held on 7 September 2022 were approved as a correct record and signed by the Leader.

3. Public Question Time

There were no questions from the public.

4. Matters referred to the Cabinet and Report from the Chair of the Overview and Scrutiny Commission

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

5. 2022/2023 Budget Monitoring - Quarter 1

The Leader presented report [FIN/586](#) of the Head of Corporate Finance. The report set out a summary of the Council's actual revenue and capital spending for the first quarter to June 2022 together with the main variations from the approved spending levels and impact on future budget. It was noted there was a variance of £671k in the general fund. At budget setting, it had assumed a transfer from reserves of £452,000, so there is now projected to be a £1.1m transfer from the general fund reserve at the end of the year. The Cabinet were informed that there had been unprecedented demand for the Council's homelessness services leading to a projecting of £872,000 overspend.

The Head of Corporate Finance addressed the Cabinet noting that the original report sent to Members had a slight addition error within the appendices, (pages 8, 9 and 10). A correct version of the report had been sent to the Cabinet prior to the meeting.

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 [3 October 2022](#), which included:

- The Commission noted that the budget for the 2022/23 pay award had an allowance for 2%, this was likely to be higher leading to a projected overspend was therefore at least £800,000.
- They were pleased that K2 Crawley continued to move back to pre-pandemic usage and for the additional income projections at Quarter 1.
- Acknowledgement of the pressures and concerns within Homelessness as the service.

Councillor S. Mullins also spoke as part of the discussion on the report.

RESOLVED

That the Cabinet:

- a) Notes the projected outturn for the year 2022/2023 as summarised in this report [FIN/586](#).

- b) Approves the addition of £40,000 to the capital programme, funded from the Tilgate Park Investment Reserve, for a replacement tractor flail as outlined in section 8.7 of this report [FIN/586](#).

Reasons for the Recommendations

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

Note by the Head of Governance, Performance and People – The amendment and correct version of report [FIN/586](#) has been now be published online replacing the original publish version.

6. Budget Strategy 2023/24 - 2027/28

The Leader presented report [FIN/583](#) of the Head of Corporate Finance. The report set out financial projections with particular reference to the period 2023/24 – 2027/28 for the General Fund, Housing Revenue Account, capital programme and the underlying assumptions. The report set out the policy framework for improving financial efficiency and meeting the long-term investment needs of the Town, as well as proposals for the annual budget process.

It was noted that the proposed budget would be formed under the background of high inflation and the cost-of-living crisis as such assumptions were changing on a daily basis. Also, which was mentioned in the quarterly reporting, there was a pay award pending and was expected to be £800k more than budgeted for and this would be addressed in the mid-year strategy would be before the Cabinet later this year.

It was noted that currently there was a budget deficit of £204,109 for 2023/24, before use of reserves and before any savings were identified and based on a Council tax increase of 2.21% which was £4.95 on a Band D in property and an increase of fees and charges of 5%, (which was lower than inflation) for 2023/4.

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 [3 October 2022](#), which included:

- Acknowledgement that the Council's projected budget deficit was higher than previously anticipated due to the impact of increasing inflation, increased homelessness costs, future Council tax and Business rates income projections and impact of the cost-of-living crisis on other income sources such as fees and charges.
- Members of the Commission commended officers from the Finance Team for their work in producing finance reports and dealing with challenging issues.

Councillor Crow was invited to speak on the item, including accepting that it was a moving feast in terms of the budget setting process. Also that it was hoped that the Council would be able to maximise the rental income of the office space within the new Town Hall going forward despite the delays in the opening and the move to the new building.

Councillors C Mullins, Jhans and S Mullins spoke as part of the discussion on the report.

RESOLVED

RECOMMENDATION 1

That the Full Council be recommended to approve the Budget Strategy 2023/24 to 2027/28 and to:

- a) Approve the process for meeting the gap as outlined in section 8 of report [FIN/583](#).
- b) Approve to continue with the policy of balancing the budget over a four-year period, including putting back into reserves when the Budget is in surplus. This is due to the current economic climate.
- c) Note the following highlights of the Budget Strategy:
 - i. that the Budget is aligned to the Council's Corporate Priorities.
 - ii. that the current budget deficit of £204,109 for 2023/24 is based on a Council tax increase of 2.21% which is £4.95 and increases in fees and charges of 5% on average. However table 9 in report [FIN/583](#) highlights that the gap could be higher when looking at sensitivity analysis.
 - iii. that the outline 5 year forecast as shown in table 3 of report [FIN/583](#).
 - iv. that the savings identified by the Corporate Management Team challenge of budgets of £413,080 have been included within the budget projections.
 - v. that there are uncertainties around Government funding prior to the settlement in December and the delay in Local Government Funding reforms such as business rates retention and the future of New Homes Bonus.
 - vi. that despite having a £5.26m General Fund reserve that the budgeted use of this reserve was £451,730 at the beginning of the current financial year, however there is a projected overspend in year due to the cost-of-living crisis and its impacts and with so many financial uncertainties the reserve must remain between £3m and £5m. The Council cannot rely on using reserves in the long term to balance the budget.
 - vii. that no additional revenue budgets have been budgeted towards the costs of the Climate Change commitment at this stage. Table 10 within report [FIN/583](#) shows existing capital commitments to Climate Change.
 - viii. that items for the Capital Programme are driven by the need for the upkeep of council assets and environmental obligations and schemes will also be considered that are spent to save or spend to earn but that such prioritisation should not preclude the initial consideration of capital projects that could deliver social value.

- ix. that costs associated with splitting upper floors for the New Town Hall were not included within the original budget. Any costs will be added to the capital programme but will be funded from rental income.
- x. that an update on this strategy will be presented to Cabinet on 23rd November 2022, this will include capital bids and the revised Crawley Homes capital investment plan.

Reasons for the Recommendations

To continue with the implementation of the Council's budget strategy and to deal with the Council's projected budget deficit which is higher than previously anticipated due to the impact of increasing inflation, increased homelessness costs, future Council tax and Business rates income projections and impact of the cost-of-living crisis on other income sources such as fees and charges.

To reaffirm the criteria for capital programme bids.

To note that until the Local Government Finance Settlement is known in December 2022 these projections are highly likely to change. Revised projections will be presented to Cabinet in November 2022 due to these constant changes, such as inflation and demands on services such as Homelessness. At that meeting any revenue growth bids, capital bids, and the HRA capital investment plan will also be reported for approval.

7. Proposed Increase of Weekly Rent to Council Owned Garages

The Leader presented report [CEX/59](#) of the Chief Executive. The report sought approval for the mid-year increase as part of the budget setting strategy with reference to weekly rent to Council-owned garages and storage cupboards. It was acknowledged even with the proposed increase renting garages from the Council would still be of good value for residents and much lower than alternative forms of storage and most other local similar local authorities. It was noted that the changes to multiple tenancies and to non-Crawley residents means that they would now be paying a premium for multi garages and if they are not prepared to then it would enable more residents on the waiting list to have the opportunity to be able to rent a garage sooner.

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 [3 October 2022](#).

Councillors Buck and S Mullins spoke as part of the discussion on the report. It was requested that a list of the exact number of Council-owned garages and storage cupboards and the wards be included in the Council's information bulletin, so that Councillors were aware what was in their ward.

RESOLVED

RECOMMENDATION 2

That Full Council be recommended to approve change in garage and storage cupboard fees, as detailed in Section 5 report [CEX/59](#) and to:

- a) Increase rental fees with effect from 1 December 2022, with no further increase until April 2024 as follows:
 - i) weekly garage rental costs for Crawley Homes tenants,
 - ii) weekly garage rental cost for Private Tenants residing in Crawley
 - iii) weekly rental costs of storage cupboards
- b) Introduce an additional charge for Crawley Homes tenants and Crawley resident private tenants with three or more garages.
- c) Introduce a new non-Crawley Borough resident weekly garage rental cost.
- d) Introduce an additional charge for non-Crawley Borough residents with two or more garages.
- e) Remove the previous multi garage discount from any remaining accounts.

Reasons for the Recommendations

The Budget Strategy 2023/24 – 2027/28 (FIN/583) elsewhere on this agenda identifies in Table 3 an initial budget gap of £240,000 in 2023/24, this rises to £419,000 in 2024/25. This assumes an increase in fees and charges of 5% on average, as financially modelled. Table 9 in the same report identifies some sensitivity analysis and shows large increases in the gap should the pay award for Local Government employees be higher or inflation be higher, or further pressure on providing temporary accommodation for those we owe a duty - therefore additional income from garages would support meeting future gaps.

8. Proposed Manor Royal Business Improvement District (BID) Renewal ("BID 3")

The Leader of the Council invited the Head of Economy and Planning to present report [PES/421](#). The report sought Cabinet support for the renewal of the Manor Royal BID for a third five-year period, for the Manor Royal BID's Business Plan 2023-2028 and Cabinet approval for the Council to continue to undertake the role of Ballot Holder, as well as Billing Authority for the BID, should a majority of BID levy payers vote to continue the BID. The Cabinet were reminded that Manor Royal BID was the largest in the South East, comprising of over 600 businesses, 30,000 jobs and over 9 million sqf of commercial space.

Councillor Jones spoke in support of renewing the BID.

RESOLVED

That the Cabinet:

- a) agrees that the Council continues to perform the role of billing authority for a further five years, collecting the BID levy on behalf of the Manor Royal BID, subject to the BID securing renewal.
- b) agrees and request that the Chief Executive as Returning Officer and Ballot holder should hold a Ballot for the Manor Royal BID Renewal proposal.
- c) agrees that the Head of Governance, People and Performance be authorised to complete the necessary legal agreements required for the BID levy operation together with any other necessary documents for the proposed BID renewal.
- d) agrees the proposal from the Manor Royal BID to support the renewal of the BID (BID 3) for a further five-year term.
- e) requests the Leader of the Council to cast the vote (for the Council's own rated properties in the Manor Royal BID area) in accordance with the Cabinet decision for 2.1d) during the period of Ballot (see section 7 of report [PES/421](#)).

Reasons for the Recommendations

Since the outcome of the Ballot for the Manor Royal BID's second term permitted a maximum five-year BID period to 31 March 2023, a renewal Ballot for a third term is therefore required amongst Manor Royal levy payers to determine whether the majority wish for the Manor Royal BID to continue for a further five years. Cabinet is therefore being asked to agree the Manor Royal BID's renewal proposal.

The Borough Council also needs to determine whether it wishes to continue to undertake the role of billing authority, collecting the BID levy on behalf of the BID, subject to legal agreement.

The BID Regulations require the Council as "billing authority" to instruct the "Ballot Holder" to hold the renewal ballot. The Ballot Holder is "the person the relevant billing authority has appointed under section 35 of the Representation of the People Act 1983 (a) as the Returning Officer for elections to that authority" – i.e., the Chief Executive.

Given the Council owns three rateable property hereditaments in the Manor Royal BID area (see Section 6.8), it will be required to pay a BID levy should the BID be renewed for a third term. This entitles the Council to vote during the period of the BID Ballot as a levy payer.

The Council is required to ensure that the process associated with BID renewal and the operation of the Manor Royal BID during a third term (subject to a "YES" vote) is undertaken in accordance with the Business Improvement Districts (England) Regulations 2004.

Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 7.54 pm

M G JONES
Chair

Agenda Item 8

Full Council

19 OCTOBER 2022

NOTICE OF MOTION 1 – MOTION TO PROTECT WORTH FOREST

Mover Councillor Jaggard and Seconder Councillor Crow

Crawley Borough Council formally states its objection to the proposal, announced last year by Center Parcs, to construct a 'holiday village' comprising up to 900 holiday lodges, a restaurant and swimming complex, across 553 acres of Worth Forest immediately to the south of Maidenbower, in the area known as Oldhouse Warren.

In doing so, this Council instructs the Chief Executive to write to both Center Parcs and Mid-Sussex District Council, on behalf of the Council's entire membership, setting out Crawley's concerns about such a change of use of this site, and supporting the [environmental concerns that have been highlighted by the Sussex Planning for Nature Group](#), which is made up of the Sussex Wildlife Trust, the RSPB, the Woodland Trust, CPRE Sussex and the Sussex Ornithological Society.

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