

# Crawley Borough Council

## Minutes of Overview and Scrutiny Commission

Monday, 29 January 2024 at 7.00 pm

### Councillors Present:

M L Ayling (Chair)

H Hellier (Vice-Chair)

I Ashraf, K Khan, R A Lanzer, T Lunnon, S Piggott, S Raja and J Russell

### Also in Attendance:

Councillor B J Burgess, M G Jones, Y Khan and B Noyce

### Officers Present:

Vicki Basley	Chief Accountant
Georgina Bouette	Head of Community Services
Dan Carberry	Public Protection and Enforcement Manager
Ian Duke	Chief Executive
Heather Girling	Democratic Services Officer
Carolin Martlew	Head of Corporate Finance
Nigel Sheehan	Head of Projects and Commercial Services

### Apologies for Absence:

Councillor J Millar-Smith and A Pendlington

## 1. Disclosures of Interest and Whipping Declarations

The following disclosures were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor RA Lanzer	2023-2025 Budget and Council Tax (Minute 5)	Personal Interest – Member of WSCC
Councillor RA Lanzer	Health and Adult Social Care Scrutiny Committee (HASC) (Minute 10)	Personal Interest – Member of WSCC
Councillor RA Lanzer	Health and Adult Social Care Scrutiny Committee (HASC) (Minute 10)	Personal Interest – Cabinet Member for Health and Wellbeing

## 2. Minutes

The minutes of the meeting of the Commission held on 8 January 2024 were approved as a correct record and signed by the Chair subject to the following clerical corrections:

- 1) Item 4 (Safer Crawley Partnership Annual Review and Forthcoming Priorities) that the following be included: “Confirmation that currently a programme was not available for violence against partners at home with a focus on men. However, this may be refreshed based on future intelligence later in the year”.
- 2) Item 5 (Crawley Borough Council Tree Planting Strategy) that the following be included:  
“Overall, the council would not see a reduction in the total tree coverage and ways would be investigated to increase the canopy cover”.

## 3. Public Question Time

No questions from the public were asked.

## 4. 2023/2024 Budget Monitoring - Quarter 3

The Commission considered report [FIN/643](#) of the Head of Corporate Finance on the quarter 3 budget monitoring, which set out a summary of the Council’s actual revenue and capital spending for the quarters to December 2023 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 the Chief Accountant, the following comments were made:

- Confirmation provided that the forecast General Fund balance remained above the recommended minimal balance of £3m. However, it was noted further reporting would feature in the Financial Outturn report.
- Recognition that the HRA account was a ring-fenced account for recording expenditure and income on the Council’s own housing stock and closely related services or facilities, provided primarily for the benefit of the Council’s own tenants.
- Clarity was provided on the town hall overspend in relation to the pressures identified with transitioning to the new building. It was noted that some costs would be addressed as tenants move into the building through service charges and as additional income was generated.
- Confirmation provided that whilst IT and vehicle replacement were not anticipated to impact on services short term there may be a requirement to investigate procurement and financing long term.
- Acknowledgement that the most significant pressure on the Council’s budget was homelessness. The Q3 forecast was £7.6m on temporary accommodation for 2023-2024, resulting in a forecast overspend of £3.6m against budget.
- As a result of the costs being attributed to housing and in particular temporary accommodation, it was moved by Councillor Lunnon (seconded by Councillor Russell) that it would be beneficial for the Commission to receive a detailed report on the rising costs and data attributing to these factors. Upon being put to the Commission, the proposal was declared as carried.

## **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, with the additional recommendation noted above.

### **5. 2024-2025 Budget and Council Tax**

The Commission considered report [FIN/642](#) with the Leader of the Council, Head of Corporate Finance and the Chief Accountant. The Council has a statutory responsibility to set a Council Tax and Budget in advance of the commencement of the new financial year. The Council Tax has to be set by March each year. During the past year the Council had continued to review its spending plans and considered options to amend spending to meet new priorities.

During the discussion, the following points were expressed:

- Clarity sought and obtained on the use and validity of applying for capital dispensation, by which the Government, exceptionally, permitted local authorities to treat revenue costs as capital costs. It was confirmed that this was not advisable given that in the absence of usable capital receipts this would result in borrowing from the PWLB at a punitive plus 1% interest rate, and it was prudent to conduct a review of current reserves rate.
- Concerns raised about the predictions for the projected future budget gaps. It was noted that the review of current reserves was part of the process identified in the Budget Strategy, but reserves could only be used once. A seminar was being arranged to provide further budgetary information.
- Query sought and provided on the business rates calculation, business rates equalisation reserve, together with confirmation provided on the town hall business rates, vacant floors, void costs and rental income.
- Clarification sought on the current overspend within the repairs and maintenance budget. It was acknowledged that there had been various national changes impacting the service including Decent Homes Standard, new legislation, national campaigns and more recently, the new structure for the Repairs teams.

## **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. Treasury Management Strategy 2024-2025**

The Commission considered report [FIN/644](#) of the Head of Corporate Finance on the Treasury Management Strategy for 2024/2025 which the Council was required to approve before the start of the financial year in accordance with the CIPFA Code of Practice for Treasury Management and the Council's financial regulations.

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

- Acknowledgement that currently local authorities still provided a good rate of return on investments.
- Confirmation provided that under legislation local authorities were not allowed to default on loans. It would not be advisable to lend to local authorities that had issued a section 114 notice.

## **RESOLVED**

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

## 7. **Review Of Crawley Borough Councils Statement Licensing Policy for 2024 - 2029**

The Commission considered report [HCS/073](#) of the Head of Community Services. The report sought approval for the Statement of Licensing Policy for the next five years.

During the discussion with the Cabinet Member for Public Protection, the Head of Community Services and the Public Protection and Enforcement Manager, the following comments were made:

- Noted that it was a legal requirement that the Council published a Statement of Licensing Policy under the Licensing Act 2003.
- Recognition that the Policy acknowledged the changing nature of the town's licensed economy and sought to understand the primary nature of the venue, encouraging applicants to clearly, and transparently, set out how the business intended to operate throughout the day and night, alongside measures to ensure the promotion of the Licensing Objectives. The Policy aimed to provide clearer guidance to applicants, responsible authorities and decision makers in relation to how applications should be considered as well as the obligations of licence holders.
- Clarity sought and obtained regarding Ward Member involvement in the process. It was confirmed that Ward Councillors were informed of all new applications and any application to vary a licence across the Borough.

### **RESOLVED**

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

## 8. **PSPO - Council Owned Multi-Storey Car Parks**

The Commission consider report [HCS/072](#) of the Head of Community Services, along with associated appendices [A](#), [B](#) and [C](#). The report sought to introduce a new Public Spaces Protection Order (PSPO) to restrict anti-social and criminal behaviours within council-owned multi-storey car parks within Crawley following public consultation. During the discussion with the Cabinet Member for Environment, Sustainability and Climate Change, the Head of Community Services and the Public Protection and Enforcement Manager, the following comments were made:

- Clarity provided on measuring the success of a PSPO. This would be based on a high rate of compliance, evidence from the reduction in reporting and observations by the Public Protection Team. The use and number of FPNs was not an indicator of overall PSPO success. Any income from the FPNs would be included in the general fund for a range of options.
- Detailed information provided on the criteria and two conditions to be applied as set out in section 5.1 of the report. It was confirmed PSPOs can only be made where the Council was satisfied on reasonable grounds and there was evidence demonstrating those two conditions.
- Recognition that the introduction would demonstrate a commitment from the Council to tackle issues robustly and any issues should be reported promptly.
- Confirmation provided that the PSPO would not be used to address rough sleeping, which in itself was not a criminal activity nor deemed as anti-social behaviour as a PSPO looked at unreasonable and persistent behaviour. Rough sleeping was a complex issue, but where an intervention would be delivered with a rough sleeper, for example, would involve substance misuse where sharps had been discarded. In this instance rough sleeping was not a defence, but the vulnerabilities and experiences endured by an individual were the root cause and

the behaviour was systematic. The Council continued to work with Crawley Open House and other agencies to provide a supported invention approach.

- Acknowledgement that following the consultation, the majority of respondents had been in support of the introduction of the PSPO. The Commission was pleased that Sussex Police had also endorsed the proposal.
- There was general support for empowering police officers, PCSOs and the Public Protection Team. Given the strong evidence of support and need for the proposal, it was moved by Councillor Lanzer (seconded by Councillor Russell), that the Commission expressed its *'explicit support for the introduction of the PSPO'*, which was agreed.

### **RESOLVED**

That whilst noting and welcoming the report, the Commission also expressed its explicit support for the introduction of the PSPO. It was requested that the views expressed during the debate, were fed back to the Cabinet through the Commission's Comment sheet.

## **9. Appointments to Scrutiny Panels**

Nominations had been received for the 'Waste and Recycling Scrutiny Panel', along with nominations for Councillor Piggott and Councillor Russell as Chair.

As a result of a vote, and in accordance with the Local Government and Housing Act 1989 it was:

### **RESOLVED**

That the Commission confirmed the establishment of the 'Waste and Recycling Scrutiny Panel', with the membership of Councillors Ayling, Charatan, Lanzer, Piggott, Russell, with Councillor Russell as Chair.

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

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

Access to Dentistry –

- The NHS dental contract was the cause of many of the problems facing dentistry and needed to be renegotiated.
- Worsening dental health led to wider health problems
- An action programme was needed for Arun, Chichester and Horsham because of the high number of Units of Dental Activity (UDAs) lost due to contract hand backs
- It was noted that there was nothing in the report on education or prevention
- There should be an obligation on dentists to see NHS patients and if people had to pay for private treatment, they might not be able to afford other essentials.
- Overall, the business model of dentistry needed to be looked at.

Sussex Health and Care People Plan –

- The Plan undertook a system-wide approach and there were a number of related programmes outside of the Plan.
- Actions were measured through the People Delivery Board and an Implementation Plan and it would be important that the Implementation Plan contained more information on time frames, actions and metrics was shared.
- Although the number of vacancies in social care was greater in West Sussex due to a higher number of posts, the percentage rate was about the same as neighbouring authorities – the Council was working with providers to fill vacancies.

Work Programme –

- Update to be brought on the closure of Zachary Merton Hospital in Rustington to the next Business Planning Group meeting, along with update on the impact of the closures of Marjorie Cobby House and Shaw Day Services.

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

The Commission confirmed the following reports:

11 March – Building Control Services Review (Part B)

## **12. Exempt Information – Exclusion of the Public**

### **RESOLVED**

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

## **13. Crawley Town Centre Heat Network - Phase 2 Expansion**

Exempt Paragraph 3

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

The Commission considered report HPS/39 of the Head of Major Projects and Commercial Services. The report requested Cabinet approval for the future options of the District Heat Network (DHN). During the discussion with the Cabinet Member for Environment, Sustainability and Climate Change and the Head of Major Projects and Commercial Services the following comments were made:

- Support for an options appraisal to assess the appropriate role for the Council in progressing the DHN phase 2.
- It was felt that a further report regarding this matter was important to look at objectives, opportunities and seek reassurance.
- Recognition that any application for grant funding should be sought.

### **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.

### **Closure of Meeting**

With the business of the Overview and Scrutiny Commission concluded, the Chair declared the meeting closed at 9.07 pm

**M L Ayling (Chair)**