



Crawley Borough Council

Notification of Decisions

To: All Councillors

The decisions of the **Cabinet** held on **28 June 2023** are attached.

The Call-In period ends at noon on the 5th day following publication, namely noon on the Tuesday 4 July 2023

The Call-In form is attached for your use if required. For further information please refer to the relevant sections of the [Constitution](#).

Yours faithfully

A handwritten signature in black ink, appearing to be "G. Paul", written over a horizontal line.

Head of Legal, Governance & HR

Published on 29 June 2023

Item No.	Title	Decision
5.	Metcalf Way Depot Use Intensification	<p>RESOLVED</p> <p>That the Cabinet:</p> <ul style="list-style-type: none"> a) agrees to the proposals as set out in Sections 5-6 of report DCE/016. b) approves the use of budget secured through HPS/31 to undertake the capital costs related to the implementation of the proposals set out in report DCE/016. <p>Reasons for the Recommendations</p> <p>It has been recognised for some time that the Metcalf Way Depot is under-utilised. Report DCE/16 sets out proposals to intensify its use moving forward and in doing so to modernise the working environment of the staff working there.</p> <p>One reason for the under-utilisation is the move to Neighbourhood Depots, the final one being Creasys Drive. Creasys Drive will have running costs, but this has yet to be budgeted for. The intention is that greater utilisation of the Metcalf Way Depot will provide a revenue stream for this.</p> <p>Crawley Homes utilises a range of dispersed and sub-optimal accommodation for the storage needs of its main contractors. This way of working is creating efficiencies in relation to communication and logistics. This report proposes to utilise Metcalf Way Depot for these functions moving forward, leading to improved and more efficient working, and releasing the current assets for rent to residents and businesses.</p> <p>Report DCE/16 also proposes the relocation of the Crawley Homes Cleaning & Clearance Team from 51 Spencers Road. This releases a Council asset either for rental or for disposal. A decision on the future of this asset will be taken separately but the potential is considered as part of the rationale for this proposal.</p> <p>The Council has recently secured Social Housing Decarbonisation Funding (SHDF) Wave 2 as part of its retrofitting of its Crawley Homes stock. This will require additional storage facilities that are currently not available. Report DCE/16 sets out the proposals for this, and how they align with the broader direction of travel but does not require approval and so there is no related recommendation.</p>

		The proposals as set out in report DCE/16 also benefit the General Fund position, and the proposals have been developed with an eye to achieving this.																																								
6.	Financial Outturn 2022/2023: Budget Monitoring - Quarter 4	<p>RESOLVED</p> <p>1) That the Cabinet notes the outturn for the financial year 2022/2023 as summarised in report FIN/623.</p> <p>2) That Full Council be recommended to:</p> <p>a) agree to the transfers of reserves as outlined in section 10 of report FIN/623.</p> <p>b) approve a supplementary capital estimate of £160,000 for the repair of 49/51 High Street to be funded from capital receipts (para 8.12 of report FIN/623).</p> <p>Reasons for the Recommendations</p> <p>To report to Members on the outturn for the year compared to the approved budget.</p>																																								
7.	Treasury Management Outturn 2022 – 2023	<p>RESOLVED</p> <p>That the Cabinet:</p> <p>a) approves the actual 2022/23 Prudential and Treasury Indicators as set out in report FIN/624</p> <p>b) notes the Annual Treasury Management Report for 2022/23.</p> <p>c) notes the amended income figures (and resulting rate of return) in paragraph 9.2 of report FIN/624, as detailed below</p> <table border="1"> <thead> <tr> <th></th> <th>Purchase Cost £000</th> <th>Fair Value as at 31/03/2023 £000</th> <th>Income for year 2022/23 £000</th> <th>Rate of return %</th> </tr> </thead> <tbody> <tr> <td>Atlantic House</td> <td>4,633</td> <td>3,574</td> <td>187</td> <td>5.22</td> </tr> <tr> <td>49-51 High Street</td> <td>1,576</td> <td>1,145</td> <td>16</td> <td>1.44</td> </tr> <tr> <td>Ashdown House</td> <td>7,915</td> <td>8,085</td> <td>720</td> <td>8.91</td> </tr> <tr> <td>Others</td> <td>N/A</td> <td>4,896</td> <td>221</td> <td>4.51</td> </tr> <tr> <td>Sub-total</td> <td>14,124</td> <td>17,700</td> <td>1,144</td> <td>6.46</td> </tr> <tr> <td>The Create Building</td> <td>29,582</td> <td>27,141</td> <td>0</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>43,706</td> <td>44,841</td> <td>1,144</td> <td></td> </tr> </tbody> </table>		Purchase Cost £000	Fair Value as at 31/03/2023 £000	Income for year 2022/23 £000	Rate of return %	Atlantic House	4,633	3,574	187	5.22	49-51 High Street	1,576	1,145	16	1.44	Ashdown House	7,915	8,085	720	8.91	Others	N/A	4,896	221	4.51	Sub-total	14,124	17,700	1,144	6.46	The Create Building	29,582	27,141	0		TOTAL	43,706	44,841	1,144	
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		<p>Reasons for the Recommendations</p> <p>The Council’s financial regulations, in accordance with the CIPFA Code of Practice for Treasury Management, requires an annual review following the end of the year describing the activity compared to the Strategy. Report FIN/624 complies with these requirements.</p>
8.	Forward Programme of Key Programmes (July – December 2023)	<p>RESOLVED</p> <p>That the Cabinet:</p> <ol style="list-style-type: none"> a) endorses the procurement forward programme July – December 2023 (appendix A of report FIN/622). With the exception of the Energy Procurement Contract Arrangements report (HPS/37) b) delegates authority to the Leader of the Council in consultation with the relevant Cabinet Member, relevant Head of Service, and Head of Governance, People & Performance to approve the award of the contract following an appropriate procurement process. c) delegates the negotiation, approval and completion of all relevant legal documentation, following the awarding of the contracts to the relevant Head of Service, Head of Governance, People & Performance, Head of Corporate Finance, in consultation with the appropriate Cabinet Member. (<i>Generic Delegations 2 & 3 will be used to enact this recommendation</i>) <p>Reasons for the Recommendations</p> <p>By approving the procurement forward programme there is greater transparency of future procurement processes allowing more scope for internal stakeholders to input into how future contracts are delivered.</p> <p>The approval of the forward programme provides a key decision that will enable the individual procurement processes to be awarded under delegated authority once the tender process has concluded giving the Council the ability to reduce the time required to complete a procurement process.</p>
9.	Energy Procurement Contract Arrangements	<p>RESOLVED</p> <p>That the Cabinet:</p> <ol style="list-style-type: none"> a) approves the Council’s continuation in the LASER Framework arrangement and completion of an Access Agreement to commit to procuring electricity and gas through LASER for the period from 1st

October 2024 to 30th September 2028.

- b) delegates the negotiation, approval and completion of all relevant legal documentation, to the Head of Major Projects and Commercial Services, Head of Governance, People and Performance, in consultation with the appropriate Cabinet Member (*Generic Delegations 2 and 3 will be used to enact this recommendation*)
- c) delegates the review of the green basket option to the Head of Major Project and Commercial Services, in consultation with the Cabinet Member for Resources and the Cabinet Member for Environment, Sustainability and Climate Change (*Generic Delegation 3 will be used to enact this recommendation*).

Any such change as a result will be recorded via a Significant Operational Decision.

Reasons for the Recommendations

LASER benchmarks their purchasing performance each year and shares this information with its customers. The current frameworks have delivered cost avoidance of £274.2k pa to Crawley Borough Council since they commenced. LASER's track record in monitoring the market and buying at lower-than-average market prices accounts for £246.4k pa of cost avoidance. This calculation compares the prices achieved by LASER from the start of the framework with the average market price. Lower Supplier Management Fees also account for £20.5k pa, with reduced fees from our gas and electricity suppliers compared to buying as a stand-alone customer. This has been shown to reduce delivered energy costs by ~4% pa.

Given the estimated savings achieved through a flexible procurement strategy, it is recommended that the Council continue its arrangement with LASER and participate in the framework contract for the 4-year period from **1st October 2024 to 30th September 2028**.

The Pan Government Energy project recommended that to spread market risk, and avoid buying during periods of peak market pricing, "all public sector organisations adopt aggregated, flexible, and risk-managed energy procurement" as provided under the LASER framework. One of the benefits with the new framework is Protection Against Supplier Failure. Since 2020, over twenty energy suppliers have ceased trading. LASER's frameworks include a financial stability test to minimise the risk of a framework provider failing during the term of the agreement. The frameworks contain a panel of suppliers which provides a

		<p>ready compliant route to appoint a new supplier should an existing supplier fail (either because they cease trading, or they materially breach the terms of the contract).</p>
<p>10.</p>	<p>Alcohol-Related ASB - PSPO Extension</p>	<p>RESOLVED</p> <p>That Full Council be recommended to:</p> <ul style="list-style-type: none"> a) extends for a period of 3 years the Borough wide Public Spaces Protection Order (PSPO) to prohibit the consumption of alcohol where that consumption contributes to, is linked to or is associated with nuisance or annoyance to members of the public or a section of the public, or to disorder in the borough of Crawley as set out in Appendix A report HCS/058. b) agrees that fixed penalties imposed for breaches of the PSPO to be maintained at £100. <p>Reasons for the Recommendations</p> <p>A PSPO can target a range of behaviours and can prohibit specified activities or require certain things to be done by people engaged in certain activities. PSPOs can send a clear message that these behaviours will not be tolerated and help reassure residents and businesses that unreasonable conduct is being addressed.</p> <p>Council officers consider it necessary to extend the PSPO in order to prevent an increase in the frequency and or/seriousness of anti-social behaviour linked to alcohol consumption in a public space after the current PSPO expires. The extension is also supported by the Police, the Police and Crime Commissioner (PCC) and West Sussex County Council.</p> <p>The current PSPO has had success in tackling the detrimental effect that street drinking has on the public and businesses in the town centre.</p> <p>The extension of the PSPO would continue to provide the police and council with a tool to tackle problems associated with alcohol-related nuisance, annoyance and disorder.</p>

FORM OF NOTIFICATION OF SUPPORT FOR CALL-IN

Any councillor of the Council calling in a decision must then obtain, within the five working days following the Call-In, the support of three other councillors.

In order to ensure that Call-In is not abused, nor causes unreasonable delay, the following requirements must be fully satisfied before a matter will be considered for Call-In:

- a) At least four councillors (one of which will be the named signatory) must request Call-In of the decision. Failure to obtain the support of three other councillors within this period will mean that the original decision will stand, on the sixth day, the decision will be implemented.
- b) The request for Call-In must specify the reason for the Call-In and provide evidence which demonstrates the alleged breach of at least one principle of decision making.
- c) The request for Call-In must be received by the Monitoring Officer by 12 noon on the fifth day following publication of the decision. The request for Call-In should either be submitted:
 - In hard copy: including the signatures of the councillor requesting the Call-In and those councillors supporting the Call-In.
 - Electronically: to democratic.services@ Crawley.gov.uk. The councillor requesting the Call-In must submit the form and each councillor supporting the Call-In must send an email in support. All emails must be sent from the councillors' individual Crawley Borough Council email addresses.
- d) The decision for which Call-In is requested must not have been subject to a prior Call-In request.
- e) Should the proposed Call-In decision have been considered by the Commission, the justification must also explain why the councillor requesting the Call-In is of the view that, either:
 - The Commission did **not fully** scrutinise the decision in advance of it being taken; or
 - The views of the Commission were **not fully** considered or addressed by the Cabinet in their decision making.

Decision being called in (including item no.)	Which provisions have been breached and how?

Signatories

1. Signature of councillor calling in the decision

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Name in capitals

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2. Signature of councillor supporting the Call-In

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Name in capitals

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3. Signature of councillor supporting the Call-In

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Name in capitals

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4. Signature of councillor supporting the Call-In

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Name in capitals

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