

Crawley Borough Council

Minutes of Cabinet

Wednesday, 28 June 2023 at 7.00 pm

Councillors Present:

M G Jones (Chair)	Leader of the Council
I T Irvine	Cabinet Member for Housing
Y Khan	Cabinet Member for Public Protection
C J Mullins	Cabinet Member for Leisure and Wellbeing
S Mullins	Cabinet Member for Community Engagement and Culture
A Nawaz	Deputy Leader of the Council & Cabinet Member for Planning and Economic Development
B Noyce	Cabinet Member for Environment, Sustainability and Climate Change
T Rana	Cabinet Member for Resources

Also in Attendance:

Councillors D Crow and M L Ayling

Officers Present:

Natalie Brahma-Pearl	Chief Executive
Carolin Martlew	Head of Corporate Finance
Siraj Choudhury	Head of Governance, People & Performance
Ian Duke	Deputy Chief Executive
Chris Pedlow	Democracy & Data Manager
Georgina Bouette	Head of Community Services

1. Minutes

The minutes of the meeting of the Cabinet held on 8 March 2023 were approved as a correct record and signed by the Leader.

2. Disclosures of Interest

No disclosures of interests were made.

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. **Metcalf Way Depot Use Intensification**

The Leader of the Council presented report [DCE/016](#). The report sought agreement on the proposal to alter the depot to increase its use by Council services and contractors, together with the finances required.

Councillor Ayling presented the Overview and Scrutiny Commission's comments on the report [OSC/311](#) to the Cabinet following consideration of the matter at its meeting on 26 June 2023, which included that they sought clarity on the financial aspects of the initial proposal and expressing their disappointment that there had not been the energy supply capacity to the site in order to progress with an earlier project proposal.

Councillors Irvine spoke in support of the proposals in relation to his housing portfolio, commenting how the proposal was logical as currently Crawley Homes did not have a depot of its own, rather it used a variety of assets such as garages for storage purposes, which were inefficient and not fit for purpose. It was also noted all the storage in one place would also help as part of decarbonising our housing stock agenda.

Councillor C Mullins spoke as part of the discussion on the report.

RESOLVED

That the Cabinet:

- 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](#).

Reasons for the Recommendations

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.

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.

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.

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.

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.

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

The Leader presented report [FIN/623](#) of the Head of Corporate Finance on the quarter 4 budget monitoring, which set out a summary of the Council's outturn for the year for both revenue and capital spending for the financial year 2022/23. It identifies the main variations from the approved spending levels and any potential impact on future budgets.

The Cabinet was informed that on the General Fund, at Quarter 3, there was a reported overspend of £1.758m but by the end of the financial year that had increased to £2.043m. The main overspend related to homelessness, which increased from £1.364m in Quarter 3 to £1.634m by the end of Quarter 4. After investment interest and other financing, there would be an additional transfer from reserves of £1.58m. The budget allowed for a transfer of £451,730 giving a total transfer of £2.032m. On the Capital programme, total spend for the year was £31.6m with £6.1m being slipped into future years.

Councillor Ayling presented the Overview and Scrutiny Commission's comments on the report [OSC/311](#) to the Cabinet following consideration of the matter at its meeting on 26 June 2023.

Councillor Irvine spoke as part of the discussion on the report.

RESOLVED

- 1) That the Cabinet notes the outturn for the financial year 2022/2023 as summarised in report [FIN/623](#).
- 2) That Full Council be recommended to:
 - a) agree to the transfers of reserves as outlined in section 10 of report [FIN/623](#).
 - 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](#)).

Reasons for the Recommendations

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

7. Treasury Management Outturn 2022 – 2023

The Leader presented report [FIN/624](#) of the Head of Corporate Finance. The CIPFA Code of Practice for Treasury Management recommends that Councillors be updated on treasury management activities regularly and the report ensured the Council was implementing best practice in accordance with the Code. The report provided details of the outturn position for treasury activities and highlighted compliance with the Council's policies previously approved by Councillors.

Councillor Ayling presented the Overview and Scrutiny Commission's comments on the report [OSC/311](#) to the Cabinet following consideration of the matter at its meeting on 26 June 2023, which included highlighting the amendment to the income figures (and resulting rate of return), revision to table within paragraph 9.2.

Councillor Crow was invited to speak on the item and made a number of comments including raising some concerns over the rate of returns gained compared to other Local Authorities. In response, the Leader stated historically the rates of return gained by the internal team had far surpassed most other Councils and many of the longer-term investments would be maturing at the end of the financial year. It was expected that future investments would be at a higher rate.

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

RESOLVED

That the Cabinet:

- a) approves the actual 2022/23 Prudential and Treasury Indicators as set out in report [FIN/624](#)
- b) notes the Annual Treasury Management Report for 2022/23.
- c) notes the amended income figures (and resulting rate of return) in paragraph 9.2 of report [FIN/624](#), as detailed below

	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	

Reasons for the Recommendations

The Council's financial regulations, in accordance with the CIPFA Code of Practice for Treasury Management, requires an annual review following the end of the year describing the activity compared to the Strategy. Report [FIN/624](#) complies with these requirements.

8. Forward Programme of Key Programmes (July – December 2023)

The Leader presented report [FIN/622](#) of the Head of Corporate Finance, which sought approval for the procurement forward programme which identified the Council's key procurements over a contract value of £500k that will require tendering over the coming six month period.

RESOLVED

That the Cabinet:

- a) endorses the procurement forward programme July – December 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.

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

Reasons for the Recommendations

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

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

9. Energy Procurement Contract Arrangements

The Cabinet Member for Resources presented report [HPS/37](#) of the Head of Major Projects and Commercial Services. The report explained that the Council had participated in a flexible energy procurement arrangement since 2008 under a Framework contract with LASER (Local Authority Energy Buying Group) which is due for renewal on 1 October 2024. It was noted the contractual arrangements cover the supply of gas and electricity to the Council's operational buildings and had achieved significant savings for the Council during that time period.

The report contains proposals for the Council's continued participation in those arrangements over the next contract period running from 1 October 2024 to 30 September 2028.

Councillors Nawaz and S Mullins spoke as part of the discussion on the report.

RESOLVED

That the Cabinet:

- 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 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).

10. Alcohol-Related ASB - PSPO Extension

The Cabinet Member for Public Protection presented report [HCS/058](#) of the Head of Community Services. The current PSPO which prohibits alcohol-related anti-social behaviour across the Borough is due to expire on the 21 October and a decision is required by Cabinet whether or not to endorse that Full Council renew the PSPO for a further 3 years.

It was noted that a consultation took place on the continuation of the PSPO between 10 May – 7 June 2023 which included seeking the views from Sussex Police, PCC, West SussexCC, Crawley and Gatwick Business Watch and Crawley Town Centre BID. 103 responses were received with 87% of those respondents supporting the extension of the PSPO and 81% of respondents felt that the PSPO has had a positive impact on those living in Crawley.

Councillors S. Mullins, Rana, Irvine and Jones, all spoke in support of the continuation of the PSPO.

RESOLVED

That Full Council be recommended to the Cabinet:

- 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.

Reasons for the Recommendations

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.

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.

The current PSPO has had success in tackling the detrimental effect that street drinking has on the public and businesses in the town centre.

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.

Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 7.53 pm

M G JONES
Chair