



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 **Committee Rooms A B & C - New Town Hall**, on **Wednesday, 19 July 2023 at 7.30 pm**

Nightline Telephone No. 07881 500 227

A handwritten signature in black ink, appearing to read 'S. J. ...', positioned above the title 'Chief Executive'.

Chief Executive

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

Published on 11 July 2023

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.

If required, following the meeting's initial extension, further votes may be taken to extend the meeting by periods not exceeding 30 minutes in each case. Once the vote to extend falls then the guillotine will come into effect.



01293 438000

crawley.gov.uk
democracy.crawley.gov.uk

Town Hall
The Boulevard
Crawley
West Sussex
RH10 1UZ

The order of business may change at the 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	7 - 30
To approve as a correct record the minutes of the meeting of the Full Council held on 26 May 2023.	
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	31 - 96
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. Interim Appointments of Acting Chief Executive, Head of Paid Service, Returning Officer and Electoral Registration Officer (Recommendation 5)	97 - 98
The Full Council is asked to report CE/064 that seeks interim appointments of Acting Chief Executive, Head of Paid Service, Returning Officer and Electoral Registration Officer	

8. Appointment of an Independent Member of the Audit Committee (Recommendation 6)

To consider report FIN/628 of the Head of Corporate Finance (*To Follow*) (Recommendation 6)

9. Notification of Decision Taken Under Special Urgency and Protected from Call-In (Recommendation 7)

In line with the Council's Constitution, namely Call-In Procedure Rule 8.3 and Access to Information Procedure Rule 16.4(d), the Full Council is required to be informed when the Chief Executive has protected a decision from Call-In and when the Special Urgency procedures have been used.

The Leader took the following three decisions which were protected from Call-In (in accordance with Call-In Procedure Rule 8). Two of those decisions were also taken under the Special Urgency decision making powers set out in the Access to Information Procedure Rule 16.4.

The first decision, which was taken on 26 April 2023, was to award the contract for the waste vehicle replacement programme. This decision was protected from Call-In to ensure there were no delays in ordering the vehicle to safeguard the vehicle delivery timescales were met whilst also guaranteeing against any further cost increase particularly with known supply chain issues and cost increases. The decision was reported in Councillors' Information Bulletin [IB/1179](#).

The second decision, which was taken on 28 April 2023, was to add £210k to the capital programme for the Benefits online system and Document Management System funded from the Wellbeing Reserve set up for that purpose. This decision was taken under the Special Urgency provisions and protected from Call-In to ensure there were no significant delays in the implementation of the project as the approved framework for the procurement would have expired. The decision was reported in Councillors' Information Bulletin [IB/1179\(a\)](#).

The third decision, which was taken on 28 April 2023, was to enter into a Deed of Variation for the Sport and Leisure Management Contract and approve the continuation of contract as a future option for the sport and leisure management contract, along with associated costs. This decision was taken under the Special Urgency provisions and protected from Call-In to ensure the continued delivery of the sport and leisure service and ensure income generation for the Council. The decision was reported in Councillors' Information Bulletin [IB/1179\(a\)](#).

RECOMMENDATION 7

The Full Council is requested to note the use of the Special Urgency and Protection from Call-In provisions and Special Urgency procedures (where relevant) in respect of the decisions taken by the Leader relating to the waste vehicle replacement programme contract, additional funds to the capital programme and the leisure contract which were taken on the 26 April 2023 and 28 April 2023.

10. Notification of Urgent Action Taken by the Chief Executive (Recommendation 8)

In line with Urgent Action Full Council Procedure Rule 15, which is set out in the Council's Constitution, the Full Council is required to be informed when the Chief Executive has taken an urgent decision under those provisions.

The decision, which was taken on 5 May 2023, was to require urgent funds to employ extra Housing Officers, who are needed so the Council can support and handle the extra demands that will be placed on the team, following the processing of British Citizenship applications from the British Overseas Territories. We have been informed from the relevant Government Departments (HO/FCDO) that they will be looking to issue determination decisions shortly and therefore we need to be prepared. There was no capacity in the current team to absorb this work.

This decision was reported in Councillors' Information Bulletin [IB/1181](#).

RECOMMENDATION 8

The Full Council is requested to note the use of the Urgent Action provisions in respect of the decision taken by the Chief Executive relating to the funding and employment of extra Housing Officers which was taken on 5 May 2023.

11. Notice of Motion 1- Motion Opposing London Ulez Expansion

99 - 102

This motion was originally considered at the 29 March 2023 Full Council, where the Councillors resolved:

'To seek advice on the ULEZ expansion scheme from West Sussex County Council as the local authority in the area for dealing with highways and transport-related matters and from the Council's Sustainability and Climate Emergency teams and for the motion as originally worded by the proposer and seconder to be referred to the Full Council Meeting in July 2023 for a decision.'

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

The requested information is included as the appendix to this item.

12. 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.

13. 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 31, 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.

14. Supplemental Agenda

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

This information is available in different formats and languages. If you or someone you know would like help with understanding this document please contact the Democratic Services team on 01293 438549 or email: democratic.services@crawley.gov.uk

This page is intentionally left blank

Crawley Borough Council

Minutes of Full Council

Friday, 26 May 2023 at 7.30 pm

Councillors Present:

J Hart (Mayor)

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

Also in Attendance:

Mr Russell Brown and Mr Peter Nicolson

Officers Present:

Natalie Brahma-Pearl	Chief Executive
Siraj Choudhury	Head of Governance, People & Performance
Heather Girling	Democratic Services Officer
Chris Pedlow	Democracy & Data Manager

1. Disclosures of Interest

There were no declarations of interest received.

2. Election of the Mayor for 2023-2024

Before calling for nominations for the election of the new Mayor, the outgoing Mayor welcomed newly elected Councillors Imran Ashraf, Craig Burke, Julian Charatan, and Justin Russel to the Council. The Mayor then gave a speech on her Mayoral year.

Councillor Hart's Speech on her Mayoral Year:

I am now going to say a few words on the Mayoral year, whoa, what a year I've had! - I went straight from Mayormaking into the Jubilee – I visited 24 street parties over the weekend and gate-crashed 5! To meet so many residents of Crawley in their own areas was wonderful.

Armed Forces Day was the first "in the real" for three years – The world was waking up from the trials of covid.

September saw the passing of Her Majesty Queen Elizabeth II and what has probably been personally for me the high light of my Mayoral year – the reading of the Proclamation from the balcony of the old Town Hall – a feat which had never before happened and will never be repeated as we are now in this wonderful new building which I had the privilege of opening just a few months ago.

Agenda Item 3

Full Council (2)
26 May 2023

Over the year, I have also visited many places of worship for many of the different faiths that make up the very rich diversity that is Crawley.

In February, I visited the Crawley Museum for the dinosaur exhibition for which I was accompanied by my grandson Chayse, who asked if we could go back again to see the rest of it because "it was great to see all the old things about Crawley".

My year has consisted of openings, ribbon cuttings, concerts, presentations, parties for the Jubilee and Coronation. Who would ever imagined I would start with a Platinum Jubilee and close with a Coronation and opening a wonderful new Town Hall in between.

Thank you CBC and Councillors for putting your faith in me – I hope I've done you and Crawley proud.

Councillor Hart informed the Full Council that as she was one of the nominations for the position of the Mayor, she therefore was unable to preside over an election in which she was involved. As a result, she would be leaving the Chair for the next agenda item Election of Mayor 2023/ 2024. Councillor Hart stepped out of the Chair and the dais.

Councillor Rana, as the Deputy Mayor, took over the chairing of the meeting and sought nominations for Mayor for the Council year 2023/ 2024.

Councillor Charatan proposed (seconded by Councillor K Khan), that Councillor Hart be appointed as Mayor for the forthcoming year. A vote was taken.

RESOLVED

That Councillor Jilly Hart be elected as Mayor for the Council year 2023/2024. The newly elected Mayor was invested with the Mayoral Chain, and made the statutory Declaration of Acceptance of Office.

Councillor Jones and Councillor Crow respectively, welcomed the Mayor on behalf of the Council and wished her well in serving a second Mayoral year. In response to the congratulations, the Mayor, Councillor Hart made a speech conveying the honour to be elected Mayor of Crawley for a second term. She also announced that her children, would remain her Consorts for her year in office. Additionally, she announced that her Mayoral charity would be the Armed Forces Veteran Breakfast Club in Crawley.

Councillor Hart's Investiture Speech:

I promise to represent Crawley and its residents to the best of my ability. My charity for the coming year will be the Armed Forces Breakfast Club based here in Crawley. Their purpose is to arrange for veterans and serving personnel to meet face to face in a relaxed environment. Our local group meet at St John's Hall every Monday.

Paul Gooderson from the local group will give you an insight into the workings of the club later in the evening.

I will finish by saying just how much I am looking forward to seeing you all at upcoming Mayoral and community events through this coming year, your support will be much appreciated.

3. Election of the Deputy Mayor for 2023 – 2024

It was proposed by Councillor Irvine, seconded by Councillor Lunnon, that Councillor K Khan be appointed as Deputy Mayor, whilst Councillor Crow, seconded by Councillor Burgess, proposed the appointment of Councillor Mwangale. Councillor Crow requested a recorded vote. In accordance with Full Council Procedure Rule 10.4 the names of the Councillors voting for and against the recommendation, along with any abstentions, were recorded as set out below:

For Councillor K Khan:

Councillors Ashraf, Ayling, Charatan, Hart, Irvine, Jhans, Jones, K Khan, Y Khan, Lamb, Lunnon, C Mullins, S Mullins, Nawaz, Noyce, Pritchard, Raja, Rana, Russell, Sivarajah, (20)

For Councillor Mwangale:

Councillors Ali, Belben, Bounds, Burgess, Burke, Crow, Hellier, Jaggard, Lanzer, McCarthy, Millar-Smith, Morris, Mwangale, Peck, Pendlington, Piggott (16)

Abstentions: (0)

RESOLVED

That Councillor K Khan be elected as Deputy Mayor for the Council year 2023/2024.

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

The Deputy Mayor, Councillor K Khan made a speech conveying the honour to be elected Deputy Mayor of Crawley and thanking her fellow Councillors.

4. Election of the Youth Mayor and the Youth Deputy Mayor 2023 - 2024

The Mayor called both Jake Picknell and Elijah Norton up to the top table to present the Chain of Office to Jake as the elected Youth Mayor, and the Badge of Office to Elijah as the elected Youth Deputy Mayor. Congratulations were conveyed to both Jake and Elijah upon their election and they were both wished a very successful year.

5. Minutes

The minutes of the meeting of the Full Council held on 29 March 2023 were approved as a correct record and signed by the Mayor.

6. Extend a vote of thanks to the outgoing Mayoralty.

On behalf of their respective political groups, Councillors C Mullins, Mwangale and S Mullins tendered their congratulations to the Mayor upon her re-election. They conveyed their thanks to the Mayor for the work during the past year in office and offered congratulations on the forthcoming year. The Mayor thanked Members of the Council, officers and Councillor Rana, as outgoing Deputy Mayor for the help and encouragement during the past Mayoral year.

7. Communications

Councillor Jones announced his Cabinet and the related Portfolio Holder responsibilities to the Full Council along with the Terms of Reference and Appointments for the Cabinet Advisory and Working Groups as set out in [Appendix A to report LDS/199](#). It was noted that there were key changes to the Cabinet:

Portfolio	Councillor
Leader of the Council	Michael Jones
Deputy Leader and Cabinet Member for Planning and Economic Development	Atif Nawaz
Community Engagement and Culture	Sue Mullins
Environment, Sustainability and Climate Change	Bob Noyce
Housing	Ian Irvine
Leisure and Wellbeing	Chris Mullins
Public Protection	Yasmin Khan
Resources	Tahira Rana

8. Results of Elections - May 2023

The Council received report [CEX/063](#) of the Returning Officer which detailed the results of the 2023 Borough Election, held on 4 May 2023.

9. Review of Political Proportionality, Constitution of Committees and Appointments to Outside Organisations 2023- 2024

The Full Council considered report [LDS/199](#) of the Head of Governance, People & Performance, along with [Appendix A](#) of the supplementary agenda, which detailed the review of the representation of different Political Groups on the Council and determined the size and membership of the Council's Committees, Outside Bodies and Cabinet's Advisory and Working Groups and Member Development Executive Support Group for the municipal year 2023-2024 in accordance with the requirements of the Local Government and Housing Act 1989 and associated Regulations. The report also detailed the allocation of Chairs and Vice Chairs of those Committees. It was noted that the report contained a link to the latest version of the Constitution for Councillors' ratification.

The Mayor stated there would be individual votes for contested nominations for Chair and Vice Chair positions, once the non-contested items had been approved.

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

RESOLVED

That the Full Council approve

Agenda Item 3

Full Council (5)
26 May 2023

1. the appointments and size of the Council's Committees (taking into account political proportionality) for the municipal year 2023/2024, along with non-contested Chairs and Vice Chairs as for those Committees, the appointments for the Outside Bodies and Organisations for the municipal year 2023/2024 and the appointments, size and terms of reference of Cabinet's Advisory and Working Groups and Member Development Executive Support Group 2023/ 2024.
2. for publication the latest draft version of the Council's Constitution, subject to any changes arising from this Full Council meeting being included prior to publication.

Contested Votes – Chairs and Vice Chairs

The Full Council then considered the contested positions for Chair of the Planning Committee and Overview and Scrutiny Commission.

a) Planning Committee

It was moved by Councillor Nawaz, seconded by Councillor Ayling, that Councillor Pritchard be appointed as Chair of the Planning Committee. Whilst Councillor Crow, seconded by Councillor Piggott, proposed the appointment of Councillor Mwangale. A vote was taken.

As a result of the vote, Councillor Pritchard was appointed as Chair of the Planning Committee. Councillor Mwangale was therefore appointed Vice Chair of the Planning Committee.

b) Overview and Scrutiny Commission

It was moved by Councillor Pritchard, seconded by Councillor Jhans, that Councillor Ayling be appointed as Chair of the Overview and Scrutiny Commission. Whilst Councillor Crow, proposed the appointment of Councillor Hellier and in doing so requested a recorded vote. The appointment was seconded by Councillor Lanzer. Councillors Lamb, Belben, Burgess, Ayling, Crow and Jones also spoke on this item. In accordance with Full Council Procedure Rule 10.4 the names of the Councillors voting for and against the recommendation, along with any abstentions, were recorded as set out below:

For Councillor Ayling:

Councillors Ashraf, Ayling, Charatan, Hart, Irvine, Jhans, Jones, K Khan, Y Khan, Lamb, Lunnon, C Mullins, S Mullins, Nawaz, Noyce, Pritchard, Raja, Rana, Russell, Sivarajah, (20)

For Councillor Hellier:

Councillors Ali, Belben, Bounds, Burgess, Burke, Crow, Hellier, Jaggard, Lanzer, McCarthy, Millar-Smith, Morris, Mwangale, Peck, Pendlington, Piggott (16)

Abstentions: (0)

Councillor Ayling was appointed as Chair of the Overview and Scrutiny Commission. Councillor Hellier was therefore appointed Vice Chair of the Overview and Scrutiny Commission.

RESOLVED

That the Chairs and Vice-Chairs be appointed to the respective Committees, as listed in the individual votes above, and these be included within the Council's Appointments detailed within Appendix A to these minutes.

10. Appointment of an Independent Person

The Full Council considered report [LDS/201](#) of the Head of Governance, People & Performance (as the Council's Monitoring Officer), which sought the re-appointment of Mr Russell Brown for a further two-year term as one of the Council's Independent Persons. The Mayor moved the report which was seconded by the Deputy Mayor.

RESOLVED

That Mr Russell Brown be appointed for a further two years until July 2025.

Closure of Meeting

With the business of the Full Council concluded, the Chair declared the meeting closed at 8.47 pm

J Hart (Mayor)

Agenda Item 3

Committee Memberships and Chairs/Vice Chairs

2023/24

Audit Committee	
<i>Not more than 1 member shall be a Cabinet member and that councillor shall not chair the Committee. One Independent Audit Person will be on the Committee but as a non voting member</i>	
2023/24 (7 councillors 4:3 & independent person non-voting)	
Ashraf Charatan (Vice Chair) Russell Sivarajah	Millar-Smith (Chair) Belben Conservative Vacancy

Governance Committee	
2023/24 12 (Councillors 7-5)	
Lamb (Chair) Jhans Jones Lunnon Pritchard Rana Sivarajah	Bounds (Vice Chair) Burke Crow Lanzer McCarthy

Licensing Committee	
<ol style="list-style-type: none">1) <i>Between 10 and 15 members (a quorum of 10 when dealing with matters under the Licensing Act 2003).</i>2) <i>This Committee includes Sub-Committee daytime meetings responsibilities.</i>3) <i>Cllr with Taxi/hackney carriage licenses would need to seek advice from the Monitoring Officer over whether they should be on this Committee</i>	
2023/24 (15 councillors 8:7)	
Ashraf (Chair) Ayling Irvine Jones K Khan Y Khan Nawaz Noyce	Ali (Vice-Chair) Belben Burgess Jaggard McCarthy Crow Peck

Agenda Item 3

Planning Committee	
2023/24 (11 councillors 6:5)	
Pritchard (Chair) K Khan Y Khan S Mullins Nawaz Raja	Ali Bounds Morris Jaggard Mwagale (Vice Chair)

Overview and Scrutiny Commission	
<i>Where there is more than 1 political group on the Council, either the position of Chair or Vice Chair of the Overview and Scrutiny Commission will go to a member nominated by an opposition group.</i>	
2023/24 (11 councillors 6:5)	
Ayling (Chair) Charatan K Khan Raja Russell Sivarajah	Hellier (Vice Chair) Lanzer Millar-Smith Pendlington Piggott

Employment Panel (From a pool of councillors)	
<ol style="list-style-type: none">1) <i>As far as possible, a politically balanced panel of between 3 and 7 councillors will be drawn from the following membership.</i>2) <i>Political groups may add further names to the pool if they so wish.</i>3) <i>At least one opposition councillor is required on an Employment Panel when it meets.</i>4) <i>The quorum and the size of the Employment Panel varies depending on the cases it is dealing with. See Constitution Part 1 Section 5 Employment Panel for exact details.</i>	
2023/24	
All Labour Councillors	Ali Burgess Crow Hellier Jaggard Lanzer McCarthy Millar-Smith Piggott

Agenda Item 3

Grants Appeals Panel (From a pool of councillors)	
1) <i>As far as possible, a politically balanced panel of 5 councillors will be drawn from the following membership.</i>	
2) <i>Not to include any Cabinet members involved in the decision on the grant application(s).</i>	
3) <i>Political groups may add further names to the pool if they so wish.</i>	
2023/24	
All Labour Councillors	Belben Bounds Burke Crow Lanzer Morris Mwagale Peck Pendlington

Agenda Item 3

Appointments to Outside Organisations

Organisation	2023/24
Age UK – West Sussex Trustee Board <i>One seat</i>	Councillor Mullins <i>as Cabinet Member for Wellbeing</i>
Courage Dyer Recreational Trust <i>(Link officer = Hayley Thorne)</i> <ul style="list-style-type: none"> • Only 4 nominations in total • 4 year appointments only • Once appointed, not required to remain a Councillor 	Sharmila Sivarajah (May 2023 to May 2027) New appointment Michael Jones (May 2021- May 2025) Sue Mullins (May 2021- May 2025) Cllr Hart - appointed automatically ex-officio as Mayor.
Crawley Arts Council (CAC) <i>(Link officer = Matt Ledbridge)</i> <i>Three seats – One representative per Group & the appropriate Cabinet Member</i>	Sivarajah Burgess C Mullins (<i>Cabinet Member for Wellbeing</i>)
Crawley Ethnic Minority Partnership (CEMP) Board <i>(Link officer = Craig Downs)</i> <i>One Seat only</i>	Y Khan
Crawley Community Action <i>(Link officer = Craig Downs)</i> <i>Two seats – One representative per Group</i>	Charatan Burgess
Crawley Museum Society <i>Three seats – One representative per Group & the appropriate Cabinet Member</i>	Pritchard Piggott C Mullins (<i>Cabinet Member for Wellbeing</i>)
Crawley Open House Management Committee <i>Two seats – One representative per Group</i>	Irvine Millar-Smith
Crawley Town Twinning Association (CTTA) <i>Three seats – One representative per Group & the appropriate Cabinet Member</i>	Charatan Piggott S Mullins (<i>Cabinet Member for Community Engagement and Culture</i>)

Agenda Item 3

<p>Gatwick Airport Community Trust (GACT)</p> <p><i>One representative for 4 year appointment</i></p>	<p>Atif Nawaz (2021-2025)</p> <p><i>No appointment in 2023</i></p>
<p>Relate - North & South West Sussex Trustee Board</p> <p><i>Two seats – One representative per Group</i></p>	<p>S Mullins Mwagale</p>
<p>Court of the University of Sussex</p>	<p>Y Khan</p>
<p>West Sussex Joint Scrutiny Steering Group*</p> <p>(Link officer = Heather Girling)</p> <p><i>*Subject to confirmation at the next meeting of the Overview and Scrutiny Commission</i></p>	<p><i>Chair of the Overview and Scrutiny Commission</i></p>
<p>West Sussex Health and Adult Social Care Select Committee*</p> <p>(Link officer = Heather Girling)</p> <p><i>*Subject to confirmation at the next meeting of the Overview and Scrutiny Commission</i></p>	<p>K Khan*</p> <p><i>Must be a member of the OSC.</i></p>
<p>West Sussex Mediation Service Management Committee</p> <p><i>Two seats – One representative per Group & Two deputies – One representative per Group</i></p>	<p>S Pritchard Millar-Smith Y Khan (Deputy) Hellier (Deputy)</p>

Agenda Item 3

Terms of Reference and Appointments for Advisory and Working Groups and Councillor Development Executive Support Group

Notes

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

Working Groups & Terms of Reference	2023/24	
<p>Councillor Development Executive Support Group (CDESG)</p> <ol style="list-style-type: none"> 1. To provide all-party support for a coordinated approach to member development and training across the Council. 2. To identify individual and Group training needs and to prioritise them accordingly. 3. To develop, monitor and evaluate all member development activities. 4. To promote learning and development opportunities amongst all members of the Council, encouraging the highest level of participation by members to organised training and development events. 5. To ensure that a comprehensive induction programme is made available to all newly elected Councillors. <p><i>Lead officer = Siraj Choudhury</i></p>	(5 councillors 3:2)	
	<p>C Mullins K Khan Pritchard</p>	<p>Crow McCarthy</p>
<p>Economic Regeneration Working Group (ERWG)</p> <ol style="list-style-type: none"> 1. To receive and consider updates on economic regeneration initiatives and actions across the borough, including delivery of the Crawley Growth Programme, Town Centre Regeneration programme, Employment & Skills Programme, the delivery of individual economic regeneration schemes and partnership activities within the Manor Royal Business District. 2. To receive and consider reports on economic regeneration activities in Crawley and to make recommendations, as necessary, to the Cabinet on the:- <ul style="list-style-type: none"> • proposals to regenerate sites identified in the Local Plan, the Town Centre Supplementary Planning Document and the Manor Royal Supplementary Planning Document & Design Guide • identification and promotion of other economic regeneration opportunities to enhance the physical appearance and social, economic and educational attributes • communications with all interested parties to maintain confidence in the wider economic regeneration of Crawley. <p><i>Lead officer = Clem Smith</i></p>	(11 councillors 6:5)	
	<p>Nawaz (Chair) Ashraf Jhans Khan Lamb Lunnon</p>	<p>Ali Crow Lanzer Millar-Smith Hellier</p>

Agenda Item 3

<p>Gatwick DCO Member Working Group (GDCOMWG)</p> <ol style="list-style-type: none"> 1. Once Gatwick Airport (GAL) have submitted documentation on their Northern Runway Development Consent Order (DCO) proposals to the Planning Inspectorate and, following on from the commencement of the DCO pre-examination period, there is likely to be extensive technical documentation issued by GAL, which will need to be reviewed at short notice by officers with responses needed to be sent to the Planning Inspectorate at short notice. 2. The Gatwick DCO Member Working Group will need to be convened at short notice (either “face to face” or virtually via Microsoft Teams) to: <ul style="list-style-type: none"> • receive and consider advice from officers regarding documentation issued by Gatwick Airport Ltd (GAL) related to their Gatwick Northern Runway DCO proposals. • input and provide guidance to officers where needed in support of their formulation of the Council’s technical responses to GAL’s Northern Runway DCO documentation, which will need to be submitted to the Planning Inspectorate at short notice. 3. The Gatwick DCO Member Working Group will also be briefed by officers in advance of advice related to GAL’s Northern Runway DCO proposals being shared with Members through scheduled or additional meetings of the Economic Regeneration Working Group. This briefing may be undertaken electronically. <p><i>Lead officer = Clem Smith</i></p>	<p>(5 councillors 3:2)</p>	
<p>Goffs Park Working Group (GPWG)</p> <p>The Council has demonstrated through Tilgate Park that our open spaces provide high quality venues for safe, well organised and commercially successful activities that meet the demands of both local residents and regional visitors.</p> <p>There are plans to replicate this model at Goffs Park initially creating a medium term business plan (5 years) to develop a future vision for the Park informed by consultation with</p> <p>The GPWG will:</p> <ul style="list-style-type: none"> • Consider and provide guidance on the business plan for Goffs Park ensuring the proposals support the options appraisal and strategic plan. • Ensure proposed activities and events for Goffs Park meet the principles of the business plan along 	<p>(7 councillors 4:3)</p>	
	<p>Jones (Chair) Nawaz Noyce</p>	<p>Crow Ali</p>
	<p>C Mullins (Chair) Y Khan Noyce Rana</p>	<p>Ali Pendlington Piggott</p>

Agenda Item 3

<p>without adversely impacting the Tilgate Park business plan and activities in other open spaces.</p> <ul style="list-style-type: none"> • Support and facilitate stakeholder insight with residents, ward Members and local groups. • To make recommendations to Cabinet. Please note proposals for Goffs Park House are out of scope. <p><i>Co-Lead officers = Ian Duke & Georgina Bouette</i></p>		
<p>Local Plan Working Group (LPWG)</p> <p>To consider and provide guidance on the process for reviewing the Local Plan and support the Local Plan Review to examination, if/when this is progressed.</p> <p><i>Lead officer = Clem Smith</i></p>	(9 councillors 5:4)	
<p>Town Hall Project Members Working Group (THPMWG)</p> <p>To focus on the Town Hall development and primarily, although not exclusively, on the requirements for councillors' facilities and the civic areas of the new building.</p> <p><i>Co-Lead officers = Ian Duke & Nigel Sheehan</i></p>	(6 councillors 3:3)	
	<p>Nawaz (Chair) Irvine Lunnon S Mullins Rana</p>	<p>Ali Crow Jaggard Mwagale</p>
	<p>Jones (Chair) C Mullins Lamb</p>	<p>Belben Burgess McCarthy</p>

Agenda Item 3

1. CABINET MEMBER PORTFOLIO RESPONSIBILITIES

The responsibilities and delegations to Cabinet Members will include, but not be limited to, those set out within this Paragraph (subject to the exercise of such consultation processes as the Cabinet may agree for particular functions).

1.1. Responsibilities of All Cabinet Members

All Cabinet Members, including the Leader, hold the following responsibilities for the service areas within their portfolio:

- a) Act as a spokesperson for the Council on services and functions within their portfolio areas to promote the interests and reputation of the Council.
- b) Provide a political steer through overseeing the development of policy and strategy (with the appropriate Chief Officer) and thus be politically accountable for their portfolio.
- c) Work with the Leader and the Cabinet to develop a Corporate Plan and other corporate strategies and policies which the majority group(s) wish(es) to pursue.
- d) Monitor the budgets, delivery and performance of their services, including major contracts and projects.
- e) Determine priorities, and where appropriate agree the re-allocation of resources, for service delivery, in conjunction with the relevant Chief Officer (in accordance with the Policy Framework Documents and the Budget).
- f) Agree an appropriate response to petitions, in accordance with the Council's Petitions Scheme.
- g) A Cabinet Member may refer any matter within their portfolio to the Leader or the Cabinet for a decision.

If a Cabinet Member is unable to act, the Leader may act on their behalf or authorise another Cabinet Member to do so.

1.2. The Leader of the Council

1.2.1. Key Roles: They will determine the key policies of the Council and in particular, carry out responsibilities with regard to the following roles and areas:

- a) Leader of the Council and Chair of the Cabinet.
- b) Strategic and political lead as the spokesperson for the majority political group(s), liaising regularly with the Chief Executive.
- c) Initiating and developing corporate strategies and policies which the majority group(s) wish(es) to pursue.
- d) Represent the Council and act as spokesperson with neighbouring local authorities, regional partners and other partners, and in doing so build good relationships and promote the interests and reputation of the Council and the Borough.

1.2.2. Service Area Responsibilities: They will carry out responsibilities with regards to the following service areas:

- a) The overall staffing of the Council.

Agenda Item 3

- b) Governance.
- c) Mayoralty and ceremonial matters.
- d) Communications.
- e) Finance (rating, business rates, council tax, funds and investment management, the Budget, borrowing, fraud).
- f) Finance and Procurement (risk management and insurance matters).
- g) Council owned commercial properties.
- h) Council owned garages (non-Crawley Homes).
- i) Civil contingencies (including emergency planning).
- j) Asset Management.
- k) Shared Prosperity Fund.

1.2.3. Policy and Strategy Responsibilities: They will initiate, oversee, and where applicable, approve the development of plans, statutory notices and policies across the Council, ensuring appropriate consultation occurs on all such proposals, including:

- a) The development of policy and strategy for the Council, and its expression in the Corporate Plan with the Chief Executive (and in liaison with the appropriate Cabinet Member).
- b) Asset Management Strategy (including corporate estate).

1.2.4. Specific Delegations: They hold, but are not limited to, the following specific delegations:

- a) Approval of the Council's Debt Management Strategy.
- b) Approval of the Council Tax Base.
- c) Approval of the NNDR1 (National Non-Domestic Rates Return).
- d) Authority to make appointments to Outside Bodies Relating to Cabinet functions.
- e) Authority to approve the transfer of residual land on terms proposed by the Asset Manager.
- f) Authority to approve the use of any underspend on a capital scheme, up to a total value of £500,000, on further work associated with the scheme during the same financial year, subject to the Council not being committed to expenditure in future years above the existing budgetary provision.
- g) Approval of feasibility scheme and final implementation proposals for neighbourhood centre improvements which are in accordance with the Capital Programme.
- h) Authority to approve the submission of bids to an agreed maximum figure when a property becomes available at auction where the price would be over the delegated authority limits (currently £500,000) subject to it being:
 - (i) For investment purposes, to there being sufficient funds in the Investment Acquisition Reserve and it being in accordance with the guidance criteria set out in Section 7 of report FIN/306 (Budget Strategy 2014/15-2018/19) to the Cabinet and the Full Council on 10 and 24 July 2013 respectively.
 - (ii) For residential property purposes, to there being sufficient funds in the HRA Development Programme and to be agreed on a case by case basis and in accordance with the guidelines set

Agenda Item 3

out in report [FIN/328](#) (2014/15 Budget and Council Tax) to the Cabinet and the Full Council on 12 and 26 February 2014.

- i) The approval of the writing off of irrecoverable debts exceeding £2,500 but not exceeding £50,000, in accordance with the agreed protocol for debt collection.
- j) Authority to approve the transfer of Section 106 monies between £100,000 and £500,000 to West Sussex County Council which have been collected specifically for spend categories within the County Council remit.
- k) Determination of applications for landlord's consent for changes of use on neighbourhood shopping parades and the rest of the commercial estate (where one or more Ward Member raises an objection to the proposal or where the Cabinet Member for Planning and Economic Development has a conflict of interest the Leader will take the decision).
NB. This delegation relates to asset management only.
- l) Approval of minor amendments to the Local Discretionary Rate Relief Scheme.
- m) Approval of the Modern Slavery and Human Trafficking Transparency Statement (report [FIN/539](#) refers).
- n) Approval of the annual programme of building maintenance works for operational properties (excluding housing assets) including variations during the year to meet changing needs. Delegation to cover all types of maintenance work and small-scale improvements above £100,000 per job.
- o) Determination of applications for landlord's consent for changes of use on neighbourhood shopping parades and the rest of the commercial estate (where one or more Ward Member raises an objection to the proposal).
NB. This delegation relates to asset management only.

1.2.5. Outside Bodies: They will be a member of the following Cabinet appointed outside bodies:

- a) Local Government Association (General Assembly).
- b) District Councils Network.
- c) Crawley Town Deal Board
- d) Greater Brighton Economic Board (GBEB).

NB: All Cabinet Members may be substitute for another Cabinet Member on any of the Cabinet appointed outside bodies.

1.3. Deputy Leader

1.3.1. The Leader has appointed the Cabinet Member for Leisure and Wellbeing as Deputy Leader of the Council.

1.4. Cabinet Member for Community Engagement and Culture

1.4.1. Service Area Responsibilities: They will carry out responsibilities with regards to the following service areas:

- a) Community and neighbourhood development.
- b) Community engagement.
- c) Grants to voluntary bodies.

Agenda Item 3

- d) Social inclusion and mobility.
- e) Town Twinning.
- f) Issues relating to travellers.
- g) Cultural & Heritage matters.
- h) Children and young people (along with relevant partner organisations) including responsibilities defined under Section 11 (Safeguarding) of the Children's Act 2004.
- i) Armed Forces Covenant.
- j) Arts & Culture (including Crawley Museum).

1.4.2. Policy and Strategy Responsibilities: They will oversee, and where applicable, approve the development of plans, statutory notices and policies within the above service areas, ensuring appropriate consultation occurs on all such proposals, including:

- a) Social Inclusion Strategy.
- b) Fostering interest in Local Government.
- e) Cultural & Heritage Strategy (in consultation with, the Cabinet Member for Planning and Economic Development).

1.4.3. Specific Delegations: They hold, but are not limited to, the following specific delegations:

- a) Review the allocation of the small grants budget on an annual basis and amend when necessary (jointly with the Head of Community Services).
- b) Award funding for strategic grants in accordance with paragraph 5.22 of report HCS/029.

1.4.4. Outside Bodies: They will be a member of the following Cabinet appointed outside bodies:

They are not specifically appointed to any outside bodies.

NB. All Cabinet Members may be substitute for another Cabinet Member on any of the Cabinet appointed outside bodies.

1.5. **Cabinet Member for Environment, Sustainability and Climate Change**

1.5.1. Service Area Responsibilities: They will carry out responsibilities with regards to the following service areas:

- a) Gatwick Airport Port Health.
- b) Public (external) health and safety.
- c) Environmental Health Service.
- d) Waste management, refuse and recycling.
- e) Streetscene (including grass cutting).
- f) Public conveniences.
- g) Council Owned Car Parks.
- h) Climate change and sustainability.
- i) Cemeteries and burials.

Agenda Item 3

j) Flood prevention and land drainage.

1.5.2. Policy and Strategy Responsibilities: They will oversee, and where applicable, approve the development of plans, statutory notices and policies within the above service areas, ensuring appropriate consultation occurs on all such proposals, including:

- a) Carbon Reduction Strategy.
- b) Climate Change Strategy.
- c) To work collectively with the Cabinet Member for Housing, the Cabinet Member for Planning and Economic Development and the Cabinet Member for Resources (via joint Briefing meetings) in relation to the Town Hall site redevelopment.

1.5.3. Specific Delegations: They hold, but are not limited to, the following specific delegations:

- a) The approval of feasibility schemes and the implementation of proposals for residential environmental improvements which are in accordance with the Capital Programme.
- b) Naming and numbering of streets.
- c) The approval of criteria for the prioritisation of flood alleviation schemes including project allocation, programme and final implementation proposals for flood alleviation schemes subject to the projects being achievable within the limits of the approved financial budget of the capital programme.

1.5.4. Outside Bodies: They will be a member of the following Cabinet appointed outside bodies:

- a) Gatwick Joint Local Authorities.
- b) Inter Authority Waste Group.
- c) Gatwick Airport Consultative Committee (GATCOM).

NB. All Cabinet Members may be substitute for another Cabinet Member on any of the Cabinet appointed outside bodies.

1.6. **Cabinet Member for Housing**

1.6.1. Service Area Responsibilities: They will carry out responsibilities with regards to the following service areas:

- a) Crawley Homes.
- b) Strategic Housing (including statutory functions such as homelessness and houses in multiple occupation but excluding private sector housing regulation).
- c) Disabled Facility Grants.
- d) Council tax reduction and housing benefit.
- e) Council Owned Garages (Crawley Homes).
- f) Housing Revenue Account.
- g) Stock decarbonisation and energy efficiencies.

Agenda Item 3

1.6.2. Policy and Strategy Responsibilities: They will oversee, and where applicable, approve the development of plans, statutory notices and policies within the above service areas, ensuring appropriate consultation occurs on all such proposals, including:

- a) Housing Strategy.
- b) Allocations Policy.
- c) To work jointly with the Cabinet Member for Planning and Economic Development to meet the housing needs of the Borough.
- d) Liaising and joint working with Social Services and health (housing).
- e) To work collectively with the Cabinet Member for Environmental Services and Sustainability, the Cabinet Member for Planning and Economic Development and the Cabinet Member for Resources (via joint Briefing meetings) in relation to the Town Hall site redevelopment.

1.6.3. Specific Delegations: They hold, but are not limited to, the following specific delegations:

- a) Power to vary the rent of dwellings and garages held on the Housing Revenue Account.
- b) The approval of variations to the affordable housing requirements specified in Core Strategy Policy H5 for any housing scheme where it has been evidenced that scheme viability cannot support meeting these requirements in full, or where changes in housing needs or housing policy may justify any variation to the percentage and/or tenure mix being sought.
- c) To discharge the functions of the Council in relation to the appropriation of surplus land (excluding residential dwellings) from the Housing Revenue Account for a different use/purpose.
- d) Approval of amendments to the Crawley Homes Under-Occupation Incentive Policy.
- e) Responding to the Government's Welfare Reform agenda (with the Leader).

1.6.4. Outside Bodies:

They are not specifically appointed to any outside bodies.

NB. All Cabinet Members may be substitute for another Cabinet Member on any of the Cabinet appointed outside bodies.

1.7. **Cabinet Member for Leisure and Wellbeing**

1.7.1. Service Area Responsibilities: They will carry out responsibilities with regards to the following service areas:

- a) Health and Wellbeing (local and strategic issues).
- b) Sport and fitness.
- c) Parks, gardens and open spaces (including allotments, trees and recreational space).
- d) Play service.
- e) Community centres.
- f) The Hawth and K2 Crawley/ Bewbush leisure.

Agenda Item 3

1.7.2. Policy and Strategy Responsibilities: They will oversee, and where applicable, approve the development of plans, statutory notices and policies within the above service areas, ensuring appropriate consultation occurs on all such proposals, including:

- a) Implementation of the Green Space Strategy (formulation of this Strategy remains with the Cabinet Member for Planning and Economic Development).

1.7.3. Specific Delegations: They do not currently hold any specific delegations.

1.7.4. Outside Bodies: They will be a member of the following Cabinet appointed outside body:

- a) Gatwick Greenspace Partnership.

NB. All Cabinet Members may be substitute for another Cabinet Member on any of the Cabinet appointed outside bodies.

1.8. **Cabinet Member for Planning and Economic Development**

1.8.1. Service Area Responsibilities: They will carry out responsibilities with regards to the following service areas:

- a) Town and Country Planning (including local planning policy).
- b) Transport Planning (in liaison with relevant partners).
- c) Economic Development and Regeneration (including education and skills, Town Centre management and Manor Royal liaison).

1.8.2. Policy and Strategy Responsibilities: They will oversee, and where applicable, approve the development of plans, statutory notices and policies within the above service areas, ensuring appropriate consultation occurs on all such proposals, including:

- a) Gatwick Airport, Manor Royal and the Town Centre.
- b) Green Space Strategy (implementation of this Strategy remains with the Cabinet Member for Wellbeing).
- c) Local Plan and related documents.
- d) Liaising with West Sussex County Council and neighbouring local authorities on planning and highways matters.
- e) To work jointly with the Cabinet Member for Housing to meet the housing needs of the Borough.
- f) Economic Development, Employment and Skills.
- g) Transport related policies and documents.
- h) To work collectively with the Cabinet Member for Housing, the Cabinet Member for Environmental Services and Sustainability and the Cabinet Member for Resources (via joint Briefing meetings) in relation to the Town Hall site redevelopment.

1.8.3. Specific Delegations: They hold, but are not limited to, the following specific delegations:

- a) The adoption of revised versions of the Local Development Scheme (LDS), including the adoption of associated planning documents and Supplementary Planning Documents as defined by the LDS.

Agenda Item 3

1.8.4. Outside Bodies: They will be a member of the following Cabinet appointed outside bodies:

- a) Crawley Town Deal Board.
- b) Gatwick Joint Local Authorities.
- c) Manor Royal Management Group.
- d) Manor Royal BID Board.
- e) Sussex Building Control.
- f) Town Centre Partnership. BID Board.
- g) West Sussex and Greater Brighton Strategic Planning Board.
- h) Bus Company Meetings.

NB. All Cabinet Members may be substitute for another Cabinet Member on any of the Cabinet appointed outside bodies.

1.9. **Cabinet Member for Public Protection**

1.9.1. Service Area Responsibilities: They will carry out responsibilities with regards to the following service areas:

- a) Licensing.
- b) Community Wardens.
- c) Civil Enforcement Officers.
- d) Off Street Parking and Parking Orders.
- e) Private sector housing regulation.
- f) Community safety and anti-social behaviour (including improvement schemes and liaison with emergency services).
- g) Nuisance and Anti-Social Behaviour (NASB).
- h) Community cohesion.
- i) Prevent duties.

1.9.2. Policy and Strategy Responsibilities: They will oversee, and where applicable, approve the development of plans, statutory notices and policies within the above service areas, ensuring appropriate consultation occurs on all such proposals, including:

- a) Licensing Policy.
- b) Gambling Policy.
- c) Prevent Strategy.
- d) Crime Reduction and Community Safety Strategies.
- e) Public Space Protection Orders (PSPOs).

1.9.3. Specific Delegations: They hold, but are not limited to, the following specific delegations:

- a) The approval of criteria for the prioritisation of community safety improvement schemes.

Agenda Item 3

- b) The approval of an annual programme of community safety schemes subject to the proposals being achievable within the limits of the approved financial budget.

1.9.4. Outside Bodies: They will be a member of the following Cabinet appointed outside bodies:

- a) Patrol Adjudication Committee.
- b) Crawley Prevent Board.
- c) Safer Crawley Partnership Executive.
- d) Sussex Police and Crime Panel (member).

NB. All Cabinet Members may be substitute for another Cabinet Member on any of the Cabinet appointed outside bodies.

1.10. Cabinet Member for Resources

1.10.1. Service Area Responsibilities: They will carry out responsibilities with regards to the following service areas:

- a) Legal.
- b) People, HR and Organisational Development (including Corporate Health and Safety).
- c) Performance including Corporate dashboard, Customer complaints.
- d) Information Governance - Freedom of Information and Data Protection/ GDPR.
- e) Governance and Democracy, including Elections, and Councillors' services (including equipment, training and support).
- f) Strategic Risk Management.
- g) Audit.
- h) Current building management/office accommodation.
- i) Contact Centre.
- j) Shared service provision.
- k) Information and Communication Technology.
- l) Transformation Programme and service improvements.

1.10.2. Policy and Strategy Responsibilities: They will oversee, and where applicable, approve the development of plans, statutory notices and policies within the above service areas, ensuring appropriate consultation occurs on all such proposals, including:

- a) Human Resources Strategy.
- b) Equal Opportunities Policy and Corporate Equality Statement.
- c) Digital, IT Strategy, Council Website, channel shift programmes e.g. MyCrawley.
- d) To work collectively with the Cabinet Member Environmental Services and Sustainability, the Cabinet Member for Housing and the Cabinet Member for Planning and Economic Development (via joint Briefing meetings) in relation to the Town Hall site redevelopment.

Agenda Item 3

1.10.3. Specific Delegations: They hold, but are not limited to, the following specific delegations:

- a) To approve the Corporate Equality Statement.
- b) Approval of the Council's Risk Management Strategy.
- c) Agree the annual cycle of meetings for implementation (in consultation with the Head of Governance, People & Performance).

1.10.4. Outside Bodies:

They are not specifically appointed to any outside bodies.

NB. All Cabinet Members may be substitute for another Cabinet Member on any of the Cabinet appointed outside bodies.

Other Cabinet Outside body Appointments not aligned to a Portfolio

Name of Organisation	2022/23 Appointments	2023/24
The Cycling Forum	Councillor Irvine	TBC
High Weald Area of Outstanding Natural Beauty Advisory Committee	Councillor Irvine	TBC
Gatwick Airport Noise Management Board	Vacancy	TBC
Gatwick Airport Noise Management Board Community Forum	Vacancy	TBC
Strategic Aviation Special Interest Group	Councillor Lamb	TBC

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) Audit Committee – 20 March 2023 (page 33)
- b) Planning Committee – 3 April 2023 (page 41)
- c) Planning Committee – 24 April 2023 (page 51)
- d) Overview and Scrutiny Commission – 5 June 2023 (page 55)
- e) Licensing Committee – 12 June 2023 (page 61)
- f) Governance Committee – 13 June 2023 (page 67)

Recommendation 1 – Changes to the Licensing Committee functions (page 68)

- g) Audit Committee – 21 June 2023 (page 73)
- h) Overview and Scrutiny Commission – 26 June 2023 (page 77)
- i) Cabinet – 28 June 2023 (page 85)

Recommendation 2 – Financial Outturn 2022/2023: Budget Monitoring - Quarter 4 (page 87)

Recommendation 3 – Alcohol-Related ASB - PSPO Extension (page 91)

- j) Planning Committee – 3 July 2023 (page 93)
- k) Special Overview and Scrutiny Commission – 10 July 2023 (To Follow)
- l) Cabinet – 12 July 2023 (To Follow)

Recommendation 4 – Town Hall Site Redevelopment Phase 2 & Phase 1 Final Account Confidential (PART B) (To Follow)

This page is intentionally left blank

Crawley Borough Council

Minutes of Audit Committee

Monday, 20 March 2023 at 7.00 pm

Councillors Present:

J Millar-Smith (Chair)

T Rana (Vice-Chair)

M L Ayling, T G Belben and Y Khan

Also in Attendance:

Councillor R D Burrett

Hannah Lill

Senior Manager, Ernst & Young

Officers Present:

Siraj Choudhury

Head of Governance, People & Performance

Chris Corker

Operational Benefits and Corporate Fraud Manager

Mez Matthews

Democratic Services Officer

Carolin Martlew

Head of Corporate Finance

Anna Pedlow

Corporate Performance Manager

Paul Windust

Chief Accountant

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Audit Committee held on 8 November 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. Fraud and Investigation Team Report

The Committee considered report [FIN/614](#) of the Operational Benefits and Corporate Fraud Manager, which focused on activity for the period from 29 October 2023 to 5 March 2023. 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 was pleased that the Council's use of enforcement had resulted in success, and it was hoped that the use of such enforcement would act as a deterrent to other potential offenders.

The Committee sought and received clarification on the method for collecting money owed to the Council through financial penalties.

The Chair requested that, for future reports, the table which detailed the number of cases being undertaken for each case type (Paragraph 4.1 of the report) also provide comparative figures from the previous activity period, to help identify any fluctuations in activity. Whilst the Operational Benefits and Corporate Fraud Manager agreed to include that additional detail in future, they cautioned that comparing those figures might not always give a true representation as the length of activity period for each report could differ and the amount of work undertaken for each case also varied.

The Committee thanked officers for an informative and uplifting report and the Team's continued good work.

RESOLVED

That the Fraud and Investigation Team Report be noted.

5. Internal Audit Progress Report

The Committee considered report [FIN/615](#) of the Head of Corporate Finance which had been prepared by Southern Internal Audit Partnership (SIAP), the Council's Internal Auditors. 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 Committee discussed and noted all the Audit Plan Reviews in progress, along with other work as detailed in the report. The Head of Corporate Finance took the opportunity to brief the Committee on the work as detailed in the report and in doing so highlighted that no reports had been published which concluded a "Limited" or "No" assurance opinion to date for 2022/23. The Committee was also informed that SIAP were satisfied with the progress being made on the priority management actions identified in follow-up audits (Annex 1 and 2 of Appendix A to the report) and it was anticipated that the Council would get the assurance required for the Annual Governance Statement.

In response to matters raised by the Committee:

- It was noted that the delay in progressing high priority actions for the Car Parking (Staff Permits) Audit Review had been caused by staffing issues.
- Reassurance was given that significant progress was being made on priority areas identified in the Health and Safety Audit Review. The Health and Safety work program, which had been dominated by the Covid pandemic, was getting back to business as usual and the appointment of a Health and Safety Apprentice had increased the service area's capacity. Further information would be brought to a future meeting of the Committee.
- The Committee was assured that both "substantial" and "reasonable" assurance opinions signified a sound system of governance and SIAP was pleased with Council officer's cooperation with regard to Audits.

The Chair requested that, for future reports, any previous audit opinions be provided for "repeat" audit reviews, to help identify any trends for those areas or ascertain whether improvements had been made since the previous review was undertaken. Whilst the Committee acknowledged that it might not always be possible to provide a comparison, as some areas were not audited regularly, and where a previous audit had been conducted, any comparison would need to be treated with caution as the scope of the audit might have varied since its last review, the Committee agreed that, for future reports, previous audit opinions be provided where possible.

RESOLVED

1. That the Committee receive the report and note progress to date, as at 28 February 2023.
2. That, for future reports, previous audit opinions be provided where possible.

6. Risk Management Update

The Committee considered report [LDS/198](#) of the Head of Governance, People & Performance which provided an update on the Council's Strategic Risks.

The Corporate Performance Manager took the opportunity to brief the Committee on the risks as detailed in the report and in doing so highlighted that, where a risk has a residual score of 15 or more, the high score was mainly due to external factors beyond the Council's control which made the risks more difficult to mitigate.

Following a query from the Committee, with regard to Risk ID G1-11 (on page 45 of the agenda pack), assurance was given that any defects had not stopped the Council from entering into an agreement with new clients.

When considering the Strategic Risk Register, a member of the Committee commented that, although the residual risk score was included in the risk score matrix key on the first page of the Register, the matrix for each individual risk did not. It was suggested that this made it more difficult to identify the residual risk score for each risk. The Committee therefore requested that consideration be given to the layout of the individual risk scores matrixes in the Strategic Risk Register for future Committee reports to make the document more user friendly and individual risk levels more easily identifiable.

RESOLVED

1. That the Committee confirm it is satisfied with risk management arrangements.
2. That consideration be given to the layout of the individual risk scores matrixes in the Strategic Risk Register for future Committee reports to make the document more user friendly and individual risk levels more easily identifiable.

7. Internal Audit Annual Plan 2023-2024

The Committee considered report [FIN/616](#) of the Head of Corporate Finance which had been prepared by Southern Internal Audit Partnership (SIAP), the Council's Internal Auditors. The Plan, which was attached as Appendix A to the report, included an indicative scope of work planned for each proposed audit review. The Plan had been drawn up following a full Audit Needs Assessment, including consideration of the Council's Corporate Risk Register, findings from the previous year's internal audit coverage, and took into account any audits postponed from 2022/23.

In drawing up the Plan, SIAP had discussed the Audit Needs Assessment with all Heads of Services and Senior Management Team.

The Plan would continue to remain fluid during the year and any changes would be brought to the Committee via the Internal Progress Report. The Chair thanked SIAP for the Audit Plan.

RESOLVED

That the Internal Audit Annual Plan 2023/2024 (attached as Appendix A to report FIN/616) be approved.

8. Internal Audit Charter 2023-2024

The Committee considered report [FIN/620](#) of the Head of Corporate Finance which had been produced by Southern Internal Audit Partnership (SIAP), the Council's Internal Auditors. The Charter was attached as Appendix A to the report. The Chair felt that the Charter should be made publicly available and requested that, if were not already published on the Council's website, it that be published accordingly.

The Head of Governance, People & Performance informed the Committee that, at its meeting on [13 March 2023](#), the Governance Committee had considered a proposal to appoint an independent member to the Audit Committee (report [LDS/197](#) refers). The views of the Audit Committee had been informally sought on the matter and it had shown support for such an appointment. At its meeting, the Governance Committee agreed that the Full Council be recommended that an independent member be co-opted as a non-voting member to the Audit Committee as of the 2023/24 municipal year, with the independent member being unable to hold the position of either the Chair or Vice Chair of the Committee. That recommendation would be considered at the next meeting of the Full Council.

RESOLVED

That the Internal Audit Charter 2023-2024 (attached as Appendix A to report FIN/620) be approved.

9. Internal Audit Quality Survey

The Committee's attention was drawn to the information item which advised that, as part of its internal quality assessment, Southern Internal Audit Partnership would be issuing an annual survey. Committee members were encouraged to complete and return the survey. At the request of the Chair, the Democratic Services Officer agreed to send out an email reminder to Committee Members closer to the closure date of the survey.

10. IFRS 16: Explanation and Impact

The Committee considered report [FIN/617](#) of the Head of Corporate Finance which explained the impact of IFRS 16 Leases on the Council. Following a query from the Committee, the Chief Accountant clarified that, for the purposes of IFRS 16 the value of leases would not be grouped together, and leases would only be identified if they had an individual value above £10,000. The Committee was invited to contact the Chief Accountant directly with any further questions relating to IFRS 16.

RESOLVED

That the report explaining IFRS 16 and its impact be noted.

11. Audit Planning Report: Year Ended 31 March 2022

The Committee considered [FIN/621](#) which had been submitted by Ernst & Young (EY).

The Planning Report detailed how EY intended to carry out its responsibilities as External Auditor. The Planning Report also provided the Committee with a basis to review EY's audit approach and scope for the 2021-2022 audit in accordance with the requirements of the relevant auditing standards and professional requirements. In addition, the Planning Report intended to ensure that the audit aligned with the Committee's service expectations.

The Committee received clarification on issues arising, including the Council's highways infrastructure, the areas of focus which were required by audit regulations and standards to be identified and assessed, the guidelines which identified how the various Council funds must be accounted for as well as the stages undertaken in producing the Planning Report.

RESOLVED

That the Audit Planning Report for the year ended 31 March 2022 be noted.

12. Audit Results Report: Year Ended 31 March 2022

The Committee considered [FIN/618](#) which had been submitted by Ernst & Young (EY). The report set out the current status of the audit, indicating that given that audit work in respect of the Council's audit opinion was ongoing, EY would continue to review the remaining evidence provided and the final disclosures in the Narrative Report and Accounts which could influence the final audit opinion.

The Committee sought and received clarification on several issues including how the Covid Grants received and distributed by the Council had been accounted for and the progress being made on outstanding reports.

The Committee was assured that the way in which some funds were accounted for did not impact Council Tax payers. It was also noted that the audit fee for 2020/21 had been referred to Public Sector Audit Appointments (PSAA) and would be brought back to the Audit Committee following discussion with management.

RESOLVED

That the Audit Results Report for the year ended 31 March 2022 be received and noted.

13. Approval of the 2021/22 Statement of Accounts

The Committee considered report [FIN/619](#) of the Head of Corporate Finance which sought the Committee's approval of the 2021/22 Statement of Accounts, to comply with the statutory deadline of 30 September 2023, or as soon as reasonably practicable after the audit, if the audit has not been concluded by that date.

The 2021/2022 Statement of Accounts was attached as Appendix C to the report.

The Committee received clarification on a number of issues referred to in the Statement of Accounts including the income and expenditure depicted by the pie charts within the Narrative Statement, the type of instruments entered into prior to 1 April 2006, the total financial impact of the Crawley Homes rent issue, the nature of the revaluation losses identified in the financial outturn, the process for reviewing/retaining/removing reserve funds, the Council's investment properties and Council dwellings.

A number of clerical corrections to the Statement of Accounts were raised, and the Committee supported those revisions and requested that they be changed by officers accordingly.

The Chair requested whether a shorter, more accessible version of the Statement of Accounts could also be produced to accompany the Accounts in future which provided the key areas of note. In response, the Chief Accountant informed that Committee that whilst such a document had been produced in the past, due to increased workload in recent years, it had not been possible to provide it more recently. The Chief Accountant advised they would consider producing the document again for future years.

The Chair thanked the Chief Accountant for the significant work they had undertaken in producing the Statement of Accounts.

RESOLVED

1. Approve the 2021/22 Statement of Accounts.
2. Authorise the Chair of the Committee to sign the 2021/22 Letter of Representation.
3. Authorise the Chair of the Committee to sign the 2021/22 Statement of Accounts on behalf of the Council should there be no material changes.

Closure of Meeting

With the business of the Audit Committee concluded, the Chair declared the meeting closed at 9.20 pm

J Millar-Smith (Chair)

This page is intentionally left blank

Crawley Borough Council

Minutes of Planning Committee

Monday, 3 April 2023 at 7.30 pm

Councillors Present:

R D Burrett (Chair)

Y Khan (Vice-Chair)

Z Ali, J Hart, K L Jaggard, K Khan, S Mullins, M Mwagale and S Raja

Officers Present:

Valerie Cheesman

Principal Planning Officer

Siraj Choudhury

Head of Governance, People & Performance

Heather Girling

Democratic Services Officer

Jean McPherson

Group Manager (Development Management)

Clem Smith

Head of Economy and Planning

Apologies for Absence:

Absent:

Councillor S Sivarajah

1. Disclosures of Interest

No disclosures of interests were made.

2. Lobbying Declarations

The following lobbying declarations were made by councillors:

Councillors Ali, Burrett, Hart, Jaggard, K Khan, Y Khan, S Mullins and Mwagale had been lobbied but had expressed no view on application CR/2022/0055/FUL.

3. Minutes

The minutes of the meeting of the Planning Committee held on 7 March 2023 were approved as a correct record and signed by the Chair.

The Chair then called for the Committee to take a brief adjournment to allow for councillors to break their fast with Iftar.

4. **Planning Application CR/2021/0249/FUL - Former GSK Manor Royal, Telecon Metals & Carpenters Technology Site, Napier Way, Northgate, Crawley**

The Committee considered report [PES/412a](#) of the Head of Economy and Planning which proposed as follows:

Erection of 3 warehouse units (Use Class B8), associated external plant, car/HGV parking, site access, internal roads, boundary security fencing and hard/soft landscaping.

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

The Group Manager (Development Management) provided a verbal summation of the application, which the Committee had previously resolved to permit at its meeting on [20 July 2021](#). The application had sought permission for three buildings for storage and distribution use at a vacant site within the Manor Royal Employment Area, however had since been affected by Natural England's Position Statement on water neutrality and therefore required further consideration. The addendum report set out that the development's water usage would be considerably greater than prior to development as the site had been vacant. Mitigation measures were proposed in order to achieve water neutrality through a combination of on-site water efficiency measures (fittings and rainwater harvesting system) and off-site offsetting measures (through the Crawley Homes Water Neutrality Retrofit Programme).

The Committee was informed that several corrections and clarifications to report PES/412a were required as follows:

- The second line of paragraph 5.38 should read 'informatives 1,2,3 and 8'.
- The second line of Condition 6 in relation to the PV Panel Glint and Glare Assessment was to be amended to be dated July 2021.
- The second line of Condition 12 was to be corrected to read 'and not for any other use as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), without the prior written consent of the Local Planning Authority'.
- The first line of Informative 5 was to be amended and should read Sussex Police.

The Group Manager then gave details of the various relevant planning considerations as set out in the report. Whilst the planning considerations and conclusions in the original report (Appendix A to report PES/412a) remained valid, the fundamental changes were to the proposed conditions as the development was substantially complete. 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 Natural England on the Appropriate Assessment, the conclusion of the S106 Agreement, and the conditions set out in the report.

Hannah Swainston, the Agent (Quod), spoke on behalf of the applicant in support of the application. Matters raised included:

- The scheme would bring forward economic growth to Manor Royal and the town.
- Whilst the water neutrality solution had proven lengthy, it was now envisaged the proposal would result in a high quality scheme, offering employment in a key area with local benefits being developed through an Employment and Skills Plan.
- Financial contributions secured through S106 Agreements would assist in improving cycling and public transport infrastructures.

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

- Further information was requested regarding water neutrality and the off-setting requirements. The Committee was informed that following a request from Crawley Homes, a review of various applications had been undertaken and the proposal had been deemed high priority in terms of economic benefits. As the net water demand for the development needed to be offset in order for it to be water neutral, this could be achieved from the Crawley Homes Water Neutrality Retrofit Programme, based on average occupancy of the homes being fitted equating to 86 dwellings. The cost of the retrofitting works was £24,596 which the applicant had agreed to pay as a contribution. This financial contribution would enable Crawley Homes to continue to invest in retrofitting its stock. The precise mechanism for the surplus water offsetting and agreement would be secured via a S106 Legal Obligation/Agreement.
- It was confirmed that the Water Neutrality Strategy indicated cross boundary co-operation and partnership working within the Sussex North Water Resource Zone.
- A question was raised regarding the solar panels and EV charging points. The Group Manager confirmed that the solar panels were installed on site and the EV charging points were scheduled, with both allowing for future proofing and sustainability.
- Committee members highlighted 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 on the Appropriate Assessment, the conclusion of a Section 106 Agreement, and the conditions set out in report [PES/412a](#) (as amended).

5. **Planning Application CR/2022/0055/FUL - Phase 2, Steers Lane, Forge Wood, Crawley**

The Committee considered report [PES/412b](#) of the Head of Economy and Planning which proposed as follows:

Erection of 60 dwellings including associated parking, landscaping and infrastructure works (amended plans and documents received).

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

The Principal Planning Officer provided a verbal summation of the application, which sought permission for a development of 40 one and two bedroom flats and 20 three and four bedroom houses with associated infrastructure. In terms of the affordable units, of the 60 dwellings proposed, 24 were affordable and therefore the level of provision complied with the 40% criteria.

The Committee was informed that several corrections and clarifications to report PES/412b were required as follows:

- The sixth line of paragraph 5.58 should read '15 – 16m'.
- The eight line of paragraph 5.58 was to be corrected to read 'with balconies facing west'.
- The sixth line of paragraph 5.64 was to be amended and should read 'stores for the flats are also shown'.
- The figure of £18,047 to be added to the Air Quality Mitigation contribution amount within paragraph 5.95.

The Officer then drew the Committee's attention to the first pages of the report which identified the plans and drawings which had been considered as part of the application. The Committee was advised that amendments to the following drawing references were required:

Drawing Number	Revision	Drawing Title
072010-BEL-SL-01	C	Presentation Planning Layout
072010-BEL-SL-02	C	Supporting Planning Layout
072010-BEL-SL- PER03		Illustrative Perspective View 03
072012-BEL-SL-SS03		Street Scene 03
BU-4B-2S-P1		The Butler – Ground Floor & First Floor Plans
BU-4B-2S-TF-E1		The Butler – Elevations
BU-4B-2S-TB-E1		The Butler – Elevations
072010-BS01		Bin Store 01 Floor Plans & Elevations
CR-4B-2S-CB-E1		The Cobbler – Elevations
CR-4B-2S-P1		The Cobbler – Ground Floor & First Floor Plans
DE-3B-2S-CT-E1		The Dexter – Elevations
DE-3B-2S-P2		The Dexter – Ground Floor & First Floor Plans
DE-3B-2S-CW-E1		The Dexter – Elevations
DE-3B-2S-P1		The Dexter – Ground Floor & First Floor Plans
FI-3B-2S-CT-E1		The Fisher – Elevations
FI-3B-2S-CW-E1		The Fisher – Elevations
FI-3B-2S-P1		The Fisher – Ground Floor & First Floor Plans
MW-3B-2S-CB-E1		The Millwright – Elevations
MW-3B-2S-CB-E2		The Millwright – Elevations
MW-3B-2S-P1		The Millwright – Ground & First Floor Plans
PA-3B-2S-TB-E1		The Parkman – Elevations
PA-3B-2S-P1		The Parkman – Ground & First Floor Plans
PL-3B-TB-E1		The Piper – Elevations
PL-3B-2S-P1		The Piper – Ground & First Floor Plans
072010-GAR01		Garden Room 01 – Floor Plans & Elevations

The Committee was then provided with details of the various relevant planning considerations as set out in the report. Since the publication of the report, the CBC Refuse and Recycling Team had confirmed that house collections would be maintained at 'front of residence'. The Team had also requested that the bin store for Block 2 be enlarged and the Committee was informed that this was to be secured via condition.

The Officer informed the Committee that the Ecology Officer had requested several additional conditions, along with additions to the S106 clauses, in order to secure the various measures documented in the ecological report. Those new conditions concerned:

- Construction Environmental Management Plan
- Biodiversity Enhancement Strategy
- Wildlife Sensitive Lighting Design Scheme
- Landscape and Ecological Management Plan – clause to be in the S106 Agreement.

In addition, the Bird Hazard Management Plan was no longer required and would be removed from the S106 Agreement.

As a result of the above and to provide clarification, Conditions 6, 7, 16 and 19 and Informative 3 had been amended, and new Conditions 27, 28 and 29 had been added.

Michael Birch, the applicant (Bellway Homes), then spoke in support of the application. Matters raised included:

- The proposed scheme's mix of 1, 2, 3, and 4 bedroom houses and apartments included the provision of affordable homes to meet local needs.
- Positive improvements had been made to the scheme, particularly regarding pedestrian connections with the site and access to green spaces.
- The proposal was not constrained by water neutrality and therefore was capable of delivery.

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

- The proposed cycle parking for the houses was provided within the garages or a storage shed in the rear gardens, whilst the flat blocks had integral cycle stores. The cycle storage provision was secured as part of the conditions.
- The development and operation of the drainage pumping station, plus the detail of its design, appearance, materials and boundary treatment were secured as part of Condition 8.
- Concern was expressed over the location of the children's play space and the type of facilities. The details of the play space including its location and equipment would be secured by the S106 Agreement. The Agreement also secured a financial contribution toward allotments, and the outdoor sports space provision. These would not be provided at the site.
- Confirmation was provided as to the level of replacement tree planting that was achievable on site. Whilst the precise detail, including the final confirmed number of specimens, would form part of the landscaping scheme required by condition and the Legal Agreement, it was acknowledged the mature trees would be maintained.
- The current Forge Wood management company and any formation of an additional residential management company for this site was not a planning matter, but a matter for the developers.
- Light pollution for Radford Road residents was a concern. Whilst it was acknowledged there would be a change in the context for these existing properties, the trees along the northern boundary would be retained and enhanced with further planting/fencing and this was to be secured by the landscaping conditions.
- A question was raised about the separation distances and potential for overlooking (with particular reference to Plot 4). Whilst the details of the balconies were already secured by condition, it was agreed that a new condition (Condition 30) be included to clarify the precise details.

RESOLVED

Delegate the decision to the Head of Economy and Planning to conclude the Section 106 Legal Agreement and thereafter to permit the application subject to the conditions set out in report [PES/412b](#) (as amended), the following amended conditions, and additional conditions and informative.

Amended Conditions

6. A. No development above slab level shall take place unless and until a scheme that addresses the issues of acoustics, ventilation and thermal comfort (including overheating) has been submitted to and agreed in writing by the Local Planning Authority.

For the purposes of this condition the scheme shall include:

(i) Identifying the level of noise exposure for each dwelling and the means by which the noise level within any (unoccupied) domestic living room or bedroom, with windows open for normal ventilation, shall not exceed 35 dB(A) Leq 16hr (between 07:00 and 23:00) and no more than 30 dB(A) Leq 8hr (between 23:00 and 07:00); and

(ii) The means by which the noise level within any (unoccupied) domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00.

(iii) The means by which a road traffic noise level in any external amenity area shall not normally exceed 50dB LAeq,16hr. Where this standard cannot be achieved despite all potential mitigation being carried out, a level of no more than 55dB LAeq,16hr will be acceptable for the whole or a proportion of the private amenity area, the details of which are to be agreed with the LPA.

(iv) Where the standards in (i) or (ii) or both cannot be achieved with windows open, the scheme must show how those standards will be met with windows closed and the means by which adequate ventilation and, where appropriate, cooling will be provided.

(v) As a result of the increase in façade insulation the resistance to the passage of airborne sound of the partitions between any attached dwellings shall be at least 50 DnT,w + Ctr dB unless otherwise agreed with the Local Planning Authority in writing.

(vi) In any design, good acoustic design shall be employed to prevent noise exposure. The hierarchy of good acoustic design shall be applied in descending order and may include any combination of the following:

- separating by distance;
- reducing noise at source or relocating the source;
- incorporation of barriers to break noise transmission pathways;
- using the site layout and design to reduce noise propagation across the Site;
- using orientation of the buildings to reduce noise exposure of noise sensitive rooms;
- using façade design eg façade barriers, balconies and winter gardens to minimise exposure to noise;
- reliance on the building envelope to mitigate noise to acceptable levels.

(vii) In designing to achieve reasonable thermal comfort and prevent overheating then regard shall be had to the cooling hierarchy:

- minimise internal heat generation through energy efficient design;
- reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls;
- design to enable passive ventilation (e.g. cross ventilation);
- provide mechanical ventilation;
- provide active cooling (ensuring they are the lowest carbon options).

B. No dwelling hereby permitted shall be occupied until the approved scheme has been implemented in respect of that dwelling.

C. The scheme for each dwelling must be implemented in full and maintained for the lifetime of the dwelling. Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

D. No development above slab level shall take place until a verification strategy is agreed, in writing, with the Local Planning Authority in respect of the above scheme. After completion of the dwellings and prior to occupation, testing in accordance with the verification strategy shall be performed to demonstrate compliance with the requirements of the scheme. A written report of the findings, identifying the level of compliance shall be submitted to the Local Planning Authority within one month of the survey. No dwelling shall be occupied until such time as compliance has been achieved in full.

E. Any and all acoustic reports submitted in relation to the scheme shall include characterisation of uncertainty and shall demonstrate the adoption of good practice to minimise uncertainty.

REASON: To safeguard the amenities of future residents in the proposed dwellings in accordance with Policies CH3 and ENV11 of the Crawley Borough Local Plan 2015-2030.

7. Before any work for the implementation of this permission commences, (excluding site clearance and ground works), detailed plans and particulars of the land levels and the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority, and the dwellings shall be constructed in accordance with the approved levels.

REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

REASON FOR PRE-COMMENCEMENT CONDITION: To ensure the development will be in accordance with the approved details.

16. Prior to the occupation of the dwelling to which they relate, the following windows shall be glazed with obscured glass as shown on the approved plans:

HOUSES

Plots 27 – 30 first floor rear elevation bedroom 2

These windows shall thereafter be permanently maintained in accordance with the agreed details.

REASON: To protect the amenities and privacy of future occupiers in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 -2030

19. No development above slab level shall be carried out until there has been submitted to, and approved by, the Local Planning Authority a soft and hard landscaping scheme, including details of retained trees, boundary treatments, any earthworks, grassed areas and the species, number and spacing of trees

and shrubs to be planted. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion of the development or first occupation, whichever is the sooner.

REASON: In the interests of the amenity and of the environment of the development, and to avoid endangering the safe movement of aircraft and the operation of Gatwick Airport through the attraction of birds and an increase in the bird hazard risk of the application site, in accordance with Policies CH3 and CH7 of the Crawley Borough Local Plan 2015 - 2030.

New Conditions

27. Prior to the commencement of the development a Construction Environmental Management Plan for Biodiversity shall be submitted to and approved in writing by the Local Planning Authority, in line with the details contained within the Ecological Appraisal (Aspect Ecology Ltd, November 2022).

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority

REASON: To conserve protected and priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

REASON FOR PRE-COMMENCEMENT CONDITION: The measures need to be agreed before commencement of development to avoid any adverse impacts on protected and priority species.

28. Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and priority species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;

- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected and priority species and habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

29. Prior to occupation, a finalised lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

30. No development above slab level for Plots 4 and 5 shall take place unless and until precise details of the balconies serving these dwellings have been submitted to and agreed in writing by the Local Planning Authority. The details shall include the means to ensure the privacy of the future occupiers of both dwellings including any overlooking of the rear garden of Plot 4. The development shall thereafter be implemented in accordance with approved details and thereafter retained.

REASON: To enable the Local Planning Authority to control the development in detail to ensure a satisfactory visual appearance and to safeguard the privacy and amenities between future occupiers in accordance with Policy CH3 of the Crawley Borough Local Plan 2015 – 2030.

Amended Informative

3. The water efficiency standard required under Condition 22 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1.

6. **Objections to the Crawley Borough Council Tree Preservation Order - Oak Tree at 22 Lowe Close - 05/2022**

The Committee considered report [PES/430](#) of the Head of Economy and Planning which sought to determine whether to confirm the Tree Preservation Order (TPO) – Oak Tree at 22 Lowe Close (05/2022) – with or without modification for continued protection, or not to confirm the TPO.

Councillor Burrett declared he had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which related to an oak tree located in a residential garden in Broadfield. In October 2022 the tree was protected under a six month provisional TPO, which the Committee was now requested to confirm. The tree was considered to be visually prominent and to be a large and attractive specimen making a significant contribution to the public visual amenity of the area.

The Officer updated the Committee that consent for a reduction in the tree height and crown radius by a maximum of 2 metres was granted in February 2023 given the concerns of the objector to tree encroachment/shading and it was now understood that these works had been undertaken.

The Committee then considered the application including the representations received. It held the opinion that the imposition of a TPO did not prevent necessary/justifiable works from being undertaken subject to an application being made to the Council. The Committee therefore unanimously agreed that the TPO should be confirmed without modification.

RESOLVED

Confirm, without modification.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 9.40pm.

R D Burrett (Chair)

Crawley Borough Council

Minutes of Planning Committee

Monday, 24 April 2023 at 7.30 pm

Councillors Present:

R D Burrett (Chair)

Y Khan (Vice-Chair)

Z Ali, J Hart, K L Jaggard, K Khan, S Mullins, M Mwangale and S Sivarajah

Officers Present:

Valerie Cheesman

Principal Planning Officer

Siraj Choudhury

Head of Governance, People & Performance

Heather Girling

Democratic Services Officer

Jean McPherson

Group Manager (Development Management)

Clem Smith

Head of Economy and Planning

Apologies for Absence:

Councillor S Raja

1. Disclosures of Interest

No disclosures of interests were made.

2. Lobbying Declarations

The following lobbying declarations were made by councillors:

All councillors in attendance had been lobbied but had expressed no view on application CR/2021/0685/OUT.

3. Minutes

The minutes of the meeting of the Planning Committee held on 3 April 2023 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2021/0685/OUT - Ten Sixty-Six, Balcombe Road, Pound Hill, Crawley

The Committee considered report [PES/413a](#) of the Head of Economy and Planning which proposed as follows:

Outline application for demolition of existing residential dwelling and outbuildings and redevelopment of the site to provide a new 64-bed Class C2 care home with associated car parking and landscaping.

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

The Principal Planning Officer provided a verbal summation of the application which sought outline planning permission, with access to be approved. The other matters of appearance, landscaping, layout and scale would be considered at the reserved matters stage, if the application were to be approved. The illustrative material gave an indication of how the development might be accommodated on the site. The Committee heard that the site was within the defined built-up area and within the wider allocation in the current Local Plan for the new Forge Wood neighbourhood under Policy H2. However, it was outside of the area shown on the approved Forge Wood master plan and as such was classed as residual land. All development must accord with the policies and objectives set out in the Local Plan as a whole.

Tom Edmunds, the gent (Walsingham Planning), spoke on behalf of the applicant in support of the application. Matters raised included:

- There was a strong need for housing in Crawley, including older people's accommodation. The proposal for a high-quality, purpose-built care home would meet this need, particularly in the area of Forge Wood which was allocated for housing and undergoing significant change.
- The scheme would create jobs during the construction phase and during operation, whilst also contributing business rates to the borough.
- The proposal was an outline application and suitably worded conditions would provide the Council control and reassurance for later reserved details, together with a S106 Agreement for financial contributions which the applicant would be prepared to enter into, should the Council grant consent.

The Committee then considered the application. Following a query from a Committee member, the Principal Planning Officer clarified the visibility splays calculation and access. WSCC had confirmed that the visibility splays were in accordance with standards and that manoeuvring could take place to a satisfactory level. Some Committee members raised concerns that there was no pavement on the west side of the Balcombe Road. It was noted there was a pavement on the eastern side, to which the application proposed connecting onto two crossing points and two short sections of pavement either side of the site access. There may be future options following further Forge Wood developments, including a possible connection from the Steers Lane development to the south. However, views were expressed that pedestrian access to the site was unsuitable as residents, visitors and staff would be required to cross the Balcombe Road.

A question was raised regarding the S106 Agreement. The Principal Planning Officer confirmed that if the application were to be permitted, a S106 Agreement would be required. It was clarified that the refusal reason was in place as a S106 Agreement had not been completed and to ensure the provision of the appropriate financial contribution in the event there was a potential appeal.

Committee members sought clarification regarding the designation of the current dwelling on the site, and it was established that the building was proposed to be added to the list of Locally Listed Buildings.

Following a query from a Committee member, it was clarified that the proposed scale and details of the scheme, as illustrated by the indicative layout and associated

material, was considered to have an unneighbourly relationship with the adjoining dwellings, so the proposal was not deemed policy-compliant in this regard.

Clarity was sought regarding the removal of the majority of the trees/shrubs/hedges, particularly those of categories B, C and U. It was confirmed that category U trees were in poor condition and should be removed and it was also noted that there were no category B trees to be removed which were currently subject to a Tree Preservation Order. Concerns were raised regarding the layout and proximity of the building and retained trees (the boundary being approximately 6 metres away from bedroom windows shown on the indicative layout plan), which could lead to future pressures for tree felling. It was felt that there would be a negative impact on daylight to the bedrooms as a result of this relationship.

A concern was raised regarding the distance between various rooms as shown within the indicative plan, particularly the bedrooms overlooking the enclosed winter gardens (these bedrooms were situated approximately 9-10 metres away). The Principal Planning Officer confirmed that the Urban Design Supplementary Planning Document recommended a minimum distance of 21 metres, in order to avoid any potential overlooking and privacy issues.

Concerns were further raised regarding the noise environment, and the provision of enclosed winter gardens (to replace the lack of usable outdoor space) was not considered to be appropriate or adequate. Various Committee members expressed views that the mitigation measures and solutions proposed for ventilation and cooling systems, together with the use of closed windows for a residential care home, provided an unsuitable living environment.

The Principal Planning Officer clarified the nature of the windows that were proposed in order to mitigate noise and explained that, based on the documents, the advice from the Environmental Health team was that whilst the windows could be opened to purge vapour or fumes, they would need to remain closed to be effective and to fully mitigate the noise from the Balcombe Road. Thus, a cooling ventilation system was required. Although this provided a solution it was not considered good acoustic design. Following this, the Committee discussed the refusal reasons regarding the noise environment and mitigation measures. A suggestion was made that this could be further strengthened to expand on the use of closed windows to mitigate noise, and this was accepted by the Committee.

Whilst it was acknowledged that in general, the principle of care home development was acceptable, the Committee could not support this proposal and voted unanimously that the application be refused.

RESOLVED

Refuse, for the reasons set out in report PES/413a, and the amended refusal reason 4 as follows:

4. The proposed development as shown in the illustrative material and associated documents would fail to provide an appropriate living environment for residents due to the noise environment and acoustic mitigation measures proposed, including the use of closed windows together with a mechanical ventilation and active cooling system. It is not considered that the development would follow the principles of good acoustic design. The development would therefore be contrary to policies CH3 and ENV11 of the Local Plan and the associated Noise Annex plus the relevant paragraphs of the National Planning Policy Framework.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 8.29 pm.

R D Burrett (Chair)

Crawley Borough Council

Minutes of Overview and Scrutiny Commission

Monday, 5 June 2023 at 8.00 pm

Councillors Present:

M L Ayling (Chair)

H Hellier (Vice-Chair)

J Charatan, K Khan, R A Lanzer, J Millar-Smith, A Pendlington, S Piggott, S Raja,
J Russell and S Sivarajah

Also in Attendance:

Councillor I T Irvine and T Rana

Officers Present:

Carron Burton	HR and OD Manager
Siraj Choudhury	Head of Governance, People & Performance
Ian Duke	Deputy Chief Executive
Heather Girling	Democratic Services Officer
Nikki Hargrave	Housing Options Manager (Strategic Housing)
Diana Maughan	Head of Strategic Housing
Joe Mottershead	HR Consultant

1. Disclosures of Interest and Whipping Declarations

The following disclosures were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor R A Lanzer	Appointments and Membership (Minute 6)	Personal Interest – Member of WSCC
Councillor R A Lanzer	Appointments and Membership (Minute 6)	Personal Interest – WSCC Cabinet Member for Public Health and Wellbeing

2. Minutes

The minutes of the meeting of the Commission held on 6 March 2023 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions from the public were asked.

4. Homelessness in Crawley

Commission Members considered report [SHAP/87](#) of the Head of Strategic Housing. In January 2023, the Commission had requested a report documenting the drivers of homelessness and how forecasts had been determined.

The Commission was informed that homelessness was a complex topic and driven by changes in personal circumstances created and impacted by many factors at both local and national level. These drivers could relate to the housing market (impacted by broader economic policy), living issues, national policy, changes to welfare benefit/taxation systems, global health and migration issues. Local housing authorities responded to these concerns depending on many factors, the most significant being the funding made available from central government and the supply of affordable housing. Demand outweighed supply, resulting in increased competition and pressure on all forms of housing, the use on temporary accommodation as well as other forms of use including hotels within the area. The Covid pandemic saw friends and family evictions escalate but also saw the local authority achieve success by liaising with many rough sleepers in a different way through the 'Everyone In' initiative. The cost of living pressures continued as households struggle with meeting accommodation expenses.

During the discussion, with the Head of Strategic Housing, Housing Options Manager, Deputy Chief Executive and the Cabinet Member for Housing the following points were expressed:

- Detailed information was provided on the modular housing scheme. Initial consultation was underway on one site and subject to Planning permission, (which would also include a consultation stage), the module units would be a rapid build. It was anticipated other modular projects would follow the same process. It was recognised that water neutrality had delayed the housing build programme, however the retrofitting scheme had allowed this to resume.
- Acknowledgement that there had been a reduction in the private landlord market due to a variety of reasons; new legislation, mortgages and disparity between local housing allowance and rents (which the council had previously lobbied against). The council worked with both landlords and tenants however it was noted that any incentivisation ultimately needed to be cost-effective.
- Noted that support was provided in relation to homelessness and cost of living in terms of the following: affordability of accommodation; funding applications; household support; multi-agency support involving Citizens Advice West Sussex providing debt advice.
- Recognition that the causes given for homelessness, both locally and nationally may differ from the drivers for homelessness.
- Clarification provided on the numbers of total households in temporary accommodation (application and associated household) and whilst some trends were apparent these tended to be for rough sleepers where the needs were of a complex nature over a slightly longer term.
- Confirmation that the percentage of properties allocated to homeless households via the housing register was not due to be increased as the system of using direct lets was being instigated.

- Clarification that in terms of providing accommodation, the term 'settled accommodation' was defined in legislation as 'a reasonable prospect of being occupied of 6 months or more'. An individual can become homeless after 6 months for a different reason.
- Recognition that the council continued to undertake comparisons with other authorities to share best practice and the challenges faced. It was noted that from discussions there appeared to be no correlation between authorities with housing stock and those without in terms of the current challenges.
- Clarification was provided on the Housing Strategies and Policies. Confirmation that there were multi-faceted reasons for homelessness within the borough and there was a need to be creative, incentivise, look at acquisition along with regeneration sites, cross-boundaries and investigate every option available. It was noted there was a need to consult but also manage expectations of everyone involved in the process. It was highlighted that homelessness was the single biggest pressure on the authority and not within its overall control.
- As this was her last attendance at OSC, the Commission took the opportunity to record its thanks and gratitude to the Housing Options Manager, Nikki Hargrave for all her hard work and support she had provided not just the Commission but the Council as a whole, throughout her years of service.

RESOLVED

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

5. Staff Health, Morale and Sickness Updates

Commission Members considered report [LDS/200](#) of the Head of Governance, People & Performance. In June 2021, Councillor Belben under the Scrutiny Procedure Rules had requested a report on staff sickness levels with Covid19 and the effects and impacts of working from home. Following this, it was subsequently recommended that the OSC receive an annual update on staff welfare, sickness and morale.

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

- The Council continued to monitor sickness absence and during the first three quarters of 2022-2023. Covid continued to be within the top three reason for sickness absence. However, during Quarter 4 the Council had seen a decline in reported sickness relating to Covid.
- The Council had continued to see an increase from its workforce taking up the counselling service and there was slightly more office based staff using this service compared to outside workers. Many employees who took up this offer requested further sessions beyond the normal 6 sessions earmarked for an individual employee.
- The Council maintained the programme of reflective practise, the aim was to develop personal awareness, resilience, skills, and competence across professional, interpersonal, and relational domains that enhance the workplace. The initiative had supported individual teams to use a confidential reflective space in which they can reflect upon, and how they feel about what they do, particularly the impacts the pandemic has had upon them and the service providers they work with. The sessions cover many aspects including managing work boundaries,

threats to resilience, coping with change and maintaining well-being. Feedback had been positive across the organisation.

- A wide range of workshop sessions were offered through the Council's Wellbeing Team:
 - Starting the year- be kind to yourself in 2023. A guide to taking care of your mental health Motivation for the year ahead-kick start 2023 with healthy eating habits
 - NHS Heart Health Check Food waste- top tips to reduce food waste and how to plan weekly meals
- Other initiatives offered included:
 - Workplace Savings Scheme which enables staff to transfer money into a savings account directly from their salary
 - Pension Benefits, with the recently introduced AVC scheme for participants off the local government pension scheme
 - Energy at home – top tips on ways to make energy saving.
- Staff surveys continued to be carried out and the results from December 2022 remained positive, with a good response rate (60%). In all nine topic areas there were improvements since the previous survey. However, the survey indicated that there was still work to be done in some areas.
- It was recognised that whilst there was responsibility on the Council (as employer) to ensure it exercised its duty of care to staff there was also a need for staff to take responsibility for themselves, take advantage of the support and reach out when they were struggling.

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

- Recognition that whilst the recent staff survey had shown improvement, CMT would work on an action plan to focus on areas to identify issues of dissatisfaction and support employees moving forward.
- Acknowledged there was difficulty in recruitment to various professional roles due to a skill shortage. Work had been carried out in terms of marketing and adapting the current recruitment material. The new town hall was seen as an improved working environment and assisted in recruitment campaigns but in the interim it was acknowledged that a lack of recruitment added to existing pressures and morale in some areas.
- Explanation sought as to the details provided on the other initiatives and financial workshops offered by officers and the Wellbeing Team within the Council.
- Recognition that a high response rate was by hard copy and a review of different introductory communication methods may be beneficial prior to the next edition.
- It was noted that it would be beneficial for the Commission to analyse the baseline survey figures to scrutinise previous years. In addition it was recommended that the staff survey be conducted more frequently than every 3 years (or regular shorter spotlight reviews) in order to gauge staff views.
- Staff had previously been asked to have a presence in the office at least two days per week if full time and one day a week for part time staff in order to adapt to hybrid working coming out the pandemic. Since moving into the new town hall this hybrid approach continued with shared desks and open plan working. Each manager has been responsible for their own area and reported little resistance to the move and new ways of working.

RESOLVED

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

6. **Appointments and Membership**

It was noted that there was an error in report OSC/310 and it should read '*Health and Adult Social Care Scrutiny Committee (HASC)*'.

RESOLVED

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

Health and Adult Social Care Scrutiny Committee (HASC)

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

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

West Sussex Joint Scrutiny Steering Group (JSSG)

Councillor Ayling was appointed as Chair of the Overview and Scrutiny Commission

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

The Commission confirmed the following reports:

OSC 26 June 2023

Cabinet 28 June 2023

1. Financial Outturn 2022-2023 (Quarter 4)
2. Treasury Management Outturn 2022-2023
3. Metcalf Way Depot Use Intensification – provisional referral

The Commission is also due to receive an update on K2 Crawley along with a Discussion from the Cabinet Member for Leisure & Wellbeing at this meeting.

Start Time of Overview and Scrutiny Commission

The Chair of the Overview and Scrutiny Commission proposed amending the start time of the meetings of the Overview and Scrutiny Commission to 7.30pm for the remainder of the municipal year 2023-2024. A discussion took place on the advantages and disadvantages for 7.00pm and 7.30pm start time, together with a flexible option and following a vote, the Overview and Scrutiny Commission will remain at 7.00pm.

The Scrutiny Procedure Rules within the Constitution document the order of business for agendas of ordinary meetings of the Commission (and Scrutiny Panel meetings). The Chair may decide to amend the order at the meeting.

All Councillors should inform Democratic Services of absence or lateness.

Closure of Meeting

With the business of the Overview and Scrutiny Commission concluded, the Chair declared the meeting closed at 10.08 pm

M L Ayling (Chair)

Crawley Borough Council

Minutes of Licensing Committee

Monday, 12 June 2023 at 7.00 pm

Councillors Present:

I Ashraf (Chair)

Z Ali (Vice-Chair)

M L Ayling, T G Belben, B J Burgess, D Crow, I T Irvine, K L Jaggard, M G Jones, K Khan, Y Khan, K McCarthy, A Nawaz and B Noyce

Officers Present:

Georgina Bouette	Head of Community Services
Dan Carberry	Public Protection and Enforcement Manager
Chris Pedlow	Democracy & Data Manager
Kareen Plympton	Team Leader - Health, Safety and Licensing
Jess Tamplin	Democratic Services Officer
Astrid Williams	Senior Lawyer (Solicitor)

Apologies for Absence:

Councillor D M Peck

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 7 February 2023 were approved as a correct record and signed by the Chair.

3. Public Question Time

There were no questions from members of the public.

4. Revisions to the Constitution: Licensing Committee Functions

The Committee considered report [HCS/062 / LDS/204](#) of the Head of Community Services and Head of Governance, People & Performance, as set out in the supplementary agenda. The Democracy & Data Manager introduced the report,

which summarised a number of proposed changes to the functions of the Licensing Committee set out in the Council's Constitution, which aimed to clarify and streamline the decision-making process. [Appendix A](#) to the report provided detail on each of the proposed additions, amendments, or deletions.

The Committee then considered the item. A Committee member requested further detail about the proposed changes and their reasons. Officers explained that an audit had identified an administrative conflict between the Licensing Committee's functions and the officers' Scheme of Delegation for decision-making, which, if left in place, could cause unnecessary delays to the work of the Licensing team (e.g. the processing and determining of new applications).

A concern was raised about the removal of some of the Licensing Committee's responsibilities. In response, officers confirmed that the Council (as Licensing authority) would still carry out its functions, but these would instead be the responsibility of officers. The functions were uncontentious operational decisions where no representations had been received and/or where decisions were required within a specific time period and which were not considered to be significant enough for the Committee's consideration, so would be an unnecessary burden on its workload. The Committee was assured that it would retain control of some functions, e.g. the review of fees and charges, if any representations or objections were received.

It was agreed that the Committee was generally in favour of the proposed changes and that it was sensible to ensure a consistent approach. It was noted that the views raised as part of the discussion were to be passed to the Governance Committee for its consideration.

RESOLVED

That the Licensing Committee expresses its support for the proposed revisions to the Licensing Committee Functions (as per Appendix A to report HCS/062 / LDS/204).

5. Introduction of a Mobile Homes (Caravan Site) Licensing & Fees Policy

The Committee considered report [HCS/059](#) of the Head of Community Services. The Health, Safety and Licensing Team Leader presented the report, which sought the approval of a new Policy for caravan sites. The Policy aimed to implement a structured approach that complied with Regulations, increased transparency, and ensured suitable fees were in place.

The Committee then discussed the matter. The following points were raised:

- A Committee member asked for detail of the sources which had informed the Policy. It was heard that it was influenced by Government guidance, legislation and regulations, private sector housing living standards, and through collaboration with other local authorities in a pan-Sussex group.
- Officers confirmed that there were currently no licensed caravan sites within the borough, but four potential sites had been identified and investigations were continuing. The Council would work with the communities at those sites to inform them of the upcoming Policy implementation and potential licensing implications. An Equality Impact Assessment had been undertaken.
- Clarification was sought about how a site was defined. It was explained that each site would be judged on its merits as to whether it fell within the Regulations and Policy. Certain sites may be exempt from requiring a licence,

such as those owned by members of the Caravan Club, as the organisation implements its own screening process.

- Queries were raised regarding the impact of the Policy on Gypsy, Roma and Traveller communities. It was explained that the Policy was not specifically focused on this area, but did provide some clarity – for example these communities may be exempt from some aspects of the legislation and Policy (such as fee paying).
- The Committee discussed the relationship between the licensing of caravan sites and their granting of planning permission. Any site would require planning permission before being granted a licence, and issues such as tree preservation and site access would be controlled by planning conditions.
- In response to a query, officers explained that an application for a site would not be valid until a new licence fee was paid. The Policy allowed the Council to take enforcement action where appropriate.

The Committee expressed general support for the implementation of the Policy and conveyed its thanks to officers.

RESOLVED

That the Committee:

- a) Notes the statutory powers local authorities have under the Regulations.
- b) Adopts the proposed Mobile Homes (Caravan Site) Licensing and Fees Policy as set out within Appendix A to report HCS/059.
- c) Endorses and delegates authority to the Head of Community Services for the amendment of the calculation of fees in response to any surplus or deficit, and the making of minor amendments to the Policy, once adopted, to reflect changes in legislation or guidance and codes of practice where a full review of the policy is not warranted and that this be reflected in the Head of Service sub-delegation scheme.

6. Revision of Licence Conditions and Hackney Carriage and Private Hire Licensing Policy

The Committee considered report [HCS/060](#) of the Head of Community Services. The Health, Safety and Licensing Team Leader presented the report, which sought approval for several variations to the Hackney Carriage and Private Hire Licensing Policy. The proposed amendments aimed to strengthen the requirements set out in the existing Policy, which in turn were proposed to further improve public safety. The Committee heard a summary of the proposed changes, which included:

- Further detail regarding the use of the NR3S Register;
- New requirements relating to HMRC tax code checks for licensed drivers;
- Amendments to the maximum number of penalty points allowed on a licence;
- Clarification of licence conditions and licensee self-reporting scenarios;
- A new requirement for licensed individuals to keep their knowledge of the Policy up-to-date.

The Committee then discussed the matter and the following comments were made:

- Clarity was sought over the minimum age for a person to apply to become a licensed driver. It was explained that there was no minimum age, but

applicants must have held a driving licence for a minimum of 12 months to be eligible to apply.

- A query was raised as to whether the Council undertakes checks to ensure that licensed drivers and vehicles are properly insured. Officers confirmed that checks are undertaken regularly and those without sufficient insurance may be subject to a suspension of their licence.
- Officers were asked whether the Policy is circulated to licensed drivers as and when changes are made. It was confirmed that significant changes are communicated (including those changes currently before the Committee), but that in general, it was the responsibility of each individual licensee to ensure they regularly read and comply with the Policy.

The Committee discussed in detail the proposed addition to the Policy that any person applying to become a licensed driver should have no more than three DVLA penalty points on their driving licence. Views were expressed both for and against the proposal.

Committee members against the three-point maximum were of the view that the threshold was too low and would preclude local people from applying for a licence. A balance needed to be sought between ensuring public safety and ensuring applicants had the opportunity to join the trade to serve the town's residents. Neighbouring local authorities had varying practices, with some requiring zero points and others implementing maximums higher than three points; under the law those drivers were able to operate in Crawley under these looser restrictions so it seemed unfair to penalise applicants from Crawley with the same credentials. Furthermore, Metrobus bus driver applicants tended to be allowed a maximum of six points. Aligning the Policy with those of nearby authorities should be considered – it was proposed to compare with Transport for London's Policy.

Committee members in favour of the three-point maximum were of the view that the main aim of the Policy was to facilitate public safety – applicants with more than three penalty points may have a history of dangerous driving, which could mean they are not a fit and proper person and therefore may pose a risk to the travelling public. If caught speeding, drivers could sometimes undertake a Speed Awareness Course in lieu of receiving three points, and any penalty points received were removed from a licence after four years. Licensed drivers were professionals and the standard to which new applicants were held should not be lowered, so it was felt that the proposed three-point threshold should not be increased.

Officers clarified several matters during the discussion:

- That three points were generally given for one lower-end offence, for example speeding, an insurance breach, or running a red light (but penalties varied significantly depending on the case in question).
- That licensees were required to notify the Council of any penalty points within 48 hours of being issued.
- That those with more than 3 points would not be precluded from applying for a licence, and that each application was considered on its individual merits. It would be for an applicant to demonstrate why they fell outside of the Policy.
- That this matter was not covered in the existing Policy as it did not specify a maximum number of points for new applicants. The Policy currently set out that existing licensees were to have their licence considered by the Head of Community Services if they received seven points or more. If the proposed changes were approved, this system would remain in place, with the addition of the three-point rule for new applicants only.

- That, having briefly researched TfL's Policy following requests from Committee members, it was unclear about the maximum number of penalty points, so it was not possible to make comparisons.
- That neighbouring authorities implemented various maximums between zero and six points.

The following amendment to the wording of the proposed additional paragraph of Appendix L of the Hackney Carriage and Private Hire Licensing Policy was moved by Councillor Ali and seconded by Councillor Nawaz:

A new application will not normally be considered or granted if the individual has more than ~~3~~ 6 DVLA Penalty Points endorsed on their licence until such time as the matter is removed from a licence. (This includes any Penalty Points, banning period or other sanction.)

A vote was taken and the amendment fell.

The Committee then moved to a vote on the original recommendations as printed in the report.

RESOLVED

That the Committee approves the amended wording and conditions of the Hackney Carriage and Private Hire Licensing Policy, as detailed in report HCS/060.

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.54 pm

I Ashraf (Chair)

This page is intentionally left blank

Crawley Borough Council

Minutes of Governance Committee

Tuesday, 13 June 2023 at 7.00 pm

Councillors Present:

P K Lamb (Chair)

J Bounds (Vice-Chair)

C M Burke, D Crow, M G Jones, R A Lanzer, T Lunnon, K McCarthy, S Pritchard, T Rana and S Sivarajah

Officers Present:

Siraj Choudhury Head of Governance, People & Performance

Mez Matthews Democratic Services Officer

Anna Pedlow Corporate Performance Manager

Chris Pedlow Democracy & Data Manager

Apology for Absence:

Councillor G S Jhans

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

With regard to Minute 4 (Review of the Constitution), and in relation to the discussion on webcasting of formal meetings of the Council, a Committee Member highlighted that an additional option had been suggested, but not been included in the minutes, whereby the recordings of webcast meetings be kept until the end of the next municipal year.

The minutes of the meeting of the Governance Committee held on 13 March 2023 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions were asked by the public.

4. Draft Annual Governance Statement 2022/2023

The Committee considered report [LDS/202](#) of the Head of Governance, People & Performance which requested that the Committee provide any comments on the Annual Governance Statement (“the Statement”) and Governance Action Plan (“the Plan”) for incorporation into the final versions which were due to be endorsed by the Audit Committee at its meeting on 5 September 2023. It was brought to the Committee’s attention that the Statement for 2022/23 concluded that there were no significant governance issues to report.

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

- Follow-up on several Audits from the 2022/23 Plan had not yet been completed and had therefore been carried over into the 2023/24 Plan.
- Unfortunately, due to the publication date of the final Annual Audit Report and Opinion, along with the sequencing of Committees, the final Statement would be considered by the Audit Committee at its meeting on the 5 September 2023, rather than at its meeting in June.
- The aim of the Statement was to demonstrate how the Council has complied with its own code of governance and met Regulations. To ensure that was done effectively it was both necessary for the Statement to be both thorough and detailed.

The Committee expressed its support for both the Statement and the Plan.

RESOLVED

That the comments made by the Committee be taken into consideration, and that the final versions of the Annual Governance Statement and Governance Action Plan be put before the Audit Committee at its meeting on 5 September 2023 for its endorsement.

5. Revisions to the Constitution: Licensing Committee Functions

The Committee considered [joint report](#) HCS/062 of the Head of Community Services and LDS/204 of the Head of Governance, People & Performance which recommended amendments to the Council’s Licensing Committee functions.

The changes were proposed following an audit carried out by the Southern Internal Audit Partnership in the Hackney Carriage and Private Hire application process which identified that an anomalous function was listed within the Licensing Committee functions that conflicted with current practice. Upon further examination by officers, other minor amendments were also being proposed which would ensure there were no unnecessary delays in the determination of cases and associated decisions which would normally be delegated to officers, unless representations (objections) had been received. The proposed changes were detailed in [Appendix A](#) to the report.

The Committee was informed that the proposed changes had been considered by the Licensing Committee at its meeting on [12 June 2023](#) where it had expressed its support for the proposed changes.

The Governance Committee then considered the matter and expressed its support that the proposed changes be made to the Licensing Committee functions.

RESOLVED

RECOMMENDATION 1

That the Full Council be recommended to amend the Licensing Committee functions as set out as an appendix to these minutes.

Closure of Meeting

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 7.12 pm

P K Lamb (Chair)

PROPOSED AMENDMENTS TO THE LICENSING COMMITTEE FUNCTIONS

DECISIONS WHICH WILL BE TAKEN BY THE LICENSING COMMITTEE

All of the responsibilities of the Licensing Committee (detailed in Paragraph 2) are delegated to the Head of Community Services* except the following which are reserved to the Committee:

Function	Proposed action (i.e. delete, amend, add)	Reason for amendment
a) Review of fees and charges, including the annual review, in respect of functions of the Licensing Committee in order to recover the cost of the service as allowed by statute or where statutory provisions do not apply, by the limits set out in the Budget Strategy.	Delete	To reflect current practice whereby the review or fees and charges are included in the annual Budget and Council Tax report which is considered by Cabinet and approved by the Full Council.
b) Approval of fares for Hackney Carriages.	Retain	
c) Power to review and set fees for Private Hire vehicles, Private Hire Operators and Hackney Carriage vehicles (licences) where objections have been received and not withdrawn.	Retain	
d) Approval of all policy related documents regarding Hackney Carriages and Private Hire Vehicles.	Retain	
e) Approval of the Health and Safety Service Plan.	Delete	Delegated to Head of Community Services as this is a business-as-usual function.
f) Approval of the Food Service Plan.	Delete	Delegated to Head of Community Services as this as this is a business-as-usual function with the FSA largely dictating the content, and who externally audits this.
g) Power to issue licences authorising the use of land as a caravan site ("site licences").	Retain	
h) Power to license the use of moveable dwellings and campsites.	Retain	

Function	Proposed action (i.e. delete, amend, add)	Reason for amendment
i) Power to register pool promoters.	Amend	<p>Would create unreasonable delays in determination.</p> <p><i>Power to register pool promoters where objections have been received.</i></p>
j) Power to grant track betting licences and inter-track betting schemes.	Retain	
k) Power to grant permits in respect of premises with amusement machines.	Amend	<p>Would create unreasonable delays in determination. There is also an automatic right to some classes of machines in certain settings and circumstances.</p> <p><i>Power to grant permits in respect of premises with amusement machines where objections have been received.</i></p>
l) Power to register societies wishing to promote lotteries.	Amend	<p>Would create unreasonable delays in determination.</p> <p><i>Power to register societies wishing to promote lotteries where objections have been received</i></p>
m) Power to keep list of persons entitled to sell non-medicinal poisons.	Delete	This is an administrative function.
n) Power to licence all activities under the Animal animal trainers and exhibitors.	Delete	Delegated to the Head of Community Services within the context of the Animal Activities Licensing Regime
o) Power to grant permission for the provision of services, amenities, recreation and refreshment facilities on highways and related powers.	Delete	Delegated to the Head of Community Services as this is covered within the Street Trading Policy
p) Duty to publish notice in respect to propose the grant of permission under Section 115E of the Highways Act 1980.	Delete	Delegate to the Head of Community Services as the Pavement Licensing regime now covers

Function	Proposed action (i.e. delete, amend, add)	Reason for amendment
		this and could prevent application being determined.
q) Power to set fees for scrap metal dealer sites and mobile collector licences.	Delete	To reflect current practice whereby the review or fees and charges are included in the annual Budget and Council Tax report which is considered by Cabinet and approved by the Full Council.
r) Power to transfer enforcement functions to another enforcement authority under the Smoke-Free (Premises and Enforcement) Regulations 2006.	Retain	
s) Power to consider and license/refuse to license sex establishments in accordance with the Council's policy where objections have been received	Add	Not currently listed as a function.
t) Determination of licences under the Zoo Licensing Act 1981 where objections have been received.	Add	Not currently listed as a function.
u) Determination of applications for licences under the Dangerous Wild Animals Act 1976 where objections have been received.	Add	Not currently listed as a function.
v) Power to license performances of hypnotism where objections have been received.	Add	Not currently listed as a function.
w) Power to license pleasure boats and pleasure vessels where objections have been received.	Add	Not currently listed as a function.

* NB:

- *The Head of Community Services may further delegate these matters as they see fit.*
- *The Head of Community Services may decline to exercise any of the above functions in a particular case and must then refer the matter promptly to the Committee for consideration.*

Crawley Borough Council

Minutes of Audit Committee

Wednesday, 21 June 2023 at 7.00 pm

Councillors Present:

J Millar-Smith (Chair)

J Charatan (Vice-Chair)

I Ashraf, T G Belben, H Hellier, J Russell and S Sivarajah

Officers Present:

Siraj Choudhury	Head of Governance, People & Performance
Chris Corker	Operational Benefits and Corporate Fraud Manager
Carolin Martlew	Head of Corporate Finance
Mez Matthews	Democratic Services Officer
Anna Pedlow	Corporate Performance Manager
Stuart Small	Deputy Fraud Manager

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Audit Committee held on 20 March 2023 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. Fraud and Investigation Team Report

The Committee considered report [FIN/626](#) of the Operational Benefits and Corporate Fraud Manager, which focused on activity for the period from 6 March 2023 to 7 June 2023. The report indicated that the Team had continued to perform successfully.

The Committee noted that the table in paragraph 4.1, which detailed the number and type of cases being undertaken for the period, now also included figures for the previous activity period as requested by the Committee at its last meeting. The Committee was advised that whilst that table gave an indication of the types of case

being investigated over time, due to the individual nature of each case, a direct comparison should not be drawn from each individual activity period.

The Committee sought and received clarification on a number of points raised, including whether a country's financial situation could potentially affect fraud levels, the rationale for adjusting the annual cost for each property being misused due to housing fraud, the process for detecting and investigating potential fraud, circumstances where it would be possible to retrospectively claim for unpaid Tax or Rates and circumstances where the Council might seek a prosecution.

Following queries from the Committee it was noted that Councillors and the public could contact the Investigations Team directly should they suspect fraud. The Operational Benefits and Corporate Fraud Manager provided further information on the tools used by the Council (such as the National Fraud Initiative) to data match and assist in detecting potential fraud.

RESOLVED

That the Fraud and Investigation Team Report be noted.

5. Risk Management Update

The Committee considered report [LDS/203](#) of the Head of Governance, People & Performance which provided an update on the Council's Strategic Risks.

The Corporate Performance Manager took the opportunity to brief the Committee on the risks as detailed in the report, and in doing so highlighted that, following the Committee's request at its last meeting, for ease of reference the risk score had been added to the Strategic Risk Register for each individual risk matrix.

A detailed discussion then took place regarding the Strategic Risk Register. The Committee sought and received clarification on several issues including the steps being taken by the Council to mitigate the migration / asylum pressures (Risk 7), ongoing action being taken to reduce the risk of IT data breaches (Risk 10) and the current risk focus relating to the new Town Hall (Risk 1).

In response to specific matters raised by the Committee:

- The link between risk score (no controls), mitigations and risk score (post mitigation) was explained in further detail.
- It was noted that external factors were more difficult to mitigate as they were beyond the Council's control.
- A brief explanation was given as to the fundamental differences between Local Government accounting/budgeting and that of the commercial sector.
- The Committee noted that not all areas in the United Kingdom were impacted as heavily by the new legislation passed to provide those with Chagossian descent UK Citizenship entitlement. Crawley Borough Council was linking with other Local Authorities which were especially affected to share information and lobby for additional funding.
- That further information with regard to the potential risks and associated mitigations resulting from staff remote working be sought from the Head of Digital and Transformation and reported back to the next meeting of the Audit Committee.

A discussion took place regarding Risk 13 (organisational capacity, recruitment and succession planning) and Risk 14 (organisational capacity, recruitment and succession planning: key staff retirement) with the Committee questioning whether the risk levels attributed were high enough. In response to the concerns raised, more detailed information was provided regarding mitigations such as SharePoint, induction, training and the current annual report to the Overview and Scrutiny Commission. The Committee continued to be of the view that the risk scores for Risks 13 and 14 should be higher and, whilst it understood that those risks would continue to be reviewed at future meetings of the Committee, it requested that the Cabinet and the Chief Executive review those risk scores before the next Audit Committee meeting.

It was requested that, should Committee Members have specific queries in future, particularly in relation to understanding a service area's processes and procedures, those matters be passed to the relevant officer in advance of the Committee meeting.

RESOLVED

- a) That the Committee confirm it is satisfied with risk management arrangements.
- b) That the comments provided by the Committee regarding Risk 13 (organisational capacity, recruitment and succession planning) and Risk 14 (organisational capacity, recruitment and succession planning: key staff retirement) be brought to the attention of the Chief Executive and the Cabinet.

6. Internal Audit Annual Report 2022-23

The Committee considered report [FIN/625](#) of the Head of Corporate Finance which presented the Internal Audit Annual Report and Opinion for 2022/23 in accordance with the requirements of the Public Sector Internal Audit Standards. The Committee was assured that a "reasonable" conclusion was good considering the impact of Covid. The Committee was informed that Southern Internal Audit Partnership (SIAP), the Council's Internal Auditors, had advised that Council staff engaged enthusiastically with the auditing process.

Following a query from the Committee the process for identifying actions which could be taken to address issues discovered by an audit was explained. Additionally, the Committee was provided with further information relating to the arrangements the Council had in place to ensure the long-term success of those actions and avoid repeated shortcoming in the future.

The Committee recognised that internal and external audit were separate functions which were completed by different organisations on behalf of the Council. The Committee was informed that the external audit was undertaken by Ernst and Young (EY). Whilst the Statement of Accounts for 2021/22 had been considered and approved by the Committee at its meeting on [20 March 2023](#), material changes to those Accounts were anticipated and it was therefore likely the matter would be brought back to the Committee at its meeting in September. In addition, whilst the Council's Finance Officers had completed the Statement of Accounts for 2022/23, EY had informed the Council that those Accounts would not be audited until 2024. The Head of Corporate Finance was in the process of negotiating with EY with a view to bringing that completion date forward. The Committee was assured that the Committee's dissatisfaction with external audit fees and the service provided had

been expressed both with the PSAA (Public Sector Audit Appointments), which had appointed EY as the Council's external auditors, as well as with EY itself.

RESOLVED

That the Internal Audit Annual Report 2022-23 be noted.

Closure of Meeting

With the business of the Audit Committee concluded, the Chair declared the meeting closed at 8.47pm

J Millar-Smith (Chair)

Crawley Borough Council

Minutes of Overview and Scrutiny Commission

Monday, 26 June 2023 at 7.00 pm

Councillors Present:

M L Ayling (Chair)

H Hellier (Vice-Chair)

I Ashraf, K Khan, T Lunnon, J Millar-Smith, S Piggott, S Raja and J Russell

Also in Attendance:

Councillor K L Jaggard, M G Jones and C J Mullins

Officers Present:

Georgina Bouette Head of Community Services

Ian Duke Deputy Chief Executive

Heather Girling Democratic Services Officer

Carolin Martlew Head of Corporate Finance

Nigel Sheehan Head of Projects and Commercial Services

Paul Windust Chief Accountant

Apologies for Absence:

Councillor R A Lanzer 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 T Lunnon	Update on K2 Crawley (Minute 7)	Personal Interest – Member of Crawley Athletics Club

2. Minutes

The minutes of the meeting of the Commission held on 5 June 2023 were approved as a correct record and signed by the Chair.

3. Public Question Time

No questions from the public were asked.

4. Metcalf Way Depot Use Intensification

The Commission considered report [DCE/016](#) of the Deputy Chief Executive. The report documented a proposal and sought agreement to alter the depot to increase its use by Council services and contractors.

During the discussion with the Leader of the Council and the Deputy Chief Executive, the following points were expressed:

- Noted that it was disappointing that there had not been the energy supply capacity to the site in order in progress with an earlier project proposal. It was queried how this might impact future infrastructure within the area.
- Clarification was sought and provided on the financial aspects of the initial proposal.
- Recognition that the option proposed would still enable the Council to deliver on opportunities, service delivery and still enhance the development of a key site.
- The Commission was supportive of option 3 and the opportunity to progress a scheme that maximises the use of the site in the medium term.

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. Financial Outturn 2022/2023: Budget Monitoring - Quarter 4

The Commission considered report [FIN/263](#) 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 identified the main variations from the approved spending levels and any potential impact on future budgets.

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

- Clarification sought and obtained on the repairs overspend. High inflation, construction costs and an unprecedented demand for repairs were contributory factors. In many cases the cost per repair had increased by 15% or more when compared with 2021/2022. It was important to analyse and re-visit the schedules going forward and move from responsive repairs to planned maintenance.
- Confirmation was provided on the 'open book' arrangements with contractors and the contract monitoring arrangements in operation.
- Recognition that sickness trends for the Council's Housing contractors were in line with other contracts held by those contractors, however the availability of sub-contractors had been a challenge.
- Acknowledgement that the HRA Improvement Programme had slipped due to a number of Section 20 works. It was noted that these works were complex, and it was expected that the new asset database would aid the efficiency.

- Clarification was sought and obtained on the investment interest and the movement in shared equity properties.
- Acknowledgement that the homelessness pressures continued to increase. It was noted that temporary accommodation was expensive, and it was difficult to meet current levels of demand with existing stock required and there was also a shortage of temporary and nightly paid accommodation driving up prices. A number of local authorities across the southeast were facing similar pressures and the council continued to undertake comparisons with other authorities to share best practice and the challenges faced.
- Information was provided again on the modular housing scheme. Initial consultation was underway on one site and should this scheme prove successful it was anticipated other modular projects would follow the same process. It was recognised that water neutrality had delayed the housing build programme, however the retrofitting scheme had allowed this to resume.
- Concern expressed over the unexpected increases on electricity bills and gas costs. It was felt it would be beneficial if a breakdown could be compiled with regards to 'unit cost' and 'unit use' in order to determine whether inflation or usage was a predominant factor. Whilst it was acknowledged further work was being undertaken, it was anticipated the Commission would receive an update in the next quarter.

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 Outturn 2022 – 2023

The Commission considered report [FIN/264](#) with the Leader of the Council, Head of Corporate Finance and the Chief Accountant. The CIPFA Code of Practice for Treasury Management recommends that Councillors be updated on treasury management activities regularly and the report ensured the Council was implementing best practice in accordance with the Code. The report provided details of the outturn position for treasury activities and highlighted compliance with the Council's policies previously approved by Councillors.

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

- Confirmation that the short and long term investment strategy for the Council was documented in the Treasury Management Strategy which went to OSC, Cabinet and Full Council each year. In order to comply with treasury management guidance, the Council's investments prioritise security, liquidity and yield in that order. The Ethical Investment Policy becomes a fourth consideration in the decision making process.
- Recognition that the investment ratings were benchmarked at the beginning of the year, monthly reports were then received from the Council's advisors, with any changes being notified the same day.
- Explanation sought and obtained on the sufficient funding available within the Strategy.
- It was noted there was an amendment with the income figures (and resulting rate of return) that was published in the table that appeared in paragraph 9.2 of report FIN/624. The revised table was as follows:

	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	

- As this was his last attendance at the OSC, the Commission took the opportunity to record its thanks and gratitude to the Chief Accountant, Paul Windust for all his hard work and support he had provided not just the Commission but the Council as a whole, throughout his many years of service.

RESOLVED

That the Commission noted the report and requested that the views expressed during the debate, including the amendment to paragraph 9.2 were fed back to the Cabinet through the Commission’s Comment sheet.

7. Update on K2 Crawley

Members received an update from the Head of Major Projects and Commercial Services, along with the Cabinet Member for Leisure and Wellbeing on K2 Crawley which included:

- Since 2020, the Council had repeatedly entered into contract variations in response to the Change in Law placing various restrictions on leisure centre opening during the pandemic. Under the deeds of variation the financial risk associated with K2 Crawley had rested with the Council. Following negotiations, the Council has been able to return to payments which step up to the full contract payments over the coming years. These contract payments were in excess of previous assumptions in the Council’s MTFs and will help to offset the requirement for savings elsewhere. The reversion to contract will also see the financial risk returning to Everyone Active (EA). The current contract expired in November 2028.
- Membership and usage levels were back to pre-pandemic levels. There were more monthly memberships compared to annual, and this was attributed to the cost of living concerns and the periodic closures over the pandemic period. EA had been conscious of the ‘price point’ in terms of membership costs together with the need to increase attendance.
- Various schemes and activities had been particularly successful post-pandemic, including the junior swim programme. The events programme and associated secondary spend was also now picking up.
- There remained a strong focus on health and wellbeing, value for money services and the decarbonisation agenda, whilst re-investing in the facility. It was important

to continue the capital replacement programme to ensure it remained a key and prominent venue and whilst K2 Crawley was generally a very efficient building, further work was ongoing to reduce the overall carbon footprint.

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

- Recognition that the membership numbers had in the past fluctuated slightly throughout the year (for example post-Christmas). However, incentives were offered on varying membership schemes, which potentially could be promoted more widely. It was noted that the demographic trends were similar to pre-pandemic, however, it was apparent that individuals if members were not activity using the facilities, they were more inclined to cancel their memberships than pre-pandemic.
- Clarification was sought and provided on the risks associated with the deed of variation, the Council's position and the correlation with other local authorities throughout this period.
- Acknowledged that there was a high turnover of staff in some areas at K2 Crawley as there was difficulty in retention to various roles (lifeguards). Whilst the contract included the national living wage, different sectors may offer comparable wages. EA has operated a personal development programme along with opportunities for training and qualifications in order to retain staff within the leisure management industry.
- Recognition that the gym at the Bewbush Centre was part of the leisure management contract with EA. The attendance numbers had decreased slightly post-pandemic, however these were still significantly higher than originally targeted. It was noted that Kilnwood Vale was in close proximity and was included within EA's marketing campaign.
- Acknowledgement that the smaller sites at Ifield Community College and Oriel High School were built in 2005 and as part of the original PFI project it was a pre-requisite to ensure the sites were accessible for the community.
- Recognition that K2 Crawley hosted many local, regional, national and international events, and work also continued with partners and businesses to both minimise impact on the local community and maximise success.

RESOLVED

That the Commission noted the update and progress, with the views expressed being acknowledged and documented by the officers. The Commission welcomed the update and noted the continued partnership working through a challenging period.

8. Cabinet Member Discussion with the Cabinet Member for Leisure and Wellbeing

The Commission noted the update given by Councillor C Mullins and questioned him on a variety of issues relating to the portfolio. The following topics were discussed:

- It was hoped that the community centres usage and income would increase over the forthcoming months. The majority of these were popular and used throughout the borough.
- The popularity of Tilgate Park was welcomed. However, there was a concern regarding the capacity of the play area at peak times. It was noted that the play areas were 'unsupervised play' areas, and it was recognised that any refurbishment of these areas were prioritised in terms of need, but safety was also

a priority. Additionally further work was to be carried out to publicise the advantages of the other parks within the town.

- Work was underway to improve attractions and facilities available to visitors at other parks, in particular Goffs Park. A working group had been established to formalise and develop a business plan for Goffs Park, which would be a different strategy to Tilgate Park but allow opportunities and improvements to be developed.
- The current waiting list for allotments was discussed and it was acknowledged that as a result of recent public consultation some areas of the town did not feature allotment sites. There were 20 sites with various plots located across Crawley, and a waiting list for potential holders.
- The current economy was acknowledged as a risk as given the nature of the portfolio, including the variety of the role was discretionary and relied on revenue.

RESOLVED

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

9. Establishment of and Appointments to Scrutiny Panels

Nominations had been received for a “spotlight” *‘Housing Associations Scrutiny Panel’*, along with nominations for Chair for Councillor Hellier and Councillor Lunnon. A vote was taken.

As a result of the vote, and in accordance with the Local Government and Housing Act 1989, the Commission confirmed the establishment of a “spotlight” *‘Housing Associations Scrutiny Panel’*, with the membership of Councillors Ayling, Hellier, Lunnon, Piggott and Pritchard with Councillor Lunnon 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:

- Sussex Shared Delivery Plan
- End of March 2023 (Quarter 4) Quarterly Performance and Resources Report
- Work Programme Planning and Possible Items for Future Scrutiny
- Committee’s Draft Work Programme

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

At the time of discussion there were no reports heading to Cabinet on 6 September. However, the Commission was notified that as usual this may change and so Councillors were asked to check the intranet, web and decision emails and notify Democratic Services should they wish to refer any items.

The Commission was due to receive the Review of Transformation Plan together with a discussion from the Cabinet Member of Resources at its meeting on 4 September.

Closure of Meeting

With the business of the Overview and Scrutiny Commission concluded, the Chair declared the meeting closed at 9.19 pm

M L Ayling (Chair)

This page is intentionally left blank

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

That the Cabinet notes the outturn for the financial year 2022/2023 as summarised in report [FIN/623](#).

RECOMMENDATION 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

RECOMMENDATION 3

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

Crawley Borough Council

Minutes of Planning Committee

Monday, 3 July 2023 at 7.00 pm

Councillors Present:

S Pritchard (Chair)

J Bounds, J Charatan, K L Jaggard, K Khan, Y Khan and A Nawaz

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 Z Ali and M Mwagale

Absent:

Councillors M Morris and S Mullins

1. Disclosures of Interest

No disclosures of interests were made.

2. Lobbying Declarations

No lobbying declarations were made.

3. Minutes

The minutes of the meeting of the Planning Committee held on 24 April 2023 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2023/0198/TPO - Milton Mount Lake, Pound Hill, Crawley

The Committee considered report [PES/431a](#) of the Head of Economy and Planning which proposed as follows:

Yew 9166 - crown reduction all round of 1.5 to 2 metres.

Yew 9154 - crown reduction all round of 1.5 to 2 metres.

The Group Manager (Development Management) provided a verbal summation of the application, which sought consent for containment pruning to two yew trees in order to prevent encroachment into nearby residential gardens.

The Committee then considered the application.

RESOLVED

Consent subject to the conditions set out in report PES/431a.

5. Proposed Deed of Variation to Planning Application Cr/2020/0588/OUT relating to Nos. 42 and 44 Brighton Road, Southgate, Crawley

The Committee considered report [PES/433](#) of the Head of Economy and Planning which proposed a change by way of a Deed of Variation to the Section 106 Agreement relating to planning application CR/2020/0588/OUT – Nos. 42 and 44 Brighton Road, Southgate, Crawley.

The Principal Planning Officer provided a verbal summation of the application, which sought the Committee's agreement to make a Deed of Variation to retrospectively amend the completed S106 Agreement in order to allow for the provision of 100% affordable housing (20 units), rather than the previously secured 10% (2 units).

The Committee then considered the application. In response to a query from a Committee member, officers confirmed that Crawley Borough Council was in the process of purchasing the land at the site and that the Deed of Variation would facilitate that process.

RESOLVED

That the Committee agrees to the making of a proposed Deed of Variation to reflect the changes as set out in paragraph 5.1 of report PES/433.

6. Objections to the Crawley Borough Council Tree Preservation Order Oak Trees Located Between 92 Gales Drive and 139 Three Bridges Road - 02/2023

The Committee heard that it was proposed that report [PES/432](#) of the Head of Economy and Planning be deferred to the next meeting of the Planning Committee. Further information had arisen since the publication of the agenda, and it was advised that the item would be able to be considered more fully if it were to instead be deferred.

RESOLVED

Defer to the next meeting of the Planning Committee.

7. Section 106 Monies - Q4 2022/23

The Committee considered report [PES/434](#) of the Head of Economy and Planning, which summarised all the Section 106 (S106) monies received, spent and committed to project schemes in quarter four of the financial year 2022/23.

In response to a query from a Committee member regarding the funding of bus shelters, the Head of Economy and Planning confirmed that the next quarterly S106 report to the Committee could include a breakdown of spending on bus shelters.

A Committee member raised a concern that those wards with less developable areas see fewer major planning applications, which meant the generation of less S106 money and less spending on projects within those wards. In response, the Head of Economy and Planning confirmed that it was not a requirement that S106 monies were spent within the same ward as the planning application that provided them; however the purpose of the funding was to offset the impact of new development on the local area. These wards did occasionally see the benefits of S106 funding from other wards.

RESOLVED

That the update on S106 monies received, spent and committed in quarter four of the financial year 2022/23 was noted.

Change to Start Time of Future Planning Committee Meetings

A Committee member proposed amending the start time of future Planning Committee meetings to 7:30pm for the remainder of the 2023/24 municipal year. The Committee discussed the advantages and disadvantages of changing the start time and, following a vote, the Committee agreed to change the start time to 7:30pm.

The Chair then sought the Committee's permission to revert the start time of any Planning Committee meeting to 7:00pm on occasions when the agenda is large and there are numerous applications to be considered, in consultation with officers and the Vice-Chair. The Committee was in agreement with this proposal.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 7.21 pm.

S Pritchard (Chair)

This page is intentionally left blank

Agenda Item 7

Interim Appointments of Acting Chief Executive, Head of Paid Service, Returning Officer and Electoral Registration Officer

RECOMMENDATION 5

CEX/064

Purpose and Background

- 1.1 The Council has a statutory duty to appoint a Head of Paid Services, Returning Officer and Electoral Registration Officer for the Borough. At Crawley Borough Council these positions are designated to the Chief Executive. With the impending departure of Natalie Brahma-Pearl as the Council's Chief Executive, from 21 September 2023, these posts become vacant. The Council is therefore required to appoint to these posts in the interim, until such time as a new Chief Executive is appointed and in post.

2. Recommendations – (Recommendation 5)

- 2.1 That Ian Duke (Deputy Chief Executive) be appointed Acting Chief Executive, Head of Paid Service, the Council's Returning Officer, and Electoral Registration Officer, until a newly appointed Chief Executive is in post.
- 2.2 That the Head of Governance, People & Performance be empowered to amend the Council's Constitution and the relevant Schemes of Delegation to take into account the above interim appointments, to ensure that the Council is able to function seamlessly in the interim.

3. Reasons for the Recommendations

- 3.1 To comply with the provision of Section 4 of the Local Government and Housing Act 1989 in respect of the Chief Executive and Head of Paid Service.
- 3.2 To comply with the requirement of the Representation of the People Act 1983, namely Sections 8, 28(1), 35 and 52(2) respectively, in relation to the appointment of the Council's Returning Officer, Electoral Registration Officer.

This page is intentionally left blank

Agenda Item 11

Full Council

29 MARCH 2023

NOTICE OF MOTION 1 – MOTION OPPOSING LONDON ULEZ EXPANSION

Mover Councillor Crow and Seconder Councillor Burrett

This Council notes that:

The London Ultra-Low Emission Zone (ULEZ) currently covers the area within the North and South Circular Roads only.

The Mayor of London, Sadiq Khan, plans to extend the ULEZ to cover all London Boroughs from 29 August 2023.

On Thursday 16 February 2023, a coalition of five councils opposed to the ULEZ expansion, comprising four outer London Boroughs (Bexley, Bromley, Harrow and Hillingdon) and Surrey County Council, launched a Judicial Review to challenge TfL and the Mayor of London's decision to expand the ULEZ to outer London boroughs.

The proposed ULEZ extension would mean its outer boundary would apply from Farthing Way (the A23) in Coulsdon, which is only 11.9 miles away from Crawley's boundary on the M23 at Junction 9 near Gatwick, which can be a drive of under 15 minutes.

The daily charge to enter the London ULEZ is £12.50 for vehicles that are not exempt, with the penalty for not paying set to rise to £180.

The charge is levied from midnight to midnight, meaning that non-exempt vehicles entering the zone in the evening and exiting after midnight would be charged £25 for one trip to anywhere in London.

Many Crawley residents have a need to travel by car to outer London Boroughs for a variety of purposes, including work and specialist hospital appointments. Residents on lower incomes are more likely to own older vehicles that are not exempt from paying the ULEZ charge.

This Council resolves:

To formally oppose the expansion of London's Ultra Low Emission Zone and to state this opposition and the negative impacts for Crawley residents in a written representation to the Mayor of London.

This page is intentionally left blank

The Greater London ULEZ Expansion Scheme

Advice Received from WSCC Highway Authority / CBC Sustainability Team

Summary Briefing

Background

The London Ultra Low Emission Zone was introduced to Central London in April 2019, was expanded to inner London in October 2021, and from 29 August 2023 this year Transport for London's intention is to extend it to the entire Greater London Authority area.

Non-compliant vehicles will be subject to a daily charge of £12.50, which will apply to all pre-Euro 4 standards petrol vehicles registered before January 2006, and all pre-Euro 6 diesel vehicles registered before September 2015. Specific grace periods are planned to support disabled people, making them exempt from paying the ULEZ charge until October 2027.

West Sussex County Highways Advice - Summary:

The County Council supports the TfL ambition to improve air quality, however they will be writing to TfL because they have concerns about the impact of ULEZ on people outside Greater London:

- No assessment produced by TfL on the volume of people outside of Greater London expected to be impacted by the ULEZ expansion and general lack of information.
- People outside Greater London won't benefit from the mitigation package, including no access to the diesel scrappage scheme for those on low incomes.
- Potential disproportionate impact on residents on lower incomes who need to travel into Greater London, made more acute due to cost-of-living crisis. Adverse impact also expected for organisations and businesses travelling into Greater London.
- People making trips in and out of London before and after midnight will be penalised by having to pay the ULEZ charge twice (£12.50 x 2). A lack of explanation by TfL as to why this double charge cannot be avoided. No solutions offered.
- TfL have not produced modelling information to evidence the anticipated scheme impacts on traffic flows / emissions/ pollution levels outside Greater London.
- Concerns that the ULEZ expansion will push congestion and pollution outside of the ULEZ zone / making air quality worse in surrounding areas. No detailed modelling.

Sustainability Team Advice - Summary:

- ULEZ primary purpose is to improve air quality, reduce pollution and improve health.
- Road traffic is the biggest contributor to air quality related diseases and death which disproportionately affects low income communities, children, the elderly, individuals with existing cardiovascular or respiratory diseases and pregnant women.
- Annual mortality of human-made air pollution in the UK is on average between 28,000 and 36,000 deaths every year.
- Between 2017 and 2025 the total cost to the NHS and social care system of air pollutants is likely to be £1.6 billion.¹
- Levels of NO₂ pollution in the Greater London Urban Area exceed legal limits and are 5 times over the WHO recommended safe limit. In the South-East outside London it is 3.9 times over the safe limit.
- Crawley has good public transport links to London, getting around London by tube or bus very convenient. Unlimited bus / tube / tram travel for an hour is £1.75, free for under 16s and half price to age 19. ULEZ revenues invested in public transport.

The numbers of people in Crawley negatively affected by the ULEZ are far fewer than might have been thought:

- Just 6% of Crawley residents travel more than 30km to work and the expanded ULEZ boundary will be 27km away from Crawley's boundary.
- TFL observes that nine out of ten vehicles in outer London expansion zone meet the ULEZ standard so the proportion of Crawley residents choosing to drive into the expanded ULEZ zone with a ULEZ non-compliant vehicle will be a fraction of the above 6% figure.
- Most petrol cars registered since January 2006 and most diesel cars registered since Sept 2015 (and some diesel's dating back to 2012) will be compliant
- New diesel vans sold from September 2016 and new petrol vans registered with the DVLA from January 2006 should be compliant.

Advice from CBC Air Quality Officer – Summary:

- It is likely that some local businesses who travel into London regularly will need to upgrade their fleet to be ULEZ compliant*. Whilst locally there may be negative economic impacts from this, there will also be beneficial outcomes in terms of improved air quality.
- From a policy perspective, it would be difficult to oppose ULEZ on air quality grounds, but then require something similar in terms of emissions limits within the Gatwick northern runway DCO (construction vehicles, on-airport emissions etc)
- A number of non-compliant vehicles within the London ULEZ are likely to be dispersed outside of Greater London as people sell those vehicles on to others outside of the ULEZ zone. There is therefore potential for older more polluting vehicles, that are being scrapped by residents and businesses in London, making their way into the second-hand market in Crawley and surrounding districts.
- The ULEZ may speed up the transition of Crawley's Taxi fleet to cleaner vehicles without the need to introduce stringent policy changes, as most Taxi and PHVs (private hire vehicles) will need to be ULEZ compliant.

Conclusion (Air Quality Officer):

- On balance, the overall impact will not be significant in terms of air quality (either positive or negative) in our authority, and there is insufficient data/evidence to support an opposition to the ULEZ expansion on air quality grounds.

ⁱ <https://www.gov.uk/government/publications/air-pollution-applying-all-our-health/air-pollution-applying-all-our-health>