

Crawley Borough Council

Minutes of Cabinet

Wednesday, 27 November 2019 at 7.00 pm

Councillors Present:

P K Lamb (Chair)	Leader of the Council
I T Irvine	Cabinet Member for Housing
C J Mullins	Cabinet Member for Wellbeing
P C Smith	Cabinet Member for Planning and Economic Development and Deputy Leader

Also in Attendance:

Councillor R D Burrett, D Crow and T Rana

Officers Present:

Natalie Brahma-Pearl	Chief Executive
Ann-Maria Brown	Head of Legal, Democracy and HR
Karen Hayes	Head of Corporate Finance
Simon Jones	Head of Digital and Transformation
Chris Pedlow	Democratic Services Manager
Graham Rowe	Partnership Services Manager
Clem Smith	Head of Economy and Planning

Apologies for Absence:

Councillor B A Smith and G Thomas

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Mullins	Extending Gigabit Ultrafast Public Fibre Connectivity (Minute 15)	Personal Interest – Has a pension with a communications company.
Councillor P Smith	Extending Gigabit Ultrafast Public Fibre Connectivity (Minute 15)	Personal Interest – Local Authority Director of the Manor Royal Business Improvement District

2. Minutes

The minutes of the meeting of the Cabinet held on 25 September 2019 were approved as a correct record and signed by the Leader. In doing so it was noted that within Minute 3 – Public Question Time, the questioner's name had been corrected to read Mr Richard Symonds.

3. Public Question Time

There were no questions from the public.

4. Further Notice of Intention to Conduct Business in Private and Notifications of any Representations

The Head of Legal, Democracy and HR reported that no representations had been received in respect to agenda items 17 and 18, *Waste and Recycling Contract* and *Extending Gigabit Ultrafast Public Fibre Connectivity*, respectively.

5. 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.

6. Budget Strategy 2020/21 - 2024/25

The Leader of the Council presented report [FIN/483](#) of the Head of Corporate Finance which set out the projected financial position for 2020/21 to 2024/25 for the General Fund and the underlying assumptions. The report also set the policy framework for the budget process, recognising that there were a range of options for capital investment, income generation, savings and Council Tax levels; none of which can be considered in isolation. The overall objective was to work towards a balanced General Fund budget over a three year period. The Leader commented that currently there was a projected surplus of £489,200 for 2020/21, and that the report contained a proposal for an increase to the Crawley's proportion of the Council Tax of 2% for 2020/21.

Councillor Rana presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on 25 November 2019. It was noted that the majority of the Commission Members supported the recommendations within the report.

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

RESOLVED

RECOMMENDATION 1

That the Full Council be RECOMMENDED That Full Council be recommended to support the approval of the Budget Strategy 2020/21 to 2024/25 and to:

- (a) Note, for the purpose of projections, the current budget surplus of £489,200 for 2020/21, on the basis of a Council tax increase of 2% which is £4.08 on a Band D in property 2020/21. This surplus is due in the main due to the extension of the four year financial settlement and the delay in the fairer funding review and unexpected New Homes Bonus. However the fair funding review and the changes to Business Rates Retention will result in future significant budget gaps which will need to be addressed.
- (b) Work towards balancing this over a three year period, including putting back into reserves when the Budget is in surplus which is the case in 2020/21.
- (c) Instruct Corporate Management Team to take action to address the long term budget gap and to identify policy options for consideration by Cabinet Members and the Budget Advisory Group, which will include areas where additional resources need to be redirected.
- (d) Note that items for the Capital Programme are driven by the need for the upkeep of council assets and environmental obligations and schemes will also be considered that are spend to save or spend to earn but that such prioritisation should not preclude the initial consideration of capital projects that could deliver social value.
- (e) Note that the Budget is aligned to the Council's Corporate Priorities.
- (f) Approve the updates to section 5.1 in the Capital Strategy in Appendix A of report [FIN/483](#).
- (g) Approve an increase in the capital programme of £500,000 for the purchase of an investment property as outlined in section 8.3 of report [FIN/483](#).

Reasons for the Recommendations

To set a Strategy for savings and income generation and working towards a balanced budget over three years. Including putting back into reserves when the budget is in surplus.

To determine the criteria for capital programme bids.

To agree the need to keep reserves as outlined in section 7 of report [FIN/483](#).

7. Treasury Management Mid-Year Review 2019/2020

The Leader of the Council presented report [FIN/484](#) of the Head of Corporate Finance which set out an update on the Council's Treasury Management Strategy for the two first quarters of 2019/2020. It was noted that the report proposed to amend the Council's Ethical Investment Policy as a result of the adopted Notice of Motion relating to the Climate Emergency Declaration at Full Council on 17 July 2019.

Councillor Rana presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on 25 November 2019, commenting that the Commission was in support of the recommendations and of the approach being taken on the Council's investments.

Councillor P. Smith spoke as part of the discussion on the report.

RESOLVED

That the Cabinet notes the report [FIN/484](#) and the treasury activity for the first two quarters of 2019/2020;

RECOMMENDATION 2

That Full Council be recommended to the approval of an amendment to the Ethical Investment Policy within the Council's Annual Investment Strategy (see section 5.3 of report [FIN/484](#)).

Reasons for the Recommendations

The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management recommends that members be updated on treasury management activities regularly (Treasury Management Strategy Statement, annual and mid-year reports). This report, therefore, ensures this Council is implementing best practice in accordance with the Code.

8. Review of the Statement of Licensing Policy Gambling Act 2005 (2020 - 2022)

The Leader of the Council presented report [HCS/018](#) of the Head of Community Services, which detailed the outcome of the statutory consultation on the proposed revision of the Council's Statement of Licensing Policy. The Council had received two responses including one from the Director of Public Health (West Sussex County Council). It was noted that as Crawley Borough Council was the Licensing Authority it was required under the Gambling Act 2005 to approve, following consultation, a Statement of its Licensing policy under the Gambling Act 2005 every three years.

The Cabinet noted the Overview and Scrutiny Commission's support for the recommendations from its meeting on 25 November 2019, as presented by Councillor Rana and as detailed in the Commission's comments to Cabinet.

Councillor Mullins commented that as part of the consideration of the report, it had been considered by the Licensing Committee at its meeting on 11 November 2019 which supported adoption of the revised policy.

RESOLVED

That the Cabinet notes and endorsed the proposed revised Statement of Licensing Policy Gambling Act 2005 (2020- 2022) (as set out in Appendix A report [HCS/018](#)).

RECOMMENDATION 3

That Full Council be recommended to approve and adopt the proposed revised Statement Licensing Policy Gambling Act 2005 (2020-2022) set out in Appendix A of report [HCS/018](#)

Reasons for the Recommendations

It is a statutory requirement under the Gambling Act 2005 for a Licensing Authority to prepare a Statement of its Licensing policy every three years. The Council is the Licensing Authority for the borough of Crawley. It is therefore necessary to agree and develop the proposed strategy to discharge the Council's role in its capacity of Licensing Authority for the 3 year period 2020 – 2022.

9. Homelessness Review and Homelessness Strategy 2019 - 2024

The Cabinet Member for Housing presented report [SHAP/76](#) of the Head of Strategic Housing which set out the proposed draft Homelessness and Rough Sleeping Strategy 2019 - 2024, which would be replacing the current Homelessness Strategy 2014 – 2019, which was set to expire at the end of the year. Members were informed that the Cross-Government Rough Sleeping Strategy published August 2018 required all local authorities to have an updated Homelessness Strategy, incorporating how they intend to tackle rough sleeping by 31 December 2019, and it was confirmed that the proposed strategy covered this requirement.

Councillor Rana presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on 25 November 2019. The Cabinet noted the Commission support for the report.

Councillor Lamb also spoke on the proposed Strategy as part of the Cabinet consideration.

RESOLVED

RECOMMENDATION 4

That Full Council be recommended to approve the Homelessness and Rough Sleeping Strategy 2019 – 2024 (Appendix A to report [SHAP/76](#)) for adoption and subsequent publication.

The Cabinet delegates authority to the Head of Strategic Housing, in consultation with the Cabinet Member for Housing, to make minor amendments to the Homelessness and Rough Sleeping Strategy and Action Plan as further changes to legislation and statutory guidance are introduced and following an annual review of the Action Plan. (*Generic Delegation 7 will be used to enact this recommendation*). Subject, it being adopted by the Full Council

Reasons for the Recommendations

To fulfil the Council's legal duty to publish a Homelessness Strategy on expiry of the previous Homelessness Strategy, designed to demonstrate how the authority intends to prevent and address homelessness in the future.

10. Tenancy Strategy 2019 - 2024

The Cabinet Member for Housing presented report [SHAP/77](#) of the Head of Strategic Housing which was a proposed update of the Council's existing Tenancy Strategy which was first published in 2012, and modified in 2014. It was subject to a further review in 2018 and the draft Tenancy Strategy 2019 – 2024 (Appendix A of report [SHAP/77](#)) was updated following the 2018 review. It was proposed that it would replace the Council's existing Tenancy Strategy and would apply to providers and all service users in Crawley. Members were informed that the principle of the Strategy was to identify key areas that registered providers, who have housing stock in Crawley, would be asked to take into account when formulating their tenancy policies and approaches for residents.

Councillor Rana presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on 25 November 2019. The Cabinet noted the Commission's comments.

RESOLVED

RECOMMENDATION 5

That Full Council be recommended to request Full Council to approve the Tenancy Strategy 2019 – 2024 (Appendix A of report [SHAP/77](#)) for adoption and subsequent publication;

That the Cabinet delegates authority to the Head of Strategic Housing, in consultation with the Cabinet Member for Housing, to make minor amendments to the Tenancy Strategy 2019 - 2024 as further changes to legislation and statutory guidance are introduced and following an annual review of the action plan. (*Generic Delegation 7 will be used to enact this recommendation*). Subject to the adoption by the Full Council.

Reasons for the Recommendations

To fulfil the Council's legal duty to publish a Tenancy Strategy to set out matters to which registered providers are to have regard to when formulating their Tenancy Policies.

11. Submission Crawley Local Plan 2020 - 2035

The Cabinet Member for Planning and Economic Development presented report [PES/336](#) of the Head of Economy and Planning which set out the proposed submission of Crawley Local Plan 2020 – 2035 and its supporting documents, for public consultation and submission to the Secretary of State for Independent Examination.

The Cabinet were informed that the Crawley Local Plan Review had been undertaken to ensure the borough's Local Plan remained up-to-date. In accordance with the adopted Local Development Scheme, the new Crawley 2035 Local Plan had been prepared based on the outcomes of monitoring the implementation of the 2015 adopted Local Plan, feedback from the early engagement consultation, and updating the supporting technical evidence base. It had been considered to be an appropriate strategy, taking into account the reasonable alternatives, and the 2015 Plan which was considered to be 'sound'. This means the Plan had been positively prepared and was justified, effective and consistent with national planning policy. The Plan also included the proposal for the removal of the safeguarded land surrounding Gatwick, as agreed at the Full Council meeting in December 2018.

The Plan was supported by a number of statutory supporting documents (a Local Plan Map, a Sustainability Appraisal, a Habitats Regulations Assessment and a Consultation Statement). It was also supported by a number of detailed evidence-based documents including an Infrastructure Plan, a Housing Trajectory, a Duty to Cooperate Statement, and topic-based technical studies.

It was noted that following the Planning Inspector's decision, after the Independent Examination has been completed, the Local Plan would be brought back to Cabinet and Full Council respectively for adoption.

Councillor Rana presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on 25 November 2019. The Commission commented that it was pleased to support the report and the proposed Local Plan.

Councillors Irvine and Lamb both spoke as part of the discussion on the report, acknowledging the importance of the Local Plan in the future development and evolution of the Borough.

RESOLVED

RECOMMENDATION 6

That Full Council be recommended to:

- (a) Approve the submission draft Local Plan and Local Plan Map for Publication consultation (a statutory six-week period of public consultation).
- (b) Approve the submission draft Local Plan for Submission to the Secretary of State for Examination by an independent Planning Inspector, subject to amendments deemed necessary following consultation and updated evidence for the purposes of clarity.
- (c) Note that the final Local Plan will be brought back to Full Council following its independent examination for adoption.

That the Cabinet delegates the following to the Head of Economy and Planning in consultation with the Cabinet Member for Planning and Economic Development (*Generic Delegation 5 will be used to enact these recommendations*), Subject to the adoption by the Full Council.

- (i) Factual amendments to the Local Plan necessary in accordance with national policy.
- (ii) Should a clear requirement to continue safeguarding at Gatwick be imposed by the Government through the publication of the Aviation White Paper, that the Local Plan be amended to ensure it is consistent with national policy.
- (iii) The approval of the supporting documents for the Local Plan and technical evidence base documents to support the Local Plan through Examination.

Reasons for the Recommendations

National Government guidance expects local planning authorities to produce up-to-date Local Plans for their areas, setting out the strategic priorities for the area over a 15-year timescale and showing how development needs will be met. The Crawley Borough Local Plan was adopted by Full Council on 16 December 2015. It covers the period 2015 – 2030 and provides the borough's full planning policies for the purposes of development management decisions.

Submission Crawley Local Plan 2020 – 2035:
<http://www.crawley.gov.uk/pw/web/PUB354140>

Submission draft Local Plan Map: <http://www.crawley.gov.uk/pw/web/PUB354135>

Sustainability Appraisal/Strategic Environmental Assessment Draft Report:
<http://www.crawley.gov.uk/pw/web/PUB354139>

Habitat Regulations Assessment Draft Report:
<http://www.crawley.gov.uk/pw/web/PUB354136>

Draft Consultation Statement: <http://www.crawley.gov.uk/pw/web/PUB354137>

Appendix 1: Early Engagement Consultation Materials
<http://www.crawley.gov.uk/pw/web/PUB354142>

Appendix 2: Regulation 18 Representations Received and Draft Officer Response
<http://www.crawley.gov.uk/pw/web/PUB354141>

Draft Infrastructure Plan: <http://www.crawley.gov.uk/pw/web/PUB354138>

12. 2019/2020 Budget Monitoring - Quarter 2

The Leader of the Council presented report [FIN/482](#) of the Head of Corporate Finance to the Cabinet which provided a summary of the Council's actual revenue and capital spending up to the second quarter ending September 2019. It identified the main variations from the approved spending levels and any potential impact on future budgets.

RESOLVED

That Cabinet notes the projected outturn for the year 2019/2020 as summarised in report [FIN/482](#) which included the Section 106 contributions identified to fund the specific schemes in the Play Facilities Programme as identified in Paragraph 9.1.

Reasons for the Recommendations

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

13. Water Services Contract

The Leader of the Council presented report [HPS/21](#) of the Head of Major Projects and Commercial Services which set out that the Council was currently undertaking a joint procurement initiative with Horsham District Council and Mid-Sussex District Council using the LASER (Local Authority Energy Buying Group) Framework contract arrangements for Water and Sewerage Services to the Council's operational sites. However due to the joint procurement and the need to coordinate the timescales, the report sought approval for the decision of award of the Water Services Contract to be delegated to the Cabinet Member for Environmental Services and Sustainability.

RESOLVED

That the Cabinet notes the current work taking place on the Water Services Contract and delegate the decision to award the contract for the provision of the Water Services Contract to the Cabinet Member for Environmental Services and Sustainability, following the evaluation of the tender process.

Reasons for the Recommendations

In line with the Constitution, Cabinet would normally approve the award of any contract with a total value over £500,000. Due to tight implementation timescales and the requirement to obtain Cabinet approval from each of the authorities participating in the tender process, the report recommends that the best approach in order to meet the contract start date is to seek approval to delegate the contract award decision. It is therefore recommended that the Cabinet Member for Environmental Services and Sustainability makes the award of the contract.

The LASER Framework has been able to deliver savings at up to 3.5% below previous contract prices and achieve an average saving of 2%. Based on current expenditure this would equate to a total saving in water costs over the proposed 4 year contract period of between £21,280 (3.5%) and £12,160 (2%) based on current consumption levels.

In addition, the move to a single supplier will streamline payment and monitoring arrangements and has the potential to achieve additional savings in reduced administration costs and other water efficiency measures.

14. Exempt Information – Exclusion of the Public (Subject to Agenda Item 5)

RESOLVED

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

15. Waste and Recycling Contract

Exempt Paragraph 3

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

The Leader of the Council presented report HPS/18 of the Head of Major Projects and Commercial Services which summarised the current Waste and Recycling Contract arrangements and recommended extending the existing contract for a 3 year period from 1 February 2021 to 31 January 2024. It was noted that the rationale for taking the decision now was to provide time to manage a procurement process in advance of 31 January 2021, should the Cabinet not be minded to confirm the contract extension. Another factor in support of extending the current contract was to allow for sufficient time for the national Resources and Waste Strategy recommendations to be released, in order for those proposals to be built in to the next contract.

Councillors Irvine, Mullins and P. Smith all spoke as part of the discussion on the report and the extension.

RESOLVED

That the Cabinet approves

- 1) the extension of the existing Waste and Recycling Contract with Biffa Municipal Ltd (Biffa) for the period 1 February 2021 to 31 January 2024 in line with arrangements outlined in this report. This proposed extension will include:
 - (i) Continued utilisation of the existing fleet over the extension period.
 - (ii) an increased contract fee of £75,000 pa (indexed) to be built into the Council's Budget Strategy for a three year period from 1 February 2021.
 - (iii) the Council accepting maintenance risk above the current costs associated with vehicle maintenance and hire over the contract extension period. It is estimated that this cost will be £30,000pa with this being funded from the ring fenced waste and recycling reserve.
 - (iv) provision of an additional maintenance bay at the Vehicle Workshop. Adaptation costs to be funded from the Council's Planned Maintenance Budget.
 - (v) the allocation of £90,000 from the 2020/21 vehicle replacement fund for replacement vehicles to ensure the fleet is responsive to current requirements.
 - (vi) agrees in principle to consider round rebalancing, with the Council reserving the right to accept (or reject) the final proposal.
 - (vii) to retain the existing arrangements in relation to the collection of 'side waste' reconfirming the Council's commitment to continue its work to discourage this waste, thereby increasing recycling, reducing rubbish and improving manual handling.
 - (viii) to retain the existing arrangements in relation to resident engagement, accepting that not all resident engagement will be undertaken at the time of collection.
- 2) delegates to the Head of Major Projects & Commercial Services in consultation with The Cabinet Member for Environmental Services and Sustainability the negotiation and agreement of the terms of the Contract extension.

Reasons for the Recommendations

This report summarises the current Waste and Recycling Contract arrangements and recommends extending the existing contract for a 3 year period from 1 February 2021 to 31 January 2024.

It is necessary to bring forward this decision now to provide time to manage a procurement process in advance of 31 January 2021, were Cabinet to be minded not to confirm the contract extension.

16. Extending Gigabit Ultrafast Public Fibre Connectivity

Exempt Paragraph 3

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

The Cabinet Member for Planning and Economic Development presented report DAT/02 of the Head of Digital and Transformation which set out the proposal for the commissioning of ultrafast broadband to the Council's buildings, by utilising an option within West Sussex County Council's existing contract Framework for full fibre optic ultrafast connectivity. The Cabinet heard that since the publication of the report, further legal advice relating to the structure of the contract had been received and as a result it now proposed that the 'Capital' option of the 30 year contract was the most advantageous approach for the Council to enter in to.

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

RESOLVED

That the Cabinet:

- a) approves in principle that the Council enter into an agreement using the West Sussex County Council's Framework for full fibre optic ultrafast connectivity.
- b) delegates authority to the Chief Executive, in consultation with the Leader, to approve the contract for full fibre optic ultrafast connectivity for the 30 year contract, including the details of the contract, the location of sites for connectivity, and any necessary associated documentation (*Generic Delegation 3 will be used to enact this recommendation*).

RECOMMENDATION 7

That Full Council be recommended to approve a supplementary capital estimate up to a maximum of £2.7m in 2021/22

Reasons for the Recommendations

This investment will unlock the delivery of fibre optic ultrafast connectivity to all homes and businesses within Crawley, years ahead of the timetable dictated by commercial and market factors alone. This will provide Crawley with a competitive edge, encourage inward and external investment in Crawley, help draw hi-tech companies to the area and bring with them the jobs, salaries, training opportunities and investment to Crawley.

Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 7.35 pm

P K LAMB
(Chair)