

# Crawley Borough Council

## Minutes of Cabinet

Wednesday, 29 November 2017 at 7.30 pm

### Councillors Present:

P K Lamb (Chair)	Leader of the Council
S J Joyce (Vice-Chair)	Cabinet Member for Housing
M G Jones	Cabinet Member for Public Protection and Community Engagement
C J Mullins	Cabinet Member for Wellbeing
A C Skudder	Cabinet Member for Resources
P C Smith	Cabinet Member for Planning and Economic Development
G Thomas	Cabinet Member for Environmental Services and Sustainability

### Also in Attendance:

Councillor D Crow

### Officers Present:

Natalie Brahma-Pearl	Chief Executive
Ann-Maria Brown	Head of Legal and Democratic Services
Karen Hayes	Head of Finance, Revenues and Benefits
Chris Pedlow	Democratic Services Manager
Russell Allison	Housing Enabling and Development Manager
Diana Maughan	Head of Housing Strategic and Planning Services
Clem Smith	Head of Economic & Environmental Services

## 1. Disclosures of Interest

No disclosures of interests were made by Councillors

All officers present, with exception of the Chief Executive, declared a personal interest in respect of *Minute 12, Quarter Monitoring 2017/18 – Quarter 2*, as the item includes a proposal of a one off payment to staff. The Chief Executive confirmed that she had chosen not to receive the proposed payment.

## 2. Minutes

The minutes of the meeting of the Cabinet held on 25 October 2017 were approved as a correct record and signed by the Leader.

**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 and Democratic Services reported that no representations had been received in respect of any of the following agenda items: 17, 18 and 19: *Acquisition of College Car Park Scheme – Affordable Housing Opportunity, Authority to Appoint a Contractor for 83-87 Three Bridges Road Crawley Development and Multi-Functional Device (MFD) Tender Process*, 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. Treasury Management Mid-Year Review 2017-2018**

The Leader presented report FIN/426 of the Head of Finance, Revenues and Benefits highlighting that the Council was required to consider a treasury management report on a twice yearly basis to ensure Councillors were able to monitor the Council's finances and to review how they were being invested.

It was noted that there were no grounds for concerns, but the significant change since the last update report, was that interest rates had risen and were expected to rise again in the not too distant future.

The Cabinet noted the Overview and Scrutiny Commission's comments on the report and its comments to the Cabinet following consideration of the matter at its meeting on 27 November 2017.

**RESOLVED**

That Cabinet notes report FIN/426 and the treasury activity for the first two quarters of 2017/2018.

*Reasons for the Recommendation*

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 midyear reports). This report, therefore, ensures this Council is implementing best practice in accordance with the Code.

## **7. Town Centre Signage & Wayfinding**

The Cabinet Member for Planning and Economic Development presented report PES/252 of the Head of Economic and Environmental Services which highlighted the findings of a signage and wayfinding audit that had been conducted across the town centre. The Cabinet noted the proposals including the introduction of clear signage and wayfinding signs across the town centre. Examples of the proposed signs and suggested locations were also included in the report.

In considering the report the Cabinet were supportive of the proposal, but did feel that some of the images on the proposed signs were quite 'abstract' and might need further consideration. Generally, Members were pleased with the idea and hoped that the new signs should help both residents and visitors, to travel throughout the Town Centre more efficiently.

The Cabinet noted the Overview and Scrutiny Commission's comments on the report and its comments to the Cabinet following consideration of the matter at its meeting on 27 November 2017. The Cabinet thanked the Commission for their in-depth discussion on this very public facing proposal. In response to the Commission's two requests, the Cabinet were happy to support the first proposal that some further public consultation on the signage designs, particularly the symbols to ensure consistency with recognition and interpretation, be held. On their second proposal, Cabinet requested that the Head of Economic and Environmental Services in consultation with Cabinet Member for Planning and Economic Development, investigated further the need for a 'meeting point' being included in the proposed signage at a prominent location. They also delegated the authority to the Head of Service to add such a 'meeting point' to the plans as appropriate.

### **RESOLVED**

That the Cabinet

- 1) approves the signage and wayfinding audit in the town centre.
- 2) delegate authority to the Head of Economic and Environmental Services in consultation with the Cabinet Member for Planning and Economic Development to spend up to the allocated budget of £180,000 on the Town Centre signage and Wayfinding project.
- 3) delegates the authority to the Head of Economic and Environmental Services in consultation with the Cabinet Member for Planning and Economic Development to agree the final design and placement locations of the signs, subject to some public consultation over the images to be used on the signage and further consideration over the need for a 'meeting point' being included in the proposed signage at a prominent location.

#### *Reasons for the Recommendations*

This project will replace the town centre's existing tired and broken signage with modern, high quality and easily maintainable signage.

Effective wayfinding situated in suitable locations, and including maps, will enable residents and visitors to better navigate and explore the town centre.

## **8. Town Centre Regeneration Programme 2nd Edition**

The Cabinet Member for Planning and Economic Development presented report PES/261 of the Head of Economic and Environmental Services which presents a summary of that progress and seeks approval of a revised, updated version of the Town Centre Regeneration Programme (TCRP) which was first published in February 2016.

The Cabinet were pleased how successful the first TCRP had proven to be, as it was seen as an aspirational document and most of those aspirations had been reached. It was hoped the updated version would continue in such a successful manner.

The Cabinet noted the Overview and Scrutiny Commission's comments on the report and its comments to the Cabinet following consideration of the matter at its meeting on 27 November 2017.

### **RESOLVED**

That the Cabinet

- 1) approves the draft, updated Town Centre Regeneration Programme (Appendix A), prior to a period of stakeholder consultation as set out in section 7.2 of the report
- 2) delegate authority to the Head of Economic and Environmental Services in consultation with the Cabinet Member for Planning and Economic Development to:
  - (i). Approve the final draft of the Town Centre Regeneration Programme, noting and considering any responses or representations received following the period of stakeholder consultation;
  - (ii). Regularly update the programme to take into account the delivery details of the individual town centre regeneration schemes listed within it, as they come forward;

#### *Reasons for the Recommendations*

This report seeks Cabinet approval for the draft, updated TCRP prior to a period of consultation with stakeholders, businesses, employers and the local community.

## **9. Crawley 2030: Supplementary Planning Document (SPD) - Affordable Housing**

The Cabinet Member for Planning and Economic Development presented report SHAPS/66 of the Head of Strategic Housing and Planning Services, which set out the Affordable Housing Supplementary Planning Document (SPD). The report summarised the changes made to the proposed document since its publication for consultation and an overview of the representations during the consultation.

It was noted that the SPDs was designed to aid the interpretation and implementation of the relevant policies within the adopted Crawley Borough Local Plan (Crawley 2030).

## **RESOLVED**

That the Cabinet approves the adoption of the Affordable Housing Supplementary Planning Document as a Council planning policy document to be taken into account as a material planning consideration in the determination of relevant residential planning applications.

### *Reasons for the Recommendation*

Following the adoption of the Crawley Borough Local Plan 2015-2030 in December 2015, it was recognised that a number of the new policies would benefit from expansion and explanation to ensure the Council helps facilitate the delivery of development and maintains an efficient and high quality development management process. Supplementary Planning Documents (SPDs) assist in supporting successful planning applications, clarifying policy requirements, and also providing examples of best practice and setting out the Council's aspirations which developers may be able to help deliver.

The Affordable Housing SPD has been produced to aid the interpretation of the Crawley Borough Local Plan Policies H3: Housing Mix and H4: Affordable and Low Cost Housing. Following public consultation, Cabinet approval is now sought to strengthen its use as a material planning consideration.

## **10. Civil Penalties, Rent Repayment Orders - The Housing and Planning Act 2016**

The Cabinet Member for Housing presented report SHAP/61 of the Head of Strategic Housing and Planning Services which sought approval for the use of the civil penalties and rent repayment orders as laid out in the Housing and Planning Act 2016 as further tools to assist the Council in improving standards within the private rented sector.

The Cabinet was informed that legislation has come into force enabling local authorities to pursue civil penalties of up to £30,000 as an alternative to prosecution for a number of specified offences under the Housing Act 2004. In addition, the use of rent repayment orders has been extended to cover illegal eviction and other specified offences.

Members were pleased that those powers would enable the Council to further protect its residents as it gave the Council options as an alternative to a prosecution. It was confirmed that the new powers were not solely relating to landlords to houses of multiple occupation, but to any property in the private rented sector.

## **RESOLVED**

That the Cabinet:

- 1) approves the use of the new powers allowing the Council to impose civil penalties and to apply for rent repayment orders, as summarised in Section 4.1 - 4.13 of report SHAP/61.
- 2) approves the proposed policy relating to the Council's use of these new powers as set out in Appendix 1 to report SHAP/61.

- 3) delegates authority to the Head of Strategic Housing and Planning Services in consultation with the Head of Legal and Democratic Services to agree the sum of civil penalties to be issued on a case by case basis in accordance with the approved policy.

*Reasons for the Recommendations*

The recommendations will enable the Council to utilise additional legislative powers in driving up management standards within the private rented sector.

## **11. Brownfield Land Register**

The Cabinet Member for Planning and Economic Development presented SHAP/65 of the Head of Strategic Housing and Planning which set out that the Council was legally required to publish a Brownfield Land Register (BLR) before 31 December 2017 and review it at least annually thereafter. It was noted that the Register comprised of two parts (Part 1 and Part 2) within it and the main first part had to be produced in a prescribed manner, as shown within the report SHAP/65.

Part 1 must be published and reviewed at least annually according to the Regulations. The entry of sites on Part 2 of the Register was a discretionary, non-executive, function, subject to procedures similar to other types of planning permission. There was no intention for sites to be included in Part 2 of the Register at this stage.

It was explained that Part 1 was a list of all sites which were considered to meet the legislative criteria of being "suitable, available and achievable" for development. Whilst Part 2 of the Register will comprise only of those sites in Part 1 that the Local Planning Authority (LPA) has decided would be suitable for a grant of Permission in Principle.

The Cabinet was informed that the key sites identified within Part 1 of the proposed BLR had already been identified within the Council's Local Plan. It was confirmed that the draft BLR had been out for consultation and that the responses were also included within the report.

### **RESOLVED**

That the Cabinet

- 1) notes the representations and responses to the Consultation;
- 2) approves the Brownfield Land Register as set out in Appendix 1 for publication;
- 3) delegates to the Head of Strategic Housing and Planning in consultation with the Cabinet Member for Planning and Economic Development the revision and maintenance of Part 1 of the Brownfield Land Register, such revisions being limited to taking account of new planning permissions, or new allocations of land for housing made via the Local Plan review process.
- 4) recommends to Full Council that the Constitution be amended so that the following functions are the remit of the Planning Committee:

- (i). Power to approve sites for entry into Part 2 of the Brownfield Land Register;
- (ii). Power to decline to approve sites for entry into Part 2 of the Brownfield Land Register;
- (iii). Power to determine applications for Permission in Principle;
- (iv). Power to determine applications for Technical Details Consent;

And that those functions (i)–(iv) be delegated to the Head of Economic and Environmental Services.

*Reasons for the Recommendations*

The recommended approach will enable the Council to comply with the requirement to publish a Brownfield Land Register by 31 December 2017, and to subsequently perform its functions regarding the Register, in a lawful and appropriate manner.

## **12. Quarterly Monitoring 2017/18 Quarter 2**

The Leader presented report FIN/427 of the Head of Finance, Revenues and Benefits to the Cabinet which provided a summary of the Council's actual revenue and capital spending up to the second quarter ending September 2017. It identified the main variations from the approved spending levels and any potential impact on future budgets.

The Leader commented he was pleased to be able to propose the one-off payment to all staff of £250.00 (pro-rata for part time staff) for all their hard work in this difficult time and also pleased that it would be in their December pay-packets in time for Christmas. The Cabinet echoed the Leaders comments, as did the Chief Executive, who thanked the Members on her staff's behalf for this extra payment.

### **RESOLVED**

That Cabinet

- 1) notes the projected outturn for the year 2017/2018 as summarised in this report.
- 2) requests that each member of Corporate Management Team in consultation with the Head of Finance, Revenues and Benefits, use their virement delegations to make a one off payment to staff of £250.00 (pro-rata for part time staff) as outlined in Section 8 of this report.
- 3) Request that Full Council agree to allocate £8.0m of 1-4-1 receipts and approximately £7.5m of General Fund receipts for affordable housing on the Town Hall site development as outlined in paragraph 9.24 of this report.

*Reasons for the Recommendations*

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

### **13. Community Infrastructure Levy (CIL) - Delegation of Enforcement Powers**

The Cabinet Member for Planning and Economic Development PES/262 presented the joint Report of the Head of Economic and Environmental Services and the Head of Legal and Democratic Services. The report sought approval for the delegation to officers duties and powers associated with the Community Infrastructure Levy (CIL) Regulatory Framework.

It was noted that the proposal would ensure that the Council could administer the levy efficiently and comprehensively within Crawley, especially in relation to the Council's responsibilities for collecting CIL liabilities and enforcing against non-payment of CIL. The Cabinet confirmed their endorsement of the proposals.

#### **RESOLVED**

That Cabinet

- 1) approves the exercise of the duties and powers set out in Appendix A (1-4) to this report PES/262, as included at Appendix A to these minutes, bedelegated to the Head of Economic and Environmental Services and that the exercise of duties and powers relating to the provision of land and or infrastructure in Kind as set out in Appendix A (5) be delegated to the Head of Economic and Environmental Services in consultation with the relevant Portfolio holders.
- 2) approve a limited power to accept a "land payment" or "infrastructure payment" be delegated to the Head of Economic and Environmental Services, in consultation with the Cabinet Member for Planning and Economic Development, subject to the defined limits as follows:

- Land with a value of less than £200,000
- Infrastructure with a value of less than £250,000

Further that it be delegated to the Head of Economic and Environmental Services in consultation with the Cabinet Member for Planning and Economic Development to agree the infrastructure that the council would be willing to except as an infrastructure payment and to publish these details on the Council's website. (In all other cases the decision will remain with the Cabinet).

- 3) approves the Policy on Surcharges and the Levy of late Payment Interest as set out in Appendix B of report PES/262
- 4) request that Full Council approve the proposed constitutional changes as set out Appendix A to these Minutes.

#### *Reasons for Recommendations*

The Introduction of the Community Infrastructure Levy (CIL) brings with it a number of new obligations, duties and powers for the Council. This includes responsibility for determining liability, serving notices, collecting funds and enforcing non-payment as set out in the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

Whilst the current scheme of officer delegation for planning functions includes a wide range of provisions relating to the operation of the Planning and Development



functions, it does not cover the specific activities set out in the CIL regulatory framework. To enable the levy to be administered effectively, efficiently and properly, delegation of a number of the Council's duties and powers to officers is recommended.

The vast majority of decisions relating to CIL will be of a routine administrative nature and these functions should be delegated to officers.

Regulation 73 of the CIL Regulations authorises the Council to accept a 'land payment' (an acquisition of land from a person liable to pay a CIL charge) or an 'infrastructure payment' (the provision of one or more items of infrastructure from a person liable to pay a CIL charge) in satisfaction of the whole or part of a CIL charge.

However, before an infrastructure payment can be accepted the Council must publish a document on its web site giving notice of its willingness to accept infrastructure payments and the document must also incorporate a policy statement setting out the infrastructure projects or types of infrastructure that the Council would be willing to accept.

There are a number of provisions in the CIL Regulations which gives the Council a power to impose a surcharge or levy late payment.

**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. Acquisition of College Car Park Scheme - An Affordable Housing Opportunity**

The Cabinet Member for Housing presented report CH/178 of the Head of Crawley Homes which sought approval to acquire, by way of a Conditional Purchase Agreement, the residential scheme that was to be built on the College Car Park site for the main purpose of Council-owned affordable housing.

Having explored other options to secure the scheme for affordable housing, the only remaining option was for the Council to consider acquiring the whole scheme. In the first instance it was intended to be owned and managed by Crawley Homes, utilising 30% funding from RTB 1-4-1 Receipts and 70% funding from the Housing Revenue Account (HRA), while also considering other tenure options, if deemed suitable.

The Cabinet noted the Overview and Scrutiny Commission's comments of support for the proposal, from its meeting on 27 November 2017.

**RESOLVED**

That Cabinet requests that Full Council approves

- 1) the allocation of funds from the Housing Revenue Account and Right-to Buy 1-4-1 Reserves as detailed in section 7 for the acquisition of the residential

scheme on the College Car Park site for the main purpose of Council-owned affordable housing, but with the flexibility to explore other tenure options as detailed in section 5.1 of the report.

- 2) the delegated authority to the Head of Crawley Homes, the Head of Finance, Revenues & Benefits and the Head of Legal & Democratic Services, in consultation with the Cabinet Member for Housing, to negotiate and agree the detailed terms of the Conditional Purchase Agreement and acquisition, and to consider the available tenure options as deemed necessary for financial or strategic reasons.

#### *Reasons for the Recommendations*

The delivery of new affordable housing remains a key priority for the Council. Given land supply constraints it is vital that the Council is in a position to respond promptly and, where appropriate, also positively to potential windfall opportunities in order to maximise affordable housing delivery.

The Council has an obligation to spend the RTB 1-4-1 Receipts within a prescribed period, and this scheme presents an immediate opportunity to commit a significant proportion of these reserves thereby mitigating the risk of returning these funds back to government with penalty interest.

This report intends to secure a significant windfall of at least 90 residential units, by way of a Conditional Purchase Agreement, primarily for Council-owned affordable housing to enable housing lost through Right-to-Buy to be replenished. This scheme is otherwise likely to come forward as another Private Rented Scheme (PRS) in the town centre without any affordable housing.

## **16. Authority to Appoint a Contractor for 83-87 Three Bridges Road Crawley Development**

The Cabinet Member for Housing presented report CH/176 of the Head of Crawley Homes, which sort approval for the authority to enter into a Design and Build Contract for the construction of approximately 14 new affordable residential units at 83-87 Three Bridges Road, Three Bridges, Crawley as part of the Council's own build housing programme. The report also sort approval for the appropriation of land at 83-87 Three Bridges Road, Crawley for planning purposes in order to facilitate its future development.

Following further explanation over the reasons for the change of use of the site for planning purposes, the Cabinet confirmed that they were in support of the proposal.

### **RESOLVED**

That the Cabinet notes the report and:

- 1) approves the appointment of Contractor C under a single stage Design and Build Contract for the development at the 83-87 Three Bridges Road hostel site. The Contractor to work with the Council to undertake the detailed design and construction of the final scheme.
- 2) approves the appropriation of land at 83-87 Three Bridges Road, Crawley a hostel site that is currently held for housing purposes on the grounds that it is

no longer required for those purposes and approves the appropriation of the land for planning purposes to facilitate the carrying out of the development of the site in accordance with Section 122(i) of the Local Government Act 1972 and Section 226 of the Town and Country Planning Act 1990.

- 3) delegates to the Head of Crawley Homes, in consultation with the Head of Strategic Housing and Planning, the Head of Finance, Revenues and Benefit, the Head of Legal and Democratic Services and the Cabinet Member for Housing the decision to appropriate the 83-87 Three Bridges Road hostel site from planning purposes to housing purposes, in accordance with Section 9 of the Housing Act 1985 and section 122(i) of the Local Government Act 1972, if necessary.

#### *Reasons for the Recommendations*

To provide housing for Crawley residents in need from the housing register.

To continue the delivery of dwellings funded from the HRA as part of HRA business plan and the Council's RTB Receipts (one-for-one) funding programme.

To enable the development of the site to proceed and be completed without the encumbrance of any third party rights.

Delegated authority for any future appropriation back to housing purposes from planning purposes gives the Council the flexibility to avoid any potential adverse accounting implications.

## **17. Multi-Functional Device (MFD) Tender Process**

The Cabinet Member for Resources presented report PAT/029 of the Head of People and Technology which sought Cabinet delegated authority approval for the Council to undertake the award of a contract following a joint tender process with Horsham District Council and Mid Sussex District Council for the renewal of the Council's Multi-Functional Device (MFD) contract. It was noted that the contract will also provide the Council with further opportunity to call off additional Services covered under the Managed Print Services Contract at any time during the term of the contract.

In response to a question raised during the Cabinet's consideration, the Cabinet Member for Resources confirmed that the decision as to whether the Council would be either leasing, purchasing the MFD's machines or a combination of both, had not been decided currently. He explained that all options were open and the approach taken would be guided by the result of the procurement process, and what was in the best interest of the Council.

### **RESOLVED**

That the Cabinet notes the arrangements for the tender process and approve:

- 1) Granting delegated authority to the Head of People and Technology in consultation with the Cabinet Member for Resources to approve the award of the contract following the tender award process.
- 2) Authorise officers to consider using any of the additional managed print services available under this contract.

*Reasons for the Recommendations*

The Council's first MFD contract commenced in 2010 following a full procurement exercise and had an expiry date of 2015. This has been renewed on an annual basis until the summer of 2017, whilst the requirements of the town hall redevelopment have been under review. The proposals for the new town hall are now at a stage where it is possible to specify the requirements for a new contract. Currently there is no formal MFD contract, but management arrangements have been extended until a new contract can be procured.

The current MFD fleet is 7 years old and is working beyond its life expectancy. In addition to this the limited functionality of the machines doesn't provide a fast and effective scanning process. This is now a key requirement as many services are moving to the council's system for electronic storage of records (EIM) in preparation for the move to a new town hall.

There is an opportunity to procure a new contract for this service and replace the existing fleet with new devices. Horsham District Council and Mid-Sussex District Council have similar contracts that have expired or are due to expire within the next 12 months. As the Councils contracts are reasonably well aligned, it was suggested that the three Councils undertake a joint procurement exercise for this requirement.

**Closure of Meeting**

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.10 pm

P K Lamb  
**Chair**

**APPENDIX A**

**Relation to Minute 13. Community Infrastructure Levy (CIL) - Delegation of Enforcement Powers**

**Delegation of Functions**

1. Exercise the Council's duties and powers in relation to the enforcement of the Community Infrastructure Levy (CIL) as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.

Delegated to the Head of Economic Development and Environmental Services and/or the Head of Legal and Democratic Services.

2. Exercise the Council's duties and powers in relation to the calculation of the chargeable amount and the determination of liability, in respect of the Community Infrastructure Levy (CIL) as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.

Delegated to the Head of Economic Development and Environmental Services

3. Exercise the Council's duties and powers in respect of appeals relating to the Community Infrastructure Levy (CIL) as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.

Delegated to the Head of Economic Development and Environmental Services

4. Exercise the Council's duties in relation to the assessment of claims for exemption and/or relief from the Community Infrastructure Levy (CIL), in accordance with any relevant policies adopted by the Council as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.

Delegated to the Head Economic Development and Environmental Services

5. Exercise the Council's duties in relation to administration of CIL, including determination of applications to satisfy CIL through the provision of land and/or infrastructure in-kind, and completion of any associated agreements as set out in the Planning Act 2008 and Community Infrastructure Levy Regulations 2010 as amended or any Regulations amending or replacing the same.

Delegated to the Head of Economic Development and Environmental Services in consultation with relevant Portfolio holders.