

Crawley Borough Council

Minutes of Full Council

Wednesday, 21 October 2020 at 7.30 pm

Councillors Present:

F Guidera (Mayor)

S Malik (Deputy Mayor) - (Only present for item 10)

L M Ascough, M L Ayling, A Belben, T G Belben, B J Burgess, R G Burgess, R D Burrett, D Crow, C R Eade, R S Fiveash, M Flack, J Hart, I T Irvine, K L Jaggard, G S Jhans, M G Jones, P K Lamb, R A Lanzer, T Lunnon, T McAleney, K McCarthy, J Millar-Smith, C J Mullins, M Mwagale, D M Peck, A Pendlington, M W Pickett, J Purdy, T Rana, R Sharma, B A Smith, P C Smith and K Sudan

Also in Attendance:

Mr Peter Nicolson Appointed Independent Person

Officers Present:

Natalie Brahma-Pearl	Chief Executive
Ian Duke	Deputy Chief Executive
Heather Girling	Democratic Services Officer
Chris Pedlow	Democratic Services Manager

1. Disclosures of Interest

The disclosures of interests made by Councillors are set out in Appendix A to these minutes.

2. Minutes

The minutes of the meeting of the Full Council held on 15 July 2020 were approved as a correct record and signed by the Mayor.

3. Communications

The Mayor commented that at this point in the meeting he would normally be presenting Long Service Badges to Councillor Lamb and Councillor Jones for their 10 years' service. However this would not take place due to the nature of a virtual meeting. The Mayor took the opportunity to thank both Councillors for their long services to the residents of the town.

Councillors were informed that following the successful trial of the use of block voting at the AGM meeting, the Constitution had been amended in consultation with both Group Leaders and the Chair and Vice Chair of Governance Committee to enable Block voting for recommendations at Full Council meetings, only with the exception of any recommendations which were required by law to be held via a recorded vote.

Finally the Mayor took the opportunity to update upon recent engagements. It was noted that this had been a difficult and challenging few months. However a few attendances had still been able to take place and he was grateful for those invites.

4. Public Question Time

No public questions had been received.

5. Public Spaces Protection Order - Alcohol Consumption - Cabinet – 30 September 2020 - (Recommendation 1)

The Full Council considered [HCS/23](#) of the Head of Community Services which sought approval of a new Alcohol Consumption Public Spaces Protection Order (PSPO) when the current PSPO expired in October 2020. It was explained that an Order has been in place in Crawley since 2006 to address alcohol related anti-social behaviour firstly as a Designated Public Places Order (Intoxicating Liquor) and more recently as a transitioned PSPO. The item had been previously consider at the Overview and Scrutiny Commission and the Cabinet in September 2020.

Councillor B Smith moved the recommendation which was seconded by Councillor Crow. Councillors Brenda Burgess, Purdy and Lamb also spoke on the report. Following the conclusion of the debate, the Mayor invited the Democratic Services Manager to commence the voting process.

Before the vote commenced, it was confirmed that none of the Labour or Conservative Members requested to vote as an individual, rather than through their respective Group Block Vote.

For the recommendation: Labour Block Vote of 15 votes, Conservative Block vote of 17 votes, Councillors Fiveash and Sudan. (34)

Against the recommendation: None (0)

Abstentions: (0)

The Mayor declared the recommendations was carried – votes in favour 34, and votes against 0 with 0 abstentions.

RESOLVED

That Full Council approves the making of a Public Spaces Protection Order (PSPO) in the form of the draft (at Appendix A to Report, [HCS/23](#)) having first considered the outcome of the consultation exercise and all other relevant matters, and provided that Full Council is satisfied on reasonable grounds that the 2 conditions in section 59(2) and (3) of the Anti-Social Behaviour, Crime and Policing Act 2014 are met (as set out in paragraph 4.3 of Report, [HCS/23](#)).

6. Notice of Motion 1 – The Planning White Paper

The Full Council considered Notice of Motion 1 – The Planning White Paper as set out in the Full Council's agenda. The Motion was moved and presented by Councillor Crow and seconded and supported by Councillor Lamb.

During the debate, Councillors P Smith, Purdy, Irvine, Mullins, Fiveash, Burrett and Guidera all spoke in support of the Notice of Motion. Councillor Crow used his right of reply at the end of the debate. The Mayor then called for a vote on the Notice of Motion.

Before the vote commenced, it was confirmed that none the Labour or Conservative Members requested to vote as an individual, rather through their respective Group's Block Vote.

For the nomination: Labour Block vote of 15 votes, Conservative Block vote of 17 votes, Councillors Fiveash and Sudan. (34)

Against the nominations: None. (0)

Abstentions: None. (0)

RESOLVED

That the Council notes:

- 1) The publication by Government of the White Paper, 'Planning for the Future' on 6 August 2020, which set out proposals on reforms to the planning process for the future.
- 2) That currently, the vast majority of planning applications are given the go ahead by local authority planning officers and committees, with permission granted to around 9 out of 10 applications across the UK.
- 3) While some of the analysis of the problems existing within the planning service are accepted, too many of the solutions put forward will not help the situation but may worsen it.
- 4) That the following proposals contained within the White Paper are of particular concern regarding their potential impact for planning in Crawley:
 - Removal of the Duty to Cooperate, meaning there is no requirement to cooperate with regard to major developments close to shared boundaries, as well as address unmet needs.
 - The setting of a binding housing target based on constraints which are unclear.
 - That a formula-based approach does not avoid the need to make substantive, strategic decisions about the distribution of housing, and has the disadvantage of a greater perceived lack of transparency and legitimacy when applied at local level.

- The potential loss of local democracy, accountability and engagement as part of the development management process, if increased delegation reduces or minimises the future role of the Planning Committee.
- The contradiction of increasing Permitted Development Rights, particularly for proposals such as two storey upward extensions, against the White Paper's increasing emphasis on good design and automated decisions against Design Codes.
- That a nationally set Infrastructure Levy will fail to take account of differences in viability. Conversely, there is a concern that the threshold below which the Levy won't be charged could result in development taking place in viability challenging areas within the borough, but making no contribution to infrastructure or affordable housing, therefore risking a reduction in the future provision of new affordable housing.

and that the Council resolves to:

- 1) Highlight these concerns within the response provided by the Council to the consultation.
- 2) On behalf of all members, instruct the Chief Executive to formally write to the Secretary of State for Housing, Communities and Local Government, stating the Council's cross-party concern to these proposals and to seek revised proposals that better serve future planning in Crawley.

7. Councillors' Questions Time

Name of Councillors asking the Question	Name of Cabinet Member(s) Responding
<p>Councillor Crow to the Cabinet Member for Wellbeing</p> <p><i>Following the renewal of Buchan County Park's Green Flag award I looked at the Green Flag website and was pleased to see that several of Crawley's parks and gardens have also been awarded the Green Flag award: Tilgate, Goffs, Worth Park, Millpond and also the Memorial Gardens. The latter was especially pleasing to see given the question at the last Full Council meeting concerning the Memorial Gardens having lost its Green Flag status. Is this correct regarding the Council's parks and gardens receiving Green Flag status and was the previous intervention of any assistance?</i></p> <p><i>I concur with Councillor Mullins to thank our staff for the work taking place within our parks and gardens. I look forward to a formal announcement.</i></p>	<p>Councillor Mullins (Cabinet Member for Wellbeing)</p> <p><i>I was hoping to do some kind of announcement as this is a resounding success for all our parks and gardens. The Memorial gardens have been improved, particularly the entrance with heavy growth being removed. The new play area is also open so it's now a lovely area. The reasons those Green Flag awards are achieved is due to the hard work from our staff and this should be recognised. I am discussing with officers how they can be thanked for all the work involved and it should be fully appreciated.</i></p>

<p>Councillor Burrett to the Cabinet Member for Wellbeing</p> <p><i>Please can you kindly provide an update on what is potentially happening with the reopening of the Hawth? It's really sad to see the signs saying the Hawth is closed. I'm aware there are theatres in other towns that are gradually re-opening with socially distanced seating and reduced capacity. Please can you inform us what the current situation is and what the plans are for the future?</i></p> <p><i>I sympathise with the situation, what are the current implications for the staff? I realise they are not employed directly but I wondered if the Cabinet member could comment on the arrangements for any of those not currently working.</i></p>	<p>Councillor Mullins (Cabinet Member for Wellbeing)</p> <p><i>I am disappointed that the Hawth is not operating. There is solace that it is happening all over the country and whereas some places may be able to operate social distanced we can squeeze 800-900 into the Hawth but if you want to put on performances, with back stage crew/set up, utility costs and then socially distance it becomes financially unviable. Unfortunately that's reality at the moment. There are a few smaller comedy events which may have smaller audiences and the amphitheatre has also been used although that is weather dependent. There is a meeting to discuss further details but unfortunately I cannot give you a re-opening date.</i></p> <p><i>Some of them have been furloughed due to lack of work. It is the same with the music industry and it is a neglected area. Whilst the staff are directly employed by Parkwood but that doesn't mean we do not care for their situation, or remember that at some point they used to work for the council. I never thought I'd face the serious consequences of the current situation.</i></p>
<p>Councillor Sudan to the Leader of the Council</p> <p><i>My question relates to a matter mentioned by the Leader at his Coronavirus Q&A at the beginning of July. At that time, he used the council's Coronavirus Q&A platform to state publicly that he had lodged a standards complaint against Councillor Fiveash and me. As the Leader should be aware, it is the policy of the council that complaints remain confidential and will stay confidential and only go in the public domain if and when a complaint is upheld. Given that Councillor Lamb's complaint was rejected will he now take this opportunity please to apologise to Councillor Fiveash and me and set the public record straight on this matter?</i></p>	<p>Prior to the answer the Mayor stated that:</p> <p><i>I'll put the question to Councillor Lamb should he wish to answer however I am not sure that it is an appropriate question, as it seemingly relates to a code of conduct matter which means it is likely to include the disclosure of confidential, personal or exempt information and therefore a question that can be rejected.</i></p> <p>Councillor Lamb (Leader of the Council)</p> <p><i>I believe within the context of what I've been informed I am and am not allowed to talk about I can answer that question. I have many strong feelings about this and surrounding issues relating to my complaint which I believe are firmly found in evidence. I am happy to discuss them at leisure in a different forum.</i></p>
<p>Councillor McCarthy to the Cabinet Member for Wellbeing</p> <p><i>Has Councillor Mullins considered different options including a hybrid option where we could live stream events or in conjunction with the minimum crowds within the Hawth facility?</i></p>	<p>Councillor Mullins (Cabinet Member for Wellbeing)</p> <p><i>Live streaming is what a lot of artists are now doing without the need for a stage. However I don't know what income stream would be obtained. Running the Hawth is about income (although it's subsidised) as well as being able to enjoy arts and culture. In order to live stream a lot of other things need to take place:</i></p>

<p><i>Could we live stream the Community Awards which were first casualty of the Hawth closure?</i></p>	<p><i>artists themselves, need to pay the artists and decide how to work with broadcasters. There are many performers including drama and community events which unfortunately may not be able to take place but I would certainly be open to looking at opportunities.</i></p> <p><i>The Community Awards has a huge attendance, along with many people on the stage and I don't know with Covid conditions how you put that on safely.</i></p>
<p>Councillor Fiveash to the Leader of the Council</p> <p><i>You and several members of the local Labour Party have made several public statements regarding the rent increase on Tilgate Parade and across the town. In these statements you've been very clear about your views on the matter and that in your view it's not possible to reduce the increase. I'm also aware that the issue was of some concern to local residents, at the local election and continues to be today with the loss of the post office and chemist who were clear when I spoke to them that the increase was a deciding factor. So there are hard times ahead and people are concerned that these kinds of increases will see local parades stripped of shops and local services and see them having to travel further, exposing them to an increase risk of infection and many of those people will be elderly, vulnerable and scared.</i></p> <p><i>As you know there is an independent Scrutiny Panel set up to look at this policy, in light of your public comments, can you guarantee firstly the independence of the Panel and secondly that if a Panel recommends a reduction in the increase that those recommendations will be followed in so much as you have the power to do so.</i></p> <p><i>In line with the Constitution, the Mayor rejected the supplementary question as it related to a Code of Conduct matter.</i></p>	<p>Councillor Lamb (Leader of the Council)</p> <p><i>I am aware of negotiations taking place at the moment about vacant units to ensure that services which would otherwise be lost, are being provided, and they're taking place with full co-operation and instigation of this council to ensure those needs are met.</i></p> <p><i>The Scrutiny Panel is independent. It is entered in the rule book (party's rules) not to interfere with the workings of a scrutiny panel (in addition to the council rules). The Panel is obliged to be independent. If the Panel recommends a decrease this would need to be taken into account in comparison to the other potential uses for that money and our current ongoing budget deficit. Members will be aware we are having to take a significant amount of money out of the budget this year as a result of the impact of Covid. Members will need to decide whether subsidised businesses is more in principle with the beliefs of the members than it is ensuring that money goes towards the provision of services. There are no other alternatives.</i></p> <p>Councillor Lanzer (as Chair of the Council-owned Neighbourhood Parades Scrutiny Panel)</p> <p><i>Just for any avoidance of doubt, the Council-owned Neighbourhood Parades Scrutiny Panel will operate with its 5 members in an independent manner. It is not tying itself to any policy of any political group. It will look independently at this important area of council business. I have received no communication providing me to steer the Panel in one direction or another.</i></p> <p><i>Councillor Lamb (Leader of the Council)</i> I am getting tired of having to face allegations without any evidence being presented. As Councillor Lanzer said since he has been appointed to that role we have had no communication whatsoever. I cannot control it one way or another. I've not spoken to members about voting. I think there is a very</p>

	<p>clear case for it to go one way, which appears rational but if it goes the other way I can't sway the recommendations or any other opinion panel.</p>
<p>Councillor T Belben to the Cabinet Member for Housing</p> <p><i>Are you aware of the plight of the residents of Milton Mount flats? Not all the lifts have been working in 3 out of the last 4 weekends. One weekend the main entrance lifts were out of use, resulting in mums with toddlers having to use the narrow stairwells as well as disabled residents having to get to one end to the other of this huge block. The security doors have also been broken, giving non-residents access to do unspeakable things in the lifts and use drugs. At the moment, there are no security doors in place at all. When are the promised improvements going to happen, especially CCTV?</i></p>	<p>Councillor Irvine (Cabinet Member for Housing)</p> <p><i>I was not aware that the lifts weren't working at Milton Mount flats so thank you for bringing that to my attention. I do know the residents of Milton Mount flats have had a lot to deal with this year with the water not working and I thank them for their patience. I shall make the relevant enquiries and make sure an answer goes out in the next available Councillors' Information Bulletin.</i></p>
<p>Councillor Mwangale to the Cabinet Member for Wellbeing</p> <p><i>On 12 September the Friends of Goffs Park held their AGM. I attended, as did the Mayor, but not one of the Southgate Ward Members and what about yourself Councillor Mullins? Currently Goffs Park is suffering with ongoing alcohol and drug abuse going on in front of children and parents. It's been going on throughout lockdown and prior and it was raised as an issue at that meeting and they are desperate for help. In addition there are people fishing without permits and birds are being harmed.</i></p>	<p>Councillor Mullins (Cabinet Member for Wellbeing)</p> <p><i>We are in the middle of a Covid crisis and all of the other meetings I have attended have been virtual not gatherings in places. A lot of meetings have been dealt with in different ways. Issues at Goffs Park exist in other parks and that's what the PSPO is for in trying to control alcohol related issues. We are aware of the issues and I am in contact with the Friends of Goffs Park. I have asked officers to put a business case together for Goffs Park. You may have noticed the Pitch and Putt is open and there will be ideas about improving the park.</i></p>
<p>Councillor Pendlington to the Cabinet Member for Wellbeing</p> <p><i>We are about 2 months away from Christmas. I've heard repeatedly that Christmas is cancelled and unfortunately the issue is impacting here on us in Crawley with the loss of the pantomime and the event at Tilgate. Are there any thoughts or discussions on what we can do as a council as I believe we have a civic responsibility to bring people a bit of Christmas cheer.</i></p>	<p>Councillor Mullins (Cabinet Member for Wellbeing)</p> <p><i>It is a matter I have raised with officers. Obviously the Tilgate event we put on every year cannot happen due to the Covid regulations. I have been asking if there are any events that we can put on (even virtually) but unfortunately we are not the only town suffering.</i></p>

8. Receiving the Minutes of the Cabinet, Overview and Scrutiny Commission and Other Committees including Items for Debate

Moved by Councillor Lamb, in the absence of the Deputy Mayor:-

RESOLVED

That the following reports be received:

- Planning Committee – 20 July 2020
- Planning Committee – 1 September 2020
- Licensing Committee – 15 September 2020
- Audit Committee – 22 September 2020
- Overview and Scrutiny Commission – 28 September 2020
- Planning Committee – 29 September 2020
- Cabinet – 30 September 2020

It was noted that there were no other items reserved for discussion.

9. Exempt Information – Exclusion of the Public

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.

10. Leisure Contract - Extension of Variation Order (Report HPS/23) [PART B Report] - (Recommendation 2)

Exempt Paragraph 3 – *Information relating to financial and business affairs of any particular person (including the Authority holding that information)*

The Full Council considered report HPS/23 of the Head of Major Projects and Commercial Services, which set out the arrangements the Council has entered into with Everyone Active and recommended extending the existing variation order to facilitate the continued opening of the leisure centres over the period 1 November 2020 – 31 March 2021.

Councillor Lamb moved the recommendation, which was seconded by Councillor Crow. Councillor Mullins, Burrett, Sudan and Ascough also spoke on this item.

Following the conclusion of the debate, the Mayor invited the Democratic Services Manager to commence the voting process.

Before the vote commenced, it was confirmed that none of either of the Labour or Conservative Members requested to vote as an individual, rather through their respective Group's Block Vote.

For the recommendations: Labour Block vote of 16 votes, Conservative Block vote of 17 votes, Councillors Fiveash and Sudan. (35)

Against the recommendations: None. (0)

Abstentions: None. (0)

The Mayor declared the recommendation was carried – votes in favour 35, and votes against 0 with 0 abstentions.

RESOLVED

That Full Council:

- 1) Note the urgent decision taken by the Leader of the Council, in consultation with the Chair of Overview and Scrutiny Commission to extend the contract variation order to facilitate the opening of the leisure centres for October 2020.
- 2) Approve a delegation to the Head of Corporate Finance in consultation with Head of Major Projects and Commercial Services, the Leader of Council and Opposition Leader, to enable for the extension of the contract variation as set out in section 5, to a maximum of the figure identified in the Quarter 1 Monitoring report ([FIN/505](#)).

Closure of Meeting

With the business of the Full Council concluded, the Chair declared the meeting closed at 9.59 pm

**F Guidera
(Mayor)**

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Disclosures of Interest received

Councillor	Item	Meeting and Minute	Type and Nature of Disclosure
Councillor A Belben	Item 6 – Planning Application CR/2020/0210/TPO – St Nicholas Church, Church Road, Pound Hill, Crawley	Planning Committee 20 July 2020 (Minute 5)	Personal Interest – member of the Worth Conservation Area Advisory Committee
Councillor B J Burgess	Environmental Health and Licensing Update – COVID-19 and Beyond	Licensing Committee 15 September 2020 (Minute 4)	Personal Interest – Member of West Sussex County Council
Councillor Crow	Environmental Health and Licensing Update – COVID-19 and Beyond	Licensing Committee 15 September 2020 (Minute 4)	Personal Interest – Member of West Sussex County Council
Councillor Jones	Environmental Health and Licensing Update – COVID-19 and Beyond	Licensing Committee 15 September 2020 (Minute 4)	Personal Interest – Member of West Sussex County Council
Councillor Burrett	Health and Adult Social Care Select Committee (HASC)	Overview and Scrutiny Commission 28 September 2020 (Minute 7)	Personal Interest – Member of WSCC
Councillor Lanzer	Health and Adult Social Care Select Committee (HASC)	Overview and Scrutiny Commission 28 September 2020 (Minute 7)	Personal Interest – Member of WSCC