

Crawley Borough Council

Minutes of Cabinet

Wednesday, 2 February 2022 at 7.00 pm

Councillors Present:

P K Lamb (Chair)	Leader of the Council
I T Irvine	Cabinet Member for Housing
G S Jhans	Cabinet Member for Environmental Services and Sustainability
M G Jones	Cabinet Member for Public Protection and Community Engagement
C J Mullins	Cabinet Member for Wellbeing

Also in Attendance:

Councillors	D Crow, R D Burrett and K Khan
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Officers Present:

Natalie Brahma-Pearl	Chief Executive
Siraj Choudhury	Head of Legal, Governance and HR
Ian Duke	Deputy Chief Executive
Karen Hayes	Head of Corporate Finance
Chris Pedlow	Democracy & Data Manager
Amanda Kendall	Head of Crawley Homes
Clem Smith	Head of Economy and Planning
Laura Padgett	NASB Manager

Apologies for Absence:

Councillor P C Smith

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Cabinet held on 12 January 2022 were approved as a correct record and signed by the Leader of the Council.

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

It was reported that no representations had been received in respect of agenda item 14: *Crawley Innovation Centre - Draft Towns Fund Business Case*

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. 2022/2023 Budget and Council Tax

The Leader presented report [FIN/549](#) of the Head of Corporate Finance. The Council had a statutory responsibility to set a Council Tax and Budget in advance of the commencement of the new financial year. It was noted that the report detailed each of the Revenue, Capital and Housing Revenue Accounts that combine together to formulate 'The Budget'. In proposing the level of Council Tax for the Financial Year 2022/23, each of those accounts identified had been considered. The proposed Council Tax for 2022/23 was to be increased by 2.31%.

The Leader emphasised that the proposed budget was being achieved without the need to make any cuts to services, instead the Council were going to use specifically created reserves to address any shortfall. The Council's aim was to achieve a balanced Budget over a four year period including putting back into the reserves when the Budget was in surplus. He informed the Cabinet that the proposed Budget had been produced based on the principles set in the Budget Strategy which had been approved by Full Council on 15 December 2021.

The Leader highlighted the additional recommendation contained within report [FIN/560](#) (in the supplementary agenda) that requested an increase to the temporary accommodation capital budget of £6,000,000 and also proposed a slight change to recommendation 2.2d) to include the words 'Three Years' so it would read '*to agree to increase the capital budget for Tilgate Park lake erosion by £150,000 funded from the capital programme reserve, this will be repaid over a **three year** period by the park.*'

Councillor Khan presented the Overview and Scrutiny Commission's [comments](#) on the report to the Cabinet following consideration of the matter at its meeting on 31 January 2022, which included:

- That the Commission sought confirmation regarding the increase to the capital budget for Tilgate Park lake erosion in that it had previously been agreed with the Park for a certain amount of capital in return for cost-neutrality. This increased fund was required for lake erosion works as a result of environmental improvements required.

- That the Commission noted within the pay policy statement 2022/23 that the pay award had not been agreed within the current financial year. The exact date was currently unknown due to ongoing negotiations.
- That the Commission had securitised the supplementary agenda and report and had been informed that there was always the need to ease the reliance on bed and breakfast accommodation and increase the provision of temporary accommodation as much as possible. Housing policy was strictly adhered to, and it was also noted that the numbers on the housing register had not reduced over the years.

Councillors Mullins, Irvine and Jones all spoke in support of the proposed Budget and the amendments.

The Cabinet asked that its thanks and gratitude be recorded, for all the hard work and dedication over the years, to Karen Hayes, Head of Corporate Finance as this would be the last Budget she produced for the Council as she would be entering semi-retirement later on this year.

RESOLVED

That the Full Council be recommended to approve the following items regarding the 2022/23 Budget:

- a) to approve the proposed 2022/23 General Fund Budget including savings rolled forward from the current financial year as set out in paragraph 6.4 of report [FIN/549](#), this includes a transfer from reserves to cover the additional costs of Covid-19 of £451,730,
- b) to approve the proposed 2022/23 Housing Revenue Account Budget as set out above and Appendix 3(ii) of the report [FIN/549](#) which includes the growth items as set out in Table 9,
- c) to agree to ringfence £1,055,000 of capital reserves for investment in the Towns Fund as a result of using an advance of 5% Government funding of the £21.1m in year. The requirement is to use this sum in year and set aside an equal sum of our own resources,
- d) to agree to increase the capital budget for Tilgate Park lake erosion by £150,000 funded from the capital programme reserve, this will be repaid over a three year period by the park,
- e) to approve the 2021/22 and future years Capital Programme and funding as set out in paragraph 11.6 of the report [FIN/549](#),
- f) to agree that the Council's share of Council Tax for 2022/23 be increased by 2.31% (£4.95) from £213.84 to £218.79 for a band D property as set out in paragraph 13.1 of report [FIN/549](#),
- g) to approve the Pay Policy Statement for 2022/2023 as outlined in paragraph 16.3 and Appendix 6 of report [FIN/549](#) noting that the pay award has yet to be agreed in the current financial year.
- h) to agree to increase the capital budget for Temporary Accommodation by £6,000,000, funded from grant funding of £1,000,000 and borrowing of

£5,000,000 and to note the changes to table 11 paragraph 11.6 as detailed in report [FIN/560](#) which superseded the same table and paragraph in report [FIN/549](#).

Reasons for the Recommendations

To provide adequate funding for the proposed level of services and to fulfil the statutory requirement to set a Budget and Council Tax and report on the robustness of estimates.

Increasing the capital programme for temporary accommodation by £6,000,000 to £8,400,000 will provide approximately 65 units of temporary accommodation. There are currently 121 in nightly paid accommodation and the use of these units will reduce Bed & Breakfast costs, this would cover the cost of borrowing for the schemes.

7. Treasury Management Strategy 2022-2023

The Leader presented report [FIN/557](#) of the Head of Corporate Finance on the Treasury Management Strategy for 2022/2023 which the Council was required to approve before the start of the financial year in accordance with the CIPFA Code of Practice for Treasury Management and the Council's financial regulations. The strategy itself sets out how the Council would be investing its money across the course of the year. It was noted that the format of the report had changed compared to previous years and that was due to a change in the advisor used by the Council in devising the Strategy.

The Leader highlighted the additional recommendation contained within report [FIN/561](#) in the supplementary agenda that requested amendment to the prudential indicators in the Treasury Management Strategy 2022/2023 (report [FIN/557](#)) as set out in Section 4 of report [FIN/561](#) before considering the recommendations contain within it.

Councillor Khan presented the Overview and Scrutiny Commission's [comments](#) on the report to the Cabinet following consideration of the matter at its meeting on 31 January 2022, which included:

- That the Commission sought further clarity over the likelihood of a negative interest rate and the value of investments as a result of a potential move to a negative rate. It was acknowledged that it was now unlikely to achieve negative interest rates.
- That the Commission had commented that commercial investments were shown at the market value from March 2021 and it was estimated the investments would stay at the same value. It would be beneficial to have historic cost, valuation and re-valuation. This could be considered as part of the Treasury Outturn report.

Councillor Crow was invited to speak on the item and commented over the ethical investment policy suggesting that crypto currency should be added to the list of investment activities that the Council would not be investing in as shown in Section 7.2. In response Councillor Lamb confirmed that he was fine with the Council not investing in crypto currencies.

RESOLVED

That the Full Council be recommended to approve the following items:

- a) the Treasury Prudential Indicators and the Minimum Revenue Provision (MRP) Statement contained within Section 5 of report [FIN/557](#);
- b) the Treasury Management Strategy contained within Section 6 of report [FIN/557](#);
- c) the Investment Strategy contained within Section 7 of report [FIN/557](#), with the addition of crypto currencies to the list in Section 7.2.
- d) to amend the prudential indicators in the Treasury Management Strategy 2022/2023 ([FIN/557](#)) as set out in Section 4 of this report ([FIN/561](#)) before considering the recommendations contain within it.

Reasons for the Recommendations

The Council's financial regulations, in accordance with the CIPFA Code of Practice for Treasury Management, requires a Treasury Management Strategy to be approved for the forthcoming financial year. This report complies with these requirements.

The recommended amendment to the Budget and Council Tax Report ([FIN/560](#)) would impact on the capital programme and prudential indicators in the Treasury Management Strategy. The recommendations in this report enable the financing of the revised capital programme.

8. 2021/2022 Budget Monitoring - Quarter 3

The Leader presented report [FIN/554](#) of the Head of Corporate Finance on the Quarter 3, Budget Monitoring, which set out a summary of the Council's actual revenue and capital spending for the quarters to December 2021 together with the main variations from the approved spending levels and impact on future budgets. It was noted that, as emphasised in the Budget Strategy, it is very difficult to accurately forecast the Council's financial position for the year due to the pandemic.

Councillor Khan presented the Overview and Scrutiny Commission's [comments](#) on the report to the Cabinet following consideration of the matter at its meeting on 31 January 2022, which included:

- Noting that the Council's income streams continued to be affected by the pandemic but it was acknowledged that grant funding had been available to assist. It was recognised that this was not a long term sustainable solution.
- Recognition that although the Housing overcharge refunds were going into Quarter 3 figures for 2021/22 this was awaiting auditors' agreement.

Councillor Mullins spoke as part of the discussion on the report especially in relation to his Wellbeing portfolio and the impact of the pandemic on those services. He was hopeful that with the seeming ending of restrictions it would lead to The Hawth Theatre and K2Crawley returning back to a level where they would bring back an income to the Council once resident return to using those facilities.

Councillor Crow was invited to speak on the item and asked whether, in further Quarterly reports, it would be possible to include forecast prediction for The Hawth Theatre and K2Crawley so Councillors could see a comparison against actual income and expected income. In response Councillor Lamb stated that he did not have an issue with that detail being included, but he would leave it to officers to see if that would be possible.

RESOLVED

That the Cabinet agrees to note the:

- a) projected outturn for the year 2021/2022 as summarised in report [FIN/554](#).
- b) updated proposed spend of Contained Outbreak Management Fund (COMF) grant funding as outlined in section 10 of report [FIN/554](#).

Reasons for the Recommendations

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

9. Extension to Public Space Protection Order (PSPO) - Car Cruising

The Cabinet Member for Public Protection and Community Engagement presented report [CH/195](#) of the Head of Crawley Homes. The report sought agreement to the extension of the Public Space Protection Order (PSPO) to prohibit car cruise activity by a further 3 years when the existing PSPO expired following a successful first three year period of the Order. The Cabinet were informed that the renewal of the PSPO had been fully supported by Sussex Police and a significant majority of the local business community who had been consulted as part of the renewal process. Councillor Jones informed the Cabinet that there had been a recent change in approach in respect of issuing fines for car cruise breaches of the PSPO, previously a warning letter would be sent to drivers and then a fine would follow, if they had been caught breaching the PSPO, but the Council was now just issuing fines for car cruise breaches. It was noted that the maximum amount set by statute for a PSPO fine was £100.

The Cabinet was informed, as part of the proposed renewal proposes that the Council would be purchasing a portable number plate recognition device that would allow the Council to be more proactive in tackling car cruise breaches, through setting up the mobile device in areas of the Borough where car cruise events were taking place.

Councillor Khan presented the Overview and Scrutiny Commission's [comments](#) on the report to the Cabinet following consideration of the matter at its meeting on 31 January 2022, which included:

- That the Commission sought confirmation over the number of warning letters sent regarding breaching the PSPO, 83, and fixed penalty notices 32.
- That the Commission acknowledged that the car cruise gatherings posed both a nuisance and danger to the wider public road users and it was felt the seriousness had not altered, however the frequency of the larger events had increased.

- Recognition that the current car cruise activity was a health and safety concern in addition to an anti-social behaviour issue and the Commission offered its general support for the extension to the Public Space Protection Order – Car Cruising to continue to enhance public safety through a targeted approach.

Councillor Crow was invited to speak to the item and commenting that he was in favour of the renewal and welcomed that going forward the Council would be issuing fines rather than sending warning letters first.

Councillors Jhans and Lamb, both spoke as part of the discussion on the report and in support of renewing the PSPO due to its seeming success over the past three years.

RESOLVED

That the Full Council be recommended to approve the following items:

- a) the extensions for a period of 3 years the Borough wide Public Space Protection Order (PSPO) to prohibit vehicle related anti-social behaviour associated with car cruise activity in the borough of Crawley as set out in Appendix A of report [CH/195](#).
- b) that fixed penalties imposed for breaches of the PSPO 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. PSPO's can send a clear message that certain behaviours will not be tolerated and help reassure residents and businesses that unreasonable conduct is being addressed.

Council officers from a number of services including ASB, Community Wardens and Community Safety consider it necessary to extend the PSPO in order to prevent an increase in the frequency and/or seriousness of car cruise activity after the current PSPO expires. The extension is also supported by the Police, Police and Crime Commissioner (PCC), and West Sussex County Council.

The current PSPO has had some success at controlling the incidence of car cruise activity, particularly in relation to repeat offenders. However, the incidence of car cruise incidents continues to occur and there are currently regular gatherings including those occurring late into the evening and early hours of the morning between the hours of 22:00 and 03:00.

The extension of the PSPO will continue to enhance public safety through a targeted approach to tackle the problems associated with car cruise activity.

10. Irrecoverable Debts 2021/22 (Over £50,000)

The Leader presented report [FIN/551](#) of the Head of Corporate Finance. The purpose of this report was to obtain approval to write-off a debt that was considered to be irrecoverable and exceeded the delegated limit of £50,000 per write-off. It was noted that a summary of debts to be written-off under delegated powers was also contained within the report. The Leader commented that he had been privy to the lengths that

the Finance team chase debts to the Council and was satisfied that it was in the Council's best interest to write off the proposed debts for accounting purposes.

RESOLVED

That the Cabinet approves the write-off of the Business Rates debt as set out below

Name and Address	Reason	Total £
Azzurri Restaurants Ltd 49-51 High Street	In Liquidation	126,540.02
Total		126,540.02

Reasons for the Recommendations

The Council's Constitution necessitates amounts exceeding £50,000 requiring write-off to be approved by the Cabinet.

11. 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.

12. Crawley Innovation Centre - Draft Towns Fund Business Case

Exempt Paragraph 3

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

The Cabinet considered reports PES/395 and PES/398 of the Head of Economy and Planning. The original report (PES/395) documented the draft business case seeking Towns Fund monies for the Crawley Innovation Centre project, following endorsement and support for the project from the Crawley Town Deal Board and sought Cabinet approval for the Towns Fund business case for the Crawley Innovation Centre and for a summary version to be submitted to the government.

The supplementary report (PES/398) included revision to a figures contained in the recommendations and also added a further recommendation, which was proposed in order to be able to roll forward Getting Building Fund finances into next year to ensure delivery of the Crawley Innovation Centre project.

Councillor Khan presented the Overview and Scrutiny Commission's [comments](#) on the report to the Cabinet following consideration of the matter at its meeting on 31 January 2022, which included Commission's support for the Innovation Centre's business case.

RESOLVED

That Cabinet, subject to confirmation of approval by the Coast to Capital LEP Board of £8.4 million of Getting Building Fund monies for the Crawley Innovation Centre project,

- a) approves the Towns Fund business case for the Crawley Innovation Centre project (Appendix A) of report PES/395, and
- b) delegates authority to the Head of Economy and Planning and the Head of Corporate Finance in consultation with the Cabinet Member for Planning and Economic Development to
 - i. make any technical modifications required to the wording and content of the business case.
 - ii. produce a summary version of the business case and to submit that summary version to the government.

That the Full Council be recommended to approve the following items:

- a) the addition of a new capital scheme to the capital programme for the Innovation Centre of £8.4m funded from the Getting Building Fund (subject to LEP board approval).
- b) to increase the capital programme budget for the Innovation Centre by £900,000 of Towns Fund monies subject to a viable business case that satisfies the s151 officer being received on the revenue financial implications to the Council of the project and receipt of approval from Government.
- c) to allocate £1.6 million of Towns Fund revenue funding to the Crawley Innovation Centre project subject to a viable business case and receipt of Government funding.
- d) to authorise the Council's S151 Officer to request the Local Enterprise Partnership's powers of flexibility in order to ensure the Getting Building Fund (GBF) monies are defrayed in 2021-22 in accordance with the LEP's requirements by spending any residual GBF monies on the new Town Hall capital scheme and then rolling forward the equivalent sum from the Town Hall scheme into 2022-23 to ensure delivery of Crawley Innovation Centre project".

Reasons for the Recommendations

To enable the Council to finalise and confirm approval of the business case for £2.5 million of Towns Fund monies to be allocated to the Crawley Innovation Centre project, as co-financing alongside the £8.4 million of Getting Building Fund monies from the Coast to Capital LEP.

To enable the Council to submit a summary version of the business case to the government in order to confirm that the project has been approved by the Council.

To enable the allocation of £900,000 of Towns Fund monies to the CBC capital programme, subject to:

- LEP approval of the Getting Building Fund monies;
- Full Council approval
- The viability of the business case satisfying the Council's s151 officer

To enable the allocation of £1.6 million of revenue finances from the Towns Fund to the Crawley Innovation Centre project.

In order to roll forward Getting Building Fund finances into next year to ensure delivery of the Crawley Innovation Centre project.

Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.00 pm

P K LAMB
Chair