

## Crawley Borough Council

### Minutes of Full Council

Wednesday, 19 July 2023 at 7.30 pm

#### Councillors Present:

J Hart (Mayor)

K Khan (Deputy Mayor)

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

#### Also in Attendance:

Mr Russell Brown and Mr Peter Nicolson

#### Officers Present:

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

#### Apologies for Absence:

Councillor B J Burgess, M Morris, B Noyce and D M Peck

#### Absent:

Councillor J Millar-Smith

#### 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 26 May 2023 were approved as a correct record and signed by the Mayor, subject to the following amendment to Appednix A of minute 9

That on page 17 of the minutes, paragraph 1.3.1 be changed to read

*'1.3.1 The Leader has appointed the Cabinet Member for Planning and Economic Development as Deputy Leader of the Council.'*

Replacing

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

### 3. Communications

The Mayor updated the Council on recent events. At the last Full Council meeting, she had the privilege of being elected as Crawley Mayor for a second term. The very next day she took part in a Diverse Crawley event as well as meeting the Portuguese community at Bernadette's Church. More recently she was invited to Armed Forces Day with representatives from 4PWRR, cadet forces and the 4FVBC which is the Mayor's charity for this year. The Mayor was invited to Metrobus depot in Crawley to witness the launch of the Metrobus hydrogen fleet of buses, followed by a trip to the Apple Tree Centre to open the indoor cricket nets – the only ones in Crawley. The Mayor conveyed thanks to the Council for putting its faith in her again this year.

### 4. Public Question Time

Questioner's Name	Name of Councillor Responding
<p><i>Mr Cooban, Three Bridges and Member of Three Bridges Forum –</i></p> <p>My question is in connection to the way the current planning application to Telford Place is being dealt with, particularly with regards to the proposal to remove a perfectly good mature Oak Tree. My aim is to stop this from happening. I've asked for reconsideration of the approach, employing the council's adopted validation requirements to rectify what I have identified as a fundamental failure in the pre-application arboricultural assessment process. The Council as LPA is pre-judging the matter of balance between various material considerations to the exclusion of possible layouts that could retain the oak and denying full comparison through the planning application process. I've been told that the validation process is not a matter for further discussion with the Planning department and therefore my previous unanswered question remains, is there a higher level of Council scrutiny or democratic service to whom this can be referred?</p>	<p>Councillor Nawaz (<i>Cabinet Member for Planning and Economic Development</i>)</p> <p>As this is subject to a live planning application and as a Planning Committee member I do not wish to comment on this question.</p> <p><i>Councillor Jones (Leader of the Council)</i></p> <p>Thank you for your question Mr Cooban. As Councillor Nawaz has said there is a live planning application so it is difficult to comment without prejudicing the Planning Committee process. I do know there are plans within that application, should it be accepted, that would have several trees planted in place of the one being discussed.</p>
<p><i>Supplementary Question –</i></p> <p>How confident are you that the Planning</p>	<p><i>Councillor Jones (Leader of the Council)</i></p> <p>I cannot comment on what the Planning</p>

Questioner's Name	Name of Councillor Responding
Committee will be prepared to accept an officer recommendation to permit a planning application that objections to the avoidable destruction of prominent, high quality, mature, healthy oak tree will show as being sacrificed for the only measurable benefit as saving 9 replaceable parking spaces?	Committee might or might not decide. I apologise Mr Cooban, but we have much correspondence on this matter.

## 5. Recommendation 1 – Changes to the Licensing Committee Functions

The Full Council considered report [HCS/062 / LDS/204](#) of the Head of Community Services and Head of Governance, People & Performance, as set out in the supplementary agenda. Councillor Lamb as Chair of Governance Committee introduced the item which summarised a number of proposed changes to the functions of the Licensing Committee set out in the Council's Constitution, which aimed to clarify and streamline the decision-making process. Appendix A to the report provided detail on each of the proposed additions, amendments, or deletions.

The recommendation was seconded and supported by Councillor Bounds.

Councillor Ashraf as Chair of Licensing Committee also spoke on this item.

The Mayor then called for a vote on the recommendation which was carried unanimously.

### RESOLVED

That the Full Council be recommended to amend the Licensing Committee functions as set out in Appendix B to these minutes.

## 6. Recommendation 2 – Financial Outturn 2022/2023: Budget Monitoring - Quarter 4

The Full Council considered report [FIN/623](#) of the Head of Corporate Finance. Councillor Jones as Leader of the Council presented the report on the quarter 4 budget monitoring, which set out a summary of the Council's outturn for the year for both revenue and capital spending for the financial year 2022/23. It identified the main variations from the approved spending levels and any potential impact on future budgets.

The recommendation was seconded and supported by Councillor Nawaz.

Councillor Crow also spoke on this item.

The Mayor then called for a vote on the recommendation which was carried unanimously.

### RESOLVED

That Full Council approves

- a) the transfers of reserves as outlined in section 10 of report [FIN/623](#).
- b) a supplementary capital estimate of £160,000 for the repair of 49/51 High Street to be funded from capital receipts (para 8.12 of report [FIN/623](#)).

## 7. Recommendation 3 – Alcohol-Related ASB - PSPO Extension

The Full Council considered report [HCS/058](#) of the Head of Community Services. Councillor Jones as Leader of the Council presented the report, which stated that the current PSPO which prohibits alcohol-related anti-social behaviour across the Borough was due to expire on the 21 October 2023 and a decision was required by Full Council renew the PSPO for a further 3 years. It was noted that a consultation took place on the continuation of the PSPO between 10 May and 7 June 2023 which included seeking the views of Sussex Police, PCC, West Sussex CC, Crawley and Gatwick Business Watch and Crawley Town Centre BID. 103 responses were received with 87% of those respondents supporting the extension of the PSPO and 81% of respondents feeling that the PSPO has had a positive impact on those living in Crawley.

The recommendation was seconded and supported by Councillor Yasmin Khan.

Councillors Crow, C. Mullins, McCarthy, Irvine, Lanzer, K Khan and Lamb all spoke on the recommendation.

The Mayor then called for a vote on the recommendation which was carried unanimously.

### RESOLVED

That Full Council agrees:

- a) to extend for a period of 3 years the Borough wide Public Spaces Protection Order (PSPO) to prohibit the consumption of alcohol where that consumption contributes to, is linked to or is associated with nuisance or annoyance to members of the public or a section of the public, or to disorder in the borough of Crawley as set out in [Appendix C](#) to the minutes.
- b) that fixed penalties imposed for breaches of the PSPO to be maintained at £100.

## 8. Recommendation 5 - Interim Appointments of Acting Chief Executive, Head of Paid Service, Returning Officer and Electoral Registration Officer

The Full Council considered report [CEX/064](#) by the Chief Executive. The report stated that the Council had a statutory duty to appoint a Head of Paid Service, Returning Officer, and Electoral Registration Officer for the Borough. At Crawley Borough Council these positions are designated to the Chief Executive. With the impending departure of Natalie Brahma-Pearl as the Council's Chief Executive, from 21 September 2023 these posts were to become vacant. The Council was required to

appoint to these posts in the interim, until such time as a new Chief Executive is appointed and in post.

The recommendation was moved by Councillor Jones and seconded by Councillor Crow.

The Mayor then called for a vote on the recommendation which was carried unanimously.

### **RESOLVED**

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

## **9. Recommendation 6 - Appointment of an Independent Member of the Audit Committee**

The Full Council considered report FIN/628 by the Head of Corporate Finance. The report proposed a nomination for the Independent Member of the Audit Committee, following an interview process with the Chief Executive and Head of Corporate Finance.

The recommendation was moved by Councillor Charatan as Vice Chair of the Audit Committee, who informed the Full Council that Mr UI Haque had an extensive background in audit, accountancy and finance. He had considerable knowledge of risk management and governance and currently served as an Independent Member on the Audit, Governance and Standards Committees for Essex County Council.

Councillor Belben seconded the recommendation.

The Mayor then called for a vote on the recommendation which was carried unanimously.

### **RESOLVED**

That Mr Atta UI Haque be appointed as the Independent Member of Audit Committee for a two year period (until 31 July 2025) with the option of a further two years.

## **10. Recommendation 7 - Notification of Decision Taken Under Special Urgency and Protected from Call-In**

Councillor Jones, as Leader of the Council, introduced the item which was set out on page 3 of the agenda. The item informed the Full Council that the Chief Executive had protected three decisions from Call-In (in accordance with Call-In Procedure Rule 8.3).

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

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

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

Councillor Jones moved the recommendation, which was seconded by Councillor Nawaz.

Councillor Lanzer also spoke on the item.

## **RESOLVED**

The Full Council notes the use of the Protection from Call-In provision by the Chief Executive in respect of the decisions relating to the award of contract for the waste vehicle replacement programme, the use of capital funds for the Benefits online system and Document Management System and the entering into a Deed of Variation for the Sport and Leisure Management Contract respectively.

### **11. Recommendation 8 - Notification of Urgent Action Taken by the Chief Executive**

Councillor Jones as Leader of the Council introduced the item which was set out on page 4 of the agenda. The item informed the Full Council that the Chief Executive had taken an urgent decision under Urgent Action Full Council Procedure Rule 15, which is set out in the Council's Constitution.

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

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

Councillor Jones moved the recommendation, which was seconded by Councillor Irvine.

Councillor Crow also spoke on the item.

## **RESOLVED**

The Full Council notes that the Chief Executive has taken an urgent decision in relation to the use of urgent funds to employ extra Housing Officers.

### **12. Notice of Motion 1- Motion Opposing London Ulez Expansion**

The Council considered the Notice of Motion 1 '[Opposing London Ulez Expansion](#)' - as set out on page 99 of the agenda.

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

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

The Motion was moved and presented by Councillor Crow, who in doing so gave further explanation of the reasoning behind the Motion. As part of moving the Motion Councillor Crow commented that he would be aiming to move a further amendment from the floor in response to the published amendment, once that had been formally moved.

A Point of Order was called by Councillor Lamb, stating that Councillor Crow could not move such an amendment, because Full Council Procedure Rule 12.2, states:

*an amendment MUST only seek to make the following change(s) to the original recommendation or Notice of Motion:*

- a) *Refer the matter to an appropriate body or individual for (re)consideration.*
- b) *Remove words.*
- c) *Replace words.*
- d) *Insert additional words*

In response Councillor Crow moved a Procedural Motion 13.1q, '*To suspend a particular Full Council Procedure Rule*', with Full Council Procedure Rule 12.2 being proposed to be suspended.

The Mayor called for a vote on the proposed Procedural Motion amendment. There were 12 votes in favour, 19 against and 0 abstentions. The procedural motion fell.

Following the vote, the Mayor confirmed that the Point of Order raised by Councillor Lamb was indeed correct and as such Councillor Crow would not be able to move a verbal amendment if it amends the proposed Labour amendment.

Councillor Ali then seconded the Motion.

Councillor Jones then moved and presented [Amendment 1](#) (as shown in the Supplementary Agenda Order Paper). The Amendment was seconded by Councillor Yasmin Khan.

A single debate occurred on both the recommendation and the proposed amendment. Councillors McCarthy, Lunnon, Lanzer, C Mullins, Pritchard, S Mullins and Lamb all spoke during the debate.

Councillor Crow used the right to reply to speak at the end of the debate.

The Mayor called for a vote on the proposed amendment on the Motion. There were 19 votes in favour, 12 against and 0 abstentions. The amendment was carried.

The Mayor then called for a vote on the substantive Motion as amendment. There were 19 votes in favour, 0 against and 12 abstentions. The Motion was carried.

## **RESOLVED**

### **This Council notes that:**

The London Ultra-Low Emission Zone (ULEZ) currently covers the area within the North and South Circular Roads only. The aims of the ULEZ to improve air quality, reduce pollution and improve health.

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

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

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

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

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

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

### **This Council resolves:**

- 1) to formally request, on behalf of Crawley residents, that the expansion of London's Ultra Low Emission Zone be paused until after modelling is produced by TfL to evidence the anticipated scheme impacts on traffic flows/ emissions/



pollution levels outside Greater London, in a written representation to the Mayor of London from the Leader of the Council and the Cabinet Member for Environmental Services, Sustainability and Climate Change

- 2) to formally request that West Sussex County Council as the appropriate local authority responsible for Highways and transport matters match the mitigation package being provided in London for those local businesses within the Borough who can demonstrate that their business requires them to travel regularly into the new ULEZ.

### 13. Vote to Extend the Meeting (Guillotine)

As the business of the meeting had not been completed within the scheduled two hours and 30 minutes, a vote on continuation in line with Council Procedure Rule 8.3 was held. The Mayor required the Full Council to consider if it wished to continue with the meeting.

Having put it to the vote, the Council agreed that the meeting be continued for an additional period not exceeding 30 minutes.

### 14. Councillors' Questions Time

Name of Councillor asking Question	Name of Cabinet Member Responding
<p><i>Councillor Jaggard to the Cabinet Member for Planning and Economic Development</i></p> <p><u>Supplementary question to written question –</u></p> <p>I'm delighted that the structural integrity of our car parks is being taken seriously and that further reports and surveys will be undertaken following the advice from the Institute of Structural Engineers. My follow-on question relates to the impact of vibrations on the town hall car park structure from both the current district heat network boiler and from any expansion in phase 2. I know there are dampeners on the boiler which reduce vibrations and I know from the people living in Geraint Thomas House that they're unhappy about the perception of vibrations. Have these vibrations been monitored or considered when assessing the Town Hall car park and if not, could they be considered during the inspections that take place?</p>	<p><i>Councillor Jones, Leader of the Council –</i></p> <p>Thank you for your question Councillor Jaggard. The structural integrity of our buildings is always taken seriously. Until this question was raised I was not aware of vibrations in relation to Geraint Thomas House, but I will ask the officers to look into this further and a response will be supplied in due course.</p>
<p><i>Councillor Piggott to the Cabinet Member for Leisure &amp; Wellbeing</i></p>	<p><i>Councillor Chris Mullins, Cabinet Member for Leisure &amp; Wellbeing</i></p>

<p><u>Supplementary question to written question –</u></p> <p>Table 1 in the answer provided helpfully breaks down the ‘pay and play’ tickets and the season tickets sold. Please can you kindly provide more information as to how these relate to column 1?</p>	<p>Thank you for your question. We have only been going since 23 May, so the data shows some good attendance and very little rejection. The objective in working with the Lawn Tennis Association was to improve the tennis courts and improve attendance for the people of Crawley and as you can see there is no historic data, but we will be able to come back in a few months’ time with some further figures as a comparison. I think we should also thank lfield Tennis Club who have also upgraded their facilities, and along with this project it increases tennis access for the community.</p>
<p><i>Councillor Crow to the Cabinet Member for Planning and Economic Development</i></p> <p><u>Supplementary question to written question –</u></p> <p>Thank you for the response to the question. It would appear we had two summers in which they were working; 2018 and 2019 but unfortunately as the answer mentions due to works completion they won’t be working until late September, and this will be four summers where the town has not had the fountains. I accept there was Covid in 2020 and 2021 but it is disappointing they will not be working this summer, but it would be beneficial if the Cabinet Member could express an apology for the failure for the delay and please could we understand the reasons for the delay and where the liability rests?</p>	<p><i>Councillor Nawaz, Cabinet Member for Planning and Economic Development</i></p> <p>There has been a technical fault which has occurred which has unfortunately caused the delay. We are working to resolve the issue and the fountains should be back on this September, although hopefully sooner. We are looking at options with regards to liability after the works are complete.</p>
<p><i>Councillor Pritchard to the Cabinet Member for Public Protection</i></p> <p>During the week, I noticed the Mayor and the Cabinet Member for Public Protection shared a helpful post about the national ‘Ask for Angela’ campaign, which is a great scheme for women to escape situations where they find themselves vulnerable on nights out. Please can I ask the Cabinet Member if all bar staff in Crawley are trained on how to deal with women who ‘Ask for Angela’ and ask whether there is a corresponding system for men and if staff are training in this?</p>	<p><i>Councillor Y Khan, Cabinet Member for Public Protection</i></p> <p>Yes, all bar staff are aware of ‘Operation Angela’ and for men it’s ‘Operation Andy’. I am pleased to say we are developing and promoting another scheme where we will be helping the licensed premises with regards to instances of spiking and the use of bottle stoppers.</p>
<p><i>Councillor McCarthy to the Cabinet Member for Housing</i></p> <p>Following on from residents’ complaints from</p>	<p><i>Councillor Irvine, Cabinet Member for Housing</i></p> <p>Thank you for your question. I’m not sure it</p>

<p>Forge Wood, when are the shops going to be built? When is the community centre going to be released to the community management group, so they can start sub-letting and generate some income?</p> <p>Also, as developers have consistently missed their trigger points and are dragging their heels, how are we going to get some traction on this matter?</p>	<p>fully falls within my portfolio, but I'll find out more as it's important to the local residents and get back to you.</p>
<p><i>Councillor Russell to the Cabinet Member for Leisure &amp; Wellbeing</i></p> <p>What adjustments were made to the Wakehams Green play area following consultation and what other such developments are in the pipeline?</p>	<p><i>Councillor C Mullins, Cabinet Member for Leisure &amp; Wellbeing</i></p> <p>Thank you for the question. We are about to start the development of Wakehams Green play area following the consultation so the views and wishes of the community have been taken into account. All of the recent refurbished ones that have been designed in the town have been undertaken with public consultation. We have a priority list of sites based on immediate need and we have budget until 2024.</p>
<p><i>Councillor Belben to the Cabinet Member for Resources</i></p> <p>Please can you kindly inform councillors how many leases have been signed and will be taken up in the next 3-6 months and what rent free periods have been given to secure businesses for the town hall?</p> <p><u>Supplementary question –</u></p> <p>What would you say would be acceptable in terms of occupation for the town hall floors going forward?</p>	<p><i>Councillor Jones, Leader of the Council</i></p> <p>It is difficult for us to talk in too much detail about the potential interest in the town hall floors. However I did announce last week we have our first tenant, and the first half floor six has been leased. Our agents are actively showing interested parties and companies around.</p> <p>In the Medium Term Financial Strategy, the Council would be meeting its target if we filled a floor a year.</p>
<p><i>Councillor Jhans to the Leader of the Council</i></p> <p>Many of you know I commute to work, and I see first hand how important our local rail ticket offices are for many people. Whilst I use an app on my phone not everyone can do this or use the ticket machines. Please can I ask the Leader to please write to the Secretary of State for Transport and ask him to abandon the plan being undertaken to close the railway ticket offices at Three Bridges, Crawley and Ifield.</p>	<p><i>Councillor Jones, Leader of the Council</i></p> <p>I support everyone who is protesting about these closures and agree that these closures should not go ahead, and I am more than ready to write to the Secretary of State for Transport to ask him to abandon these plans and I will do so later this week. The one place you could always rely on and find someone on the station in the past was to go to the ticket office and whilst I'm sure there will some reassurance it won't transpire.</p>

<p><i>Councillor Hellier to the Cabinet Member for Planning and Economic Development</i></p> <p>In relation to Three Bridges station forecourt improvements, please can you give us an idea of the timeline of the start of this project but also what exactly is going to be in place to manage the disruption. There are currently cones in the middle of the forecourt which stops people turning, there is a large volume of traffic building up and there is already a lot of disruption. I would like to know what we have in place as a Council.</p>	<p><i>Councillor Nawaz, Cabinet Member for Planning and Economic Development</i></p> <p>We will be working with Highway Services very closely on this project and we are talking to rail companies at the moment to agree details with them. I will get more accurate timelines from the officers and pass those on.</p>
<p><i>Councillor Lunnon to the Cabinet Member for Leisure &amp; Wellbeing</i></p> <p>Paddle ball is a developing sport around the county. Do you think we will be able to bring it to Crawley in the future?</p>	<p><i>Councillor C Mullins, Cabinet Member for Leisure &amp; Wellbeing</i></p> <p>It has come about recently and there are a couple of companies that are interested. I like developing new sports and it is healthy activity for the community.</p>
<p><i>Councillor Lamb to the Cabinet Member for Housing</i></p> <p>Alongside Councillors Jhans and Raja I have been campaigning for some time to secure improvements to the garden area at Carey House for the elderly residents. I was wondering if the Cabinet Member for Housing could update us as to what is happening to that particular project?</p>	<p><i>Councillor Irvine, Cabinet Member for Housing</i></p> <p>Yesterday I was invited to an event at Carey House which is one of the flagship sheltered schemes and I was shown around what had been completed by the social value work with Wates. As a result of this we're getting two new flats, from what was originally an old garage. In addition to this, there is now a garden. Labour, materials and commitment had been provided by Wates, and they had also made other donations too. These are good examples of public sector and private sector working together to improve the lives of the local community.</p>

## 15. Vote to Extend the Meeting (Guillotine)

As the business of the meeting had not been completed within the additional 30 minutes, a vote on continuation in line with Full Council Procedure Rule 8.3 was held. The Mayor required the Full Council to consider if it wished to continue with the meeting.

Having put it to the vote, the Council agreed that the meeting be continued for an additional period not exceeding 30 minutes

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

Moved by Councillor K Khan (as the Deputy Mayor):-

## **RESOLVED**

That the following reports be received:

- Audit Committee – 20 March 2023
- Planning Committee – 3 April 2023
- Planning Committee – 24 April 2023
- Overview and Scrutiny Commission – 5 June 2023
- Licensing Committee – 12 June 2023
- Governance Committee – 13 June 2023
- Audit Committee – 21 June 2023
- Overview and Scrutiny Commission – 26 June 2023
- Cabinet – 28 June 2023
- Planning Committee – 3 July 2023
- Overview and Scrutiny Commission – 10 July 2023
- Cabinet – 12 July 2023

There were no items for debate.

### **17. 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.

### **18. Recommendation 4 - Town Hall Site Redevelopment Phase 2 & Phase 1 Final Account Confidential (PART B)**

The Full Council report DCE/17 of the Deputy Chief Executive. Councillor Jones, the Leader of the Council, introduced the report which provided an update on the Town Hall Site Redevelopment project and sought approval for the next steps. The recommendation was seconded and supported by Councillor Nawaz.

Councillor Crow then moved and presented Amendment 1 to Recommendation 4 (as shown in the Supplementary Agenda Order Paper on [page 23](#)). The amendment was seconded by Councillor Piggott who also spoke on the item.

Councillors Belben and Lunnon spoke on the recommendation and the amendment.

The Mayor called for a vote on the proposed amendment. There were 12 votes in favour, 19 against and 0 abstentions. The amendment fell.

The Mayor then called for a vote on the substantive recommendation. There were 19 votes in favour, 0 against and 12 abstentions. The recommendation was carried.

## **RESOLVED**

That Full Council approves:

- a) the supplementary capital estimate of £750,000 for the preparation of the old Town Hall site for redevelopment. Funded from existing capital resources and to note that there may be future borrowing for the current capital programme.
- b) the supplementary capital estimate of £1.735m in respect of the Town hall project, funded from existing capital reserves. In addition to transfer the budget and amend funding in respect of the Phase 2 housing budget to the Town Hall project.

## **Closure of Meeting**

With the business of the Full Council concluded, the Chair declared the meeting closed at 10.53 pm

**J Hart (Mayor)**

**Disclosures of Interest**

**Appendix A**

<b>Councillor</b>	<b>Item and Minute</b>	<b>Meeting</b>	<b>Type and Nature of Disclosure</b>
Councillor Lanzer	Appointments and Membership (Minute 6)	Overview and Scrutiny Commission 5 June 2023	Personal Interest – West Sussex County Councillor.
Councillor Lanzer	Appointments and Membership (Minute 6)	Overview and Scrutiny Commission 5 June 2023	Personal Interest – WSCC Cabinet Member for Public Health and Wellbeing.
Councillor Lunnon	Update on K2 Crawley (Minute 7)	Overview and Scrutiny Commission 26 June 2023	Personal Interest – Member of Crawley Athletics Club
Councillor Ali	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Member of WSCC
Councillor Bounds	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Occasionally travel in Ulez zone for work
Councillor Crow	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Member of WSCC
Councillor Jhans	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Has non-compliant car and also occasionally travel into Ulez zone.
Councillor K Khan	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Works in area affected by Ulez
Councillor Lamb	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Notionally works in Ulez area
Councillor Lanzer	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Member of WSCC
Councillor McCarthy	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Occasionally travels in Ulez zone.
Councillor Mwangale	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Occasionally travels in Ulez zone.
Councillor Nawaz	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Occasionally travels in Ulez zone.
Councillor Pendlington	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Work HQ office is in Ulez zone

Councillor Raja	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Occasionally travels into Ulez zone.
Councillor Rana	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Husband is taxi driver and travels into Ulez zone.
Councillor Russell	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Occasionally travels into Ulez zone.
Councillor Sivarajah	Notice of Motion 1 - Motion Opposing London Ulez Expansion	Full Council 19 July 2023	Personal Interest – Husband is private hire driver and travels into Ulez zone.



**PROPOSED AMENDMENTS TO THE LICENSING COMMITTEE FUNCTIONS**

**Appendix B**

**DECISIONS WHICH WILL BE TAKEN BY THE LICENSING COMMITTEE**

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

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

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

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

\* NB:

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

**CRAWLEY BOROUGH COUNCIL**  
**ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59**

**Draft Crawley Borough Council Alcohol  
Consumption Public Spaces Protection  
Order No 1 of 2023 (“Order”)**

**PUBLIC SPACES PROTECTION ORDER**

This order is made by Crawley Borough Council (the “Council”) and shall be known as the Crawley Borough Council Alcohol Consumption Public Spaces Protection Order No 1 of 2023.

**PRELIMINARY**

1. The Council, in making this order is satisfied on reasonable grounds that:
  - 1.1 The activities identified below have been carried out in public places within the Council’s area and have had a detrimental effect on the quality of life of those in the locality, and
  - 1.2 that the effect, or likely effect, of the activities:
    - 1.2.1 is, or is likely to be, of a persistent or continuing nature,
    - 1.2.2 is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions imposed by this order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of

expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this order are lawful, necessary and proportionate.

## **THE ACTIVITIES**

4. The activities prohibited by this order are (“the Activities”):
  - 4.1 The consumption of alcohol in circumstances where it contributes to or is linked to or is associated with nuisance or annoyance to members of the public or a section of the public; and
  - 4.2 The consumption of alcohol in circumstances where it contributes to or is linked to or is associated with disorder.

## **THE PROHIBITION**

5. A person shall not engage in the Activities in any Public Place within the Restricted Area.
6. This Prohibition is subject to the Exceptions stated below.

## **THE EXCEPTIONS**

7. Section 62 of the of the Anti-Social Behaviour Crime and Policing Act 2014 has the effect that the prohibition in paragraph 5 of this order shall not apply to any of the premises specified in that provision.

## **OTHER**

8. Section 63 of the of the Anti-Social Behaviour Crime and Policing Act 2014 applies where there is a breach of the prohibition in paragraph 5.

## **DEFINITIONS**

9. For the purpose of this order the following definitions will apply:
- 9.1 “alcohol” has the meaning given by section 191 of the Licensing Act 2003;
  - 9.2 “Public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
  - 9.3 “Restricted Area” has the meaning given by section 59(4) of the Anti-Social Behaviour, Crime and Policing Act 2014 and for the purposes of this order is shown delineated by the blue line on the plan annexed at Schedule 1 to this order, but excluding the area hatched in red.

#### **PERIOD FOR WHICH THIS ORDER HAS EFFECT**

10. This Order will come into force at midnight on 22 October 2023 and will expire at 11:59 pm on 21 October 2026.
11. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time. The Council may extend this order more than once.

#### **WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

Section 63 of the Anti-Social Behaviour Crime and Policing Act 2014 (“the Act”) says that where a constable or authorised local authority officer reasonably believes that a person is or has consumed alcohol in breach of a prohibition in a public spaces protection order, or intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition, then they may require that person:

- (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised officer reasonably believes to be alcohol; or
- (b) to surrender anything in the person's possession which is, or which the constable or authorised officer reasonably believes to be, alcohol or a container for alcohol.

However, a requirement (not consume alcohol or to surrender alcohol/container for alcohol, as described above) is not valid if the person requests the constable/authorised officer for evidence of their authorisation and the constable/authorised does not do so: section 63(4) of the Act.

The constable or authorised officer who imposes the requirement must tell the person that failing without reasonable excuse to comply with the requirement is an offence: section 63(4) of the Act.

It is a criminal offence under section 63(6) of the Act to fail, without reasonable excuse, to comply with a requirement (not consume alcohol or to surrender alcohol/container for alcohol, as described above). A person guilty of an offence is liable on conviction in a Magistrates' Court to a fine not exceeding level 2 on the standard scale.

A constable or authorised officer may dispose of anything surrendered in compliance with a requirement however he or she thinks appropriate.

It is also a criminal offence under section 67 of the Act for a person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order. A person guilty of an offence under section 67 of the Act is liable on conviction in the Magistrates' Court to a fine not exceeding level 3 on the standard scale.

### **FIXED PENALTY**

A constable, police community support officer or authorised Council officer may issue a fixed penalty notice to anyone they believe has committed an offence under section 67 of the Anti- Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

### **APPEALS**

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is an individual who lives in the Restricted Area or who regularly works in or visits that area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

The COMMON SEAL of CRAWLEY )  
BOROUGH COUNCIL was hereunto )  
affixed the        day of        )  
in the presence of:        )

Authorised officer



# Schedule 1

## to the Crawley Borough Council Alcohol Consumption Public Spaces Protection Order No 1 of 2023

Plan of Restricted Area

