

Crawley Borough Council

Minutes of Cabinet

Wednesday, 31 January 2024 at 7.00 pm

Councillors Present:

M G Jones (Chair)	Leader of the Council
I T Irvine	Cabinet Member for Housing
Y Khan	Cabinet Member for Public Protection
C J Mullins	Cabinet Member for Leisure and Wellbeing
S Mullins	Cabinet Member for Community Engagement and Culture
A Nawaz	Deputy Leader of the Council & Cabinet Member for Planning and Economic Development
B Noyce	Cabinet Member for Environment, Sustainability and Climate Change
T Rana	Cabinet Member for Resources

Also in Attendance:

Councillors M L Ayling and D Crow

Vicki Basley	Chief Accountant
Georgina Bouette	Head of Community Services
Dan Carberry	Public Protection and Enforcement Manager
Siraj Choudhury	Head of Governance, People & Performance
Ian Duke	Chief Executive
Carolin Martlew	Head of Corporate Finance
Chris Pedlow	Democracy & Data Manager
Nigel Sheehan	Head of Projects and Commercial Services
Clem Smith	Head of Economy and Planning

1. Disclosures of Interest

The following disclosures were made:

Councillor	Item and Minute	Type and Nature of Disclosure
Councillor Nawaz	Allocating Monies Collected Through CIL (Minute 13).	Personal Interest – Councillor for Three Bridges Ward

2. Minutes

The minutes of the meeting of the Cabinet held on 10 January 2024 were approved as a correct record and signed by the Leader of the Council.

3. Public Question Time

Questioner's Name	Name of Cabinet Member Responding
<p><i>Mr Burnham from Bewbush</i></p> <p>With 1 in 5 Councils either this or next year facing bankruptcy. What is the situation for Crawley Council this year please?</p>	<p><i>Councillor Jones (Leader of the Council)</i></p> <p>We will be discussing this in great depth in later items. But the very short answer is that the Council faces significant financial pressures, however we feel confident that over the current year we have a plan and strategy that will keep the Council on a level playing field and enable us to provide services, whilst looking at a what can be achieved long term. We are aiming to maintain acceptable reserves balances. Overall we are in a difficult situation, but probably better than some other councils.</p>
<p><i>Supplementary Question</i></p> <p>Are you looking at cuts to balance the books?</p>	<p><i>Supplementary Answer</i></p> <p>There will be no cuts for the current financial year, other than those already identified in the budget papers. However over the next year we will have to look at what is necessary as we have a statutory duty to deliver a balanced budget and the money we receive from Government is decreasing, whilst our outgoings are increasing.</p>

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 Town Centre Heat Network - Phase 2 Expansion.

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. 2023/2024 Budget Monitoring - Quarter 3

The Leader of the Council presented report [FIN/643](#) 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 2023 together with the main variations from the approved spending levels and impact on future budgets. It was added that the Council had made significant in-year savings.

The Leader detailed that pressures on the General Fund continue to be significant with an anticipated overspend of £3.9m against the original budget, with the most significant variation continuing to be the cost of homelessness or temporary accommodation which was predicted to result in an overspend of £3.6m. Other variances related to the District Heat Network and to the letting of the town hall. The HRA position had improved forecast and the outturn was now anticipated to be slightly favourable (£373k). The overspend on the repairs contract had reduced to £1.8m (from £2m). It was noted that the Capital budget/programme forecast significant slippage to future years. There was a risk to the capital budget due to the reduction in capital receipts as borrowing must be avoided due to the pressure on the General Fund in the form of interest incurred and repayment cost of any loan.

Councillor Ayling presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [29 January 2024](#), which included:

- Confirmation that the General Fund balance was still above the recommended minimal balance of £3m. However, it was noted further reporting would be included in the Financial Outturn report.
- Noted that the biggest pressure on the Council's budget was homelessness. The Quarter 3 forecast was £7.6m on temporary accommodation for 2023-2024.

Councillors Irvine, C Mullins and S Mullins spoke as part of the discussion on the report.

The Cabinet asked that its thanks be recorded to members of the finance team for all their hard work in keeping the Council's finances manageable in such difficult times.

RESOLVED

That Cabinet:

- a) agrees to note the projected outturn for the year 2023/2024 as summarised in report [FIN/643](#).
- b) approves the addition to the Capital Programme of £53,635 for artificial cricket wickets and net bays funded by £43,635 contribution from England Cricket Board and £10,000 from Sussex Cricket. (paragraph 8.8 report [FIN/643](#))
- c) approves the addition to the Capital Programme of £115,680 to deliver the final elements of the HRA Database funded from the Housing Revenue Account (HRA). (para 8.10 report [FIN/643](#))

Reasons for the Recommendations

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

7. 2024-2025 Budget and Council Tax

The Leader presented report [FIN/642](#) of the Head of Corporate Finance. It was heard that the Council has 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 (HRA) that combine together to formulate 'The Budget'. In proposing the level of Council Tax for the Financial Year 2024/25, each of those accounts identified had been considered. The General Fund Budget for 2024/25 forecast a take from balances of £1.2m. It was noted that that could reduce by the increase in the funding guarantee grant announced on Wednesday 24 January 2024, which was too late to be included in the budget.

It was noted that the draw down from reserves was to be £190k more than forecast in November 2023's budget strategy. However, the identified service expenditure pressures had worsened significantly, as reported in the Q3 budget monitoring report. It was emphasised that the main additional pressures were an additional £1m for temporary accommodation and £630k for the Town Hall and District Heat Network. Those increases had been balanced by a favourable increase in the level of Business Rates.

The General Fund budget assumes a Council Tax increase below the referendum level of 2.99% or £6.76, which would result in a £232.10 charge for a band D property. The budget also assumes that fees and charges are increased at 7% where feasible.

It was noted in respect of the HRA, that there was a proposed rent increase contained in the budget of 7.7% (CPI +1%). The HRA has its own 30 year business plan to ensure that spending plans remain affordable. The HRA balance was anticipated to be around £3m at the end of the period which was a healthy balance.

The Capital budget had been updated with the detailed capital investment programme for Crawley Homes of £13.95m. The General Fund capital programme was approved by Full Council in December 2023.

Councillor Ayling presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [29 January 2024](#), which included:

- Concerns raised about the future budget gaps. It was noted that the review of current reserves was part of the process identified in the Budget Strategy, but reserves could only be used once. A seminar was being arranged to provide further budgetary information.
- Details sought on the current overspend within the repairs and maintenance budget. It was noted that there had been various national changes impacting the service including Decent Homes Standard, new legislation, national campaigns and more recently, the new structure for the Repairs teams.

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

RESOLVED

That the Full Council be recommended to approve the following items regarding the 2024/25 Budget:

- a) approve the proposed 2024/25 General Fund Budget which includes using £1,202,470 of general fund reserve as set out in Section 6 of report [FIN/642](#),
- b) approve the proposed 2024/25 Housing Revenue Account Budget as set out in Appendix 5 of report [FIN/642](#) which includes the savings and growth items as set out in Section 9 of report [FIN/642](#),
- c) approve the 2024/25 and future years Capital Programme and funding as set out in Section 10 of the report [FIN/642](#),
- d) agree the transfers between reserves as outlined in Section 11 of report [FIN/642](#).
- e) agree that the Council's share of Council Tax for 2024/25 be increased by 2.99% an increase of £6.76 from £225.34 to £232.10 for a Band D property as set out in paragraph 5.11 of report [FIN/642](#),
- f) approve the Pay Policy Statement for 2024/2025 as outlined in paragraph 12.4 and Appendix 8 of the report [FIN/642](#) noting that the pay award has yet to be agreed,
- g) approve the Capital Strategy as outlined in paragraph 10.1 and Appendix 9 of the report [FIN/642](#)

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.

8. Treasury Management Strategy 2024-2025

The Leader presented report [FIN/644](#) of the Head of Corporate Finance on the Treasury Management Strategy for 2024/2025 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. It noted that the Council's investments would prioritise security, liquidity and yield in that order, followed by the Council's Ethical investment policy.

Councillor Ayling presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [29 January 2024](#), which included:

- Acknowledgement that currently local authorities still provided a good rate of return on investments.

- Confirmation provided that under legislation local authorities were not allowed to default on loans. It would not be wise to lend to local authorities that had issued a section 114 notice.

RESOLVED

That the Full Council recommended to approve:-

- a) the Treasury Prudential Indicators and the Minimum Revenue Provision (MRP) Statement contained within Section 5.4 report of [FIN/644](#);
- b) the Treasury Management Strategy contained within Section 6 of report [FIN/644](#);
- c) the Investment Strategy contained within Section 7 of report [FIN/644](#);

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 those requirements.

9. Review Of Crawley Borough Council's Statement Licensing Policy for 2024 - 2029

The Cabinet Member for Public Protection presented report [HCS/073](#) of the Head of Community Services. Crawley Borough Council is obliged to provide a Licensing Policy, under the Licensing Act 2003, for liquor, late night refreshment and regulated entertainment. The legislation requires the policy to be updated every 5 years.

Councillor Ayling presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [29 January 2024](#), which included:

- Noted that it was a legal requirement that the Council published a Statement of Licensing Policy under the Licensing Act 2003.
- Clarity sought and obtained regarding Ward Member involvement in the process. It was confirmed that Ward Councillors were informed of all new applications and any application to vary a licence across the Borough.

Councillors Irvine and Jones spoke as part of the discussion on the report.

RESOLVED

That the Cabinet reviews the responses received as part of and following the consultation, and confirmed it had no further comments to be added to the proposed revised Statement of Licensing Policy 2024-2029, as detailed in Appendix B to report [HCS/073](#), made under the Licensing Act 2003.

That Full Council be recommended to approve and adopt the proposed revised Statement of Licensing Policy 2024 -2029, as detailed in Appendix B to report

[HCS/073](#), made under the Licensing Act 2003 with a view to implementation on 1st March 2024.

Reasons for the Recommendations

It is a legal requirement that the Council publish a Statement of Licensing Policy under the Licensing Act 2003, with the Policy providing the decision-making framework for all matters under the Act. Consideration of the proposed revised Statement of Licensing Policy 2024— 2029 following inclusion of consultation feedback as appropriate, is sought from Members, and following this, that the matter proceeds to Overview and Scrutiny Commission as a Policy Framework Document , thereafter Cabinet as a key decision and Full Council, with a view to adoption and implementation from 1st March 2024.

10. PSPO - Council Owned Multi-Storey Car Parks

The Cabinet Member for Environment, Sustainability and Climate Change presented report [HCS/072](#) of the Head of Community Services. The report sought to introduce a new Public Spaces Protection Order (PSPO) to restrict anti-social and criminal behaviours within council-owned multi-storey car parks within Crawley following public consultation.

Councillor Ayling presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on [29 January 2024](#), which included:

- Clarity provided on measuring the success of a PSPO. The use and number of FPNs was not an indicator of overall PSPO success.
- Acknowledgement that following the consultation, the majority had been in support of the PSPO. The Commission was pleased that Sussex Police had also supported the proposal.
- There was general support for empowering police officers, PCSOs and the Public Protection Team. Given the strong evidence of support and need for the proposal, it was moved by Councillor Lanzer (seconded by Councillor Russell), that the Commission expressed its '*explicit support for the introduction of the PSPO*', which was agreed.

Councillors C Mullins, Jones, Rana, S Mullins and Y Khan all spoke as part of the discussion on the report and were all in full support of the proposed PSPO. Councillor Jones thanked the Commission for the strong support of the proposal.

Councillor Noyce confirmed that the Sussex House/old Morrison's car park was not part of the PSPO, as there was not enough evidence to justify inclusion and as it was a private car park it was the responsibility of the owners to tackle and report any anti-social behaviour happening within their car parks.

RESOLVED

That Cabinet approves that the level for Fixed Penalty Notices which may be issued for a breach of the PSPO (subject to that Full Council makes the PSPO in the form of the draft at Appendix A of report [HCS/072](#)) be set at £100.

That Full Council makes a PSPO in the form set out in Appendix A report [HCS/072](#) with the restricted area being Orchard Street multi-storey car park, Town Hall multi-storey car park and Kingsgate multi-storey car park which should come into force on 26 February 2024 for a period of three years

Reasons for the Recommendations

There have been complaints about anti-social behaviour the Council's town centre multistorey car parks. The anti-social behaviour is mainly caused by congregating/sleeping in access areas such as stairwells and lift lobbies, drug taking and access for the purpose of criminal activity.

As a publicly accessible space there are limited powers to prevent individuals accessing the car parks for non-parking related activities.

The anti-social behaviour can be managed by introducing a Public Spaces Protection Order restricting activity that is not connected to the parking of a vehicle or bicycle, without preventing the lawful use of the car park for all members of the public.

11. Installation of Toilet Facilities – Cherry Lane and Millpond Unsupervised Adventure Playgrounds

The Leader of the Council presented report [HCS/071](#) of the Head of Community Services. The report requested Cabinet consider approval of the installation of permanent toilet facilities at Cherry Lane and Millpond unsupervised adventure playgrounds (UAPs) and the associated growth annual revenue requirement. It was noted that the installation of permanent toilets was planned as part of the decommission of the supervised adventure playgrounds, but due to a number of reasons the works on bringing forward toilet installation had been delayed. Temporary Portaloos were currently in place at the UAPs covering the public conveniences until the permanent installation was in place.

Councillors C Mullins, Rana, and S Mullins spoke as part of the discussion in support of the recommendations contained within the report.

RESOLVED

That the Cabinet approves:

- a) the installation of permanent toilet facilities at both Cherry Lane and Millpond unsupervised adventure playgrounds.
- b) the virement of £107,827 existing capital budget to support the delivery of the project.
- c) a virement of £25,000 to fund the revenue implications of the scheme from within Community Services budgets.
- d) that the Head of Community Services be delegated the authority to undertake all necessary processes as required for the installation of the toilets, including (and

not limited to), any negotiation and approval of tenders and other documentation, subject to consultation with the Statutory Officers (*Generic Delegations 2 & 3 will be used to enact this recommendation*).

Reasons for the Recommendations

To ensure compliance with the Council's Constitution and associated decision-making processes to approve the allocation of capital funds and annual revenue budget for installation of permanent toilets at Millpond and Cherry Lane unsupervised adventure playground sites.

The Council is not under a legal duty to provide public conveniences. It does however have the discretionary power to provide them pursuant to section 87 of the Public Health Act 1936 (as amended).

12. Allocating Monies Collected Through CIL

The Cabinet Member for Planning and Economic Development presented report [PES/452](#) of the Head of Economy and Planning. Members were reminded that the Community Infrastructure Levy (CIL) was a charge which can be levied by local authorities on new development in their area. It was an important tool for local authorities to use to help them deliver the infrastructure needed to support development in their area. The report provided Cabinet with an update on the collection and administration of CIL monies along with the review of the Neighbourhood Improvement Fund (NIF) which was 15% of the CIL monies. The report proposed to allocate £100k of the NIF to the Three Bridges 3G Synthetic Turf Pitch project subject to submission of further evidence and the response to public consultation.

Councillors C Mullins, Irvine, Jones spoke as part of the discussion on the report, including commenting on the benefit to the town of having a further 3G pitch available for community use.

RESOLVED

That the Cabinet:

- a) endorses the CIL funds received to date and the outcome of the public engagement exercise on the amendments to the allocation and governance of the CIL Neighbourhood Improvement Strand monies, agreed by Cabinet in November 2022 report [PES/420](#).
- b) approves that up to £100,000 of CIL Neighbourhood Improvement Strand be allocated and committed to the Three Bridges 3G Synthetic Turf Pitch 3G project, subject to the outcome of a public engagement exercise and subject to submission of sufficient evidence supplied to the Head of Corporate Finance to demonstrate a funding gap.
- c) delegates the negotiation, approval, and completion of all relevant documentation, including legal paperwork, regarding the Three Bridges 3G Synthetic Turf Pitch 3G project, to the Head of Major Projects and Commercial Services, Head of Governance, People and Performance and the Head of Corporate Finance.

(Generic Delegations 2 & 3 will be used to enact this recommendation).

- d) approves the proposed amendments to the allocation and governance of the CIL Neighbourhood Improvement Strand monies set out in sections 9 and 10 of this report [PES/452](#), subject to the outcome of a public engagement exercise.
- e) delegates authority to Head of Economy and Planning, in consultation with the Cabinet Member for Planning and Economic Development to undertake a public engagement exercise on the proposed amendments to the allocation and governance of CIL Neighbourhood Improvement Strand monies, as set out in sections 9 and 10 of this report [PES/452](#).
- f) delegates authority to the Head of Economy and Planning, in consultation with the Cabinet Member for Planning and Economic Development, to implement any procedural modifications to the CIL Neighbourhood Improvement Strand, including in response to the public engagement exercise.
(Generic Delegation 7 will be used to enact this recommendation).

Reasons for the Recommendations

To ensure best practice for the ongoing distribution of the Neighbourhood Improvement Strand CIL monies, in line with government regulations.

To unlock CIL Neighbourhood Improvement Strand monies to enable delivery of a synthetic 3G pitch facility at Three Bridges FC as significant new amenity infrastructure for Three Bridges neighbourhood.

13. 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.

14. Crawley Town Centre Heat Network - Phase 2 Expansion

Exempt Paragraph 3

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

The Cabinet Member for Environment, Sustainability and Climate Change presented report HPS/39 of the Head of Major Projects and Commercial Services. The report requested Cabinet approval for the future options of the District Heat Network (DHN).

Councillor Ayling presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following consideration of the matter at its meeting on 29 January 2024, which included:

- Support for an options appraisal to look at the best way for the Council to progress phase 2.

- It was felt that a further report regarding this matter was important to look at objectives and opportunities.
- Recognition that any application for grant funding should be looked into.

Councillors Rana, Irvine, S Mullins, and Jones spoke as part of the discussion on the report.

RESOLVED

That the Cabinet:

- a) notes the finding of the Town Centre District Heat Network Phase 2 Outline Business Case as set out in section 4 of this report.
- b) approves to undertake an options appraisal to assess the appropriate role for the Council in progressing the DHN phase 2 and that a further report be brought back to Cabinet regarding this matter.
- c) subject to the options appraisal, agrees to submit an application to the Green Heat Network Fund for funding to support commercialisation and progression to construction.
- d) notes the allocation of £50,000 to progress the options appraisal and application to the Green Heat Network Fund.

Reasons for the Recommendations

The Feasibility Study and Detailed Project Development for the phase 2 expansion of the town centre DHN indicate that the network is commercially viable (assuming a successful Green Heat Network Fund application) and electrification of the heat source can be achieved, thereby significantly reducing carbon emissions relative to the current phase 1 gas boilers and combined heat and power unit.

The recommendations will enable the project to proceed to the commercialisation stage and in particular permit;

- (i) Consideration of commercial options which enable progression of the DHN phase 2 expansion within the context of the Council's Medium Term Financial Strategy while supporting the wider climate emergency pledge and net zero ambitions.
- (ii) Submission of a funding application to the Green Heat Network Fund to support commercialisation and construction costs for the DHN Phase 2.

Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.37 pm

M G JONES
Chair