

Crawley Borough Council

Minutes of Cabinet

Wednesday, 6 November 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

Officers Present:

Siraj Choudhury	Head of Governance, People & Performance
Ian Duke	Chief Executive
Chris Pedlow	Democracy & Data Manager
Nigel Sheehan	Head of Major Projects and Commercial Services
Clem Smith	Head of Economy and Planning
Paul Baker	Partnership Services Manager
Penny Greenwood-Pearsons	Leisure and Culture Services Manager

1. Disclosures of Interest

Councillor Crow	Crawley Town Centre Business Improvement District (BID) Renewal (Minute 6)	Personal and Prejudicial Interest – Crawley Town Centre Business Improvement District (BID) Director as the West Sussex County Council representative.
Councillor Nawaz	Proposed Manor Royal Crawley Town Centre Business Improvement District (BID) Renewal (Minute 6)	Personal and Prejudicial Interest – Advisor to Crawley Town Centre Business Improvement District (BID) as the Cabinet Member for Planning and Economic Development

2. Minutes

The minutes of the meeting of the Cabinet held on 2 October 2024 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 items 10 and 11, Crawley Leisure Contract: Contract Extension, and Hawth Theatre: Options Appraisal and Contract Extension respectively.

5. Matters referred to the Cabinet and Report from the Chair of the Overview and Scrutiny Commission

It was confirmed that no matters had been referred to the Cabinet for further consideration.

6. Crawley Town Centre Business Improvement District (BID) Renewal

Councillors Crow and Nawaz each had an interest in this item, so left the room and took no part in the debate.

The Leader of the Council presented report [PES/469](#) of the Head of Economy and Planning. The report sought support for the renewal of the Town Centre BID for a second five year period, for the Town Centre BID's Business Plan 2025-2030 and Cabinet approval for the Council to continue to undertake the role of Ballot Holder, as well as Billing Authority for the BID, should a majority of BID levy payers vote to continue the BID. The Leader in presenting the report spoke in strong support of the good work achieved as a result Town Centre BID in terms of the number of visitors visiting the Town Centre, the low vacancy rates compared to other towns locally, the number of events that had taken place including the pop-up beach and especially the introduction of the BID ambassadors and the additional CCTV cameras.

It was also noted that the BID was a key driver within the Council's Town Centre Regeneration programme and Crawley's economic recovery plan.

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

RESOLVED

That the Cabinet:

- a) notes the achievements and impact of the Town Centre BID during its first term (2019-2024).
- b) agrees the proposal to support the renewal of the Town Centre BID and that the Council will vote 'Yes' in favour of the BID and, by doing so, agree to pay the levy on those rateable hereditaments owned by the Council which are located in the BID area, as listed in Appendix A of report [PES/469](#). The cost to the Council to be included within future years budgets if the renewal ballot is successful.
- c) requests the Leader of the Council, as the nominated representative, to cast the 'YES' vote in respect of the Council's eligible hereditaments in the BID boundary area.
- d) approves that the Chief Executive, as Returning Officer and Ballot holder, should hold a ballot for the Town Centre BID renewal.
- e) approves that the Head of Governance, People and Performance be authorised to complete the necessary legal agreements required for the BID levy operation together with any other relevant documentation for the proposed BID renewal.
- f) agrees that the Council continues to perform the role of billing authority for a further five years, collecting the BID levy on behalf of the Town Centre BID, subject to the BID securing renewal.

Reasons for the Recommendations

- a) Since the outcome of the ballot for the Town Centre BID's initial term permitted a maximum five-year period to 31 March 2025, a renewal ballot for a second term is required amongst Town Centre levy payers to determine whether the majority wish for the Town Centre BID to continue for a further five years. Cabinet is therefore asked to agree to the Town Centre BID's renewal proposal.
- b) The Council also needs to determine whether it wishes to continue to undertake the role of billing authority, collecting the BID levy on behalf of the BID (subject to legal agreement).
- c) The BID (England) Regulations 2004 require the Council as 'billing authority' to instruct the ballot holder to hold the renewal ballot. The ballot holder is the person the relevant billing authority has appointed under section 35 of the Representation of the People Act 1983 (a) as the Returning Officer for elections to that authority i.e. the Chief Executive.
- d) Given the Council owns 20 rateable property hereditaments within the Town Centre BID area (with a rateable value of more than £10,000) it will be required to pay a BID levy for those properties (except for 7 properties leased to tenants that are liable for the BID levy) should the BID be renewed for a second term. Details of these hereditaments and their respective liabilities are shown in Appendix A and in

paragraphs 6.2.3 to 6.2.5 of report PES/469. This entitles the Council to vote during the period of the BID ballot as a levy payer.

- e) The Council is required to ensure that the process associated with BID renewal and the operation of the Town Centre BID during a second term (subject to a 'Yes' vote) is undertaken in accordance with the BID (England) Regulations 2004.

Councillors Crow and Nawaz returned to the meeting.

7. 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.

8. Crawley Leisure Contract: Contract Extension

Exempt Paragraph 3

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

The Cabinet considered report HPS/043 of the Head of Major Projects and Commercial Services, which sought approval to progress the options and preferred delivery model for the Crawley Leisure Facilities Management Contract. The Cabinet Member for Leisure & Wellbeing introduced the report with the Head of Major Projects and Commercial Services then providing the Cabinet with some technical detail on the options before them. It was noted that the report identifies the challenges and opportunities to ensure K2 Crawley remains competitive and amongst the leading leisure centres in the South-East region. The report makes recommendations to improve health and fitness facilities and environmental sustainability and to extend the current contract with Everyone Active, thereby ensuring the Council will continue to receive the currently budgeted income via the contract management payments beyond the end of the current contract period. The Cabinet were also provided with further information over the benefits of the proposed K2 Crawley Carport Scheme.

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 4 November 2024.

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

RESOLVED

That the Cabinet:

- 1) notes the success of K2 Crawley and the wider portfolio of leisure facilities and the contribution these make to wider social value outcomes as set out in paragraphs 4.2 and 4.3 of report HPS/043.
- 2) approves the extension of the leisure management contract with Everyone Active from 14 November 2028 to 13 November 2033 on the terms set out in paragraphs 5.8 to 5.11 of report HPS/043.
- 3) authorises the Head of Corporate Finance, Head of Governance and Head of Major Projects and Commercial Services to enter into a contract variation based upon the terms set out in paragraphs 5.8 to 5.11 of report HPS/043.
- 4) approves a capital budget transfer (virement) of £957k funded from £707k Sports England grant funding and a £250k contribution from CIL (Community Infrastructure Levy) or if not available the Council's capital reserve as partnership funding toward the installation of an additional 415 kw of solar pv within the car park at K2 as set out in paragraph 5.10 of report HPS/043.
- 5) approves the appointments the contractor (up to the value stated) as detailed in paragraph 5.10 in report HPS/043, for the K2 Carport Scheme using the procurement process as detailed in paragraph 5.10 of this report.
- 6) delegates the negotiation, approval and completion of all relevant documentation in relation to that contract to the Head of Major Projects and Commercial Services, Head of Governance, People & Performance and Head of Corporate Finance, in consultation with the Cabinet Member for Leisure and Wellbeing.

The Full Council be recommended to:

- a) approve a supplementary capital estimate of £2million to provide a capital contribution of £2million to Everyone Active to remodel the health and fitness facilities at K2 Crawley as set out in paragraph 5.9 of report HPS/043 funded from the Council's capital reserve. Capital financing to be confirmed as part of the budget 2025/26 report.
- b) subject to the approval of recommendation a) above, authorise the Head of Corporate Finance to enter into a funding agreement with Everyone Active setting out the terms of the funding award of £2million to improve health and fitness facilities at K2 Crawley.

Reasons for the Recommendations

The recommendations will help to ensure the leisure facilities in Crawley remain competitive, in keeping with market expectations and support on going work to improve environmental sustainability. The recommendations will also help to ensure the Council continues to receive the current level of management payment through to November 2033, despite an increasingly competitive and challenging commercial environment.

9. Hawth Theatre: Options Appraisal and Contract Extension

Exempt Paragraph 3

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

The Cabinet considered report HPS/044 of the Head of Major Projects and Commercial Services, which sought approval of the preferred delivery model for the Hawth Theatre following an options appraisal and tender process, to ensure the Hawth continues to provide valued local services while supporting the Council's wider budget requirements. The Cabinet Member for Leisure & Wellbeing introduced the report with the Head of Major Projects and Commercial Services then providing the Cabinet with some technical detail on the options before them.

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 4 November 2024.

Councillor Crow was invited to speak on the item and showed his support for the proposals contained within the report.

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

RESOLVED

That the Cabinet:

- 1) approves entering into a contract extension with Parkwood Theatres from 1st February 2026 for a term of five years with the option to extend for a further five years under the terms set out in paragraphs 6.19 – 6.21 of report HPS/044.
- 2) authorises the Head of Corporate Finance, Head of Governance and Head of Major Projects and Commercial Services to enter into a contract variation based upon the terms set out in paragraphs 6.19 - 6.21 of report HPS/044.

Reasons for the Recommendations

- a) The option to extend the contract with Parkwood Theatres enables the Hawth to continue as a valuable and valued service for Crawley residents. Nearly half of the visits to the Hawth are from Crawley residents and the venue offers a wider economic benefit from a variety of sources. The Hawth has also significantly grown its community and participation programmes and this option enables these to continue.
- b) The extension significantly reduces the revenue cost to the Council of running the Hawth. Although an improved offer could be achieved through a competitive process, an assessment from specialist consultants indicates that, given the venue size, the offer from Parkwood is at or indeed above market expectations.

There is also a risk that market conditions may not be as positive when bids would be invited (in approximately 12 months) and competition is limited as a result.

- c) The extension secures a significant saving on the 2025/26 revenue budget. This option is the only viable means of achieving this within the current contract period. This option continues to provide risk transfer for the Council and protects from potentially volatile market conditions and cost volatility as experienced with energy costs in recent years.
- d) The option to extend the contract secures a significantly improved revenue position while balancing the capacity and resourcing requirements for the Council. A competitive tender would be a significant resource undertaking and the negotiated option is less impactful enabling resources to be applied to other priority projects.

Closure of Meeting

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.07 pm.

M G JONES
Chair