

# Crawley Borough Council

## Minutes of Cabinet

Wednesday, 21 November 2018 at 7.30 pm

### Councillors Present:

P K Lamb (Chair)	Leader of the Council
M G Jones	Cabinet Member for Housing
C J Mullins	Cabinet Member for Wellbeing
A C Skudder	Cabinet Member for Resources
B A Smith	Cabinet Member for Public Protection and Community Engagement
P C Smith	Cabinet Member for Planning and Economic Development and Deputy Leader

### Also in Attendance:

Councillor C A Cheshire, D Crow, I T Irvine and B J Burgess

### Officers Present:

Natalie Brahma-Pearl	Chief Executive
Ann-Maria Brown	Head of Legal, Democracy and HR
Ian Duke	Deputy Chief Executive
Karen Hayes	Head of Corporate Finance
Chris Pedlow	Democratic Services Manager
Patricia Salami	Station Programme Manager
Nigel Sheehan	Head of Projects and Commercial Services
Clem Smith	Head of Economy and Planning

### Apologies for Absence:

Councillor G Thomas

## 1. Disclosures of Interest

The following disclosures of interests were made:

<b>Councillor</b>	<b>Item and Minute</b>	<b>Type and Nature of Disclosure</b>
Councillor P Smith	Public Space Protection Order (Minute 9)	Personal Interest – a Local Authority Director of the Manor Royal Business Improvement District

## **2. Minutes**

The minutes of the meeting of the Cabinet held on 31 October 2018 were approved as a correct record and signed by the Leader.

## **3. Public Question Time**

The Cabinet received a question from Mr Charles Crane from Bewbush in relation to the redevelopment of the Town Hall site. He asked that as the Council had seemingly now entered into a formal agreement over the redevelopment of the Town Hall site, could the full cost of the project, now be put into the public domain?

In response the Leader confirmed that the Council had entered into a development agreement, however it was not possible at present to publish the finances relating to the project. The reason why this was not currently possible, was that the next stage of the redevelopment was to procure a number of construction elements including the build itself. Thus it would not be in the public interest to announce what money had been budgeted in advance of the tender process.

As a supplementary question, Mr Crane asked when would costings be made available? In response it was confirmed that this information could not be made available before the Summer of 2019, but once the Council was in a position to make this information public, it was legally required to do so and would.

## **4. Further Notice of Intention to Conduct Business in Private and Notifications of any Representations**

The Head of Legal, Democracy and HR reported that no representations had been received in respect of agenda item 14: *Civil Engineering & Hard Landscaping Minor Works Framework Contract*.

## **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. Treasury Management Mid-Year Review 2018/2019**

The Leader presented report FIN/457 of the Head of Corporate Finance which set out an update on the Council's Treasury Management Strategy for the two first quarters of 2018/2019. It was explained that there were no grounds for concerns or significant

changes since the last update report, and the only current burrowing that the Council has currently related to the HRA.

It was noted that the Council was required to consider Treasury Management activities on a twice yearly basis to ensure Councillors were able to monitor the Council's finances and to review how they were being invested.

Councillor Cheshire presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following their consideration of the matter at its meeting on 19 November 2018. The Cabinet noted the Commission's comments.

## **RESOLVED**

That the Cabinet notes the report and the treasury activity for the first half of the year 2018/2019.

### **Reasons for the Recommendations**

The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management recommends that members be updated on treasury management activities regularly (Treasury Management Strategy Statement, annual and mid-year reports). This report, therefore, ensures this Council is implementing best practice in accordance with the Code.

## **7. Abandoned Shopping Trolleys**

The Leader presented report HCS/10 of the Head of Community Services which set out an option available to the Council to tackle the issues associated with abandoned trolleys across the Borough. The proposal was to implement the adoption of the relevant powers under Section 99 and Schedule 4 of the Environmental Protection Act 1990. The powers would allow the Council to collect any abandoned trolleys (both shopping and luggage) across the Borough and then charge the 'owners' (normally supermarkets) the cost of the collection and returning the trollies back to them.

Councillor Cheshire presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following their consideration of the matter at its meeting on 19 November 2018. The Commission was in support of the proposal, but had some concerns that this would cause undue impact on those Neighbourhood Patch Teams (NPT) who had responsibility for the Town Centre where many of the larger supermarkets were. The NPTs would be responsible for the collection of abandoned trolleys, as part of the proposal.

Councillors Jones, Mullins and B. Smith all spoke as part of the discussion on the report.

## **RESOLVED**

That the Cabinet:

1. approves the adoption of the statutory powers under Section 99 and Schedule 4 of the Environmental Protection Act 1990, for use across the Borough from the 22 February 2019.

2. delegates authority for this function to the Head of Community Services, including the consequential steps required to implement the powers, the fixing of charges and review of how the powers are implemented. (*Generic Delegations 3 and 4 will be used to enact this recommendation*).

### **Reasons for the Recommendations**

There are reports of abandoned trolleys across the whole of the Borough. While the Council addresses this matter it bears the full costs associated with the work.

Adoption of the powers in the Environmental Protection Act 1990 provides the Council with a simple means to deal with abandoned shopping trolleys and abandoned luggage trolleys. Furthermore, it allows the Council to recover the costs in so doing whether or not the owner seeks to have them returned or not.

The proposal aims to incentivise trolley owners to take action rather than punish them for failing to do so.

Experience from other authorities is that this is an effective solution as it resulted in a significant reduction in the number of abandoned trolleys.

## **8. Station Gateway Programme Update**

The Cabinet Member for Planning and Economic Development presented report PES/307 of the Head of Economy and Planning which set out the proposal for the Council to take over as the lead organisation for the Station Gateway Scheme including the project management. It was explained that the rationale for the proposal followed the success of how the Council had coordinated the redevelopment of Three Bridges station and the synergy of the Station Gateway to the Crawley Growth Programme and the Eastern Gateway. The Cabinet was informed that all the partner organisations involved in the Station Gateway project, such as the Aurora Group, West Sussex CC, Network Rail, were in support of the Council taking the lead on the project. It was noted that with the Council taking this lead it would be mean the Council's procurement process that would be followed for the redevelopment.

Councillor Cheshire presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following their consideration of the matter at its meeting on 19 November 2018. The Cabinet was informed of the Commission's support for the proposal including that they were pleased that the proposal included the installation of a full accessible bridge at the station.

### **RESOLVED**

That the Cabinet:

1. notes the progress made to date to bring forward the Scheme
2. approves Crawley Borough Council to be the lead project management organisation for the Scheme.

3. delegates authority to the Head of Economy and Planning to undertake a procurement tendering exercise to appoint designers to undertake detailed designs for the Scheme in accordance with the Council's Procurement Code.
4. delegates authority to the Head of Economy and Planning, in consultation with the Cabinet Member for Planning and Economic Development to approve the final, detailed designs for the Station Gateway scheme, subject to consultation (and subject to planning permission for the Friary Way – bus station element) and working in close partnership with Arora Group, Govia Thameslink Railway (GTR), Network Rail (NR), and West Sussex County Council (WSCC).
5. delegates the negotiation and approval of the terms of all relevant legal documentation to the Head of Economy and Planning, Head of Legal, Democracy and HR, Head of Corporate Finance, in consultation with the Cabinet Member for Planning and Economic Development.
6. Recommends to Full Council to:
  - a) approves the inclusion of the Scheme within the capital programme, funded by the Local Enterprise Partnership (LEP) and WSCC through the Crawley Growth Programme.
  - b) approves the increase of £5.2 million to the capital programme for the Station Gateway Scheme within the Crawley Growth programme, to be funded from contributions from the LEP and WSCC, subject to formal agreement with WSCC of a revised funding protocol.

### **Reasons for the Recommendations**

On 4th July 2016, Crawley Borough Council Planning Committee granted outline planning permission ([CR/2016/0294/OUT](#)) for Station Gateway site development, comprising 308 new residential flats, a railway station, a dedicated car park for the station and public realm / transport interchange improvements to strengthen taxi / pedestrian / cyclist / bus connectivity. The Station Gateway site development is not viable without funding investment in the highways, junction and public realm improvements on Station Way.

On 4th October 2017, Cabinet endorsed the Crawley Growth Programme (report [PES/259 refers](#)), comprising a range of town centre, Manor Royal and transport regeneration schemes, including the Scheme to help unlock residential / commercial space growth. This followed the formal approval by the Local Enterprise Partnership of a £14.6 million bid to the Local Growth Fund, as part of an overall package of over £60 million.

On 27th June 2018, Cabinet approved the addition of the Station Gateway scheme to the CBC Crawley Growth Programme budget along with an allocation of £100,000 to come from West Sussex County Council, now received (report [PES/298](#) refers). This was in order for CBC to support the project management of the Scheme detailed designs and associated partnership working with the railway authorities and Arora Group.

The acceptance of the recommendations in Section 2 of this report will enable officers to work with the Arora Group and other Partners to deliver the Scheme to help unlock

the redevelopment of the Station Gateway site, which has outline planning permission for 308 high quality residential apartments and a new railway station.

The adopted Crawley Local plan 2015 – 2030 (Policy EC6) (Development Sites within the Town Centre Boundary) stipulates that there are four key opportunity sites within the Town Centre including Crawley Station and Car Parks, which will contribute towards a net total of 499 new dwellings. By progressing with this scheme it will enable the developer to build 308 units which contributes to meeting this target.

## **9. Public Space Protection Order**

The Cabinet Member for Public Protection and Community Engagement presented report CH181 of the Head of Crawley Homes which sought approval for the making of a Public Space Protection Order (PSPO) to prohibit vehicle related anti-social behaviour associated with car cruise activity in the borough of Crawley.

It was noted that car cruise activity had been taking place in Crawley since 2010. In the past 3 years the police have received at least 280 complaints of vehicle related anti-social behaviour related to the activity, and it represented a significant nuisance for those residents and businesses affected. The proposed order would encompass the whole Borough, with the exception of Gatwick Airport and there would be specific signage in the most common areas where car cruising occurs. It noted that public consultation had occurred over the making of the PSPO, with the majority of the responses being in favour of the use of the Order.

Councillor Cheshire presented the Overview and Scrutiny Commission's comments on the report to the Cabinet following their consideration of the matter at its meeting on 19 November 2018. The Cabinet were informed that the Commission had held a comprehensive discussion of the proposal, including seeking clarification over exactly what was classed as a car cruise 'gathering' and 'activities', and that the purpose of the proposal was not to vilify all those with "a passion for cars".

Councillor Cheshire then presented the Commission's three recommendations, namely that there was broad support for the proposals, and that a review report on the effectiveness of the PSPO be produced after 6 months. The final recommendation was that the Cabinet refer the decision to Full Council for their consideration and approval. It was explained that Guidance suggested the decision on approving such an Order could be put to the Cabinet or Full Council and the Commission felt that given that car cruising was a town wide issue it would be more appropriate and open to have all Councillors involved in approving such a decision.

Councillor Crow was invited to speak on the item and he expressed his personal support as there had been numerous car cruising incidents within his ward and he hoped that the PSPO would help end such anti-social behaviour.

In responding to the Commission's recommendation over to refer the decision to the Full Council, the Leader stated that he would be against this proposal as it would not be in the interest of our residents. Being in mind the number of complaints, the level of nuisance and the dangerous driving, and as there was support by the Commission for installation of the order, it would not be a sensible move to delay the approval of the making of the Order.

Councillors Mullins, P. Smith, Skudder and Jones, all spoke on the report and the Commission's proposal and echoed the Leader's view. Comments were also made on

the fact that the Manor Royal Business District was fully behind the making of the Order, due to the frequency of car cruising within Manor Royal. On the recommendation of the Commission for an update report on the effectiveness of the Order, the Cabinet commented that they would be in support of such a review, but felt that 12 months would be more appropriate as it would then cover the summer months when incidents of car cruising appeared to be more regular.

## **RESOLVED**

That the Cabinet approves:

1. the making of a 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 to report CH181 for a period of 3 years. The PSPO to be implemented within 3 months of being agreed, to allow time for signage to be in place.
2. the level of Fixed Penalty Notice (FPN) to be issued in respect of PSPO breaches at £100.
3. that a review report be produced after 12 months of implementation in order to effectively evaluate the impact of the PSPO.

**In accordance with Scrutiny Procedure Rule 14, the decision above was called-in by Councillor Irvine on the grounds that he did not believe that the decisions had been taken in accordance with the following principles as set out in Article 12.2 of the Council's Constitution:-**

***(d) a presumption in favour of openness;***

***(g) due regard to the statutory framework, guidance and codes of conduct;***

**Councillor Irvine justified the call-in by stating that LGA guidance provided the option for decisions on Public Space Protection Orders, to be taken at either Cabinet or at Full Council. With the Cabinet rejecting the Commission's recommendation that the Cabinet defer the decision to Full Council, the Cabinet was not therefore taking '*due regard to the statutory guidance*'; and as the Full Council meeting would have included all Councillors taking the decision, rather than just the seven Cabinet Members, the Cabinet were ignoring '*a presumption in favour of openness*.'**

## **Reasons for the Recommendations**

The PSPO would enhance public safety through a targeted combined approach of Council services to tackle the problems associated with car cruise activity. The PSPO is a supplementary power available to the Police and the Local Authority, designed to complement existing enforcement strategies and legislation, whilst regulating specific activities in public places that have a detrimental effect on the local community.

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. PSPOs can send a clear message that certain behaviours will not be tolerated and help reassure residents and businesses that unreasonable conduct is being addressed. The anti-

social behaviour that Crawley has experienced from car cruising activity has been no different from these areas. They do not appear to have required a great deal of enforcement to resolve the problem.

Prior to considering a PSPO the Council has undertaken preliminary consultation with partners and stakeholders including the police, West Sussex County Council, Crawley and Gatwick Diamond Business Watch who have all agreed that a PSPO would be helpful to effectively manage this issue and provide a long-term solution across for the town.

**NOTE BY HEAD OF LEGAL, DEMOCRACY AND HR:** – Councillor Irvine has subsequently emailed the Head of Legal, Democracy and HR withdrawing the Call-in.

## **10. 2018/2019 Budget Monitoring - Quarter 2**

The Leader presented report FIN/456 of the Head of Corporate Finance which provided a summary of the Council's actual revenue and capital spending up to the end of Quarter 2 ending September 2018. It identified the main variations from the approved spending levels and any potential impact on future budgets. It was noted that the surplus with regards to both the revenue and the HRA had increased during the Quarter

### **RESOLVED**

That Cabinet notes

1. the projected outturn for the year 2018/2019 as summarised in report FIN/456.
2. the Section 106 contributions identified to fund the Memorial Gardens Play Improvement Project as identified in Paragraph 9.1 of the report FIN/456.

### **Reasons for the Recommendations**

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

## **11. Local List of Planning Requirements Review**

The Cabinet Member for Planning and Economic Development presented report PES/306 of the Head of Economy and Planning which set out the approach for the adoption of a revised 'Local List of Planning Requirements' (Local List) and arrangements for future updates.

The Cabinet were informed that the Local List was how the Council could request further information to be submitted with applications in addition to that nationally required and that the Local List was required to be reviewed every two years.

In considering the report the Cabinet noted that a public consultation had occurred on the proposals and account had been taken of the responses received. Also it was



confirmed that the 'Local List' within the report was distinct from the Council's list of 'Locally Listed' buildings, identified for their special local importance.

## **RESOLVED**

That the Cabinet:

1. approves the adoption and publication of the proposed Local List of Planning Requirements (Appendix 1 to report PES/306), with effect from 22 November 2018;
2. delegates authority to the Cabinet Member for Planning and Economic Development to approve subsequent updates to the Local List of Planning Requirements to keep it up to date and compliant with national policy.

### **Reasons for the Recommendations**

The most recent review of the Local List of Planning Requirements was in 2010 and it is now out of date. A revised Local List is needed in order to apply local validation requirements, which have themselves changed with the adoption of the 2015 Local Plan.

The revised Local List has been subject to a four-week public consultation and the proposed version takes account of responses received. Officers consider that it represents an appropriate set of requirements for planning applications in Crawley.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (known as the 'Development Management Procedure Order') provides that Local Lists must be reviewed every two years in order to remain in force. The proposed delegation is considered appropriate in light of this.

## **12. 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.

## **13. Civil Engineering and Hard Landscaping Minor Works Framework Contract**

The Leader presented report HPS/16 of the Head of Major Projects and Commercial Services which sort approval to award the Civil Engineering and Minor Works Framework Contract following a comprehensive procurement process. The duration of the contract would be for an initial period of three years from 2<sup>nd</sup> January 2019 until 1<sup>st</sup> January 2022, with an option to extend the contract for up to a further two years until January 1<sup>st</sup> 2024.

## **RESOLVED**

That the Cabinet approves the appointment of Contractor 'A' for the Civil Engineering and Minor Works Framework Contract for an initial period of three years from 2<sup>nd</sup> January 2019 until 1<sup>st</sup> January 2022, and subject to performance review, with an option to extend the contract for up to a further two years until January 1<sup>st</sup> 2024. The approval was subject to the mandatory standstill period.

### **Reasons for the Recommendations**

This Framework contract has provided an efficient and effective mechanism to procure minor works for civil engineering and hard landscaping minor projects. Works procured and delivered via this mechanism in the current contract period have included cycle path improvements, K2 Crawley leisure centre car park improvements and Broadfield Barton environmental improvements.

The recommendation will enable such works to continue to be procured and delivered by this framework contract.

### **Closure of Meeting**

With the business of the Cabinet concluded, the Chair declared the meeting closed at 8.12 pm

**Chair**