



**Brighton & Hove
City Council**

**ECONOMIC DEVELOPMENT &
CULTURE COMMITTEE
ADDENDUM**

4.00PM, THURSDAY, 17 NOVEMBER 2016

**COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD,
HOVE, BN3 3BQ**

ADDENDUM

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AGENDA ITEM 29(A)

PUBLIC INVOLVEMENT, PETITIONS – HMOS IN ELM GROVE AREA

LABOUR & CO-OPERATIVE GROUP AMENDMENT

That the recommendation be amended by adding the words shown in ***bold italics*** and deleting those in ~~strikethrough~~.

That the Committee requests an Officer report be brought to a future meeting specifically to consider the matters raised at full Council, namely that:

1. ~~That the Committee give consideration to the petition's request and the recommendations from the full Council;~~
2. ~~That the Committee be requested to consider that the City Plan Part One be reviewed to increase the area of restriction from 50 metres to 150 metres where applications for conversion to HMOs will be rejected if more than 5% of current dwellings are already HMOs;~~
3. ~~That the Committee be requested as a priority to consideration~~ ***be given to*** the extension of the current Article 4 Direction area and options to further extend the licensing of private rented housing; and
4. ~~That the Committee~~ ***consideration be given as to*** whether to better align the Planning and Licensing functions in relation to HMOs and learn from other university towns as to more effective management of student HMOs and to request a report on this matter to its next meeting.

Proposed by: Cllr: Cattell

Seconded by: Cllr: Yates

Amended Recommendations to Read:

That the Committee requests an Officer report be brought to a future meeting specifically to consider the matters raised at full Council, namely that:

1. The City Plan Part One be reviewed to increase the area of restriction from 50 metres to 150 metres where applications for conversion to HMOs will be rejected if more than 5% of current dwellings are already HMOs;
2. Consideration be given to the extension of the current Article 4 Direction area and options to further extend the licensing of private rented housing; and

3. Consideration be given as to whether to better align the Planning and Licensing functions in relation to HMOs and learn from other university towns as to more effective management of student HMOs and to request a report on this matter to its next meeting.

WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed for questions submitted by a member of the public who either lives or works in the area of the authority at each ordinary meeting of the Committee.

Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion.

The following written questions have been received from a members of the public.

(a) Planning Policy and the Scheme of Delegation – Lynne Moss

“In relation to planning policy and the scheme of delegation, is it the responsibility of the Economic Development & Culture Committee or the Planning Committee or jointly to determine whether an existing Local Development Plan policy may be negated and explain the reason for the decision?”

Reply from Councillor Robins, Chair of the Economic Development & Culture Committee

(b) Planning Policy and Air Pollution in Rottingdean High Street – Nigel Smith

“Have the Economic Development & Culture Committee in terms of policy and the Planning Committee in terms of application of policy determined what level of increase in air pollution is acceptable for Rottingdean High Street relating to additional traffic generated by B&HCC planning applications and any cross border developments which might impact? Any such levels of increase need to be assessed on both an individual application, a cumulative impact and a time phased (impact over a 12 month period. This is only going to be effective where post “application approval” changes are monitored. If not, can the related committees provide a timeframe within which such guidance will be available?”

Reply from Councillor Robins, Chair of the Economic Development & Culture Committee

(c) Planning Policy and Pre-Application Advice – Sean Flanagan

“If an officer in planning pre application discussions agreed an approach (in writing or otherwise) to an application with an applicant which is contrary to a

policy as expressed in the Local Development Plan – in this case City Plan 1, is this agreement binding on the council in the persona of the relevant Sub-Committee?”

Reply from Councillor Robins, Chair of the Economic Development & Culture Committee

(d) Digitisation of the Newspapers, County Archivist – Tim Carder

“In January 2015 the County Archivist told users of The Keep that digitisation of the city’s newspapers had been completed, but that there was an IT problem in presenting the data. This project is of huge significance for local history in the city, allowing historians to find important needles in haystacks.

Will you kindly tell me:

- a) What has happened to the project and the IT problems;
- b) How much has been spent on the project;
- c) What plans there are for releasing this wealth of history in searchable form for the benefit of residents?”

Reply from Councillor Robins, Chair of the Economic Development & Culture Committee

WRITTEN QUESTIONS FROM COUNCILLORS

The following questions have been received from Councillors and will be taken as read along with the written answer which will be included in an addendum that will be circulated at the meeting. A Member who asked a question may ask one relevant supplementary question which shall we put and answered without discussion.

(a) Councillor Nemeth

“Will the Chair provide comparative figures for the past two years (broken down by month) on (a) the length of time that it has taken to validate planning applications following arrival of application form (whether form is considered ‘valid’ or otherwise); (b) the number of applications where an applicant has been asked to grant a time extension; and (c) how (a) and (b) compare with national averages?”

Response

Receipt to Validation

Extension of Time Agreements

Month	Average No. of Days from Received to Valid (includes non working days)	No. Apps Received	Month	No. Applications Determined	No. Determined applications with Agreed Extension of Time	% of Determined Applications with Agreed Extension of Time
Oct-14	12.56	313	Oct-14	251	1	0.4
Nov-14	9.97	292	Nov-14	216	1	0.5
Dec-14	8.28	301	Dec-14	251	4	1.6
Jan-15	10.38	260	Jan-15	290	3	1.03
Feb-15	7.86	286	Feb-15	217	3	1.4
Mar-15	10.36	337	Mar-15	258	3	1.2
Apr-15	15.02	340	Apr-15	279	4	1.4
May-15	13.44	316	May-15	251	2	0.8
Jun-15	15.21	381	Jun-15	316	3	1.8
Jul-15	10.91	368	Jul-15	325	6	1.8
Aug-15	10.96	319	Aug-15	302	2	0.7
Sep-15	14.6	287	Sep-15	322	1	0.3
Oct-15	11.6	332	Oct-15	379	1	0.3
Nov-15	10.63	307	Nov-15	317	11	3.5
Dec-15	8.28	289	Dec-15	198	22	11.1
Jan-16	17.2	278	Jan-16	375	116	30.9
Feb-16	14.17	356	Feb-16	324	61	18.8
Mar-16	12.97	335	Mar-16	289	55	19.0
Apr-16	10.88	347	Apr-16	418	148	35.4
May-16	9.63	363	May-16	300	118	39.3
Jun-16	11.8	388	Jun-16	297	98	33.0

Jul-16	10.67	369	Jul-16	273	97	35.5
Aug-16	11.02	338	Aug-16	361	113	31.3
Sep-16	15.53	292	Sep-16	388	180	46.4
Oct-16	10.6	349	Oct-16	184	64	34.8

* please note these figures do not take into account the number of applications which were made invalid

(b) Councillor Nemeth

“Will the Chair will make a statement on the proliferation of plastic windows on the sides and rears of historic buildings in our Conservation Areas?”

Response

Most conservation areas in the city are covered by Article 4 Directions which restrict permitted development rights to alter windows – but this is largely restricted to front elevations only. The reason for this is that removing permitted development rights has to be justified and that harmful alterations to the front elevation have a greater impact on the character of a conservation area. As a consequence installation of plastic windows on the front and rear of houses in conservation areas does not need planning permission. New windows on front elevations are expected to use matching materials.

There are some Article 4 Directions in Hove which *do* control changes to the side and rear elevations - as they are more visible from the street – so planning guidance can be applied. However, the guidance allows uPVC windows on side and rear elevations - as long as the windows match the originals in style, opening method, proportions and external details.

(c) Councillor C. Theobald

“Will the Chair detail what public realm improvements are planned for the Regency Square area from allocated funds from the i360?”

Response

As part of its s106 obligations the BAi360 will be providing a 1% Ticket Revenue Contribution to be paid to the council for environmental improvement works in a defined West Pier Area including Regency Square. The first payment will be due September 2018.

To assist the council and the Regency Square Area in developing appropriate long term improvements for Regency Square which can make the best use of a proportion of the BAi360 ticket revenue, the council’s Communities Team has convened a Regency Square Community Stakeholder Group, which includes representatives from the Regency Square Area Society, the West Pier Trust and the BAi360. The purpose of this group is to work with the council and with community, commercial and residential stakeholders to develop a future

masterplan for the square. The masterplan will guide investment both in terms of the BAi360 ticket revenue that might be required, but also will look at the opportunities to lever in further investment for improvements. The Stakeholder Group is currently developing a landscape architects brief which will be circulated for comment in early 2017. This work is also based upon a public consultation undertaken by the Regency Square Area Society in early 2016.

(d) Councillor Peltzer Dunn

“Will the Chair detail what discussions he has held prior to the submission of this question regarding Small Business Saturday that is due to take place on 3rd December?”

Response

This is the 3rd year that the Economic Development team have led on the delivery of Small Business Saturday for Brighton & Hove City Council.

In **SBS 2015** the focus was two pronged.

- To work with local business support stakeholders and provide business support workshops for business. These workshops took place on the SBS bus, which arrived in Brighton, two weeks prior to SBS. The take up for these workshops was limited despite the buy in from independent support services to work with local businesses. SBS falls on the third Saturday prior to Christmas. It is not the ideal time to provide support for retail businesses as it is the busiest time of year for them however in 2015 we worked with Brighton & Hove buses and Goodmoney to promote the use of Goodmoney Vouchers as a way of keeping money in the local economy.
- To encourage shoppers, residents and visitors, to support local independent traders on Small Business Saturday.

SBS 2016 focus:

In response to feedback from the business community it has been decided that the focus this year will be support the wider business community as well as retailers.

Feedback from local business support stakeholders has also been that it would be beneficial if the impact of Small Business Saturday could be spread over a longer time period. It is therefore proposed that a yearlong monthly newspaper column is established to showcase business support activities across the city. The *Small Business Saturday* initiative will be used to launch this initiative.

The feedback from the 2015 Small Business Saturday activities and the ongoing business support enquiries the Economic Development team and other city stakeholders receive indicate, that Brighton & Hove small businesses would benefit from the promotion of all the business support programmes, tools, spaces, platforms, that exist in the city.

Raising awareness through a column would have a long term benefit to small

businesses and build intelligence within the business sector of the different types of business support that is available to them.

This approach to Small Business Saturday will have the following benefits: -

- It responds to the feedback received from retailers that the first week in December is not the most effective time to try to increase footfall as it is already a busy period for retail
- It provides information to local businesses about business support services
- It provides a profile for the local business support providers and assist them in reaching their target market
- It demonstrates the ongoing commitment of the council to supporting local businesses

(e) Councillor Peltzer Dunn

“Given the strong negative feelings of both the public and Councillors over the recent closure of the Dyke Road Tavern, what changes in planning policy and procedure does the Chair feel will mitigate the chance of a similar incident taking place, and what is his own position on what should happen next with regard to this specific incident?”

Response

I am advised by officers that the Dyke Tavern changed use from pub to shop under a new permitted development right introduced by the Government in 2015. This allows pubs to change use to shops without needing planning permission if they are not listed or nominated as an Asset of Community Value.

The conditions of this permitted development right require a developer to send a written request to the local planning authority on whether the building has been nominated as an asset of community value (ACV). The Local Planning Authority must then notify them of a nomination - if none are received within 56 days of the request the change of use can be made. In the case of the Dyke Road Tavern this requirement was met and the use of the pub changed to a shop.

I am advised that, in response to concerns about this new permitted development right, officers will be updating the city council’s website to make residents more aware of the new permitted development right and to provide more information for community groups on how to nominate a local pub as an Assets of Community Value.

(f) Councillor Nemeth

“Will the Chair detail what changes he wishes to see that will increase the role of both Councillors and members of the public in the planning process?”

Response

The planning process is already underpinned by public involvement and engagement in the planning process and associated legislation at a national level.

At a local level this Council is heavily involved in engaging business, community and voluntary groups in the planning process and I will ensure that this remains. Organisations such as the Conservation Advisory Group play a very special role in engaging the community in planning decisions and in improving the quality of decision-making.

Plainly the last twelve months have focused on recovering development management performance. The situation is now stable and performing well. With these changes and the recent introduction of the Uniform system the Service will be embarking on a service redesign process in January 2017. Key ambitions for that redesign will include:

- An enhanced series of updates for members during the processing of applications in their wards
- An improved engagement with applicants and agents during the determination of planning applications
- A modernisation of the website to enable members of the public to have improved access to planning application information

(g) Councillor C. Theobald

“What representations did the Chair make to Administration colleagues on the subject of Christmas parking in Brighton & Hove in support of our local businesses?”

Response

The Labour Group discussed the Notice of Motion at our meeting prior to Council. All agreed not to support it.

(h) Councillor Nemeth

“Will the Chair detail how many minutes that it takes to send out an enforcement letter following receipt of a report of an illegal estate agent’s board; how many complaints were received in the past year; and how much the fine is for a single board?”

Response

Enforcement action against unauthorised estate agent’s boards is undertaken by prosecution in the magistrate’s court, rather than by the service of an enforcement notice. Whilst an acknowledgement email is sent out immediately to a complainant when reported via the Council’s website, it is not possible to

quantify the time required to bring a prosecution to court as this depends on a number of factors including the time taken for officers to investigate and identify the breach of the Advertisement Regulations, as well as the court's timescales.

Over the past year to the end of October 2016, 5 new enforcement complaints were received about estate agent's boards.

Following a successful prosecution, the maximum fine for the display of an unauthorised advertisement is set at up to £2500 plus £250 per day thereafter. However, such a fine is usually between £500 and £1000.

AGENDA ITEM 36

OUTDOOR EVENTS IN PARKS AND OPEN SPACES 2017

GREEN GROUP AMENDMENT

To include the following recommendation, as shown in ***bold italics***, under point 2. 'Recommendations,'

- 2.4** ***That the council make clear, through provision of a briefing or report, the terms by which fees and charges for outdoor events in parks and open spaces are negotiated.***

Proposed by: Cllr Druitt

Seconded by: Cllr Greenbaum

