

Environment, Transport & Sustainability Committee

Date: **22 June 2021**

Time: **4.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** Heley (Chair), Lloyd (Deputy Chair), Wilkinson (Opposition Spokesperson), Nemeth (Group Spokesperson), Bagaeen, Davis, Fowler, Hamilton, Hills and Platts

Contact: **John Peel**
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AGENDA

PROCEDURAL MATTERS

1 PROCEDURAL BUSINESS

- (a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
 - (a) Disclosable pecuniary interests;
 - (b) Any other interests required to be registered under the local code;
 - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

Note: Any item appearing in Part Two of the agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the press and public. A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.

2 MINUTES

9 - 24

To consider the minutes of the meeting held on 16 March 2021.

Contact Officer: John Peel

Tel: 01273 291058

3 CHAIRS COMMUNICATIONS

4 CALL OVER

- (a) Items 8 – 18 will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

5 PUBLIC INVOLVEMENT

25 - 30

To consider the following matters raised by members of the public:

- (a) **Petitions:** To receive any petitions presented by members of the public;
 - 1) TRO on Sydney Street
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 16 June 2021;
 - 1) Air pollution
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 16 June 2021.
 - 1) Pavement Obstructions

6 ITEMS REFERRED FROM COUNCIL

31 - 32

To consider any items referred from Full Council:

Petitions:

- 1) Reduce Resident Parking Permit Fees
- 2) Create 45 degree parking bays on Roedale road to improve local residents quality of life

7 MEMBER INVOLVEMENT

33 - 42

To consider the following matters raised by Members:

- (a) **Petitions:** To receive any petitions;
- (b) **Written Questions:** To consider any written questions;
 - (1) Councillor Childs- Freshfield Road safety
 - (2) Councillor Childs- Verge and Pavement Parking
 - (3) Councillor Childs- Cycle Lane on Marine Parade
 - (4) Councillor Childs- Tarner Park
 - (5) Councillor Childs- Queens Park
 - (6) Councillor Fishleigh- Road Safety
 - (7) Councillor Fishleigh- Damage to an allotment

- (8) Councillor Fishleigh- Pavement Weeds
- (9) Councillor Fowler- Car Club
- (10) Councillor Williams- City wide access
- (11) Councillor Williams- St Georges Road
- (12) Councillor Williams- Madeira Drive
- (13) Councillor Williams- Parking Bay, Broadway Whitehawk
- (14) Councillor Fowler- Parking in Hollingdean
- (15) Councillor Fowler- Park and Ride
- (16) Councillor Fowler- Cycle Signage A259
- (17) Councillor Fowler- Weeds, Hollingdean Terrace
- (18) Councillor Fowler- Parking at Fiveways
- (19) Councillor Nemeth- Renewal Delays
- (20) Councillor Nemeth- Speed Trials
- (21) Councillor Nemeth- Green Wall
- (22) Councillor Nemeth- Boundary Road revamp
- (23) Councillor Nemeth- Seafront Toilets
- (24) Councillor Nemeth- Allotments

(c) **Letters:** To consider any letters;

- (1) Councillor McNair- Patcham Bikeshare Hub

(d) **Notices of Motion:** to consider any Notices of Motion referred from Full Council or submitted directly to the Committee.

- (1) Tree Planting- Conservative Group
- (2) Fly-posting on the Seafront- Conservative Group

ENVIRONMENT & SUSTAINABILITY MATTERS

8 NATIONAL RESOURCES AND WASTE STRATEGY – RESPONSES TO GOVERNMENT CONSULTATIONS 43 - 100

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Lynsay Cook

Tel: 01273 291851

Ward Affected: All Wards

9 FOOD WASTE COLLECTION SERVICE UPDATE 101 - 124

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Lynsay Cook

Tel: 01273 291851

Ward Affected: All Wards

10 COMMERCIAL BINS ON THE HIGHWAY: OUTCOME OF PUBLIC CONSULTATION 125 - 176

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Lynsay Cook

Tel: 01273 291851

Ward Affected: All Wards

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	<i>Contact Officer:</i> Lynsay Cook	<i>Tel:</i> 01273 291851
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12	BINFRASTRUCTURE STRATEGY	211 - 236
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	<i>Contact Officer:</i> Lynsay Cook	<i>Tel:</i> 01273 291851
	<i>Ward Affected:</i> All Wards	
13	WATERHALL WILDING PROJECT	237 - 252
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	<i>Contact Officer:</i> Robert Walker	<i>Tel:</i> 01273 294349
	<i>Ward Affected:</i> Withdean	
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14	LOCAL TRANSPORT PLAN 5 INITIAL ENGAGEMENT	253 - 282
	Report of the Executive Director, Economy, Environment & Culture	
	<i>Contact Officer:</i> Andrew Renaut	<i>Tel:</i> 01273 292477
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15	NETWORK MANAGEMENT ACTION PLAN	283 - 300
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	<i>Contact Officer:</i> Andrew Westwood	<i>Tel:</i> 01273 292468
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16	PARKING POLICIES	301 - 350
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	<i>Contact Officer:</i> Charles Field	<i>Tel:</i> 01273 293329
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17	TRO-12-2021 OBJECTIONS	351 - 360
	Report of the Executive Director, Economy, Environment & Culture	
	<i>Contact Officer:</i> Matthew Thompson	<i>Tel:</i> 01273 293705
	<i>Ward Affected:</i> Hove Park; Patcham; South Portslade	
18	THE NATIONAL BUS STRATEGY	361 - 366
	Report of the Executive Director, Economy, Environment & Culture	
	<i>Contact Officer:</i> Owen McElroy	<i>Tel:</i> 01273 290368
	<i>Ward Affected:</i> All Wards	

19 ITEMS REFERRED FOR FULL COUNCIL

To consider items to be submitted to the 15 July 2021 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact John Peel, (01273 291058, email john.peel@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT, TRANSPORT & SUSTAINABILITY COMMITTEE

4.00pm 16 MARCH 2021

VIRTUAL MEETING

MINUTES

Present: Councillor Heley (Chair) Lloyd (Deputy Chair), Wilkinson (Opposition Spokesperson), Wares (Group Spokesperson), Appich, Brown, Davis, Fowler, Hills and Williams

PART ONE

74 PROCEDURAL BUSINESS

74(a) Declarations of substitutes

74.1 There were none.

74(b) Declarations of interest

74.2 Councillor Lloyd declared a non-pecuniary interest in several items on the agenda as a current employee of Sustrans.

74(c) Exclusion of press and public

74.3 In accordance with section 100A of the Local Government Act 1972 ("the Act"), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100(I) of the Act).

74.4 **RESOLVED-** That the press and public be excluded from the meeting during the items listed as confidential on the agenda.

75 MINUTES

75.1 **RESOLVED-** That the minutes of the previous meeting held on 19 January 2021 be approved and signed as the correct record.

76 CHAIRS COMMUNICATIONS

76.1 The Chair provided the following communications:

“As you know, we’ve got £2.37m of central government funding for local walking and cycling schemes, through the Active Travel Fund. Consultation for the schemes took place from 1st Feb to 14th March according to the Consultation Plan agreed by this committee in December. Initial results show nearly 5,000 responses to the consultation survey, we’ve also had great feedback through various stakeholder sessions, and It’s also been great to see the feedback from the various focus groups that were held, including with young people, members of the disabled community, and older people – as we know that improving transport infrastructure for all users really impacts on social equality

Thank you to everyone who has had their say on this. This was not a referendum, which I know some people wanted – but we followed the government guidance and the feedback is valuable and will help inform the way forward. The feedback is now being analysed in detail and will be reviewed by this committee in June. Massive thanks go to Laura Wells, Mark Prior and everyone in transport for running such a thorough consultation”.

77 CALL OVER

77.1 The following items on the agenda were reserved for discussion:

- Item 80: City Environment Modernisation Update
- Item 82: Pots, Tubs & Trays Recycling
- Item 83: 2030 Carbone Neutral Programme
- Item 84: 2021/22 Local Transport Plan Capital Programme
- Item 85: Hanover Low Traffic Neighbourhood Pilot Scheme Development
- Item 89: Parking Scheme Update report
- Item 90: Parking Enforcement Procurement Strategy

77.2 The Democratic Services Officer confirmed that the items listed above had been reserved for discussion and that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 81: Pesticide Reduction and Weed Management
- Item 86: Valley Gardens Phase 3 Project Update
- Item 87: Rottingdean High Street AQMA ETRO Extension
- Item 88: Well Managed Highway

78 PUBLIC INVOLVEMENT

(B) PUBLIC QUESTIONS

(1) Air Quality

78.1 Imogen Casebourne put the following question:

“Following the Ella Kissi Debrah case, the potential consequences of air pollution arising from heavy traffic have become even clearer. I know that Brighton & Hove City Council has taken steps to monitor air quality in some sites across the city. Has any air quality

monitoring been undertaken at the junction of Roedean Road, Wilson Avenue and the Marina slip road?”

78.2 The Chair provided the following reply:

“Thank you for your question, and for mentioning Ella Kissi Debrah. Her death and subsequent inquest has shocked many people, and I hope that her legacy will be local authorities and the Government taking much stronger action to improve air quality and prevent further deaths. We have to remember that more than 50 people die in our city because of air pollution.

Brighton & Hove assesses airborne pollution levels throughout the city with a computer-based model, taking account of transport, commercial and domestic emissions, we also sample air quality and monitor a number of specific locations across the City.

Air quality has been monitored close to Marina Way slip road, Wilson Avenue and Roedean Road. The traffic signals have been upgraded and are now able to adapt to traffic flows that will reduce delays and congestion. This will reduce emissions at the junction. Nitrogen dioxide was found to be low enough to easily meet air quality standards at this location. Prevailing air quality in this part of East Brighton is cleaner and healthier than most urban areas.

We need to do more as a city to tackle this life-threatening issue though. We have proposed a city wide ultra-low emission zone and wider active travel networks that we hope to continue to get support with advancing, and I’ve also recently asked officers to look into strengthening our smoke control areas”.

Again, thank you for the question and for reminding the committee of the life and death issue of toxic air pollution”.

78.3 Imogen Casebourne asked the following supplementary question:

“I’m concerned with more homes at the Marina plus potentially 700 hundred units at the Gasworks site, I’ve heard there could be an estimate 4000 people living in the area and even if 60% of those new people drive, that could be 2400 new cars on the road at peak times. I was wondering what steps the council intend to take to prevent the air quality in this area dropping as a result of those changes?”

78.4 The Chair provided the following reply:

“Things relating to planning and development should be referred to TECC Committee so you might want to ask the question there if you haven’t already. From a transport perspective, we’re really keen to continue or work with promoting public transport and active travel in all areas of the city so hopefully that will continue to progress and impact that part of the city too”.

(2) Pavement Tarmac

78.5 David Wilson put the following question:

“I understand that the council’s policy is to replace grooved pavement slabs with tarmac when works by a utility company necessitate the pavement being dug up. This has happened on Falmer Avenue in Saltdean which is a very steep road. The tarmac is slippery when we have frosty / icy weather and is a health and safety issue for residents. One resident has already fallen and been injured.

Will the council come and inspect in frosty / icy weather and commission the appropriate modifications to bring the pavement back into full use?”

78.6 The Chair provided the following reply:

“A utility is required to re-use the existing unbroken slabs when reinstating excavations following their works. However, where there is pre-existing damage to the slabs, the council is required to pay for the replacements.

In the case of Falmer Avenue, Saltdean, a large number of slabs were already broken due to vehicle overrun on the footway, and an area of slabs had already been replaced with tarmac during previous maintenance works.

Where slabs are damaged by vehicle overrun it is common practice to replace those slabs with tarmac when maintenance is required. This is because tarmac is more resilient and therefore future maintenance work is minimised, reducing the maintenance bill. Due to the pre-existing damage on Falmer Avenue, it was agreed that the reinstatement could be carried out in tarmac, to match the previous works. This also saved the council vital funds as we did not have to provide a large number of new slabs which it appeared likely would soon be damaged by the continuing vehicle overrun. Both surfaces can become slippery in frosty conditions, but I’m happy to ask someone to come and inspect the area on a frosty day to see if anything else can be done”.

78.7 David Wilson asked the following supplementary question:

“Since then, we’ve seen in Saltdean some new slabs being replaced for old slabs. In the future, can we ask the council to look at a more environmentally friendly option?”

78.8 The Chair provided the following reply:

“I was recently hearing about some environmentally friendly road surfacing. We are really open to looking at alternatives”.

(3) Coastal Erosion

78.9 Stephen Grant put the following question:

“In some places the A259 between Saltdean and the Marina is only about ten yards from the cliff edge. The undercliff walk was closed recently following some small rock falls. What steps (short and long term) are being taken to prevent further erosion of the cliffs to ensure that the coast road remains viable in the future?”

78.10 The Chair provided the following reply:

“The geology of the chalk cliffs adjacent to the A259 between Brighton Marina and Saltdean changes from the finer silt like material of a raised beach in the west, to the larger, solid chalk cliff faces in the east.

The primary form of erosion protection along this section of coastline is the undercliff walk seawall, which protects the bottom of the cliffs from coastal erosion.

In addition to the seawall, work to protect the cliffs from further erosion has included trimming and cutting back of the cliff edge to a shallower angle to reduce the risk of rock

falls, rock anchoring and steel mesh installed in areas that were considered the most vulnerable.

The council undertakes regular visual inspection of the cliffs and maintenance to the existing coastal protection assets.

The management of the City's coast is in line with the adopted policies included with the Beachy Head to Selsey Bill Shoreline Management Plan.

For sections of coastline within the City's boundaries, the adopted policies for the next 100 years is Hold the line until year 50 and then Monitor, Manage and Review from year 50 to 100".

78.11 Stephen Grant asked the following supplementary question:

"Because the Undercliff was closed, I never had chance to take a look at how serious the rockfall was. My understanding is that it was actually caused by a combination of very wet weather and frost and because the chalk is naturally friable, that is why there was a fall. I'm not sure that answer deals with the separate issue of frost and wet weather?"

78.12 The Chair stated that a written reply would be provided after the meeting.

(4) East Brighton Park

78.13 Amelie Byford-Winter put the following question:

"I've been going to East Brighton park all my life it is a really good park. I just think it needs more things in it like an outdoors gym and some more play equipment and a skate park because it is quite boring for kids and it would help more people come to East Brighton park and the beach down this end. It would also be great after covid! Could you please use the money you have for the park for more things for kids? I don't mind going door to door to see what people want if that would help?"

78.14 The Chair provided the following reply:

"Firstly, it's really great that you have taken the time to come to this evening's meeting to ask about the future of East Brighton Park.

We feel that it's really important that we listen to all park users whenever we're considering how to spend money on a park. This should include listening to young people using the park now, like you!

Over the last 12 months £50,000 was invested at East Brighton Park making the entrance more accessible for people walking, people cycling, and vehicles. We also recently extended the cycle hire scheme to the park which you might have noticed.

You may know that Cityparks, the council team who manage our parks, have put aside a lot of money to invest in the 45 playgrounds across the city, which includes £45,000 for East Brighton Park.

Our Playground Officer would really like to engage with you and the local community to guide how this money is spent. It is likely to include providing playground equipment for children between the 2-14 years of age, also with a focus on young adults and Special Educational Needs/Disabilities.

I'd be really happy to set up a meeting for you to get involved.

I hope this demonstrates our commitment to the East Brighton Park community and we thank you again for your questions”.

79 MEMBER INVOLVEMENT

(B) WRITTEN QUESTIONS

(1) Climate Neutrality Progress Update

79.1 Councillor Nemeth put the following question:

“A ‘climate emergency’ was declared by Brighton & Hove City Council in December 2018 and a Carbon Neutral 2030 Working Group was set up not long afterwards. Would the Chair, in her capacity as head of sustainability for the city, state the percentage of net carbon dioxide emissions that have been cut since the inception of the project?”

79.2 The Chair provided the following reply:

“The city council declared a Climate Emergency in December 2018 and the cross-party Member Working Group was formally established in December 2019.

The council’s target is to become a carbon neutral city by 2030 and the council reports annually on carbon dioxide emissions from the city.

The city data comes from the Government’s annual statistical release on carbon emissions by local authority, which is released 2 years in arrears.

Therefore in 2020, the latest figures available were from 2018. When the next round of statistics become available in July 2021, they will be for 2019. This time lag in the data means that unfortunately it is not possible to provide the figures requested for the whole city.

However, it is possible to report on carbon dioxide emissions from the council’s own corporate property and emissions. In 2019/20, carbon emissions were reduced by 9.9% compared to 2018/19, thanks to projects such as modernisation of street lighting, decommissioning of out of date oil boilers in council property, and increased investment in solar panel installations.

The council is introducing a new Key Performance Indicator on progress towards the city-wide 2030 Carbon Neutral target, showing the annual percentage change in greenhouse gas emissions (which includes carbon dioxide and other gases). This KPI will be reported for the first time in 2021”.

79.3 Councillor Nemeth asked the following supplementary question:

“I sit on the KPI Working Group and there is a carbon emissions indicator proposed. However, the 2030 target isn’t just about emissions, it’s about capturing storage. Can I ask how the net figure will be reported on?”

79.4 On behalf of the Chair, the Executive Director, Economy, Environment & Culture gave the following reply:

“I’m happy to come back to you with the details as it’s a technical question and I want to get it accurate”.

(2) Tamarisks on Duke's Mound

79.5 Councillor Nemeth put the following question:

"The Council's 'Carbon Neutral 2030' logo appears on material promoting the removal of the popular tamarisks on Duke's Mound on the Kemp Town seafront. An increase in biodiversity through the introduction of native species appears to be the principal driver behind this project. Given that there is likely to be less carbon stored at Duke's Mound in 2030 than there is now, and much carbon dioxide has been introduced into the atmosphere simply through carrying out the physical work involved in the project, how can the use of the Carbon Neutral 2030 logo on this particular project be justified?"

79.6 The Chair provided the following reply:

"In December 2018 the council declared a biodiversity emergency as well as a climate emergency. Consultation has been undertaken with Dr Kate Cole, the county ecologist and has focussed on the Black Rock Local Wildlife site which will be affected as a result of this scheme and which the wider ecology strategy is designed to compensate for. It will also deliver many other benefits in the wider area to benefit native species and improve the public realm.

Tamarisk is a non-native and invasive species that inhibits growth of other plants and shrubs, creating a monoculture. Whilst there will be some initial limited release of carbon as the tamarisk is removed, restored grassland has been shown to have a 70% higher rate of carbon sequestration than monoculture. Therefore, in the long term the improved landscape will offer new opportunities for sequestration of carbon into the soil.

The Biodiversity Net Gain (BNG) calculation for the area was carried out to assess the change in biodiversity on the site pre and post-development and to assess if a significant gain of biodiversity would be achieved. Significant gain was defined as at least 10% more biodiversity unit's post-development compared with pre-development".

79.7 Councillor Nemeth asked the following supplementary question:

"I've also seen the logo being used on a council poster titled 'Air quality boost for Brighton & Hove' in relation to buses. Buses being less polluting is nothing to do with carbon reduction, so why is the logo being used for buses who's only fuel source is diesel?"

79.8 The Chair provided the following reply:

"As far as I know, it's because the buses use cleaner engines which in the long-term, reduces carbon"

(3) Volk's Railway Disabilities-friendly Carriage and Extension

79.9 Councillor Nemeth put the following question:

"A Notice of Motion calling for various upgrades to Volk's Railway, submitted by the Conservative Group at TECC Committee on 18th November 2020, received cross-party backing. It included calls for signage, a new platform, a shelter, a disabilities-friendly carriage and an extension towards the Marina. A Budget Amendment calling for a

£500,000 investment in the carriage, submitted by the Conservative Group at Budget Council on 25th February 2021, led to the approval of £100,000 towards the project. What discussions from a transport perspective have taken place to date?"

79.10 The Chair provided the following reply:

"The proposals for the Volk's Railway are currently under consideration by the specialist Volk's staff who operate the railway.

A review of the proposals will form the basis of a future report to the TECC Committee that you are a member of. The Volk's Railway is operated as a heritage railway and a visitor attraction and therefore, discussions take place from that perspective, rather than as public transport"

(4) Community Tree Planting

79.11 Councillor Nemeth put the following question:

"Will the Council honour the previous fee for the planting of street trees by community groups of approximately £400 per tree in instances where projects were launched by residents prior to the adoption of the new fee of up to £5,000 per tree?"

79.12 The Chair provided the following reply:

"The price of planting trees varies dramatically- the donation price of £336.53 is for planting a tree in a grass area and covers the cost of this.

It is not adequate to cover the cost of planting in the hard surface of a highway. Although costs vary a lot, the average cost of the recent street tree planting carried out across the City was just below £3000 per tree.

The reason for the difference in price is that there will be underground infrastructure beneath our highway which may need to be moved and from which tree roots may need protection.

Several organisations across the City have been fund raising for tree planting, but it is important that they agree the site and cost with officers prior to making commitments to donors.

Any joint funding of planting schemes needs to be agreed in advance and we cannot retrospectively top up the funding for a planting scheme that residents would like.

Now our tree planting officers are in place we will be looking at a more flexible approach to tree donation including options to pay considerably less for smaller trees on some sites such as the woodland we are planting at Carden Park".

79.13 Councillor Nemeth asked the following supplementary question:

"If residents were quoted the earlier price, which was sometimes some years ago, would that be honoured?"

79.14 The Chair replied:

"Do you have a specific location in mind?"

79.15 Councillor Nemeth clarified:

“Yes, Glebe Villas”

79.16 The Chair answered:

“I think it’s best that we and the affected residents discuss the matter”.

80 CITY ENVIRONMENT MODERNISATION UPDATE

- 83.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that provided an update on the City Environment Modernisation Programme, provided updates relating to several Cityclean service areas and sought approval to changes to the issuing of Flyering licenses across Brighton & Hove.
- 83.2 In response to a question from Councillor Fowler, the Head of Business Support & Projects explained that it was true that new markets had not been found for the recycling of the inner linings of some drink cartons however, the consultation was undertaken by central government and the council had given feedback to that end under that process.
- 83.3 In response to questions from Councillor Brown, the Head of Business Support & Projects confirmed that advice on contamination of recycling would be provided in the new information leaflets sent to residents. Progress on graffiti removal had been hindered by staff changes however, a letter would be sent in the near future to statutory undertakers updating them on updated policies on graffiti removal. In relation to staff agency costs during the pandemic, the Assistant Director, City Environment stated that this figure wasn’t to hand but could be provided in writing after the meeting.
- 83.4 In response to questions from Councillor Appich, the Head of Business Support & Projects clarified that data on the review of communal bin collection was currently being gathered for the remaining wards and officers would be liaising with ward councillors, staff and unions on the findings in the near future. The Head of Business Support & Projects explained that the allocation of further funding at Budget Council for flytipping prevention was relatively recent and officers were currently reviewing how best that funding could be allocated and would update Members in due course. Further, the Head of Business Support & Projects acknowledged that the current government consultation on food waste may lead to a directive mandating a collection service and that decision may come before the council’s own feasibility study had been finalised.
- 83.5 **RESOLVED-**
- 1) That Environment, Transport & Sustainability Committee note the progress of the Modernisation Programme, including the updates in Appendix 1.
 - 2) That Environment, Transport & Sustainability Committee delegates authority to the Executive Director – Economy, Environment & Culture to make an Order, including all necessary steps therewith, to enable the streets listed below, and the side streets leading from them, to be included within the Flyering licensing scheme; subject to no objections being received:
 - From the current boundary in the west, along the Promenade from Brunswick Square to Basin Road South, including Hove Lawns

- From the current boundary in the east, along Madeira Drive to Black Rock
- From the current boundary at the Western Road / Brunswick Place junction west along Western Road, onto Church Road with the junction of Sackville Road
- George Street (Hove), Blatchington Road between Haddington Close and Ventnor Villas and Goldstone Villas

In the event of any objections to the proposed Order being received, a further report shall be brought to Committee to enable the objections to be considered and for a decision as to whether the Order should be made.

81 PESTICIDE REDUCTION AND WEED MANAGEMENT

81.1 RESOLVED-

- 1) That Environment, Transport & Sustainability Committee note the report.
- 2) That Environment, Transport & Sustainability Committee approve for City Environment and City Transport to explore options to reduce weed growth on footways and highways during construction works and bring a report back to Committee with findings for a decision, where appropriate.

82 POTS, TUBS & TRAYS RECYCLING

- 82.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that provided information on the introduction of Pots, Tubs & Trays (PTT) into the recycling stream across Brighton & Hove and requested approval for a feasibility study to be undertaken.
- 82.2 In response to a question from Councillor Fowler, the Head of Business Support & Projects stated that the feasibility study would look at methods to minimise the risk of the contamination of unrecyclable plastic in a recycling scheme.
- 82.3 Committee members endorsed the report noting that unrecyclable plastic was a matter of concern for local residents and proposed lobbying government to enforce changes and encouraging local businesses to use recyclable items in its saleable and packaging items.
- 82.4 The Assistant Director, City Environment noted that several schemes were currently being reviewed including an accreditation scheme encouraging the reduction or eradication of plastic and a bottle deposit return scheme for businesses on the seafront.
- 82.5 **RESOLVED-** That Environment, Transport & Sustainability Committee authorises for a feasibility study to be completed on the costs to retrofit the MRF to introduce PTT recycling, including the carbon impact of the construction works, processing of the material at the MRF rather than the Energy Recovery Facility (ERF) and the additional transport of this material.

83 2030 CARBON NEUTRAL PROGRAMME

- 83.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that sought recommendation to Policy & Resources Committee of the 2030

Carbon Neutral Programme which is a coordinated programme of projects that aims to help the city to address the climate crisis and transition to carbon neutrality by 2030. The report also set out proposed changes to the governance of the 2030 Carbon Neutral Programme relating to the oversight of the Sustainability and Carbon Reduction Investment Fund and the Climate Assembly Action Capital Investment Fund.

- 83.2 In response to a question from Councillor Nemeth, it was explained that at the moment, carbon and other greenhouse gas emissions were measured however, the feasibility of a development plan of carbon offset projects was being considered and that would be reported on an annual basis.
- 83.3 Councillor Brown asked what progress had been made on the recommendations made by the Climate Assembly on a Park & Ride scheme and the need for a reliable and regular bus service in the outlier areas of the city.
- 83.4 The Chair responded that finding an adequate Park & Ride site had been a significant problem for successive council administrations and any suggestions on feasible sites would be welcomed. Further, the Chair stated that congestion in the city by private vehicles meant that bus services were not as reliable as they could be.
- 83.5 The Committee members welcomed and commended the report, collectively stating that they were very pleased to make the first stage in a step change for the city.

83.6 **RESOLVED-**

That the Environment, Transport & Sustainability Committee:

- 1) Recommends the 2030 Carbon Neutral Programme to Policy & Resources Committee for approval
- 2) Recommends to Policy & Resources Committee that the oversight of the Sustainability & Carbon Reduction Investment Fund (SCRIF) is transferred from the cross-party SCRIF Member Oversight Group (MOG) to the cross-party 2030 Carbon Neutral Member Working Group, and the SCRIF MOG is stood down.

84 2021/2022 LOCAL TRANSPORT PLAN CAPITAL PROGRAMME

- 84.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that requested recommendation to the Policy & Resources Committee of the 2021/22 Local Transport Plan (LTP) capital programme budget of £4.538 million.
- 84.2 In response to a question from Councillor Fowler, it was confirmed that in broad terms, the Bikeshare scheme was under a process of procurement including the provision for e-bikes and expansion of the scheme across the city and Greater Brighton region.
- 84.3 In response to an observation by Councillor Brown relating to the low figure allocated to pedestrian crossings, it was explained that the £25k identified would supplement the previous years' funding that was not fully spent.

84.4 In response to questions from Councillor Appich, it was explained that the use of the term 'targeting' was in a general sense as each of the workstreams would have different processes associated. In relation to Sackville Road, the investment in this area had been delivered through the Access Fund and the detail of that project could be provided in writing subsequent to the meeting. In response to the query raised on interchange facilities at paragraph 3.20 of the report, it was explained that this related to cycle and motorcycle parking and improvements to accessible bus stops based on requests received from residents. It was further explained that Section 106 funding could only be used for the specified items identified in the agreement.

84.5 **RESOLVED-**

That the Environment, Transport & Sustainability Committee:

- 1) Recommends that Policy & Resources Committee agrees the 2021/22 Local Transport Plan capital programme budget allocation of £4.538 million, as set out in Appendix 1 of this report.
- 2) Requests that a further report be brought back to a future meeting of this committee in order to consider and agree the detailed allocation of the £3.9 million Sustainability & Carbon Reduction Investment Fund [SCRIF] budget to transport projects and programmes, as summarised in paragraphs 3.8 and 3.9 and Appendix 1 of this report.

85 HANOVER LOW TRAFFIC NEIGHBOURHOOD PILOT SCHEME DEVELOPMENT

85.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that provided an update on the initial Hanover Low Traffic Neighbourhood (LTN) Pilot project planning stage, which will enable officers to continue to engage with the community and stakeholders.

85.2 Councillor Appich moved a motion to add a recommendation 2.3 and 2.4 as shown in bold italics below:

2.3 That officers explore options for other Low Traffic Neighbourhood schemes and suitable complimentary measures across the city, and begin work with member oversight on a wider Low Traffic Neighbourhood delivery strategy for the city, to come back before the Environment, Transport & Sustainability Committee for approval.

2.4 That these options be explored in conjunction with the recommendations of the Community Wealth Building Members' Working Group, as agreed by Full Council on 22 October 2020.

85.3 Councillor Wilkinson formally seconded the motion.

85.4 The Chair stated that the Green Group welcomed the motion and the ambition was to for an expansion of LTN across the city. The Chair provided a reminder that the Hanover project was still a pilot and that differing rules for new LTN schemes would be needed according to the layout of the specific area.

85.5 The Chair then put the motion to the vote that passed.

85.6 The Chair then put the recommendation as amended to the vote that were agreed.

85.7 RESOLVED-

- 1) That the Committee welcomes the progress that has been made since the Hanover Action deputation was received, through the continued engagement with the local community, in the development of this pilot project.
- 2) That the committee notes the proposed Low Traffic Neighbourhood funding allocation for 2021/22 in the Local Transport Plan capital programme and requests a further report following completion of the initial project planning, and options identification stages.
- 3) That officers explore options for other Low Traffic Neighbourhood schemes and suitable complimentary measures across the city, and begin work with member oversight on a wider Low Traffic Neighbourhood delivery strategy for the city, to come back before the Environment, Transport & Sustainability Committee for approval.
- 4) That these options be explored in conjunction with the recommendations of the Community Wealth Building Members' Working Group, as agreed by Full Council on 22 October 2020.

86 VALLEY GARDENS PHASE 3 PROJECT UPDATE

86.1 RESOLVED-

- 1) That the Committee notes the outcome of the most recent public consultation and stakeholder engagement as set out within Appendices 1 and 2 of this report.
- 2) That the Committee requests that the detailed scheme design for Valley Gardens Phase 3 is brought to Committee for approval in 2021 following officers' consideration of the public consultation and Stakeholder engagement responses.

87 ROTTINGDEAN HIGH STREET AQMA ETRO EXTENSION

87.1 RESOLVED-

- 1) That the committee notes the sealing of TRO-30-2019 making a right turn ban from the eastern end of West St, Rottingdean a permanent feature.
- 2) That the committee agrees a further period of up to 18 months from 24 April 2021 in order to continue to monitor and assess the air quality impacts on the lower High Street.
- 3) That the committee agrees to the development of a further proposal for a left turn ban from Park Road onto Rottingdean High Street before the expiry of the extended 18-month monitoring period.

88 WELL MANAGED HIGHWAY

- 88.1 **RESOLVED-** That the Committee endorse the updated Brighton & Hove City Council's Strategy for Well Managed Highway Infrastructure (Appendix 1) and Safety Maintenance Policy (Appendix 2).

89 PARKING SCHEME UPDATE REPORT

- 89.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that provided an update on the progress of recent resident parking scheme consultations and reviews.
- 89.2 Councillor Lloyd thanked officers for their work on Hazeldene Meads and relayed that residents were delighted with the outcome.
- 89.3 Councillor Brown stated that it was illogical that Hazeldene Meads was proposed to be part of Zone P and it made more sense that it joined the Zone A scheme.
- 89.4 In relation to recommendation 2.4, Councillor Wilkinson stated that he understood that there were complexities in the Beaconsfield Road and Southdown Avenue and if problems materialised, the South Portslade ward councillors hoped the scheme could be reviewed in 6 months with feedback from residents.
- 89.5 **RESOLVED-**
- 1) That the committee agree that no changes are required to the days and times of operation in Hove Park Zone P. Minor changes to parking are being considered and if changes are required will be included in a future Traffic Regulation Order.
 - 2) That Committee approves that Hazeldene Meads and The Beeches join existing Hove Park Zone P parking scheme (light touch 9-10 & 1-2 Monday - Sunday) and that this proposal be progressed to the detailed design. All comments will be reported back to a further Environment, Transport and Sustainability Committee.
 - 3) That the Committee having taken account of all duly made representations and comments, agrees that the following Traffic Regulation Orders are approved and the South Portslade area (Zone X) proceeds to the implementation stage.
 - BRIGHTON & HOVE VARIOUS CONTROLLED PARKING ZONES CONSOLIDATION ORDER 2018 AMENDMENT ORDER 202* (TRO-33A-2020)
 - BRIGHTON & HOVE OUTER AREAS (WAITING, LOADING AND PARKING) AND CYCLE LANES CONSOLIDATION ORDER 2018 AMENDMENT ORDER NO.* 202* (TRO-33B-2020)

90 PARKING ENFORCEMENT PROCUREMENT STRATEGY

- 90.1 The Committee considered a report on the Executive Director, Economy, Environment & Culture that presented the findings of the independent consultants engaged to evaluate procurement options for the parking enforcement contract and associated services, including in-house and made recommendation that a preferred option be approved.

90.2 Councillor Williams moved a motion to add a recommendation 2.2 and 2.3 as shown in bold italics below:

2.1 That the Committee agrees to proceed with option three of the procurement strategies set out in the independent consultant's report and in the main body of this report which was endorsed as the preferred option by the Procurement Advisory Board.

2.2 *That the contract be awarded for an initial period of 3 years, with a possible extension of up to 2 years.*

2.3 *That during the initial 3-year phase, officers explore options to bring the entire enforcement contract in-house.*

90.3 Councillor Appich formally seconded the motion.

90.4 In relation to the amendment, Councillor Hills stated that the Procurement Advisory Board (PAB) had supported the Independent Consultant findings and to repeat the process as soon as the contract started did not seem a sensible use of limited resources.

90.5 Councillor Williams stated that PAB was just an advisory body and she was reluctant to give up the in-house option when it could realise good value for money.

90.6 The Head of Parking Services stated that the review had been very rigorous and had taken 18 months to complete. That represented significant work for the team that had led to the temporary pause of the modernisation programme and it was his view that to restart the review when it was only just complete would be cause for concern for ongoing service delivery.

90.7 Councillor Williams stated that the review would be less intensive as it could encompass and build upon what had already been learned.

90.8 The Chair then put the motion to the vote that failed.

90.9 The Chair then put the recommendations to the vote that were agreed.

90.10 **RESOLVED-**

1) That the Committee agrees to proceed with option three of the procurement strategies set out in the independent consultant's report and in the main body of this report which was endorsed as the preferred option by the Procurement Advisory Board.

91 POTS, TUBS & TRAYS RECYCLING (EXEMPT CATEGORY 3)

91.1 As per minute 82

92 PARKING ENFORCEMENT PROCUREMENT STRATEGY (EXEMPT CATEGORY 3)

83.1 As per minute 90.

93 PART TWO PROCEEDINGS

93.1 That the items contained in Part Two of the agenda remain exempt from disclosure to the press and public.

94 ITEMS REFERRED FOR FULL COUNCIL

94.1 No items were referred to Full Council for information.

The meeting concluded at 6.15pm

Signed

Chair

Dated this

day of

Subject:	Petitions	
Date of Meeting:	22 June 2021	
Report of:	Monitoring Officer	
Contact Officer: Name:	John Peel	Tel: 01273 291058
E-mail:	john.peel@brighton-hove.gov.uk	
Wards Affected:	Various	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To receive any petitions submitted directly to Democratic Services or any e-Petition submitted via the council's website.

2. RECOMMENDATIONS:

- 2.2 That the Committee responds to the petition either by noting it or where it is considered more appropriate, calls for an officer report on the matter.

3. PETITIONS

3. (i) TRO on Sydney Street– Jeff Scott

To receive the following petition signed by 15 people at the time of publication:

We the undersigned call upon Brighton & Hove Council to reject the TRO week day closure of Sydney Street & to re-institute restricted access that operated for the past decade & to restore the only North-South through route through the North Laine for cyclists [Sydney Street is officially on National Cycle Network route 20], disabled road users & delivery vehicles during weekday shop/office opening hours [10.00-18.00 M-F]. If TRO is approved, then the street should be shared use/access (as on New Road) & stop using barrier during weekdays.

WRITTEN QUESTIONS

A period of not more than fifteen minutes shall be allowed at each ordinary meeting for questions submitted by a member of the public.

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

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

(1) Air pollution – Adrian Hill

Ella Kissi-Deborah's prevention of future deaths report said 'Delay in reducing the levels of atmospheric air pollution is the cause of avoidable deaths.'

We in Brighton suffer illegal air pollution with NO₂ just as high as Ella was exposed to. I'm right in concluding this prevention of future deaths report by the coroner applies to Brighton just as much as it does to London.

Can I have an update on the urgent changes that are required such as Clean Air Zone, diesel buses, trams and preventing new building configurations that make pollution dispersal and exposure worse?

DEPUTATIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed at each ordinary meeting of the Council for the hearing of deputations from members of the public. Each deputation may be heard for a maximum of five minutes.

Deputations received:

(1) Deputation: Pavement Obstructions

This deputation is given jointly by three local groups, Possability People, Living Streets Brighton & Hove and Brighton Active Travel.

The deputation outlines the needs for improved standards, better oversight and enforcement to keep the city's footways clear of obstructions. Obstructions include road signs that block visibility; EV charging points; columns and control boxes for traffic signals; controlled parking zone posts and their companion payment cabinets; domestic wheelie bins for private houses; commercial bins for businesses; cable cabinets and new lamp columns.

Easy and safe passage of footways is being compromised for everybody. Virtually everybody who lives in or visits the city uses pavements but, increasingly, the footways are being treated as dumping grounds for all manner of items. They are obstacles that stop people moving easily and safely, whether by foot or by wheelchair.

The deputation asks the Committee to take action to keep pavements clear and safe.

Supported by:

Max Glaskin (Lead Spokesperson)
Geraldine Des Moulins
Diane Warburton
James Taylor
Angela Devas
Mark Strong
Sue Birch
Katharine Rodda
Ben Simmonds

Subject: Items referred from 25 March 2021 Full Council meeting- Petitions

Date: 22 June 2021

Report of: Monitoring Officer

Contact Officer: **Name:** John Peel **Tel:** 01273 291058
E-mail: john.peel@brighton-hove.gov.uk

Wards Affected: Various

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 To receive petitions referred from the Full Council meeting of 25 March 2021.

2. RECOMMENDATIONS:

- 2.2 That the Committee responds to the petition either by noting it or, where it is considered more appropriate, calls for an officer report on the matter.

3. PETITIONS**(1) Reduce Resident Parking Permit Fees– Alexia Buzgya**

To receive the following petition referred from the meeting of Full Council and signed by 58 people:

“We the undersigned petition Brighton & Hove Council to reduce the cost of resident parking permit fees in Brighton and Hove. The cost of the parking permit for residents should be reduced significantly. Residents should not have to pay to park their cars outside their own houses in the city. After paying council tax for road maintenance and road tax on a car, residents still have to pay to park their cars at home, this is extortion.

We demand that the council considers this petition and reduces the cost of resident parking permits, possibly to an admin only fee or at least a significant reduction to make it affordable”.

(2) Create 45 degree parking bays on Roedale road to improve local residents quality of life– David Toyer

To receive the following petition referred from the meeting of Full Council and signed by 41 people:

"We the undersigned petition Brighton & Hove Council to create 45-degree parking bays on Roedale road, which would almost double available parking for residents. This would help mitigate the problems of displacement parking caused from the councils parking schemes from the surrounding areas.

The benefits for this would be: -

- A decision to help improve living conditions without causing division within the community as it could not be considered elitist as no one would be paying for permits, especially in these difficult financial circumstances we are currently facing.

- The lack of parking affects many shift workers as parking is gone by 5 pm. Even in the day it is incredibly challenging as residents from 5 ways and other permitted areas, such as students or families who can not afford a permit on their second car leave them in Hollingdean for prolonged periods of time. Shift workers include a lot of key workers from transport to healthcare. We feel it is not fair after someone has completed a 12 hour shift has the stress of facing no parking when they get home and a potentially over half an hour walk.

- An increase in available parking for residents by roughly a factor of two. Speaking to councillors I felt they were aware of the concerns the community has over shortage of parking, where these problems will be increased as the new permit zones come into place around us and with the return of the University students who park along this road.

- Increase in the level of safety of Roedale road for families. Roedale road is a cut through for traffic which suffers from fast moving traffic. Greater than the current 20 mph speed limit allows for. I believe one of the factors for this is the width of the road where a car can perform an overtake without the risk of impending oncoming traffic (ie 3 abreast). With the 45-degree bays the road would become similar to a standard width road with its area deterring traffic from speeding. I am aware this issue has been raised to the council by the community.

- Future proofing in regard to green policy, as electric cars become more reliable with increased range their presents will slowly increase into our area, with increasing government targets. generic wiring used for streetlights, most likely (4 millimetres cabling) would not be able to cope with increased current. Having bays would decrease the distance between charging points when high current cables would have to be laid so less distance would have to be dug up, potentially saving the council thousands of pounds and man hours".

WRITTEN QUESTIONS

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

The following written questions have been received from Members:

(1) Councillor Childs- Freshfield Road safety

Following the petition for a crossing and traffic calming on Freshfield Rd in January, when will action be taking to address ongoing speeding and provide a crossing to keep children travelling to school safe?

(2) Councillor Childs- Verge and Pavement Parking

Will the Committee implement an ETO to prevent verge and pavement parking in Valley Gardens?

(3) Councillor Childs- Cycle Lane on Marine Parade

In view of the hazardous traffic conditions are there plans to install cycle safe lanes on Marine Parade between Black Rock and the Aquarium?

(4) Councillor Childs- Tarner Park

In view of open hard drug use and anti-social behaviour in Tarner Park, will the Committee agree to install a higher fence along Sussex St and Lock the Park at night?

(5) Councillor Childs- Queens Park

Given the parlous and disgusting state of the toilets in Queens Park, when will the toilets in Queens Park be renovated and or rebuilt?

(6) Councillor Fishleigh- Road Safety

Residents living on and near Bristol Gardens, in Ovingdean and in Roedean have presented petitions and asked questions to this committee about the provision of traffic calming schemes and pavements where none exist along busy roads. Nothing has happened so far. What should I advise them next time they ask for an update?

(7) Councillor Fishleigh- Damage to an allotment

In October the shed of an allotment holder in Rottingdean was damaged by council officials. When will this be replaced?

(8) Councillor Fishleigh- Pavement Weeds

Numerous older people have hurt themselves when slipping on wet vegetation growing between pavements in Rottingdean Coastal Ward. Unfortunately, several had to go to hospital with head injuries.

What is the plan for weeding pavements in the Rottingdean Coastal Ward this summer and could areas on slopes, around shops and bus stops be prioritised please?

(9) Councillor Fowler- Car Club

It's a shame that people are being penalised for using the Car Club and are having to pay for damages that they have not done. In this Case the only reason the Car Club knew about the damages is because Tracey Hill reported it, although she saw the damage straight away before she drove it, and as she couldn't report it till she got home after a 15 minute journey she is now liable. The Car Club is a great initiative and I have often promoted it as it helps towards the Carbon footprint by letting people use a car for essential journeys without having to buy one, but find the bill of £750 people are being sent quite extortionate. It would be a shame if this stopped people using this service. Please can you tell me about the nature of the relationship between the council and the car club. Does the car club operate only with the permission of the council? Is there some kind of agreement or contract between the two? If so, what are its terms and conditions? Does the car club have to meet any criteria? Has the council considered different operators in the past, or thought about having more than one club operating? If different clubs have been considered, how have they been evaluated.

(10) Councillor Williams- City wide access

At a previous ETS committee there was a request for a report on city wide access for less abled people. What progress has been made on this?

(11) Councillor Williams- St Georges Road

St Georges Road in Kemptown village is being used more and more as a through road for inconsiderate traffic often driving through at considerable speed. Vans and large vehicles are illegally parking on a regular basis. Pavements are narrow so pedestrians are having to put themselves at risk by walking in the road. Pedestrianisation of at least part of this area would much improve safety and quality of life for people in this area. Why have plans for this been shelved?

(12) Councillor Williams- Madeira Drive

Madeira Drive has become unwieldy, congested and downright dangerous for pedestrians who are struggling to socially distance in the constricted spaces. The present reconfiguring is significantly adding to this mayhem. This must be made safer for pedestrians and quickly. What is going to be done to improve this?

(13) Councillor Williams- Parking Bay, Broadway Whitehawk

There has recently been parking charges implemented at the parking bay on Broadway Whitehawk. There has been no consultation with local residents, and

this is having a severely detrimental effect on the already struggling businesses located near this parking bay. Furthermore, this spot traditionally been used by local residents who are affected by the extra cost due to low incomes.

The introduction of parking charges here is unnecessary and is already impacting adversely on the local community. This is an area where there is particular levels of deprivation and this should be taken into account. Whilst parking charges may indeed be of benefit in some areas of our city. There is no benefit here.

I call for these charges to be revoked with immediate effect, does the Chair agree?

(14) Councillor Fowler- Parking in Hollingdean

I have had several complaints about cars parking on the corners of roads in Hollingdean. This is getting dangerous. Please can this be investigated as if feel that it can't wait until we have a consultation into parking permits in February. We have 4 schools in Hollingdean and the safety of our children walking to school should be a priority. Please could we introduce safe walk to school routes in Hollingdean?

(15) Councillor Fowler- Park and Ride

I have been informed by delivery drivers that the town has become gridlocked over the half term with cars queuing along Kings Road A259 in both directions to get into the car parks in West Street causing mayhem. The delivery driver said his journey into town was more than doubled. Is it about time we find somewhere to do a park and ride for visitors to this City as a matter of urgency considering people will be holidaying at home and not going abroad?

(16) Councillor Fowler- Cycle Signage A259

Could we have more signage for the Cycle Lanes along the A259 westbound to show cyclist which cycle lane to use as cyclists are continually using the pavement lane as it's not clear they should be using the road. I have had reports from Cyclists that the poles that have been put in place are also continually being knocked down by cars

(17) Councillor Fowler- Weeds, Hollingdean Terrace

As much as I do enjoy seeing the wildflowers that have been popping up by the roadside and agree that we do not use pesticides. Hollingdean Terrace is looking particularly bad with long grass lying across the pavement. When will the team that clears the weeds in the road be in Hollingdean Terrace?

(18) Councillor Fowler- Parking at Fiveways

The free parking in Fiveways Ditchling Road has been replaced with pay and display which is having a detrimental effect on the businesses there. The businesses are already suffering because of the internet and Covid. There is a petition coming soon, I would ask you to pause this rollout and wait until we can have a full discussion on this. I understand that we voted for this, but I feel the explanation was not good enough and the consequences on businesses was not fully realised at the time.

(19) Councillor Nemeth- Renewal Delays

What exactly is the reason for the delay in renewals; how many recipients have been affected; and what is the average length of delay for recipients of (i) the older person's bus pass and (ii) parking permits?

(20) Councillor Nemeth- Speed Trials

What discussions are taking place with organisers of the Speed Trials - the country's oldest motor race - to ensure that changes to the layout of Madeira Drive do not prejudice the relevant licences being issued.

(21) Councillor Nemeth- Green Wall

Where did accountability lie for the damage that was done to the Green Wall on Madeira Drive, the country's oldest living wall, during recent works to cycling infrastructure on the street?

(22) Councillor Nemeth- Boundary Road revamp

What funds have been set aside for the re-design of Boundary Road and Station Road; how long has the project been delayed for; what are the reasons for delay; and when will progress be made?

(23) Councillor Nemeth- Seafront Toilets

Does the Chair acknowledge the disappointment of residents, businesses and tourists alike of the state of the toilets on the seafront, including the new temporary festival-style cubicles?

(24) Councillor Nemeth- Allotments

How many allotments are currently not let and to what degree has the waiting list grown since the first lockdown?

Date: 10th June 2021
Phone: 07562 437615
Email: alistair.mcnaire@brighton-hove.gov.uk

Dear Environment, Transport and Sustainability committee

We are disappointed to have to write this letter to you as we have campaigned to have the bikeshare scheme extended to Patcham & Hollingbury. However, we do have reservations about the location chosen, and are disappointed that despite raising these reservations with officers this site was still selected.

The site chosen would incur the loss of three parking spaces, a reduction of around 15% of the parking spaces in this key shopping and amenity location in Patcham. In the immediate vicinity, there are shops, restaurants, Patcham High School, and Patcham Methodist church many of whose users come by car and would now find it harder to find a parking space.

There is also a struggling community centre which has very limited parking spaces of its own, and has had to have significant help from the Council to survive. Many groups that meet there comprise elderly residents who are already struggling to find suitable parking. Some groups are struggling to survive, and while this may be for many reasons, the lack of parking does not help, and losing three spaces would undoubtedly exacerbate the issue.

While we welcome the encouragement of cycling, we doubt many worshippers at Patcham Methodist church will start cycling, and if you are intending to shop a bicycle will also not be especially practical. We feel that after more than a year of the pandemic, introducing a cycle hub at this location will not help struggling businesses. Patcham High and Patcham Junior School have extensive fields which are used for community events such as football games and fayres – parking facilities are necessary to transport children and equipment.

We feel that there are more suitable locations for the bikeshare hub, for example next to the bus stop opposite The Ladies Mile pub.

It is important to encourage cycling in Patcham & Hollingbury, and a bikeshare hub would go some way towards this. Cars and bikes should be able to co-exist without detriment to the other. We feel this should be possible with a little more planning.

We look forward to the committee recognising the need to pursue another site in the vicinity of this location.

Best wishes

Cllr Alistair McNair, Cllr Anne Meadows and Cllr Carol Theobald

NOTICE OF MOTION

TREE PLANTING

CONSERVATIVE GROUP

This Committee agrees:-

- 1) to receive a report to its next regular meeting appraising the options for keeping the Council's charge to residents for a new street tree at, or close to, the old lower rate of under £500 per tree in cases where fundraising for a residents' scheme commenced prior to the announcement of the huge rise in costs.

Proposed by: Cllr. Robert Nemeth

Seconded by: Cllr. Samer Bagaeen

NOTICE OF MOTION

FLY POSTING ON THE SEAFRONT

CONSERVATIVE GROUP

This Committee agrees:-

- 1) that (i) posters and other items which have been stuck onto Council-controlled bins and other structures on the seafront will be removed forthwith and (ii) an update on progress will be presented at the next meeting of this Committee.

Proposed by: Cllr. Robert Nemeth

Seconded by: Cllr. Samer Bagaeen

Subject:	National Resources and Waste Strategy – responses to Government consultations		
Date of Meeting:	22 June 2021		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Satti Sidhu	Tel: 01273 296201
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To deliver the national Resources and Waste Strategy, a number of changes are proposed to national policy and law on waste material and management which the government are consulting on. The proposed changes will have significant implications for Brighton & Hove City Council.
- 1.2 This report and appendices provide detail on the responses made to three of these consultations and one further response which requires approval from the Environment, Transport & Sustainability Committee on how to proceed. Also contained in the appendices are brief synopses of the consultations.

2. RECOMMENDATIONS:

- 2.1 That Environment, Transport & Sustainability Committee ratify the responses made to consultations on:
 - Environmental Principles, which closed on 2 June 2021, and presented in Appendix 1.
 - The Extended Producer Responsibility (packaging), which closed on 4 June 2021, and presented in Appendix 2
 - Introducing a Deposit Return Scheme, which closed on 4 June 2021, and presented in Appendix 3.
- 2.2 That Environment, Transport & Sustainability Committee delegates authority for officers to complete the response on the Consistency in Household and Business Recycling consultation and submit to government, having consulted with the Chair and committee spokespeople.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 The government published the national Resources and Waste Strategy in 2018¹. Key elements of the strategy have been under consultation for stakeholders to respond to policy changes.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf

Environmental Principles

- 3.1 A set of five Environmental Principles have been developed to guide the government in its work and ensure considerations for the environment remain central to policy making. The full consultation document is available in the Background Documents below.
- 3.2 The closing date for responding to the consultation was 2 June 2021 and has been submitted in advance of this meeting to meet the deadline. Appendix 1 contains the response submitted. The full consultation document is available in the Background Documents below.

Extended Producer Responsibility

- 3.3 Extended Producer Responsibility (packaging) is being further developed to ensure producers pay the full costs of the waste they produce. The scheme intends to incentivise producers to reduce their use of packaging, adopt reusable packaging where reduction is not feasible, or use easily recyclable packaging.
- 3.4 The closing date for responding to the consultation was 4 June 2021 and has been submitted in advance of this meeting to meet the deadline. Appendix 2 contains the response submitted and Appendix 4 contains a synopsis of the proposals. The full consultation document is available in the Background Documents below.

Deposit Return Scheme

- 3.5 The government is consulting on introducing a national deposit return scheme for drinks containers to increase recycling rates and reduce litter.
- 3.6 The closing date for responding to the consultation was 4 June 2021 and has been submitted in advance of this meeting to meet the deadline. Appendix 3 contains the response submitted and Appendix 5 contains a synopsis of the proposals. The full consultation document is available in the Background Documents below.

Consistency in Household and Business Recycling

- 3.7 The Consistency in Household and Business Recycling consultation is proposing all local authorities collect a core set of recycling materials, including food waste, to help drive up recycling rates. Appendix 6 contains a synopsis of the proposals and the full consultation document is available in the Background Documents below.
- 3.8 Officers are reviewing the consultation document and engaging with partners to prepare a meaningful and considered response to meet the 4 July 2021 deadline. It is therefore proposed that the response is informed by conversations with the Chair and committee spokespeople for the other parties.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The proposed changes being consulted on, if adopted, will become mandatory legislative requirements on local authorities and alternative options are not possible. Exemptions can apply, or be sought, where changes are not technically or economically practicable.
- 4.2 The consultations are the council's opportunity to feedback on alternative options.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Once the government announce any policy and legislative changes, Brighton & Hove City Council will be in a position to complete public engagement on the changes to services, to understand the impacts for residents and the considerations for the service before any changes are made.

6. CONCLUSION

- 6.1 The government consultations seek views on radical changes over the next five years, to fundamentally change the way materials and waste are managed.
- 6.2 Once the outcomes are announced we will be in a position to understand the likely impacts on services and operational changes required.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial implications:

- 7.1 There are no direct financial implications from the recommendations of this report. Once the government announce any policy and legislative changes, we will be able to understand any financial implications as well as any new burdens funding for the mandatory changes.

Finance Officer Consulted: John Lack

Date: 09/06/2021

Legal implications:

- 7.2 There are no direct legal implications arising from the report's recommendations.

Lawyer Consulted: Hilary Woodward

Date: 09/06/2021

Equalities implications:

- 7.3 City Environment will continue to support those requiring assisted collections and adjust the service to collect any new materials expected through the reforms.

Sustainability implications:

- 7.4 There will be significant sustainability implications once the changes are embedded as the purpose is to improve recycling rates, increase the use of recyclable materials, prevent and reduce litter, and adopt a more circular economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Response to Environmental Principles consultation
2. Response to Extended Producer Responsibility (packaging) consultation
3. Response to Introduction of a Deposit Return Scheme consultation
4. Briefing on Extended Producer Responsibility (packaging)
5. Briefing on introduction of a Deposit Return Scheme
6. Briefing on Consistency in Household and Business Recycling

Background Documents

1. Consultation document: [Environmental Principles](#)
2. Consultation document: [Extended Producer Responsibility \(packaging\)](#)
3. Consultation document: [Introducing a deposit return scheme](#)
4. Consultation document: [Consistency in household and business recycling](#)

Brighton & Hove City Council Response: Environmental Principles Consultation

Background

The government has committed to leaving the environment in a better state than that in which we inherited it. To make this happen, we need to ensure that environmental protection forms an integral part of policy development across government. The Environment Bill does this through the integration of internationally recognised environmental principles.

The Environment Bill sets out five internationally recognised environmental principles to be considered in policy-making to protect the environment from damage. These principles are:

The **integration principle** is the principle that policy-makers should look for opportunities to embed environmental protection in other fields of policy that have impacts on the environment.

The **prevention principle** means that government policy should aim to prevent, reduce or mitigate harm.

The **rectification at source principle** means that if damage to the environment cannot be prevented it should be tackled at its origin.

The **polluter pays principle** is the principle that those who cause pollution or damage to the environment should be responsible for mitigation or compensation.

The **precautionary principle** states that where there are threats of serious or irreversible environmental damage, a lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

The Environment Bill^[1] requires the Secretary of State for the Department of Environment, Food and Rural Affairs to publish a policy statement on environmental principles, setting out how these principles are to be interpreted and proportionately applied by Ministers when making policy. Once in effect, the statement will contribute to the improvement of environmental protection and sustainable development.

In addition, the Bill places a legal duty on Ministers of the Crown to have due regard to the policy statement. In practice this means that Ministers across government will need to consider the five environmental principles when making new policy or revising existing policy. They will need to assess whether or not the policy has an environmental impact and work through the steps in the policy statement to consider if any of the principles are relevant to their policy, whether and how they should be applied.

The government is keen to obtain stakeholders' views on this draft policy statement on environmental principles and so has ensured that the Environment Bill requires the draft statement to be scrutinised through two main means; firstly through a public consultation and secondly by Parliament once the Environment Bill has received Royal Assent.

Environmental Principles - An overview

The overview section of the draft policy statement introduces important aspects of the statement to policy-makers. It begins by listing the five environmental principles, included in the Environment Bill, whose application is covered in the later Process section. Following paragraphs explain the intended outcome of the draft statement and an explanation of how the draft statement will contribute to environmental protection and sustainable development, including the definition of important terms.

The final part of the section includes outline information on the application of the statement during policy-making, the duty, and the relevance of other documents.

Do you think the overview section provides an adequate foundation for policy makers to apply the environmental principles in policy-making?

☐ Yes ☒ No ☐ Other

Please provide any additional information in support of your answer

The overview section provides a high level, generalist introduction to the background of environmental protection and sustainable development and the established environmental principles. The tone errs on the side of mitigation and remediation, rather than enhancement of the environment and would be strengthened by more strongly reflecting the urgency of action at all levels required by the climate and biodiversity emergencies, and the change in outlook and approach required in every element of government. As well as focussing on having 'due regard', there could be more emphasis upon placing an 'obligation on policy makers to commission detailed research to inform an assessment' to ensure that a more robust approach is undertaken. This would more strongly reflect the gravity of the situation or the priority that enhancement of the environment should be at a national and international level to prevent and adapt to the catastrophic impacts from climate change, which requires a whole system change from the current business as usual.

Process for Applying the Policy Statement

This section of the draft policy statement builds on the overview provided in the preceding section and begins with an explanation of policy. This explanation is intended to provide policy-makers with enough information to ensure that the environmental principles are applied throughout appropriate activities, and at appropriate points. It continues by clarifying the difference between policy and individual decisions through the use of two examples.

Step 1: Understanding environmental impact

Step one begins the section of the policy statement detailing the application of the environmental principles. It builds on the previous section's discussion of policy by introducing the issue of environmental impact.

The purpose of the first two sections is to ensure that policy-makers understand what is meant by the term environment, in line with the relevant Environment Bill definition, and what may be considered an environmental impact. In adequately describing these terms, these sections should ensure that policy-makers can meet the requirements of the third section and apply these concepts to accurately assess the environmental impact of their policy.

The fourth section describes how the policy statement should be proportionately applied to address environmental impacts which result from their policy-making. This section aims to ensure that mitigation is developed and applied to areas most at risk of environmental impact, and where the greatest positive outcomes can be achieved.

The section also aims to provide the policy maker with brief guidance on assessment requirements, the approach in cases where there is limited environmental impact, and national emergencies. It concludes by focussing on what actions may be appropriate in addressing alternative policy options, each with their own impact.

Do you think step one allows policy-makers to correctly assess the potential environmental effects of their policy?

☐ Yes ☒ No ☐ Other

Please provide any additional information in support of your answer

Step one introduces the terms environment and environmental impact and describes ways in which policy can affect the environment at a very high level. There is a risk that this encourages a light touch or surface level assessment of the potential effects.

It is not apparent at what point a full Environmental Impact Assessment of the policy implication would be undertaken, if at all. Whilst it is of great importance that an understanding and awareness of the real and potential environmental effects of policy is embedded across all sectors of policy making in government, not detailing how this will be checked and balanced – including by the full Environmental Impact Assessment process – means that there is a risk for negative environmental impacts from policy based on Step One alone.

Do you think step one ensures that policy-making will address the most important environmental effects?

☐ Yes ☒ No ☐ Other

Please provide any additional information in support of your answer

Step One identifies some of the most obvious environmental effects of policy and does recognise there are primary and secondary impacts. However, the environment is a complex natural system and often cumulative impacts caused by multiple small effects are more devastating than single, large impacts. This is a complex topic and there is insufficient detail on how the addressing of important environmental effects will be ensured. The importance of overseas impacts is not sufficiently emphasised. The environment is a global system that does not recognise national or international

boundaries. The international nature of modern society and supply chains means that many domestic policy decisions could create overseas impacts rather than the few this document suggests (e.g. utilise the precautionary principle).

Step 2: Understanding Which Principles are Relevant

Step two is designed to assist Ministers of the Crown, and those making policy on their behalf, in their understanding of the environmental principles. It provides a summary of the Secretary of State's interpretation of the environmental principles, included on the face of the Environment Bill, to which following sections of the policy statement provide further detail on their application.

The step explains how the five principles address different aspects of environmental impacts and how they should be considered along with other objectives in policy-making. This is intended to aid policy-makers use of their own judgement in selecting, and applying in line with the remainder of the statement, those environmental principles appropriate to their particular policy.

Will step two assist policy-makers in selecting the appropriate environmental principles?

☐ Yes ☐ No ☒ Other

Please provide any additional information in support of your answer

There is a significant principle that is missing – the principle that all policy should create a net benefit for the environment. The other five established principles are clearly explained but all deal with addressing negative impacts of policy. The first principle should be to create positive environmental impacts through policy, in line with the urgent action required to address the climate and biodiversity emergencies. Therefore, policy makers currently are unable to always select the appropriate environmental principles due to this significant omission.

Step 3: Applying The Principles

Step three aims to provide strong guidance to policy-makers on the application of the five principles. To achieve that aim, step three addresses several areas. It begins by defining the criteria for taking action before continuing to detail the application of each of the five environmental principles in its own section.

Each of those sections starts by describing the principle and when it should be applied; what it aims to achieve and what its use affords the policy-making process. Where relevant, it places the principle in relation to the application of others and specifies any additional considerations specific to their application. The prevention principle, for example, promotes policy design options that preclude environmental damage from the outset or contain existing damage.

Each section continues with advice for the policy-maker explaining the requirements of the principle's application and details what actions are required. These actions are specific to

each principle, given their focus on different aspects of environmental protection, but should not be considered an exhaustive list.

The section covering the precautionary principle includes further information for policy-makers on the relationship between the principle and innovation. This additional information aims to secure the opportunities afforded by a consistent and thorough application of the principle's risk-based approach.

Step three concludes with two further short sections. The first, providing a brief note on the interaction between the principles and environmental outcomes, is intended to reinforce prevention over mitigation. The second provides some limited examples of policy action that could be taken as a result of the application of the principles.

Do you think step three provide a robust and sufficient framework for the application of each individual environmental principle?

	Yes	No	Other
Integration	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Prevention	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rectification	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Polluter pays	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Precautionary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Integration Principle - Please provide any additional information in support of your answer

There should be greater recognition of potential positive impacts

Prevention Principle - Please provide any additional information in support of your answer

This highlights further the need for a principle to create net benefit, rather than focussing solely on a mitigation hierarchy. There should be a clearer link to the precautionary principle in the information, in the statement 'when to use the prevention principle'. The definition suggests it should be used 'where a policy will cause harm', however this should be expanded to include reference to the precautionary principle i.e. where there is plausible evidence of risk of environmental damage.

Rectification Principle - Please provide any additional information in support of your answer

As above, requires stronger link to precautionary principle.

Polluter Pays - Please provide any additional information in support of your answer

There is an opportunity to be stronger, the use of the term 'where possible' creates significant flexibility for avoidance. The example of changing consumer behaviour rather than penalising the polluter also creates flexibility for avoiding the core issue of driving changes in industrial technology or practice. The consumer can only consume a product that is on the market, products on the market should not pollute the environment.

Precautionary Principle - Please provide any additional information in support of your answer

N/A

Do you think the process for applying the policy statement (the three steps) provides a robust and sufficient framework for the application of the environmental principles as a whole?

☐ Yes ☐ No ☒ Other

Please provide any additional information in support of your answer

The process of having the three steps for the application of the environmental principles is positive but it needs to be strengthened to be robust and effective

Final Thoughts on the Policy Statement on Environmental Principles

Do you have any other comments on the draft policy statement which are not covered by the previous questions?

☒ Yes ☐ No

Please provide any additional information in support of your answer

Overall in this policy statement there should be stronger recognition of the urgency for action to benefit the environment in order to address the climate and biodiversity emergencies, or that fundamentally government policy should be creating net benefit for the environment, rather than trying to mitigate environmental damage. The policy statement risks creating a light touch framework and being without teeth, being business as usual without recognising the need for urgent change or taking the presented opportunity for innovation and a forward-thinking approach. The introduction an audit process may allay these concerns or context to the wider policy tools e.g. formal Environmental Impact Assessment.

Brighton & Hove City Council Response: Extended Producer Responsibility Consultation

The first five questions were about the respondent / responding organisation.

6. Do you agree or disagree with the proposed framework for setting packaging targets?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

7. Do you agree or disagree that the business packaging waste recycling targets set for 2022 should be rolled over to the calendar year 2023?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

8. Do you agree or disagree that the recycling target to be met by 2030 for aluminium could be higher than the rate in Table 3?

- ☐ Agree
- ☐ Disagree
- ☒ Neither agree nor disagree

If you disagree, please provide the reason for your response.

This needs to be considered in relation to the decisions made regarding the DRS scheme. If an 'On the Go' approach is chosen for DRS, the target for EPR will need to be higher (to accommodate the inclusion of multipack and larger size receptacles).

9. Do you agree or disagree with the proposed minimum target to be met by 2030 for glass set out in table 3?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

10. What should the glass re-melt target for 2030 for non-bottle packaging be set at?

Please provide the reason for your response.

72% minimum. The EPR glass re-melt target should align with the target for DRS.

11. Do you agree or disagree with the proposed minimum target to be met by 2030 for plastic set out in table 3?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

The infrastructure will need to be in place for an effective system.

There are concerns about the sorting and end market capacity for films and flexibles in the short and medium term in the UK.

12. Do you think a higher recycling target should be set for wood in 2030 than the minimum rate shown in Table 3?

- ☒ Yes
- ☐ No
- ☐ Unsure

Please provide the reason for your response.

Higher targets will drive the shift from energy recovery to recycling and reuse.

13. If higher recycling targets are to be set for 2030, should a sub-target be set that encourages long term end markets for recycled wood?

- ☒ Yes
- ☐ No
- ☐ Unsure

Please provide the reason for your response.

Yes, if they encourage long term end markets

14. Do you agree or disagree with the proposed minimum target to be met by 2030 for steel set out in table 3?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

Agree the targets on the understanding that Government clearly explains how tonnages will be calculated and how Local Authorities will receive EPR payments on this basis.

15. Do you agree or disagree with the proposed minimum target to be met by 2030 for paper/card set out in table 3?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

16. Do you agree or disagree with the proposal to set recycling targets for fibre-based composites?

- ☒ Agree
- ☐ Disagree

☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

17. Do you agree or disagree that there may be a need for 'closed loop' recycling targets for plastics, in addition to the Plastics Packaging Tax?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

Please provide the reason for your response.

A closed loop ensures the best environmental outcomes and aligns with climate emergency policies.

18. Please indicate other packaging material that may benefit from 'closed loop' targets?

Please answer here

In keeping with Circular Economy principles, sub targets for closed loop recycling could be set for all materials to encourage treatment higher within the waste hierarchy.

19. Which of the definitions listed below most accurately defines reusable packaging that could be applied to possible future reuse/refill targets or obligations in regulations

Further information to help answer this question (and the 4 that follow) can be found in Annex 1 of the consultation document.

- ☒ Definition in The Packaging (Essential Requirements) 2015
☐ Definition in The Packaging and Packaging Waste Directive (PPWD)
☐ Definition adopted by The UK Plastic Pact/The Ellen MacArthur Foundation
☐ None of the above

If you selected 'none of the above', please provide the reason for your response, including any suggestions of alternative definitions for us to consider.

20. Do you have any views on any of the listed approaches, or any alternative approaches, for setting reuse and refill targets and obligations? Please provide evidence where possible to support your views.

Please answer here.

21. Do you agree or disagree that the Scheme Administrator should proactively fund the development and commercialisation of reuse systems?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

Please provide the reason for your response.

Producers should fund the development of reuse systems via the SA to ensure development across the whole of the country

22. Do you agree or disagree that the Scheme Administrator should look to use modulated fees to incentivise the adoption of reuse and refill packaging systems?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

Please provide the reason for your response.

The modulated fee structure should support the same aims as waste hierarchy and ensure producers use packaging that can be refilled/reused in preference of any single use packaging

EPR funds should also be used to actively communicate the benefits of reusable/refillable packaging to the consumer to drive behaviour change and increase demand.

Producer obligations for full net cost payments and reporting

23. Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

24. Are there any situations where the proposed approach to imports would result in packaging being imported into the UK which does not pick up an obligation (except if the importer or first-owner is below the de-minimis, or if the packaging is subsequently exported)?

Where available, please share evidence to support your view.

Not sure

25. Of Options 2 and 3, which do you think would be most effective at both capturing more packaging in the system and ensuring the smallest businesses are protected from excessive burden?

- ☐ Option 2
☐ Option 3
☐ Neither
☒ Don't know

If you answered 'neither', please provide the reason for your response and describe any suggestions for alternative approaches to small businesses.

26. If either Option 2 or 3 is implemented, do you consider there to be a strong case to also reduce the de-minimis threshold as set out in Option 1?

- ☐ Yes
☐ No
☒ Unsure

Please provide the reason for your response.

27. Do you think that Online Marketplaces should be obligated for unfilled packaging in addition to filled packaging?

- ☒ Yes
☐ No
☐ Unsure

If you answered 'yes', please provide the reason for your response.

The Online Marketplace should be obligated where producers/brand owners are not already obligated.

28. Do you foresee any issues with Online Marketplaces not being obligated for packaging sold through their platforms by UK-based businesses?

- ☒ Yes
☐ No
☐ Unsure

If you answered 'yes', please provide the reason for your response.

It could create a means of obligation avoidance

29. This proposal will require Online Marketplaces to assess what packaging data they can collate and then, where there are gaps to work together to create a methodology for how they will fill those gaps. Do you think there are any barriers to Online Marketplaces developing a methodology in time for the start of the 2022 reporting year (January 2022)?

- ☒ Yes
☐ No
☐ Unsure

If you answered 'yes', please provide the reason for your response.

The timeline is ambitious as the just appointed SA will need to review and agree in a very short space of time.

30. Is there any packaging that would not be reported by the obligation as proposed below (except for packaging that is manufactured and sold by businesses who sit below the de-minimis)?

- ☐ Yes
☐ No
☒ Unsure

If you answered 'yes', please detail what packaging would not be reported by this approach.

31. Do you agree or disagree that the Allocation Method should be removed?

- ☐ Agree
☐ Disagree
☒ Neither agree nor disagree

Producer responsibility

Producer obligations: disposable cups takeback

32. Do you agree or disagree that a mandatory, producer-led takeback obligation should be placed on sellers of filled disposable paper cups?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and/or suggest any alternative proposals for increasing the collection and recycling of disposable cups.

33. Do you agree or disagree with the proposed phased approach to introducing the takeback obligation, with larger businesses/sellers of filled disposable paper cups obligated by the end of 2023, and the obligation extended to all sellers of filled disposable paper cups by the end of 2025?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and/or how you think the mandatory takeback obligation should be introduced for sellers of filled disposable cups.

Modulated fees, labelling and plastic films recycling

34. Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established?

- ☒ Yes
- ☐ No
- ☐ Unsure

If you answered 'no' please provide the reason for your response, being specific with your answer where possible.

35. Do you agree or disagree that the Scheme Administrator should decide what measures should be taken to adjust fees if a producer has been unable to self-assess, or provides inaccurate information? This is in addition to any enforcement that might be undertaken by the regulators.

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

A minimum fee level should be set out clearly in regulations. It should be high enough to firmly discourage producers from failing to meet the requirements and ensure local authorities are covered for all costs associated with the collection and processing of materials from non-compliant producers

36. Do you agree or disagree with our preferred approach (Option 1) to implementing mandatory labelling?

- ☐ Agree
☒ Disagree
☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

Option 1 may allow flexibility for the producer. Preference is for Option 2 as it allows a single, agreed, cross product label that will be more recognisable for the consumer and simpler to communicate across all platforms.

37. Do you agree or disagree with the proposal that all producers could be required to use the same 'do not recycle' label?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

All labelling should be standard to avoid confusion.

38. Do you think that the timescales proposed provide sufficient time to implement the new labelling requirements?

- ☒ Yes
☐ No
☐ Unsure

If you answered 'no' please provide the reason for your response.

39. Do you agree or disagree that the labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

40. Do you think it would be useful to have enhancements on labels, such as including 'in the UK' and making them digitally enabled?

- ☒ Yes
☐ No
☐ Unsure

If you answered 'yes', please state what enhancements would be useful.

It ensures the efficient and effective flow of funds be created by digitally enhancing labelling via eg QR codes, barcodes

41. Do you agree or disagree that local authorities across the UK who do not currently collect plastic films in their collection services should adopt the collection of this material no later than end of financial year 2026/27?

- ☐ Agree
☒ Disagree
☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and/or what date you consider local authorities could collect films and flexibles from. Please share any evidence to support your views.

End markets for reprocessing will need to be available and it's not yet clear whether this will be possible. Councils should be able to negotiate extensions where it's not possible to introduce collections by the target date.
 Brighton & Hove does not currently collect plastic films. Costs and timescale to renegotiate and change our contract to handle this material will be significant and would need to be covered, as will upgrading the MRF technology, purchase of any vehicles and any reconfiguration to our collection operations.

42. Do you agree or disagree that collections of plastic films and flexibles from business premises across the UK could be achieved by end of financial year 2024/5?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and/or what date you consider this could be achieved by. Please share any evidence to support your views.

Whilst, the collection of plastic films and flexibles from businesses are feasible, the recycling of the waste will be difficult and costly due treatment arrangements and availability of end markets.

43. Do you agree or disagree that there should be an exemption from the 'do not recycle' label for biodegradable/compostable packaging that is filled and consumed (and collected and taken to composting/anaerobic digestion facilities that accept it), in closed loop situations where reuse or recycling options are unavailable?

- ☐ Agree
☒ Disagree
☐ Neither agree nor disagree

Please provide the reason for your response.

It should clearly labelled "do not recycle" to prevent it being misidentified by householders and to prevent potentially harmful microplastics in the environment and contamination of recyclable materials.

44. Do you consider that any unintended consequences may arise as a result of the proposed approach to modulated fees for compostable and biodegradable plastic packaging?

- ☐ Yes
☒ No
☐ Unsure

If you answered 'yes', please detail what you think these unintended consequences could be and provide any suggestions for how they may be avoided.

Payments for managing packaging waste: necessary costs

45. Do you agree or disagree with the proposed definition and scope of necessary costs?

- ☐ Agree
☒ Disagree
☐ Neither agree nor disagree

If you disagree, please detail why and provide any costs you think should be included under the definition of necessary costs.

The list of necessary costs is unclear about some important cost areas, including:

- Contractual costs (e.g. variation or breakage)
- Additional disposal contract costs e.g. related to failure to achieve guaranteed minimum tonnages, changes in calorific value
- Additional procurement costs
- Costs associated with waste composition change
- Transitional costs for changes to services
- Indirect costs related to administration of the scheme

Payments for managing packaging waste from households

46. Do you agree or disagree that payments should be based on good practice, efficient and effective system costs and relevant peer benchmarks?

- ☐ Agree
☒ Disagree
☐ Neither agree nor disagree

If you disagree, please detail any issues you think there are with this approach and how you think payments should instead be calculated.

In principle, we agree that payments should be based on good practice. However, there is insufficient information, regarding what constitutes an efficient and effective system to properly answer this question. The system needs to be reflective of individual authority circumstances and have adequate incentive through funding to improve any inefficient schemes which otherwise may risk remaining. It could lead to a two-tier system where those with efficient systems receive funding to maintain performance but those underperforming are denied the opportunities to improve. Authorities who may be stuck with inefficient systems should still be recognised financially for improvements they make.

47. Do you agree or disagree that the per tonne payment to local authorities for packaging materials collected and sorted for recycling should be net off an average price per tonne for each material collected?

- ☐ Agree
☒ Disagree
☐ Neither agree nor disagree

If you disagree, please detail how material value should be netted-off a local authority's payment.

The formula should represent the waste disposal contract arrangements at the time the calculation is made. For example, if the council receives no income from a stream or it is accounted for in a variable gate fee, it should not be deducted again. The council must receive full net cost recovery of collection irrespective of the ability to get the highest material values.

48. Do you agree or disagree that the Scheme Administrator should have the ability to apply incentive adjustments to local authority payments to drive performance and quality in the system?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please detail why you think the ability to apply an incentive adjustment should not apply.

This could help achieve objectives, but our input is essential to ensure that incentive adjustments are reasonable and drive performance improvements.

49. Do you agree or disagree that local authorities should be given reasonable time and support to move to efficient and effective systems and improve their performance before incentive adjustments to payments are applied?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

It is good producers and LAs will work more closely. However, further definition of the timescale and support is needed.

50. Should individual local authorities be guaranteed a minimum proportion of their waste management cost regardless of performance?

- ☒ Agree
- ☐ No
- ☐ Unsure

Please provide the reason for your response.

A guaranteed minimum proportion will provide some budget certainty, which is valuable. However, there should be incentives through the scheme to maximise quality and quantity of recycling and minimise residual waste.

51. Do you agree or disagree that there should be incentive adjustments or rewards to encourage local authorities to exceed their modelled recycling benchmarks?

- ☐ Agree
- ☐ Disagree
- ☒ Neither agree nor disagree

If you disagree, please detail why you think incentive adjustments should not be applied to encourage local authorities to exceed their recycling performance benchmarks.

The EPR system is incentive based, so yes however it should not divert funds away from poor performers and encourage improvements.

52. Do you agree or disagree that unallocated payments should be used to help local authorities meet their recycling performance benchmarks, and contribute to Extended Producer Responsibility outcomes through wider investment and innovation, where it provides value for money?

- ☐ Agree
- ☐ Disagree
- ☒ Neither agree nor disagree

If you disagree, please detail how you think any unallocated payments to local authorities should be used.

It is not clear why there would be unallocated (withheld) costs. This needs clarity and further detailed discussion with LAs.

53. Do you agree or disagree that residual payments should be calculated using modelled costs of efficient and effective systems based on the average composition of packaging waste within the residual stream?

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

If you disagree, please detail how you think residual waste payments should instead be calculated.

Residual waste composition varies considerably between authorities. This is an opportunity to understand the differences through the funding of regular composition analyses for each authority which must be fully funded under EPR. It should lead to composition analyses becoming more efficient through economies of scale and technological advancement (e.g. AI).

The definition of the 'residual waste stream' should include rejects from MRFs and other sorting facilities.

54. Do you agree or disagree that a disposal authority within a two-tier authority area (England only) should receive the disposal element of the residual waste payment directly?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

Payments for managing packaging waste from businesses

55. Do you agree or disagree that there remains a strong rationale for making producers responsible for the costs of managing packaging waste produced by businesses?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

56. Do you agree or disagree that all commercial and industrial packaging should be in scope of the producer payment requirements except where a producer has the necessary evidence that they have paid for its management directly?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

57. Which approach do you believe is most suited to deliver the outcomes being sought below?

- ☒ Option 1
- ☐ Option 2
- ☐ Option 3
- ☐ All could work
- ☐ Do not know enough to provide a view

58. Do you disagree strongly with any of the options listed in the previous question?

- ☒ Yes
- ☐ No
- ☐ Unsure

If you answered 'yes', please explain which and provide your reason.

Compliance schemes could lead to focusing on costs rather than other outputs

59. Do you think there will be any issues with not having either Packaging Recovery Notes/Packaging Export Recovery Notes or the business payment mechanism (and as a result recycling targets) in place for a short period of time?

- ☐ Yes
- ☐ No
- ☒ Unsure

If you answered 'yes', please detail what issues you think there will be.

[Payments for managing packaging waste: data and reporting requirements](#)

60. Do you agree or disagree with the proposal to introduce a sampling regime for packaging as an amendment to the MF Regulations in England, Wales and Scotland and incorporation into new or existing regulations in Northern Ireland?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please detail why you think the proposed sampling regime for packaging waste should not be incorporated as an amendment to MF Regulations in England, Wales and Scotland and incorporated into new or existing regulations in Northern Ireland.

Agree. Further clarification is needed on definitions of contamination as packaging may be collected in waste streams that include other target items as part of the collection scheme, which should not be classed as packaging contamination.

61. Do you agree or disagree with the proposal to require all First Points of Consolidation to be responsible for sampling and reporting in accordance with a new packaging waste sampling and reporting regime?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

If you disagree, please detail who you think should be required to meet the packaging sampling and reporting regime for Extended Producer Responsibility purposes.

Sampling should take place as early as possible in the process. The cost of any additional sampling must be wholly borne by the producers.

62. Do you agree or disagree that the existing MF Regulations' de-minimis threshold of facilities that receive 1000 tonnes or more per annum of mixed waste material would need to be removed or changed to capture all First Points of Consolidation?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

If you disagree, please detail why you think a de-minimis threshold is required.

More composition analysis funded by EPR should take place

63. Do you think the following list of materials and packaging formats should form the basis for a manual sampling protocol?

- ☒ Yes
☐ No
☐ Unsure

If you answered 'no', what other materials, format categories or level of separation should be included as part of the manual sampling protocol?

64. Do you think it is feasible to implement more rigorous sampling arrangements within 6-12 months of the regulations being in place?

- ☐ Yes
☐ No
☒ Unsure

If you answered 'no', please provide the reason for your response and detail what should be considered in determining an appropriate implementation period.

We would need to better understand the current expectations and changes required with the contractor

65. Do you think visual detection technology should be introduced from 2025 to further enhance the sampling regime?

- ☒ Yes
- ☐ No
- ☐ Unsure

If you answered 'no', please detail why you think it should not be considered as a medium to long-term method of sampling.

It would need to be technically feasible and cost effective.

66. Do you think existing packaging proportion protocols used by reprocessors would provide a robust and proportionate system to estimate the packaging content of source segregated materials?

- ☐ Yes
- ☐ Yes, with refinement
- ☐ No
- ☒ Unsure

If you answered 'no', please detail why you think these would not be suitable to use to determine the packaging content in source segregated material.

67. Do you agree or disagree that minimum output material quality standards should be set for sorted packaging materials at a material facility?

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

The market should determine if material from a MRF is of sufficient quality.

68. Do you agree or disagree that material facilities that undertake sorting prior to sending the material to a reprocessor or exporter should have to meet those minimum standards in addition to just assessing and reporting against them?

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

The quality standards need to be set by the market.

69. Do you think any existing industry grades and standards could be used as minimal output material quality standards?

- ☐ Yes
- ☐ No
- ☒ Unsure

If you answered 'yes' please provide evidence of standards you think would be suitable for use as minimal output material standards.

Payments for managing packaging waste: reporting and payment cycles

70. Do you agree or disagree that local authority payments should be made quarterly, on a financial year basis?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and/or suggest any alternative proposals.

71. Do you agree or disagree that household and business packaging waste management payments should be based on previous year's data?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide any concerns you have with the proposed approach and/or any alternative proposals.

Agree provided the producers take the full financial responsibility for the packaging they place on the market.

Litter payments

72. Do you agree or disagree that the costs of litter management should be borne by the producers of commonly littered items based on their prevalence in the litter waste stream as determined by a composition analysis which is described in option 2?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and/or provide an alternative approach to litter management costs being based on a commonly littered basis.

This is fair and in-line with the producer pays principle. The producer of frequently littered products will be incentivised to find ways to reduce littering.

73. In addition to local authorities, which of the following duty bodies do you agree should also receive full net cost payments for managing littered packaging? Please select all that apply.

- ☒ Other duty bodies
- ☒ Litter authorities
- ☒ Statutory undertakers
- ☐ None of the above
- ☒ Any other(s) - please specify

If you selected 'Any other(s)' - please specify here.

Any Other - All organisations that incur costs for managing litter and have been approved by the LA for that area, including the voluntary sector.

74. Do you agree or disagree that producers should contribute to the costs of litter prevention and management activities on other land?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

75. Do you agree or disagree that local authority litter payments should be linked to improved data reporting?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

If you disagree, please detail why you think litter payments should not be linked to improved data reporting.

Good data reporting should form part of an 'optimised system' for litter collection and management.

76. Do you agree or disagree that payments should be linked to standards of local cleanliness over time?

- ☐ Agree
☒ Disagree
☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

If the payment is linked to tonnage of litter collected and managed, the onus is on the local authority to collect litter to the extent that it deems sufficient for its residents. LAs should be involved in developing any system to measure this, to ensure it is fair and achievable.

Scheme administration and governance

77. Do you agree or disagree that the functions relating to the management of producer obligations in respect of household packaging waste and litter including the distribution of payments to local authorities are managed by a single organisation?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

78. Overall which governance and administrative option do you prefer?

- ☒ Option 1
☐ Option 2
☐ Neither Option 1 nor Option 2

Please provide the reason for your response.

A Single SA should ensure transparency and fairness, with unilateral accountability and non-bias towards parties. The introduction of competing compliance schemes could undermine the polluter pays principle by focusing on reducing the costs of compliance.

79. How do you think in-year cost uncertainty to producers could be managed?

- ☐ A reserve fund
- ☐ In-year adjustment to fees
- ☐ Giving individual producers flexibility to choose between options 1) and 2)
- ☒ No preference
- ☐ Need more information to decide

80. Under Option 1, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes?

Option 1 - Scheme Administrator delivers all functions.

- ☒ Yes
- ☐ No
- ☐ Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.

Anything shorter would not give enough stability to all parties involved in the scheme, allowing it to develop and grow.

81. Under Option 2, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes?

Option 2 - Scheme Administrator delivers functions related to household packaging waste and litter.

- ☒ Yes
- ☐ No
- ☐ Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.

This time period is long enough to give stability allowing confidence in the necessary investment and flexibility to adapt with the scheme.

82. Do you agree or disagree with the timeline proposed for the appointment of the Scheme Administrator?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

83. If the Scheme Administrator is appointed in January 2023 as proposed, would it have sufficient time to mobilise in order to make payments to local authorities from October 2023?

- ☐ Yes
☐ No
☒ Unsure

If you answered 'no' please provide the reason for your response.

This is an ambitious timescale as there is much to do. The timescales needs to consider the introduction of legislation, contract procurement, SA appointment, and having a suitable payment mechanism in place in time, and any delays to these

84. Do you agree or disagree with the approval criteria proposed for compliance schemes?

- ☐ Agree
☐ Disagree
☒ Neither agree nor disagree

If you disagree, please provide the reason for your response.

85. Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test?

- ☐ A Compliance Scheme Code of Practice
☐ A 'fit and proper person' test for operators of compliance schemes
☒ Both
☐ Neither
☐ Unsure

Please provide the reason for your response.

To give confidence there needs to be a Code of Practice which includes the need for a 'fit and proper person' test to be an operator of a compliance scheme.

86. Do you agree or disagree with the proposed reporting requirements for Option 1?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

87. Do you agree or disagree with the proposed reporting requirements for Option 2?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

[Reprocessors and exporters](#)

88. Do you agree or disagree with the proposal that all reprocessors and exporters handling packaging waste will be required to register with a regulator?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and detail any exemptions to the registration requirement that should apply.

89. Do you agree or disagree that all reprocessors and exporters should report on the quality and quantity, of packaging waste received?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

90. What challenges would there be in reporting on the quality and quantity of packaging waste received at the point of reprocessing and/or export?

Please also provide specific detail on any processes, measures and/or costs that would be necessary to address these challenges.

Unsure

91. Do you think contractual arrangements between reprocessors and material facilities or with waste collectors and carriers are a suitable means for facilitating the apportionment and flow of recycling data back through the system to support Extended Producer Responsibility payment mechanisms, incentives and targets?

- ☐ Yes
☐ No
☒ Unsure

If you answered 'no', please provide the reason for your response and suggest any alternative proposals for using the quantity and quality data reported to support payments, incentives and targets.

92. Do you agree or disagree that exporters should be required to provide evidence that exported waste has been received and processed by an overseas reprocessor?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

If you disagree, please detail why you think exporters should not have to provide this evidence.

Ensuring accurate data for all packaging waste that has genuinely been recycled will give confidence.

93. Do you agree or disagree that only packaging waste that has achieved end of waste status should be able to be exported and count towards the achievement of recycling targets?

- ☐ Agree

- ☐ Disagree
☒ Neither agree nor disagree

If you disagree, please detail why you think it would not be necessary for waste to meet end of waste status prior to export.

Unclear how waste that has yet to be actually recycled could be classified as 'end of waste' prior to export. It could also potentially be open to abuse.

94. Do you agree or disagree that there should be a mandatory requirement for exporters to submit fully completed Annex VII forms, contracts and other audit documentation as part of the supporting information when reporting on the export of packaging waste?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

If you disagree, please detail why you think these additional registration requirements on exporters are not required.

95. Do you agree or disagree that regulators seek to undertake additional inspections of receiving sites, via 3rd party operators?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

If you disagree, please detail why you think it would not be necessary to undertake additional inspections and provide any alternative arrangements which could be implemented.

This will help to give confidence in the recycling of materials as well as verifying data to be accurate.

Compliance and enforcement

96. Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system?

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

If you disagree, please detail any perceived problem or issues with the proposed regulation of the system and provide comments on how the system could be regulated more effectively.

The Regulator will need to have sufficient resources and funding to be able to undertake this role effectively.

97. Do you have further suggestions on what environmental regulators should include in their monitoring and inspection plans that they do not at present?

Please answer here

98. In principle, what are your views if the regulator fees and charges were used for enforcement?

Enforcement should be covered by these fees

99. Would you prefer to see an instant monetary penalty for a non-compliance, or another sanction as listed below, such as prosecution?

Yes, provided they are proportionate to the level of non-compliance and increased in line with the number of occurrences. It should include prosecutions where multiple non-compliances have occurred or where the level of non-compliance warrants it.

Implementation timeline

100. Do you agree or disagree with the activities that the Scheme Administrator would need to undertake in order to make initial payments to local authorities in 2023 (as described above under Phase 1)?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

This is an ambitious timescale as there is much to do. The timescales need to consider the introduction of legislation, contract procurement, SA appointment, and having a suitable payment mechanism in place in time, and any delays to these.

101. Do you think a phased approach to the implementation of packaging Extended Producer Responsibility, starting in 2023 is feasible and practical?

- ☒ Yes
- ☐ No
- ☐ Unsure

If you answered 'no', please provide the reason for your response and detail any practical issues with the proposed approach.

This is an ambitious timescale as there is much to do. The timescales need to consider the introduction of legislation, contract procurement, SA appointment, and having a suitable payment mechanism in place in time, and any delays to these.

102. Do you prefer a phased approach to implementing Extended Producer Responsibility starting in 2023 with partial recovery of the costs of managing packaging waste from households or later implementation, which could enable full cost recovery for household packaging waste from the start?

- ☐ Phased approach starting in 2023
- ☐ Later implementation
- ☒ Unsure

A phased approach could enable unforeseen implementation issues to be resolved and ensure the later implementation is successful. Early funds allow investment in collections and composition analysis too.

103. Of the options presented for reporting of packaging data for 2022 which do you prefer?

- ☒ Option 1
- ☐ Option 2
- ☐ Neither

If you answered 'neither' please suggest an alternative approach.

104. Are there other datasets required to be reported by producers in order for the Scheme Administrator to determine the costs to be paid by them in 2023?

- ☐ Yes
- ☐ No
- ☒ Unsure

If you answered 'yes', please detail which datasets will be needed.

Brighton & Hove City Council Response: Deposit Return Scheme (England, NI, Wales) Consultation

The first five questions were about the respondent / responding organisation.

6. Given the context of the Covid-19 pandemic we are currently experiencing, do you support or oppose our proposals to implement a deposit return scheme for drinks containers in 2024?

- ☒ Support
- ☐ Neither support nor oppose
- ☐ Oppose
- ☐ Not sure

Please elaborate on your answer if you wish.

Our preference is to prioritise EPR and consistency. EPR, Consistency and the incoming Plastics tax will collectively deliver significant and positive changes to the management of waste across the UK.

It may be more prudent to await implementation of EPR and Consistency and to allow for the impact of these to be understood before introducing a DRS, particularly in the context of Covid, its economic impacts and impact on consumer behaviour.

The proposal could be refined in order to represent better value for money for citizens, and be redesigned to minimise confusion for citizens as to where the waste should go.

Should the Government wish to implement a DRS, a UK-wide system should be adopted.

7. Do you believe the introduction of a deposit return scheme will have an impact on your everyday life?

- ☒ Yes, a detrimental impact
 - ☐ No, there will be no impact
- If you answered yes the scheme would have a detrimental impact, how significant would this impact be?
- ☐ No significant impact
 - ☐ Some impact but manageable
 - ☒ Large impact but still manageable
 - ☐ Large impact and impossible to comply with

8. Have your views towards implementation of a deposit return scheme been affected following the economic and social impacts of the Covid-19 pandemic?

- ☐ Yes - because of economic impacts
- ☐ Yes - because of social impacts
- ☒ Yes - because of both economic and social impacts
- ☐ No
- ☐ Not sure

Please elaborate on your answer if you wish.

Covid has impacted on public behaviours and practices. These need to be re-established and evaluated as part of the Covid-19 recovery, along with implications of future options around reuse and recycling.

Kerbside recycling services have continued throughout the pandemic whereas the deliverability of a DRS over the past 12 months may have failed and supply chains, dependent on material flows, may have been disrupted.

Chapter 1: Scope of the Deposit Return Scheme

9. Do you agree that the cap should be included as part of the deposit item in a deposit return scheme for:

- ☒ Plastic bottle caps on plastic bottles
- ☒ Aluminium bottle caps on glass bottles
- ☒ Corks in glass bottles
- ☒ Foil on the top of a can/ bottle or used to preserve some drinks

10. Do you believe we have identified the correct pros and cons for the all-in and On-the-Go schemes described above?

- ☐ Yes
- ☒ No

Please elaborate on your answer if you wish.

The system could go further to tackle other forms of litter, and EPR and consistency could deliver good quality materials streams to reprocessors.

Coffee cups are included in EPR as opposed to DRS. As a main goal of DRS is addressing litter this is a material to revisit to ensure the placement of coffee cups is made for the right reasons with the right expectancy.

The implications on kerbside systems have not been fully considered; schemes will have to be designed to comply with EPR and consistency. Without knowing the volume or types of material that will be collected through a DRS – this risks the collections systems not being 'efficient and effective' and impacting EPR payments.

A DRS only concentrates on the collection of material, with a focus on 'collection' and 'return' rates, not recycling rates or a reduction in contamination from kerbside schemes.

DRS will cost a large sum to implement and require a vast collection infrastructure to be designed and constructed (using raw materials and creating an significant energy demand in the running), which delivers a relatively small increase in overall recycling rate.

The potential for drinks waste has not been mentioned. If residents chose to not drink the liquid, and throw it away, as well as the potential for contamination, the carbon impact of wasted drinks has not been accounted for.

11. Do you foresee any issues if the final scope of a deposit return scheme in England and Northern Ireland does not match the all-in decision taken in Wales? E.g. an On-the-Go scheme in England and an all-in scheme in Wales.

☒ Yes

☐ No

Please elaborate on your answer if you wish.

There is potential for misalignment, where some opt for all in and some OTG systems, increasing consumer confusion.

12. Having read the rationale for either an all-in or On-the-Go scheme, which do you consider to be the best option for our deposit return scheme?

☒ All-in

☐ On-the-go

Please elaborate on your answer if you wish.

To ensure consistency and clarity for consumers, an all-in scheme is more appropriate to align with Scotland and Wales. Opting for on-the-go for England and N.Ireland may create confusing DRS.

There are concerns about materials being diverted from kerbside streams and the potential impact on income.

13. Given the impact Covid-19 has had on the economy, on businesses and consumers, and on everyday life, do you believe an On-the-Go scheme would be less disruptive to consumers?

☐ Yes

☒ No

14. Do you agree with our proposed definition of an On-the-Go scheme (restricting the drinks containers in-scope to less than 750ml in size and excluding multipack containers)?

☐ Yes

☒ No

If no, how would you change the definition of an On-the-Go scheme?

A partial DRS where some materials are returned to producers and some materials via kerbside schemes is confusing.

15. Do you agree that the size of containers suggested to be included under an On-the-Go scheme are more commonly consumed out of the home than in it?

- ☐ Yes
☐ No
☒ Difficult to say

16. Please provide any information on the capability of Reverse Vending Machines to compact glass?

We have no technical knowledge in respect of RVM and unable to answer.

17. Do you agree that the scope of a deposit return scheme should be based on container material rather than product?

- ☒ Yes
☐ No

18. Do you agree with the proposed list of materials to be included in scope?

- ☒ Yes
☐ No

19. Do you consider there will be any material switching as a result of the proposed scope?

- ☒ Yes
☐ No

Please provide evidence to support your response.

A reason for switching materials might be the relative costs between DRS and EPR.

Chapter 2: Targets

20. Which of the following approaches do you consider should be taken to phase in a 90% collection target over 3 years?

- ☒ 70% in year 1, 80% in year 2, 90% in year 3 and thereafter
☐ 75% in year 1, 80% in year 2, 90% in year 3 and thereafter
☐ 75% in year 1, 85% in year 2, 90% in year 3 and thereafter
☐ 80% in year 1, 85% in year 2, 90% in year 3 and thereafter

These targets are only measuring collection rates and not recycling rates.

21. What collection rate do you consider should be achieved as a minimum for all materials after 3 years?

- ☐ 80%
☐ 85%
☒ 90% collection rate should be achieved for all materials

These targets are only measuring collection rates and not recycling rates.

22. Is it reasonable to assume that the same collection targets could be met with an on-the-go (OTG) scheme as those proposed for an all-in scheme for in-scope materials?

- ☐ Yes
☒ No

Please provide evidence to support your response.

There is no evidence to support the same collection targets can be met through the schemes which would vary significantly in operation and how the public would receive them.

23. Who should report on the volumes of deposit return scheme material placed on the market in each part of the United Kingdom (England, Wales and Northern Ireland) for the proposed deposit return scheme?

- ☒ The producer/ importer
☐ The retailer
☐ Both the producer/ importer and retailer

What would be the implications of obligations to report on volumes of deposit return scheme material for producers/ importers and retailers? Please provide evidence to support your answer.

Producers, importers and retailers are best placed to report on the implications for them of reporting. An approach based on producer / importer would appear to align the design of a DRS more closely with EPR principles of operation and therefore could facilitate easier incorporation of any DRS within EPR.

24. What evidence will be required to ensure that all material collected is passed to a reprocessor for the purpose of calculating the rate of recycling of deposit return scheme material?

Knowledge of the amount of material placed on the market and processes to record the movement of materials (collections and amounts going to the processor) can allow for calculations.

Chapter 3: Scheme Governance

25. What length of contract do you think would be most appropriate for the successful bidder to operate as the Deposit Management Organisation?

- ☐ 3 - 5 years
☐ 5 - 7 years
☐ 7 - 10 years
☒ 10 years +

26. Do you agree that the above issues should be covered by the tender process?

- ☒ Yes
☐ No

Please list any further issues you believe should be covered as part of the tender process?

The DMO will need to support the value chain, which aligns with EPR too. There will need to be a dispute resolution included for LAs as there are likely to be significant impacts. Other areas for consideration to include as part of the wider elements of the scheme are: Reuse, Sustainability, Carbon benefits/reduction, alignment with EPR targets, enforcement and modulated fees and Consistency of Collections, accessibility/mobility impacts for physical return points and RVMs.

27. Do you agree that the issues identified should be monitored as Key Performance Indicators?

- ☒ Yes
☐ No

Please list any further issues you believe should be covered by Key Performance Indicators?

- Reuse
- Sustainability
- Carbon benefits of all aspects of the scheme
- Accessibility of the scheme from an age and mobility perspective should be added
- Management of sub-contractors or those selected to service machines
- Littering levels
- Replacement rates of RVMs

28. Do you agree that the Government should design, develop and own the digital infrastructure required to register, and receive evidence on containers placed on the market on behalf of the Deposit Management Organisation and regulators?

- ☒ Yes
☐ No

Please elaborate on your answer if you wish.

This will give confidence in the scheme

29. Government will need to understand the needs of users to build digital services for deposit return scheme. Would you like your contact details to be added to a user panel for deposit return scheme so that we can invite you to participate in user research (e.g. surveys, workshops interviews) or to test digital services as they are designed and built?

- ☒ Yes

☐ No

Chapter 4: Financial Flows

30. What is an appropriate measure of small producers for the purposes of determining the payment of registration fees?

- ☐ Taxable Turnover
☒ Drinks containers placed on the market
☐ Other

If other, please specify.

31. Is a high level of unredeemed deposits funding the scheme problematic?

- ☐ Yes
☒ No

Please explain your answer.

It shouldn't necessarily be an issue for the DMO as is not-for-profit. Any surplus funds from unredeemed deposits would be for the DMO to reinvest into improving the system. DMO would also be held accountable for reaching high collection targets.

32. Which option to treatment of unredeemed deposits do you support?

- ☒ Option 1
☐ Option 2

33. With option 2, do you foresee any unintended consequences of setting a minimum percentage of the net costs of the deposit return scheme that must be met through the producer fee?

Are there any unintended consequences of option 2?

Having producer fees set at a certain minimum percentage of net costs could lead to stakeholders trying to drive down the cost of a system to reduce their exposure, but if appropriate performance measures are a feature for a DMO, then that commercial tension may be effective in driving efficient processes and elevating accountability for the DMO.

34. If a floor is set do you consider that this should be set at:

- ☐ 25% of net costs
☐ 33% of net costs
☐ 50% of net costs
☒ Other

Please provide evidence to support your response.

Consideration should be given to a variable figure based on the operational aspects of the DRS over time.

35. Do you agree that any excess funds should be reinvested in the scheme or spent on other environmental causes?

- ☒ Reinvested in the scheme
- ☐ Environmental causes

36. What should be the minimum deposit level set in legislation?

- ☐ 10p
- ☐ 15p
- ☐ 20p
- ☒ Other

If other, please specify.

The issue of fixed versus variable deposits is not resolved. It could be for the DMO to settle.

37. Do you agree that there should be a maximum deposit level set in legislation?

- ☒ Yes
- ☐ No
- ☐ 30p
- ☐ 40p
- ☐ 50p
- ☒ Other

If other, please specify.

It should be established by the DMO.

38. Recognising the potentially significant deposit costs consumers could pay on a multipack purchase, how best can we minimise the impact of the scheme on consumers buying multipacks?

There should not be a differentiation between the rate for a single or multipack purchase. A differentiation may leave to inequitable pricing effects, which would allow some parts of society to benefit more greatly from bulk purchases when their financial capacity allows it, whilst others unable to purchase in bulk, or without the same need to, would be disadvantaged.

39. Do you agree with our approach to letting the Deposit Management Organisation decide on whether to adopt a fixed or variable deposit level, particularly with regards to multipacks?

- ☒ Yes
- ☐ No

Please provide evidence to support your response.

No differentiation should be made between the rate for a single or multipack purchase.

Chapter 5: Return Points

40. Do you agree that all retailers selling in-scope drinks containers should be obligated to host a return point, whether it is an all-in or on-the-go (OTG) deposit return scheme?

☐ Yes

☒ No

Please provide evidence to support your response.

The location of return points should be based upon a combination of the number of drinks containers sold, the footprint of the store, and the proximity of another return point.

41. Given the proposed extensive distribution and availability of return points for consumers to return bottles to, do you think customers would be likely to experience delays / inconveniences in returning drinks containers?

☒ Yes

☐ No

If so, how long or how frequently would such delays be likely to arise for?

Delays could be experienced from the outset as a RVM in an outlet is not as convenient as kerbside collections or placing in a litter bin.

Flexibility needs to be provided to account for:

- areas with seasonality and fluctuating populations; Brighton & Hove has a high proportion of visitors to the city as well as accommodating high numbers of overseas summer school students, resulting in an increase in demand.
- Unpredictable usage patterns, aligned to weather, social or sporting events, resulting in logistical issues for the capacity of a RVM to cope with spikes in demand,
- those with home delivery services, mobility issues, lack of access to easy transport, lack of storage space etc.

Where a system has a defined capacity, there may be instances of overload at a return point in totality or just for some materials.

The DMO bidding process will also need to include the needs of vulnerable people as one of the contract criteria.

42. Do you have a preference, based on the 3 options described, on what the schemes approach to online takeback obligations should be? We welcome views from stakeholders on who this obligation should apply to, including if there should be an exception for smaller retailers or low volume sales.

- ☐ Option 1
- ☒ Option 2
- ☐ Option 3

Please explain your answer.

A de minimis based approach to obligate qualifying retailers selling in-scope containers to offer a takeback service. However, there will be considerations as part of this for example, waste carriers regulations in the light of couriers using their own vehicles to deliver goods, how will that work?

43. Do you agree with the proposed criteria for the calculation of the handling fee?

- ☒ Yes
- ☐ No

Would you propose any additional criteria are included for the calculation of the handling fee?

44. Please tick which exemptions you agree should be included under the scheme:

- ☒ Close proximity
- ☒ Breach of safety

Any further comments you wish to make.

45. Please can you provide any evidence on how many small and micro sized retail businesses we might likely expect to apply for an exemption to hosting a return point, on the grounds of either close proximity to another return point or on the compromise of safety considerations?

91.8% of businesses in Brighton & Hove are micro, with a further 6.9% classed as small. It is not known what proportion of these are retail based. The proportion of micro businesses is larger than that across the south east.

An all-in DRS may lead to more valid exemptions being sought on safety grounds (larger containers), reducing density of return points available in any area as opposed to OTG.

46. Do you think obligations should be placed on retailers exempted from hosting a return point to display specific information informing consumers of their exemption?

- ☒ Signage to demonstrate they don't host a return point
- ☒ Signage to signpost consumers to the nearest return point

Anything else?

Signage will enable consumers to manage their waste responsibly.

It would be in the exempted retailer's own interests to have signage as it reduces how much time they spend answering customers' questions and provides better customer service (i.e. not requiring customers to queue up for answers).

47. Do you agree with our rationale for not requiring retailers exempted on the basis of a breach of safety not to be required to signpost to another retailer?

- ☒ Yes
☐ No

48. How long do you think exemptions should be granted for until a review date is required to ensure the exemption is still required?

- ☐ 1 year
☒ 3 years
☐ 5 years or longer

49. Do you think the scheme could benefit from technological solutions being incorporated as a method of return, alongside reverse vending machines and manual return points?

- ☐ Yes
☒ No

50. How could a digital deposit return scheme solution be integrated into existing waste collection infrastructure?

Please explain your answer.

Where possible, a digital DRS should be incorporated with digitisation of other LA services and waste reporting to allowed for system compatibility.

It may be more prudent to await implementation of EPR and Consistency and to allow for the impact of these to be understood, particularly in terms of improving the quality and quantity of material . Waste collection infrastructure could then be changed to include a mature and robust digital DRS.

If introduced it should ensure that this be introduced at no additional cost to Local Authorities, or additional time for crews, with set up costs provided in advance. This would need to be fully established by the DMO prior to operating the scheme.

51. What are the potential fraud control measures a digital deposit return scheme could bring?

Please explain your answer.

The potential for fraud is significant, whether by the accumulation of repeated instances of small-scale system abuse or larger scale organised fraud.

The role of digital DRS needs to be fully explored and tested at scale before it can be relied upon. A robust digital DRS system will reduce opportunities for fraud and give confidence in the system.

52. Do you think a digital deposit return scheme could ensure the same level of material quality in the returns compared to a tradition return to retail model, given containers may not be returned via a reverse vending machine or manual return point where there is likely to be a greater scrutiny on quality of the container before being accepted?

☐ Yes

☒ No

Please explain your answer.

It reasonable to expect that the quality of the overall material in the scope would be lower due to the contamination levels inherent in co-mingled collections. This effect would be counterbalanced by the benefit of having the quantity of material increased. Alternatively, the consistency agenda could be used to ensure collection systems do not impact on quality.

53. If the digital deposit return scheme system can be integrated into the existing waste collection infrastructure would its implementation and running costs be lower?

Please provide evidence to support your response.

Potentially, but there is not enough information available about the nature of the DRS or the format of a digital system to be able to answer this question confidently. Consideration needs to be wider than the relative running costs, and include the implications for implementing a system that undermines the need for existing waste collection infrastructure, paid for by the taxpayer and replacing at additional cost to consumers, with alternative infrastructure.

54. Do you support the proposal to introduce a new permitted development right for reverse vending machines, to support the ease of implementation for the scheme?

☒ Yes

☐ No

Do you have any amendments or additional parameters you would propose are reflected in the permitted development right?

The use of permitted development rights would streamline processes and reduce costs for businesses and local authorities. However, the upper limit proposed of 80 square metres may be too high and the exclusion of location types needs to be expanded.

Chapter 6: Labelling

55. Do you agree that the following should be part of a mandatory label for deposit return scheme products?

- ☒ An identification marker that can be read by reverse vending machines and manual handling scanners.
- ☒ A mark to identify the product as part of a deposit return scheme.
- ☐ The deposit price

56. Are you aware of further measures that can be taken to reduce the incidence and likelihood of fraud in the system?

Effective labelling/bar codes

57. Do you agree with our proposals to introduce mandatory labelling, considering the above risk with regards to containers placed on the market in Scotland?

- ☒ Yes
- ☐ No

58. Do you consider the risk of incorrectly labelled products entering the markets of England, Wales or Northern Ireland via Scotland to be a significant risk?

- ☒ Yes
- ☐ No

Please provide evidence to support your response.

Potentially yes, but we do not have access to data to validate this and the consultation document does not provide enough information either.

59. Do you consider leaving any labelling requirements to industry to be a better option than legislating for mandatory labelling requirements?

- ☐ Yes
- ☒ No

Please explain your answer.

The simplicity of messages and branding is key. All 4 UK nations need to apply the same mandatory labelling system. The DMO should have responsibility for the labelling design.

60. Are you aware of any other solutions for smaller producers who may not currently label their products?

Please explain your answer.

Not sure; further work/consultation should take place with smaller producers to determine what is best

61. We believe 18 months is a sufficient period of time for necessary labelling changes to be made. Do you agree?

- ☒ Yes
- ☐ No

Please provide evidence to support your response.

18 months is an ambitious timescale, especially given the delays in the publication of the consultation. To make 18 months up to 'late 2024' possible, the pace on bringing in the scheme would need to be accelerated.

62. Will your processes change as a result of mandatory labelling?

- ☐ Yes
☒ No
☐ Don't know

Please explain your answer.

It does not relate to our processes as a collection authority

63. Do you agree that our proposed approach to labelling will be able to accommodate any future changes and innovation?

- ☐ Yes
☐ No
☐ Don't know

There is not enough information about the proposed approach and the terms of engagement of a DMO and its remit to justify a definitive view.

Are you aware of any upcoming technology in the field of labelling?

Chapter 7: Local authorities and local councils

64. Do you agree that local authorities will be able to separate deposit return scheme containers either themselves or via agreements with material recovery facilities to regain the deposit value?

- ☐ Yes
☒ No

Please explain your answer.

Where a DRS is based on reverse vending, we may be able to separate some DRS containers but not all, due to the way materials are collected and presented. The issues could be significant, as smashed bottles and crushed cans recovered by a MRF or collected separately at the kerbside may make identifying whether a material is in the scope of a DRS impossible, unless those requirements are suspended for material going via this route. Furthermore, for the MRF to separate out materials in scope from similar materials not in scope would be expected to add costs of additional processing.

A failure of a DRS or delayed benefits of a DRS would leave a financial impact on local authorities. Rather than a DRS link to payments to local authorities, it could be that it is EPR that is used to meet all the costs of all packaging materials going via the kerbside route or recycling sites, so that producers pick up the cost one way or the other.

Local authorities should not be left with a funding gap for providing a service they are obligated to where neither DRS, EPR or new burdens funding is available for the new net

costs, which should also reflect losses. The statement from the consultation is worrying: 'Local authorities would only receive funding for packaging covered under the Extended Producer Responsibility regime, excluding deposit return scheme material'.

65. Do you agree that local authorities will be able to negotiate agreements with material recovery facilities to ensure gate fees reflect the increased deposit values in waste streams or a profit sharing agreement on returned deposit return scheme containers was put in place?

☐ Yes

☒ No

Please explain your answer.

Efforts should be made to avoid any substantive need for such agreements by making sure in-scope DRS materials do not go through the kerbside system.

As stated in the consultation, a kerbside collection is 'a failure of the DRS'.

66. In order to minimise the risk of double payments from the Deposit Management Organisation to local authorities, where should data be collected regarding the compositional analysis to prevent the containers then being allowed to be redeemed via return points?

There is no credible risk of local authorities seeking to benefit from double payments and avoided by measuring material flows. Firstly, at the point of delivery by the local authority to a MRF, and secondly at the export point from the MRF to the reprocessor or return point in to the DRS system.

This can be avoided altogether by not using kerbside collections for in scope materials. There is a need to make sure the DMO and the EPR Scheme Administrator work very closely together to manage any issues arising.

67. How difficult do you think option 3 would be to administer, given the need to have robust compositional analysis in place?

Please explain your answer.

We do not support option 3, which appears to create additional costs and require additional processes to address a risk that is not clearly evidenced as being likely or significant, and is not any credible risk of local authorities seeking to benefit from double payments.

68. What option do you think best deals with the issue of deposit return scheme containers that continue to end up in local authority waste streams?

☐ Option 1

☒ Option 2

☐ Option 3

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Option 2 is preferred as it presents local authorities with a fairer, more stable and certain position, however it only protects local authorities financially to the extent that any EPR formula is thorough and agile enough to reflect consumer change and habits quickly.

Option 2 also allows the incentive, as stated in the consultation document, to redeem deposits where containers of sufficient quality can be separated, and importantly shifts the onus to producers to improve a DRS if needs be or pay the consequence of any partial failure through EPR.

Chapter 8: Compliance Monitoring and Enforcement

69. Are there any other producer obligations you believe the Environmental Regulators should be responsible for monitoring and enforcing?

Please explain your answer.

Enforcement spot checks.

A general need for enforcement with an ability to ensure all scheme aspects are delivered well.

70. Are local authorities (through the role Trading Standards and the Primary Authority Scheme) best placed to enforce certain retailer obligations?

☒ Yes

☐ No

To what extent will local authorities be able to add on monitoring and enforcement work for the deposit return scheme to existing duties they carry out with retailers?

The DMO could be enabled to carry out appropriate aspects of the regulatory system (e.g. initial investigations). That could allow Trading Standards and the Regulators to receive a level of intelligence-based information and then decide what to do next.

71. In addition to those in the table, are there any other types of breaches not on this list that you think should be? If so, what are they? These may include offences for participants not listed e.g. reprocessors or exporters.

Need to be satisfied that existing legislation appropriately covers fraud.

72. Are there any other vulnerable points in the system?

If so, what? Please explain your answer

Ensuring the system as a whole, ensures enforcement issues are acted upon sufficiently well: DMO, regulators, trading standards and government. Tackling the activities of Organised Criminal Gangs

73. Do you see a role for the Deposit Management Organisation to seek compliance before escalating to the Regulator?

Yes / No Please explain your answer

Yes, it should be a key aspect of the DMO role and as such this accountability should encourage a DMO to design, refine and manage a DRS in a way that elevates compliance.

74. Do you agree with the position set out regarding enforcement response options?

☐ Yes

☒ No

If no, please explain your answer.

The financial and penal consequences are not clear. As in many instances, the penalties for environmental crimes are not onerous enough to deter criminality.

In addition, the prospect of a significant breach by a DMO is not addressed adequately, beyond saying that a 'discretionary requirement could address this' by using a non-specified 'prescribed formula'.

Chapter 9: Implementation Timeline

75. Do you have any comments on the delivery timeline for deposit return scheme?

The anticipated DRS delivery timeline seems highly ambitious and does not account for the need to reassess community and consumer habits as a part of the Covid-19 recovery, or the time to develop a technological solution and establish a role for it.

It may be more prudent to await implementation of EPR and Consistency and to allow for the impact of these to be understood before introducing a DRS, particularly in the context of Covid, its economic impacts and impact on consumer behaviour.

Specifically, the 18 month period from the appointment of a DMO to a DRS being operational is very ambitious, with the major concern being about the logistics of the roll out of the infrastructure for a reverse vending based DRS.

76. How long does the Deposit Management Organisation need from appointment to the scheme going live, taking into account the time required to set up the necessary infrastructure?

☐ 12 months

☐ 14 months

☐ 18 months

Any other (please specify)

It should be longer than 18 months and determined by whether the scheme was on-the-go or all-in.

If other, please specify.

24 months seems more realistic, but the period would be influenced by whether the scheme was on-the-go or all-in, whether it was a reverse vending based or digital based DRS, and when the period was in relation to the roll out of any other DRS in Europe - due to the consideration of competition for the provision of equipment.

Please provide evidence to support your response.

The timeframe should be informed by testing with potential DMO operators and evaluated as part of proposals received from interested parties.

If a digital deposit return scheme solution is to be integrated into existing waste collection infrastructure, then it would require considerable development and lead in time, not just by the DMO, but also by local authorities and contractors.

77. Depending on the final decision taken on the scope of the scheme in England and Northern Ireland – all-in or on-the-go – what, if any, impact does this have on the proposed implementation period?

Differences between the nations on DRS framework/rules will inevitably create longer implementation timescales.

Chapter 10: Summary Approach to Impact Assessment

78. Do you agree with the analysis presented in our Impact Assessment?

☐ Yes

☒ No

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

The impact assessment is presented in isolation without the context of the effects of the Consistency and EPR agendas which are yet to be determined, in terms of both timing and nature. Ideally these should be subject to a fully integrated impact assessment to help establish the optimal nature and sequencing of change.

The Impact Assessment is also UK wide whereas part of the UK is to implement a DRS which may or may not be the same as any introduced in any other part of the UK and is also expected to be delivered earlier.

Much of the Impact Assessment is a presentation of the current policy landscape, an explanation of the DRS options and the views received to date and does not feature any possible effects of changes to community and consumer behaviours linked to the recovery from Covid-19.

Briefing paper: Extended producer responsibility (packaging)

June 2021

Introduction

The government published the Resources and Waste Strategy in 2018¹, setting out the plan to ensure resources are kept in circulation for as long as possible, to extract maximum value.

The areas currently being consulted on are: Introduction of a Deposit Return Scheme, Consistency in household and business recycling and as discussed in this paper the Packaging Extended Producer Responsibility (EPR) ²

The EPR scheme

EPR will incentivise producers to reduce their use of packaging, adopt reusable packaging where reduction is not feasible, or use easily recyclable packaging, and fund the recycling and management of single use packaging where it remains necessary. It is being developed to ensure producers pay the full costs of the waste they produce.

This includes costs of:

- collecting, sorting, and recycling of packaging waste from households and businesses
- collecting and disposing of packaging in the residual waste stream from households only
- litter and refuse management, including bin and ground litter

Scheme Administration and Governance

The administration and governance arrangements for EPR will need to support producers in complying with their obligations. The consultation seeks views on two broad approaches:

- a single administrator / management organisation
- multiple compliance schemes with certain functions undertaken by a Scheme Administrator

Producers and fees

A single point of obligation will be introduced (i.e. a single producer is responsible for the cost of managing a piece of packaging). The fees producers will pay will be varied to reflect criteria such as recyclability. This means those producing easily recyclable packaging will pay lower fee rates, while higher fee rates will apply to those that produce unrecyclable packaging.

Re-processors and Exports

Additional proposals for consultation include new registration and reporting requirements for re-processors and exporters of packaging waste. The regulatory framework for all waste exports will be reviewed and there will be a ban on export of plastic waste to countries that are not members of the Organisation for Economic Cooperation and Development.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf

² https://consult.defra.gov.uk/extended-producer-responsibility/extended-producer-responsibility-for-packaging/supporting_documents/23.03.21%20EPR%20Consultation.pdf

Labelling and materials

Packaging will have mandatory recyclability labelling which should be introduced at the latest by end of 2026/27. The broad requirements for labelling will be set out in legislation, including a requirement to use a label approved by Government (or the Regulator).

The consultation asks whether mandatory disposable cup takeback and recycling requirements should be placed on businesses to provide separate collection (either generated in-store or consumed 'on-the-go').

Collecting plastic film and flexible packaging such as single-use carrier bags, bread bags, and confectionary wrappers should be possible by end of financial year 2026/27.

Bio-degradable, bio-based and compostable plastic packaging is unlikely to be considered recyclable under packaging EPR and will therefore attract higher fee rates.

Digital design

Digital infrastructure will be required to facilitate registration processes, support administration of the payment framework and enable submission of evidence on packaging placed on the market and its flow through the waste management system, together with associated costs. The consultation proposes a split of responsibilities between Government and the Scheme Administrator for responsibility of setting up and running some key elements of this digital infrastructure.

What does EPR mean for Local Authorities?

The scheme will pay the 'necessary costs' for the delivery of 'efficient and effective' services. The services are to be based on a system identified by a kerbside costing tool which divides local authorities into 9 similar 'family groups'. There will be payment of transitional costs and limited new burdens such as compositional analysis.

Payments should be based on both the tonnages and quality of packaging waste collected and recycled. The proposed start date when payments to local authorities will begin is 2023. Data collection on the amount of this packaging in local authority waste streams and placed on the market by producers, will begin in 2022.

Payment for managing items in the litter stream, both as bin and ground litter will be made through the EPR scheme. The Scheme Administrator will bring in monitoring arrangements to allow payments to be linked to litter outcomes (such as cleanliness scores).

What's next?

The consultation on the EPR and Deposit Return Schemes closed on 4 June 2021. The consistency in household and business collections was published later and closes on 4 July 2021. The Environmental Bill is making its way through parliament is expected to receive royal assent later in the year.

Briefing paper: introducing a Deposit Return Scheme

June 2021

Introduction

The government published the Resources and Waste Strategy in 2018¹ and is now consulting on key areas to implement.

The areas currently being consulted on are, Extended Producer Responsibility packaging (EPR), Consistency in household and business recycling and as discussed in this paper the Introduction of a Deposit Return Scheme (DRS)²

DRS

A DRS was due to be implemented from 2023, however due to the Covid-19 pandemic disruption, the consultation offers a chance to explore a DRS in a 'post-Covid' context and would be introduced at the earliest in late 2024.

DRS seeks to achieve:

- an increased recycling rate of in-scope containers from 70% to 90%
- increased quality of recycled material to encourage closed loop recycling and circularity
- a reduction in littering of in-scope containers

Scope, participants and targets

The scope of containers will be based on material rather than product, and will capture PET plastic bottles, glass bottles, and steel and aluminium cans. This consultation asks whether the scheme should be an all-in scheme (including drinks containers up to 3L in size) or an on-the-go (drinks containers under 750ml in size and excluding those containers sold in multipacks).

A Deposit Management Organisation (DMO) will manage the operation, meet collection targets of 90% after three years and evidence materials have been passed to a re-processor. The DMO is to be funded via, material revenue, producer registration fees, and unredeemed deposits.

Producers will sign up, carry out reporting, pay a producer registration fee to fund the scheme, and place a redeemable deposit on the in-scope drinks containers. Retailers will accept all DRS containers returned to their store and ensure the deposit price is added to the purchase price of an in-scope drink at the point of purchase.

The consultation proposes setting out a minimum and maximum deposit level. It is proposed the DMO has the ability to set a fixed or variable rate deposit.

Monitoring and Enforcement

Environmental regulators are best placed to be Scheme Regulators to monitor and enforce obligations. There is also role for local authorities/Trading Standards to regulate the consumer-

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf

² https://consult.defra.gov.uk/environment/consultation-on-introducing-a-drs/supporting_documents/DRS%20Consultation%20FINAL%20.pdf

facing obligations placed on retailers. The consultation provides examples of the typical offences that could be committed and the regulator responsible for dealing with the offence.

Return Points

All retailers selling in-scope drinks containers will be obligated to accept returns by hosting a return point. This will likely be via reverse vending machine or manual return points, but regulations will be broad so alternative methods of return are not ruled out. Several conditions are proposed to enforce when containers are returned and details given on limited exemptions based on close proximity to another return point, or where a breach of safety obligations could result. A selection of approaches is suggested for online retailers and takeaway meal delivery services. The consultation also discusses the potential for innovation in technology and provides further detail on how this might support the return points through use of smart phone applications for electronic redemption of a deposit.

Labelling

Mandatory labelling will be legislated for to ensure smooth functioning and easily identify in-scope containers. Labelling will help to significantly minimise the risk of fraud, ensuring that once containers are scanned and returned, they lose their deposit value and cannot be returned again. It will also provide clarity for consumers in understanding what drinks containers are captured by the scheme.

Local authorities and local councils

Despite the introduction of the DRS and specified return point provision; containers can still end up in local authority waste streams. The consultation seeks views on how local authorities should be reimbursed for the costs involved in treating scheme material.

The consultation proposes three options:

1. A 'do nothing' approach, allowing local authorities to redeem the deposits collected in their waste streams.
2. The second option is to allow the DMO to make payments to local authorities for these materials via the EPR Scheme Administrator. Under the proposed EPR funding formula approach, packaging producers will be required to meet the net costs of managing household packaging waste in local authority waste streams.
3. The third option presented is a hybrid option, whereby the DMO pays a deposit value on containers returned and any additional scheme material in local authority waste streams is covered by a funding formula in Option 2.

The government state a preference for Option 2.

Next steps

The consultation on the DRS and EPR, closed on 4 June 2021. The consistency in household and business collections was published later and closes on 4 July 2021. The Environmental Bill is making its way through parliament is expected to receive royal assent later this year.

Briefing paper: Consistency in household and business recycling

June 2021

Introduction

The government published the Resources and Waste Strategy in 2018¹ and is now consulting on key areas to implement.

The areas currently being consulted on are: Extended Producer Responsibility packaging (EPR), the introduction of a Deposit Return Scheme (DRS) and, as discussed in this paper, consistency in household and business recycling².

Household consistency

From October 2023, local authorities will be mandated to collect a consistent range of dry materials (listed below), a weekly separate food waste collection and garden waste collection from all households.

The proposed core set of materials are:

- glass bottles and containers – including drinks bottles, condiment bottles, jars
- paper and card – including newspaper, cardboard packaging, writing paper
- plastic bottles – including clear drinks containers, HDPE milk containers, detergent, shampoo and cleaning product containers
- plastic pots, tubs and trays
- steel and aluminium tins and cans
- aluminium foil
- aluminium food trays
- steel and aluminium aerosols
- aluminium tubes, e.g. tomato puree tubes
- metal jar/bottle lids
- food and drink cartons, e.g. TetraPak
- plastic films, e.g. bread bags, carrier bags - by end of the 2026/27 financial year

Payments to local authorities for both the cost of managing packaging waste collected for recycling and packaging waste disposed of in residual waste, will be made under the packaging Extended Producer Responsibility scheme.

Separate collections

There will be a requirement for recyclable waste from each waste stream to be collected separately, unless an exemption applies, or is sought, due to it not being technically or economically practicable.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf

² https://consult.defra.gov.uk/waste-and-recycling/consistency-in-household-and-business-recycling/supporting_documents/Recycling%20Consistency%20Final%20Consultation_May%202021.pdf

An exemption would allow local authorities to co-collect recyclable waste in a recyclable waste stream with at least one other material. Local authorities collecting the proposed recyclable waste streams together would not have to complete a written assessment for the statutory exemptions.

The proposals are to include exemptions to enable the following waste streams to be collected together from households:

- plastic and metal
- glass and metal

This will mean that, to co-collect recycling as Brighton & Hove does presently e.g. collecting paper and card together with metal and plastic, a written assessment will be required. Further work will be required once the outcome is known, to determine the number of written assessments required.

Food Waste

Included within the Environment Bill is a statutory requirement to provide a separate food waste collection to households, at least once a week. It proposes food waste includes: food scraps, coffee grounds and tea bags.

It is proposed that food can be collected with garden waste, although will still need to be collected weekly. Authorities wishing to do this must submit a written assessment to demonstrate that it is not 'technically or economically practicable' to collect food separately. This is important for the council as the route for food waste disposal would be the existing IVC composting facility where garden waste already is sent.

Local authorities would be required to arrange for the weekly, separate collection of food waste for all properties including flats by the transitional end dates, unless an exception applies (for example extensive high density housing stock in which case food waste could be co-collected with garden waste).

In terms of costs, the consultation mentions meeting the costs of 'additional bins and vehicles' and government will ensure that local authorities are resourced to meet any new burdens arising from this policy, including up front transition costs and ongoing operational costs. This requires much more clarification, including whether disposal costs are covered.

Garden Waste

Government see charged for garden waste services as being a barrier to increasing recycling rates and are proposing free garden waste collections.

Government proposes local authorities should be required to introduce a free minimum standard garden waste collection with a 240-litre container, on a fortnightly collection frequency and throughout the growing season.

Alternative proposals on the offer of a free service are suggested as:

- produce updated guidance on reasonable charges of £18-30 per year; Brighton & Hove currently charge £65 per year
- clear communications to non-participating households
- increasing home composting

Statutory and non-statutory guidance

The consultation seeks views on the areas that could be included in statutory guidance and details the intention to publish non-statutory guidance.

The areas in relation to statutory guidance include:

- service standards for collection arrangements and frequency
- considerations relating to circumstances where separate collection of recyclable waste streams may not be technically or economically practicable or may not provide a significant environmental benefit.

Business recycling

Businesses will be expected to collect a core set of five recycling materials; these are: glass, metal, plastic, paper and card and food waste for recycling or composting.

Considerations

There are significant changes being proposed in this consultation which will require further work. These include:

- Feasibility study into the Material Recovery Facility's capacity to accept new materials
- Identification of a waste transfer station for food waste
- Implications for the Integrated Waste Management Services Contract (IWMSC) with East Sussex County Council and Veolia
- Availability of containers, caddies and liners
- Availability of new vehicles to accommodate the changes
- Implications for the Operator's Licence and space at the depot
- Viable end markets
- Implications of providing a free garden waste service
- Public realm impacts
- Public health implications
- Operational service changes to kerbside, communal and flats
- Changes to recycling and residual tonnages
- Funding availability through EPR and new burdens
- Assessing whether recycling materials can be collected separately

Next steps

The consultation on consistency in household and business recycling closes on 4 July 2021. The Environmental Bill is making its way through parliament is expected to receive royal assent later this year.

Subject:		Food Waste Collection Service Update	
Date of Meeting:		22 June 2021	
Report of:		Executive Director – Economy, Environment & Culture	
Contact Officer:	Name:	Lynsay Cook	Tel: 01273 292448
	Email:	Lynsay.cook@brighton-hove.gov.uk	
Ward(s) affected:		All	

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Through the City Environment Modernisation Programme, Cityclean has been working with the Waste & Resources Action Programme (WRAP) and consultants Eunomia on the relative cost and performance of different collections options to help inform the future development of household waste collections in the city, including the introduction of a food waste collection service.
- 1.2 This report provides Members with the outcome of this research and high-level options appraisal, plus an update on associated matters. It is seeking approval to complete a feasibility study and business case on the preferred option, which will be subject to engagement and consultation with residents, trade unions and staff before a report is brought to a future committee for a decision.

2. RECOMMENDATIONS:

- 2.1 That Environment, Transport & Sustainability Committee note the report and options appraisal at Appendix 1.
- 2.2 That Environment, Transport & Sustainability Committee agree that a full feasibility study and business case is developed exploring Option 1b for the future delivery of refuse and recycling services.
- 2.3 That Environment Transport & Sustainability Committee agrees that the feasibility study and business case are consulted on with residents, trade unions and staff before being presented back to a future committee for decision.
- 2.4 That Environment, Transport & Sustainability Committee note the dependent work taking place both locally and nationally, which will be used to inform the feasibility study and business case.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Over the last six months, Cityclean has been working with WRAP and Eunomia on an options appraisal regarding food waste collections across Brighton & Hove. The executive summary is in Appendix 1.

- 3.2 The purpose of the options appraisal was to assess the possible changes to the collection of household waste across the different property types in Brighton & Hove, to provide a high-level analysis of the cost and the operational and performance impacts of each of the options.
- 3.3 The work was completed in two stages: firstly, a high-level assessment of the options available was undertaken to review the relative differences of each option compared with the current baseline. Secondly, variants and sensitivities were tested for the preferred option, to determine how additional changes may impact cost and performance. The baseline model was built to reflect the current operations and closely replicate the costs of the service. This is not 100% accurate and the aim of the modelling is to allow a relative comparison to be made against each of the options modelled. The feasibility study and business case will refine the work completed to date to understand true performance and cost impacts.
- 3.4 Five options were modelled in stage 1:
- Baseline: weekly residual, fortnightly two-stream recycling with separate glass (split-body RCV), no food waste and fortnightly charged garden waste
 - Option 1a: weekly residual, fortnightly two-stream recycling with separate glass (separate vehicles), weekly food waste and fortnightly charged garden waste.
 - Option 1b: fortnightly residual, fortnightly two-stream recycling with separate glass (separate vehicles), weekly food waste and fortnightly charged garden waste
 - Option 1c: fortnightly residual, fortnightly mixed recycling & four-weekly glass two-stream (separate vehicles), weekly food waste and fortnightly charged garden waste
 - Option 2: fortnightly residual, alternate fortnightly mixed recycling and paper & card, four-weekly glass three-stream (separate vehicles), weekly food waste and fortnightly charged garden waste
 - Option 3: fortnightly residual, weekly multi-stream recycling, weekly food waste and fortnightly charged garden waste
- 3.5 It was decided not to include the impact of comingled glass with other materials as this was considered a step backwards and not aligning to the potential changes in legislation as proposed in the government's Resources & Waste Strategy and subsequent Environment Bill.
- 3.6 From the options modelled, a preferred option – option 1b – was selected to be taken forward into stage 2 for further modelling. The following variants and sensitivities were modelled in addition to option 1b:
- Free garden waste
 - Separate collection of glass in a 26 tonne Toploader and food waste in a 7.5 tonne Toploader
 - Treatment of food waste through anaerobic digestion (AD)
- 3.7 Option 1b demonstrates that the introduction of food waste, and the reduction of residual collection frequency, when undertaken together, can provide a balanced approach to delivering performance change and maintaining costs.

4. Composition analysis

- 4.1 In September 2020, Cityclean undertook a composition analysis to understand the composition of waste in bins across the city. The results were presented to Environment, Transport & Sustainability Committee on 16 March 2021.
- 4.2 The results showed:
- 37% (2.8kg/hh/wk) of the contents of kerbside residual bins across Brighton & Hove consisted of food and drink waste. Around 60% of food waste was deemed avoidable – 53% of this was packaged.
 - 33.4% of the contents of residual waste from shared bins consisted of food and drink waste. Around 66% of food waste was deemed avoidable – 52% of this was packaged.
 - 31.9% of the contents of residual waste from communal bins consisted of food and drink waste. Around 60% of food waste was deemed avoidable – 56% of this was packaged.
 - 8% of kerbside residual waste consisted of garden vegetation. This compares with less than 3% for shared bins and 10.7% for communal bins.
- 4.3 These volumes were used to inform the modelling within the options appraisal and demonstrate the potential opportunities for 1) minimising food waste and 2) processing food waste in a different way.

5. Option 1b

- 5.1 For kerbside collections, Option 1b provides:
- Fortnightly residual collections (a change from weekly)
 - Fortnightly two-stream with separate glass (as per current arrangements)
 - Weekly food waste (new collection service)
 - Fortnightly charged garden waste (as per current arrangements)
- 5.2 For communal areas, collection arrangements will remain as they are, with the inclusion of a food waste service.
- 5.3 The Eunomia report recommends that any move to introduce separate collection of food waste should be alongside a reduction in kerbside residual collection frequency. This would maximise both the capture of food waste and recycling and minimise service delivery costs.
- 5.4 It should be noted that, the information in the following sections on performance and costs are modelled options to allow a relative comparison to a modelled baseline. The feasibility study and business case will refine the work completed to date to understand true performance and cost impacts.

6. Performance impact of Option 1b

- 6.1 The introduction of a food waste collection service will increase the kerbside recycling rate by 17% taking the overall recycling rate up to 41%¹. This is due to

¹ This is calculated based on material collected at the kerbside only and therefore does not correlate to the published ex-NI192 recycling rate.

the change in collection frequencies of residual waste and the introduction of a separate food waste collection service. For the communal service, there will be a 5.9% increase in the recycling rate.

- 6.2 From the modelled data, the introduction of a food waste collection service is projected to have the following impact on waste performance:

Kerbside	Current tonnage	Projected tonnage	Projected percentage change
Food waste	0	5,523	N/A
Garden waste	2,349	2,349	No change
Glass	2,883	3,716	+28.9%
Dry mixed recycling	7,657	9,750	+27.3%
Residual	40,310	30,551	-24.2%
Input contamination	1,001	1,279	+27.7%
Indicative recycling rate	24.0%	41.1%	+17.1 percentage points

Communal	Current tonnage	Projected tonnage	Projected percentage change
Food waste	0	1,396	N/A
Glass	1,288	1,288	No change
Dry mixed recycling	3,128	3,128	No change
Residual	18,490	17,094	-7.5%
Input contamination	696	696	N/A
Indicative recycling rate	18.7%	24.6%	+5.9 percentage points

7. Cost impact of Option 1b

- 7.1 Changing from weekly to fortnightly residual waste collections allows the projected net cost of introducing a separate kerbside food waste collection to be fully offset:

Kerbside	Current cost ²	Projected cost ³	Projected cost change
Residual treatment	£5.102m	£3.867m	-£1.235m
Recycling treatment	£1.285m	£2.147m	£0.862m
Container replacement	£0.148m	£0.164m	£0.016m
Staff	£2.550m	£3.001m	£0.450m
Vehicles	£1.401m	£1.281m	-£0.120m
Income from garden waste	-£0.418m	-£0.418m	£0.000m
Totals	£10.069m	£10.042m	-£0.027m

² Recycling treatment includes dry mixed recycling and garden. Container replacement, staff and vehicles includes residual, dry recycling and garden

³ Recycling treatment includes dry mixed recycling, garden and food. Container replacement, staff and vehicles includes residual, dry recycling, garden and food

- 7.2 Option 1a, which retained weekly residual collections, shows an increased cost of £1.000m per annum.
- 7.3 There is limited scope to change the current communal service in order to offset the net costs of introducing a food waste service. The feasibility study and business case will consider whether the service can be remodelled to take account of the changes in volumes of waste in communal refuse bins. Furthermore, through projects within the Modernisation Programme, other activities are being delivered to address communal recycling performance, which may impact on some of the projections in the table below:

Communal	Current cost⁴	Projected cost⁵	Projected cost change
Residual treatment	£2.340m	£2.164m	-£0.177m
Recycling treatment	£0.422m	£0.568m	£0.145m
Container replacement	£0.229m	£0.230m	£0.001m
Staff	£0.647m	£0.858m	£0.211m
Vehicles	£0.458m	£0.543m	£0.085m
Totals	£4.097m	£4.363m	£0.265m

- 7.4 The container replacement costs include the estimated costs for the provision of replacement food waste bins and caddies, based on current receptable replacement rates for kerbside properties. It does not include the start-up costs of providing every kerbside household with a bin and caddy, nor communal food bin costs, nor the provision of a caddy to each household in the communal bin area. This is detailed in the table in 7.6 below.
- 7.5 In the consultation on consistency of collections (see section 12), the government propose that the provision of caddy liners should be promoted as good practice. The cost of caddy liners is not included in the table above and would need to be costed if Brighton & Hove decided to provide the liners, to encourage take up.
- 7.6 The costs set out above incorporate an annualised cost for vehicles and container replacement. Upfront capital costs are modelled to be:

	Capital kerbside cost	Capital communal cost
18 tonne RCV	£0.800m	£0.000m
7.5 tonne food vehicle	£0.500m	£0.260m
RRV	£0.000m	£0.000m
26t RCV	£0.180m	£0.000m
Food caddies / containers	£0.564m	TBC
Total	£2.044m	£0.260m + container costs

⁴ Recycling treatment includes dry mixed recycling only. Container replacement, staff and vehicles includes residual and dry recycling

⁵ Recycling treatment includes dry mixed recycling and food. Container replacement, staff and vehicles includes residual, dry recycling and food

- 7.7 For Option 1b, it is assumed that the 26 tonne RCVs currently used to deliver the residual collections can transfer to collect dry recycling.

8. Vehicle impact of Option 1b

- 8.1 There will be an impact on the number of vehicles required to provide kerbside refuse and recycling services:

Kerbside	Current number of vehicles	Projected number of vehicles
Residual	13.4	7.1
Dry recycling	8.3	6.8
Glass		5.1
Garden	3.0	3.0
Food	0.0	7.8
Totals	24.7	29.4

- 8.2 Overall, there will be an increase. The need for separate vehicles for food waste and glass collections is partially offset by the reduction in the number of vehicles required for residual collections, due to the change in frequency of collections.

- 8.3 There will also be an increase in the number of vehicles required for the communal service:

Communal	Current number of vehicles	Projected number of vehicles
Residual	3.0	3.0
Dry recycling	4.0	4.0
Glass	2.0	2.0
Food	0.0	3.0
Totals	9.0	12.0

- 8.4 Due to the limited options available to change the frequency of residual communal collections, Option 1b is projected to still require three residual vehicles. To obtain some efficiencies from the introduction of food waste, the feasibility study and business case will consider whether the service can be remodelled to take account of the changes in volumes of waste in communal refuse bins.
- 8.5 Please note, the modelling provides vehicle requirements as non-integer numbers. This allows for the potential available capacity on vehicles to be assessed, for example 6.8 dry recycling vehicles would suggest 0.8 of a vehicle is likely only to be used 4 days out of 5. The assessment of capital costs rounds up the vehicle requirements (i.e. as integers) to provide an assessment of the full costs to purchase vehicles. More work will be completed as part of the feasibility study to determine the stand-by vehicle requirements in the event of breakdowns, for example.

9. Carbon impact of Option 1b

- 9.1 Option 1b projects a 3000-tonne reduction in CO₂ emissions per annum for kerbside collections and a 41-tonne reduction for communal. These will be realised through a reduction in the amount of residual waste requiring treatment via the energy recovery process and an increase in dry recycling. The change for communal is minor in comparison to kerbside due to the limited scope of change

from the baseline position and the need for additional collection vehicles for communal food waste, which comes with associated higher transport emissions. The projected figures do account for reductions in CO₂ emissions as the fleet moves from diesel to electric.

- 9.2 It should be noted that the Energy Recovery Facility has enabled the council to make a massive shift away from landfill and this has made a huge contribution to reducing greenhouse gas emissions. In 2019/20, 2.5% of waste from Brighton & Hove was sent to landfill. The provisional result for 2020/21 suggests even less waste has been sent to landfill (Cityclean is awaiting the official publication of 2020/21 data). Increasing recycling will build on this since it also replaces the need for carbon intensive extraction and refining of raw materials.

10. Variant: free garden waste

- 10.1 As part of the National Waste & Resources Strategy, the government is currently consulting on changes to garden waste collections.
- 10.2 At the time the options appraisal was completed, it was expected the consultation would propose free garden waste collections. Therefore, the modelling reflected this and projects that a free garden waste service, for households with gardens, will increase recycling rates to 45% for option 1b.

	Recycling rate ⁶
Baseline	24%
Option 1b (<i>paid for garden waste; food waste, fortnightly residual</i>)	41%
Option 1b with sensitivity (<i>free garden waste; food waste, fortnightly residual</i>)	45%

- 10.3 It will also result in an overall net service cost increase of approximately £1.000m from additional collection vehicles and the cost of treatment, as well as a loss in income from garden waste subscriptions.
- 10.4 The consultation now contains other proposals in relation to garden waste, including:
- introducing a free fortnightly garden waste collection throughout the growing season (with the duration of the growing season to be defined in further guidance)
 - providing updated guidance on reasonable charges for garden waste
 - supporting the increased take up of home composting
- 10.5 In taking this work forward, the appropriate modelling will take place to understand the impact of changes to garden waste services, when the outcome is known.
- ## 11. Variant: separate collection of glass in a 26 tonne Toploader and food waste in a 7.5 tonne Toploader

⁶ Kerbside properties only

11.1 The stage 2 modelling found that the use of a Toploader to collect glass and food waste had minimal impact overall on the resource requirements and cost for the service, when compared with option 1b.

11.2 Further work will take place to determine the appropriate vehicle type in line with section 14 below.

12. Variant: treatment of food waste through anaerobic digestion

12.1 Treating food waste through AD has emerged as a preferred treatment option for food waste as it is typically lower cost option than In-Vessel Composting (IVC). However, without a local AD plant, any savings to be made through a different treatment method need to be offset against the travel to an AD plant.

12.2 As part of the full feasibility study and business case, Cityclean will work with Veolia to explore whether it is cost-effective to utilise a third-party AD alongside the existing IVC facility. Conversations have also started with BHECSO (the Brighton & Hove Energy Services Co-operative) to explore options for the future.

13. National Waste & Resources Strategy

13.1 On 7 May 2021, the government published the second consultation seeking views on consistency in household and business recycling in England. The proposals in the consultation document will have a fundamental impact on City Environment service delivery, particularly in relation to food waste, foil, cartons, film and Pots, Tubs & Trays (PTT) collections.

13.2 The table in Appendix 2 indicates the change to service delivery in Brighton & Hove, should the proposals become law. The inclusion of one or more of the additional materials in the recycling stream, including food waste, will require significant reconfiguration of rounds as a result of the different materials being placed in a recycling bin or box, rather than a refuse bin.

13.3 The consultation also proposes that some dry recyclable materials are collected separately from each other. This presents a divergence from the preferred 1b model. Therefore, once the outcomes of the consultations are known, there may be a requirement for Brighton & Hove to complete a Technically, Environmentally or Economically Practicable (TEEP) Assessment to explain why it is not practical to collect the materials separately.

13.4 The consultation also addresses the frequency of residual collections. As the quantity of materials collected for recycling increases, the government expects the amount of residual waste to decrease. Reductions in the amount of residual waste mean that many local authorities now provide alternate weekly collections of residual waste, with a small number of councils providing collections of residual waste once every three weeks.

13.5 The government, therefore, is proposing to mandate a weekly separate food waste collection and will consider whether a recommended minimum service standard of alternate weekly collection for residual waste (alongside weekly food waste collection) might be appropriate.

- 13.6 The government recognises that these new duties will impose additional costs on local government, and it will follow the [new burdens guidance](#) to ensure the costs of new statutory duties for local authorities are covered. It is not clear what costs will be paid to Brighton & Hove, nor whether it will cover any contractual compensation payments needed, nor compensating for any income lost due to changes to the materials recycled, their quality and/or their end markets.
- 13.7 The government has also recently consulted on the introduction of a [Deposit Return Scheme](#) and on [Extended Producer Responsibility](#) (EPR). Again, both of these will impact on the volumes and types of waste to be collected across the city. The proposals contained within EPR may potentially cover some of the costs of dealing with packaging, detailed in 13.5. The outcomes of these are required in order to plan the collection service accordingly.

14. Dependencies in the City Environment Modernisation Programme

- 14.1 The decision to introduce a food waste collection service cannot be taken in isolation. In addition to the significant proposals contained within the National Waste & Resources Strategy, a number of projects within the Modernisation Programme are impacting the way waste collections services are being delivered, and therefore need to be considered before a food waste service can be delivered. Phasing and timing the dependent changes are crucial and requires significant planning.
- 14.2 A feasibility study is being completed to determine the costs to retrofit the Materials Recovery Facility to collect Pots, Tubs & Trays (PTT) in order for it to be collected as dry recycling. This will assist in changing the frequency of residual waste collections as by allowing PTT to be placed in recycling bins and boxes, capacity will be created to assist to fortnightly residual collections. PTT is included as a core material in the consistency consultation and so all these streams need to be considered together.
- 14.3 A review of rounds will shortly commence to restructure collections to incorporate a range of potential changes to collection methods, materials and schedules, as well as ensure a fairer distribution of work. This will lead to a series of options and recommendations for the optimum efficient collection of refuse and recycling. Decisions from other Modernisation Programme projects will impact this work and in turn, the implementation of the changes.
- 14.4 A significant amount of work has already taken place to improve the communal bin system as reported to previous committee meetings. The type, number and placement of communal bins will impact on the number and type of vehicles required to empty them and therefore forms a significant part of the project described in 14.3. Furthermore, this project will also consider how food waste can be incorporated into the communal collection service.
- 14.5 A 10-year Fleet Strategy has been agreed by this Committee and is central to both the Modernisation Programme and the council's ambitions to be carbon neutral by 2030. Changes need to be planned in line with vehicle procurement to ensure the right trucks are available to collect the right material at the point of implementing the changes. The service also needs to ensure it continues to comply with the requirements of the Operator's Licence.

- 14.6 The complementary work will be considered as the feasibility study and business case are developed.

15. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 15.1 Appendix 1 details the options available for collecting food waste across Brighton & Hove. Option 1b was chosen as the preferred options as the analysis demonstrates that this configuration of services can provide a balanced approach to delivering performance change and maintaining costs. In addition, the report recommends that any move to introduce separate collection of food waste should be alongside a reduction in kerbside residual collection frequency, in order to maximise both the capture of food waste and recycling and minimise service delivery costs.
- 15.2 Through the consistency in household and business recycling in England consultation, the government is seeking views from all stakeholders on waste collection, the outcomes of which will impact the service delivery in Brighton & Hove.

16. COMMUNITY ENGAGEMENT & CONSULTATION

- 16.1 This report is seeking high-level endorsement for the direction of travel of refuse and recycling services in Brighton & Hove.
- 16.2 If the recommendations are agreed, a feasibility study and business case will be prepared and consulted on with residents, trade unions and staff, with a report brought to a future committee for decision.

17. CONCLUSION

- 17.1 This report presents the outcomes of an options appraisal on the relative cost and performance of different collections options for the future household waste collections in the city, including the introduction of a food waste collection service. The information provided is a high-level analysis and further work is needed, subject to the recommendations being agreed, to refine this.
- 17.2 The report also contains information on dependent pieces of work as a food waste collection service cannot be introduced in isolation from other planned work.
- 17.3 If the recommendations are agreed, a feasibility study and business case will be prepared and consulted on with residents, trade unions and staff, with a report brought to a future committee for decision.

18. FINANCIAL & OTHER IMPLICATIONS:

Financial implications:

- 18.1 This report sets out a high-level analysis of the preferred option - Option 1b of implementing a food waste collection service. Outcomes from the Government's national Resources and Waste Strategy may impact the service for any new

duties imposed, though new burdens funding would be required to ensure costs of statutory duties are covered. By developing a full feasibility and business case for Option 1b, the financial impact of implementation will be recognised and brought to a future committee for a decision.

- 18.2 Costs associated with developing a full feasibility and business case will be contained within existing City Clean Budgets

Finance Officer Consulted: John Lack

Date: 09/06/2021

Legal implications:

- 18.3 There are no direct legal implications arising from the report's recommendations.

Lawyer Consulted: Hilary Woodward

Date: 27/05/2021

Equalities implications:

- 18.4 Assisted Collections for food waste will be included when planning the new service and changes to collections.

Sustainability implications:

- 18.5 These are detailed in the main body of the report.

SUPPORTING DOCUMENTATION

Appendices:

1. Options appraisal: relative cost and performance of different collections options
2. Consistency in household recycling: impact on current service delivery

Background Documents

1. City Environment Modernisation Update presented to Environment, Transport & Sustainability Committee on 16 March 2021
1. City Environment Modernisation Update to Environment, Transport & Sustainability Committee on 29 September 2020
2. Fleet Procurement Options to Environment, Transport & Sustainability Committee on 26 November 2019
3. City Environment Modernisation Update to Environment, Transport & Sustainability Committee on 8 October 2019
4. City Environment Modernisation Update to Environment, Transport & Sustainability Committee on 25 June 2019
5. City Environment Modernisation Update to Environment, Transport & Sustainability Committee on 22 January 2019
6. City Environmental Management – Modernisation Programme Update Report to Environment, Transport & Sustainability Committee on 9 October 2018
7. City Environmental Management – Modernisation Programme Update Report to Policy, Resources & Growth Committee on 12 July 2018

Final Report

Support to Brighton and Hove City Council



This report provides Brighton and Hove City Council with information on the relative cost and performance of different collection options modelled to help inform the future development of household waste collections in the city.

Research date: November 2020 – March 2021 **Date:** April 2021

WRAP's vision is a world in which resources are used sustainably.

Our mission is to accelerate the move to a sustainable resource-efficient economy through re-inventing how we design, produce and sell products; re-thinking how we use and consume products; and re-defining what is possible through re-use and recycling.

Find out more at www.wrap.org.uk

Document reference (please use this reference when citing WRAP's work):
[WRAP, 2021, Banbury, Support to Brighton and Hove City Council, Prepared by Eunomia Research and Consulting Ltd.]

Written by: Kate Thompson, Alex Davies, Claire Chu and William Shanks



Front cover photography: Brighton and Hove City Council

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Executive summary

Introduction

Eunomia Research and Consulting Ltd. (Eunomia) was commissioned by WRAP, on behalf of Brighton and Hove City Council (BHCC), in November 2020 to carry out a two staged options appraisal to review the collection of household waste from kerbside properties, on-street properties with communal bins and flats.

The purpose of the options appraisal was to assess possible changes to the collection of household waste across the different property types in Brighton and Hove and provide BHCC with a high-level analysis of the cost, operational and performance impacts of the proposed options. The appraisal was undertaken in two stages. Firstly, to conduct a high-level assessment of the options to review the relative differences of each option compared with the current baseline service. Secondly, to test variants and sensitivities to the preferred option(s), to determine how additional changes may impact on the cost and performance.

This report presents the findings from the collection options appraisal accompanied by a qualitative assessment of the options, and the results of additional variants and sensitivities modelled on the preferred option(s).













Options Modelled

Five options were modelled during Stage 1 using Eunomia's Hermes' tool. The options followed three methodologies for the collection of recycling; two-stream, three-stream and multi-stream, and assessed the impact of introducing the separate collection of food waste and changing the frequency of residual collections. The existing service provides a two-stream dry recycling collection with separately collected glass, alongside a weekly residual waste collection to all households, with some operational difference for flats and on-street communal properties.

It was decided not to test the impact of co-mingled glass with other materials as this was viewed as a backwards step, and unlikely to be compliant with potential changes in legislation as proposed in the Government's Resources & Waste Strategy and subsequent Environment Bill. The baseline and options modelled are illustrated in Figure 0-1 and the core kerbside options described as follows:

- **Baseline:** Weekly residual, fortnightly two-stream with separate glass (split-body RCV), no food waste and fortnightly charged garden waste.
- **Option 1a:** Weekly residual, fortnightly two-stream with separate glass (separate vehicles), weekly food waste and fortnightly charged garden waste.
- **Option 1b:** Fortnightly residual, fortnightly two-stream with separate glass (separate vehicles), weekly food waste and fortnightly charged garden waste.
- **Option 1c:** Fortnightly residual, fortnightly mixed recycling & four-weekly glass two-stream (separate vehicles), weekly food waste and fortnightly charged garden waste.
- **Option 2:** Fortnightly residual, alternate fortnightly mixed recycling and paper & card, four-weekly glass three-stream (separate vehicles), weekly food waste and fortnightly charged garden waste.
- **Option 3:** Fortnightly residual, weekly multi-stream recycling, weekly food waste and fortnightly charged garden waste.

Figure 0-1: Baseline and Collection Options

	Baseline	Option 1a	Option 1b	Option 1c	Option 2	Option 3	Communal Baseline	Option 1
Dry Recycling	Fortnightly DMR / Glass 			Fortnightly DMR / Four Weekly Glass 	Fortnightly Two Stream /Four Weekly Glass 	Weekly Multistream 	Daily/2-3 Times per Week Twin Stream 	
Food Waste	None	Weekly 				Weekly Multistream 	None	Weekly 
Garden Waste	Fortnightly Charged 						None	
Residual Waste	Weekly 	Fortnightly 					Daily/2-3 Times per Week 	
	Baseline	Option 1a	Option 1b	Option 1c	Option 2	Option 3	Communal Baseline	Communal Baseline

From the options modelled and the qualitative assessment undertaken as part of Stage 1, a 'preferred option' (Option 1b) was selected by BHCC to be taken forward to Stage 2 for further investigation. The following variants and sensitivities were modelled in addition to Option 1b:

- Free garden waste;
- Separate collection of glass in a 26t Toploader, and Food Waste in a 7.5t Toploader; and
- Treatment of food waste through anaerobic digestion (AD).

Results

Recycling Performance

In the Stage 1 modelling all options resulted in a predicted increase in recycling rate, this is largely due to the introduction of separate food waste collections driving a 5% rise in the kerbside recycling rate, and 6% in the communal recycling rate. In other options there is an increase in the kerbside recycling rate of 17%, taking the kerbside recycling rate up to 41%, which is attributable to the introduction of food waste collections, as well as the reduction in the frequency of residual collection from the current weekly service to fortnightly. The changes to recycling collections, such as collecting glass in a separate vehicle, or introducing a multi-stream collection have limited impact on the performance of the service.

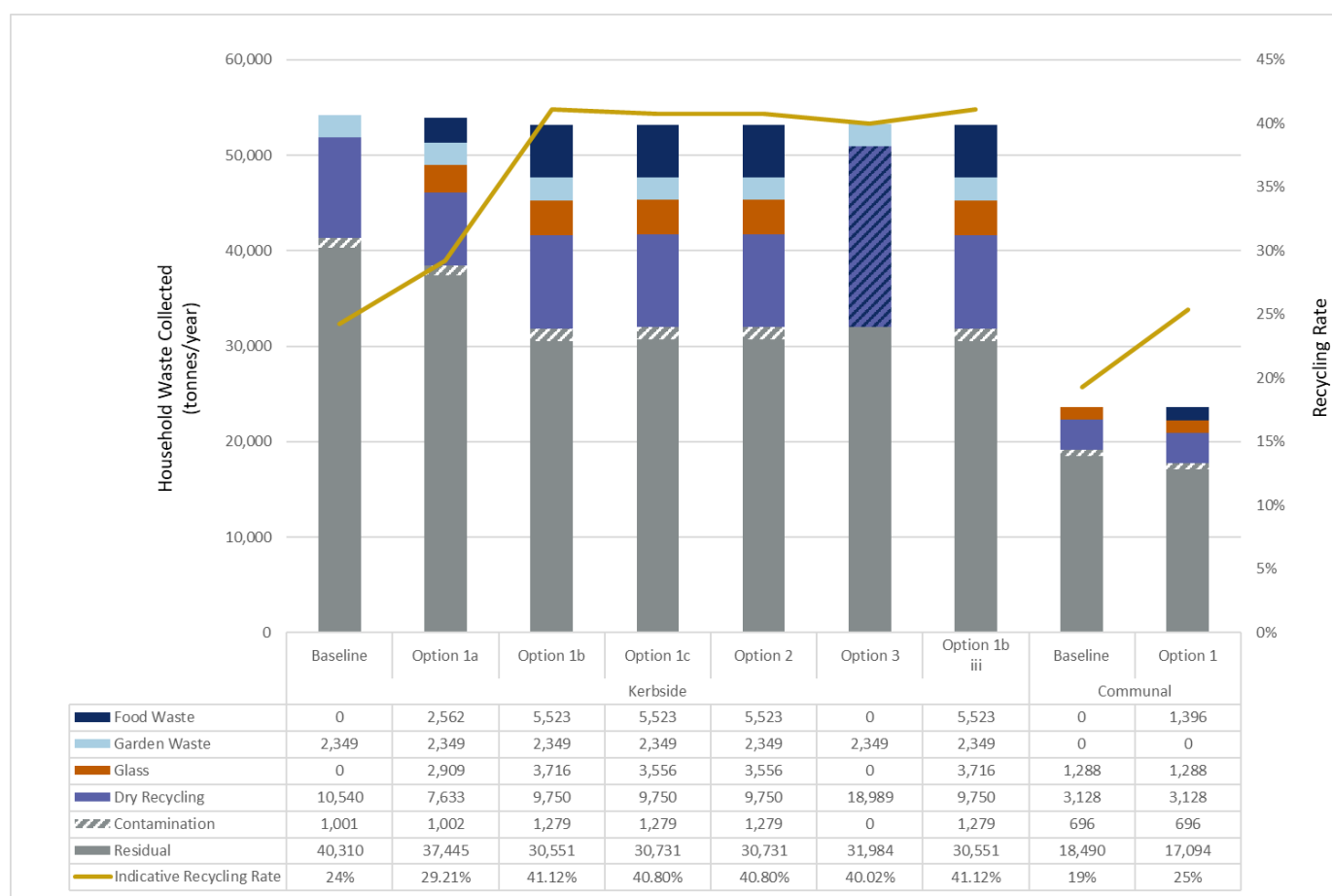


Figure 0-1: Stage 1 Performance

In Stage 2, the impact of a free garden waste service was found to increase recycling rates by between 3.5% and 4.5% across the different options dependant on the frequency of residual

collections. This results from garden waste that was previously composted or collected at HWRSs being collected at the kerbside and diversion from the kerbside residual stream.

Cost

In the Stage 1 modelling, Option 1c provides the lowest annual cost to BHCC due to the reduction in frequency of both residual and separate glass collections with a saving of £360k compared with the baseline, followed by Option 3 which provides a multi-stream collection with a saving of £110k. Option 1b also provides an overall saving, although minimal, of £30k when introducing separate collection of food waste and fortnightly residual collections. Option 1a shows an increase of £1m due to the introduction of separate food waste and glass collections alongside a weekly residual collection.

The introduction of food waste collection in the stage 1 modelling reflects an increase in cost of approximately £960k for kerbside collections in all of the options, and £265k for communal collections. It is possible to offset these additional operational costs through the avoided cost of disposal. No assumption has been made around the provision of caddy liners during the roll-out of food waste collections. In Option 1a this is only partially offset, however for Option 1b, 1c, 2 and 3 where the fortnightly residual collection drives higher food waste and dry recycling performance, it is possible to fully off-set the cost of introducing food waste.

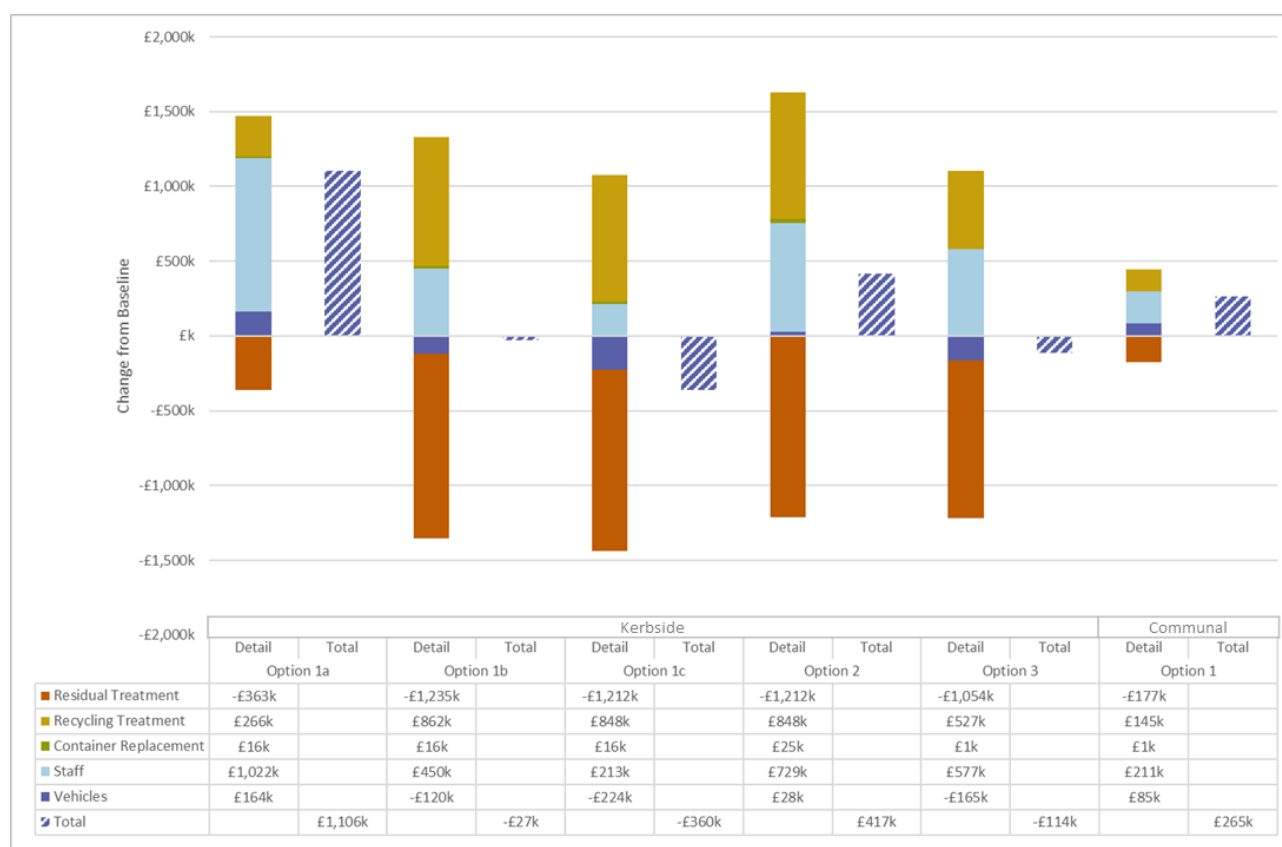


Figure 0-2: Stage 1 Net Service Cost

In stage 2 the introduction of a free garden waste collection results in an overall net service cost increase of £1m resulting from additional collection vehicles and cost of treatment as well as a loss of income of £400k from garden waste subscriptions.

Treating food waste through AD rather than In-Vessel composting (IVC) is projected to provide further cost savings. Although the savings available will be dependent on any negotiation with BHCC's contractor Veolia and an AD site being accessible at a reasonable distance.

Resources

All options in Stage 1 require additional vehicles compared to the baseline, this is due to the introduction of the weekly food waste collections, and collecting dry recycling and glass on separate vehicles for Option 1a – 1c. Option 2 requires additional vehicles to collect paper and card as a third-stream of recycling, whilst Option 3 uses resource recovery vehicles (RRVs) to co-collect multi-stream recycling and food waste.

For communal collections an additional 3 food waste vehicles are required to collect food waste weekly.

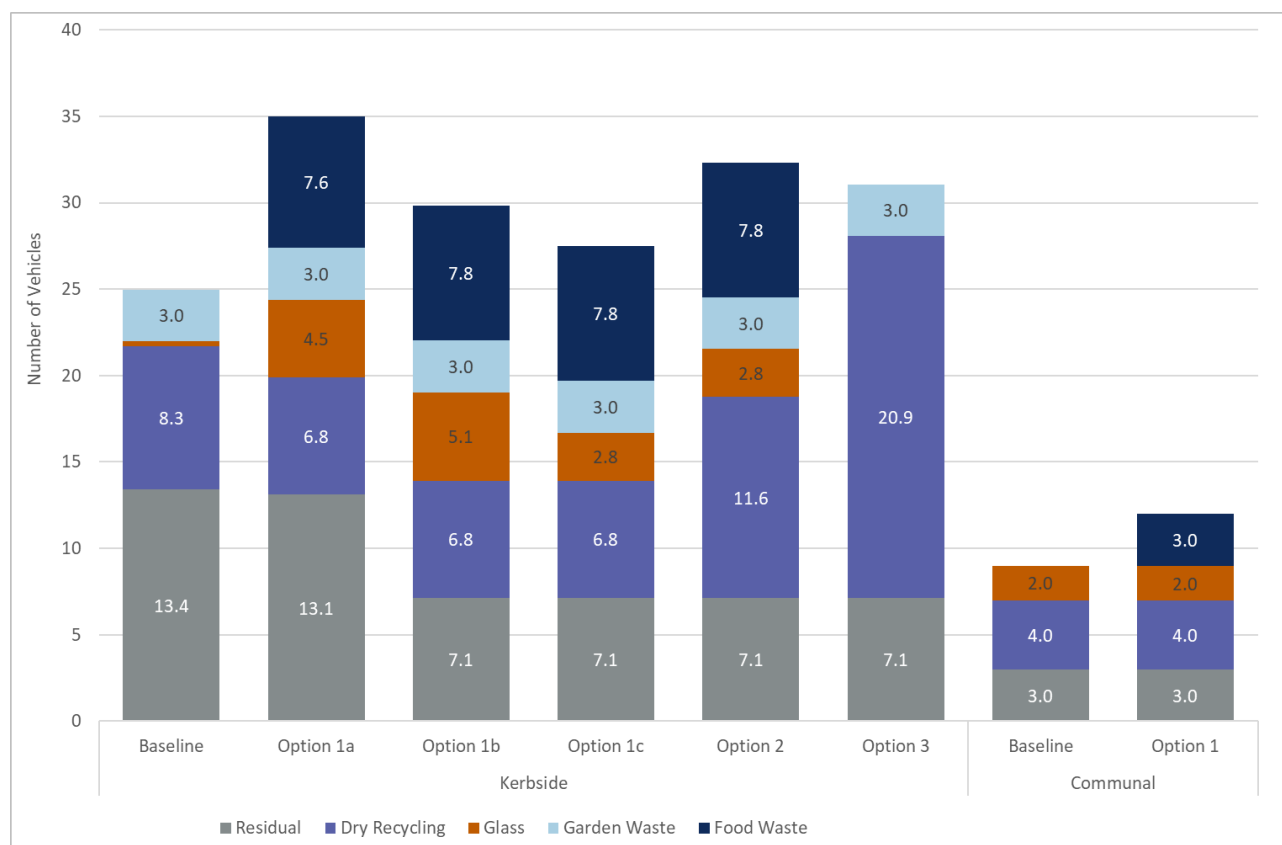


Figure 0-3: Stage 1 Vehicles

In Stage 2, the variant of Option 1b assessed the impact of using a 26t Toploader for glass and a 12t Toploader for food waste. Overall, there is a limited impact on the resource required, with 1 additional vehicle potentially required for glass collections and the same number of vehicles projected for the separate collection of food waste as shown in Figure 0-4.

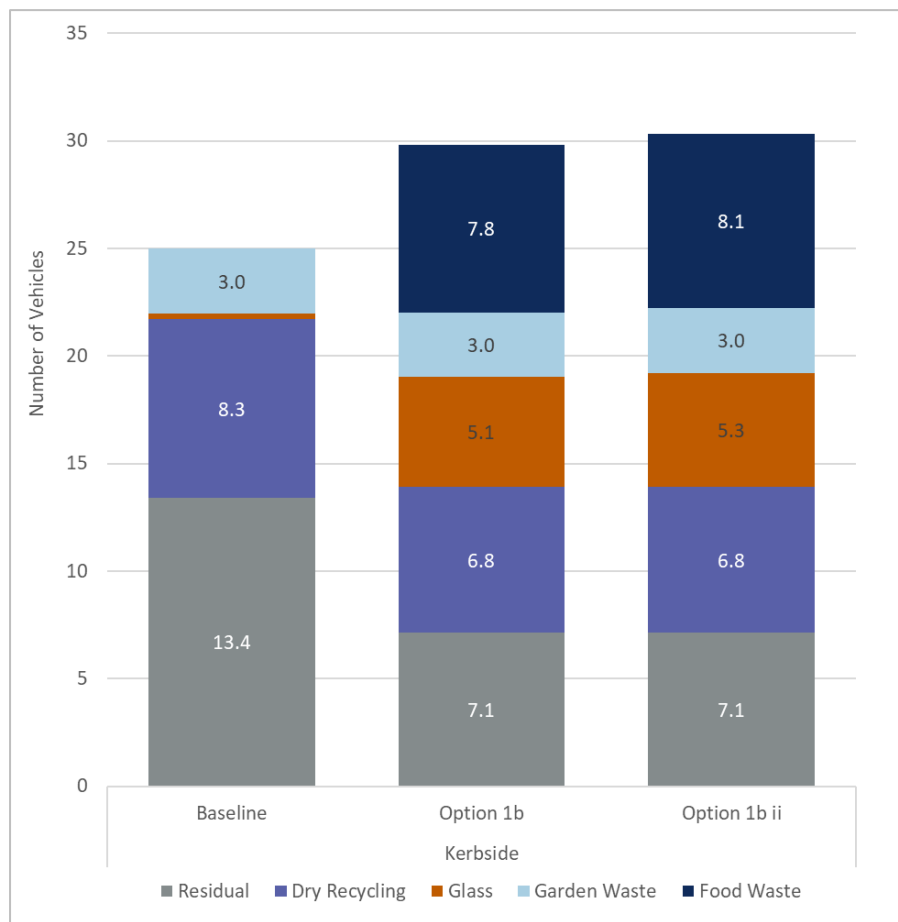


Figure 0-4: Stage 2 Vehicles

Carbon Modelling

The carbon modelling undertaken in Stage 1 shows that each of the options resulted in an overall reduction in tonnes CO₂e/year. The modelling identified that the largest benefits were realised through a reduction in the amount of residual waste requiring treatment via the energy recovery process, and an increase in dry recycling. In each of the options, except Option 3, the additional passes required to collect food waste and glass on a separate vehicle increased emissions of transport, however the impact of this is minimal compared to the overall saving achieved.

Summary

There are several key points that have emerged from the modelling process which are worth noting whilst considering the options available to BHCC.

- All options modelled an increase in the recycling rates, driven initially by the introduction of food waste, and further increased due to the reduction of residual collection frequency.
- The impact of net service costs varies between the options. The impact of increased recycling in all options leads to an overall reduction in treatment costs, however the additional cost of collecting food waste is not offset by the treatment savings.
- Reducing the frequency of the residual collection allows the projected cost of introducing separate food waste collections to be **fully offset**, through the additional

savings in treatment costs (as a consequence of higher food waste yields associated with fortnightly residual collections) and the savings in residual collection costs.

- Reducing glass collection frequency further reduces the cost of operating services, with minimal performance reduction, where excess glass may be collected as residual.
- The changes to recycling systems such as separate collection of paper and card, and multi-stream, generally increase costs without any associated improvement in recycling performance. However, the multi-stream option and the separate collection of paper and card were found to reduce contamination whilst improving the quality of material collected for recycling.
- The impact of using Toploaders for the separate collection of food waste and glass is minimal, with some additional costs associated with the vehicles and slightly less operating efficiency. However, it should be noted that there are limited examples of authorities using these vehicles on household services, and as such the suitability of using these vehicles for the kerbside collection of household waste should be investigated further.

The sensitivities also provided some interesting points for consideration.

- Treating food waste through AD rather than IVC has a much higher carbon reduction impact compared to the baseline. Although there are cost savings that can be achieved, these need to be compared with any negotiation held with Veolia and the distance of the AD plant.
- The introduction of a free garden waste service improves the recycling rate at the kerbside by a further 3-4%, although some of this material is already captured as part of the HWRS services. The additional costs of providing free garden waste collections, including the loss of income, and treatment is £1m (although some of these costs may be offset by savings at the HWRS)

This report recommends that BHCC should consider any move to introduce the separate collection of food waste alongside a reduction in residual collection frequency, in order to maximise both the capture of food waste and recycling and minimise service delivery costs. This report provides a high-level overview of the potential resource requirements of the modelled options when compared with the baseline. However, should BHCC wish to further investigate the options, a more detailed operational analysis should be undertaken to determine potential collection round efficiencies.

Appendix 2: consistency in household recycling: impact on current service delivery

The materials printed in the second column are proposed as the core set of materials that all authorities will be expected to collect as part of a future recycling service.

The second column indicates whether these are current collected in Brighton & Hove.

The third column provides the suggested timescales for implementation, as per the government's consultation document.

	Material(s)	Collected?	Implementation
Glass	Drinks bottles	✓	Expectation that local authorities will collect these materials from October 2023. The exception is plastic films, phased in with a defined "end date" of the 2026/27 financial year.
	Condiment bottles	✓	
	Jars	✓	
Paper and card	Newspaper	✓	
	Cardboard packaging	✓	
	Writing paper	✓	
Metal	Steel and aluminium tins and cans	✓	
	Foil, food trays and metal lids	✗	
	Steel and aluminium aerosols	✓	
	Aluminium tubes (e.g., tomato puree tubes)	✗	
Plastic	Plastic bottles	✓	
	Plastic pots tubs and trays	✗	
	Plastic films	✗	
	Food and drink cartons	✗	<i>NB: food and drink cartons are collected at recycling points, not kerbside or communal recycling collections.</i>
Food waste	Food scraps	✗	Expectation that local authorities will collect separate food waste from all households during the 2023/24 financial year.
	Tea bags Coffee grounds	✓ Households with garden waste collections	For local authorities with long term residual waste disposal contracts, Defra propose that a separate food waste collection service should be implemented as quickly as contracts allow. The consultation is seeking views on the latest this should be done by and they anticipate setting a date between 2024/25 and 2030/31.
Garden waste	Grass cuttings Garden weeds Plants and flowers Hedge clippings Leaves Twigs and small branches	✓ Households with garden waste collections	Expectation that local authorities will arrange for the free collection of garden waste during the 2023/24 financial year. Councils would be able to charge for more frequent collections and/or additional capacity. (Currently collected fortnightly using 240 litre bin, with a £65 per bin charge).

Subject:		Commercial Bins on the Highway: Outcome of Public Consultation	
Date of Meeting:		22 June 2021	
Report of:		Executive Director Economy, Environment & Culture	
Contact Officer:	Name:	Lynsay Cook	Tel: 01273 292448
	Email:	Lynsay.cook@brighton-hove.gov.uk	
Ward(s) affected:		All	

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 City Environment receives a number of complaints about commercial waste bins on the highway, including issues caused by their placement, the volume of them and the anti-social behaviour they encourage. At its meeting on 25 June 2019, Environment, Transport & Sustainability Committee approved for a public consultation to take place on the preferred approach for managing commercial waste bins on the highway.
- 1.2 This report presents the outcomes of this public consultation and a revised proposed approach for managing commercial bins, based on the feedback received.

2. RECOMMENDATIONS:

- 2.1 That Environment, Transport & Sustainability Committee note the outcomes of the public consultation in Appendix 1.
- 2.2 That Environment, Transport & Sustainability Committee note the approaches adopted in other areas across the country in Appendix 2.
- 2.3 That Environment, Transport & Sustainability Committee approves the revised approach for managing commercial bins on the highway as set out in Appendix 3, including the roads within T-Zones, and its inclusion in the Environmental Enforcement Framework from 1 February 2022.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 Brighton & Hove City Council previously enforced against commercial waste bins on the highway but this service stopped in approximately 2009. Since this date there has been a proliferation of commercial bins placed in locations across the city.
- 3.2 City Environment receives a number of complaints about commercial waste bins on the highway, including issues caused by their placement, the volume of them and the anti-social behaviour they encourage. Where complaints have been

made about Brighton & Hove City Council commercial waste bins, efforts are made to find alternative locations or recommend that the business uses the trade waste sack service, if they are in the permitted area. Where other complaints are made, council officers have requested they are moved, but this is not always complied with.

3.3 Issues caused by commercial bins include:

- Blocking of pavements and highways causing obstructions and safety issues, particularly for those in a wheelchair or pushing a pram or buggy
- One commercial bin being placed on the highway, and then attracting more and more
- Some being placed in residential streets, away from the business in question so the bin does not impact on the business, but causing a nuisance elsewhere
- Used as a canvas for graffiti vandalism and/or used as a structure to carry out graffiti vandalism on a building or other surface
- Encourages litter and debris to be left on top; each business' Duty of Care requires them to keep the bin locked at all times, therefore when a member of the public sees a bin and is unable to use it, litter is sometimes left on the lid
- Encourages fly-tipping

3.4 Some examples of these are in Appendix 4.

3.5 By adopting the approach detailed in Appendix 3, it is anticipated that there will be improved access to and use of the highway, improved safety, reduced litter, as well as an improved appearance of key areas in the city.

3.6 It is recognised that times are hard for businesses at present. However, there needs to be improvements as to how commercial bins are managed. Many businesses already store their bins or waste sacks on site and only place on the highway at the time of collection. This needs to be replicated in the T-Zones.

4. Consultation process

4.1 The consultation launched on 30 September 2020 and closed on 31 March 2021. The closing date was extended twice to encourage as many businesses as possible to respond.

4.2 Social media posts promoting the consultation and inviting feedback were shared throughout the period. A Member briefing was produced and encouraged for distribution. On 8 March 2021, following a noted low response rate from businesses in potential T-Zones, businesses in the areas were either written to or emailed with details of the proposal and how they could provide their feedback.

5. Consultation results

5.1 522 responses were received. The results have been analysed and are provided in more detail in Appendix 1. The high-level results show:

- 58.6% of respondents strongly agreed or tended to agree that commercial bins on the highway were a problem in their local area

- 74.3% of respondents strongly agreed or tended to agree that commercial bins on the highway were a problem in Brighton & Hove
 - 79.3% of respondents strongly agreed or tended to agree that the council should introduce a better way of managing commercial bins on the highway
 - 64.9% of respondents strongly agreed or tended to agree with the introduction of time banding in T-Zones
 - 50.8% of respondents strongly agreed or tended to agree that the time banding should be 6.00am to 9.00am
 - 57.9% of respondents strongly agreed or tended to agree that an FPN of £110 should be issued to businesses that do not comply with the time banding
 - 84.0% of respondents strongly agreed or tended to agree that business names should be on all commercial bins in the city
- 5.2 There were other suggestions as to how commercial bins can be better managed on the highway, some of which can be explored further. This is detailed in Appendix 1.

6. Revised model and implementation

- 6.1 Based on the feedback received and the research completed into arrangements in other cities across the UK, a revised model has been developed and for which approval is sought.
- 6.2 The reasoning for the proposed model in Appendix 3 is:

Feature	Explanation
A model to manage commercial bins on the highway	The results of the consultation demonstrate there is a need for the council to manage commercial bins on the highway. The research demonstrates restrictions on when commercial bins can be on the highway is common practice in the UK
Time banding	The feedback showed that a morning only time slot would not work for many businesses. Therefore, reflecting on the feedback, a second time slot has been introduced. This means businesses can present their bins and bags for collection on the highway between 6.00am and 9.00am and then 6.00pm and 9.00pm. Bins and/or sacks cannot be left out overnight.
Roads in T-Zones	The final list of roads is included in Appendix 3 and are presented in maps in Appendices 5 and 6. Some additional streets have been added to the maps to prevent displacement of bins from nearby roads within the T-Zones.
Enforcement of T-Zones	In order to ensure the model is adhered to, enforcement measures are required. The proposed £110 fine amount is in line with other offences in the Environmental Enforcement Framework.
Bin ownership	There was overwhelming support for bins to be

	labelled with the name of the business. This will apply across the whole city, not just roads in T-zones.
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- 6.3 If approval is received to proceed, a programme of communication will take place. This will include:
- Writing to businesses in the T-Zone areas to notify them of the change and what they need to do to comply, including reminders
 - Regular social media posts
 - Creating a web page with all relevant information
 - Providing Environmental Enforcement Officers and other council services with an information sheet to share with businesses during their routine activities
- 6.4 Businesses will be given time to make the arrangements necessary to adhere to the model. Options available to them include smaller bins, more frequent collections or, if they are in the communal bin area, purchasing trade waste sacks from the council. They should speak to their waste management provider about their options.
- 6.5 The new approach to managing commercial bins on the highway will be implemented from 1 February 2022 and will form part of the Environmental Enforcement Framework.
- 6.6 Based on the feedback, officers will give consideration to a phase 2 to incorporate further areas of the city, learning from the implementation of phase 1.

7. City Environment Modernisation Programme

- 7.1 There are a number of projects in the Modernisation Programme which are also designed to help tidy up the city, alongside this project. This includes:
- Improving the communal bin system which is looking to enhance the appearance, capacity and frequency
 - Graffiti Reduction Strategy which is seeking to reduce the amount of graffiti vandalism around Brighton & Hove
 - Environmental Enforcement Framework which is regularly reviewed to address anti-social and illegal behaviour and to minimise waste clean-up and disposal costs

8. Consistency in recycling businesses in England

- 8.1 On 7 May 2021, the government published the second consultation seeking views on consistency in households and business recycling in England. The proposals for waste management for businesses are similar to those proposed for households. The proposed waste streams which businesses must collect are glass, metal, plastic, paper and card, and food waste.
- 8.2 The recyclable waste streams should be collected separately from each other unless the following apply: it is not technically or economically practicable or there is no significant environmental benefit in doing so; or if an exemption to this

requirement is set out in legislation. Food waste must always be collected separately from the other recyclable waste streams and residual waste.

- 8.3 The government is seeking views on the types of waste materials to be included in the recyclable waste streams; the extent to which new duties should apply to different types of non-household municipal premises; and measures to reduce the cost of recycling and waste management for businesses and micro-firms in particular, to help them recycle more and make it easier to comply with the Environment Bill measures. Recognising the impact this may have on some businesses, particularly micro-firms, the government is seeking views on whether there should be an exemption for micro-firms.
- 8.4 The consultation is open until 4 July 2021 and businesses are encouraged to respond: <https://consult.defra.gov.uk/waste-and-recycling/consistency-in-household-and-business-recycling/>

9. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 9.1 Through the public consultation, stakeholders were provided with an opportunity to share their ideas on alternative ways to manage commercial bins on the highway. The feedback has been used to make changes to the original proposed model.
- 9.2 Do nothing is also an option, though the council will continue to receive complaints about the bins on the highway, and they will continue to cause the issues listed in 3.3.

10. COMMUNITY ENGAGEMENT & CONSULTATION

- 10.1 This is detailed in the main body of the report and appendices.

11. CONCLUSION

- 11.1 This report and appendices provide Members with outcomes from the public consultation on managing commercial bins on the highway and examples of approaches adopted elsewhere. It is recommended that the model in Appendix 3 is adopted to reduce the detrimental visual and environmental impact that commercial bins have on the city. Businesses will need time to liaise with their waste management providers and therefore an implementation date of 1 February 2022 is recommended.

12. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 12.1 The recommendation to add the management of commercial bins to the Environmental Enforcement Framework from 1 February 2022 would allow Fixed Penalty Notices to be issued as an enforcement measures in line with other commercial waste offences. Any surplus income from Fixed Penalty Notices, are legally ring fenced to support specific environmental purposes.

- 12.2 Enforcement will be carried out within existing resources, but any additional spend is expected to be funded from additional income and any significant variation to budget will be reported as part of the council's monthly budget monitoring process.

Finance Officer Consulted: John Lack

Date: 09/06/2021

Legal Implications:

- 12.3 Section 47 of the Environmental Protection Act 1990 provides that waste collection authorities may require that commercial waste is stored in receptacles of a certain kind, including requirements as to where the receptacles are placed for waste collection purposes and steps to be taken by occupiers of premises to facilitate the collection of the waste. Section 47ZA of the 1990 Act provides that fixed penalty notices may be issued where the waste collection authority's requirements are not complied with.

Lawyer Consulted: Hilary Woodward

Date: 28/05/2021

Equalities Implications:

- 12.4 The feedback received during the consultation highlighted some of the issues arising due to the volume and placement of commercial bins across Brighton & Hove.
- 12.5 Possability People, a support organisation helping disabled people to live independently, is supportive of the approach Cityclean is taking to make pavements and roads accessible and safe for all.
- 12.6 Adopting a model to manage commercial bins on the highway will improve the accessibility and safety of the city's roads and pavements. See Equality Impact Assessment in Appendix 7 for more information.

Sustainability Implications:

- 12.5 Improving how commercial bins on the highway are managed allows the council to protect the environment from detrimental activities associated with them, such as littering, fly-tipping and graffiti.

Crime & Disorder Implications:

- 12.6 As detailed in the main body of the report, commercial bins on the highway can lead to anti-social behaviour and environmental crimes. Managing the bins in a more effective way will reduce this.

Corporate / Citywide Implications:

- 12.7 Managing commercial bins on the highway will make the city a more attractive place for residents and visitors and support the visitor economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Analysis of responses to the public consultation
2. Approaches across the UK
3. Revised approach to be implemented, including roads
4. Issues in Brighton & Hove
5. Overview of T-Zones
6. Ward maps of T-Zones
7. Equality Impact Assessment

Background Documents:

None

Appendix 1

Managing commercial bins on the highway: analysis of responses to the public consultation

This report presents the results from the public consultation on managing commercial bins on the city's roads, paths and pavements.

Question 1 – “How are you responding to this consultation? As a...”

Stakeholder	Count	Percentage
A local business	166	31.8%
A local community or voluntary group	12	2.3%
A local stakeholder	5	1.0%
A waste management provider	3	0.6%
Resident of Brighton & Hove	326	62.5%
Visitor	2	0.4%
Other	7	1.3%
No response	1	0.2%
Total	522	100%

Question 3a – “To what extent do you agree or disagree that commercial bins on the highway are a problem in your local area?”

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ not sure	Not answered
A local business	35	23	21	26	59	1	1
A local community or voluntary group	6	3	1	1	1	0	0
A local stakeholder	2	1	1	0	1	0	0
A waste management provider	1			1	1	0	0
Resident of Brighton & Hove	155	75	44	25	25	0	2
Visitor	1	0	0	1	0	0	0
Other	2	2	1	2	0	0	1
Total	202	104	68	56	87	1	4
Percentage	38.7%	19.9%	13.0%	10.7%	16.7%	1.0%	

Of businesses that responded:

- 11% agreed that commercial bins were a problem in their local area
- 51% disagreed

Of residents that responded:

- 71% agreed that commercial bins were a problem in their local area
- 15% disagreed

Question 3b – “To what extent do you agree or disagree that commercial bins on the highway are a problem in Brighton & Hove?”

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ not sure	Not answered
A local business	41	29	25	27	39	5	0
A local community or voluntary group	6	4	0	1	1	0	0
A local stakeholder	4	0	0	0	1	0	0
A waste management provider	1	0	0	0	1	0	0
Resident of Brighton & Hove	220	76	9	7	8	2	1
Visitor	1	0	0	1	0	0	0
Other	5	1	1	0	0	0	4
Total	278	110	35	37	50	7	5
Percentage	53.2%	21.1%	6.7%	7.1%	9.6%	2.3%	

Of businesses that responded:

- 42% agreed that commercial bins were a problem in Brighton & Hove
- 40% disagreed

Of residents that responded:

- 91% agreed that commercial bins were a problem in Brighton & Hove
- 5% disagreed

Question 4 – “To what extent do you agree or disagree that the council should introduce a better way of managing commercial bins on the highway?”

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ not sure	Not answered
A local business	48	39	26	18	30	3	2
A local community or voluntary group	8	2	0	0	1	1	0
A local stakeholder	4	0	0	0	0	1	0
A waste management provider	1	1	0	1	0		0

Resident of Brighton & Hove	256	48	9	5	5	2	1
Visitor	1	0	0	1	0	0	0
Other		0	0	1	0	1	1
Total	322	92	37	25	36	6	4
Percentage	61.7%	17.6%	7.1%	4.8%	6.9%	1.9%	

Of businesses that responded:

- 52% agreed that there needs to be a better way to manage commercial bins
- 29% disagreed

Of residents that responded:

- 93% agreed that there needs to be a better way to manage commercial bins
- 3% disagreed

Common themes found in the free text comments on a better way to manage commercial bins on the highway:

- Bins cause obstructions (62 comments)
- Bins are unsightly (61 comments)
- Businesses may not have appropriate space inside or outside (23 comments)
- A better way of managing is needed (18 comments)
- Introduce underground bins (16 comments)
- Introduce bin bays and/or bin stores (12 comments)
- Bins do not cause an issue (10 comments)
- There are too many bins (10 comments)
- Businesses should be educated to encourage waste reduction (eight comments)
- Issue with timing window (seven comments)
- Agree with proposals (four comments)
- Businesses should have more frequent collections (four comments)
- Council should collect all trade waste (three comments)

Question 5 – “To what extent do you agree or disagree with the introduction of time-banding in T-Zones?”

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/not sure	Not answered
A local business	25	26	10	16	87	2	0
A local community or voluntary group	3	5	1	0	3	0	0
A local stakeholder	2	2	0	0	1	0	0
A waste management provider	0	1	0	1	1	0	0

Resident of Brighton & Hove	198	71	26	10	17	4	0
Visitor	0	1	0	1	0	0	0
Other	3	2	0	1	1	0	1
Total	231	108	37	29	110	6	1
Percentage	44.2%	20.7%	7.0%	5.6%	21.1%	1.3%	

Of businesses that responded:

- 31% agreed with the introduction of time-banding in T-Zones
- 62% disagreed

Of residents that responded:

- 83% agreed with the introduction of time-banding in T-Zones
- 8% disagreed

Common themes found in the free text comments on time banding:

- Consider different timing windows (75 comments)
- Agree with timing window (68 comments)
- Businesses may not have appropriate space inside or outside (57 comments)
- Concerns with waste management providers (seven comments)
- Businesses must take responsibility (four comments)

Question 6 – “To what extent do you agree or disagree that the time banding should be 6.00am to 9.00am?”

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ not sure	Not answered
A local business	22	23	11	14	95	1	0
A local community or voluntary group	0	4	2	2	4	0	0
A local stakeholder	2	1	0	1	1	0	0
A waste management provider	0	0	0	0	3	0	0
Resident of Brighton & Hove	114	94	34	40	29	12	3
Visitor	0	0	1	0	1	0	0
Other	0	0	0	0	0	0	1
Total	139	126	48	57	135	13	4
Percentage	26.6%	24.1%	9.2%	10.9%	25.9%	3.3%	

Of businesses that responded:

- 27% agreed with the introduction of time-banding from 6.00am to 9.00am

- 66% disagreed

Of residents that responded:

- 64% agreed with the introduction of time-banding from 6.00am to 9.00am
- 21% disagreed

Common themes found in the free text comments on the 6.00am to 9.00am time slot:

- Provide a bigger window (70 comments)
- Agree with proposals (34 comments)
- Provide an evening window (28 comments)
- 6.00am is too early (24 comments)
- Avoid rush hour / school times (19 comments)
- Allow bins to be left out overnight (six comments)
- Various suggestions of differing windows, including:
 - 5am
 - 5am to 7am
 - 5am to 8am
 - 5pm to 8pm
 - 5pm to 9am
 - 6am to 10am
 - 7am to 10am
 - 7am to 9am
 - 8am to 10am
 - 8am to 11am
 - 9am to 5pm
 - 9pm to 9am
 - Finish at 7.30am
 - Finish at 8.30am
 - Finish at 8am
 - Later than 9am
 - Not after 8am
 - Not beyond 9am
 - Start at 8am
 - Start earlier
 - Start later, finish later
 - Up to 10am
 - Up to 11am
 - Up to 9.30am
 - Up to noon
 -

Suggestions for other roads to be included were:

Road	Suggestion
Boundary Road	This area to be considered for phase 2
Clyde Road	Preston Circus area to be considered for phase 2
Dyke Road	Seven Dials to be considered for phase 2
Elder Place	New England area to be considered for phase 2
Goldstone Villas	Add to streets in T-zone to prevent displacement
Inverness Road	Add to streets in T-zone to prevent displacement

Islingword Road	Hanover to be considered for phase 2
Kings Esplanade	Seafront to be considered for phase 2
Marshalls Row	Add to streets in T-zone to prevent displacement
Portland Road	West Hove to be considered for phase 2
Preston Drove	Five Ways areas to be considered for phase 2
Prestonville Road	Seven Dials to be considered for phase 2
Providence Place	New England area to be considered for phase 2
Rose Hill Terrace	Preston Circus area to be considered for phase 2
Rutland Gardens	West Hove to be considered for phase 2
St Aubyns	Add to streets in T-zone to prevent displacement
St George's Road	Kempton to be considered for phase 2
Stanley Road	Preston Circus area to be considered for phase 2
Upper St James Street	Kempton to be considered for phase 2
Wilbury Road	Seems to be left out as an oversight; add to streets in T-zone

There were a number of roads mentioned for removal by one of the respondents.

Other roads were mentioned for removal more than once, including:

Area / road	Number of respondents	Suggestion
Brunswick Street East	2	To remain in T-zone or will lead to displacement
George Street	3	Problematic area
Lewes Road	5	Problematic area
London Road	2	Problematic area
Market Street	2	Problematic area
New Road	2	Problematic area
Orange Row	9	To remain in T-zone or will lead to displacement
Regent Street	2	Problematic area and will lead to displacement if removed
Steine Street	3	Problematic area
Sydney Street	2	Problematic area and will lead to displacement if removed
York Place	2	Problematic area and will lead to displacement if removed

Grenville Street will be removed as this is a private road.

Suggestions for other areas to be included were:

Area	Suggestion
Brighton station area	Add to streets in T-zones
Fiveways	To be considered for phase 2
Kempton Village	To be considered for phase 2
Marina	Outside council jurisdiction
Portslade station	To be considered for phase 2
Seafront	To be considered for phase 2
Seven Dials	To be considered for phase 2

Question 9 – “To what extent do you agree or disagree that an FPN of £110 should be issued to businesses that do not comply with the time-banding?”

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ not sure	Not answered
A local business	22	18	17	13	94	2	0
A local community or voluntary group	5	1	1	0	5	0	0
A local stakeholder	3	1	0	0	1	0	0
A waste management provider	0	1	0	0	2	0	0
Resident of Brighton & Hove	177	69	26	20	24	7	3
Visitor	0	1	0	0	1	0	0
Other	4	0	2	0	1	0	1
Total	211	91	46	33	128	9	4
Percentage	40.4%	17.4%	8.8%	6.3%	24.5%	2.5%	

Of businesses that responded:

- 24% agreed with the £110 FPN
- 64% disagreed

Of residents that responded:

- 75% agreed with the £110 FPN
- 13% disagreed

Common themes found in the free text comments on FPN:

- Model does not work (48 comments)
- Agree with proposals (43 comments)
- Disagree with proposals (41 comments)
- Have a warning system (23 comments)
- FPN amount should be higher (18 comments)
- Have escalating amounts for repeat offenders (13 comments)
- Responsibility lies with waste management providers (nine comments)
- Provides an incentive for businesses to be responsible (five comments)
- Businesses should be accountable for their waste (four comments)
- One size does not fit all (three comments)
- Educate businesses (three comments)

Question 10 – “To what extent do you agree or disagree that business names should be on all commercial bins in the city?”

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ not sure	Not answered
A local business	77	45	15	6	16	7	0
A local community or voluntary group	8	2	0	0	2	0	0
A local stakeholder	4	0	0	0	0	0	0
A waste management provider	2	0	1	0	0	0	0
Resident of Brighton & Hove	254	38	20	4	5	2	3
Visitor	1	1	0	0	0	0	0
Other	6	0	1	0	0	0	1
Total	352	87	37	10	23	9	4
Percentage	67.4%	16.7%	7.1%	1.9%	4.4%	2.5%	

Common themes found in the free text comments on labelling of bins:

- Would encourage businesses to be responsible (135 comments)
- Encourage the sharing on bins (four comments)

Common themes found in the “any final comments” free text box:

- A model of managing commercial bins on the highway is needed (69 comments)
- Introduce bin stores / bin bays (28 comments)
- Introduce underground bins (16 comments)
- Engage with and support businesses (15 comments)
- Commercial bins on the highway are not an issue (10 comments)
- Provide incentives to businesses to produce less waste (eight comments)
- Make all businesses use council trade waste service (eight comments)
- One size does not fit all (six comments)
- Provide more frequent collections (four comments)

Feedback on some of the comments / suggestions

Suggestion	Commentary
Introduce underground bins	Where developments and infrastructure allow for underground bins, this should be considered.
Introduce bin bays and/or bin stores	Commercial bin bays and bin stores are not permitted on the highway. Where there are pockets of land, it may be possible to arrange for a license to store bins.
Businesses should be educated to encourage waste reduction	Activities to support business manage their waste are being considered as part of the Managing Waste Responsibly Project.

Business must take responsibility	
Council should collect all trade waste	The government's consistency consultation is proposing a franchising model which would allow local authorities or other partnerships to issue contracts for the collection of waste from businesses and other similar organisations in particular areas of a town or city. This would give rights to the operator(s) awarded the contract(s) to collect recyclables, food, and residual waste in the designated zones.
Encourage the sharing of bins	Businesses can share bins though would need to agree their own arrangements and ensure each business name is stated on the Duty of Care certificate. The council would not get involved.

Appendix 2

Managing commercial bins on the highway: approaches across the UK

Council	Approach						
Bath & North East Somerset Council	<p>Waste and recycling bins, sacks and cardboard must be placed out on the street for collection on the agreed collection day and time.</p> <p>If for any reason waste or recycling isn't collected within these timescales, businesses must bring it back in from the pavement or highway.</p> <p>The council will fine businesses £100 for leaving business waste or recycling out.</p> <p>Collection times:</p> <table> <tr> <th>Time slot</th><th>Collected by</th></tr> <tr> <td>7.30am to 8.30am</td><td>10am (at the latest)</td></tr> <tr> <td>5.00pm to 6.30pm</td><td>8.45pm (at the latest)</td></tr> </table>	Time slot	Collected by	7.30am to 8.30am	10am (at the latest)	5.00pm to 6.30pm	8.45pm (at the latest)
Time slot	Collected by						
7.30am to 8.30am	10am (at the latest)						
5.00pm to 6.30pm	8.45pm (at the latest)						
Cambridge City Council	<p>Section 47 of the EPA 1990 is used to deal with commercial bins on the highway. They tailor Section 47 notices to suit the business, i.e. collection times, bin location after collection, identifying businesses when in a large amount at one location, etc.</p> <p>The Notice can be quite in depth and can be very specific as to their requirements. The Notice legally requires a business to provide and have the following arrangements in place:</p> <ul style="list-style-type: none"> • Type of receptacles (size, construction and maintenance of receptacle) as you do not have any receptacles to date, all your bagged rubbish must be contained securely and not left out on the footpath / highway prior to collection. • All bags must be securely fastened avoiding spillage and fall out. NO black bags to be placed outside of any bins at any time. • Number of receptacles required (how many of each of the above-mentioned receptacles) • Number of collections you are required to have each week: (how many and when for each of the abovementioned receptacles) • Location where your receptacles should be placed for collection • Location where your receptacles should be stored when not out for collection • Any other requirements e.g. any pallets must NOT be left outside on the public footpath and must be returned into your premises or suitable arrangements made with your delivery companies. • Cardboard waste: All cardboard waste must be securely tied together and placed out for collection by the litter bins and not to cause any obstruction to the footpath or passing traffic. <p>Public Litter Bins: Not to be used for commercial waste.</p>						
Camden Council	<p>Eight areas of Camden have timed collections. Businesses in these areas must put their rubbish bags and containers on the road 30 minutes before the start of their collection time.</p> <p>Camden Town collection times are 06:00-08:00, 18:00-20:00 and 24:00-02:00.</p> <p>Seven Dials collection times are 09:00-11:00, 17:00-19:00 and 01:00-03:00.</p>						
Edinburgh City Council	<p>Bins or bags of waste must only be put out for collection on streets during</p>						

Council	Approach																					
	<ul style="list-style-type: none">9.30am to 12 noon2pm to 4pm6.30pm to 11pm. <p>Within these times, waste is only allowed to be put out for up to one hour.</p> <p>It is each businesses' responsibility to arrange when their waste will be collected with their waste collector.</p> <p>If the waste remains uncollected, the businesses should remove it from the street, store it on their premises and contact their waste collector to rearrange collection.</p> <p>Trade waste bins are not permitted to be stored on public land.</p> <p>Food and glass are not allowed to be stored on street, so businesses should contact their waste carrier about alternative solutions.</p> <p>All bags and bins must be clearly marked with the business name and collection time.</p> <p>Waste may only be placed on the street when the business is staffed and not overnight.</p> <p>Waste containers must be placed as near to the edge of a business' property as possible, whilst ensuring there is pedestrian access. Businesses must not block the pavement or road.</p>																					
Glasgow City Council	<p>Bins should be stored inside premises and presented at the kerbside on the allocated collection day.</p> <p>Within the times stated in the tables, waste is only allowed to be put out on the public domain for up to one hour.</p> <p>If the waste remains uncollected, the businesses should remove it from the street and store on their premises.</p> <p>All bags and bins must be clearly marked with the business name and time of collection.</p> <p>Waste may only be placed on the street when the business is staffed and never overnight.</p> <p>City centre</p> <p>General waste</p> <table><tr><td>Tuesday</td><td>07.30-11.00</td><td>17.00-23.00</td></tr><tr><td>Thursday</td><td>07.30-11.00</td><td>17.00-23.00</td></tr><tr><td>Saturday</td><td>07.30-11.00</td><td>17.00-23.00</td></tr></table> <p>Recycling</p> <table><tr><td>Monday</td><td>07.30-11.00</td><td>17.00-23.00</td></tr><tr><td>Wednesday</td><td>07.30-11.00</td><td>17.00-23.00</td></tr><tr><td>Friday</td><td>07.30-11.00</td><td>17.00-23.00</td></tr><tr><td>Sunday</td><td>07.30-11.00</td><td>17.00-23.00</td></tr></table> <p>North West, South and North East</p>	Tuesday	07.30-11.00	17.00-23.00	Thursday	07.30-11.00	17.00-23.00	Saturday	07.30-11.00	17.00-23.00	Monday	07.30-11.00	17.00-23.00	Wednesday	07.30-11.00	17.00-23.00	Friday	07.30-11.00	17.00-23.00	Sunday	07.30-11.00	17.00-23.00
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Council	Approach																																																
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	Wednesday	07.30-noon	14.00-16.00	18.00-01.00																																													
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	Recycling																																																
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	Sunday	07.30-noon	14.00-16.00	18.00-01.00 (no glass after 23.00)																																													
Lambeth Council	<p>Timed collections affect all businesses in the timed collection areas, whether waste is collected by Lambeth or any other waste management company.</p> <p>There are five timed collection areas across the borough, with different times of collection for refuse and recycling.</p> <p>If a business uses bins which are stored on and collected from private land, timed collections do not affect how their waste is collected.</p> <p>Businesses without a bin on private land, must use waste sacks.</p> <p>Businesses cannot place a bin on public land.</p> <p>An example: Clapham</p> <table><tr><td>Day</td><td>Morning</td><td>Evening</td></tr><tr><td colspan="3">Rubbish</td></tr><tr><td>Monday</td><td>5am to 8am</td><td>5.30pm to 6.30pm</td></tr><tr><td>Tuesday</td><td>5am to 8am</td><td>5.30pm to 6.30pm</td></tr><tr><td>Wednesday</td><td>5am to 8am</td><td>5.30pm to 6.30pm</td></tr><tr><td>Thursday</td><td>5am to 8am</td><td>5.30pm to 6.30pm</td></tr><tr><td>Friday</td><td>5am to 8am</td><td>5.30pm to 6.30pm</td></tr><tr><td>Saturday</td><td>5am to 8am</td><td>5.30pm to 6.30pm</td></tr><tr><td>Sunday</td><td>5am to 8am</td><td>No collection</td></tr><tr><td colspan="3">Recycling</td></tr><tr><td>Monday</td><td>5am to 8am</td><td>No collection</td></tr><tr><td>Tuesday</td><td>5am to 8am</td><td>No collection</td></tr><tr><td>Wednesday</td><td>5am to 8am</td><td>No collection</td></tr><tr><td>Thursday</td><td>5am to 8am</td><td>No collection</td></tr><tr><td>Friday</td><td>5am to 8am</td><td>No collection</td></tr></table>				Day	Morning	Evening	Rubbish			Monday	5am to 8am	5.30pm to 6.30pm	Tuesday	5am to 8am	5.30pm to 6.30pm	Wednesday	5am to 8am	5.30pm to 6.30pm	Thursday	5am to 8am	5.30pm to 6.30pm	Friday	5am to 8am	5.30pm to 6.30pm	Saturday	5am to 8am	5.30pm to 6.30pm	Sunday	5am to 8am	No collection	Recycling			Monday	5am to 8am	No collection	Tuesday	5am to 8am	No collection	Wednesday	5am to 8am	No collection	Thursday	5am to 8am	No collection	Friday	5am to 8am	No collection
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Council	Approach		
	Saturday	5am to 8am	No collection
	Sunday	No collection	No collection
London Borough of Hammersmith & Fulham	<p>Businesses can only put their waste on the street at certain times of the day:</p> <ul style="list-style-type: none">Put bags out after 6pm and before 10pm on the evening of collection day.Put bins out after 9pm on the eve of collection and before 6am on the day of collection. <p>All wheeled council containers should be clearly labelled and stored within the curtilage of the business' property for collection.</p>		
Oxford City Council	<p>Oxford City Council is committed to working with businesses and commercial waste companies to ensure that no waste is left on the streets outside the time frames specified.</p> <p>If waste is misrepresented, enforcement action may be taken under section 47 of the Environmental Protection Act 1990.</p> <p>Businesses in Area 1</p> <p>Businesses can present waste for collection for the morning collection period between 5.30am and 6am and in the evening between 5pm and 5.30pm.</p> <p>Businesses' commercial waste can only be collected between 6am and midday and between 5.30pm and 8.30pm.</p> <p>It is the business's responsibility to arrange with a commercial waste contractor for collections to take place within these time periods.</p> <p>If the waste has not been collected by the end of the collection window, i.e. midday or 8.30pm then the businesses must retrieve all their waste from the street.</p> <p>Businesses in Area 2</p> <p>In some city centre streets, the council is removing all early morning commercial waste presentations and require all commercial waste to be presented for collection between 6pm and 7pm.</p> <p>If the waste has not been collected by the end of the collection window which is 7pm to 9pm, the businesses must retrieve all their waste from the street and store it back in their premises.</p> <p>It is the business's responsibility to arrange with a commercial waste contractor for collections to take place within these time periods. If waste has not been collected by the end of the collection window, i.e. 9pm, then the businesses must retrieve all their waste from the street.</p>		
Southwark Council	<p>It is no longer be permitted for trade waste bins to be stored permanently on the pavement, so if trade waste bins cannot be stored on businesses' own premises they must be removed.</p> <p>Businesses will need to have a contract in place with a commercial waste collection service provider that is able to collect at the required times or arrange for their waste to be collected directly from premises at other times.</p> <p>Businesses in the timed collection scheme area need to comply with the times for putting waste out for collection and arranging for it to be collected as set out below.</p>		
	Put waste out		Timed collection

Council	Approach		
	Morning	Between 8.00am and 9.00am	Between 9.00am and 10.00am
	Afternoon	Between 6.30pm and 7.30pm	Between 7.30pm and 8.30pm

Appendix 3

Managing commercial bins on the highway: revised approach to be implemented

Time banding

Time Banding-Zones (T-Zones) are to be introduced in areas which are impacted by commercial bins on the highway.

Businesses in T-Zones can only have their bins and/or bags of waste on the public highway between the 6am and 9am and 6pm and 9pm on their agreed day of collection, for collection purposes.

At all other times, businesses in T-Zones must store their waste off the public highway or face the possibility of a fine. Bins cannot be left out overnight.

If the waste remains uncollected following the agreed collection day and time, the business must remove it from the highway and store it on their premises. The council suggests when this happens, the business contacts their waste carrier to find out why the collection did not take place.

If a business uses bins which are stored on and collected from private land, the time banding does not affect how their waste is collected.

Presentation of bins

Bins and/or bags of waste must be placed as near to the edge of a business' property as possible. The waste must not block the pavement or road.

Roads in T-Zones

The roads within the T-Zones are detailed from the next page.

Enforcement of T-Zones

The Environmental Enforcement Team will patrol the T-Zones as part of their daily routine to tackle environmental crimes.

If a business has left a bin and/or bag of waste on the public highway outside of the time-banding, they may receive a Fixed Penalty Notice (FPN) fine of £110 under section 47 of the Environmental Protection Act (1990).

Bin ownership

All commercial bins in the city must have a label/sticker on them indicating to whom the bin belongs. This will enable Environmental Enforcement Officers to take any required action and ensure they can speak to the relevant business

Roads in T-Zones

Central Hove	Brunswick & Adelaide	Queens Park	Hanover & Elm Grove
Belfast Street	Adelaide Crescent	Ardingly Street	Cobden Road
Blatchington Road	Alice Street	Broad Street	Elm Grove
Brooker Street	Boundary Passage	Camelford Street	Franklin Road
Church Road	Brunswick Mews	Cavendish Street	Gladstone Place
Connaught Road	Brunswick Place	Chapel Street	Gladstone Terrace
Connaught Terrace	Brunswick Road	Charles Street	Hampden Road
Fourth Avenue	Brunswick Square	Circus Street	Hartington Road
George Street	Brunswick Street East	Devonshire Place	Howard Road
Grand Avenue	Brunswick Street West	Dorset Gardens	Islingword Road
Haddington Place	Brunswick Terrace	Dorset Place	Melbourne Street
Haddington Street	Cambridge Road	Dorset Street	Milton Road
Hova Villas	Chapel Mews	Edward Street	Newmarket Road
Malvern Street	Church Road	George Street	Pevensey Road
Norton Road	Cross Street	Grand Parade	St Leonard's Place
Osbourne Villas	Donkey Mews	High Street	St Martin's Place
Seafeld Road	Farm Mews	High Street	
Second Avenue	Farm Road	Kingswood Street	Goldsmid
St Aubyns	First Avenue	Lower Rock Gardens	Goldstone Villas
Stirling Place	Holland Mews	Madeira Place	Blatchington Road
The Drive	Holland Road	Manchester Street	
Third Avenue	Ivy Mews	Margaret Street	Hollingbury & Stanmer
Tisbury Road	Kingsway	Marine Parade	Lewes Road
Vallance Road	Lansdowne Mews	Morley Street	
Ventnor Villas	Lansdowne Place	New Steine	
Wilbury Road	Lansdowne Road	Princes Street	
	Lansdowne Street	Rock Place	
	Little Western Street	St James's Avenue	
	Lower Market Street	St James's Street	
	Palmeira Avenue	St James's Street Mews	
	Palmeira Square	Steine Gardens	
	Rochester Gardens	Steine Gardens	
	Salisbury Road	Steine Street	
	Selbourne Road	Upper Rock Gardens	
	St Johns Road	Wentworth Street	
	Upper Market Street		
	Waterloo Street		
	Western Road		
	Wilbury Road		
	York Road		

St Peters & North Laine		Regency	
Aberdeen Road	North Gardens	Avenue	Preston Street
Air Street	North Place	Bartholomew Square	Prince Albert Street
Ann Street	North Road	Bartholomews	Queensbury Mews
Baker Street	North Street	Bedford Place	Regency Mews
Barrack Yard	Old Steine	Bedford Square	Regency Road
Blackman Street	Orange Row	Black Lion Street	Regency Square
Blenheim Place	Over Street	Borough Street	Regent Hill
Bond Street	Oxford Court	Boyces Place	Russell Place
Bread Street	Oxford Place	Brighton Place	Russell Road
Brunswick Row	Oxford Street	Brighton Square	Russell Square
Caledonian Road	Palace Place	Brills Lane	Ship Street
Centurion Road	Pelham Square	Cannon Place	Sillwood Mews
Cheapside	Pelham Street	Castle Mews	Sillwood Road
Cheltenham Place	Portland Street	Castle Square	Sillwood Street
Church Street	Princes Place	Castle Street	Sillwood Terrace
Crown Gardens	Queen Square	Cavendish Place	South Street
Ditchling Road	Queens Gardens	Clarence Square	Spring Street
Dyke Road	Queens Place	Cranbourne Street	St Margaret's Place
Edinburgh Road	Queens Road	Crown Street	Steine Lane
Fleet Street	Regent Street	Dean Street	Stone Street
Foundry Street	Robert Street	Duke Street	Temple Street
Francis Street	Spring Gardens	Dukes Passage	Union Street
Frederick Place	St Georges Place	East Street	Upper North Street
Frederick Street	St Martins Street	East Street Square	West Street
Gardner Street	St Mary Magdalene Street	Farm Yard	Western Road
Gloucester Passage	St Nicholas Road	Grand Junction Road	Wykeham Terrace
Gloucester Place	St Pauls Street	Hampton Place	
Gloucester Road	St Peters Place	Hampton Street	
Gloucester Street	Station Street	Hanningtons Lane	
Inverness Road	Stroudley Road	Kings Road	
Jew Street	Surrey Street	Little East Street	
Jubilee Street	Sydney Street	Little Preston Street	
Kemp Street	Tichborne Street	Malborough Street	
Kensington Gardens	Tidy Street	Market Street	
Kensington Place	Trafalgar Lane	Meeting House Lane	
Kensington Street	Trafalgar Street	Middle Street	
Kew Street	Trinity Street	Montpelier Place	
King Street	Union Road	Montpelier Road	
Kings Place	Upper Gardner Street	Montpelier Terrace	
Lewes Road	Upper Gloucester Road	Nile Street	
London Road	Upper Lewes Road	Norfolk Mews	
Malborough Place	Viaduct Road	Norfolk Square	
Marshalls Row	Victoria Gardens	Norfolk Street	
Mount Zion Place	Vine Street	Old Steine	
New Dorset Street	Whitecross Street	Oriental Place	
New England Street	Windsor Street	Pool Passage	
New Road	York Place	Pool Valley	
	Zion Gardens		

Appendix 4:
Managing commercial bins on the highway: issues in Brighton & Hove







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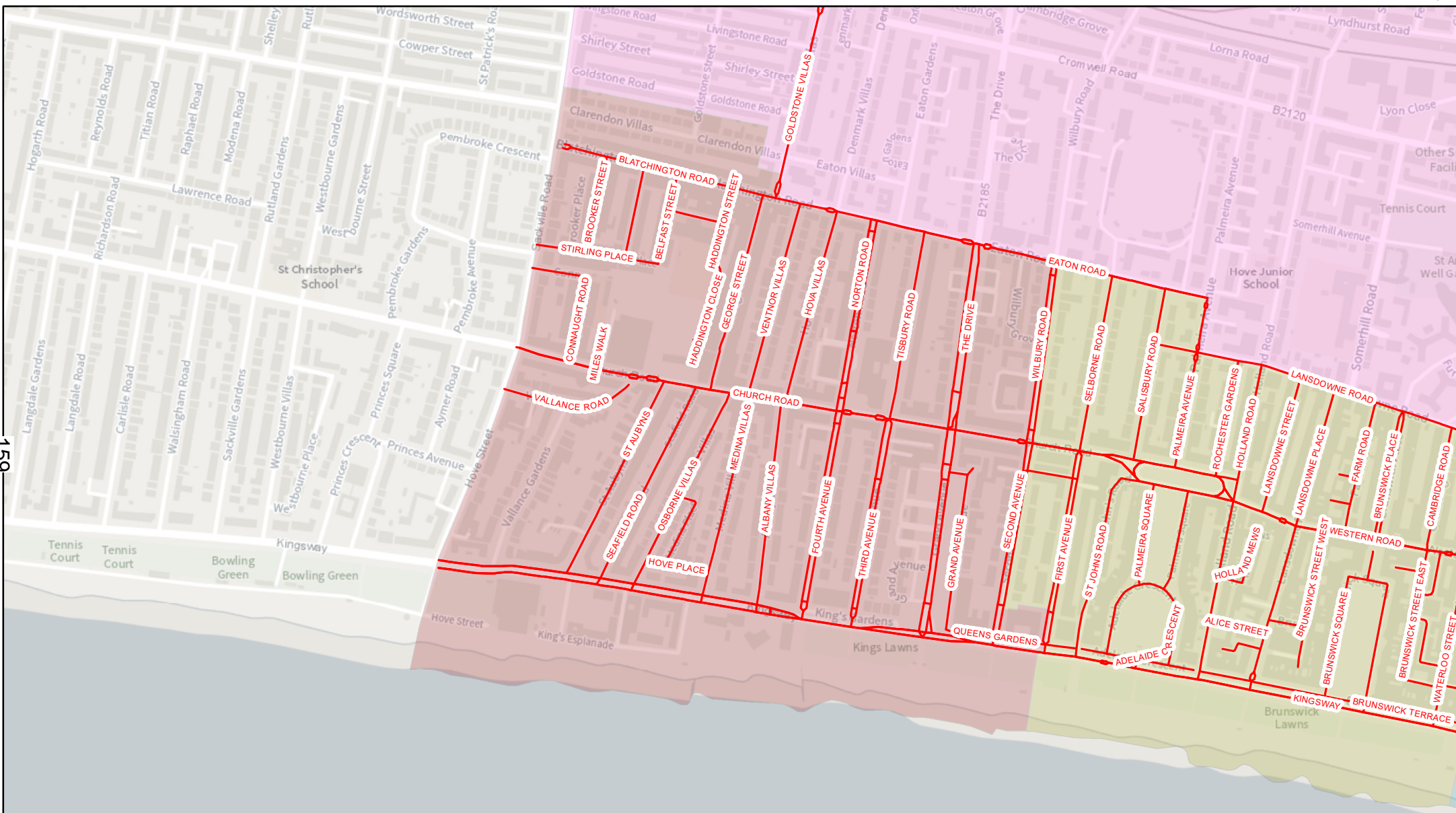


- Scale 1:15,500











**Brighton & Hove
City Council**

Central Hove Ward



Ward Legend

- | | | |
|--|--|---|
|  Goldsmid Ward |  Regency Ward |  Hanover and Elm Grove Ward |
|  Central Hove Ward |  St. Peter's and North Laine Ward |  Hollingbury and Stanmer Ward |
|  Brunswick and Adelaide Ward |  Queen's Park Ward | |

0 0.125 0.25 0.5 Miles

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**Brighton & Hove
City Council**

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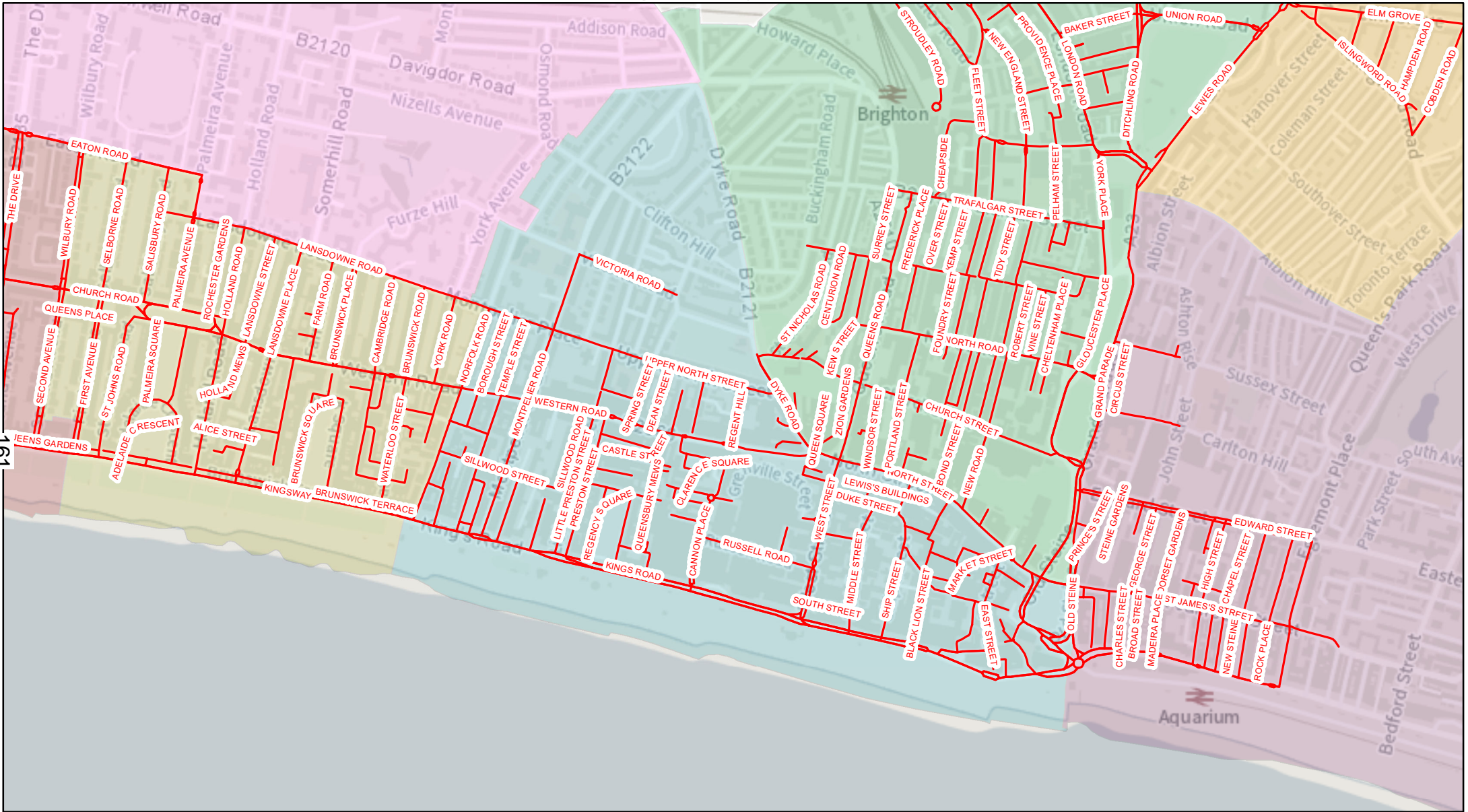
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- Scale 1:7,120











**Brighton & Hove
City Council**

Regency Ward



Ward Legend

- | | | |
|--|--|---|
|  Goldsmid Ward |  Regency Ward |  Hanover and Elm Grove Ward |
|  Central Hove Ward |  St. Peter's and North Laine Ward |  Hollingbury and Stanmer Ward |
|  Brunswick and Adelaide Ward |  Queen's Park Ward | |

0 0.175 0.35 0.7 Miles

Scale 1:10,760



**Brighton & Hove
City Council**

N

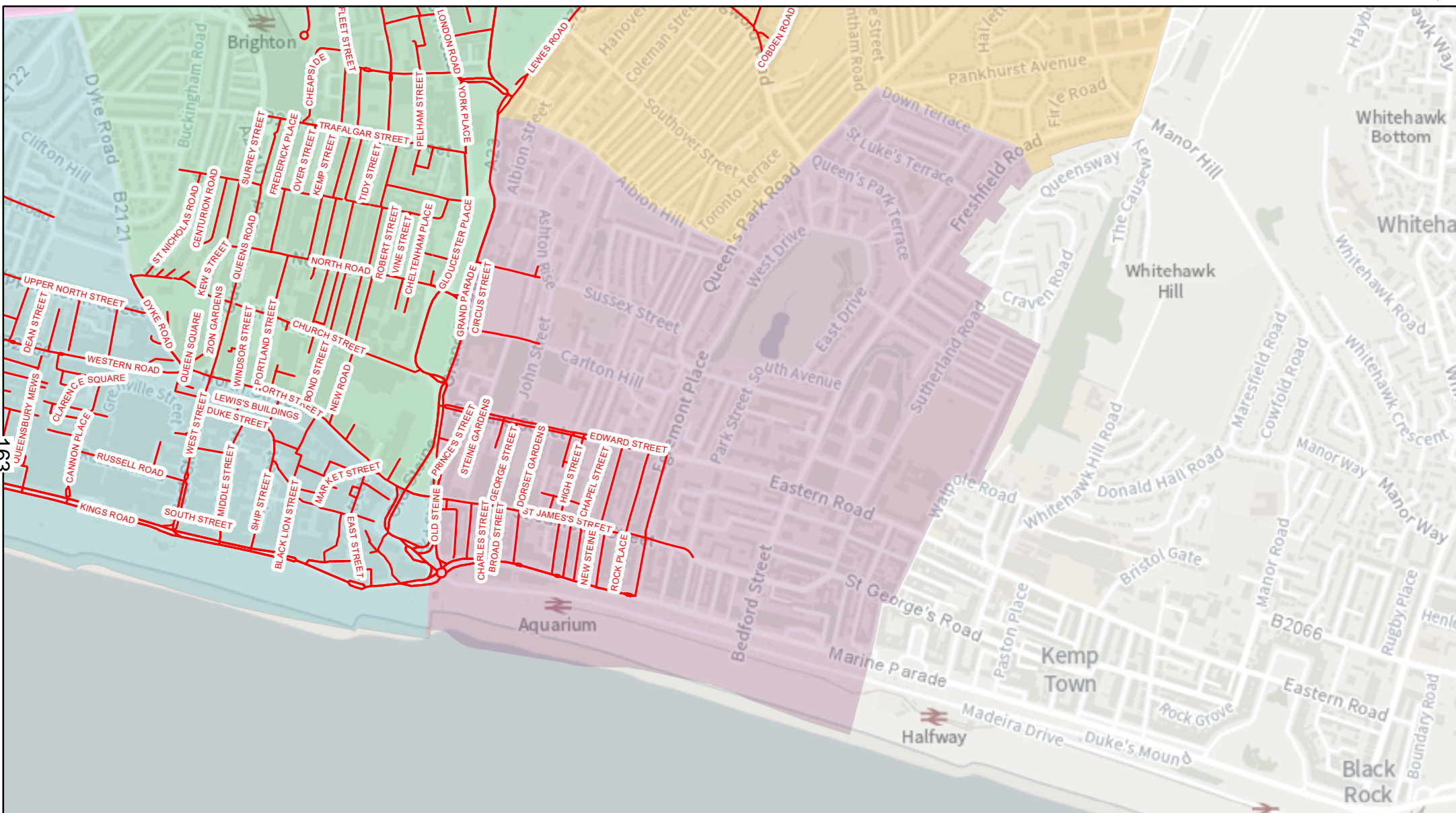


- Goldsmid Ward
 Regency Ward
 Hanover and Elm Grove Ward
- Central Hove Ward
 St. Peter's and North Laine Ward
 Hollingbury and Stanmer Ward
- Brunswick and Adelaide Ward
 Queen's Park Ward









**Brighton & Hove
City Council**

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Queen's Park Ward



Ward Legend

- | | | |
|--|--|---|
|  Goldsmid Ward |  Regency Ward |  Hanover and Elm Grove Ward |
|  Central Hove Ward |  St. Peter's and North Laine Ward |  Hollingbury and Stanmer Ward |
|  Brunswick and Adelaide Ward |  Queen's Park Ward | |

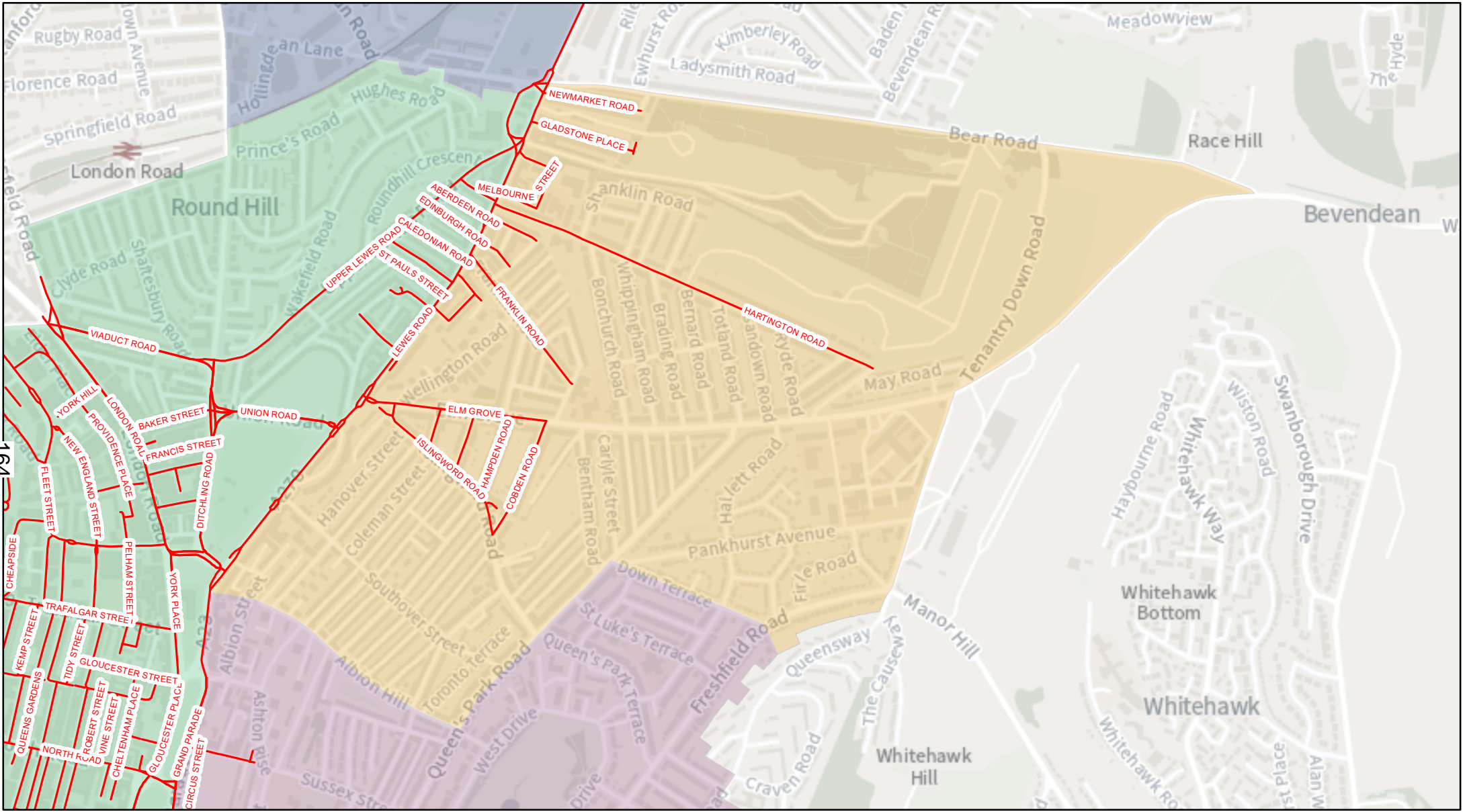
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Scale 1:11,130











**Brighton & Hove
City Council**

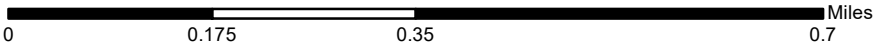
Hanover and Elm Grove Ward



164

Ward Legend

- | | | |
|--|--|---|
|  Goldsmid Ward |  Regency Ward |  Hanover and Elm Grove Ward |
|  Central Hove Ward |  St. Peter's and North Laine Ward |  Hollingbury and Stanmer Ward |
|  Brunswick and Adelaide Ward |  Queen's Park Ward | |



Scale 1:10,470



Equality Impact and Outcome Assessment (EIA) Template - 2019

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age¹³) or use the hyperlinks ('Ctrl' key and left click).

For further support or advice please contact:

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)**

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Managing commercial bins on the highway	ID No.⁶	
Team/Department⁷	Cityclean, City Environment		
Focus of EIA⁸	<p>There are currently no restrictions on when or where commercial bins can be left on the city's pavements and roads. Following a public consultation, a model is proposed to: improve access to and use of the highway; improve safety; reduce litter; and, improve the appearance of key areas in the city.</p> <p>The proposed model is:</p> <ul style="list-style-type: none"> • Time Banding-Zones (T-Zones) to be introduced in areas which are impacted by commercial bins on the highway. Businesses in T-Zones can only have their bins and/or bags of waste on the public highway between the 6am and 9am and 6pm and 9pm on their agreed day of collection, for collection purposes. At all other times, businesses in T-Zones must store their waste off the public highway or face the possibility of a fine. Bins cannot be left out overnight. • Bins and/or bags of waste must be placed as near to the edge of a business' property as possible. The waste must not block the pavement or road. 		

	<ul style="list-style-type: none"> • The Environmental Enforcement Team will patrol the T-Zones as part of their daily routine to tackle environmental crimes. If a business has left a bin and/or bag of waste on the public highway outside of the time-banding, they may receive a Fixed Penalty Notice (FPN) fine of £110 under section 47 of the Environmental Protection Act (1990). • All commercial bins in the city must have a label/sticker on them indicating to whom the bin belongs. This will enable Environmental Enforcement Officers to take any required action and ensure they can speak to the relevant business <p>This Equality Impact Assessment considers the potential impact of the proposed model on people with different protected characteristics.</p> <p>The model will potentially affect all residents in Brighton & Hove who move around the T-Zones either in a car, on foot, on a bike or using a wheelchair.</p>
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2. Update on previous EIA and outcomes of previous actions⁹

What actions did you plan last time? (List them from the previous EIA)	What improved as a result? What outcomes have these actions achieved?	What <u>further</u> actions do you need to take? (add these to the Action plan below)
N/A		

3. Review of information, equality analysis and potential actions

Groups to assess	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age ¹⁴	<i>No disproportionate impacts have been identified for this group</i>			
Disability ¹⁵	It is estimated in Brighton & Hove in 2015 there were:	See feedback section below	Disabled people are likely to be negatively impacted	The proposed model will reduce the obstructions

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<ul style="list-style-type: none"> • 125 people aged 18-64 with a serious visual impairment • 3,383 people aged 65 or over with a moderate or severe visual impairment In 2014, 920 B&H residents were registered as blind It is estimated in Brighton & Hove in 2015 there were: <ul style="list-style-type: none"> • 13,590 people aged 18-64 with a moderate disability • 3,777 people aged 18-64 with a serious physical disability 		by commercial bins on the highway, particularly in terms of obstructions.	caused by commercial bins on the highway.
Gender reassignment¹⁶	<i>No disproportionate impacts have been identified for this group</i>	N/A	N/A	N/A
Pregnancy and maternity¹⁷	The number of births per year in the city is projected to increase by around 7% from 2014 to 2019 – to around 3,200 births per year. This compares with a projected increase (over the next five years) of 4% in England and 3% in the South East.	See feedback section below	Those pushing prams are likely to be negatively impacted by commercial bins on the highway, particularly in terms of obstructions.	The proposed model will reduce the obstructions caused by commercial bins on the highway.

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Race/ethnicity¹⁸ Including migrants, refugees and asylum seekers	<i>No disproportionate impacts have been identified for this group</i>	N/A	N/A	N/A
Religion or belief¹⁹	<i>No disproportionate impacts have been identified for this group</i>	N/A	N/A	N/A
Sex/Gender²⁰	<i>No disproportionate impacts have been identified for this group</i>	N/A	N/A	N/A
Sexual orientation²¹	<i>No disproportionate impacts have been identified for this group</i>	N/A	N/A	N/A
Marriage and civil partnership²²	<i>No disproportionate impacts have been identified for this group</i>	N/A	N/A	N/A
Community Cohesion²³	<i>No disproportionate impacts have been identified for this group</i>	N/A	N/A	N/A
Other relevant groups²⁴	N/A	N/A	N/A	N/A
Cumulative impact²⁵	N/A	N/A	N/A	N/A
Feedback from the public consultation				
<p>“As a wheelchair user, many of the commercial bins in the city centre impede my travel - either by reducing sight lines when crossing roads, or by being parked over the dropped kerbs and meaning I can't safely dismount the pavement.”</p> <p>“they are impeding the safety of pedestrians especially those who are vulnerable in wheelchairs or with visual disabilities as often the tactile paving dropped kerb is covered in a bin.”</p> <p>“The bins present a hazard to disabled people reliant on wheelchairs or mobility scooters, and those with vision impairments. They can make passing very difficult and they seem to be moved around, which makes it difficult for disabled people as it can be very disorienting, dangerous or present a physical obstacle”</p> <p>“I am a wheelchair user and struggle to get around the city, anything that you do to stop bins blocking paths is appreciated” “Bins pose a hazard for pedestrians, especially blind or partially sighted people and those who use wheelchairs or pushchairs.”</p>				

Groups to assess	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
<p>“Bins on the pavement block pedestrian routes, making progress difficult or impossible for wheelchair and pushchair users, particularly on narrow Brighton & Hove pavements.”</p> <p>“The most important point is that they often obstruct the footway for pedestrians. Wheelchair users / those with buggies / prams etc are in effect blocked by them, which creates another barrier to safe, convenient and direct walking in the city.”</p> <p>“You cannot pass on the pavement because of the bins if you have a buggy or wheelchair sometimes.”</p> <p>“Often I have seen wheelchair users and persons with pushchairs having difficulty getting round them.”</p> <p>“It is impossible in many places to push a baby buggy or wheelchair or mobility vehicle safely and the roads have too many moving vehicles to safely step off the pavement.”</p> <p>“Some irresponsible businesses currently leave their bins out at all times blocking pavements and creating difficulties for pedestrians - especially those individuals who are pushing prams or are disabled. Therefore, I agree that bins should only be permitted to be left out for a limited time period.”</p> <p>“I can see that for many people, walking along - if you have a buggy or have a disability for example - it can be difficult because of the amount of items on the pavement”</p> <p>“narrowed footways that make it hard or impossible for wheelchair/buggy access”</p>				
Assessment of overall impacts and any further recommendations²⁶				
It is anticipated that the introduction of a model to manage commercial bins on the highway will have a positive impact on the groups identified above.				

4. List detailed data and/or community feedback that informed your EIA

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
Adults with sensory impairments TITLE (bhconnected.org.uk)	07/06/2021	N/A	N/A
Adults with physical disabilities TITLE (bhconnected.org.uk)	07/06/2021	N/A	N/A
Pregnancy and maternity TITLE (bhconnected.org.uk)	07/06/2021	N/A	N/A

5. Prioritised Action Plan²⁷

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
Disability Pregnancy / maternity	Implement model to manage commercial bins on the highway, subject to approval by Environment, Transport & Sustainability Committee	Obstructions removed	Fewer complaints	Model to be implemented from 1 February 2022

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Staff member completing Equality Impact Assessment:

Date:

Directorate Management Team rep or Head of Service/Commissioning:

Date:

CCG or BHCC Equality lead:

Date:

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people in relation to their 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **advance equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected within the context

The greater the impacts, the more thorough and demanding the process required by the Act will be.

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to a specific group or groups (eg: older people)?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ **ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

-
- What are the main aims or purpose of the policy, practice, service or function?
 - Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
 - How does it fit with other services?
 - Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
 - What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
 - What do existing or previous inspections of the policy, practice, service or function tell you?
 - What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Previous actions:** If there is no previous EIA or this assessment if of a new service, then simply write 'not applicable'.

¹⁰ **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?¹⁰
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#>) and national ones where they are relevant.

¹¹ **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
 - (a) consult when proposals are still at a formative stage;
 - (b) explain what is proposed and why, to allow intelligent consideration and response;
 - (c) allow enough time for consultation;
 - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all perspectives can be considered.
- Identify any gaps in who has been consulted and identify ways to address this.

¹² Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
 - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims
 - Do the effects amount to unlawful discrimination? If so the plan must be modified.
 - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

¹³ Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

¹⁴ **Age:** People of all ages

¹⁵ **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

¹⁶ **Gender Reassignment:** A transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected

¹⁷ **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

¹⁸ **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short

term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

¹⁹ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

²⁰ **Sex/Gender:** Both men and women are covered under the Act.

²¹ **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

²² **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

²³ **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

²⁴ **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

²⁵ **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

²⁶ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

²⁷ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

Subject:		Environmental Enforcement Framework Update	
Date of Meeting:		22 June 2021	
Report of:		Executive Director, Economy, Environment & Culture	
Contact Officer:	Name:	Lynsay Cook	Tel: 01273 292448
	Email:	Lynsay.cook@brighton-hove.gov.uk	
Ward(s) affected:		All	

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Fly-tipping, littering, graffiti, fly-posting, uncontrolled distribution of leaflets, inappropriate containment of business waste and the illegal disposal of business waste are all examples of environmental offences. These activities can have a significant and detrimental impact on the city, increasing the waste produced and reducing recycling. They also have a cost implication in terms of cleansing, collection and disposal.
- 1.2 To tackle this anti-social and illegal behaviour, the Environment Transport & Sustainability Committee approved the Environmental Enforcement Framework on 27 November 2018. Further updates were approved on 25 June 2019 and 29 September 2020. This report is seeking approval to update the Environmental Enforcement Framework and related activities.

2. RECOMMENDATIONS:

- 2.1 That the Environment, Transport & Sustainability Committee approves the updated Environmental Enforcement Framework as detailed in Appendix 1 (tracked changes version) and Appendix 2 (clean version).
- 2.2 That Environment, Transport & Sustainability Committee approves for a public consultation to take place on introducing enforcement measures for householders not complying with waste receptacle requirements.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The purpose of environmental enforcement is to:
- enforce certain environmental legislation
 - improve the cleanliness of the city
 - issue Fixed Penalty Notices (FPNs) in the city for the offences detailed in section 5 of the Framework in Appendix 1
 - enable the council to be more responsive to commercial waste offences and to incidents of fly-tipping
 - encourage behavioural change to reduce environmental crimes

- minimise waste clean-up and disposal
- 3.2 The Environmental Enforcement Framework is reviewed on a regular basis to consider additional offences to be included to address anti-social and illegal behaviour and to minimise waste clean-up and disposal costs. This update includes additional offences for inclusion following the public consultation on commercial bins on the highway and more information on the application of the Dogs Exclusion Control Order.
- 3.3 As per the legislation, the income from fines paid are used to cover the costs of the environmental enforcement service. Any surplus income is ring-fenced to spend on environmental improvement projects in line with legal requirements.
- 3.4 As new enforcement activity is introduced to the Environmental Enforcement Framework, consideration will need to be given to increasing the number of Environmental Enforcement Officers. As the service is self-funding this needs to be balanced against the generation of fine income.

Commercial bins on the highway

- 3.5 Subject to the recommendations in the Commercial bins on the highway report being approved by Members, the Framework will be updated to include relevant offences. The offences will become live on 1 February 2022.

Dogs Exclusion Control Order

- 3.6 Following feedback, the Framework has been updated to include the details of the land for where Dog Exclusion Control Orders apply. The areas are detailed in section 14 of the Framework.
- 3.7 The inclusion of Dog Control Orders in the Framework was approved at Environment, Transport & Sustainability Committee on 29 September 2020, following the agreement to continue the use of Public Space Protection Orders at Tourism, Equalities, Communities & Culture Committee on 24 September 2020.

Household waste bin offences

- 3.8 Following feedback and some concerns about the use of household waste receptacles i.e. wheelie bins and boxes, Cityclean has been asked to explore whether household waste bin offences can be added to the Framework.
- 3.9 Section 46A of the Environmental Protection Act 1990 allows for FPNs to be issued where householders are causing harm to the local environment by not following the rules pertaining to household bins and boxes. As detailed in the [Defra guidance](#), local authorities can issue a FPN when householders do not follow the waste collection rules and their failure to comply either:
- Causes or is likely to cause a nuisance, or
 - Has a negative effect or is likely to have a detrimental effect on local amenities
- 3.10 FPNs can be issued if householders put waste out that:

- Causes an obstruction, such as forcing people using wheelchairs or buggies to walk on the road
- Restricts access to the pavement or street, for example leaving waste receptables (bins or boxes) out for several days
- Is likely to attract vermin, such as leaving bags or open receptables out days before a waste collection
- Is unsightly, such as overturned receptables being left

3.11 Three stages must be adhered to:

- A written warning: explaining how the householder has broken the rules, how this has (or is likely) to cause a nuisance or have a negative effect on local amenities, what they must do, how long they've got to fix the problem and what will happen if they don't comply
If the householder does not comply, the council can move to stage 2
- A notice of intent: telling the householder they may get a FPN, the reasons why and how much they'll have to pay
- A final notice: can be issued 28 days after the notice of intent. Any feedback received from the householder must be considered before this happens.

3.12 A proportionate approach would be taken to any enforcement measures, considering local circumstances, such as available room to store a bin. Cityclean acknowledges that bins are issued to households where the only option is to store them on the highway.

3.13 Members are asked to approve for a public consultation to take place on enforcement measures for householders not complying with waste receptacle requirements.

Service delivery

3.14 The pandemic meant that some environmental enforcement activities were suspended. The service has returned to business as usual operations and the following have been issued over the last 13 months:

Offence	FPNs issued 01/04/2020-31/03/2021	FPNs issued 01/04/2021-24/05/2021
Littering	871	171
Littering from vehicles	8	6
Unauthorised Flyering	5	3
Fly posting	2	2
Graffiti	5	1
Fly-tipping	499	81
Disposing of commercial waste illegally	398	96
Failure to produce waste transfer note	98	32
Non-compliance duty of care certificate	149	50
Spitting, urinating or defecating	25	17

Dog fouling	2	0
Dogs on lead	2	0
Dog exclusion	23	23
Total	2087	482

- 3.1 Since October 2020, 14 mobile CCTV cameras have been installed at hotspot sites across the city. 185 FPNs have been issued to fly-tippers and there has been a noticeable difference in the cleanliness of these sites. Fly-tipping continues to be monitored and the cameras will be deployed to other areas as necessary.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 If the Environmental Enforcement Framework is not approved or updated, offences will be carried out, but no enforcement measures in place.
- 4.2 The public consultation will seek views on measures for householders not complying with waste receptacle requirements to reduce the nuisance and harm caused to the local environment.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Internal BHCC stakeholders have been consulted on the development of the Framework to date. The Framework complements the Highways Policy and the Delegated Powers assigned to Field Officers, which both deal with other areas of environmental enforcement.
- 5.2 The introduction of Dog Control Orders in the Framework has been subject to a public consultation on PSPOs. Community engagement on further aspects of environmental enforcement will be completed via the public consultation.
- 5.3 The Framework will continue to be regularly reviewed to consider stakeholder feedback and any changes will be brought back to Committee for approval.
- 5.4 The results of the public consultation on introducing enforcement measures for householders not complying with waste receptacle requirements will be presented to a future Environment, Transport & Sustainability Committee to inform future decision making.

6. CONCLUSION

- 6.1 The Environmental Enforcement Service delivers the objectives as detailed in section 3.1. To enhance this, additional measures have been identified that will deliver those objectives.
- 6.2 The outcomes of the public consultation will be brought back to Committee for Members to approve the final approach, if any, for inclusion in the Environmental Enforcement Framework.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications from the Environmental Enforcement Framework. Costs associated with public consultation regarding Household waste bin offences will be contained within existing City Clean Budgets. Any surplus income from Fixed Penalty Notices, as set in paragraph 3.3 of this report, are legally ring fenced to support specific environmental purposes. Additional spend is expected to be funded from additional income and any significant variation to budget will be reported as part of the council's monthly budget monitoring process.

Finance Officer Consulted: John Lack

Date: 09/06/2021

Legal Implications:

- 7.2 The Environmental Enforcement Framework sets out the statutory background to the environmental offences referred to therein. The statutory background to non-compliance with household waste receptacle requirements is referred to in this report.

Lawyer Consulted: Hilary Woodward

Date: 27/05/2021

Equalities Implications:

- 7.3 As per the Environmental Enforcement Framework, a FPN will not be issued when enforcement action is inappropriate. This may include when the offender is vulnerable; for example, someone who is a rough sleeper or suffers from a mental impediment.

Sustainability Implications:

- 7.4 Environmental enforcement activity improves the environment by reducing littering, dog fouling, fly-tipping, graffiti, fly-posting and littering associated with flyers. Enhancing the Environmental Enforcement Framework allows the council to further protect the environment from these detrimental activities.

Crime & Disorder Implications:

- 7.5 Environmental enforcement addresses illegal and anti-social behaviour and has a beneficial impact on crime and disorder.

Corporate / Citywide Implications:

- 7.8 Environmental enforcement activities will make the city a more attractive place for residents and visitors and support the visitor economy.

SUPPORTING DOCUMENTATION

Appendices:

1. Updated Environmental Enforcement Framework (tracked changes)
2. Updated Environmental Enforcement Framework (clean)

Background Documents:

1. [Environmental Enforcement Report](#) presented to Environment, Transport & Sustainability Committee on 27 November 2018 (item 46)
2. [Environmental Enforcement Update](#) presented to Environment, Transport & Sustainability Committee on 25 June 2019 (item 11)
3. [Public Space Protection Orders Dog Control, Alcohol in Public Places and Gating](#) presented to Tourism, Equalities, Communities & Culture Committee on 24 September 2020 (item 32)
4. [Environmental Enforcement Framework Update](#) presented to Environment, Transport & Sustainability Committee on 29 September 2020 (item 31)

Environmental enforcement framework

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1. Purpose

The purpose of the Environmental Enforcement Framework is to address anti-social and illegal behaviour to improve the environment and minimise waste clean-up and disposal costs.

Environmental enforcement is delivered by authorised Environmental Enforcement Officers patrolling Brighton & Hove. Enforcement action includes the issuing of Fixed Penalty Notices (FPNs), Community Protection Warnings (CPWs), Community Protection Notices (CPNs) and court orders.

This Framework sets out the standards that will be applied when issuing FPNs, CPWs and CPNs for environmental offences and what residents, businesses, and visitors can expect from Brighton & Hove City Council.

2. Introduction

Brighton & Hove City Council is committed to combatting fly tipping and littering and ensuring the city remains attractive and enjoyable for all those living and working here as well as those visiting the area.

The council will take a fair and proportionate approach to issuing fines for environmental offences to ensure that those spoiling the environment for others are made accountable for their actions.

The council will issue FPNs, CPWs and CPNs to enforce environmental crimes under the following legislation:

- Sections 33, 34, 47, 47ZA, 88 and ~~94b-94B~~ of the Environmental Protection Act 1990
- Section 43 of the Anti-Social Behaviour Act 2003
~~Sections 55 to 67 of the Fouling of Land by Dogs, Clean Neighbourhoods and Environmental Act 2005.~~
- Section 43, 67 and 68 of the Anti-Social Behaviour, Crime and Policing Act 2014

The council will issue FPNs, CPWs and CPNs on all council-owned land, including, but not limited to, the beach, seafront, parks, open spaces, pavements and the highway.

FPNs provide a quick, visible and effective way of dealing with low-level straightforward environmental crimes, and an alternative to prosecution.

This Framework complements the Highways Policy and the Delegated Powers assigned to Field Officers, which both deal with other areas of environmental enforcement.

3. Issuing of FPNs

All FPNs will be issued in line with government guidance:
<https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse>

Details about when a FPN would and would not be issued are detailed below.

When a FPN will be issued

A FPN will only be issued when all of the following apply:

- an offence has been committed (see section 5)
- a FPN is a proportionate response
- there is evidence to support prosecution if the offender does not pay the FPN
- the offender understands why the FPN is being issued
- the Environmental Enforcement Officer believes that the name and address offered by the offender are correct

When a FPN will not be issued

A FPN will not be issued if any of the following apply:

If there is no criminal liability

- the person in question is exempt, e.g. a blind person whose dog has fouled in an area where a dog control order applies
- the offender is a child under the age of 10, when the child's parents or guardian may be informed

If enforcement action is inappropriate or would be disproportionate for the offence

- it is not in the public interest to do so
- the offender is vulnerable; for example, someone who is a rough sleeper or suffers from a mental impediment; this list is not exhaustive

If prosecution is more suitable

- the offence is major, e.g. deliberate smashing of glass, racist graffiti, or where an extensive quantity of waste is fly tipped or where the content of the waste is hazardous.
- the offence is committed by a persistent offender
- the offender is violent or aggressive

In these cases, evidence will be referred to officers in City Environment to determine whether the case should be referred to council's legal team.

If littering is done accidentally

- accidental: for example, something falls out of someone's pocket (as opposed to intentional where, for example, litter is dropped and the offender walks away, including the discarding of cigarettes).

Where there is doubt over intent, the Environmental Enforcement Officer will challenge the offender, stating they have seen them drop something and ask them to pick it up. Should the person refuse to pick up the litter, they may be issued with an FPN.

About issuing fines

The FPN gives the alleged offender an opportunity to avoid prosecution by payment of the penalty. An FPN is therefore only issued where there is adequate evidence to support a prosecution, if a notice is not paid.

FPNs will not be issued to under 18s but if an Environmental Enforcement Officer witnesses an under 18 committing an environmental offence, they will have an informal discussion with them about it and may write to their parent or guardian.

Officers will have sufficient training and understanding of Brighton & Hove City Council's Environmental Enforcement Framework and their area of work to ensure a consistent approach to their duties. Environmental Enforcement Officers will carry identification picture cards at all times whilst on duty. An Environmental Enforcement Officer will never take payment for FPNs. Information about how to pay is included on the FPN.

4. FPN fines

FPN fines are as follows:

Offence	BHCC penalty	BHCC early payment
Littering	£150	£110
Littering from vehicles	£150	£110
Spitting, urinating or defecating	£150	N/A
Dog fouling	£80	N/A
Dogs on leads	£80	N/A
Dogs on lead by direction	£80	N/A
Dogs in dog exclusion zone	£80	N/A
Graffiti	£150	N/A
Fly posting	£150	N/A
Unauthorised flyering	£150	N/A
Industrial and commercial waste receptacle offence	£110	N/A
Residential fly-tipping	£400	N/A
Disposing of commercial waste illegally	£400	N/A
Failure to produce a Waste Transfer Note or Duty of Care Certificate or non-compliance with Certificate	£300	N/A

Fines are set in line with DEFRA guidance: <https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse>

The fine for littering is £150 with an early payment discount reducing it to £110, if it is paid within 10 days.

There are no early payment discounts for other offences because Brighton & Hove City Council is taking a hard stance on these offences with the penalty set accordingly.

The cost of FPNs will be reviewed annually to enable Brighton & Hove City Council to target particular environmental offences when needed and ensure appropriate costs of the service are met. Payment of an FPN in instalments is not possible.

5. FPN offences

FPNs will be issued in a fair and proportional manner so those who are spoiling the environment for others are made accountable.

Littering

Littering is an offence under section 87 of the Environmental Protection Act 1990. The act states that an offence is committed if anything is dropped, thrown, left or deposited that causes defacement, in any place open to the air that the public have access to with or without payment. This includes any deposit on land or water and the statutory definition of litter specifically includes cigarette butts and chewing gum.

When issuing FPNs for littering, a distinction will be made between intentional littering and accidental littering:

- Intentional: for example, litter is dropped and the offender walks away, including the discarding of cigarettes.
- Accidental: for example, something falls out of someone's pocket.

Where littering is considered to be accidental (with no intent to drop litter) an FPN will not be issued.

Littering from vehicles

Littering from vehicles is an offence under section 87 of the Environmental Protection Act 1990. As with general littering, littering from vehicles is a nuisance and is detrimental to the environment. Vehicle owners are responsible for ensuring whoever is travelling in their vehicle does not litter from the vehicle. FPNs for littering from vehicles will be issued to registered vehicle owners when the person who actually littered cannot be identified. In cases where the registered vehicle owner is fined, the FPN must be issued within 35 days of the alleged offence.

Spitting, urinating and defecating

FPNs for spitting, urinating and defecating are issued under section 87 of the Environmental Protection Act 1990.

Spitting, urinating and defecating in public places are anti-social habits and can have a number of health implications. An FPN will be issued when spitting, urinating or defecating occurs on public surfaces, roads, pavements or streets.

Dog fouling, dogs on leads, dogs on lead by direction and dogs in dog exclusion zones

FPNs for Dog Control Order offences are issued under section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Dog control offences have an impact on the city and the communities within in. FPNs for dog control offences will be issued to enforce responsible dog ownership and reduce the issues relating to dogs running loose and causing as nuisance to others, as well as reduce the potential health implications associated with dog fouling.

The Fouling of Land by Dogs Order makes it an offence for a person in charge of a dog to fail to remove faeces from the land. The Dogs on Leads Order makes it an offence for a person in charge of a dog to fail to ensure that a dog is kept on a lead on relevant land.

The Dogs on Lead by Direction Order makes it an offence for a person in charge of a dog to fail to put that dog on a lead under the direction of an authorised officer on relevant land.

The Dog Exclusion Order makes it an offence for a person in charge of a dog to permit the dog to enter or remain on any land to which the Order applies. [The land to which this Order applies is detailed in Section 14.](#)

[Assistant Dogs are exempt from Dog Control Orders.](#)

Graffiti

FPNs for graffiti are issued under section 43 of the Anti-Social Behaviour Act 2003.

Graffiti is classed as criminal damage and defined as any informal or illegal marks, drawings or paintings that have been deliberately made by anyone on any physical element in the outdoor environment. Graffiti is difficult and costly to remove.

Before issuing a FPN for graffiti, the Environmental Enforcement Officer will speak to the owner of the building to ascertain whether permission has been granted to graffiti the physical element question.

City Environment will work with the Safer Communities Team to ensure that enforcement action does not impact on any legally created graffiti art and does not contradict the Graffiti Reduction Strategy.

Fly posting

FPNs for fly posting are issued under section 43 of the Anti-Social Behaviour Act 2003.

Fly posting is putting up posters or stickers on properties, lamp posts, telephone boxes or other structures on the street such without consent from the owner.

Examples of this are:

- Sticking posters onto boarded up shops advertising a gig
- Attaching a poster to a lamp post advertising a business

- Putting stickers onto road signs showing political statements

Unauthorised flyering

FPNs for unauthorised flyering are issued under section 94b of the Environmental Protection Act 1990.

Flyering can cause lots of litter and Brighton & Hove City Council restricts where and when free flyers can be distributed. This includes printed materials to advertise things like events, businesses or product promotions.

Anyone wishing to distribute free printed material within a designated area must apply for a flyering licence from the council. The flyering licence covers the cost of the extra work required to clear the additional litter generated as some people will just drop flyers on the floor.

Any person distributing matter by or on behalf of a charity or for political or religious purposes are exempt from this rule. To reduce confusion, the council encourages charities to make an application. There will not be a charge for the licence in these cases.

FPNs for flyering without a license will be issued to the individual and not the organisation they are flyering for. One fine will be issued to each person distributing the flyers, regardless if a group is distributing the same flyers.

Flyering materials will be confiscated until the owners of the materials have arranged for a flyering licence.

Details about where a licence is required and how to apply for a flyering licence are available on the council's website: www.brighton-hove.gov.uk/flyering

Industrial and commercial waste receptacle offences

FPNs for receptacle offences are issued under sections 47 and S47ZA Environmental Protection Act 1990.

Businesses have a duty to ensure that their waste is stored, presented and disposed of in accordance with the waste Duty of Care. FPNs will be issued ~~after a notice has been issued and~~ when the waste is likely to cause a nuisance or be detrimental to the amenities of the locality. This includes:

- Bins in time-banding zones (T-Zones) left on the pavement outside of agreed collection ~~days~~ and times (from 1 February 2022)
- Bins blocking the highway
- ~~Bins~~ Bins with size, construction or maintenance issues

Businesses are also expected to label their waste receptacle with their business name. Failure to comply with a request to place a label on a receptacle could result in a FPN being issued.

More details on businesses' waste management responsibilities are available on the Brighton & Hove City Council website: link TBC

Fly tipping

FPNs for flytipping are issued under section 33 of the Environmental Protection Act 1990.

Flytipping is the illegal dumping of waste, items or materials. This includes anything from putting a TV on the pavement to dumping a van's contents in the countryside. Flytipping is unattractive, can cause obstructions and can lead to a build-up of other waste. The following are all examples of flytipping:

- Putting items, including furniture, electrical items and appliances on the public highway and on the pavement for others to pick up and reuse.
- Putting items including furniture, electrical items and appliances by communal refuse or recycling bins, wheelie bins, refuse areas, bring sites or litter bins. If a bin is full, items should be taken to the next nearest bin or taken home until there is capacity in a bin.
- Putting refuse into communal recycling bins.
- Putting bulky items in refuse or recycling bins.

If someone else flytips an individual's waste, the individual may still be held responsible.

Any company carrying or disposing of waste must have a waste carriers licence and individuals can check they have this through the Environment Agency's waste carrier's public register.

Unwanted items, such as electrical items, furniture, appliances etc. cannot be collected with normal household refuse and must be reused, recycled or disposed of in a legal and safe way. Options include:

- Keeping these goods on an individual's property and advertised through signs, newspapers or websites
- Using a company or charity that collects items for free
- Taking items to a Household Waste Recycling Site
- For a fee, using the council's bulky waste collection service.

More details are available on the Brighton & Hove City Council website: www.brighton-hove.gov.uk/bulkywaste

Disposing of commercial waste illegally

FPNs for disposing of commercial waste illegally are issued under section 33 of the Environmental Protection Act 1990.

Any waste that comes from a commercial activity is business waste, including waste produced as a result of an individual running their business from home. Businesses cannot use domestic waste and recycling bins, and the collection of commercial waste is not covered by business rates.

Businesses are responsible for:

- All recycling and refuse they create
- Ensuring waste is stored and disposed of in a safe and legal way
- Using a registered waste contractor or a business waste site to dispose of their waste

- Avoiding any disruption to the public when storing and disposing of their waste.

Any business found to be not adhering to these responsibilities, may be issued with a FPN.

Failure to produce a Waste Transfer Note or Duty of Care Certificate or non-compliance with the Certificate

FPNs for failure to produce a Waste Transfer Note or Duty of Care Certificate or noncompliance with the Certificate are issued under section 34 of the Environmental Protection Act 1990.

Businesses must have a registered waste carrier to collect and dispose of their waste. Businesses that have set up a waste collection with a registered waste contractor will receive a Duty of Care Certificate. This is proof that there are waste collection arrangements in place and it is being disposed of legally.

If a registered waste contractor does not supply a Duty of Care Certificate it may mean they are not registered. If this waste is then subsequently dumped or disposed of illegally, the business could be held responsible. For this reason, it is recommended that businesses check the waste contractor through the Environment Agency's waste carrier's public register.

If an Environmental Enforcement Officer requests a copy of a business's Duty of Care Certificate and the business is unable to provide one, the business will be given 14 days to produce a Duty of Care Certificate before an FPN is issued.

Environmental Enforcement Officers conduct regular checks across the city to make sure businesses have a Duty of Care Certificate. If a business does not have a legal method for disposing of waste, the business could receive a fine which could lead to prosecution.

Businesses have a duty to ensure that their waste is stored, presented and disposed of in accordance with the waste Duty of Care. FPNs will be issued when the waste is likely to cause a nuisance or be detrimental to the amenities of the locality, including overflowing bins meaning lids cannot be closed or side waste.

6. Appeals and disputes for FPNs

There is no formal right to appeal against an FPN. If an offender does not agree that an offence has been committed, then the matter will be dealt with through formal prosecution via the Magistrates courts. It will then be up to the court, on receiving evidence, to determine whether or not an offence was committed and therefore whether or not any penalty should be imposed.

If the offender believes an FPN has been issued incorrectly, they can put their complaint to City Environment in writing who will assess whether the correct procedure has been followed.

If City Environment has responded to a complaint about the way the FPN was issued to which the offender remains unsatisfied, the offender can raise a formal complaint with Brighton & Hove City Council by contacting customerfeedback@brightonhove.gov.uk. Brighton & Hove City Council will investigate whether the FPN was issued in accordance with the appropriate procedures, the law and this framework.

7. Issuing of CPWs and CPNs

The council can address offences which have a negative impact on a community's quality of life by issuing a CPW and serving a CPN in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014. Any behaviour that is detrimental to a community's quality can result in a CPW and CPN.

A CPW can be issued to an individual aged 16 or over if an authorised person is satisfied that the behaviour:

- has a detrimental effect on the quality of life of those in the locality
- is unreasonable and
- is of a persistent nature

The CPW will be issued to an individual, business or organisation suspected of causing the problem. The CPW will detail the impact on the community and that the behaviour should cease, or the reasonable steps that need to be taken to ensure the problem does not occur again. The CPW will include the consequences of not addressing the behaviour and that a CPN will be issued.

If the behaviour persists, a CPN will be issued with the following requirements:

- to stop doing something specified and/or to do some specified action
- to take reasonable steps to achieve a specified result; this will be aimed at either preventing the effect of the unacceptable conduct continuing, or prevent the likelihood of it recurring

if a recipient of a CPN fails to comply with the requirement, the council may take action to ensure that the failure is remedied:

FPN

A FPN may be issued if the recipient does not comply with the CPN requirements. If the FPN is not paid, this may result in a court order.

A FPN issued for non-compliance will be £100.

Remedial work

An instruction to complete remedial work may be issued if the recipient does not comply with the CPN requirements. If the remedial work is not completed, this may result in a court order.

Court order

If the FPN is not paid or the remedial work is not completed, a court order may be served. On conviction, this can result in a fine of up to £2,500 for individuals or £20,000 for businesses. The council will also look to recover costs.

8. CPW and CPN offences

A CPW may be issued to Statutory Undertakers, large businesses (over 250 employees) and small and medium sized enterprises (fewer than 250 employees) when the property owner does not follow the council's request for graffiti to be removed from a property.

A CPN may be issued when the recipient of a CPW fails to comply to the request of the CPW.

9. Fine income

Income received from the issuing of FPNs is used for specific environmental purposes such as providing additional litter and dog bins and to fund environmental education for local schools.

10. Appeals and disputes for CPNs

Any person issued with a CPN may appeal against it by making a Complaint to a Magistrates' Court within 21 days of its issue. An appeal may be made on any of the following substantive grounds:

- the specified conduct did not take place;
- the conduct has not had a detrimental effect on the quality of life of those in the locality;
- the conduct was not of a persistent or continuing nature;
- the conduct is not unreasonable;
- the conduct is that which the person cannot reasonably be expected to control or affect.

Details of how to appeal and the time limit will be included in the CPN.

11. CCTV

CCTV and bodycam footage will be used as appropriate to obtain evidence of offences, taking into account the following legislation:

- The Data Protection Act 1998
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Freedom of Information Act 2000
- The Equality Act 2010
- The Protection of Freedoms Act 2012

Authorised officers will adhere to the 12 guiding principles in the [Surveillance Camera Code of Practice](#):

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.

7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

Authorised officers will be BTEC Level 2 trained via the CCTV Operator within the Private Security Industry standard.

12. Equalities

All authorised Environmental Enforcement Officers involved in environmental enforcement will be made aware of their responsibilities under the Equalities Act 2010 and in particular the Public Sector Equality Duty. They will be expected to have regard to the needs of vulnerable people and protected groups and to apply this Framework in a manner that is consistent, transparent and proportionate.

CCTV footage will be used as appropriate to obtain evidence of offences, taking into account the legislation listed in Section 11. Brighton & Hove City Council will ensure that all CCTV use for the purpose of tackling fly-tipping is consistent, transparent and proportionate, according to legal requirements, and aligned with our duties under the Equality Act 2010 and human rights legislation.

13. Privacy Notice

In order to process FPNs, CPWs and CPNs, Brighton & Hove City Council collects, stores and processes personal information. The privacy notice that explains what information is collected and how it is used is available at: <https://www.brighton-hove.gov.uk/content/about-website/service-privacy-notices/fixed-penalty-notices-environmental-offences-service>.

In order to issue FPNs, for fly-tipping and other environmental offences, Brighton & Hove City Council collects, store and processes information from CCTV cameras and ANPR technology. The privacy notice that explains what information is collected and how it is used is available at: <https://www.brighton-hove.gov.uk/content/about-website/service-privacy-notices/environmental-enforcement-cctv-privacy-notice>.

14. Dogs Exclusion Order

Description of land, or lands, to which the Order applies

All those areas situated within the City of Brighton & Hove as described for the purposes of identification below, being land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this Order, land which is covered is to be treated as "open to the air" if it is open at least one side.

1. Children's Play Areas

All children's play areas in the City of Brighton & Hove enclosed by fencing and containing play equipment.

2. Cemeteries

a. The following cemeteries subject to the exception set out in paragraph 2.b below:

- Borough Cemetery (Woodvale), Lewes Road
- Extra Mural Cemetery, Lewes Road
- Borough Cemetery, Bear Road
- Jewish Cemetery, Bear Road
- Meadowview and Lawn Memorial Cemetery, Warren Road
- Hove Cemetery, North and South, Old Shoreham Road
- Portslade Cemetery, Victoria Road

b. The Order does not apply to persons attending a funeral or remembrance service or visiting a grave or to persons residing in the premises of the cemeteries specified at 2a above. In these circumstances dogs must be kept on leads at all times

3. Gardens and Parks

The enclosed gardens of the following city centre squares:

- Brunswick Square
- Norfolk Square
- Russell Square
- Bedford Square
- Clarence Square
- Powis Square
- Pelham Square
- Regency Square (North End)
- New Steine Square

The following parks and gardens:

- Steine Memorial Gardens
- Kipling Gardens, Rottingdean
- The Rockery, Preston Park
- William Clarke Park, Picton Street
- Saunders Park (excluding the fenced dog area to the South West corner of the park), Lewes Road

4. Beaches

The beaches (including the foreshore) between the months of May to September inclusive with the exception of the following beaches (showing a "Dog friendly" sign):

- the beach between Longridge Avenue and the border
- beaches between Chailey Avenue and Arundel Drive West, Rottingdean
- beaches between West Marina Wall to Rottingdean slope
- beaches between the west wall of Brighton Marina and up to the Volks railway station opposite New Steine
- the beach in front and to the East of the Meeting Place Cafe, up to the large groyne with the life-ring on
- the beach to the east of the Lawns Cafe, at the bottom of St John's Road, Hove promenade
- the beach in front of the King Alfred car park
- the beach to the east of Hove Lagoon

5. Areas of Queens Park

The Southern Lawns of Queens Park (containing the lake), the tennis courts, the Quiet Garden, the Wild Garden, the cascade area and bowling green.

Environmental enforcement framework

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1. Purpose

The purpose of the Environmental Enforcement Framework is to address anti-social and illegal behaviour to improve the environment and minimise waste clean-up and disposal costs.

Environmental enforcement is delivered by authorised Environmental Enforcement Officers patrolling Brighton & Hove. Enforcement action includes the issuing of Fixed Penalty Notices (FPNs), Community Protection Warnings (CPWs), Community Protection Notices (CPNs) and court orders.

This Framework sets out the standards that will be applied when issuing FPNs, CPWs and CPNs for environmental offences and what residents, businesses, and visitors can expect from Brighton & Hove City Council.

2. Introduction

Brighton & Hove City Council is committed to combatting fly tipping and littering and ensuring the city remains attractive and enjoyable for all those living and working here as well as those visiting the area.

The council will take a fair and proportionate approach to issuing fines for environmental offences to ensure that those spoiling the environment for others are made accountable for their actions.

The council will issue FPNs, CPWs and CPNs to enforce environmental crimes under the following legislation:

- Sections 33, 34, 47, 47ZA, 88 and 94B of the Environmental Protection Act 1990
- Section 43 of the Anti-Social Behaviour Act 2003
- Section 43, 67 and 68 of the Anti-Social Behaviour, Crime and Policing Act 2014

The council will issue FPNs, CPWs and CPNs on all council-owned land, including, but not limited to, the beach, seafront, parks, open spaces, pavements and the highway.

FPNs provide a quick, visible and effective way of dealing with low-level straightforward environmental crimes, and an alternative to prosecution.

This Framework complements the Highways Policy and the Delegated Powers assigned to Field Officers, which both deal with other areas of environmental enforcement.

3. Issuing of FPNs

All FPNs will be issued in line with government guidance:

<https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse>

Details about when a FPN would and would not be issued are detailed below.

When a FPN will be issued

A FPN will only be issued when all of the following apply:

- an offence has been committed (see section 5)
- a FPN is a proportionate response
- there is evidence to support prosecution if the offender does not pay the FPN
- the offender understands why the FPN is being issued
- the Environmental Enforcement Officer believes that the name and address offered by the offender are correct

When a FPN will not be issued

A FPN will not be issued if any of the following apply:

If there is no criminal liability

- the person in question is exempt, e.g. a blind person whose dog has fouled in an area where a dog control order applies
- the offender is a child under the age of 10, when the child's parents or guardian may be informed

If enforcement action is inappropriate or would be disproportionate for the offence

- it is not in the public interest to do so
- the offender is vulnerable; for example, someone who is a rough sleeper or suffers from a mental impediment; this list is not exhaustive

If prosecution is more suitable

- the offence is major, e.g. deliberate smashing of glass, racist graffiti, or where an extensive quantity of waste is fly tipped or where the content of the waste is hazardous.
- the offence is committed by a persistent offender
- the offender is violent or aggressive

In these cases, evidence will be referred to officers in City Environment to determine whether the case should be referred to council's legal team.

If littering is done accidentally

- accidental: for example, something falls out of someone's pocket (as opposed to intentional where, for example, litter is dropped and the offender walks away, including the discarding of cigarettes).

Where there is doubt over intent, the Environmental Enforcement Officer will challenge the offender, stating they have seen them drop something and ask them to pick it up. Should the person refuse to pick up the litter, they may be issued with an FPN.

About issuing fines

The FPN gives the alleged offender an opportunity to avoid prosecution by payment of the penalty. An FPN is therefore only issued where there is adequate evidence to support a prosecution, if a notice is not paid.

FPNs will not be issued to under 18s but if an Environmental Enforcement Officer witnesses an under 18 committing an environmental offence, they will have an informal discussion with them about it and may write to their parent or guardian.

Officers will have sufficient training and understanding of Brighton & Hove City Council's Environmental Enforcement Framework and their area of work to ensure a consistent approach to their duties. Environmental Enforcement Officers will carry identification picture cards at all times whilst on duty. An Environmental Enforcement Officer will never take payment for FPNs. Information about how to pay is included on the FPN.

4. FPN fines

FPN fines are as follows:

Offence	BHCC penalty	BHCC early payment
Littering	£150	£110
Littering from vehicles	£150	£110
Spitting, urinating or defecating	£150	N/A
Dog fouling	£80	N/A
Dogs on leads	£80	N/A
Dogs on lead by direction	£80	N/A
Dogs in dog exclusion zone	£80	N/A
Graffiti	£150	N/A
Fly posting	£150	N/A
Unauthorised flyering	£150	N/A
Industrial and commercial waste receptacle offence	£110	N/A
Residential fly-tipping	£400	N/A
Disposing of commercial waste illegally	£400	N/A
Failure to produce a Waste Transfer Note or Duty of Care Certificate or non-compliance with Certificate	£300	N/A

Fines are set in line with DEFRA guidance: <https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse>

The fine for littering is £150 with an early payment discount reducing it to £110, if it is paid within 10 days.

There are no early payment discounts for other offences because Brighton & Hove City Council is taking a hard stance on these offences with the penalty set accordingly.

The cost of FPNs will be reviewed annually to enable Brighton & Hove City Council to target particular environmental offences when needed and ensure appropriate costs of the service are met. Payment of an FPN in instalments is not possible.

5. FPN offences

FPNs will be issued in a fair and proportional manner so those who are spoiling the environment for others are made accountable.

Littering

Littering is an offence under section 87 of the Environmental Protection Act 1990. The act states that an offence is committed if anything is dropped, thrown, left or deposited that causes defacement, in any place open to the air that the public have access to with or without payment. This includes any deposit on land or water and the statutory definition of litter specifically includes cigarette butts and chewing gum.

When issuing FPNs for littering, a distinction will be made between intentional littering and accidental littering:

- Intentional: for example, litter is dropped and the offender walks away, including the discarding of cigarettes.
- Accidental: for example, something falls out of someone's pocket.

Where littering is considered to be accidental (with no intent to drop litter) an FPN will not be issued.

Littering from vehicles

Littering from vehicles is an offence under section 87 of the Environmental Protection Act 1990. As with general littering, littering from vehicles is a nuisance and is detrimental to the environment. Vehicle owners are responsible for ensuring whoever is travelling in their vehicle does not litter from the vehicle. FPNs for littering from vehicles will be issued to registered vehicle owners when the person who actually littered cannot be identified. In cases where the registered vehicle owner is fined, the FPN must be issued within 35 days of the alleged offence.

Spitting, urinating and defecating

FPNs for spitting, urinating and defecating are issued under section 87 of the Environmental Protection Act 1990.

Spitting, urinating and defecating in public places are anti-social habits and can have a number of health implications. An FPN will be issued when spitting, urinating or defecating occurs on public surfaces, roads, pavements or streets.

Dog fouling, dogs on leads, dogs on lead by direction and dogs in dog exclusion zones

FPNs for Dog Control Order offences are issued under section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Dog control offences have an impact on the city and the communities within in. FPNs for dog control offences will be issued to enforce responsible dog ownership and reduce the issues relating to dogs running loose and causing as nuisance to others, as well as reduce the potential health implications associated with dog fouling.

The Fouling of Land by Dogs Order makes it an offence for a person in charge of a dog to fail to remove faeces from the land. The Dogs on Leads Order makes it an offence for a person in charge of a dog to fail to ensure that a dog is kept on a lead on relevant land.

The Dogs on Lead by Direction Order makes it an offence for a person in charge of a dog to fail to put that dog on a lead under the direction of an authorised officer on relevant land.

The Dog Exclusion Order makes it an offence for a person in charge of a dog to permit the dog to enter or remain on any land to which the Order applies. The land to which this Order applies is detailed in Section 14.

Assistant Dogs are exempt from Dog Control Orders.

Graffiti

FPNs for graffiti are issued under section 43 of the Anti-Social Behaviour Act 2003.

Graffiti is classed as criminal damage and defined as any informal or illegal marks, drawings or paintings that have been deliberately made by anyone on any physical element in the outdoor environment. Graffiti is difficult and costly to remove.

Before issuing a FPN for graffiti, the Environmental Enforcement Officer will speak to the owner of the building to ascertain whether permission has been granted to graffiti the physical element question.

City Environment will work with the Safer Communities Team to ensure that enforcement action does not impact on any legally created graffiti art and does not contradict the Graffiti Reduction Strategy.

Fly posting

FPNs for fly posting are issued under section 43 of the Anti-Social Behaviour Act 2003.

Fly posting is putting up posters or stickers on properties, lamp posts, telephone boxes or other structures on the street such without consent from the owner.

Examples of this are:

- Sticking posters onto boarded up shops advertising a gig
- Attaching a poster to a lamp post advertising a business

- Putting stickers onto road signs showing political statements

Unauthorised flyering

FPNs for unauthorised flyering are issued under section 94b of the Environmental Protection Act 1990.

Flyering can cause lots of litter and Brighton & Hove City Council restricts where and when free flyers can be distributed. This includes printed materials to advertise things like events, businesses or product promotions.

Anyone wishing to distribute free printed material within a designated area must apply for a flyering licence from the council. The flyering licence covers the cost of the extra work required to clear the additional litter generated as some people will just drop flyers on the floor.

Any person distributing matter by or on behalf of a charity or for political or religious purposes are exempt from this rule. To reduce confusion, the council encourages charities to make an application. There will not be a charge for the licence in these cases.

FPNs for flyering without a license will be issued to the individual and not the organisation they are flyering for. One fine will be issued to each person distributing the flyers, regardless if a group is distributing the same flyers.

Flyering materials will be confiscated until the owners of the materials have arranged for a flyering licence.

Details about where a licence is required and how to apply for a flyering licence are available on the council's website: www.brighton-hove.gov.uk/flyering

Industrial and commercial waste receptacle offences

FPNs for receptacle offences are issued under sections 47 and 47ZA Environmental Protection Act 1990.

Businesses have a duty to ensure that their waste is stored, presented and disposed of in accordance with the waste Duty of Care. FPNs will be issued when the waste is likely to cause a nuisance or be detrimental to the amenities of the locality. This includes:

- Bins in time-banding zones (T-Zones) left on the pavement outside of agreed collection times (from 1 February 2022)
- Bins blocking the highway
- Bins with size, construction or maintenance issues

Businesses are also expected to label their waste receptacle with their business name. Failure to comply with a request to place a label on a receptacle could result in a FPN being issued.

More details on businesses' waste management responsibilities are available on the Brighton & Hove City Council website: link TBC

Fly tipping

FPNs for flytipping are issued under section 33 of the Environmental Protection Act 1990.

Flytipping is the illegal dumping of waste, items or materials. This includes anything from putting a TV on the pavement to dumping a van's contents in the countryside. Flytipping is unattractive, can cause obstructions and can lead to a build-up of other waste. The following are all examples of flytipping:

- Putting items, including furniture, electrical items and appliances on the public highway and on the pavement for others to pick up and reuse.
- Putting items including furniture, electrical items and appliances by communal refuse or recycling bins, wheelie bins, refuse areas, bring sites or litter bins. If a bin is full, items should be taken to the next nearest bin or taken home until there is capacity in a bin.
- Putting refuse into communal recycling bins.
- Putting bulky items in refuse or recycling bins.

If someone else flytips an individual's waste, the individual may still be held responsible.

Any company carrying or disposing of waste must have a waste carriers licence and individuals can check they have this through the Environment Agency's waste carrier's public register.

Unwanted items, such as electrical items, furniture, appliances etc. cannot be collected with normal household refuse and must be reused, recycled or disposed of in a legal and safe way. Options include:

- Keeping these goods on an individual's property and advertised through signs, newspapers or websites
- Using a company or charity that collects items for free
- Taking items to a Household Waste Recycling Site
- For a fee, using the council's bulky waste collection service.

More details are available on the Brighton & Hove City Council website: www.brighton-hove.gov.uk/bulkywaste

Disposing of commercial waste illegally

FPNs for disposing of commercial waste illegally are issued under section 33 of the Environmental Protection Act 1990.

Any waste that comes from a commercial activity is business waste, including waste produced as a result of an individual running their business from home. Businesses cannot use domestic waste and recycling bins, and the collection of commercial waste is not covered by business rates.

Businesses are responsible for:

- All recycling and refuse they create
- Ensuring waste is stored and disposed of in a safe and legal way
- Using a registered waste contractor or a business waste site to dispose of their waste
- Avoiding any disruption to the public when storing and disposing of their waste.

Any business found to be not adhering to these responsibilities, may be issued with a FPN.

Failure to produce a Waste Transfer Note or Duty of Care Certificate or non-compliance with the Certificate

FPNs for failure to produce a Waste Transfer Note or Duty of Care Certificate or noncompliance with the Certificate are issued under section 34 of the Environmental Protection Act 1990.

Businesses must have a registered waste carrier to collect and dispose of their waste. Businesses that have set up a waste collection with a registered waste contractor will receive a Duty of Care Certificate. This is proof that there are waste collection arrangements in place and it is being disposed of legally.

If a registered waste contractor does not supply a Duty of Care Certificate it may mean they are not registered. If this waste is then subsequently dumped or disposed of illegally, the business could be held responsible. For this reason, it is recommended that businesses check the waste contractor through the Environment Agency's waste carrier's public register.

If an Environmental Enforcement Officer requests a copy of a business's Duty of Care Certificate and the business is unable to provide one, the business will be given 14 days to produce a Duty of Care Certificate before an FPN is issued.

Environmental Enforcement Officers conduct regular checks across the city to make sure businesses have a Duty of Care Certificate. If a business does not have a legal method for disposing of waste, the business could receive a fine which could lead to prosecution.

Businesses have a duty to ensure that their waste is stored, presented and disposed of in accordance with the waste Duty of Care. FPNs will be issued when the waste is likely to cause a nuisance or be detrimental to the amenities of the locality, including overflowing bins meaning lids cannot be closed or side waste.

6. Appeals and disputes for FPNs

There is no formal right to appeal against an FPN. If an offender does not agree that an offence has been committed, then the matter will be dealt with through formal prosecution via the Magistrates courts. It will then be up to the court, on receiving evidence, to determine whether or not an offence was committed and therefore whether or not any penalty should be imposed.

If the offender believes an FPN has been issued incorrectly, they can put their complaint to City Environment in writing who will assess whether the correct procedure has been followed.

If City Environment has responded to a complaint about the way the FPN was issued to which the offender remains unsatisfied, the offender can raise a formal complaint with Brighton & Hove City Council by contacting customerfeedback@brightonhove.gov.uk. Brighton & Hove City Council will investigate whether the FPN was issued in accordance with the appropriate procedures, the law and this framework.

7. Issuing of CPWs and CPNs

The council can address offences which have a negative impact on a community's quality of life by issuing a CPW and serving a CPN in accordance with the Anti-Social Behaviour, Crime and

Policing Act 2014. Any behaviour that is detrimental to a community's quality can result in a CPW and CPN.

A CPW can be issued to an individual aged 16 or over if an authorised person is satisfied that the behaviour:

- has a detrimental effect on the quality of life of those in the locality
- is unreasonable and
- is of a persistent nature

The CPW will be issued to an individual, business or organisation suspected of causing the problem. The CPW will detail the impact on the community and that the behaviour should cease, or the reasonable steps that need to be taken to ensure the problem does not occur again. The CPW will include the consequences of not addressing the behaviour and that a CPN will be issued.

If the behaviour persists, a CPN will be issued with the following requirements:

- to stop doing something specified and/or to do some specified action
- to take reasonable steps to achieve a specified result; this will be aimed at either preventing the effect of the unacceptable conduct continuing, or prevent the likelihood of it recurring

if a recipient of a CPN fails to comply with the requirement, the council may take action to ensure that the failure is remedied:

FPN

A FPN may be issued if the recipient does not comply with the CPN requirements. If the FPN is not paid, this may result in a court order.

A FPN issued for non-compliance will be £100.

Remedial work

An instruction to complete remedial work may be issued if the recipient does not comply with the CPN requirements. If the remedial work is not completed, this may result in a court order.

Court order

If the FPN is not paid or the remedial work is not completed, a court order may be served. On conviction, this can result in a fine of up to £2,500 for individuals or £20,000 for businesses. The council will also look to recover costs.

8. CPW and CPN offences

A CPW may be issued to Statutory Undertakers, large businesses (over 250 employees) and small and medium sized enterprises (fewer than 250 employees) when the property owner does not follow the council's request for graffiti to be removed from a property.

A CPN may be issued when the recipient of a CPW fails to comply to the request of the CPW.

9. Fine income

Income received from the issuing of FPNs is used for specific environmental purposes such as providing additional litter and dog bins and to fund environmental education for local schools.

10. Appeals and disputes for CPNs

Any person issued with a CPN may appeal against it by making a Complaint to a Magistrates' Court within 21 days of its issue. An appeal may be made on any of the following substantive grounds:

- the specified conduct did not take place;
- the conduct has not had a detrimental effect on the quality of life of those in the locality;
- the conduct was not of a persistent or continuing nature;
- the conduct is not unreasonable;
- the conduct is that which the person cannot reasonably be expected to control or affect.

Details of how to appeal and the time limit will be included in the CPN.

11. CCTV

CCTV and bodycam footage will be used as appropriate to obtain evidence of offences, taking into account the following legislation:

- The Data Protection Act 1998
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Freedom of Information Act 2000
- The Equality Act 2010
- The Protection of Freedoms Act 2012

Authorised officers will adhere to the 12 guiding principles in the [Surveillance Camera Code of Practice](#):

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.

7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

Authorised officers will be BTEC Level 2 trained via the CCTV Operator within the Private Security Industry standard.

12. Equalities

All authorised Environmental Enforcement Officers involved in environmental enforcement will be made aware of their responsibilities under the Equalities Act 2010 and in particular the Public Sector Equality Duty. They will be expected to have regard to the needs of vulnerable people and protected groups and to apply this Framework in a manner that is consistent, transparent and proportionate.

CCTV footage will be used as appropriate to obtain evidence of offences, taking into account the legislation listed in Section 11. Brighton & Hove City Council will ensure that all CCTV use for the purpose of tackling fly-tipping is consistent, transparent and proportionate, according to legal requirements, and aligned with our duties under the Equality Act 2010 and human rights legislation.

13. Privacy Notice

In order to process FPNs, CPWs and CPNs, Brighton & Hove City Council collects, stores and processes personal information. The privacy notice that explains what information is collected and how it is used is available at: <https://www.brighton-hove.gov.uk/content/about-website/service-privacy-notices/fixed-penalty-notices-environmental-offences-service>.

In order to issue FPNs, for fly-tipping and other environmental offences, Brighton & Hove City Council collects, store and processes information from CCTV cameras and ANPR technology. The privacy notice that explains what information is collected and how it is used is available at: <https://www.brighton-hove.gov.uk/content/about-website/service-privacy-notices/environmental-enforcement-cctv-privacy-notice>.

14. Dogs Exclusion Order

Description of land, or lands, to which the Order applies

All those areas situated within the City of Brighton & Hove as described for the purposes of identification below, being land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this Order, land which is covered is to be treated as “open to the air” if it is open at least one side.

1. Children’s Play Areas

All children’s play areas in the City of Brighton & Hove enclosed by fencing and containing play equipment.

2. Cemeteries

a. The following cemeteries subject to the exception set out in paragraph 2.b below:

- Borough Cemetery (Woodvale), Lewes Road
- Extra Mural Cemetery, Lewes Road
- Borough Cemetery, Bear Road
- Jewish Cemetery, Bear Road
- Meadowview and Lawn Memorial Cemetery, Warren Road
- Hove Cemetery, North and South, Old Shoreham Road
- Portslade Cemetery, Victoria Road

b. The Order does not apply to persons attending a funeral or remembrance service or visiting a grave or to persons residing in the premises of the cemeteries specified at 2a above. In these circumstances dogs must be kept on leads at all times

3. Gardens and Parks

The enclosed gardens of the following city centre squares:

- Brunswick Square
- Norfolk Square
- Russell Square
- Bedford Square
- Clarence Square
- Powis Square
- Pelham Square
- Regency Square (North End)
- New Steine Square

The following parks and gardens:

- Steine Memorial Gardens
- Kipling Gardens, Rottingdean
- The Rockery, Preston Park
- William Clarke Park, Picton Street
- Saunders Park (excluding the fenced dog area to the South West corner of the park), Lewes Road

4. Beaches

The beaches (including the foreshore) between the months of May to September inclusive with the exception of the following beaches (showing a “Dog friendly” sign):

- the beach between Longridge Avenue and the border
- beaches between Chailey Avenue and Arundel Drive West, Rottingdean
- beaches between West Marina Wall to Rottingdean slope
- beaches between the west wall of Brighton Marina and up to the Volks railway station opposite New Steine
- the beach in front and to the East of the Meeting Place Cafe, up to the large groyne with the life-ring on
- the beach to the east of the Lawns Cafe, at the bottom of St John's Road, Hove promenade
- the beach in front of the King Alfred car park
- the beach to the east of Hove Lagoon

5. Areas of Queens Park

The Southern Lawns of Queens Park (containing the lake), the tennis courts, the Quiet Garden, the Wild Garden, the cascade area and bowling green.

Subject:		Bin Infrastructure & Litter Reduction Strategy	
Date of Meeting:		22 June 2021	
Report of:		Executive Director: Economy, Environment & Culture	
Contact Officer:	Name:	Lynsay Cook	Tel: 01273 292448
	Email:	Lynsay.cook@brighton-hove.gov.uk	
Ward(s) affected:		All	

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 City Environment is responsible for managing waste and street cleansing across Brighton & Hove. There are a range of different bin types across the city which have been historically located on an ad-hoc basis, with the type and location not recorded. The service has responded to need in terms of locating bins based on intelligence provided by staff, councillors and residents as to litter hotspots. There is also limited provision for on-the-go recycling.
- 1.2 The Strategy also sets out the council's approach to tackling the problem of littering and fly-tipping.
- 1.3 This report presents the vision and objectives of the Bin Infrastructure & Litter Reduction Strategy, along with the Action Plan detailing how it will be delivered.

2. RECOMMENDATIONS:

- 2.1 That Environment, Transport & Sustainability Committee approves the Bin Infrastructure & Litter Reduction Strategy in Appendix 1 and the Action Plan in Appendix 2.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 City Environment is responsible for providing litter bins and street cleansing for a city that:
 - Is 34 square miles in size
 - Has 700 miles of pavement
 - Has 7.5 miles of seafront
 - Has 147 parks and open spaces covering around 4.64 square miles
 - Has 290,000 residents
 - Welcomes 12 million visitors a year
- 3.2 Currently there are a range of different bin types across the city which have been historically located on an ad-hoc basis, with the type and location not recorded.

The service has responded to need in terms of locating bins based on intelligence provided by staff, councillors and residents as to litter hotspots.

- 3.3 The Bin Infrastructure & Litter Reduction Strategy in Appendix 1 and the Action Plan in Appendix 2 sets out a new approach to managing litter and street cleansing. The purpose of the Strategy is to provide an infrastructure of bins that meet the needs of residents and visitors when out and about in the city, at the beach or in our open spaces. In doing so, our ambition is not only to improve the cleanliness of the city by reducing litter, but also to:
- Contribute to an increase in biodiversity by reducing the harmful effects of littering which pollutes the environment
 - Influence behaviours to reduce the creation of litter
 - Contribute to carbon reduction by increasing the provision of 'on the go' recycling facilities and building in circular economy principles to the way which 'on the go' waste is managed
 - Improve the look of the city by having a uniform style of bin that is sympathetic to the architecture and heritage of the city.
- 3.4 The underlying approach of the strategy is to make it easy for residents, businesses and visitors to do the right thing.

Progress to date

- 3.5 Work has already started to improve litter bin provision across the city, to deliver the objectives listed in 3.3. This includes auditing the current litter bin provision across the city to:
- Replace dog poo bins with general litter bins, wherever possible, to increase capacity
 - Sampling of the 'on the go' recycling bins in the seafront to understand how they are being used
- 3.6 A new project has started, reviewing the number, location and type of bins in parks. Using this data, a blueprint for future bin provision is being prepared to 1) ensure capacity is correct for the usage and footfall in the park 2) ensure that bins are in optimum locations 3) identify opportunities for on-the-go recycling. This approach is being piloted in seven parks, with a view to rollout wider depending on the outcomes of the pilots. The pilot parks are Hove Park, Preston Park, Saltdean Oval, St Ann's Well Gardens, Stanmer Park, Valley Gardens and Wish Park.
- 3.7 The total number of bins required for the city will not be known until the audit work is complete. It is estimated that over the next five years, 1500 bins will need to be replaced or installed, which will cost in the region of £1.000m. Wherever possible, and in line with circular economy principles, existing bins will be refurbished and reused, as is current practice. Furthermore, new or replacement bins will be appropriate to the location and surrounding environment.
- 3.8 A litter reduction project has started with Surfers Against Sewerage, Leave No Trace Brighton and seafront traders to reduce litter generated on the seafront. A particular focus is how to reduce the use of single use plastic on the seafront, including plastic-lined coffee cups. An accreditation scheme is in development to pilot with seafront traders which will provide recognition for businesses that

manage the waste they generate responsibly, and encourage their customers to do likewise.

- 3.9 Over recent weeks, City Environment has been working with partners to clear litter and debris from the A27, using the £0.055m committed at Budget Council. This has included:
- Hollingbury to Hove westbound: 1.3 tonnes rubbish removed
 - Southwick Tunnel to Hangleton Slip Road: 0.780 tonnes litter and 0.360 tonnes metal removed
 - Hangleton Slip Road to Southwick Tunnel, including slip road: 2.560 tonnes built-up silt and 0.520 tonnes litter removed
 - Westbound slip road after Falmer: 4.100 tonnes built-up silt and 0.100 tonnes litter removed
 - Devil's Dyke and Patcham on slip road Eastbound: 0.160 tonnes litter removed
- 3.10 The current approach to clearing the A27 is under review and changes will be made as necessary.
- 3.11 The Environmental Enforcement Team continues to educate about littering and fly-tipping, as well as issue Fixed Penalty Notices (FPNs) where there is evidence of environmental crimes. Since October 2020, mobile CCTV cameras have been installed at 14 hotspot sites across the city. 185 FPNs have been issued to fly-tippers and those caught littering. There has been a noticeable difference in the cleanliness of these sites. Fly-tipping continues to be monitored and the cameras will be deployed to other areas as necessary.
- 3.12 The council again took part in to Keep Britain Tidy's Great British Spring Clean, under the banner of Keep Brighton & Hove Tidy. Our events, which ran from 31 May to 6 June 2021, included:
- The launch of the Adopt-a-Street Programme
 - The Cityclean and Ranger Big Tidy Up
 - Dust Up Your Doorstep
 - Lewes Road Big Tidy Up
 - The launch of Tidy Up Your Twitten
 - The Mayor's Big Tidy Up
 - Overnight cleans in Kensington Gardens / Gloucester Road, George Street (Hove), Goldstone Villas / Hove Station and Boundary Road
- 3.13 Cityclean is working closely with the Highways England maintenance contractor to develop plans to ensure the council has regular times over the course of the year to access the A27, which dovetail with verge-cutting.

4. National Resources and Waste Strategy

- 4.1 The government has recently consulted on the introduction of a [Deposit Return Scheme](#) (DRS) and on [Extended Producer Responsibility](#). Both of these will impact on the volumes and types of waste to be collected across the city. The DRS will particularly impact on litter.
- 4.2 As per the consultation response in the Resources and Waste Strategy – Government consultation item on today's agenda, Brighton & Hove has

expressed a preference for a UK-wide Deposit Return Scheme to be implemented to tackle the problem of litter as well as ensure consistency between all parts of the UK.

5. Dependencies in the City Environment Modernisation Programme

- 5.1 The activities undertaken to deliver the Bin Infrastructure & Litter Reduction Strategy complement other City Environment projects and activities.
- 5.2 Implementing a model to manage commercial bins on the highway (as per the item on today's agenda) will help tackle litter. The presence of commercial bins on the city's pavements and roads encourage the public to use them. However, because they are locked (a condition of their Duty of Care), litter is then discarded nearby rather than in a public bin, when the lid cannot be opened.
- 5.3 Whilst it is preferable that people do the right thing and dispose of their waste responsibly, sadly not everyone does. The Environmental Enforcement Framework sets out what action will be taken when there is evidence of people committing an environmental crime, including littering and fly-tipping. As per the Environmental Enforcement Framework item on today's agenda, the Framework is reviewed on a regular basis to further improve the cleanliness of the city.
- 5.4 The Graffiti Reduction Strategy is seeking to reduce the volume of graffiti across the city. Whilst this will not directly contribute to a reduction in litter, it will help to improve the look of the city.
- 5.5 The Communal bin system project is reviewing the existing communal system and identifying areas for improvement, which will support delivery of the Bin Infrastructure Strategy. For example, by creating a complete bin bay and placing the different waste streams together, residents and visitors should be able to dispose of their waste in the right waste stream, instead of placing it in the wrong stream, or dropping as litter if the right bin is not available

6. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 6.1 Members can choose not to approve the Bin Infrastructure & Litter Reduction Strategy and Action Plan and City Environment can continue with its current activities, without seeking to deliver improvements.

7. COMMUNITY ENGAGEMENT & CONSULTATION

- 7.1 Residents do an incredible job in helping to keep the city clean and tidy. Hundreds of volunteers and community groups litter-pick the beach and parks and open spaces, paint out graffiti and remove weeds. City Environment will continue to support these activities and residents can contact communitycleanup@brighton-hove.gov.uk to request materials, PPE or waste collections following a clear up.

6. CONCLUSION

- 6.1 This report and the appendices present the Bin Infrastructure Strategy and Action Plan. Through delivery of the Strategy, the council will improve its approach to tackling littering and fly-tipping.
- 6.2 Updates on delivery of the Strategy will be presented to committee as part of the regular City Environment Modernisation Programme updates.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The required replacement of bins across the city over five years is currently estimated at £1.000m. To mitigate these costs, existing bins will be refurbished and reused. Reductions in costs of fly-tipping and litter picking as a result of the strategy, as well as surplus income from Fixed Penalty Notices would contribute to the bin infrastructure costs. Once the audit of bins is complete the financial implication will be recognised and brought to a future committee for a decision.

Any additional spend as a result of the Bin Infrastructure & Litter Reduction Strategy and Action Plan will be contained within existing City Clean budgets and any significant variation to budget will be reported as part of the council's monthly budget monitoring process.

Finance Officer Consulted: John Lack

Date: 09/06/2021

Legal Implications:

- 7.2 The Council, as a highway authority and a principal litter authority, has a statutory duty under s89 (1) of the Environmental Protection Act 1990 to ensure that its publicly maintained highways and publicly accessible open land is kept clear of litter and refuse, so far as is practicable.

Lawyer Consulted: Hilary Woodward

Date: 08/06/2021

Equalities Implications:

- 7.3 City Environment will comply with the regulations in regard to ensuring street furniture does not cause an obstruction on the highway. For new infrastructure schemes, an Equality Impact Assessment will be completed, which will include discussions with disability groups in the city.

Sustainability Implications:

- 7.4 By ensuring sufficient litter bin provision across the city, through delivery of the Action Plan, there should be a reduction in litter, which will have a positive impact on Brighton & Hove's environment.
- 7.5 Providing 'on the go' recycling facilities will improve the council's recycling rate.
- 7.6 Other sustainability impacts, including the impact on the seafront and the reduction in use of single use plastics are detailed in the report and in Appendix 1.

Crime & Disorder Implications:

- 7.7 By ensuring sufficient litter bin provision across the city, through delivery of the Action Plan, the potential for environmental crimes will reduce.

SUPPORTING DOCUMENTATION

Appendices:

1. Bin Infrastructure & Litter Reduction Strategy
2. Bin Infrastructure & Litter Reduction Action Plan

Background Documents

1. N/A

LOVE OUR CITY

Brighton & Hove City Council

Bin Infrastructure & Litter Reduction Strategy 2021 – 2026

Introduction and Background

Brighton & Hove City Council is responsible for managing waste and street cleansing in our city. This involves providing litter bins and street cleansing services for a city that:

- is 34 sq. miles in size
- has 700 miles of pavement
- has 7.5 miles of seafront
- has 147 parks and open spaces covering around 4.64 sq. miles
- has 290,000 residents
- welcomes 12 million visitors a year

Currently there are a range of different bin types in the city which have been historically located on an ad hoc basis with the type and location not recorded. The service has always responded to need in terms of locating bins based on intelligence provided by staff, councillors and residents as to litter hotspots.

Moving forward, the council wants to set out a new approach to managing litter and locating 'on the go' recycling bins in the city to try to reduce littering, increase recycling and improve service efficiency.

This strategy does not cover Graffiti Reduction which is set out in a separate strategy.

Vision

The purpose of this strategy is to provide an infrastructure of bins that meet the needs of residents and visitors when out and about in the city, at the beach or in our open spaces. In doing so, our ambition is not only to improve the cleanliness of the city by reducing littering but also to:

- contribute to an increase in biodiversity by reducing the harmful effects of littering which pollutes the environment.
- influence behaviours to reduce the creation of litter.
- contribute to carbon reduction by working towards circular economy principles, increasing the provision of 'on the go' recycling facilities.
- improve the look of the city by having a uniform style of bin that is sympathetic to architecture and heritage of the city.

The underlying approach of our strategy is to **make it easy for residents, businesses and visitors to do the right thing.**



A rainbow arch of cans from our Every Can Counts campaign with Alupro in Summer 2020 encouraging beach visitors to recycle their cans

With this vision in mind the council is setting out the following strategic objectives that we will follow for the next five years:

1. Reduce littering and improve the cleanliness of the city by providing the appropriate bin in the appropriate location
2. Reduce littering and improve the cleanliness of the city by improving service performance
3. Reduce littering and improve the cleanliness of the city by working with businesses
4. Reduce littering and improve the cleanliness of the city by working with Volunteers
5. Prevent Littering and improve the cleanliness of the city through behaviour change

The Bin Infrastructure & Litter Reduction Action Plan set out in detail how these objectives will be met.

Data

Every year we collect around 5000 tonnes of litter, leaves, flytip and waste from 'on the go bins'. Of this around 140 tonnes is from dog poo bins; 812 tonnes is flytip. The rest is a combination of litter collected from bins or swept up by the street cleansing team.

We issue around 2000 Fixed Penalty Notices for Environmental Offences such as littering and flytipping every year.

We spend in the region of £10,000 a year supporting community clean-up events

In the last city tracker, which was in 2018:

- 61% of residents were satisfied or very satisfied with street cleansing services
- 80% were satisfied with our parks and open spaces
- 69% were satisfied with the seafront

Current Bin Infrastructure

While we have data on our streets, dog poo and seafront bins, we have limited information on our waste bins in parks and open spaces. We have 1683 bin units (some of the units contain more than one bin) on our streets and seafront. However, based on the knowledge of staff we estimate that there are approximately 2000 bin units in the city including:

- 96 Solar Powered Compaction Bins
- 170 Triple Bins on the seafront – a unit with three bins allowing for the disposal of refuse, mixed recycling and glass
- 505 Dog Poo Bins
- 30 Barbeque Bins
- 7 Super-bins (contain storage for community tidy up equipment)

One of the first steps of the strategy, which has started, is to audit our street, beach and park bins and map their locations. The bins will be numbered and placed on 'beat sheets' enabling us to better ensure a consistent service and that they are regularly maintained and cleaned. The audit will also enable us to develop a replacement programme and will identify the bin type; the bin condition and estimate of when it will need replacing; whether it needs cleaning or repainting; whether it has sufficient capacity; and whether it is in an appropriate location.

We won't be able to calculate the number of bins required until the full audits are completed but would estimate that over the next 5 years we will need to replace or add 1500 bins which will cost in the region of £1m.

The council is already taking forwards plans to:

- Review the use and location of the compaction bins to improve efficiency and to improve their aesthetic.
- Audit and replace dog poo bins with generic waste bins wherever possible to increase capacity.
- Review the number, location and type of bins in parks working with the community with a view to ensuring capacity and location are correct and introducing 'on the go recycling' facilities where practical to do so.
- Review the number, location and type of street bin to ensure location and capacity is correct and with a view to introducing 'on the go recycling' facilities where practical to do so.
- Introducing cigarette butt bins in locations where there are high volumes of cigarette butt litter.
- Introducing a bin with uniform colour coding for recycling for the city (based on the city's heritage colours) and which is sympathetic to the architecture and heritage of the city.

- Relocate bins, if necessary, to match the needs and aesthetics of an area.

Wherever possible we will continue to refurbish and reuse existing bins, in line with circular economy principles, in order to minimise costs and our impact on carbon emissions. However, we will seek to replace bins types and designs with bins, refurbished or new, that are appropriate to the location and surrounding environment.

Since winter 2019, Triple Bins which allow for recycling have been rolled out along the length of the seafront. They have been placed using the principles of increasing bin capacity to reduce littering and to ensure that if a bin is full there is another a few feet away and within easy sight. Where we know there is high footfall and/or high levels of littering, and at access/egress points to the seafront we have more bins placed more closely together. This shifts away from a former view that reducing the number of bins will lead to people taking their waste home and take fewer council resources for emptying. This has not been shown to be the case and instead has led to an increase in littering which is a more costly issue for the council to deal with in terms of waste management.

Emptying the Triple Bins has required us to implement a different collection method for street bins using a small Refuse Collection Vehicle rather than rubbish bags being lifted into a caged van. This is in order that the recycling can be processed in our Materials Recovery Facility which is not able to take recycling in plastic bags. This has required investment in new trucks and logistical changes which will need to be extended as we roll the bins out further. It does bring the benefit of substantially reducing the council's use of single use plastic bags which is better for the environment and a cost saving.



Seafront Triple Bin providing recycling in Brighton & Hove heritage style and colours – making it easier for people to do the right thing

It should be noted that where on the go recycling bins are heavily contaminated it may not be possible to recycle the contents. However, the experience of other countries who have provided these facilities for many years suggests that overtime and with education the levels of contamination reduce and more can be recycled.

As part of the bin audit and replacement project, a business case will be developed and sources of funding identified to enable the roll out of new bins. On street bins are costly and the programme to replace will be over 5 years but will be accelerated as funds allow.

Reducing Litter - Working with Residents, Visitors and Businesses

In 2020/21, Local Authorities and other public landowners dealt with a significant increase in the volumes of litter over the summer months. As a result of the pandemic, many more people were using the city's open spaces and taking picnics with them. Many businesses in these areas were opening for takeaways which were very welcomed by the public. Large numbers of additional bins were put out in order to increase capacity but the bins were regularly overflowing and there was extensive littering in parks, the seafront and other open spaces. To illustrate this on one day in June 2020 we collected 11.5 tonnes of litter. A very busy summer Saturday before the pandemic would generate in the region of 3.5 tonnes of litter. Council staff, third sector groups, some businesses and volunteers rose to the challenge by directing as many resources as possible to litter picking the beach but the problem persisted throughout the summer. What was particularly concerning is the amount of plastic and plastic lined take away coffee cups littering the beach which could easily end up in the sea. On the positive side the new Triple Bins did lead to a reduction in beach litter which will have provided some protection to the sea.



In response to this, a litter reduction project has started with Surfers Against Sewage and seafront traders to reduce litter generated on the seafront. A particular focus of this project is to look at how we work together to reduce the use of single use plastics on the seafront including plastic lined coffee cups. An accreditation scheme is being developed to pilot with seafront traders that will provide recognition for businesses that manage waste that they generate responsibly and encourage their customers to do likewise.

One of the challenges for the city is the very high number of visitors that we have every year, around 12 million. This is fantastic for the economy of the city but the high level of footfall puts a strain on the existing bin infrastructure and the cleanliness of the city. However, the lack of cleanliness, litter and graffiti can deter visitors and make the city less

welcoming. It can also make some visitors feel that it is not important to the city whether they put their litter in bins.

Education and information are critical to send the right message to visitors and information from the station and city car parks about the importance of managing their litter responsibly and how to recycle in our city is critical. For this season new messaging is being developed and signage, pavement stencils and vinyls will be used to raise awareness. Volunteer organisation, Leave No Trace Brighton, are planning to be present at the station on busy days to provide information and education to visitors.

The Living Coast have been running a BioCultural Heritage Tourism project, a strand of which is working with small and medium size tourism businesses to raise awareness of the global environmental status of this region, showcase their own sustainability achievements, build best practise case studies and share learning with the business community. The Living coast will be looking to expand this work into non-tourism businesses in the coming months.

The council already recruits seasonal staff to support the service during these busy times but as part of the strategy a review of staffing will be needed to ensure that we are adequately resourced to cope at the right times. A review of street cleansing equipment is also required to see if we can identify equipment that will improve standards of cleanliness and efficiency.

In September 2020 during the Keep Britain Tidy Clean Up week the council undertook a deep clean of some of the central areas of the city over four nights. This was very successful, and it is intended will become a regular event four times a year, subject to resources being available.

It is critical for the council to work with businesses to reduce littering and improve cleanliness. In the city centre the Business Improvement District can provide a forum to consult with traders and provide ideas, innovation and additional resources. The Tourism Alliance regularly organise clean ups and environmental improvement projects which the council want to support.

One of the issues that is regularly raised by residents, visitors and some businesses is the blight of commercial bins on the highway which can block access; are sometimes a long way from the businesses in a residential street; look unsightly, can be overflowing; are frequently used by taggers and can attract flytip. The council has a communal bin collection system for the city centre which needs upgrading and can be the cause of similar problems. However, having commercial bins on the highway, which are not in council control, add an additional problem for the city. The council therefore commenced a consultation at the end of 2020 to consider a time-band when commercial bins can be placed on the highway within the city centre. Once the feedback from this consultation has been analysed, the results will be presented to the Environment Transport & Sustainability Committee for a decision.

Communities and Volunteers

Our residents do an incredible job of helping to keep the city clean and tidy. Hundreds of volunteers and community groups litter pick the beach parks and open spaces, paint out

graffiti and remove weeds. In a normal year the council supports more than 100 volunteer beach cleans.

Social Media has provided a platform for groups of like-minded residents and businesses to come together raise awareness, share resources, organise clean-ups and to make suggestions and ask questions of the council. For example, Help Keep Brighton and Hove Clean and Tidy, Leave No Trace groups across the city, the Tourism Alliance and many others. The work of these groups and volunteers is invaluable to the council and to the city

The council operate the 'Tidy Up Team' that provides training, advice and equipment for residents who want to be involved in environmental improvement projects. 253 volunteers have been trained by the council and 535 more participate in organised Tidy Ups. But many other residents participate in community clean-up projects organised by councillors, third sector groups and community groups. In 2019 The council held 16 Volunteer Training sessions and organised 30 big Tidy Up events. The Tidy up volunteers are also running their own events and tidy ups every day of the week every week of the year and they share some of their achievements on their Facebook page.

A dedicated email Communitycleanup@brighon-hove.gov.uk provides a single point of contact for residents and businesses involved in volunteer clean-up activities to arrange for materials, PPE or waste collections. The council also provides community equipment stores which are kept stocked so that volunteers can easily access the equipment they need. In light of the demand for and impact of these tidy ups the council is considering providing a dedicated budget to facilitate this and other environmental improvement projects initiated by the community.

Another example is Leave No Trace Brighton working with the Anglers National Line Recycling Scheme arranged for the installation of tubes along the seafront where volunteers can collect old fishing line and nets from the beach. These are plastic waste that would otherwise go back into the sea causing damage to marine life. The council covered the costs of the initiative and in one month in excess of 270kg had been collected for recycling by June 2021

We also welcome donations from businesses who wish to sponsor such events and support the community in keeping the city tidy.



Ghost Gear recycling tube initiative by Leave no Trace Brighton

During Keep Britain Tidy Week the council initiated the 'Dust Up Your Doorstep' initiative to enable people to contribute to the cleanliness of their neighbourhood during the pandemic. More new initiatives are planned for 2021.

- **Adopt-A-Street scheme** – this scheme will enable volunteers to effectively maintain their adopted street by giving them access to tools, materials, and knowledge so they can deal with issues by themselves or by reporting. We will also ask participants to conduct a regular litter survey to monitor the success of the scheme. Participants will also be recognised through the installation of signs that show this is an Adopt-A-Street area, similar to the Neighbourhood Watch schemes
- **Tidy Up Your Twitten scheme** - Twittens are the Sussex name for alleyways. The scheme will concentrate on helping communities and individuals transform Twittens to make them cleaner, safer, and more attractive. It is based on the Alley Angels scheme in Aintree, Liverpool.
- **School engagement programme** - A programme where volunteers work with schools providing assemblies, activities and events in and with schools to encourage more recycling, less waste, and less use of resources through activities such as book-swap schemes, organised litter picks in and around schools, no packaging lunch days at least once per term, recycling awareness classroom talks or activities and much more all delivered and organised by volunteers from the Tidy Up Team that have had relevant training and safeguarding checks
- **Corporate Social Responsibility Scheme** – A scheme to help subsidise volunteer activities and schemes by charging fees to corporate organisations from outside Brighton & Hove that want to be involved in activities such as Beach Cleans
- **Street Wardens Scheme** – similar to the Adopt-A-Street activity but concentrating more on issues to do with graffiti and street trees and furniture

- **Tidy Up Team Leaders** – Tidy Up Team members that have had a leadership training session and can be responsible for organising community litter activities

Keeping Major Roads Litter Free

There are two major highways with sections within the city boundaries – the A27 (14 miles) and a short section of the A23 (1.5 miles). The roads are managed and maintained by Highways England but the Local Authority has responsibility for litter picking these routes and their slipways. Doing so is complex and very costly as lane closures are required to keep staff working on them safe and comply with legal regulations. This means that the highways can end up with excesses of rubbish on the verges which can get into the waterways and is harmful to the environment and to wildlife.

Permission to work on the road is required from Highways England and any work the council does has to fit in with plans for road maintenance. Where budgets have been cut in the past the number of litter picks on the highways has reduced. The council is allocated a budget of £55,000 p.a. from 2021/22, specifically for litter picking these roads.

Cityclean is in liaison with Highways England's contractor to arrange for a deep clean of these routes and then to make an annual plan going forward to enable us to use planned road closures to litter pick regularly keeping costs down. We will also be seeking to co-ordinate with verge cutting to avoid litter being shredded.



Much of this litter is blown from the back of trucks where a load is unsecured. This is an offence and the council will be working with Sussex Police over the coming year to carry out preventative operations and fine drivers where appropriate. As part of this project signage to prevent littering will be considered.

As part of the bin audit and replacement programme consideration will be given to bin provision and the type of bin provided in laybys. For example this could be a good location for compactor solar bins to reduce the risk of overflowing bins.

The A27 Clean Up Campaign group are very active in raising awareness of the issues with litter on the A27. The council will continue a dialogue with the group who bring helpful initiatives ideas and information in addition to holding Local Authorities, Highways England and the government to account on this matter.

Education and Enforcement

While we all would prefer that people do the right thing and dispose of their waste responsibly sadly not everyone does and last year during the pandemic this was exemplified more than ever before.

As mentioned above education is key to helping us change behaviour and the council use social media to try to raise awareness and bring about change. An Education Programme for schools is about to be commissioned and Cityclean had planned an educational programme for University Students on managing waste responsibly for Freshers week 2020 but this has had to be postponed to 2021 due to the pandemic.



In March 2019 the council insourced the Environmental Enforcement Team. The team is fully self-funding with income generated from fines to cover the costs of salaries and other costs. However, a new ethos for the team was introduced when insourced that we would not fine people at the expense of education. The income collected therefore also has to cover officer time required to be involved in educating people to make changes to their behaviour rather than seeking our opportunities to fine them. Any excess income from fines will be used for Environmental Improvement Projects in line with legal requirements. Our ambition for this team is that they are trained and become experts in litter and environmental crime prevention.

The Environmental Enforcement Team works to our Environmental Enforcement Framework which is determined by councillors at committee. The crimes that we enforce against and the level of fines are set out in this Framework and is kept under constant review. New initiatives are added to the Framework at least twice a year.

The table below shows the number of fines issued in 2020/21.

1st April 2020 - 31st March 2021	
Offence	FPNs Issued
Littering	871

Unauthorised flyering	5
Dog fouling	2
Fly posting	2
Littering from vehicles	8
Graffiti	5
Fly-tipping	499
Disposing of commercial waste illegally	398
Failure to produce a waste transfer note	98
Non-compliance of duty of care certificate	149
Spitting, urinating or defecating	25
Breaching a dog control order	2
Breaching a dog exclusion order	23
Total	2087

The new team has built excellent relationships with Sussex Police who they work with on joint operations and prosecutions where appropriate. This has been crucial for our most recent initiative when we introduce eight mobile cameras to tackle the crime of flytipping. These cameras have been located in hotspot areas since the end of October and in these areas we have seen an estimated reduction in flytipping of 50%. We have found that much of this flytipping is being carried out by commercial organisations. Since the introduction of the cameras we have purchased a further 6, 2 of which are particularly focussed on graffiti crime. Another 4 are on order to particularly focus on housing owned areas of land. The removal of flytip is an unnecessary cost to local taxpayers and is a blight on the look and cleanliness of the city.

Over time these cameras will be moved to other locations and the hope is that as they become known and more people are fined, flytippers will be deterred. Two additional cameras are on order which will also be used to try to catch prolific flytippers. Given the success of this initiative we will seek to procure more cameras in the future as funds allow.

Signage is also essential to inform residents of the consequences of littering and flytipping. Over the past year we have started the roll of new signage and started the process of removing old and outdated signage. Anti-littering signs have now been rolled out across the city centre and the seafront but will be extended to parks, open spaces. Anti-graffiti signs are also being rolled out and flytip prevention signs have been commissioned.



Circular Economy Principles

The council will continue to strive towards reducing carbon emissions in the way in which we responding to littering and on the go waste production. The council has already placed the requirement for sustainability in the way in which it undertakes procurement. So, for example, we refurbish our bins for as long as possible and they are ultimately sent for recycling when this is no longer possible. When we purchase new bins, we look to purchase ones with a high content of recycled material.

We need to continually push this further with business, residents and visitors. Some of the actions that we are currently working on or plan to in the future are captured in the action plan or other associated plans. Some examples are:

- Encouraging seafront traders to consider a deposit scheme on drinking tumblers – if successful this could be rolled out by other trading associations.
- Encouraging people to use their own reusable cups and reusable picnicware for takeaways.
- We are transitioning to electric fleet for emptying bins which is in part powered by solar panels at our depot.
- Consulting on the prohibition of single use barbeques and encouraging the use of reusable barbeques instead.
- Encouraging people to reduce 'on the go' consumption of all single use materials but where that is not possible to use recycling bins whether they are provided in a street or park location or at home.
- Exploring new technologies that would help to enable waste and littering reduction and the carbon costs of managing and processing it.

Governance and Review

This strategy will be a live strategy which is constantly reviewed and updated in light of changing technologies, and changes in the needs of the city and feedback from residents, visitors, community groups and staff. We will also constantly review the performance of other similar cities and their approaches to managing litter both in the UK and abroad.

A set of Monitoring and Performance Indicators has been developed in order to monitor the outcomes of the strategy delivery. In some cases, further development of recording systems will be required in order to provide the data required

At the moment we issue around 2000 fines a year for environmental offences of which 1000 are for littering. The key performance indicator for us will be to see the FPNs for littering reduce by half to 500 a year by 2026 – however being mindful that there could be other factors that could influence this figure.

The other key indicators will be to see an increase in

- Satisfaction with Street Cleansing Service – 61%
- Satisfaction with parks and open spaces – 80%
- Satisfaction with the seafront – 69%

Table 2 – Monitoring and Performance Indicators

Indicator/monitoring Description	Reporting Frequency
Reduction of loose litter	Quarterly
Quarterly	Quarterly
Condition of litter bins	Annual
Levels of recycling from 'on the go' recycling litter bins	Quarterly
Contamination rates of 'on the go recycling'	Quarterly
Tonnage collected from litter bins	Quarterly
Number of fly tips	Monthly
Number of complaints about litter on A27/A23	Quarterly
Number of FPNs issued by type	Monthly
Satisfaction with Street Cleansing Services	Bi-annual
Satisfaction with Parks and Open Spaces	Bi-annual
Satisfaction with the Seafront	Bi-annual

Reference	Objectives and Actions	Lead / Stakeholders	Target	Progress
1. Reduce littering and improve the cleanliness of the city by providing the appropriate bin in the appropriate location				
1.1	Carry out an audit of on street bins, types, condition and locations in the city	Streets Service Projects	30/09/21	started
1.2	Remove and replace (if appropriate) damaged bins as soon as possible	Streets Service	ongoing	started
1.3	Continue to refurbish and re-use bins wherever possible	Streets Service	ongoing	started
1.4	Carry out an audit of dog poo bins and identify sites suitable for generic bins	Streets Service	31/01/21	completed
1.5	Create a plan for street bins and triple bins to be tolled out across the city and in parks and open spaces taking into account footfall, hotspots, accessibility.	Streets Service Projects Community and Business Groups Councillors	31/03/22	
1.6	Review the locations of seafront Triple Bins and other bins and roll out more/different bins as required	Streets Services Seafront Team	30/09/21	started
1.7	Review the location of Solar Compactor Bins and create a plan to re-site as needed	Streets Service	30/09/21	started
1.8	Identify cigarette butt hot spots and create a plan to roll out cigarette but bins	Streets Service Projects Community and Business Groups Councillors	31/03/22	
1.9	Review Locations of Barbeque Bins if the new PSPO is agreed and introduced	Streets Service Seafront Team	31/03/22	
1.10	Review provision of bins in parks with a view to ensuring appropriate capacity and providing recycling facilities	Projects Cityparks Staff Community Groups Cllrs	31/03/22	
1.11	Develop a 5 - 10 year Replacement Programme and business case to invest in new bins to meet requirements	Streets Operations Manager/Head of Operations	30/06/22	

Reference	Objectives and Actions	Lead / Stakeholders	Target	Progress
1.12	Explore the use of underground bins for on the go waste bins	Projects Highways	31/03/23	started
1.13	Constantly review bin infrastructure and opportunities in light of changing technologies and the performance initiatives and best practice in other cities	Projects Sustainability Team Living Coast	ongoing	
2. Reduce littering and improve the cleanliness of the city by improving service performance				
2.1	Create Beat sheets and Monitoring Systems for existing and new bin infrastructure	Streets Service	30/06/22	
2.2	Create a cleaning and maintenance programme for all street bins	Streets Service	31/12/21	
2.3	Review Seasonal staffing, shifts and deployment	Streets Service	31/12/21	
2.4	Create new rounds using RCV where appropriate to enable collection of on the go recycling	Streets Service Projects	30/09/21	started
2.5	Review equipment and vehicles to increase efficiency	Streets Service Fleet BID	31/03/22	started
2.6	Work with the Highways England to develop a forward plan for litter picking the A23/A27	Streets Service Projects Highways England	31/12/21	started
2.7	Undertake at least four deep cleans a year in high footfall areas	Streets Service	ongoing	started
2.8	Review the way that litter is managed in Cityparks and Openspaces	Projects Cityparks Streets Service Friends of Parks Volunteers	31/03/22	started
2.9	Explore the idea of Environmental Improvement Officer (grot spot co-ordinators)	Streets Service Projects Volunteers	30/09/21	

Reference	Objectives and Actions	Lead / Stakeholders	Target	Progress
2.10	Explore Barrow types to enable recycling while street cleansing	Projects Streets	31/03/22	
2.11	Develop a new data insight suite and feedback from customer focus groups to drive continuous improvement	CEMLT	ongoing	started
3. Reduce littering and improve the cleanliness of the city by working with businesses				
3.1	Develop and deliver the Managing waste Responsibly Accreditation Scheme with a view to minimising SUP generated by traders	Projects SAS Businesses	30/09/21	started
3.2	Explore the option of vegware collection for recycling near takeaway cafes	Projects Living Coast	31/12/21	started
3.2	Work with BID to explore options for improving the cleanliness of the BID area	Projects BID	31/12/21	started
3.3	Complete the Commercial Bins on the Highways Consultation and implement if agreed	Projects	31/03/22	started
3.4	Work with business to encourage Corporate Responsibility Days to focus on tidy-ups and to participate in KBT weeks	Projects	31/12/21	started
3.5	Work with business to encourage donations to support community clean-ups	Projects	ongoing	started
3.6	Develop a fact sheet for business for them to induct new staff so that they know how to manage commercial waste responsibly and avoid fines	Environmental Enforcement	31/09/21	started
3.7	Work with business to show case raise awareness of the global environmental status of this region, showcase their own sustainability achievements, build best practise case studies and share learning with the business community.	Living Coast	ongoing	started
4. Reduce littering and improve the cleanliness of the city by working with Volunteers				
4.1	Extend and promote Tidy-up team training programme for volunteers and the community clean up inbox	Projects Communications Volunteers	ongoing	started

Reference	Objectives and Actions	Lead / Stakeholders	Target	Progress
4.2	Introduce the Programme of Tidy Up volunteer events including 'Adopt A Street' 'Tidy Up Your Twitten', Street Warden Scheme and Tidy Up Team leaders	Projects Communications Volunteers Rights of Way Officer	31/03/23	
4.3	Introduce volunteer Schools Engagement Programme	Projects Communications Volunteers	31/03/22	
4.4	Develop and Implement Corporate Responsibility Scheme	Projects Communications Businesses	31/03/23	
4.5	Update the website pages to provide information on how to organise a community clean-up, providing resources and information on health and safety and PLI	Projects Communications	31/12/21	
4.6	Explore options for procuring recycled PPE for volunteers	Projects Stores Procurement	31/12/21	
4.7	Undertake fundraising and seek donations of materials for community clean ups	Projects Communications	ongoing	
4.8	Offer opportunities for community groups to bring forward community clean up and carbon reduction initiatives	Projects Community Groups	ongoing	started
4.9	Work with volunteers to develop recycling information meet and greet at city access points for visitors	Projects Communications Leave No Trace Brighton	30/06/21	
4.10	Continuous dialogue with community groups and for to improve and develop services	Projects Communications Community groups	ongoing	started

5. Prevent littering and improve the cleanliness of the city through behaviour change and enforcement

Reference	Objectives and Actions	Lead / Stakeholders	Target	Progress
5.1	Procure Education Programme to influence littering behaviour change including the principles of reduce reuse and recycle for on the go litter	Sustainability Team Procurement Projects Communications	30/06/21	started
5.2	Deliver educational Programme to University Students – develop student ambassadors	Projects Communications Universities	31/12/21	
5.3	Continue roll out anti-litter and anti-flytip signs – warning of enforcement fines	Environmental Enforcement	31/03/22	started
5.4	Introduce anti-litter signage for A27/A23	Projects Highways England	31/12/21	Started
5.5	Provide education and consider signage and enforcement in relation to feeding birds and other animals inappropriately in parks and open spaces	Projects Cityparks Environmental Enforcement Community groups	31/03/22	Started
5.6	Complete PSPO consultation in relation to beach and park barbeques, balloons and flame lanterns	Projects	31/12/21	
5.7	Continue to keep Environmental Enforcement Framework under review for new initiatives	Environmental Enforcement Projects	ongoing	started
5.8	Review impact of CCTV cameras after 12 months and consider business case to purchase more	Environmental Enforcement	31/03/22	
5.9	Initiate joint operations with Sussex Police to tackle environmental crime (e.g. insecure loads)	Environmental Enforcement Sussex Police	ongoing	started
5.10	Develop an options appraisal for a targeted community reuse day whereby residents leave unwanted items outside their homes for collection by others for upcycling with a view to reducing flytip	Projects	31/03/23	
5.11	Train Environmental Enforcement Officer in environmental crime prevention and use surplus to implement this	Environmental Enforcement	31/03/23	

Reference	Objectives and Actions	Lead / Stakeholders	Target	Progress
5.12	Continue with social media and comms campaign to try to raise awareness and change behaviours	Projects Communications	Ongoing	started

DRAFT

Subject:		Waterhall Wilding	
Date of Meeting:		22nd June 2021	
Report of:		Executive Director of Economy Environment and Culture	
Contact Officer:	Name:	Robert Walker	Tel: 01273 294349
	Email:	Robert.walker@brighton-hove.gov.uk	
Ward(s) affected:		All	

FOR GENERAL RELEASE.**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 At the Tourism, Equalities, Communities & Culture Committee (TECC) of 24th September 2020, it was determined that the former Waterhall Golf Club site should be transferred to the control of Cityparks conservation service with a view to 'wilding the site'.
- 1.2 Waterhall has now transferred to the management of Cityparks and therefore sits under Environment Transport and Sustainability Committee for the purpose of monitoring and decision making.
- 1.3 The report updates the committee on progress on the wilding project at Waterhall
- 1.4 The report also set out the findings of a high-level feasibility study in relation to the relocation of the clubhouse.

2. RECOMMENDATIONS:

- 2.1 That committee notes the progress of the Waterhall Wilding Project
- 2.2 That committee agrees to take no further action in relation to the relocating of the former clubhouse.
- 2.3 That committee agrees to officers exploring the option of refurbishment of the existing clubhouse to provide a visitor centre, education space and café with limited vehicle access as set out in 3.9 and 3.10 of the report.

3. CONTEXT/ BACKGROUND INFORMATION**Relocation of the Clubhouse**

- 3.1 At the 24th of September TECC committee the committee decided to bring the management of Waterhall in-house, and also agreed the following:

That a feasibility study be undertaken for the removal of the clubhouse to facilitate the rewilding of this open, high, inter visible Downscape and its replacement by a new building near the site of the old Waterhall Farm and cottages, which might be used as a café, farm shop, rewilding project offices or similar

- 3.2 A full feasibility study would involve detailed surveys and assessments to determine construction and demolition costs. This would in itself come at a significant cost – estimated to be in the region of £0.010m
- 3.3 Therefore, an initial high level cost appraisal has been conducted. This methodology is a desktop assessment using typical building and demolition costs based on the size and nature of the building but does not take into account any site- specific issues.
- 3.4 The high-level estimate is that this would cost £1.915m. The report is attached as Appendix 1.
- 3.5 A more detailed feasibility study would require procurement of a consultant and as above is estimated to cost in the region of £0.010m.
- 3.6 There is currently no identified source of funding for the full feasibility study or for the estimated cost of demolishing the existing building and replacing it elsewhere.
- 3.7 In addition to the financial cost of relocation there will be a significant carbon cost to demolition and rebuild. Without a full survey and detailed plans, it is not possible to estimate the actual carbon cost. However, “The Whole life carbon assessment for the built environment”¹ estimates that 32 to 47% of a buildings whole life carbon emission come from its construction
- 3.8 Due to the high financial and carbon costs and the lack of identified budget the relocation of the clubhouse is not recommended.
- 3.9 An alternative option, subject to planning permission being obtained, would be to use the existing building for a café and visitor centre with provision of a space to be used for education. The views from the existing location would make this a popular destination and help generate income to fund the cost of any refurbishment required. This option could be further explored by officers when capacity allows by building this into the Waterhall Wilding work programme.
- 3.10 The possible use of the clubhouse as an education space has been put to Children Young Peoples and Skills committee “A longer-term prospect is the further exploration of how the council’s own sites can be utilised as an environmental education hub. The Wilding Waterhall project would be an ideal opportunity to consider what additional capital works could be undertaken to give environmental education a physical hub that would be accessible to many children and young people. It is proposed that further feasibility work is undertaken to consider what is feasible and how that may be financed. In addition, the reduction in pupil numbers is meaning a proportion of school buildings could be available to host an environmental education hub.”

- 3.11 In order to promote sustainable travel and improve the landscape view the access road could be retained for deliveries, plant access and disabled visitors only, while other visitors would be required to access the site and visitor centre or café on foot or by bicycle. The carpark size could be accordingly reduced and the impact of the access road and remaining carpark could be reduced by planting.

Waterhall Funding and Management Plan

- 3.12 A Countryside Stewardship Application has been submitted This is for £0.008m per year for 10 years plus £0.011m in the first year towards the cost of fencing and water supplies. The cost of creating chalk grassland on the fairways has also been included (to be confirmed but which will be fully funded if awarded).
- 3.13 Basic Payment Scheme entitlement has been purchased (the purchase cost will be covered by the first year's payment). This is agricultural subsidy paid by central government and is a decreasing annual sum as the payment is being phased out is anticipated to be worth around £0.006m per year over the next 4 years.
- 3.14 This Countryside Stewardship and Basic Payment Scheme payments will cover the basic grazing costs of the site.
- 3.15 The National Heritage Lottery Fund Changing Chalk bid is progressing, and the stage 2 bid has been submitted. If successful, this will cover the cost of education and outreach work. This is anticipated to be worth £0.036m per year over 4 years
- 3.16 We also intend to bid to the National Park for assistance with water and fencing costs in line with the funding proposal original submitted with our bid to TECC committee
- 3.17 A meeting has been held with interested parties (including several ecologists) to set up detailed baseline monitoring this year covering invertebrates, breeding birds and plants. Preliminary soil carbon recordings have also been completed.
- 3.18 An outline five year management plan has been produced and the first meeting of a management advisory group chaired by Cllr Jamie Lloyd and comprising representatives from interested organisations, local wildlife experts and ecologists held. This is in Appendix 2
- 3.19 Additional funding was allocated by the council for a ranger with specific responsibility for Waterhall and this officer is now in post.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Officers could prepare a specification and get quotations for a full feasibility study but in the order to do this £0.010m funding would need to be allocated.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 A management advisory group formed from representatives of conservation organisations, community groups, councillors and individuals with specialist knowledge has been formed under the chair of a ward Cllr and this group have been involved in reviewing the outline management plan for the site. The plan was drawn up with input from most of the groups prior to the formal forming of the advisory group.

6. CONCLUSION

- 6.1 Without a potential funding source and in view of concerns over the carbon footprint of demolishing the clubhouse and building a new building elsewhere it is likely that any money spent on a detailed feasibility study will be wasted
- 6.2 To date application for the funding in the project proposal put forward to TEC Committee is proceeding well and an outline management plan has been developed and submitted to the advisory group.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The recommendation to take no further action in relation to the relocating of the former clubhouse will result in estimated expenditure of £0.010m not being incurred. The alternative option of undertaking a full feasibility study would result in this cost being met from within the services budget and any significant variation to budget would be reported as part of the council's monthly budget monitoring process. Should the alternative be considered, results from the feasibility study would be brought back to a future committee for a decision on how to progress as well as funding options.
- 7.2 The recommendation of exploring options of refurbishment of the existing clubhouse would be contained within existing Cityparks budgets and options brought back to a future committee for a decision.

Finance Officer Consulted: John Lack

Date: 10/6/21

Legal Implications:

- 7.2 As noted in the report, a change of use of the clubhouse to a café and visitor centre would require planning permission.

Lawyer Consulted: Hillary Woodward

Date: 01/6/21

Equalities Implications:

- 7.3 Both the existing and possible alternative site for the building are difficult to access for less able members of the public who can not drive there. Parking is currently very limited at the existing site but there is the potential to open up parking for disabled drivers. On the alternative site parking is easy when not clashing with sporting events.

Sustainability Implications:

- 7.4 Correct management of the site has the potential to protect and enhance the wildlife on site, the site has some particularly rich chalk grassland areas and enhancing these will make a significant contribution to the council's response to the biodiversity emergency.

Health Implications:

- 7.5 As well as preserving and enhancing wildlife Waterhall is being managed in a way to encourage visitors to explore the site in doing so this is likely to improve both their physical and mental health

SUPPORTING DOCUMENTATION

Appendices:

1. Waterhall Golf Club Feasibility Budget
2. Wilding Waterhall Outline Management Plan

Background Documents:

None

ⁱ <https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/sector-standards/building-surveying/whole-life-carbon-assessment-for-the-built-environment-1st-edition-rics.pdf>

INDICATIVE BUDGET ESTIMATE

for

RELOCATION

of

WATERHALL CLUB HOUSE

WATERHALL GOLF COURSE, BRIGHTON

May 21

Caravelle House · Goring Road · Worthing · West Sussex · BN12 4AP
2 Leathermarket Street · London · SE1 3HN
t: 01903 708950 · f: 01903 708959
enquiries@ftallen.co.uk · www.ftallen.co.uk

**WATERHALL GOLF COURSE
PROPOSED RELOCATION OF CLUB HOUSE**

INDICATIVE BUDGET ESTIMATE - (SINGLE STOREY CLUB HOUSE)

	£	£	
1.00 Demolition & Alteration works			Comments
1.01 Demolitions and alterations	56,000	56,000	Demolition of existing club house & associated parking areas
2.00 New construction works (479m² GIFA)			
2.01 Main Club House	1,011,700		479m² @ £2,110/m² (net); single storey
2.02 Greenkeepers shed	3,000		
2.03 Storage shed/ garage	4,500		
2.04 Storage shed/ garage	6,500		
2.05 Single storey brick shed	20,000		
2.06 Pump House	5,000		Assumes new pump house required
2.07 Large Vehicle shed	excl		Assumed not relocated
2.08 Storage shed	excl		Assumed not relocated
2.09 Diesel storage tank	750		Assumed reused
		1,051,450	
3.00 Site works / infrastructure works			
3.01 External works	200,500		Provisional allowance; equivalent site works/parking to existing
3.02 Drainage	65,000		Provisional allowance; assumes potential connection near Rugby Club House
3.03 External services	35,000		Provisional allowance; assumes potential connection near Rugby Club House
		300,500	
		1,407,950	
4.00 Preliminaries and other costs			
4.01 General preliminaries	12%	169,000	Equivalent on gross (excluding contingencies)
		169,000	9.74%
		1,576,950	
5.00 Overheads & profit @	10%	157,700	
		1,734,650	
6.00 Contingencies			
Add for Design Development @	5%	86,700	Pre-contract design development allowance
Add for Construction Contingency @	5%	91,100	Construction contingency
		177,800	
7.00 Estimated construction cost as at 2Q2021	£	1,912,450	Cost/m²
			Net 2,110 Gross 2,600
SAY	£	1,915,000	

Notes:

- This indicative budget has been based on the supplied drawing WHGC001
- Costs reflect the reconstruction of a "replica" building in a new location close to Brighton Football Club RFU
- Structural works based on reconstruction of Club House to current form
- Allowance has been made for external works to replicate current layout
- Provisional allowances for incoming services & drainage assume suitable connections available in the vicinity of the new location
- Costs exclude VAT, professional and statutory fees
- Costs exclude works associated with the removal of hazardous materials/asbestos (if encountered)
- Costs are based at 2nd Quarter 2021 pricing levels and exclude any provision for inflation.
The latest BCIS tender price indices indicate inflation projections from current day levels as follows:

To 3rd Quarter 2021	0.90%
4th Quarter 2021	2.13%
1st Quarter 2022	3.04%
2nd Quarter 2022	3.33%

F T Allen
Chartered Surveyors
May 2021

Wildling Waterhall – The Next 5 years

This is a broad overview of management options for Wildling Waterhall

The aim is to produce a more natural system with enhanced biodiversity, recognising that this can be achieved more quickly by intervening to reverse some of the human influenced changes that have happened in the past that have made the area less “natural”. This includes reintroducing large herbivores and restoring areas of grassland that would have been much richer in species if they had not been managed for golf

Overview

Use of the recently introduced [NoFence](#) GPS invisible fencing will allow stock to be rotated around the site giving long rest periods to each area. It will mimic the effect that predators have keeping the herd together without the need for any permanent internal fencing

This approach is being used successfully on publically accessible land in [Epping Forest and other sites](#)

Containing stock in set areas will also allow Waymarked trails to be provided and managed such that there are always several walks available avoiding where cattle are grazing.

The majority of the site will be grazed grassland. Work will be done on the fairways to recreate species rich grassland while the rest of the grassland will be allowed to recover slowly under the grazing for the period of this plan and reassessed in 5 years’ time to see if further enhancement would be beneficial.

There are some areas where species rich grassland is being lost to scrub, these will be prioritised for scrub clearance to conserve the species rich grassland.

Much of the scrub on the site is an even aged hawthorn monoculture. Some of this will be allowed to revert to woodland while some may be reverted to a more open scrub/grassland mix as and when funding allows. More open scrub will be grazed which will help open it up further and increase its diversity

It is anticipated that there will be a large volunteer involvement in managing the site, from carrying out stock checks and ecological surveys to growing wildflower plugs to help diversify the fairways. The employment of an education ranger funded by a NHLF bid will allow the site to be a major educational resource to further public understanding of the Biodiversity and Climate Emergencies

Management by habitat (see maps for locations)

Grassland

Grazed Grassland

Grass areas will be grazed by a permanent mixed herd of cattle and ponies (ponies will be introduced once GPS collars have been developed for them) with the possible addition of goats/sheep on a rotation so that each area is grazed quite heavily and then rested for 10

Wilding Waterhall – The Next 5 years

months of the year. This may be varied and sheep/goats used to target particular areas if it is felt necessary to target scrub/brambles invading species rich grassland.

Grazeable Scrub

This is less dense scrub with vegetation growing under it that the stock will be able to access. Grazing will open up some areas and create a more varied mix of scrub and grassland.

Grassland restoration

The old fairways are species poor grass monocultures and will be targeted for grassland restoration through a combination of scrapes, reseeding and plug planting. Seed being collected from donor sites that are part of the councils existing conservation grazing project

Scrub/Woodland

Priority Scrub Clearance

These are areas of biodiverse grassland that are being lost to invading scrub due to a historical lack of grazing which will be cleared to conserve the grassland

Scrub Clearance for stock movement

These are areas where removal of scrub is necessary to facilitate stock movement around the site. Once cleared the areas will be managed as grassland

Scrub management

Scrub diverse in species and age that will benefit from some coppicing to enhance the age and species diversity

Reptile Mitigation

Areas of even aged scrub monoculture of little wildlife value which can be converted into a much more biodiverse matrix of rough grassland and scattered scrub suitable for reptiles and other species funded by developers who need to carry out mitigation work for reptiles. This will be carried out as and when funding is available

Ungrazeable scrub

Areas of even aged scrub monoculture of little wildlife value. Management of these areas will not be prioritised within the life of this management plan but could in future be reverted to species rich grassland or allowed to succeed to woodland

Woodland Succession

Areas of even aged scrub monoculture that will be allowed to succeed to woodland. It would be beneficial to carry out some coppicing and planting to produce woodland more diverse in age and species if resources allow

Wilding Waterhall – The Next 5 years

Woodland

Areas or existing mature trees, It is not anticipated that any work will be carried out here other than is necessary for safety

Hedges

Hedges

Areas of hedge should be retained and allowed to expand to 5m to 10m in width and then cut back in rotation to provide good habitat for birds such as nightingales and interconnectivity for a variety of species both within the site and with the wider countryside. This is particularly important for the dormice that are found on the site

Hedge Planting

Where there are gaps in the hedge these should be planted up to increase connectivity for dormice and other species. Species should be native hedge species to diversify what already exists

Water Features

Pond

The existing pond will continue to be managed for Wildlife. Construction of another pond would be beneficial but is not an initial priority

Water Troughs

Piped water is necessary to allow stock rotation. The golf course supply used a pumped system that is no longer in working order. Careful positioning of the troughs will allow them to be shared between adjacent grazing compartments

Bunkers, Tees and Greens

It is proposed to keep these features as part of the heritage of the site. The steep banks of the sand bunkers provide an additional habitat that adds to the biodiversity of the site

Access

Grass Paths

These will probably revert to grassland now access is no longer required for golf, but some may stay as desire lines (and new ones may be created) as the public explore the site

Path

There is no intention to remove the hard surfaced paths

Open Access

The whole site could be dedicated as statutory open access. Grasslands are quite robust when it comes to trampling but some species such as ground nesting birds and reptiles are susceptible to disturbance. Waymarked trails should be set up to direct the majority of

Wilding Waterhall – The Next 5 years

footfall and it would be preferable for dogs to be required to be kept on a lead to prevent disturbance. Open access does allow some control of dogs in that “visitors using their open access rights must keep their dogs on a short lead of no more than 2 metres between 1 March and 31 July each year and at all times near livestock” but if further control is required than permissive open access may be preferable over statutory.

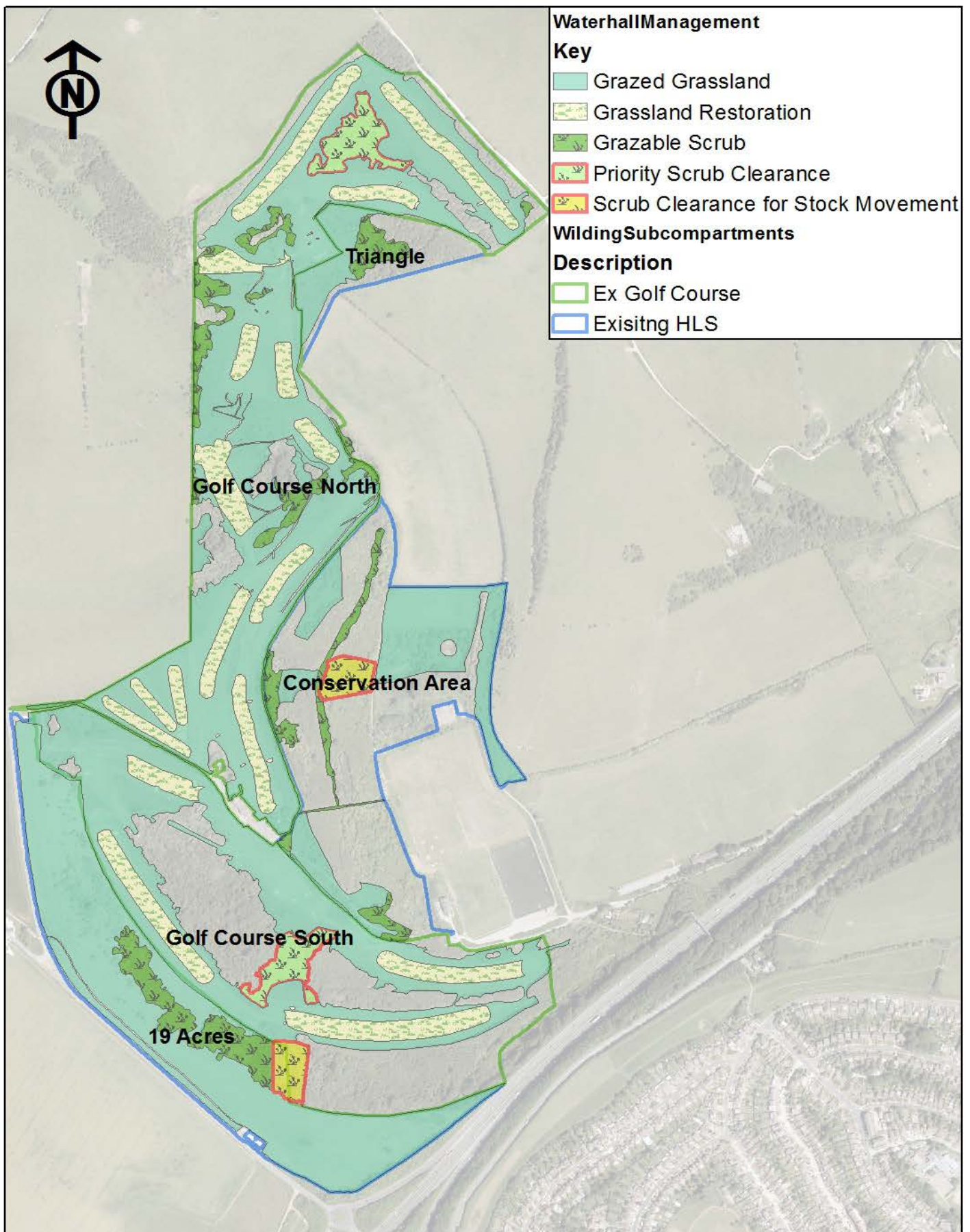
Local Nature Reserve

With the above management the site will have an importance for wildlife and biodiversity on a par with existing Local Nature Reserves and should therefore be declared as a Local Nature Reserve. This will help the public understand that the site is of primary importance for biodiversity

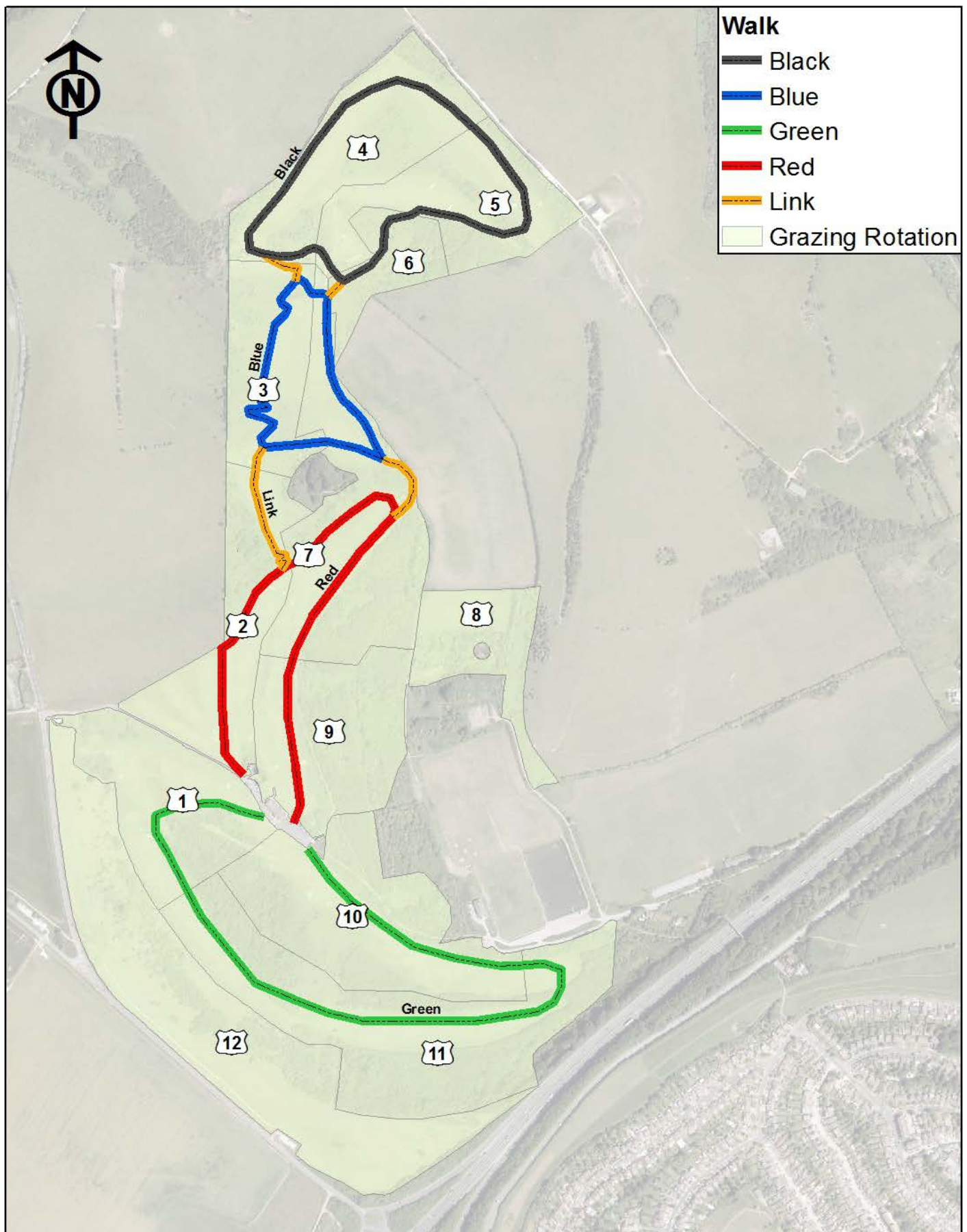
Education

An Education ranger has been included as part of the Changing Chalk Wildlife National Heritage Lottery Fund bid. This will be a vital role to reach into the city and engage with the public on the biodiversity crisis, the councils response to it and what they can do on an individual basis. The Educational Ranger will be expected to increase the range of people visiting the site and work closely with BHEE (The Brighton and Hove Environmental Educational project) to bring school children to the site

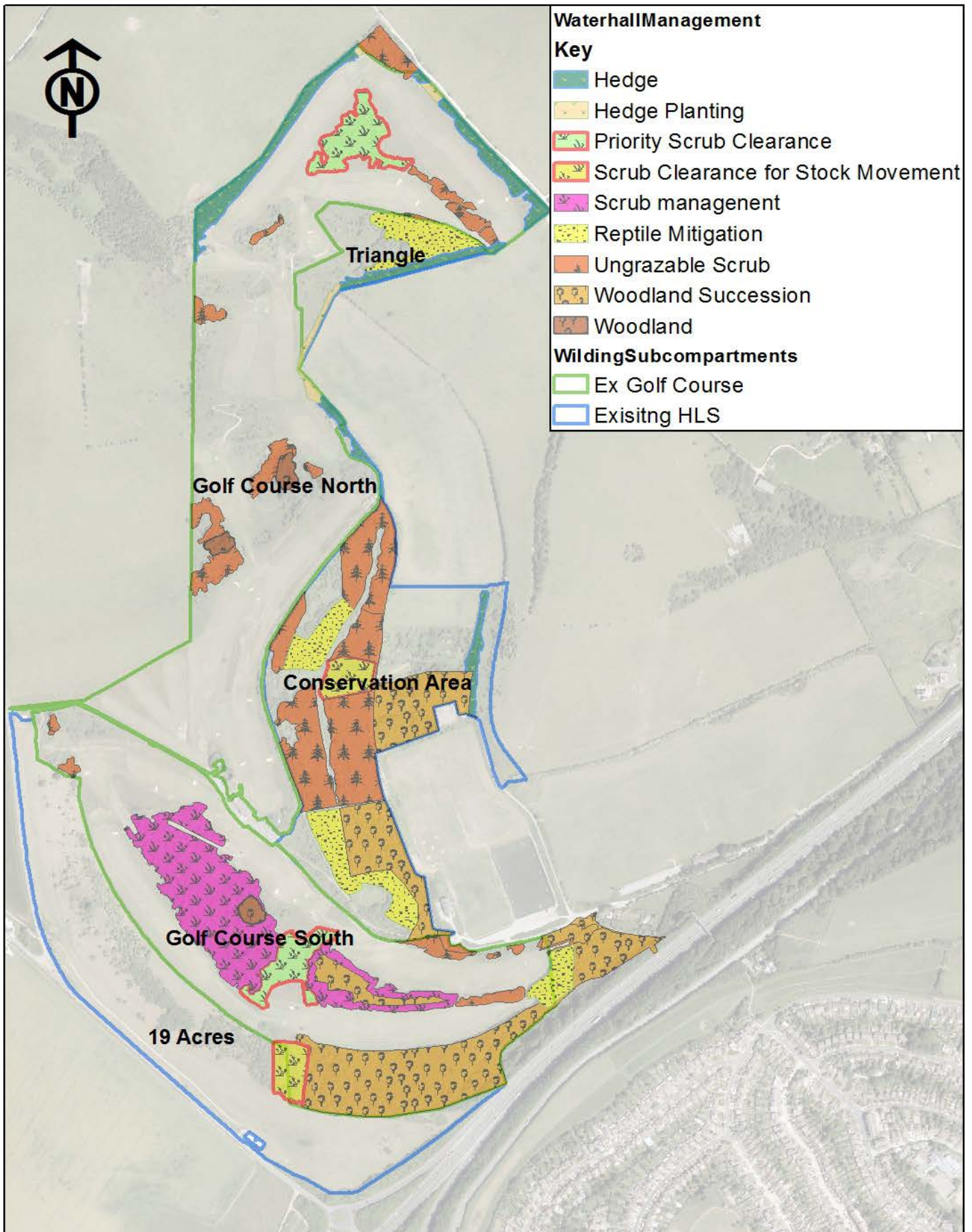
Waterhall Grassland Management



Waterhall Grazing Rotation and Paths



Waterhall Scrub Management



Subject:	Local Transport Plan 5 initial engagement		
Date of Meeting:	22nd June 2021		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Andrew Renaut	Tel: 01273 292477
	Email:	Andrew.Renaut@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report will provide an update on the development of the fifth Local Transport Plan (LTP5) and seek approval of the proposed 2030 transport vision, key outcomes and principles, and to commence engagement and public consultation in late summer on the priority areas and emerging proposed interventions, as set out in the 'Developing a new Transport Plan for Brighton & Hove' consultation document (attached as Appendix 1).

2. RECOMMENDATIONS:

- 2.1 That the Committee approve the 2030 transport vision for the Local Transport Plan 5 (set out in paragraph 3.4 below)
- 2.2 That the Committee approve the Local Transport Plan 5 key outcomes (set out in paragraph 3.5 below)
- 2.3 That the Committee approve the Local Transport Plan 5 key principles (set out in paragraph 3.6 below)
- 2.4 That the Committee agree that engagement and public consultation is undertaken on the priority areas and emerging proposed interventions, as set out in the 'Developing a new Transport Plan for Brighton & Hove' consultation document (attached as Appendix 1)
- 2.5 That the Committee note the indicative programme to completion of Local Transport Plan 5 (set out in paragraph 3.9 below)

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Local Transport Plan (LTP) is a statutory document setting out the strategy for the management, maintenance and improvement of the city's transport network. It identifies the priorities and projects required to help people move around the city more safely, sustainably, and easily. LTP5 will replace the current LTP4 (adopted in 2015), and will set out a transport strategy to 2030 and summary delivery plan. The development of the new LTP for the city will build on LTP4, and the success of schemes and measures that have been delivered.

- 3.2 LTP5 is one of the identified actions to support delivery of a carbon neutral city by 2030 and will have an important role in supporting the recovery of the city from the Covid-19 pandemic.
- 3.3 A LTP5 'direction of travel' consultation document has been prepared and is attached as Appendix 1. *Developing a new Transport Plan for Brighton & Hove* includes:
- Socio-economic and transport and travel trends in the city
 - Challenges relevant to transport and travel along with opportunities for a more inclusive, healthier and safer city
 - The role of transport and travel in tackling the Climate Emergency and supporting the city's recovery from the pandemic, highlighting key recommendations of the Climate Assembly in autumn 2020
 - Examples of how the council has successfully worked with partners during recent years to improve travel options for residents and visitors, and how these are improving quality of life and supporting local businesses
 - The proposed 2030 transport vision, key outcomes and principles, and priority areas and emerging proposed interventions
- 3.4 The proposed 2030 transport vision for the city is:
'Better connected residents, businesses and visitors, for an improved quality of life in a healthy, inclusive and carbon neutral city.'
- 3.5 The proposed six **key outcomes** of LTP5 are:
- A sustainable, strong and fair economy, where everyone has affordable access to education and employment opportunities, and benefits from a growing, open, talented, fair, and sustainable city
 - Safe, healthy and welcoming streets and neighbourhoods, where everyone feels confident however they travel, and our streets and local centres become vibrant places to enjoy, relax and socialise
 - An accessible city with a transport network that everyone can use, where affordable door-to-door journeys, especially for disabled people and residents living in suburban areas, can be made with ease and certainty
 - Improved air quality to safeguard the health of our communities, where the way we travel will ensure that people have the best opportunity to live a healthy, happy and fulfilling life
 - Reduced carbon emissions to protect our global environment, and contribute to reaching our 2030 carbon neutral target
 - Travel that respects our local environment, by minimising the impact of transport on our natural, built and historic environment
- 3.6 Three **key principles** have been proposed to inform the development of the LTP5 priority areas:
- Reduce the need to travel – avoiding or reducing the frequency and length of trips we make by vehicles
 - Shift how people travel – prioritising walking and cycling for shorter journeys, and public transport for longer journeys
 - Clean vehicle travel – vehicle travel to be low or zero emission, powered by renewable energy sources

- 3.7 In support of the proposed three key principles, there are six **priority areas**:
- Create an inclusive and integrated transport system
 - Develop streets and places that encourage and enable active travel
 - Increase public transport use
 - Reduce car use
 - Promote and facilitate the use of low and zero emission vehicles
 - Promote and use technology to reduce and manage travel
- 3.8 A set of emerging proposed interventions are outlined in the consultation document for each of the priority areas, many of which are already in place or under development in the city. These will be the focus of the engagement and public consultation commencing in late summer and can be found on pages 36-38 of Appendix 1.
- 3.9 Following the engagement and public consultation exercise, the draft LTP5 documents (including the Equality Impact Assessment) will be prepared ahead of a formal public consultation during winter 2021/22. It is currently anticipated that the final LTP5 will be approved by committee in spring 2022.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Local highway authorities have a statutory requirement to have a LTP. It needs to be consistent with, and will help to deliver, other citywide strategies, including the City Plan and 2030 Carbon Neutral Programme. It therefore needs to be up to date and include approaches to delivering transport improvements which will successfully help to address existing and forecast challenges, and grasp opportunities, in the city.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Effective and inclusive community and stakeholder engagement is essential for the delivery of a successful LTP5. This will depend on securing buy-in and support from all those affected by the plan, including residents, visitors, businesses, and local community and interest groups including equality and inclusion groups. Development of the proposed vision and outcomes has drawn on initial discussions with some partners, including members of the Transport Partnership.
- 5.2 The focus of the initial engagement and consultation exercise commencing in late summer will be to seek feedback on the priorities and emerging proposed interventions, welcoming suggested additional interventions. It will also seek to identify attitudes and concerns, and travel patterns (including changes since before the pandemic), drawing on relevant feedback to the Active Travel Fund tranche 2 scheme proposals, which will be reported to this committee as a special meeting in July 2021.
- 5.3 The online materials and survey (printed version available on request) will be supplemented with online engagement activities to take place with a wide range of stakeholders including:
- Citywide Partnerships – Transport Partnership, City Management Board, Economic Partnership, Equality and Inclusion Partnership, Active and Inclusive Travel Forum

- Other Equality and Inclusion groups representing disabled people, older and young people, and members of BME communities
- Citywide community groups including interest/user groups, Local Action Teams
- External stakeholders including neighbouring authorities, Highways England, Network Rail

5.4 Feedback from this initial LTP5 engagement and consultation will be used to inform the development of the more detailed draft LTP5 document, ahead of a formal public consultation exercise during winter 2021/22.

6. CONCLUSION

6.1 This report presents the emerging work on LTP5 and seeks approval of the proposed 2030 transport vision, key outcomes and principles, and to commence engagement and public consultation in late summer on the priority areas and emerging proposed interventions, as set out in the 'Developing a new Transport Plan for Brighton & Hove' consultation document (attached as Appendix 1). The outcome of this initial LTP5 engagement will inform the development of the draft LTP5 documents for consultation later this year.

7. FINANCIAL & OTHER IMPLICATIONS

Financial Implications:

- 7.1 Transport improvements in the city, including maintenance of the existing network, are funded mainly by a combination of central government grants, national and regional funds (dependent on successful bids), including Local Enterprise Partnership (LEP) funding, capital borrowing financed through the revenue budget, surplus parking revenues, contributions from developers including Section 106 contributions, and investment by local bus, rail and other transport providers.
- 7.2 There will also be opportunities to draw on the council's 2021/22 Sustainability and Carbon Reduction Investment Fund (SCRIF) and Climate Assembly Action Capital Investment Fund (CAACIF) to provide capital funding for transport projects.
- 7.3 The LTP process provides future levels of Local Transport capital funding from the Government which will be invested to deliver transport improvements in the city. The LTP process is the council's primary source of annual capital funding for investment in transport infrastructure, providing between £4.5m to £6.0m per annum which is split between Highways Maintenance and Integrated/Sustainable Transport schemes. The 2021/22 LTP capital programme was approved by Policy & Resources committee in March 2021.
- 7.4 The planned consultation and engagement for LTP5 will be covered by existing revenue budgets.

Finance Officer Consulted: Rob Allen

Date: 25/05/21

Legal Implications:

- 7.5 The Transport Act 2000, as subsequently amended by the Local Transport Act 2008, introduced a statutory requirement for local transport authorities to consult on and produce a LTP, to keep the LTP under review and to alter the LTP if considered appropriate. The LTP can be replaced when the local transport authority deems appropriate. The LTP will be considered and adopted by Full Council.

Lawyer Consulted: Hilary Woodward

Date: 25/05/21

Equalities Implications:

- 7.6 Many residents currently face barriers to accessing education, health and employment. LTP5 will support in creating an inclusive, liveable city for everyone including disabled people, those on low incomes, vulnerable residents and young people, who are often the ones most affected by a lack of available public transport, high costs of travel and poor air quality.
- 7.7 The key outcomes for LTP5 include an accessible city with a transport network that everyone can use, where affordable door-to-door journeys for disabled people and residents living in suburban areas, can be made with ease and certainty. Many of the proposed interventions set out will support the delivery of this outcome, including those under the 'Create an inclusive and integrated transport system' priority area.
- 7.8 The following related points are noted:
- LTP5 will seek to improve travel options for residents and visitors without access to a car, who are more likely to be lone parents, on low incomes, from disadvantaged communities, members of BME communities or disabled people
 - Walking, cycling and public transport are options for the majority of residents and visitors, unlike private vehicle journeys
 - Residents living in deprived communities are more likely to suffer more from poor air quality in the city
 - Equality Impact Assessments, including considerations of access and affordability, would be required during the development of interventions included in LTP5
- 7.9 The 'direction of travel' document does not require an Equality Impact Assessment, however an overarching one will be undertaken to inform the development of the draft LTP5 document and will be shared during the formal consultation on this during winter 2021/22.

Sustainability Implications:

- 7.10 The proposed LTP5 principles and priority areas as set out in the 'direction of travel' document support carbon reduction, improving health and air quality, and strengthening active and sustainable transport connectivity. The full set of interventions would improve sustainable travel options, including opportunities to reallocate road space in the city centre to walking and cycling. This, along with

the encouragement of cleaner low emission vehicles, will help the city to become carbon neutral by 2030.

Brexit Implications:

- 7.11 No Brexit implications have been identified to date; this will be kept under review in line with the emergence of government strategy and related guidance.

Any Other Significant Implications

Crime & Disorder Implications:

- 7.12 There are no direct implications arising from the development of LTP5. Key proposed outcomes of LTP5 include improved highway and personal safety: the emerging proposed interventions as set out in the 'direction of travel' document would contribute to improving road safety and personal security and, wherever possible, they would seek to support the aims and priorities of the council's Community Safety and Crime Reduction Strategy, especially in helping to deliver measures that improve the physical environment, ensure communities are stronger, and help people feel safer. Improvements are expected to include interventions that improve public spaces and streets so that people feel safer, while discouraging crime and anti-social behaviour.

Risk and Opportunity Management Implications:

- 7.13 Risks and opportunities will be considered as part of further development of LTP5 interventions.

Public Health Implications:

- 7.14 Transport and travel are critical to delivering the city's public health objectives as they contribute significantly to some of today's greatest challenges to public health, including road traffic injuries, physical inactivity, the adverse effect of traffic on social cohesiveness and the impact on outdoor air and noise pollution.
- 7.15 Key outcomes of LTP5 set out in the 'direction of travel' document include improved health and air quality. The emerging proposed interventions would help address the challenges through reducing the length or number of some vehicle trips, encouraging and enabling an increase in levels of active travel (for all or part of the journey) and a shift to the use of cleaner vehicles. LTP5 will help to improve air quality by reducing harmful emissions if people and deliveries switch from motorised transport or to cleaner vehicles. This will help deliver the objectives and actions set out in the council's Air Quality Action Plan, such as enabling greater use of alternatives to the car for some journeys. Creating less dangerous and more attractive environments, through for example public realm schemes, will improve individual and community health and quality of life, and contribute to the wider objectives of the Joint (council/NHS) Health and Wellbeing Strategy.

Corporate / Citywide Implications:

- 7.16 LTP5 will help support the city's recovery from Covid-19, wider planned economic growth, the visitor economy, social development and environmental enhancement. It will support in delivering the council's 2030 Carbon Neutral Programme, along with the Corporate Plan, the City Plan, and the Visitor Economic Strategy. The projects would also support the five-year strategic priorities and GB10 pledges of the Greater Brighton City Region.

SUPPORTING DOCUMENTATION

Appendices:

1. 'Developing a new Transport Plan for Brighton & Hove' consultation document (Draft June 2021)

Background Documents

None

Developing a new Transport Plan for Brighton & Hove



Draft June 2021



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Foreword

Brighton & Hove is a wonderful city and a place I'm proud to call my home. A vibrant, diverse and welcoming place, loved by residents and visitors, where businesses large and small can thrive in a growing economy now beginning to recover from a global pandemic.



Councillor Amy Heley

Chair, Environment, Transport and Sustainability committee
Brighton & Hove City Council

This document is setting out a vision for how we travel around this amazing city, connecting people with their communities, local businesses and each other in a way which is accessible, healthy and sustainable for all.

How we travel is changing. We saw during lockdowns that more journeys can be made actively and sustainably and we were given government funding to support this shift to walking and cycling. When our ability to go out whenever we wanted was taken away, we began to appreciate those opportunities to exercise and enjoy our local surroundings even more. Many of us worked from home for long periods and we began to see the potential of remote working going forward.

But our biggest challenge is still ahead of us. We're facing a climate emergency and need to act now to create a liveable city which can be carbon neutral by 2030. We also need to improve air quality for our health and wellbeing, as well as the environment, especially around our local neighbourhoods and schools. Residents taking part in the city's first Climate Assembly strongly supported taking action on how we travel.

Our fifth Local Transport Plan will be based on key principles that will build on the work that we've already done. We want to reduce the need for people to travel, change how they travel and create more transport that is low or zero emission and powered by renewable energy.

We need to provide people with the support they need to change their travel habits. Only by having an infrastructure which supports active and inclusive travel will we encourage and enable people to walk and cycle more or to use our excellent public transport network of buses, trains and taxis.

By supporting more people to leave their cars at home, we free up space for those who do need them, such as Blue Badge holders, tradespeople and those who deliver goods to our shops and retailers.

We're already seeing examples of where innovation, technology and transport combine with great success. Our BTN BikeShare scheme means you can hire a bike at the touch of a button; we have a growing electric vehicle (EV) infrastructure to support the increasing number of EVs; eCargo bikes are making deliveries across the city and bus timetable information and tickets are available quickly and easily on our smartphones.

Through innovation and investment, by working with our partners and stakeholders and through consultation, conversation and engagement with our residents and businesses, we're determined to set new standards for travel and transport in our city to improve everyone's health and quality of life.

Introduction

Transport and travel play a vital role in improving our quality of life; connecting us from A to B within Brighton & Hove and beyond, whether it be for education or jobs, for leisure or health, or simply to be with each other.

We want Brighton & Hove to continue to be a welcoming place to visit, live and work, and to provide safe, secure and accessible neighbourhoods with a transport network that works for everyone.

As it grows, we need to create a more liveable city in which residents feel healthier, safer, more socially connected and included. Environmental sustainability and quality of life will be at the forefront of what we do as we reduce emissions and move towards becoming [carbon neutral](#) by 2030. A liveable city will also support our worldwide attraction to visitors.

To do this, we are developing our fifth Local Transport Plan (LTP5) for Brighton & Hove. The plan will set our vision and priorities for transport and travel across the city to 2030 and what we need to do to deliver them. LTP5 will support other plans and strategies such as those relating to air quality, accessibility, the economy and health, and our City Plan, which guides future development.

The city, along with the country and rest of the world, is in a very different place to where it was in early 2020. Covid-19 has brought many challenges and uncertainties, impacting on all of us in how we go about our daily lives. The rounds of lockdown and adjustments to how many of us work, shop or exercise means that we're seeing significant changes to our travel patterns.

Brighton & Hove City Council declared a [climate and biodiversity emergency](#) in December 2018 and has committed to becoming a carbon neutral city by 2030. This is an ambitious target and will need everyone's support and participation. Transport contributes to a third of the city's carbon emissions so changing the way we travel will be a key area in helping us reach our carbon neutral target.

Together, the climate crisis and Covid-19 have given us the opportunity to create a lasting legacy: to reconsider how we travel and to plan for a liveable city that is fairer, inclusive, and even more vibrant.

We would like to share with you our direction of travel for LTP5, highlighting our key principles, priorities and the range of projects that we are already delivering or exploring.



Our 2030 transport vision for LTP5 is:

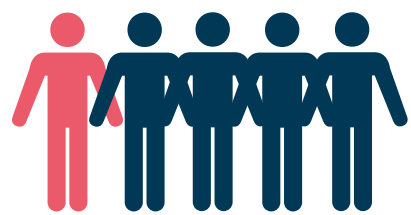
Better connected residents, businesses and visitors, for an improved quality of life in a healthy, inclusive and carbon neutral city.

Brighton & Hove today

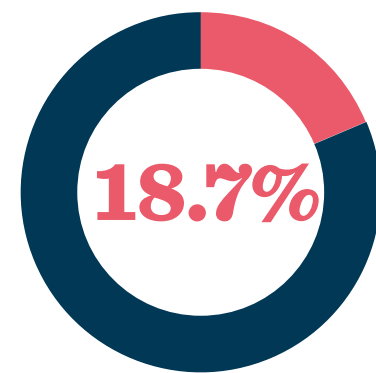
Our City

Brighton & Hove is one of the UK's most attractive and unique cities to live in and visit, welcoming over 12 million visitors every year. The population of the city is around 290,000 and is continuing to grow. The city is home to nearly 33,000 full time students over the age of 16, meaning we have a higher share of younger people in the city than across England as a whole.

Social and Economic

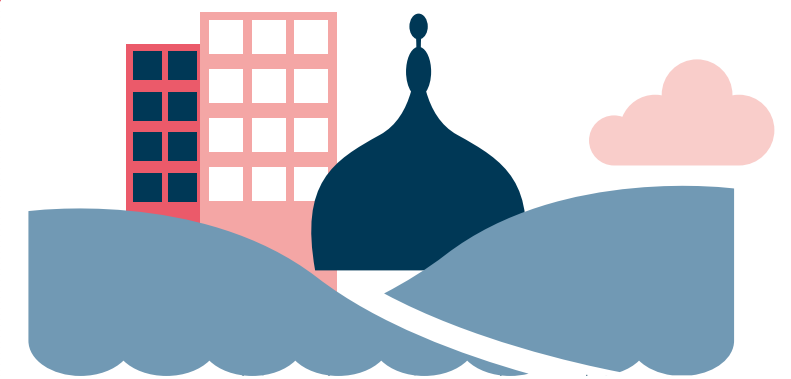


One in five people (19.5%) are from **ethnic minority backgrounds**



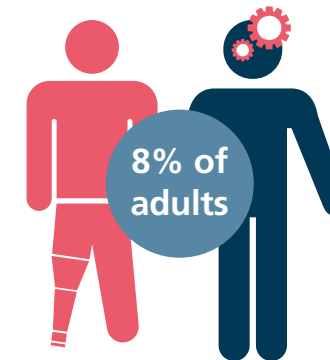
of **older people** have low incomes

19,000 adults in the city have **mental and physical disabilities**

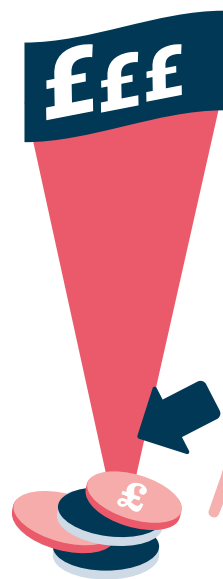


50,000

Brighton & Hove residents live in one of the most deprived **20% of areas in England**



8% of adults

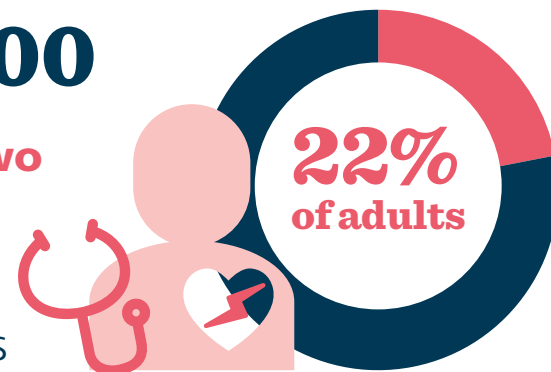


People on low incomes

are more likely to be from **ethnic minority backgrounds**

51,000

adults in the city have **two or more** long term health conditions



Around **1 in 6** adults and a third of young people (aged 5 to 16) are

physically inactive

(less than 30 minutes physical activity per day)



There is a strong link between



In **deprived** areas of the city, older people accumulate

long term health conditions

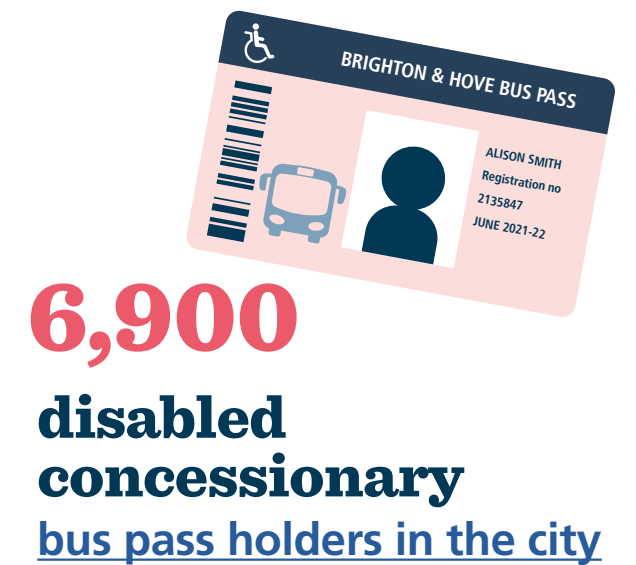
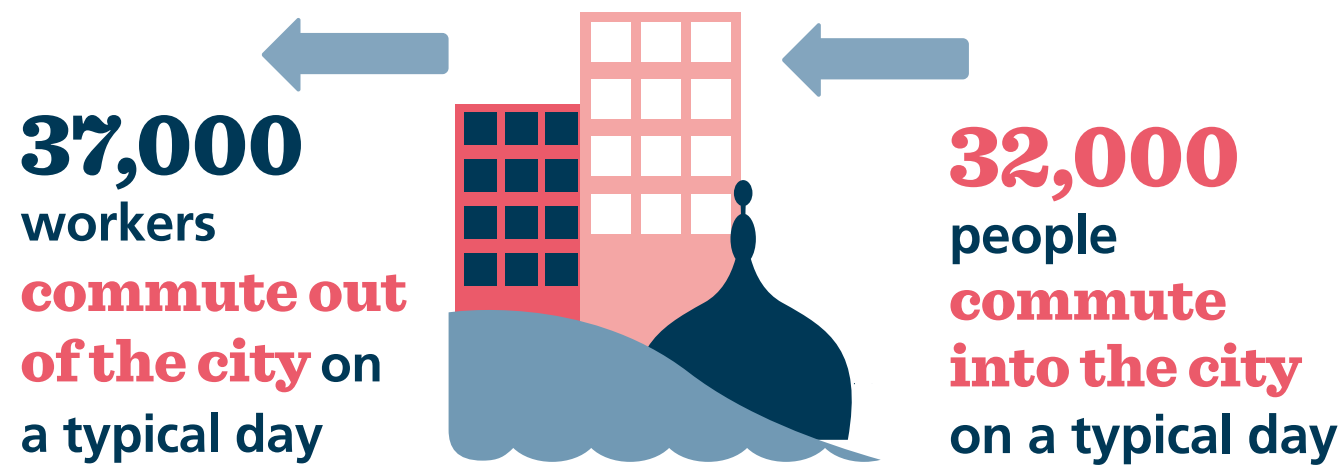
up to **15 years earlier**



all data are pre Covid-19

all data are pre Covid-19

Transport and Travel



More than half of residents **commute to work** by foot, cycle or public transport

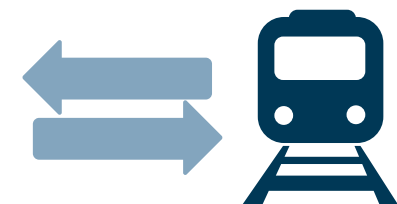


Two in five residents drive cars to work

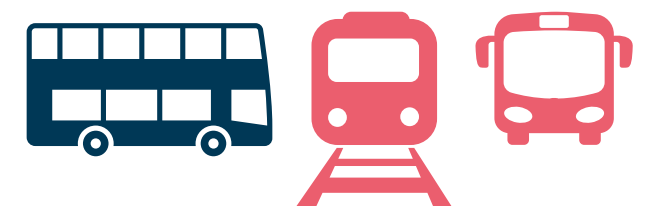


13,500 blue badge holders in the city

24 million entries and exits a year at the **city's eight stations**



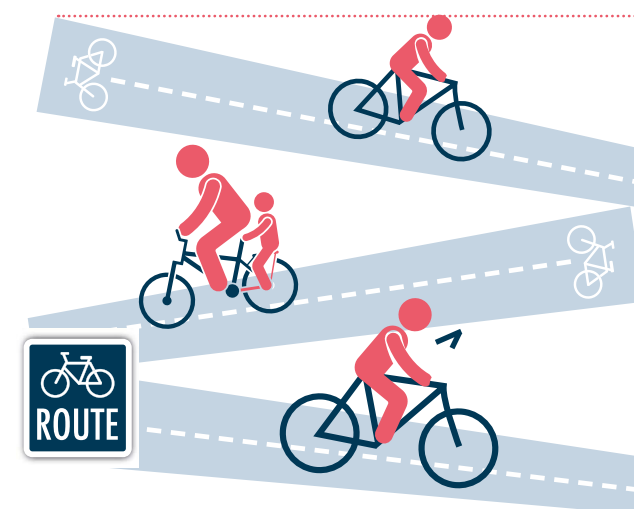
52% of visitors to the city arrive by **public transport** and 42% by private vehicles



More than half of **children** walk, scoot or cycle to primary and secondary schools



Over a third of households in the city **don't own a car** (or have one available)



40km of designated (permanent) **cycle routes** including the [National Cycle Network](#)

Transport Challenges

In many areas of the city, high levels of car use for short journeys – even for those of less than two miles – are contributing to problems including slow and unreliable journeys (by bus, taxi and car), and local air and noise pollution, which impacts on our health and wellbeing. Meanwhile, not enough residents are reaching recommended levels of physical activity, which can include walking and cycling.

Poor air quality is linked to heart disease, respiratory diseases (such as asthma) and some cancers. There has been an overall improvement in air quality across the city in recent years, however, monitoring shows that nitrogen dioxide continues to exceed legal limits in six areas, where Air Quality Management Areas are in place.



23,300 more people living in the city by 2030
(an 8% increase compared with 2017)

Around a third more people aged 60 or more by 2030
(compared to 2017)

Around 1 in 3 children are currently driven to their primary school in the city

Airborne pollution is a strong contributor to the 170 early deaths each year in Brighton & Hove

Bus journey times are increasing due to congestion, resulting in unreliable journey times and increasing bus operating costs, which impact on fares

House prices in the city are high meaning that many people are moving to nearby towns, putting additional pressure on the transport network

Around 3 people a year are killed on the city’s roads

Around 158 people a year are seriously injured on the city’s roads

More than half of the people killed or seriously injured on the city’s roads are pedestrians or pedal cyclists

One in five people killed or seriously injured on the city’s roads are motorcyclists

Around 1,500 reported cycle thefts a year

all data are pre Covid-19

Opportunities

A more inclusive city

Many residents currently face barriers to accessing education, health and employment. We have the opportunity to create an inclusive, liveable city for everyone including disabled people, those on low incomes, vulnerable residents and young people, who are often the ones most affected by a lack of available public transport, high costs of travel and poor air quality. Older people and infants are more vulnerable to airborne pollution, for example.

We need to improve access to frequent public transport services in the suburbs, from where journeys often require a change of buses in the city centre. The attractiveness of cycling some of these journeys can also be improved, with more cycle friendly routes. Our network of public rights of way (footpaths, bridleways, and byways) also provide important links between more suburban areas, and to our green and open spaces including the South Downs National Park.



The council has recently established the **Active and Inclusive Travel Forum** to work together with organisations across the city to develop initiatives, exchange knowledge and expertise, and share issues and experiences so that practical solutions can be put in place.

There is a need to fully understand and overcome physical and social barriers that prevent people from reaching essential and important facilities and services, including through pro-active engagement with equality, diversity and community groups in the city.

LTP5 needs to ensure that experiences and places can be enjoyed by the widest number of people and that they have equal access to their destinations of choice. This will enable people of all abilities and ages to travel confidently, easily, independently, and without extra cost; for many, travel is a significant share of living costs.

Bike project at the local women’s refuge

During the pandemic the council’s Sustainable Travel team, working in partnership with Cranks, Sustrans and RISE, has provided cycle training to women and children at the city’s domestic violence refuge and provided them with reserviced bikes when they move on from the refuge.

The project has helped to empower and build confidence in both the women and children, as well as supporting them to get around the city and reduce travel costs.



“I can’t afford the bus fare to the beach and it’s too far to walk, I’m so excited I can now ride there.”

Bike project user

Pedal People

[Pedal People](#), a small independent Brighton charity, provides weekly, year-round rides to elders living in care, enabling them to interact with their community and experience wind in their hair!

It is the city's only disabled cycling provider, giving 2,000 rides a year. In 2021 it is expanding to all ages, with guided and co-piloted options allowing families, carers and friends to cycle together.

Accessible cycling is often easier than walking/using mobility aids for many and improves wellbeing, health and independence.

'I feel back in the land of the living.' Violet, 95



'I loved it, just loved it. So nice to talk with so many people and the children and even the dogs! It's magic being on a bike outside with everyone!'

Reg 98 and Beryl, 90

A healthier and safer city

We are sixth highest in the country for percentage of physically active adults, but this varies significantly by age group and area. For example, over a quarter of adults in areas of Whitehawk, Bevendean and Hangleton are inactive, compared to less than 12% in areas of central Brighton.

Physical inactivity is responsible for one in six UK deaths (equal to smoking). Staying physically active is an essential way to look after your wellbeing, de-stress, stay healthy and manage long-term health conditions including some cancers, heart disease, type 2 diabetes and depression.

[Active travel](#) – such as walking, wheeling (wheelchair / mobility aid), cycling or scooting – has been identified as one of the best and easiest ways to build in daily physical activity. Twenty minutes of exercise per day cuts risk of developing depression by 31%. It helps improve mood, concentration and sleep. Active travel also gives you a feeling of wellbeing, freedom and independence.

It is neither inevitable nor acceptable that anyone should be killed or seriously injured when travelling. LTP5 needs a Vision Zero approach to road safety, that seeks to eliminate all traffic fatalities and severe injuries. Vision Zero recognises that all of us, whether we are travelling or managing the transport network, share a responsibility and a moral obligation to reduce danger and the fear it creates.

We need to improve the safety of all users of our streets, while reducing the fear of danger which can create barriers to switching to sustainable, active travel, particularly to cycling. Many people don't cycle because they don't feel safe and [improving levels of confidence is key](#). Women, older people, people from ethnic minority backgrounds, and disabled people are all less likely to cycle and many have never been on a bike. Twice as many men (24% of men, 12% of women) currently ride a bike at least once a week in cities.

Healthwalks



Brighton & Hove [Healthwalks](#) has been providing daily volunteer-led social walks across the city for 18 years.

While the pandemic stopped group walks for much of the last year, Healthwalks helped to keep people motivated to walk in their local communities through its online walking challenges. Scores of local people participated and have collectively walked thousands of miles and logged millions of steps, by recording their daily walks for leisure or active travel.

Healthwalks also joined the virtual 2021 World Walking Challenge for mental health charity Mind, where walkers joined a virtual hike to Everest, collectively walking 11,000 miles.

Share the Roads, Share the Responsibility

Failure to look properly is the main cause of collisions, whatever kind of road user you are in the city.

80% of the city's collisions and casualties happen within 20 metres of a junction.

The council runs [road safety](#) campaigns in partnership with many organisations on key risk factors. The Share the Roads, Share the Responsibility



campaign aims to highlight the dangers of multitasking while driving, cycling or walking, and has included the use of printed banners on our pavements on the approach to junctions.

The Climate Emergency

Scientific evidence shows that the planet is warming, and that human activity is the main contributor. Carbon dioxide (CO₂) accounts for the majority of greenhouse gas emissions from human activities, and we are already seeing the consequences of climate change in our city and around the world.

The national picture

Transport is the fastest growing source of global greenhouse gas emissions. It is the UK's biggest polluting sector, responsible for around one third of domestic [greenhouse gases emissions](#), the largest share of all sectors including energy, business and homes. Of this, cars (including taxis) are responsible for around 55% and HGVs or vans a further 33%.

The UK government has committed to reducing all greenhouse gas emissions to net zero by 2050. Many towns and cities across the UK, including Brighton & Hove, have committed to becoming carbon neutral much sooner. 'Carbon neutral' means that carbon emissions will be reduced, as far as possible, and those remaining will be offset through carbon sinks (a natural environment that absorbs carbon such as a forest) or carbon reduction projects.

Efforts are being made to reduce carbon emissions nationally. For example, a government ban on the sale of new petrol and diesel cars will be introduced from 2030. However, simply switching the current number of journeys to zero carbon vehicles will not be enough: we also need to cut the frequency and distance we travel.

In late 2020, the government launched a [10 point plan for a green industrial revolution](#), which includes a number of measures to encourage more walking, cycling, public transport journeys. It also aims to speed up the switch to zero and low emission vehicles including electric cars and vans. More sustainable transport and travel are a key part of supporting a low carbon economy.

Transport Decarbonisation Plan

DRAFT TEXT AWAITING PUBLICATION OF PLAN

The Department for Transport has recently published the government's first transport decarbonisation plan. This sets out in detail what government, business and society will need to do to deliver the significant emissions reduction needed across all forms of transport to reach net zero transport emissions in the country by 2050.

Measures include:

- changing people's travel habits
- improving walking, cycling, public transport and other low carbon travel options
- supporting the switch of vehicles to electric
- using innovation and technology to decarbonise transport.

The local picture

Brighton & Hove was one of the first cities in the country to declare a climate and biodiversity emergency, and the council has recently adopted a Carbon Neutral Programme to deliver our commitment to become [carbon neutral by 2030](#). This sets the direction for action on climate change by the council, partners and residents across the city for the rest of the decade. We need to act fast: to reach our carbon neutral target the city's emissions need to fall by 12.7% annually. The more we do now, the less we'll have to do as we approach 2030.

A large share of this fall needs to come from transport, since this accounts for one third of total emissions. During recent years, emissions from transport have fallen much more slowly than for other areas such as energy, homes and industry.

Reducing carbon from transport by 2030 requires enormous changes in the way and frequency that people travel, in vehicle technology and fuel sources.

The council is working hard to reduce its own corporate carbon emissions but these amount to only 2% of the city's emissions. We have, so far, decommissioned oil boilers, installed solar panels on council buildings and upgraded street lighting. We are also gradually replacing our fleet with fully electric and petrol/electric hybrids.

You can find more information on climate change and our carbon neutral programme [here](#).

Electrifying the council vehicle fleet

Since 2019, the council has been planning to move to a carbon neutral fleet. In November 2020, our fleet strategy was agreed, outlining our commitment and approach to achieving this.

To date, we have replaced 14 vehicles with fully electric ones and 13 vehicles with petrol/electric hybrids. Fully electric dustcarts are now in production for use in the city. As well as helping reduce carbon emissions, they are cost effective: an electric dustcart costs just £5 per day to charge compared to £65 per day to run a diesel dustcart. They are also extremely quiet.



To further reduce our carbon footprint, we will be looking to convert as many of our existing trucks and street cleaning vehicles as possible over to electric; and solar panels have been installed at our Hollingdean depot to help charge the vehicles.

The Climate Assembly

In autumn 2020, the city hosted a [Climate Assembly](#) which brought together a representative group of around 50 residents to discuss how we can reduce transport-related emissions over the next decade.

After hearing from expert speakers, the assembly members strongly supported taking action in a number of ways, recognising that wide-ranging changes to the way we travel will be both necessary and challenging.

The Climate Assembly members generated recommendations that focused on the need for a set of interventions to make travel more accessible, affordable, cleaner and safer, such as:

- **Reduced travel by private vehicles**
- **Increased active travel, and**
- **Improved public transport**

They also recommended actively consulting and engaging the city's residents when developing and implementing any changes.

“It’s very hard to think about how what you do will make a difference to climate change.”

“I am really deeply concerned about the climate crisis. It’s important to me that we shouldn’t leave the future in a worse state than we inherited it.”

“We need to be radical. It can’t be a slow shift. We are, I don’t want to be negative, but we are running out of time.”

A **youth climate assembly**, made up of 25 members aged between 12 and 25 was also formed.

This was established by a young climate activist, who wanted to ensure that the voice of younger residents of the city was also heard on the climate issues up for discussion.

The youth climate assembly was designed and organised to mirror the discussions and actions of the main assembly. Members supported taking action in a number of areas including cycling and public transport, for example safer cycle storage and more incentives to use local buses.

BTN BikeShare

The [BTN Bikeshare](#) scheme was launched in 2017; over 1.3 million trips have been made using the current fleet of 600 bicycles located at nearly 86 hubs across the city, with more to come. Over 3 million miles have been cycled by subscribed users. 80% of people using Brighton Bikeshare say they save time and their journeys are easier.



“After signing up for the yearly subscription, I’ve been using the bikes along the seafront cycle lanes to get to my studio come rain or shine! They’ve been invaluable over lockdown and allowed me to get a daily dose of exercise”

Toba, Brighton

The Smile Book – 5 ways to wellbeing

The [Smile Book](#) has been developed by the council’s [Public Health](#) and [School Travel](#) teams.

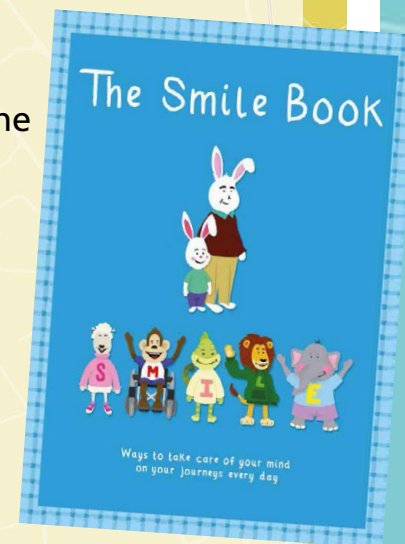
The book is written for young children and their families, and

is based around the ‘5 ways to wellbeing’ - 5 steps you can take to improve your mental health and wellbeing.

‘Smile’ translates these steps into more child-friendly ideas for parents, carers and children to use and enjoy together.

The characters in the book practise the ‘5 ways to wellbeing’ on their everyday journeys, while they are walking, scooting, cycling, travelling by bus or ‘park & striding’. Families can then practise the ‘5 ways to wellbeing’ on their own everyday journeys.

Nearly 30 schools across the city are using the book and a set of lessons with their reception children (4-5 year olds). Each lesson ends by encouraging the children to take the ideas on to their journey home.



Recovering from Covid-19

The consequences of Covid-19 have been devastating and it continues to be an extremely difficult and challenging time for many people. However, it has given us the opportunity to change and improve some areas of our lives. The pandemic has already changed how many of us work, shop, study, keep fit, socialise and enjoy ourselves. This has impacted on our travel patterns, how streets are being used, and how we access goods and services.

Impacts of Covid-19

During the first and subsequent lockdowns most people stayed at home, resulting in fewer cars on the roads, which helped residents enjoy cleaner air, quieter streets, discover more of their local area, and support local businesses that could remain open. A number of key routes in the city recorded up to a 60% fall in traffic levels in April 2020 compared to the same month in 2019.

Covid-19 has led to changes in behaviour and attitudes towards physical activity, with an increase in the public's desire to be more active, and a rise in popularity of cycling and walking. There have been more people walking, wheeling (wheelchair / mobility aid), running and cycling in our parks or on the Downs, and along our streets and seafront, as part of their daily exercise. This has helped many residents to maintain their health and mental wellbeing.

However, for others, Covid-19 has brought increased loneliness and/or poor mental health. It has particularly impacted on vulnerable residents including the elderly, homeless and people with long term health conditions. Younger residents have also suffered and have been hit by the increases in youth unemployment due to the disproportionate impacts on our strong creative, arts, retail, and visitor economy.

Government advice and personal health concerns have dented confidence in using bus and rail services. Although levels of bus and train use are now rising again, many

residents, commuters and visitors to the city have returned to driving, meaning that traffic levels in the city have gradually crept back towards their normal levels. Traffic levels counted across a number of our key routes were only 9% lower in October 2020 compared to the same month in 2019.

Also, the increase in online shopping including food shops and takeaways has seen a greater use of delivery vans, which are generally diesel powered and contribute more to climate change and poor air quality.

A post-Covid-19 city supported by a greener economy

Covid-19 has provided an opportunity to think differently about how we do things, and an appetite for change. The city needs to grow back sustainably as it recovers from the pandemic so that we come back better and stronger than we were before. We need to improve the experience of everyone living, working in and visiting the city, from moving between places to visiting attractions and shopping areas.

As the city starts to recover from the impacts of Covid-19 we must try to capture the positives. Beyond the pandemic it is likely that some changes will not be fully reversed. Hybrid working (mixture of home and office working) could become the norm and the growth in online shopping, including for food, will likely continue.

As the city safely reopens, we need to improve the health and wellbeing of our

Local surplus food charity goes electric



The Sussex branch of national food charity [FareShare](#) has begun an exciting project to trial the use of electric vehicles to redistribute surplus food to people in need.

FareShare Sussex alleviates hunger and reduces food waste through the redistribution of surplus food to vulnerable people via its network of community organisations.

Since the pandemic, they have tripled the amount of food they normally deliver as numbers of people requiring emergency food has grown.

Access to external funding has enabled FareShare Sussex to purchase both an electric van and electric cargo bike.

“It is exciting to be involved in a project that is leading the way in the transition to zero emissions logistics, which we so greatly need in this climate crisis. The electric van has had a huge impact in reducing the emissions across our fleet, saving nearly 1,500kg of CO2 in just three months.”

Project Coordinator Nathan

residents by improving air quality, switching more space from vehicles to people, and supporting opportunities to use more active methods of travel. This will help to reduce congestion for vehicle users and enable more people to enjoy the most affordable ways of getting around.

We need to prioritise the use of active travel for shorter journeys and public transport for longer journeys (for all or part of the journey), while ensuring that all residents in the city can get around easily.

LTP5 needs to be flexible enough to adapt to changing priorities as the medium and longer term impacts of Covid-19 become better understood.



The story so far

The city has a lot to be proud of when it comes to transport and travel; we have much more work to do but certainly have a head start over other parts of the country.

We have the highest levels of walking to school for at least three days a week. Levels of cycling to work are much higher than the average across England, supported by one of the most successful bike share schemes in the country. Brighton & Hove is one of the most physically active cities in the country.

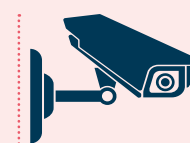
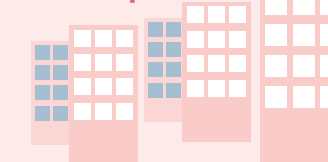
We recognise that not everyone can walk and/or cycle, and it isn't always appropriate for longer journeys. To help, we have one of the best local bus networks in the country and the

highest bus use in the UK outside of London. We also have eight railway stations providing frequent connections locally and further afield.

The council has been successful in securing external funding to work with partner organisations to deliver changes that support people to make journeys on foot (including use of wheelchair / mobility aid), by cycle, bus or train, improving access for disabled people, and encouraging the use of cleaner vehicles for motorised journeys. Here are some examples:

Encouraging reduced car use, and increased public transport use

Brighton & Hove's **City Plan** limits car parking, and encourages the **development of car-free and low parking developments**



Improved **priority lane camera (CCTV)**

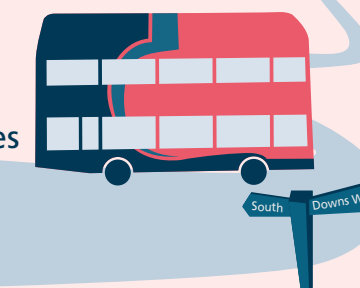
enforcement is helping to keep lanes clear and buses, coaches and taxis moving, while improved bus shelters have enhanced the waiting environment



The **council** supports workplaces to **promote sustainable travel** to their employees and we provide personalised travel information to residents and community organisations



In partnership with the **South Downs National Park** and the **National Trust**, the council promotes **the Breeze up to the Downs** bus network.



Smarter payment options are available for buses and trains in the city, with smartphone ticketing, the Key Card, and contactless payments which cap fares at a daily limit



Encouraging zero-emission vehicles

Low emission vehicle drivers receive a

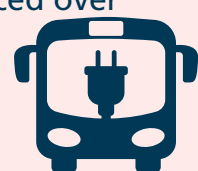


on parking permits

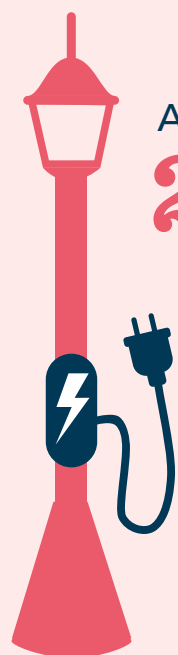
Brighton & Hove Buses has introduced over

50

extended range **electric buses.**



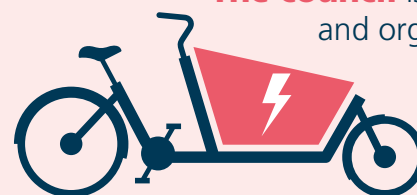
The Big Lemon launched the **UK's first solar-powered bus** in 2018, and currently has **seven electric vehicles** that are powered by **solar panels** on the roof of its bus depot.



An initial **200** new **lamp post charging points** for electric cars are available on streets across the city, as well as new rapid-charging hubs for electric and hybrid taxis



An **Ultra Low Emission Zone (ULEZ)** is in place for buses within the central areas of **Castle Square**, **North Street** and **Western Road to Palmeira Square**. The majority of buses already meet the emissions standard, well in advance of the required date of October 2024



The council is supporting local businesses and organisations to switch to electric cargo (eCargo) bikes for deliveries of goods and services, including a **free loan of eCargo bikes**

Encouraging and enabling active travel

We are working in partnership with **Sustrans**, a cycling and walking charity, on the national **'Bike It'** scheme which aims to get more young people cycling to school and for other journeys



The **Valley Gardens** area is being improved, providing more attractive public spaces and safer and more direct walking and cycling links

The council is working with schools to **encourage healthier travel** and has restricted traffic outside some schools at drop-off and pick-up times, via the **School Streets** initiative



BTN Bikeshare now has **600 bicycles** located at 86 hubs across the city, and is still expanding



We provide **financial support** for cycles and cycling equipment along with **cycle training**

In 2020 we delivered a large programme of Covid-19 transport response schemes across the city, focused on temporary walking and cycling improvements supporting active travel and physical distancing to help reduce the spread of Covid-19. In a city with such high bus use, providing safe active travel infrastructure was important to complement the temporary reduced public transport

capacity, providing alternative travel options for some residents. We have secured additional funding to extend some of these measures, as well as permanently improve the options for active travel in other areas of the city. You can find out more about the Active Travel Fund measures at www.brighton-hove.gov.uk/travel-and-transport

Our vision and outcomes



Our vision statement is where we want to be by 2030

Better connected residents, businesses and visitors, for an improved quality of life in a healthy, inclusive and carbon neutral city



Outcomes

Our new transport plan will help to achieve our vision by focussing on delivering six key outcomes.

- **A sustainable, strong and fair economy**, where everyone has affordable access to education and employment opportunities, and benefits from a growing, open, talented, fair, and sustainable city
- **Safe, healthy and welcoming streets and neighbourhoods**, where everyone feels confident however they travel, and our streets and local centres become vibrant places to enjoy, relax and socialise
- **An accessible city with a transport network that everyone can use**, where affordable door-to-door journeys for especially disabled people and residents living in suburban areas, can be made with ease and certainty
- **Improved air quality to safeguard the health of our communities**, where the way we travel will ensure that people have the best opportunity to live a healthy, happy and fulfilling life
- **Reduced carbon emissions to protect our global environment**, and contribute to reaching our 2030 carbon neutral target
- **Travel that respects our local environment**, by minimising the impact of transport on our natural, built and historic environment

What we need to do – our three key principles

To meet our outcomes for LTP5, the new transport plan needs to be built around **three key principles: Reduce, Shift and Clean.**

1 - Reduce the need to travel

- avoiding or reducing the frequency and length of trips we make by vehicles.

Although not suitable for everyone, we have seen during the pandemic how it is possible to study or work from home and have good online access to health, financial, retail and other services. This can have a huge part to play in avoiding the need to travel, especially where we can remove longer vehicle journeys, which have the largest impact on the environment and society.

To accommodate our continued population growth, we need to create more mixed use developments that enable people to exercise, play, shop, work or go to school locally, which are designed to prioritise disabled access and walking, and are located on principal cycling and public transport routes.



The need to travel by motor vehicles can also be reduced by the creation of **20 minute neighbourhoods** across the city, a concept where all of our day to day needs including schools, shops, cafes and leisure facilities are close by, e.g. a 20 minute return walk or short cycle.

These neighbourhoods would help people to shop locally and could include co-working hubs that provide shared office space, complete with meeting rooms and cafes. These allow residents to work away from home in a communal environment but without travelling to their normal place of work. The re-use of redundant office space, vacant shops and other buildings could help support 20 minute neighbourhoods.

Fibre to the Premises

Residents, visitors and businesses will soon benefit from faster and more reliable fibre based internet, with a number of projects delivering fibre to nearly all premises in the city. For example, work has begun on an £80m rollout of full fibre broadband throughout the city, beginning with Moulsecoomb & Bevendean ward.

This new fibre connectivity will mean faster and more reliable internet, with connections less prone to slowing down during busy times of the day or when several devices are connected at the same time. During the pandemic we have seen our need for good quality internet connections increase with children having to be home schooled during periods of lockdown, more people working from home and connecting with friends and relatives by video.

2 - Shift how people travel – prioritising walking and cycling for shorter journeys, and public transport for longer journeys.

This is particularly important for us to be able to accommodate the additional travel generated by further planned growth and intensification of the city.

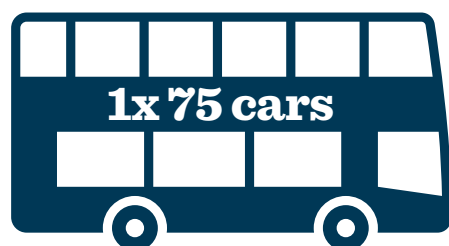
58% of car journeys across the country are under five miles; in urban areas, more than 40% of journeys are under two miles. For many people, these journeys are perfectly suited to cycling and walking. Some residents however, including disabled people in particular, will always need to use their cars for short journeys.

Switching to active travel options will help free up the roads for disabled people, deliveries, emergency services, local traders and others who need to drive, and will reduce the volumes of traffic people experience.

People often over-estimate distances and how long it will take them to walk, especially for local journeys. Taking into account time spent in traffic and to find a parking space, cycling and walking may be faster for short journeys. Short car journeys impact most on air quality and pollution levels can be higher inside cars than on the street.

To enable a switch from the car, streets need to be designed to put people first. The right balance has to be found between space for people and vehicles, which depends on the type of street or area of the city. We need to

A full double-decker bus can take 75 cars off the road



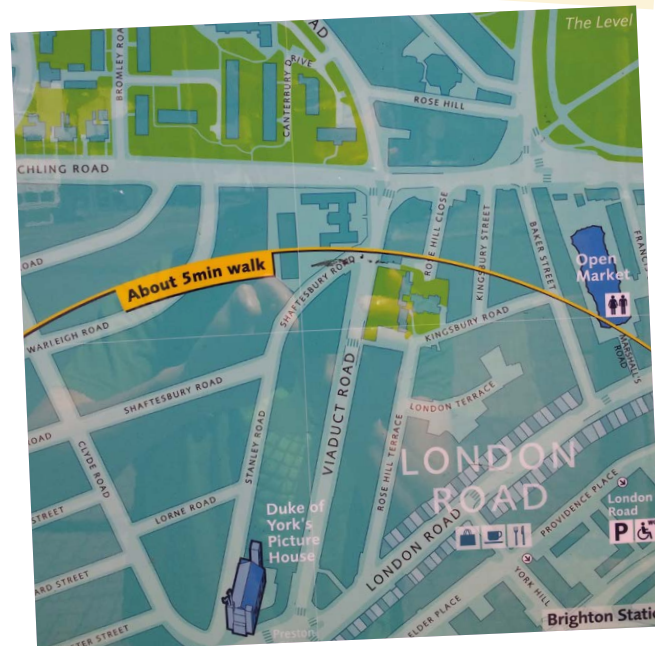
create more space for walking, cycling and public transport, by reducing the significant amount of space across the city taken up by cars, which on average spend around 96% of the day parked.

Redesigning streets will also allow us to give more space back to people through, for example, local community mini gardens or pocket parks, with trees or vegetation, or squares, to provide more space for relaxing, street markets or local events. These can also support the local economy: well-planned improvements in the walking environment can increase shopping footfall by up to 40%.



Last year the government launched [Gear Change](#) which sets out what is required for half of all journeys in towns and cities to be walked or cycled; it is currently around 29%.

It recognises that cycling and walking can help tackle some of the most challenging issues we face as a society – improving air quality, combatting climate change, improving health and wellbeing, addressing inequalities, and easing congestion, while also helping to deliver clean growth.



Car clubs



Car clubs offer car and van hire on an hourly and daily basis to their members, who normally pay a monthly or annual membership fee. Members book a vehicle in advance, which is picked up from a dedicated parking space on streets at around 80 locations in the city.

Research suggests that for each car club car, the need for between

five and eight privately owned vehicles may be removed. Car clubs can help to reduce congestion and relieve the pressure on parking spaces in urban areas.

Plans are underway to create a new community-led [electric car club](#) for the city to supplement the [existing scheme](#).



We are looking to make cycling and walking the natural choice for short journeys (or as part of a longer journey). Our [Local Cycling and Walking Infrastructure Plan](#) (LCWIP) is currently in development. It will enhance links between Brighton & Hove and neighbouring towns and areas, including the South Downs National Park. Wider benefits of the plan include greater connectivity, equality of opportunity, and improved public health and overall quality of life.

The plan will cover a 10 year period and will include strategic routes and areas for improvement. Residents, organisations and businesses will be able to comment on the LCWIP during the public consultation (to take place by autumn 2021). We are aiming for the first LCWIP to be adopted by the end of 2021.

Motorcycles may also provide an option where active travel or public transport is not an attractive or practical alternative. They can provide an affordable and flexible means of travel, quicker journeys than by car, and help reduce congestion due to their size. Sections of bus lanes on some major routes into the city are already open to motorcycles.

A shared transport network also enables people to shift from private car travel. As well as public transport, options such as BTN Bikeshare and car clubs make it easier for everyone to have access to the most appropriate form of travel for their journey, without the costs and hassles of ownership.

3 - Clean vehicle travel – vehicle travel to be low or zero emission, powered by renewable energy sources

The council will continue to support the switch to low or zero emission vehicles by assisting and providing incentives for residents and businesses to switch to electric, hydrogen or other clean energy. We will work with businesses, energy and transport companies and neighbouring authorities to provide the infrastructure required such as hydrogen refuelling stations.

The uptake of zero emission vehicles in the city is increasing but is still very low; there are currently less than 800 plug-in electric cars registered in Brighton & Hove, representing fewer than 1% of all cars in the city. In addition to better availability of charging points, the fall in the relative cost of electric vehicles over time will make them more accessible.

Although an important step, simply switching diesel or petrol car trips to cleaner low or zero emission vehicles is not enough: it will not tackle congested roads, physical inactivity or improve air quality. We also need to use vehicles more efficiently, including delivery vehicles.

There are currently fewer zero emission options when it comes to larger vehicles. Brighton & Hove Buses are trialling buses powered by hydrogen fuel cells, which allow the buses to travel further than what a fully charged battery offers in an electric vehicle. On the rail network, hydrogen passenger train trials are underway in the UK.

The council has a programme in place to switch its refuse collection and other large servicing vehicles from diesel to electric or other low-carbon fuels over the next 10 years.

There are also fewer options for the movement of goods, particularly larger deliveries such as those to industry, large retail stores and supermarkets. The government is looking at possible alternative fuels for heavy goods vehicles. An increasing emphasis on spontaneous ordering and same or next day orders creates an additional challenge for deliveries to be undertaken in an organised and more sustainable way.

For smaller goods transport and deliveries, low-carbon options include electric vans and electric cargo bikes or scooters, which are already being used by a number of businesses and organisations in the city.

Electric scooters are increasingly seen on the streets of our city and offer the potential for convenient, clean and cost-effective travel for some residents. However, privately owned e-scooters remain illegal for use on the public highway. Many towns and cities across the country are currently trialling e-scooter rental schemes, to assess the safety of their use on roads (in traffic lanes, not on pavements) and in cycle lanes. The outcome of this may be that they become a more common way of getting about in the city.

Pedal powered plumbers



The council supports local businesses and organisations to switch to [eCargo](#) bikes for deliveries of goods and services. Mittens Plumbing received impartial advice to help them select the best eCargo bike for their needs, large enough to transport all of the necessary tools and equipment for most customers.

The eCargo bike is used for the majority of city centre site visits and completes an average of 37.5 miles a week, previously conducted by a 4x4 diesel Ford Ranger.

Using an eCargo bike for completing home visits has offered:

- £350 monthly savings on fuel, insurance and parking
- Five weekly staff hours saved as riders spend less time in traffic and searching for parking
- Trips to clients are more enjoyable

How we get there

-Priority areas and interventions

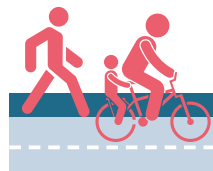
In support of our three key principles, we have identified **six transport priority areas**:



Create an inclusive and integrated transport system



Reduce car use



Develop streets and places that encourage and enable active travel



Promote and facilitate the use of low and zero emission vehicles



Increase public transport use



Promote and use technology to reduce and manage travel

We have created an initial set of **proposed interventions** for each of these (see pages 36-38), many of which are already in place or under development in the city. To deliver these we will continue to work in close partnership with transport operators and providers, and organisations outside of the transport sector. These will be reviewed during the lifetime of the new transport plan.

Valley Gardens Phase 3 accessibility audit



The first two phases of [Valley Gardens](#) have seen improvements to reallocate road space and create new accessible open spaces and transport corridors between St Peter's Church and Old Steine, including new cycle lanes, priority lanes for public transport and landscaped spaces. Phase 3 covers the area from the Old Steine to the Palace Pier roundabout.

The council worked with [Possability People](#), a user-led charity working with and for disabled people. They work to ensure disabled people can live independently, and that their voices are heard when services are planned or developed.

Possability People planned and conducted an accessibility audit of the Phase 3 area, to identify locations requiring improvements, either as a temporary measure during the scheme construction, or as part of the final scheme.

Further design workshops are being held as the Phase 3 design progresses and there is a commitment to carry out further accessibility audits during the three year monitoring period once construction is completed.



Create an inclusive and integrated transport system

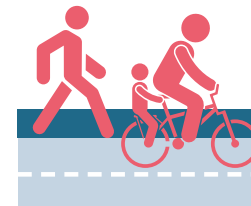
Interventions to improve accessibility of the transport network and the integration between different forms of travel will benefit everyone and help support a shift from private car to more affordable and sustainable options. Lack of convenient access to alternatives to a car, and the inconvenience of switching between different methods of travel, are among the many reasons why people choose to drive for some journeys. An inclusive and integrated transport system will support a better customer experience for visitors arriving in the city.

The design of new transport schemes will fully consider the needs of disabled and elderly people, from providing dropped kerbs at road crossings to level-access boarding of buses, safely designed traffic-free areas, places to rest, and increased parking for blue badge holders. There is also a need to continue providing clear and accessible information on travel options for residents and visitors, and work closely with more vulnerable residents to give them the confidence, support and training that enables them to travel more affordably and independently.

Mobility hubs provide seamless interchange between different forms of travel, to integrate and encourage more widespread use of sustainable forms of travel. A network of hubs located throughout the city would make it easier for residents and visitors to make journeys into and around the city by more sustainable travel. They can be developed in a range of sizes and with the travel options available tailored to the areas or people they serve.



A **local mobility hub** would be located in a neighbourhood or at a suburban rail station and offer bus services, bike share, car club vehicles, 'click and collect' lockers and electric vehicle charging. They could also provide facilities such as a café, cycle repair, free Wi-Fi and a pocket park.



Develop streets and places that encourage and enable active travel

Our streets form the arteries of the city and need to be attractive, safe and healthy places, rather than clogged with vehicles. As well as enabling us to travel confidently, they are places to enjoy, play and rest for many residents, workers and visitors. They need to be attractive, easy to use and safe for everyone, from children to disabled people.

Developing a public realm (public spaces that are open to all) that encourages and enables active travel requires the reallocation of road space to walking and cycling, and improving the journey quality of these.

This will encourage more people to walk and cycle and provide a strong message to all road users that these ways of travelling are a central part of the city's transport offer. The Covid-19 transport response schemes have already presented an opportunity to test the impacts of reallocating road space.

Theft is an issue affecting owners of cycles (and motorcycles), limiting the attractiveness of using these. We need more secure on-street parking at homes and destinations to help address this.

A **Liveable City Centre** will create and support an attractive and vibrant central area by placing restrictions on vehicle access. These would improve air quality, reduce noise levels, create attractive and safer streets, and give more space to people to enjoy, relax in and shop. We are looking at different options for a Liveable City Centre area.

Exemptions would need to be in place for disabled people who rely on their car to access the city centre, and consideration given to other vehicles that would need access, including emergency services, residents living within the zone, local businesses, deliveries and servicing, taxis and buses.

There would be removal of pay & display on-street parking spaces (except spaces for Blue Badge holders which could be increased and better located) in the zone, but access to major off-street car parks would be retained.

A **low traffic neighbourhood (LTN)** is where motor traffic is greatly reduced in a group of residential streets to create more liveable places. It contains a range of measures to minimise the amount of 'rat-running' through residential areas.

LTN schemes maintain easy access for vehicles to homes and businesses and enable priority for emergency vehicles. They are carefully designed to ensure that traffic isn't simply displaced elsewhere.

Traffic is reduced by installing 'filters' such as bollards and planters. This can transform areas dominated by vehicles and open up streets so that more people can travel on foot, cycle, wheeling or by public transport.

A group of residents from Hanover asked the council to set up a [pilot low traffic neighbourhood scheme](#) in their area, which is currently being developed.



School Streets support the safe movement of children to and from school by creating streets that allow for more walking, cycling or scooting. They reduce vehicle congestion around the school gates, improve road safety and encourage active, sustainable travel on the school journey.

Motor vehicle access to streets near school entrances is restricted during school opening and closing times. Vehicle access remains for those who need it, including disabled children and Blue Badge holders.

School Streets closures were delivered at nine schools in September 2020, to support a safe return to the classroom during the Covid-19 pandemic. They were implemented by the council in partnership with schools and received a lot of positive feedback from parents, school staff and children.



Increase public transport use

Increasing public transport use, including taxis, will support a reduction in private car use. Measures should seek to improve coverage of the public transport network and accessibility to it, make these options faster and more punctual, and increase reliability, efficiency, and affordability for those on lower incomes or families travelling together.

In support of increasing bus use, the government has recently launched a [national bus strategy](#) to deliver better bus services for passengers across England. This is intended to support the Covid-19 recovery and will require the council to establish even stronger partnership working with local bus operators and for us to prepare a Local Bus Service Improvement Plan. This will build on our current bus network review and set out a number of improvements including ambitious priority schemes in congested locations.



Larger than local mobility hubs, a **strategic mobility hub** could provide a transport interchange on the outskirts of the city where Park & Ride enables people to switch from cars and coaches to bike share (including eBikes), buses and taxis to reach the city centre or other final destination.

It could incorporate other facilities such as electric vehicle charging, and freight delivery hubs, from where the last few miles can be made by smaller electric vehicles including eCargo bikes.



Reduce car use

Alongside providing alternative options for some journeys, a reduction in car use could be achieved through a range of measures including limiting or charging for car use on the city's roads. This could be based on vehicle or fuel type, emissions standards, distance driven, time of day, day of the week or geographic location. Exemptions could be in place for those who need to use a car, including disabled drivers. Any proposed measures would be thoroughly explored and consulted on as part of a national scheme. A 'pay as you drive' charge is being considered by the government, which is likely to replace the current fuel duty.

Managing demand for car parking through, for example pricing and number of spaces, including in new housing and office developments, will also influence travel decisions and contribute to reducing car use. [Lift sharing](#), for example on the commute, also helps to reduce the overall number of car trips. Building on measures that are already in place, we can aim to reduce the number of people who use the car as their primary form of transport, while ensuring that those needing to use a car, such as disabled people, are prioritised in allocating parking spaces.

School Streets – St Luke's Primary School

[St Luke's Primary School](#) was the first school in the city to trial a [School Streets](#) closure in March 2019. The success of the pilot scheme means that different measures, including infrastructure, are now being trialled at St Luke's and three other schools to determine which model works best to sustain School Streets closures over the long term.



“School Streets has been transformational in terms of its positive impact on drop off and pick up at St. Luke's. What was once a time of pressure and anxiety for many children and parents/carers alike has now become a time for the community to meet safely together free from their previous fears of traffic and pollution.. It is clear from talking to parents/carers that many more families are now walking or scooting more regularly into school and they have quickly grown to love their School Street.”

Jonathan Cooper, Headteacher



Promote and facilitate the use of low and zero emission vehicles

Encouraging and enabling people to shift to low and zero emission vehicles will play an important role in reducing the carbon emissions of transport and improving local air quality. To ensure maximum uptake of electric vehicles, delivery of more infrastructure (e.g. charging points) must be accompanied by measures to encourage electric vehicle use, including eBikes, eCargo bikes and mopeds/scooters.

It also requires promotion of the use of low or zero emissions goods and servicing vehicles, and reducing the need for some goods vehicles to enter the city centre at all. This is done by providing facilities that enable changes in delivery practices and allow for more sustainable 'last mile' deliveries.

Hydrogen Sussex



Local authorities, businesses and organisations from across the city and wider area have formed a new energy group called [Hydrogen Sussex](#). The group aims to position 'green' hydrogen as a mainstream energy carrier to help the drive to become a zero carbon economy. The most likely early applications in Sussex are to power heavy vehicles such as buses and refuse vehicles, and mobile fuel cells providing 'shore power' to ships while in harbour. Brighton & Hove Buses is already working on a project to convert existing buses to be powered by hydrogen fuel cells.



Promote and use technology to reduce and manage travel

Advances in technology have the potential to reduce the need to travel for business, commuting, leisure and other trips including freight and deliveries. The UK's response to Covid-19 has necessitated a reduction in travel with a significant increase in home working for those who are able to. Supporting the development of high speed digital connectivity will help to 'lock in' this change.

When we do need to travel, technology can keep us better informed about door to door travel options including routes, journey times, interchanges, step-free provision, costs/fares and carbon footprint. It can also assist during our journeys with live information on bus stop or platform departures, seating availability, delays or incidents, traffic congestion, and parking space availability. Smarter infrastructure (such as signals) can also help manage the flow of vehicles more efficiently.



The government is working with the transport and technology sectors to trial **connected and autonomous vehicles**. These vehicles are able to 'talk' to each other, to other road users including pedestrians and cyclists, and to the infrastructure around them such as traffic signals. This could help to keep traffic flowing and make our roads safer by reducing human errors that can lead to collisions.

Automated vehicles could also improve travel options for those unable to drive or make their journey by active travel or public transport. While the reality of fully autonomous vehicles on our roads is some way off, the council will need to work with partners to ensure that they support the delivery of all our transport priorities.

BetterPoints



Joining many cities worldwide, the council has recently launched the Move for Change campaign through the [BetterPoints](#) smartphone app and online platform, which rewards residents and commuters for using active and sustainable travel in the city. The points can be converted into vouchers, money off or credit which can then be spent at local high street shops.

Proposed interventions

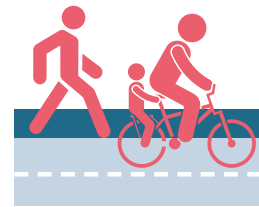


Create an inclusive and integrated transport system

- More step-free access
- Safer road crossings
- Local mobility hubs
- Improved bus and rail interchanges
- More secure on-street motorcycle parking
- More disabled parking bays
- Integrated journey planning and payment
- Promoting and supporting community transport services

Bremen, Germany – mobility hubs

The Municipality of Bremen has been creating a network of mobility hubs since 2003, offering on-street interchanges between car sharing, public transport and cycling. The network currently consists of more than 40 *mobil.punkt* locations, a mixture of larger, centralised hubs and smaller micro-hubs in neighbourhoods where daily trips start. The hubs have increased motivation for reclaiming public street space and it has been proven that each station-based car share vehicle removes 16 vehicles from the roads. Mobility hub pilot projects are now under development in towns and cities across the UK.



Develop streets and places that encourage and enable active travel

- Improved walking routes
- More wayfinding signs and information
- Liveable City Centre – a more attractive and vibrant centre
- More pedestrian priority areas
- Strategic cycling network
- Improved public rights of way network
- More secure on-street cycle parking at homes and destinations
- Extension of BTN BikeShare including eBikes – more bikes and locations
- Vision Zero approach to road safety
- Greening and climate proofing of public realm including tree planting
- Active travel and public health behaviour change campaigns
- Low traffic neighbourhoods to create more liveable streets
- School Streets to create healthier school zones
- Better designed and more mixed use neighbourhoods
- Enforcement of vehicle speed limits, pavement parking, street works and moving traffic offences



Increase public transport use

- Strategic mobility hubs
- Priority measures at 'pinch points' including extensions to bus lanes or changes at junctions
- Red routes – restrictions on vehicles stopping to park or load/unload on key routes
- More affordable bus travel
- Greater Brighton mass transit – express bus-based system connecting Brighton to Shoreham and Worthing
- Rail improvements to achieve faster and more reliable journeys



Reduce car use

- Behaviour change incentivisation campaigns
- Delivery of adult cycle training and maintenance skills courses
- Bespoke cycle training courses for underrepresented groups in cycling
- Workplace parking levy – a charge on employers who provide workplace car parking for staff
- Controlled Parking Zones in more areas of the city
- More car-free or low car developments including housing and offices
- Personalised travel planning
- School and workplace travel plans
- Road user charging (national scheme)

Nottingham – workplace parking levy

Nottingham has committed to becoming a carbon neutral city by 2028. A [workplace parking levy](#) was introduced in the city in 2012. It places a charge on larger businesses (with 11 or more parking spaces) for each space that they own and use for their employees, business vehicles or visitors. The annual charge, which some employers pass onto staff, is currently £428 per space.

The revenue collected is used to fund sustainable transport improvements including improved rail station interchanges and electric buses, and provide initiatives and facilities at workplaces that encourage staff to switch to more sustainable travel.



Promote and facilitate the use of low and zero emission vehicles

- Emissions-based parking charges
- Expanded Ultra Low Emission Zone – an emissions-based charge for vehicles
- More electric vehicle charging points at homes and destinations
- Financial incentives to switch to electric vehicles
- Behaviour change campaigns to switch to electric vehicles
- Better provision for eCargo bikes on the cycling network
- Freight delivery hubs
- Council fleet and contractors to use zero emission vehicles
- More electric shared transport vehicles – buses, car club, private hire and taxis
- Low emission bus corridors
- Hydrogen refuelling stations for buses and other larger vehicles



Promote and use technology to reduce and manage travel

- Full fibre network and broadband infrastructure
- 'Click and collect' delivery points
- Co-working hubs to provide shared office space
- Supporting employers and service providers to provide remote access
- Smart traffic signalling
- Live travel information

Bath – Clean Air Zone

The first Clean Air Zone (CAZ) outside of London was launched in [Bath](#) in March 2021, in a bid to cut nitrogen dioxide (NO₂) emissions to legal levels. Daily charges, from £9 for smaller vehicles to £100 for larger higher emission vehicles, apply to enter central Bath for vehicles that do not meet the required emission standards, including taxis, vans, goods vehicles, buses and coaches. They do not apply to private cars and motorcycles. Nearby Bristol is planning to introduce a similar CAZ scheme later this year with the same charges, which will also apply to private cars.



How do we pay for this?

Transport improvements in the city, including maintenance of the existing network, are funded mainly by a combination of central government grants, national and regional funds (dependent on successful bids), surplus parking revenues, contributions from developers, and investment by local bus, rail and other transport providers.

Transforming how the city is connected by 2030 requires a significant increase in the amount of funding available to us and our partners, including local transport operators. It will also require a step-change in the decisions we make, the development and delivery of measures across the city and also the capacity of our teams.

The council has been successful on a number of occasions in securing funding for sustainable transport initiatives and will continue to bid for national and regional funds. We will continue to work with our partners and stakeholders, and lobby the government for those additional funds.

We also need to explore other ways of raising additional funds locally, as already happens in London. Some other UK cities are already operating in this way, for example Nottingham has had a workplace parking levy since 2012, to help fund public transport improvements. Cambridge, Leicester and Oxford are also considering the introduction of a workplace parking levy, whilst Bath has recently introduced clean air or low emission zones, soon to be followed by Bristol.

Have your say

The successful delivery of the new transport plan will depend on everyone in the city.

Public consultation will open in September to hear your views on our emerging priorities for LTP5 and how we have suggested we could achieve them.

Feedback from this consultation will support us in developing the right combination of interventions required to meet the key outcomes we have set out.

We will then develop the draft LTP5 document which will set out more detail of the proposed interventions, including timescales. We will consult on this around the end of the year.

Further public consultation will be undertaken on individual interventions once they have been developed further.

Subject:	Network Management Action Plan		
Date of Meeting:	22nd June 2021		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Andrew Westwood	Tel: 01273 292468
	Email:	Andrew.westwood@brighton-gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The city faces challenges in keeping the city moving while moving to a low carbon economy. People will need to change their approach to movement and the use of Active Travel and Public Transport will have to increase. The road network is a key element traditionally used by cars, that needs to be managed well by targeting resources to helping people move in the city. The move to reduce the reliance on the car requires significant changes to the network and the Local Transport Plan sets out the Transport Policy on how this achieved.
- 1.2 It is important that the existing road network is managed well and there are a number of initiatives and tools that can help the changes necessary in the city.
- 1.3 This report outlines Brighton & Hove City Council's approach to managing its Road Network and identifies the initiatives that are necessary to drive efficiency and support the move away from the car. The Network Management Action Plan ("the Plan"), attached to this report as Appendix 1, details the policy drivers, legal issues and the challenges that are being faced to keep the city moving. The Plan describes the challenges and identifies a series of outcomes that need to be delivered.
- 1.4 It identifies 4 key areas where mitigation will help with delivery of a better managed road network.
 - Movement in the city (including Active travel)
 - Specifically supporting Public Transport
 - Impact of road works
 - Use of technology to manage the road network
- 1.5 Each of the headings identified have specific actions and will need approval for them to be developed further.

2. RECOMMENDATIONS:

That Committee agree:-

- 2.1 A trial of red routes on the designated roads London Road, Lewes Road and along with the previously approved inclusion of Valley Gardens as detailed in the Plan
- 2.2 The development of a specification for the replacement of the Real Time information system
- 2.3 To investigate and develop a business case for introducing Lane Rental into the city
- 2.4 The approach to managing the City's Road Network as set out in the Plan

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Brighton and Hove as a vibrant seaside town does suffer from congestion due to the economic activity and the number of year-round visitors that come to the city. The success of the Public Transport network in the city brings its own challenges with the need to support the modal shift away from private cars. This places stress on a road network that often operates over capacity with the subsequent delays and congestion. The authority is attempting to promote Active Travel and the road network is important in achieving this shift.
- 3.2 Managing the road network is key to achieving the policy drivers set out in the report and the need to meet the legal obligations. The Network Management Action Plan sets out the future challenges that need to be addressed in keeping the city moving.
- 3.3 The council does have obligations under the Network Management Duty (the duty) which is part of the Traffic Management Act 2004. It applies to all local traffic authorities. The duty came into force on 4 January 2005. The duty recognises:
 - the importance of managing and operating the road network
 - the importance of optimising benefits for all road users
 - the needs of those who maintain the infrastructure (both of the network itself and of the services within it).

The arrangements for performing the Network Management Duty include:

- Taking any action that we consider will contribute to securing more efficient use of the road network
- Taking any action that we consider will avoid, eliminate or reduce road congestion or other disruption to the movement of traffic
- Establishing processes for identifying things which are (or could) cause road congestion or disruption
- Considering possible actions that could be taken to address congestion or disruption

- Ensuring that specific policies or objectives are determined for different roads or classes of roads
- Monitoring the effectiveness of the organisation and processes for tackling congestion and the implementation of decisions
- Regularly assessing the performance of the duty and keeping the effectiveness of arrangements that have been put in place under review.

The Department for Transport (DfT) issued guidance in November 2004, which outlines the traffic authority's obligations under the duty. This includes:

- the scope of the duty (main issues and considerations)
- advice on the broad principles of network management
- good practice advice

3.4 The Plan includes 4 key areas that need to be focussed on.

- Movement in the city for all modes (including Active Travel)
 - This action area includes action to improve how strategic direction signing is implemented in the city. Previously changes have been made without a strategic approach and this has led to inconsistencies.
 - Parking and loading causes issues for people walking and cycling in the city. Public Transport is often delayed as a result of poor driver behaviour. Red routes offer a solution and the Plan sets out a rationale to implement a scheme on the A270 and A23 which are the routes that suffer the most. Red routes allow the use of CCTV to enforce parking restrictions.
- Supporting Public transport
 - The existing Real Time system is limited in the way it operates with other systems, a new approach will be key to delivering a more integrated approach by providing real time data and better communication technology. The Plan details the action needed to work with the bus operator and improve the system.
- Impact of roadworks
 - The city has a permit scheme in operation that has made a real difference in managing the utility companies and the council's own works. A lane rental scheme acts as a more focussed tool that concentrates on the council's strategic roads the most sensitive in the city. It charges the utility companies and the council's own works a fee for renting the road at these specific locations so that occupancy of the carriageway and the subsequent congestion is reduced. The Plan seeks to assess the benefits and costs that such a scheme would deliver.
- Use of Technology

3.5 Investment in new technology and systems can lead to improvements in how the road network operates and carbon reductions because of better management. The Plan includes several initiatives to ensure investment is targeted to the areas that will bring about benefits. These include Intelligent Traffic signals, investment in LED technology and the use of Big Data to inform decision making. The existing Traffic Control Centre currently is limited in the way it works and the

accommodation available. The Plan supports the Transport Control Centre programme that is seeking to identify how a centre can manage the movement in the city using technology to inform

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The council could decide not to adopt the Network Management Action Plan. This would mean that the city is not fully prepared for the future challenges. The plan helps the authority meet the core obligation within the Act.
- 4.2 Without a plan the tools and initiatives would not be available to support the move to active travel, Public Transport and reducing carbon.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The initiatives in the Plan would be shared and consulted with relevant stakeholders as necessary as they are developed. The Plan itself is an internal document that supports the Policy set out in the current emerging Local Transport Plan.

6. CONCLUSION

- 6.1 Adopting the Plan will bring about real change and make a contribution to the council's objective for carbon neutrality by 2030.
- 6.2 The Plan includes several initiatives that will keep the city at the cutting edge of new technology, particularly the use of technology in the emerging Transport Control Centre programme.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The initial costs of the recommendations in this report will be met from within existing Transport budgets. Any initiatives identified for implementation will be developed in detail and reported to Committee along with the most appropriate funding sources which could include LTP or SCRIF funding.

Finance Officer Consulted: Jeff Coates

Date: 19/05/21

Legal Implications:

- 7.2 As set out in the report the council, as local traffic authority, has a statutory Network Management Duty under the Traffic Management Act 2004. The duty requires the authority "to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives - (a) securing the expeditious movement of traffic on the authority's road network; and (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority" (section 16).

The introduction of Red Routes would be subject to the making of a TRO/TROs under the Road Traffic Regulation Act 1984, which would be subject to statutory consultation.

The power to introduce Lane Rental is found in the New Roads and Street Works Act 1991 and regulations made thereunder

Lawyer Consulted: Hilary Woodward

Date: 26/5/21

Equalities Implications:

- 7.3 Any initiative will be subject to an EQIA

Sustainability Implications:

- 7.4 The initiatives will reduce carbon by using new technology LED traffic signals for example.

Brexit Implications:

- 7.5 None

Any Other Significant Implications:

Crime & Disorder Implications:

- 7.5 None

Risk and Opportunity Management Implications:

- 7.6 Managing the impact of incidents on the network will reduce the risk of crashes occurring

Public Health Implications:

- 7.7 Initiatives will reduce carbon and support air quality reduction

Corporate / Citywide Implications:

- 7.8 None

SUPPORTING DOCUMENTATION

Appendices:

1. Network Management Action Plan

Background Documents

1. None

Network Management Action Plan

Where are the
roadworks happening
in Brighton and
Hove?



CONTENTS

1. Introduction
2. Future Challenges
3. Legal Framework
4. The City's Road Network
5. The Policy Framework
6. Network Management in Brighton and Hove
7. Appendices

1. Introduction

Brighton & Hove is a busy vibrant seaside city that continues to be an all year destination for visitors and employment for people. The city is surrounded is part of the greater city region that includes many of the surrounding urban conurbations that generate large movements of people travelling into the city. There are 2 universities that continue to expand and develop increasing the demands on the city's roads.

Traffic congestion is an increasing problem in most urban areas. Congestion threatens the economic well-being of many towns and cities, as well as affecting the quality of life of those who live and work there. The COVID 19 pandemic has had a major impact on the city and changes have been implemented to support social distancing and encourage active travel. These changes will bring about challenges and will need to be considered in the Action Plan.

Brighton & Hove City Council is the local highway, traffic and street authority for the city. The council is responsible for managing the traffic using the road network. By effectively managing the transport system it is possible to provide more consistent, predictable and reliable journeys for the movement of people and goods. This helps to tackle congestion and environmental pollution and improves safety and accessibility for all road users. Managing the road network is vital to the future prosperity of Brighton & Hove. Given the impact of congestion on the economy a strategic approach is required, one which considers the causes of congestion, the impacts, the challenges and the possible solutions. The diagram below provides an indication of congestion levels in the city.



- Causes of congestion
- Impacts of congestion
- How the network is managed
- What improvements could be implemented to mitigate the impacts of congestion

2. Future challenges

The road network is used by a wide range of people, including car and lorry drivers, bus passengers, pedestrians and cyclists. The network enables the efficient, effective and safe transport of people, goods and services, helping people get to and from such things as home, work, leisure and education.

The Government recognised the significant challenges facing the highway network in its 2013 paper *Action for Roads: A Network for the 21st Century*, which set out the importance of roads to the economy, reiterated the need for investment and set out detailed plans to improve management of the whole network. The transport system therefore not only needs to deal with existing pressures, it also needs to evolve so that it can deal with future challenges. These challenges include:

- Reduced funding
- Population growth
- Increases in traffic volumes and congestion
- Climate change – Brighton & Hove has committed to be a net carbon neutral city by 2030
- New forms of urban mobility e.g. e-bikes (including cargo), e-scooters
- The emergence of connected and autonomous vehicles

3. Legal Framework

A well-managed transport system must be flexible enough to deal with changes to the way that people travel. It must also be able to deal with future challenges so that it can continue to support the economy. The Government recognises the importance of a well-managed transport system to the economy. In 2004 the Traffic Management Act placed a Network Management Duty on all local traffic authorities to secure the expeditious movement of traffic on their road networks, and to assist adjacent traffic authorities to do the same. It also established the requirement for all traffic authorities to appoint a Traffic Manager.

There are three documents fundamental to the performance of the Duty:

- The Traffic Management Act (TMA) 2004
- Network Management Duty Guidance (NMDG)
- Traffic Management Guidance on Intervention Criteria

Other relevant legislation includes:

- Local Traffic Authority: Road Traffic Regulation Act 1984 Section 121A
- Local Highway Authority: Highways Act 1980 Section 1

- Street Authority: New Roads and Street Works Act 1991 Section 49

The Network Management Duty (the duty) is part of the Traffic Management Act 2004. It applies to all local traffic authorities. The duty came into force on 4 January 2005. The duty recognises:

- the importance of managing and operating the road network
- the importance of optimising benefits for all road users
- the needs of those who maintain the infrastructure (both of the network itself and of the services within it).

The arrangements for performing the Network Management Duty include:

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- Ensuring that specific policies or objectives are determined for different roads or classes of roads
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- Regularly assessing the performance of the duty and keeping the effectiveness of arrangements that have been put in place under review.

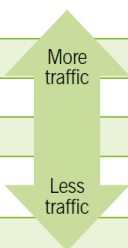
The Department for Transport (DfT) issued guidance in November 2004, which outlines the traffic authority's obligations under the duty. This includes:

- the scope of the duty (main issues and considerations)
- advice on the broad principles of network management
- good practice advice

The TMA specifically states that the term "traffic" includes pedestrians and so the duty requires the LTA to consider the movement of all road users including pedestrians, as well as motorised vehicles. The DfT recognises that the network management duty is one element of an authority's transport activities and should complement other policies and actions. The local traffic authority should look to embed desired outcomes and appropriate policies and plans under the network management duty within Local Transport Plans to achieve a coherent approach.

4. The city's road network

The road hierarchy in any local authority is classified into groups according to the amount of traffic using the road.

Category	Hierarchy		Road classification
1	Motorways		Motorway
2	Strategic Routes		Trunk roads and Primary A roads
3a	Main Distributor		Non primary A roads and Heavily trafficked B roads
3b	Secondary Distributor		B roads and Heavily trafficked C roads
4a	Locally important road		Routes linking into the main/secondary distributor network (normally C class roads)
4b	All other metalled roads		All other C roads and The majority of the unclassified network.

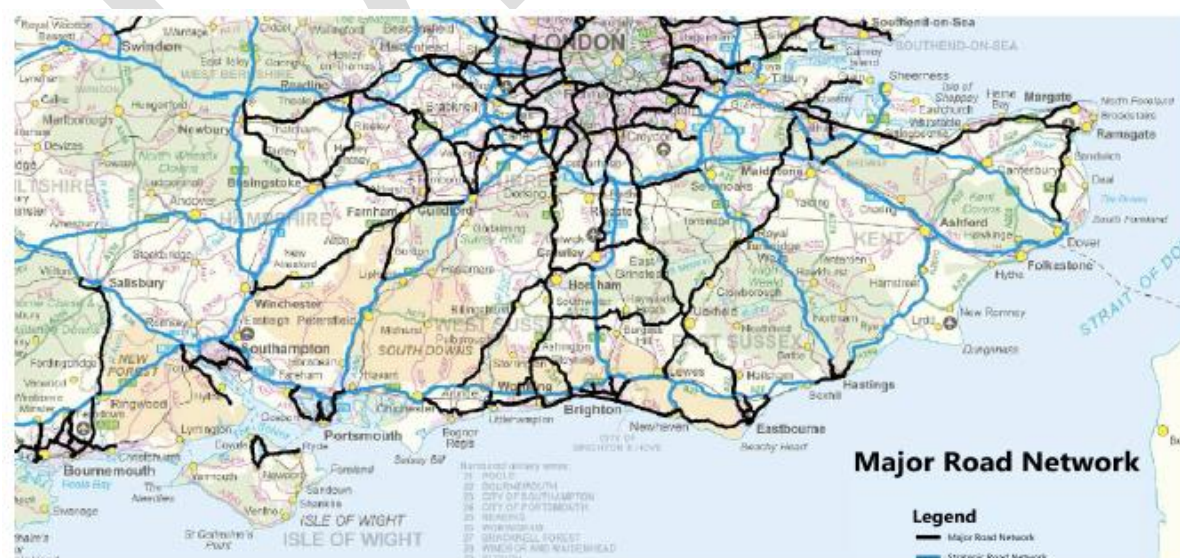
Brighton as a coastal city has a defined road network that connects to the strategic road network (SRN) the A27 and A23. Both of these roads are managed by Highways England as they are considered to be nationally significant.

The government has also announced a new hierarchy category of Major Road Network (MRN). This new category will acknowledge the roads that play a key part in the economic vitality in the city by providing the connections to the SRN. The MRN in the city will be able access a new stream of funding to continue to improve these key corridors.

In creating this network, the Government has sought to meet five central policy objectives. These are:

- Reduce congestion – alleviating local and regional congestion, reducing traffic jams and bottlenecks.
- Support economic growth and rebalancing – supporting the delivery of the Industrial Strategy, contributing to a positive economic impact that is felt across the regions.
- Support housing delivery – unlocking land for new housing developments.
- Support all road users – recognising the needs of all users, including cyclists, pedestrians and disabled people.
- Support the Strategic Road Network (SRN) – complementing and supporting the existing SRN by creating a more resilient road network in England.

The city council were consulted on these proposals and did suggest an alternative network for the city. The diagram below shows the roads for the South East, the city's roads included are the A23, A270, A293 and A259.



Alongside the MRN the city has a number of strategically important roads that either provide key links across the city or form part of the Public Transport network. The city's public transport corridors generally focus on delivery of people to the centre of the city and the majority of the network utilises the North Street / Western Road corridor.

5. Policy Framework

The city council has a Local Transport Plan (LTP 4) that sets out the priorities for investment and focus in the city. A new LTP (5) is being developed to meet the aspirations to reduce the environmental impact of transport continuing to promote alternative options for moving around the city.

The possible LTP5 strategic goals identified at the early stage are:

- A sustainable, strong and fair economy
- Safe, healthy and welcoming streets and neighbourhoods
- An accessible city with a transport network that everyone can use
- Improved air quality to safeguard the health of our communities
- Reduced carbon emissions to protect our environment
- A transport network that enhances our environment

This action plan is an operational plan that seeks to support the emerging strategy and meet the current legal obligations that the council faces in managing a busy city's road network.

A summary of the current national and local policies can be found in the following table.

National	UK Industrial Strategy (2017)
	Transport / Cycling and Walking Investment Strategy (2017)
	Inclusive Transport Strategy (2018)
	The Road to Zero (2018)
	Clean Air Strategy (2019)
	Future of Mobility: Urban Strategy (2019)
	Decarbonising Transport: Setting the Challenge (2020)
	Gear Change: a bold vision for cycling and walking (2020)
	The Ten Point Plan for a Green Industrial Revolution (2020)
Sub-national	Energy South2East Local Energy Strategy (2019)
	Transport for the South East Transport Strategy (2020)
Sub-regional	Coast to Capital LEP Strategic Economic Plan (2018)
	Greater Brighton 5 Year Strategic Priorities (2019)
	Greater Brighton Energy Plan (2020)
Local	2030 Vision: Sustainable Community Strategy (2014)
	City Plan Part 1 (2016) and Part 2 (proposed submission 2020)
	Rights of Way Improvement Plan (2017)
	Economic Strategy (2018)
	Joint Health and Wellbeing Strategy (2018)

	Visitor Economy Strategy (2018)
	South Downs Local Plan (2019)
	Corporate Plan 2020-2023 (2020)

6. Network Management in Brighton & Hove

Managing the city's network is a real challenge when trying to balance the competing demands placed on the city's roads, while also encouraging active travel. Buses, cyclists, pedestrians, HGVs and cars all vie to use the existing road space when moving around the city. Events also provide challenges for the authority as they often close large parts of the city.

To mitigate and cope with this demand a number of tools and initiatives are used to manage the road network in the city so that it operates as efficiently as possible. Technology plays an integral part and is used to provide information, control, and enable traffic movements to be managed across the city. Each of the mitigations are listed below detailing how the plan will be developed.

1. Movement within the city

- **Strategic Signing**

When moving around the city it is important that there is clear guidance to drivers to use the roads and routes that are classified to take the most traffic. While there is a move towards the use of Satellite Navigation equipment and connected vehicles, not all of them have this technology fitted. The use of signing also has to link with all other activities including events and developments.

The strategic direction signing in the city has not been reviewed for many years. Sample surveys of the road network have identified that there is a lack of consistency and a number of omissions. There has been a lot of work to reduce sign clutter, but this has been carried out on a scheme by scheme basis and without a strategic overview. Missing signs can lead to vehicles using less suitable routes affecting the city's residents.

Technology can help with providing information both on street and in vehicle for congestion, alternative route and car park guidance. The city has a number of failed Car Park/Variable Message Signs that are in need of replacement. New technology is available to provide better quality and more flexible messaging to drivers. They are also able to be used during the many events held in the city to provide information on all modes to help with managing the city's roads.

Action

Review the strategic signing in the city so that it reflects the city's road hierarchy. Continue to ensure that any new schemes reflect the use of the strategic route network in the city. The review will include what options are available for providing information both on street and in vehicle. Replace the obsolete car park guidance message signs with the flexible newer technology.

- **Red routes**

The city has a number of key strategic corridors that experience issues related to illegal parking and problems related to deliveries. These often impact Public Transport leading to poor bus reliability and congestion. While restrictions are in place to tackle some of these issues some routes still suffer from delays and variable journey times. It is clear that increased enforcement could bring about change and Red Routes could help with solving the problems being faced. Red Routes were first introduced into London and are now able to be used outside of London. Reading Borough Council have successfully implemented a trial that is proving successful in improving journey time reliability.

The priority for a Red Route is to keep the route safe and free flowing and reduce delays. It is not proposed as a scheme to raise revenue by fines, it is hoped that a scheme could provide significant benefits to the network.

What are the benefits of Red Routes?

- Improved safety for pedestrians, cyclists and general traffic
- Journey time reductions
- Improved journey time reliability
- Environmental benefits such as reduced traffic noise and fumes
- Providing a more pleasant environment for pedestrians and cyclists
- Positive effect on frontage businesses as it is easier for people to park legally

Red routes require a significant review of how streets operate and have to be fully justified before they should be considered.

The strategic corridors A23 and A270 have been identified as roads carrying significant volumes of traffic and are key corridors for buses, often linking bus priority measures where delays are frequently experienced affecting journey times for public transport. Many suffer from congestion related to poor parking and access for local businesses. To assess the priority in the city for establishing red routes the journey time reliability of the routes has been reviewed to identify which routes are a priority. Average journey times have been reviewed on the routes and the standard deviation has been taken to demonstrate those that are unreliable. The average journey time has been taken on the same period over a number of years to ensure that any anomalies are removed from the data. The table in appendix A shows the data for the key routes.

The area outside of Brighton Station suffers from a specific issue related to how taxis operate, and red routes may offer a solution to the problem. If after further investigation it is found that a red route could solve the issues then the area directly outside the station should be added to the initial programme.

Action

Implement two experimental red routes for the A23 from the Aquarium Roundabout to Preston Circus northbound and the A270 in both directions from the Aquarium Roundabout to the Vogue Gyratory (A23 Aquarium Roundabout to St Peters Place). The section between the Aquarium Roundabout to Church Street will be implemented within the Valley Gardens 3 scheme. Design and implement the correct signing and use an Experimental Traffic Order to test the impact of the scheme.

2. Supporting Public Transport

Public Transport will be vital in maximising movement in the city and central to this is to focus on the key strategic bus corridors for dynamically managing demand, incidents and events as they happen.

It is important that the authority continue the good work through the Quality Bus Partnership and ensure that management of the road network takes into the account the impact on the Public Transport network.

The existing Real Time Bus Information System has been in place for many years and now needs to be reviewed as new technology and initiatives related to open data have developed. A new system will enable more dynamic messaging and provide better data to manage how buses move in the city. It will provide a more informed and targeted approach to bus priority

Action

Develop a specification for new Real Time Bus Information System working with the bus operator and procure a replacement system.

3. Impact of roadworks

- **Managing Road Works**

Roadworks have a big impact on the city's roads and without coordination significantly disrupt movement and ultimately journey time reliability for all transport modes. To manage and ensure that the impact is mitigated Brighton and Hove City Council operates a permit scheme that requires anyone needing to carry out works on the highway to apply for a permit. The scheme enables better control of when works are carried out and improved liaison with public transport operators to reduce the impact on the network.

The Permit Scheme has reduced the duration of works and promoted collaborative working, the benefits are summarised in the annual reports for the first three years of the scheme on the council's web site.

The Department for Transport has launched a national register that records all roads works in England, called Street Manager. All Local Authorities are now required to use the system which shows all roadworks in England, including Local Authorities' own works, and enables the sharing of data.

While the permit scheme has been effective and has clear demonstrable benefits, it is often difficult to challenge utilities on schemes due to the technical nature of the works. Works are also carried out during the busiest period on the busiest roads and there is little incentive or pressure to either complete works quickly or apply more resources. On 5% of the city's busiest roads it is now possible to introduce a Lane Rental scheme where any works promoter will have to pay to occupy the road. The charge incentivises the promoter to carry out the works quickly and can often encourage use of different technologies to avoid the charge, minimising delays. The first trial schemes have been operating in London and Kent and the DfT are now looking for wider adoption.

Action

Procure a consultant to review and develop a business case for the viability of a Lane Rental scheme for the city and implement a scheme if the business case supports a scheme. Carryout an internal review of the traffic sensitive streets in the city.

4. Using Technology to manage the road network

Technology does play an important role in ensuring the road network is managed effectively. There are a number of tools available to manage the city's roads.

- The city has a control room that currently operates 24/7 and manages the city's car parks with some limited interventions on the road network. The control room use a UTM C Stratos system to monitor and manage the road network. The system is used sparingly as there are no strategic plans developed and the staff in the centre have little experience of using the system. The room also has access to the city's on street CCTV system that is managed by Sussex Police. The council own the street furniture including posts and cameras while the Police own the in-station.
- Variable message signs are valuable in providing information to drivers related to car park occupancy and when incidents occur to warn drivers. The city has 9 obsolete signs that no longer work. New modern interactive displays have been installed to replace some of these signs and provide a new approach to displaying messages. They can display messages related to events, network incidents, relay safety campaign messages, encourage active travel and Public Transport
- Many of the city's junctions are controlled using traffic signals optimised centrally by a computer system. The system uses a specific algorithm called Split Cycle Offset Optimisation Technique (SCOOT) that changes the timing of the signals automatically. The system seeks to minimise delays on the network and does include specific facilities for Bus Priority. It is used to coordinate junctions when they are close to each other so is generally used in the city centre. Siemens are working in collaboration with Transport for London on a new approach to optimising traffic and are seeking to develop new tools to improve how cities are managed.
- Junctions outside of the city centre use a different algorithm called Microprocessor Optimised Vehicle Actuation (MOVA) that seeks to minimise delays, but reacts much quicker to changes as they occur as it looks at individual or limited numbers of junctions.
- New approaches are emerging on how roads are managed, including the development of connected vehicles, the use of open data and future developments of autonomous vehicles.

Currently the use of technology is driven by a service and its specific needs. The Traffic Control Centre is recognised as a valuable resource that is currently focussed on managing the car parks and enforcement. A Traffic Control Centre Board has been established that seeks to:

- Provide staff based in the control room access to and sight of everything they need to do their jobs effectively.
- Establish a flexible space where relevant services can meet to manage priority issues.
- Provide an accessible space including modern equipment and tools that support excellent service delivery.
- Encourage good relationships between services and partners to support a fluid knowledge and intelligence sharing, and effective partnership working.
- Improve data collation and analysis providing high-quality intelligence that informs service decisions.
- Improve engagement with key stakeholders to avert / manage problems on the network.
- Improve messaging and communications with the public to inform and influence their travel choices.
- Extend the use of the CCTV asset to the benefit of the transport network.

The programme does include a workstream that specifically reviews the use of data and technology.

Action

Continue the Traffic Control Centre programme to maximise the valuable resource it provides and seek to establish what efficiencies could be achieved in other transport services. Review the use of Traffic Control strategies and identify any gaps in the provision to ensure that the city is kept moving with focus on supporting public transport. Monitor the new developments in optimising traffic and identify how this will help people travel in the city through the Transport Control Centre Board.

Assess the city's traffic signal junctions for where adaptive control will benefits in carbon reduction and congestion. Continue to develop a structured approach to where investment should be spent in the ITS assets including a future programme for understanding what investment will be needed over the life of the asset.

Appendix A



Red Route GPS Data
Comparison 2015 - 2016

Subject:		Parking Policies	
Date of Meeting:		22nd June 2021	
Report of:		Executive Director, Economy, Environment & Culture	
Contact Officer:	Name:	Charles Field	Tel: 01273 293329
	Email:	Charles.field@brighton-hove.gov.uk	
Ward(s) affected:		All	

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to update Committee on the progress of parking policies within Customer Services (permits), Blue Badge & Concessionary Travel and Parking Infrastructure teams.
- 1.2 This report summarises the formalisation of the procedures already in place, promotes consistency and supports officers in their decision making as well as formalising new policies within these services. These proposals will mean the creation of a new parking policy statement for Parking Services (Appendix A).
- 1.3 This report also highlights a number of improvements for customers and certain groups and takes into account Fraud & Audit Report recommendations made and actioned over the last few years.

2. RECOMMENDATIONS:

- 2.1 That Committee approves the new Parking Policy statement (Appendix A) taking into consideration the summary within this report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Historically, when additional types of parking permits have been taken forward this has been in a piecemeal fashion, without considering the opportunities for modernisation and consolidation. Customers regularly complain about whether some of the permits, badges and passes are fit for purpose and give anecdotal accounts of where they may be being abused.
- 3.2 Therefore, it was agreed at the Environment, Transport & Sustainable Committee on the 21 January 2020 that an operational review of parking permits takes place and as a result, a report of recommended changes comes forward to this Committee.
- 3.3 Over the last two years, the Parking Customer Service Team and the Parking Projects Team have conducted a comprehensive review of the Parking Permit System.

- 3.4 The first year focussed on identifying and recommending which permits were fit for purpose (no change required). This was approved by this Committee on 21 January 2020 when it was presented as an appendix. The Report also identified permits that required further investigation by taking into consideration complaints, concerns and comments made by members of the public.
- 3.5 This second year of the review has focused on modifying the identified permits that required further investigation. Part of these proposals were presented and agreed at this Committee on 24th November 2020 and 19th January 2021. As part of the review a schedule of permits with recommendations for change was started for the 2021/22 financial year.
- 3.6 An Internal Audit Report 'resident parking permit 2019/20' also agreed 'Parking Services will produce policy documentation detailing the terms and conditions of residents parking schemes. It was outlined that the policy documentation should specify what the acceptable proofs of residency are and what action should be taken if no proofs are available'.
- 3.7 Following the permit review project, changes to existing processes include;
- Deletion of permit types; Window cleaner permits and parking waivers.
 - Additional permits types; daily and weekly traders permits to allow more flexibility to Traders.
 - The Dispensation: the use of a time clock to reduce misuse.
- 3.8 Window cleaner badges were only ever advisory and have been removed from the Traffic Regulation Order as being exempt from receiving a Penalty Charge Notice. However, they can purchase a dispensation (which they have been doing) which is consistent with other businesses.
- 3.9 Parking waivers have been removed and will be replaced with daily/weekly traders permits which allows more flexibility to traders. We are hoping to launch these at the end of June 2021. The daily traders permit costs the same as a waiver. The removal of waivers means we will no longer be permitting parking on yellow line parking restrictions and the traders have more flexibility in where they can park with Traders permits.
- 3.10 Previous Parking and Highway Policies before this year on a wider service level were considered in piecemeal fashion and in some cases are informal. This Parking Policy Statement attempts to bring all this together after this extensive review and focuses on Customer Service (permits), Blue Badge & Concessionary Travel and Parking Infrastructure teams. The PCN & Bailiff, Traffic Control Centre and Parking Strategy & Contracts areas will follow later in the year and be reported to this Committee.
- 3.11 The majority of these Policies will be implemented straight away while some proposals will be considered for next year's 22/23 Fees & Charges review.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The main alternative options are doing nothing which would mean that the Parking Policy Statement would not be taken forward.
- 4.2 A number of different options have been considered through a comprehensive review and we are putting forward the options that are feasible and achievable taking into account the needs of our customers. Therefore, it is the recommendation of officers to proceed for the reasons that are outlined within the report.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The parking policies are also directly linked to improving access to the city for disabled people by allowing blue badge holders to park in permit bays in light touch parking schemes and encouraging residents to make choices that support the councils carbon neutral strategy.
- 5.2 The Equalities Impact Assessment for this Parking Policy Statement has reviewed practices in place and has proposed some additions to improve access to the city for a wider group of disabled people by changing the criteria for a significantly discounted disabled residents permit from being a blue badge holder to being a blue badge or disabled bus pass holder. This will be fully explored and considered ahead of next year's fees and charges committee. It also proposes reducing the age residents can purchase visitor permits to 16 to be more inclusive to younger residents.
- 5.3 The parking policies and EIA have been shared at the Disabled Car Users Group (DCUG) which are meetings including BHCC Parking Services, Possability People and BADGE. The group meets every 6 weeks to discuss and share information regarding parking initiatives or issues that affect disabled car users in the city. The group aim is to build better relationships and establish direct communication between disabled people and the council. The intention is that this will lead to improved parking in the city for disabled people, enabling informed decision making and positive outcomes for disabled people.
- 5.4 The feedback has identified a number of ideas that will be explored further and clarifying if they are procedure or terms of use rather than policy. For example the feedback regarding what should be considered as the size of disabled bays will be fed into the procedure notes including proximity of obstructions and identifying if a longer bay is needed for tail lift or specialist equipment. Comments regarding enforcement of permits and bays will be considered in the further parking policy document later in the year. Any suggestions with income implications will be also be considered ahead of next year's fees and charges committee.

6. CONCLUSION

- 6.1 As set out in the body of the report and within the recommendations.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The recommendations in this report for changes to parking permits have no additional financial implications. Any administrative costs associated with these changes will be met from existing Parking Services revenue budgets.
- 7.2 In the case of on-street parking permits any surplus income from civil parking enforcement, after taking into account costs, is governed by section 55 of the Road Traffic Regulation Act 1984 as amended. This requires the defined Parking Surplus to be used for transport and highways related projects and expenditure such as supported bus services, concessionary fares, Local Transport Plan projects and environmental improvements. Where the council also funds transport and highways related budgets from its General Fund budget, increases to the Parking Surplus can be lawfully applied to this expenditure, which can thereby release equivalent General Fund resources. The council may use the released resources for any purpose within its duties and powers, including releasing resources for savings.

Finance Officer Consulted: John Lack

Date: 27 May 2021

Legal Implications:

- 7.3 Under the Road Traffic Regulation Act 1984 the Council has the power to authorise the use of parking places by vehicular traffic or by vehicular traffic of any class on any part of a road within its area. The new Parking Policy statement detailed in this report will help to ensure consistency in the exercise of this power by the Council's Parking Services teams and correct compliance with the recommendations in the Fraud & Audit report.

Lawyer Consulted: Stephanie Stammers

Date: 26 May 2021

Equalities Implications:

- 7.4 Consultation took place and the comments and wishes of the respondents were taken into account when considering what changes would best meet the needs of those local populations. The proposed measures will be of benefit to many road users.

Sustainability Implications:

- 7.5 No Sustainability implications identified.

Brexit Implications:

- 7.6 No Brexit implications identified.

Any Other Significant Implications:

- 7.6 None

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Parking Policy Statement

Supporting Documents:

1. ETS Committee – 24th November 2021 – Agenda Item 46
2. ETS Committee – 19th January 2021 – Agenda Item 68

Appendix A - Parking Services Policy Library

Introduction

These documents form the operational guidance and strategic link for Parking Services. It promotes consistency across the service, and supports officers in their decision making

Approval committee date: ETS committee June 21 (TBC)

1.2 Aim of Policy

This policy document sets out the eligibility requirements for obtaining a concession, parking permit or requesting changes to parking restrictions. In addition to meeting audit requirements the approval of this document formalises the procedures already in place, promotes consistency, and supports officers in their decision making to ensure only those eligible receive

1.3 Policy Scope

The policy is subordinate to any legislation, central government guidance or local corporate policy that covers these areas of administration.

1.4 Councils Corporate strategy

The parking policy is directly linked to improving access to the city for disabled people by allowing blue badge holders to park in permit bays in light touch parking schemes and encouraging residents to make choices that support the councils carbon neutral strategy.

1.5 Equalities Impact Assessment

The Equalities Impact Assessment has reviewed practices in place and has proposed some additions to improve access to the city for a wider group of disabled people by changing the criteria for a significantly discounted disabled residents permit from being a blue badge holder to being a blue badge or disabled bus pass holder will be fully explored and considered ahead of next year's fees and charges committee. It also proposes reducing the age residents can purchase visitor permits to 16 to be more inclusive to younger residents.

EIA no. currently in draft

1.6 Lasts reviewed by and date:

First issue

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1 Parking Permits

1.a Fees, Charges and Refunds

All fees and charges for parking permits can be found within the latest fees and charges committee documents. The cost may vary depending on; if the permit holder is also blue badge holder or lives with a blue badge holder, car emissions, Controlled parking zone and how many vehicles are in a household.

Pro rata payment must be made if when moving address, the new CPZ is subject to a higher permit fee.

Pro rata payment must be made if the new permanent vehicle is subject to a higher permit fee

Refunds due are calculated per calendar day.

No refunds are given for permits surrendered where only an administration fee only has been paid, for example a blue badge holder resident permit or an event day resident permit.

A pro rata refund may be applied for where an applicant has been issued a Blue Badge during the life cycle of the resident permit that has been paid in full.

A pro rata refund for the remaining complete calendar days will be applied for if when moving address, the new CPZ is subject to a lower permit fee.

A pro rata refund for remaining calendar day will be issued where a vehicle is changed and due a refund due to lower emissions

A refund will not be issued for a temporary change

A pro rata refund for the remaining complete calendar days can be applied for with a minimum charge of 30 days being applied in all cases.

Refunds will be made to the named business or organisation rather than individual for non-resident permits

1.b Resident's Permits

This document sets out the eligibility for a resident's permit and applies to both full and light touch controlled and event day parking zones.

Eligibility

The applicant must meet the residency criteria by providing two documents to verify residency. Please see appendix A for acceptable proofs.

Upon a renewal application only the accepted documents listed in appendix A will be accepted.

Only lease/hire agreements in excess of 6 months will be accepted. Shorter lease/hire agreements will not qualify for a resident's permit. Concessions will only be made in exceptional circumstances and at the service manager discretion.

All applicants will be required to complete an application form for assessment and chose the permit type corresponding to their vehicle's Co2 emissions pricing band.

All applicants who hold a Blue Badge will be required to provide the Blue Badge number in order to claim the permit charge waiver.

In cases where the applicant has applied for a Blue Badge which has not yet been granted at the time of the resident permit application, the full permit charge will apply however, a pro rata refund may be claimed once the Blue Badge is granted.

All applicants will be required to prove their vehicle, length, weight, and height if required to facilitate the application assessment.

Any vehicle exceeding 6 metres in length, 2540Kg in weight or 2.25 metres in height will not qualify for a resident's parking permit. Concessions will only be made in exceptional circumstances and at service manager discretion.

No permits will be issued in a full controlled parking zone where there is off-street parking is available.

All applicants are required to declare they agree to have their Council Tax records checked in order to facilitate the assessment process.

All applicants will be required to declare their application address is not;

- a 'second home'
- they are not a landlord
- the application address is not a holiday home.
- Designated a car free development

Resident's permits will not be issued where an applicant has been identified within one of the three categories listed above.

Conditions of use

In order to claim the parking concession, a resident's permit must be displayed on the vehicle's windscreen or dashboard in way that is clearly visible to a Civil Enforcement Officer. Failure to display the permit in such manner may result in the issue of a Penalty Charge Notice.

1.c Change of address

This document sets out the eligibility for a change of address for a resident-, car share-, non-professional carer- and business permit, both within the same CPZ and between different CPZs.

Eligibility

The permit holder must notify the council of their change of address and update their parking permit when moving address.

A resident with a valid Blue Badge automatically qualifies for a change of address for their resident parking permit. The signed application must be submitted with supporting evidence of the new residency.

People with proof of Power of Attorney for a resident living in a CPZ – the application must be made in the resident's name and proof of their residency supplied.

To ensure eligibility, address verification is required. Please see appendix A for list of accepted documents

Updated vehicle documents at the correct address is required to be submitted on renewal.

The permit holder must surrender the physical valid permit for the previous CPZ and submit the supporting evidence as stated on the application form. This must be returned to Parking Services, by post or by emailing or uploading a photo of their destroyed permit. (This should be the permit cut into 4 parts so it can still be legible in the photo) before a new permit can be issued.

A new permit will only be issued on receipt of the completed application, payment due, old permit if required and address documentation.

If no physical permit has been issued to the permit holder, because i.e. the permit is virtual, we do not require the permit returned.

The expiry date of the updated permit will remain the same if the permit holder moves to an address within the existing controlled parking zone. If the permit holder moves to an address which is in a different parking zone, the existing permit is refunded and a new one must be bought.

The change of a permit can be applied for on behalf of the permit holder, with written consent from the permit holder.

Waiting List

If moving within the same CPZ and a permit is already held, then the applicant will not be required to re-join the waiting list. If moving to a different CPZ where there is a waiting list the applicant will be required to re-join the waiting list.

If the permit holder moves from a non-waiting list CPZ into a CPZ holding a waiting list, a Change of address cannot be applied for. The current valid permit must be surrendered before an application to the waiting list can be made.

Conditions of use

A valid permit for the current controlled parking zone must be on display at all times inside the vehicle. Failure to do so could result in Penalty Charge Notices (PCNs) being issued.

1.d Change of vehicle

This document sets out the eligibility for a change of vehicle on a resident, car share, trader, business- carer's and Norton Road Car Park Permit, both permanent and temporary.

Eligibility

The permit holder must update their parking permit when changing their vehicle.

People with proof of Power of Attorney for a resident living in a CPZ – the application must be made in the resident's name and one proof of their residency supplied.

To ensure eligibility, verification of residency and new permanent vehicle is required. Please see appendix A for accepted documents

Permanent Change of Vehicle

The permit holder must surrender the physical valid permit with the previous Vehicle Registration Mark and submit the supporting evidence as stated on the application form. This must be returned to Parking Services, by post or by emailing or uploading a photo of their destroyed permit. (This should be the permit cut into 4 parts so it can still be legible in the photo) before a new permit can be issued

A new permit will only be issued on receipt of the completed application, payment due, old permit, address and vehicle documentation.

If no physical permit has been issued to the permit holder, because i.e. the permit is virtual, we do not require the permit returned.

The expiry date of the updated permit will remain the same.

The permanent change of a permit can be applied for on behalf of the permit holder, with written consent from the permit holder.

Temporary Change of Vehicle

The permit holder, with a valid permit, can apply for a temporary flag to be issued to cover a courtesy vehicle because their usual vehicle is undergoing works. The temporary flag must not be used to avoid paying charges due because of a change in vehicle. Temporary flags lasting longer than 10 days may require the applicant to provide evidence of ongoing works. Temporary flags will not be issued for more than 1 month. A change of vehicle of over 1 month must apply for a permanent change of vehicle and pay the appropriate charge. Re-occurring requests will require evidence of ongoing works.

Conditions of use

The flag can only cover one vehicle at any one time and is vehicle specific.

Once the flag is expired, or the maximum duration available has been used up, alternative parking must be sought.

Replacement

If the old permit cannot be retrieved, a Duplicate Permit will be issued. application to be submitted where the permit holder must state the circumstances. Proof of this is required.

Discretion / Exceptional Circumstances

Discretion to issue additional time in form of a temporary code in exceptional circumstances which fall outside the eligibility criteria will be considered by a Manager or Team Leader of the customer service team.

Example of exceptional circumstances include the vehicle waiting for parts or extensive repair of the vehicle. Proof of the exceptional circumstance is required.

1.e Duplicate Permit

This document sets out the eligibility and requirements for an application for any physical duplicate permit.

Eligibility

To ensure permit holders are eligible, verification of residency is required. Please see appendix A for accepted documents. A new permit will only be issued on receipt of the completed application and any payment due,

The expiry date of the duplicated permit will remain the same.

Discretion / Exceptional Circumstances

Parking Services are not able to duplicate a permit without the requested documents, and a new permit must be applied for. In this case, a refund on the unavailable permit, cannot be requested.

1.f Car Share

This document sets out the eligibility for an application for a Car Share permit.

Cost

The concessionary price of a car share permit, when applied for with a valid Blue Badge, only applies to the permit held by the blue badge holder.

The main applicant is responsible for full payment of the permit charge.

Eligibility

Residents of Brighton & Hove living in a CPZ aged 17 or older who reside at the address for 5 nights per week or more.

The main applicant is required to submit the vehicle documents registered to them, at the application address, (Please see appendix A for accepted documents) as well as the valid motor insurance document showing both applicants as named drivers.

An application for a car share permit where one permit is for a CPZ with a waiting list can only be processed if they have reached the top of the waiting list and have been invited to apply for a permit.

A car share permit cannot be applied for, if either applicant already holds a valid resident parking permit.

An application will be rejected if the applicant does not yet reside at the property for five nights or more per week.

A car share permit can only be applied for, if both residents live in different CPZs.

A car share permit cannot be applied for if either property is conserved a "Car Free Development".

The permit(s) will only be issued on receipt of the submitted application, payment due, address and vehicle documentation.

The application form must be signed by both permit holders.

In the case of a virtual permit system, no physical permit will be issued.

Permit length, Renewals and Change of Vehicle

The car share permit(s) are only available as a full annual permit(s). The permit(s) will be renewed at the same time.

If the main applicant changes the vehicle during the validity of the permit, new permits will only be issued on receipt of the permits, fee due for each permit, vehicle and residency documents.

.

Discretion / Exceptional Circumstances

Discretion in exceptional circumstances, which fall outside the eligibility criteria will be considered by a Manager or Team Leader of the customer service team.

Proof of the exceptional circumstance is required.

A resident with a valid Blue Badge automatically qualifies for a resident parking permit in a zone with a waiting list. They do not need to join and should instead apply for the car share permit.

1.g Resident Visitor Permit

Resident Visitor Permit allocations

The annual allocation runs from the date of the first purchase for a rolling year and will be refreshed at that date each year after. Resident Visitor Permits not purchased are not carried forward to the next rolling year.

The amount of Resident Visitor Permits allocated depends on which zone the resident lives in and is set out in the most recent years fees and charges committee documents.

Additional permits may be issued in exceptional circumstances such as a bereavement.

Eligibility

Residents of Brighton & Hove living in a CPZ aged 16 or older who reside at the address for 5 nights per week or more.

Or

are second home-owners with property in a CPZ, if they live outside of a BHCC CPZ.

People with proof of Power of Attorney for a resident living in a CPZ – the application must be made in the resident's name and two proofs of their residency supplied.

To ensure residents are eligible verification of residency is required. When applying online we will attempt to match the data with existing council records. However, if we are unable to verify residency of the applicant, we will require 2 documents to verify your address. Please see appendix A for list of accepted documents.

Resident Visitor Permits are not available for Businesses, including holiday rental properties.

Landlords do not qualify for Resident Visitor Permits

Residents not living in a CPZ are not eligible to apply for visitor permits

Resident Visitor Permit allows parking for one calendar day.

Resident Visitor permits have an expiry date.

The permits are valid for a minimum of 12 months.

A minimum of 12 months will be available on the Resident Visitor Permits as they are intended to be an annual allocation to be used in that rolling year.

Customers should purchase the amount they require for their rolling year, as expired permits are non-refundable. Expired permits cannot be used.

Resident moved address

Resident wanting to purchase visitor permits at a new address are required to provide proof of residency at the new address.

Resident with valid Resident Visitor Permits for an old address can exchange them for Resident Visitor Permits valid within the new parking zone. The permits will need to be returned to parking services at the address below for us to swap them. A new allocation will be given for the new address.

Refunds

Resident Visitor Permits are non-transferable and non-refundable.

If the resident moves out of the City or no longer live in a CPZ we will refund any valid Resident Visitor Permits not used. They will be refunded at the price paid for them at the time of purchase. The permits must be returned before the refund is completed

Replacement

We do not replace any Resident Visitor Permits that have been damaged or filled in incorrectly.

Discretion / Exceptional Circumstances

Discretion to issue Resident Visitor Permits in exceptional circumstances which fall outside the eligibility criteria will be considered by a Manager or Team Leader of the customer service team. Visitor permits remain chargeable when discretion is applied.

Example of exceptional circumstances include; a medical need or bereavement. Additional example include issuing Resident Visitor Permits to relatives of a resident, who lived in a CPZ, and has died and their house needs to be cleared or need visitor permits to assist with funeral arrangements. Proof of the exception circumstance will is required.

1.h Carer Permit

This document sets out the eligibility for a carers permit.

Eligibility

The applicant is the carer however, the eligibility assessment is carried out on the 'person to be cared for' as the resident.

The 'person to be cared for' must provide a declaration signed by their GP to confirm that they require to be care for. This declaration is required upon any new application or renewal of a carer's permit. Any charge made by the GP is to be paid for by the applicant or the carer.

To ensure eligibility, address verification is required of the person to be cared for, not the carer. A list of accepted documents is listed in appendix A

The permit itself is issued in the carers name, as the permit user.

An application form must be completed and submitted.

Conditions of use

Carer Permits must only be used by the carer while carrying out their duties of care to the 'person to be cared for' only and not for any other reason.

Permits can only be used to park in the zone specified on the permit in a permit or shared use bay.

1.i Business Permit

This document sets out the eligibility for a business permit.

Eligibility

Permits will not be issued for commuting purposes or to provide general parking. The applicant must demonstrate a genuine need that a vehicle is needed to carry out day to day work. A need to load/unload to the business premises is not a qualifying criterion. The applicant will be required to fill in a questionnaire to help establish eligibility. People who are required to regularly leave and return to their business premises because their business and customer transactions occur away from the business premises. For example, estate agents, surveyors, chiropodist.

To ensure eligibility, address verification is required. These are specified in Appendix A

A vehicle document is not required for this permit.

Business permits are not available for parking zones Y & Z.

A maximum of 2 permits per business applies in all cases.

1.j Hotel Visitor Permit

This document sets out the eligibility for hotel visitor permits

Refund

Hotel visitor permits are non-refundable and non-exchangeable. In the event a hotel closes or moves out of the CPZ refunds will be issued for remaining valid permits returned.

Eligibility

The applicant must own, run or manage a hotel within the city in parking zones C or N.

To ensure eligibility, verification is required. Documents must be dated within 3 months and addressed to the hotel or its business group. A list of accepted documents can be found in Appendix A. Documents addressed to small guest house owners (individuals) will be assessed on a case by case basis.

A cap to the number of hotel visitor permits applies. This is calculated in the first application. The cap is allocated to the hotel's account after the initial assessment.

Number of bedrooms rooms available minus number of rooms let to a resident, off street parking places and resident permits held plus 1 x 365 = maximum number of permits available to purchase.

Conditions of use

Hotel visitor permits must only be used by the hotel's visitors and cannot be re-sold to hotel guests or anyone else for a profit. Any hotel found to be doing this will not be sold any further permits.

1.k Trader Permit

This document sets out the eligibility for a trader's permit.

Eligibility

Traders permits are only issued to those who are required to use their vehicle as a mobile workshop or are unable to carry out their job without access to the vehicle. To ensure eligibility, verification is required. One proof of trading is required. An application form must be completed for assessment. Accepted documents to verify business address are in appendix A.

A vehicle document is not required for this permit.

1.I School Permit

This document sets out the eligibility for a School Permit.

Eligibility

Only the Headteacher of a School or a Nursery Manager may apply for a School Permit.

The application must be made in the School/Nursery name with the Headteacher/Nursery Manager as the responsible party for administering the permit.

Applications must be submitted once yearly to comply with eligibility criteria. Ad-hoc applications will be considered at the council's discretion and charged on a pro-rata basis.

To ensure eligibility;

verification of teaching staff numbers is required. The document must be letter headed and dated within 3 months. It must contain a list of all teaching staff names and current positions. The application must be completed by the Headteacher/Nursery manager.

The school must be Ofsted or ISI (Independent School Inspectorate) Registered.

Must complete 2 new items on a checklist that is different to the year before. All the items on the checklist will promote active and sustainable travel.

Must complete a survey (10% of staff must complete the survey).

Please note that the School Parking Permits will be issued using a new formula. The formula will deduct the amount of off-street parking bays a school has declared, before calculating the '1 permit to every 6-teaching staff ratio', up to a maximum of 25, within full parking schemes.

Within light touch schemes, the formula will deduct the amount of off-street parking bays a school has declared, before calculating the permit allocation which is '1 permit to every 3- teaching staff' ratio, up to a maximum of 50.

No vehicle documentation is required as School Permits are shared between teaching staff.

School Permits must only be used by teaching staff while carrying out their duties and not for any other reason.

1.m Parking Dispensation

Dispensation must be clearly displayed on the dashboard with the timeclock set to arrival time while providing duties listed on application.

Dispensation Permit will be offered to those who provide essential services in the city to keep it running, and to council workers who are required to make short and frequent stops throughout the city to provide essential services.

Only the vehicle stated on the permit can park in permit bays in any controlled parking zone, for up to 1 hour and on yellow lines for up to 30 minutes (except where there is a loading ban in place indicated by chevron kerb markings), providing the vehicle is not parked dangerously or causing obstruction.

Eligibility

Application for a parking dispensation can be submitted by employee or employer on behalf of the staff requiring a dispensation to carry essential duties.

A cover letter and staff ID must be submitted as part of the application. It should be on headed paper from management confirming:

- essential duties which are to be carried out
- stay will be no longer than permitted while using dispensation

2 Parking Infrastructure

Fees and Charges

All fees and charges for parking infrastructure requests can be found at the latest fees and charges committee documents.

2.a Access Protection Markings (APM)

This document sets out the qualifying criteria and process of implementation of Access Protection Markings (APM). These are also known as white lines across a driveway or legal dropped kerb.

Criteria

To qualify for an access protection marking, the applicant must meet all eligibility criteria and submit a complete application to us:

The applicant must live in Brighton and Hove adjacent to a public highway. We cannot install an APM on private roads and housing land.

An APM may be installed where requested by an owner of a property provided there is a legal dropped kerb.

If there are waiting restrictions, such as existing yellow lines, an application will not be considered and deemed unnecessary as the existing road markings are already enforceable by Civil Enforcement Officers.

Where a vehicle access is shared by two properties both properties will need to give consent, but this can be submitted on one application.

APMs will only cover the extent of the dropped crossing from the start of one dropped kerb to the end of the other in addition to up to 1 metre either side. Dropped crossings are considered as vehicle or footway crossings.

APMs will not be supplied to prevent parking on the opposite side of the road from the dropped kerb.

If the APM is requested to be refreshed by the property owner, this will be at the expense of the applicant/property owner.

If the APM needs refreshing following roadworks, this will be done at the Council's expense.

2.b Disabled bay

This document sets out the qualifying criteria and process of implementation of Disabled Bays within and outside of controlled parking zones (CPZs).

Criteria

To qualify for a disabled bay on the public highway, the applicant must meet all the relevant eligibility criteria and submit a complete application to us.

Permanently and primarily reside at the address within Brighton and Hove for which the disabled bay is applied for. A permanent resident is identified as living at the address for a minimum of 5 nights per week. Applications will not be considered for second or holiday homes.

Where the holder of a valid blue badge is not the driver of the vehicle, they must permanently live at the same address as the blue badge holder.

There are no available suitable off-street parking spaces. A suitable available parking space could include but is not limited to be a driveway, garage or hardstanding. We will take incline, width as well as the practicality and ease of accessibility for the blue badge holder into account.

Full valid driving licence - registered to the applicant at the applicant's address.

Blue badge Details

V5C, insurance certificate/schedule or mobility vehicle agreement – the applicant must be the registered keeper.

Where the holder of a valid disabled badge is not the driver of a vehicle, they will need to provide supporting medical evidence to show that the nominated driver has to manually handle any essential medical equipment, such as oxygen tank required for the blue badge holder.

In the case where the holder of a valid blue badge is not the driver of a vehicle and the driver of the vehicle is unable to safely set down the badge holder to park further away as they cannot be left unattended for any duration, for example they are a child or suffer with dementia, supporting medical evidence is required.

A completed application form

Location Criteria

To help decide on whether to approve an application, and to identify possible locations for the disabled bay, we will undertake a site visit to consider:

1. Layout of the road, crossing points and incline or decline of the location.
2. Whether the requested disabled bay can be located within 50 metres of the property.

On approval a Traffic Regulation Order (TRO) procedure is followed. This is a legal process which enables enforcement of the bay once implemented.

In the case of a rejected application, an appeal may be submitted by the applicant in writing. Such an appeal will be re-assessed by a different member of the team.

Discretionary Criteria

We retain the right to apply judgement in circumstances which would override the above criteria. These could include, but are not limited to, the following:

The nature of the road and footway being such that crossing would be made more difficult for the blue badge holder, for example a steep incline. In this case we will endeavour to find a different suitable location. If no suitable location within 50 metres from the applicant's address can be found, the council will not be able to move forward with the application and this will need to be rejected.

Other Information

All bays are subject to annual reviews to establish the continuing need. If the bay is no longer in consistent use, we reserve the right to revoke and remove the bay. Refer to the current Traffic Regulation Order (TRO).

A bay would be classed as not being in use consistently if the applicant is deceased, has moved away or is no longer eligible.

2.c Doctors and Ambulance Bays

This document sets out the qualifying criteria of Doctors- and Ambulance Bays.

Criteria for Doctor's Bays

A doctor's parking bay is available for doctors who require a bay sited near their surgery or consulting room, enabling a quick response to emergency call outs.

An application must be made in writing. The application must outline a detailed description/reason why the bay(s) are required, the name of the applicant, details of the surgery and contact information.

After the request is received a site visit will be carried out. During the site visit, we will establish impact on the surrounding streets, traffic flow and possible location. We will endeavour to find a suitable space in the vicinity of the surgery.

Each surgery can apply for a maximum of two doctor's bays.

Where a surgery has merged with another, we will consider further bays to accommodate the needs of the surgery.

Doctors' parking bays are not provided to enable routine home visits or other non-emergency vehicle use. Where the surgery has access to off street parking facilities these must also be used

for parking purposes and not for general commuter parking in order for a doctor's bay to be granted.

An annual doctor's parking permit which must be obtained from the parking department and must be on display in the vehicle when this is parked in the bay.

On approval the legal process as set out in the Traffic Regulation Order (TRO) is followed.

Criteria for Ambulance Bays

An application must be made in writing. The application must outline a detailed description/reason why the bay is required and the name and contact details of the applicant/organisation.

The bay can only be requested and used by an "ambulance vehicle". This is specified as a motor vehicle which is constructed or adapted, and primarily used for carriage of person to or from a place where they will receive medical treatment; and which by reason of design, marking or equipment is readily identifiable. Evidence of this must be supplied on application.

After the request is received a site visit will be carried out. During the site visit we will assess the application and establish the impact on the surrounding streets, traffic flow and a possible location. On approval the legal process as set out in the Traffic Regulation Order (TRO) is followed.

2.d Motorcycle Bays (M/C bays)

This document sets out the qualifying criteria and application process for motorcycle bays.

Criteria

To qualify for a motorcycle bay on the public highway, the applicant must meet all eligibility criteria.

A request for a Motorcycle Bay (M/C bay) must be made in writing. The request must contain a description as to why a new M/C bay is needed, an exact location and contact details of the applicant.

The location where the M/C bay is requested must be within Brighton and Hove and on public highway. We cannot install M/C bays on private roads.

A M/C bay may be installed where requested provided there is no established available M/C bay near the location.

A site visit will be carried out to establish suitability of the preferred location. We must consider noise disruption to nearby properties such as basement flats or incline of the road and weather conditions.

A M/C bay will be located as close to the applicant's request as it is reasonably possible.

We reserve the right to remove a M/C bay should this not be in frequent use throughout the week.

On approval the legal process as set out in the Traffic Regulation Order (TRO) is followed.

If objections are received, we may not be able to continue with the application.

2.e No Loading Restrictions

Introduction

This document sets out the process and criteria of No Loading Restrictions.

Application

A request must be made in writing and must include a detailed description of the issue and exact location.

We will conduct a site visit and assess the issue as stated in the request.

Criteria

1. Loading restrictions will only be considered where no waiting restrictions have already been applied to the public highway.
2. Loading restrictions will only be considered at certain locations, such as busy shopping areas and/or city centres, where loading is having a major impact on traffic flow and causes congestion to all road users.
3. The restrictions will only prohibit loading during prescribed times. These can vary between different locations.

2.f Personalised disabled bay

Introduction

This document sets out the qualifying criteria and process of implementation of Personalised Disabled Bays within and outside of controlled parking zones (CPZs).

This policy shall be used in conjunction with the Disabled Bay Policy.

A personalised disabled bay will only be considered as a last resort and we will explore all other alternative solutions before considering an application for a personalised disabled bay. Our experience has shown that personalised disabled bays are difficult to administer and are often ineffective as the applicant still often finds people parking in the bay.

Cost

If the request is approved, the applicant is liable to an application fee and is required to obtain an annual permit for the bay from the Parking Department. Refer to the current fees and charges document.

Criteria

To qualify for a personalised disabled bay on the public highway, the applicant must meet all of the below:

1. Put the request for a personalised disabled bay in writing, either by email or letter. This must include a detailed description and frequency of the problems experienced.
2. A disabled bay must have been implemented for 12 months or longer.
3. The disabled bay will be randomly monitored over a two-week period.
4. After the monitoring period is finished, we may contact the other blue badge holder(s) who are frequently using the bay in question to find an alternative solution.

5. A personalised disabled bay will only be considered in highly congested central locations, such as near train stations, city centres, shopping, or leisure areas where there is a high level of visitors.
6. On approval the legal process as set out in the Traffic Regulation Order (TRO) is followed.
7. A parking permit must be obtained from the parking department and must be on display in the vehicle when this is parked in the bay.

Other Information

Applications for a personalised disabled bay at an address where the applicant does not permanently reside at, will not be considered.

Requests for a personalised disabled bay, where the driver of a private motor vehicle or any other form of transportation, lives at a different address, will not be considered. In this case, the driver is expected to relocate the vehicle to a legal parking space after, for example picking up or dropping off the Blue Badge Holder or loading and unloading shopping.

All bays are subject to annual reviews to establish the continuing need. If the parking permit has not been renewed, and the bay is no longer in consistent use, or the applicant died, we reserve the right to revoke and remove the bay. Please refer to the current Traffic Regulation Order (TRO).

2.g Resident Parking Schemes (Controlled Parking Zones)

Introduction

This document sets out the requirements, criteria, assessment and process of Controlled Parking Schemes (CPZs).

Criteria

1. New areas will be considered following sufficient support from residents and ward councillors.

Support for this type of request can be shown by asking other residents to sign an online petition (also known as e-petition) via the Brighton and Hove City Council website. We also accept paper petitions, this can either be sent to us or given to your local councillor. Paper petitions must include printed names and full addresses of each resident signing it.

2. All proposed and existing parking schemes will need to be added to the 'parking scheme priority timetable' agreed at the Environment Transport & Sustainability (ETS) committee meeting.
3. Schemes may be light touch or a full scheme following the results from the consultation and surrounding schemes. A light touch zone is a parking scheme with two separate enforceable hours throughout the day. A full scheme is a parking zone, which is enforceable all day.
4. Where parking bays are unable to be installed on the public highway, waiting restrictions (yellow lines) shall be applied along the kerbside to protect the movement of traffic and prevent obstruction to all road users.
5. Double yellow lines will apply to all legal crossovers & dropped kerbs in order for a parking scheme to operate fully. All access protections markings will be removed upon implementation of a scheme and replaced with double yellow line restrictions.

6. Prior to a new scheme being implemented the process consists of three rounds of consultation, each round requires a committee approval.
7. Wider transport improvement works, such as pedestrian crossings and bus stop build outs, will not be considered as part of the residents parking scheme consultation. Suggestions can be passed to the relevant transport department for their consideration.
8. All Residents' Parking Schemes shall be self-financing in order to operate fully.

2.h Waiting Restrictions (yellow lines)

Introduction

This document sets out the process and criteria of Waiting Restrictions (yellow lines).

Application

A request must be made in writing and must include a detailed description of the issue and exact location.

We will conduct a site visit and assess the issue as stated in the request.

Criteria

1. Where waiting restrictions at junctions are implemented on a main road, they will be continued into side roads.
2. The length of the waiting restrictions will be assessed during a site visit with the following criteria in mind:
 - Traffic flow
 - Junction capacity
 - Visibility and sightlines
 - The maximum turning space required by the largest vehicle which can reasonably be expected to make any turning movement.
 - Pedestrian facilities – this includes but is not limited to shops, museums, concert halls, hospitals, transport hubs such as train stations and sports facilities.
3. The council will also consider the provision of 'no waiting restrictions' at other locations where parking causes a persistent problem either regarding obstructions or road safety.
4. The restrictions will prohibit waiting at all times where applied.
5. On approval the legal process as set out in the Traffic Regulation Order (TRO) is followed.

3 Blue Badge Policy

3.a Introduction

The aim of the Blue Badge Scheme is to help those with severe mobility problems and hidden disabilities access goods and services by allowing them to park close to their destination. The scheme is open to disabled people irrespective of whether they are traveling as a driver or passenger.

The Department for Transport (DfT) is responsible for outlining the legislation that sets the framework for the Blue Badge scheme. The DfT issues guidance for Local Authorities based on this framework, which Brighton and Hove City Council follow.

The Blue Badge and Concessionary Travel team within Brighton and Hove City Council is responsible for the day-day administration and enforcement of the Blue Badge scheme.

Eligibility

It is the responsibility of Brighton and Hove City Council to ensure that badges are only issued to residents who satisfy one or more of the eligibility criteria set out in the legislation that governs the scheme. Under no circumstances should anyone who does not satisfy at least one of the criteria receive a badge.

Details of the Eligibility criteria are set out in the guidance which can be found here:

<https://www.gov.uk/government/publications/the-blue-badge-scheme-local-authority-guidance-england/blue-badge>

When applying under the 'without further assessment' criteria, applicants must supply the full benefit award letter showing they receive the specific benefits as defined in the DfT guidance. These letters must be dated within the past 12 months.

When applying for a badge with Personal Independence Payment (PIP) the Council must see the full award letter showing the points and the serial numbers at the bottom of each page.

When applying under the 'subject to further assessment' criteria applicants should provide any supporting documents to help support their application. This can be medical letters or reports from a specialist that outlines their conditions.

BHCC will carry out a desk-based assessment on all of the information provided in the application form and any supporting evidence attached.

If it is not clear whether or not an applicant is eligible, the applicant should be referred to an expert assessor who is able to give an independent and professional recommendation as to whether or not the applicant meets the criteria for a Blue Badge. (See Point 4- Eligibility Assessment for more details).

The final decision of awarding a Blue Badge will always be made by BHCC.

Blue Badges will always be issued for three years unless the badge has been issued on automatic grounds and qualifying benefit is due to finish before three years. In these cases, the date expiry date of the badge will be the same month and year that the benefit is due to expire.

BHCC will make every effort to assist applicants with applying under the most relevant eligibility criteria for their situation.

Core Personal Data, Photographs and fees

All applicants must either supply documents to prove their identity and address, or provide us with consent to check in house systems to do this on their behalf. Consent tick boxes are found on both the paper and online application forms.

If consent is not given or we cannot confirm the applicant's identity or an address from our inhouse systems, applicants will be asked to supply further documents to prove this.

An application cannot be assessed without the applicant's identity and address being verified.

Proof of address – (must be dated in the past 12 months unless otherwise stated and have the applicant's name printed on it)

- Utility bill (gas, electric, satellite television, landline phone bill)
- Local authority council tax bill for the current council tax year
- Bank statement
- Current UK driving licence (but only if not used for the name evidence)
- Bank, Building Society or Credit Union statement or passbook dated within the last three months
- Original mortgage statement from a recognised lender issued for the last full year
- Solicitors letter within the last three months confirming recent house purchase or land registry confirmation of address
- Council or housing association rent card or tenancy agreement for the current year
- Benefit book or original notification letter from Benefits Agency (but not if used as proof of name)
- HMRC self-assessment letters or tax demand dated within the current financial year

- Electoral Register entry or NHS Medical card or letter of confirmation from GP's practice of registration with the surgery

Proof of Identity – must show applicant's current name

- Current signed passport
- Original birth certificate (UK birth certificate issued within 12 months of the date of birth in full form including those issued by UK authorities overseas such as Embassies High Commissions and HM Forces)
- EEA member state identity card (which can also be used as evidence of address if it carries this)
- Current UK or EEA photocard driving licence
- Full old-style driving licence
- Photographic registration cards for self-employed individuals in the construction industry - CIS4
- Benefit book or original notification letter from Benefits Agency
- Firearms or shotgun certificate
- Residence permit issued by the Home Office to EEA nationals on sight of own country passport
- National identity card bearing a photograph of the applicant

All applicants will be required to submit a recent passport style colour photograph with their application, whether it is for a new badge or a renewal. It is important that all badges have photographs that show a true likeness to the badge holder. This helps to reduce abuse of the scheme and enables effective enforcement. Guidelines for the photo can be found in the DfT guidance 3.36.

All successful applicants are required to pay a fee towards the administration and issue of their Blue Badge. In the case of an unsuccessful application, the fee will be refunded to the applicant if the payment has already been made.

The fee may also be charged for replacements due to damage or the badge being lost or stolen.

Discretionary decisions concerning fees, documents or eligibility may be made by the Blue Badge and Concessionary Travel Manager.

3.b Eligibility assessments

In cases where eligibility is not clear, eligibility assessments are carried out to determine the effect of a disability or condition on an applicant's walking and range of movement.

Eligibility Assessments are carried out by an Expert Assessor as defined in the DfT guidance.

The Expert Assessor uses a pre-defined scoring system to complete the assessment. All distances in the assessment are pre-measured and are the same for all applicants.

In some cases, home based assessments are available, however these are only available to those who are unable to travel to the assessment as their mobility is severely limited. Home visits will be at the discretion of the Blue Badge and Concessionary Travel Manager.

ID must be shown to the assessor at the beginning of the assessment. The Expert Assessor will not continue with the Eligibility Assessment if they are unable to verify the applicant's identity at the time of the appointment.

In the majority of cases, a face to face Eligibility Assessment is necessary so that the Expert Assessor can observe the applicant directly. However, particularly for applications for Hidden Disabilities, a face to face appointment may not be necessary in every case. The Expert Assessor will make a recommendation for a telephone only appointment, if necessary, after reviewing the application form and supporting information.

The Expert Assessor will send the results of the assessment to the Blue Badge team who will then use the recommendations to make the final decision whether to issue a Blue Badge.

Appointments are booked in advance and will be confirmed via letter where possible. Appointments can be rescheduled if an applicant has contacted us and can no longer make their original appointment.

If an applicant does not attend their arranged appointment 3 times in a row and we have not been told that they want to cancel their appointment, we may charge the applicant the cost of the appointment.

BHCC will make every effort to ensure that all reasonable adjustments are implemented where possible in order to make the Eligibility Assessment accessible for all.

Refusal to engage in an Eligibility Assessment may result in the application being withdrawn due to insufficient evidence to support the application.

3.c Organisational badges

An organisational badge may be issued to an organisation for use in a motor vehicle or vehicles when the vehicle or vehicles are to be used to carry disabled people who would themselves be eligible for a badge.

An 'organisation' is defined in the 2000 Regulations as meaning an organisation concerned with the care of disabled persons to which a disabled person's badge may be issued.

BHCC will check that an organisation applying for a Blue Badge are caring for and transporting ten or more disabled people who would themselves meet one or more of the eligibility criteria for an individual Blue Badge; or that the vehicles that they use to transport residents is classified disabled persons vehicle on the tax document.

If an organisation has below ten individuals in their care or who would be benefiting from the Blue Badge, they should apply for individual badges rather than an organisational badge.

Organisations applying for a blue badge will be asked to supply either: A photocopy of the vehicle registration document (V5C) for any vehicle(s) registered under the Disabled Passenger Vehicle (DPV) class or a letter on company headed paper, stating that they are 'an organisation concerned with the care of disabled people and that you will be using the vehicle solely for the purpose of transporting disabled people.

All Organisational applications will be assessed by a Team Leader.

3.d Unsuccessful applications

When the Council receives an application for a Blue Badge and the assessing officer decides, after a desk based or eligibility assessment, that the decision is to refuse the applicant, they will be written to explaining the reasons of refusal and detailing how to request a review.

If a cheque and/or a photo have been supplied with the application, arrangements will be made to return these with the refusal letter. Electronic payments will be refunded electronically.

3.e Reviews

If an applicant feels that the decision that they don't meet the criteria is wrong, they can request a review of this decision.

The application will always be reassessed by a Team Leader who has not been involved with the application previously.

The applicant may be asked to supply more evidence to support their application or attend an eligibility assessment, if they have not done already.

A request for a review must be submitted within six months of the initial refusal, if a review request is submitted after six months the applicant will need to start a new application.

The Team Leader will communicate their review decision via letter or email to the applicant explaining the decision and reasons for refusal. The letter will contain details of the Local Government Ombudsman who the applicant can contact if they believe there has been a procedural impropriety without the requirement to make a formal complaint.

If the Team Leader decides to approve the review application, the applicant will be contacted for payment and a photograph, if not already supplied. The decision will be communicated via letter or email to the applicant.

If the final decision of the review request remains a refusal, no further application can be made for a period of six months following the decision made by the Team Leader. If after six months the applicant's condition has changed, they can reapply.

If during the six months, after the review refusal, the applicant is assessed by the Department for Work and Pensions (DWP) and they become eligible for a benefit which will qualify them for a Blue Badge, they can reapply on those grounds.

3.f Lost and stolen badges

Brighton and Hove City Council Blue Badge holders must report any lost or stolen badges to the Council. This can be done online or over the telephone. Applicants will then be asked to complete a declaration form before a replacement is ordered.

Once the Council receive the completed declaration the lost or stolen badge will be cancelled on the national badge system (BBDS) and the inhouse system. A new badge will be ordered once the £10 has been made.

There is a charge for all replacement Blue Badges. This includes replacing a badge to change details such as an applicant's name or photograph.

Any applicant that is declaring that their badge has been stolen must also supply a crime reference number. If the reference number is confirmed by local police, a replacement badge will be issued free of charge. Brighton and Hove City Council will only issue one free stolen replacement to any applicant, if a badge is subsequently stolen, they will be required to pay the administration fee for any further incidents.

Any badges which are found after receiving a replacement must be returned to the Council to be securely destroyed.

No refund will be issued to any badges found after replacement. Use of a cancelled badge will constitute as misuse.

4 Concessionary Travel Administration Policy

4a. Introduction

The English National Concessionary Travel Scheme was introduced to provide free England-wide off peak bus travel to eligible older and disabled people.

4b. Older Persons bus pass eligibility

Concessionary Travel Bus Passes are issued under two criterias. One criteria being for older people.

Eligibility for an Older Persons Bus Pass is based on the grounds of pensionable age. Applicants can check whether they are eligible for a concessionary Travel bus pass by using the eligibility calculator on the Government website.

The age for a Concessionary Travel bus pass is based on the pensionable age of a woman.

Applicants applying for an Older Persons bus pass are required to complete an application form and supply supporting documentation.

Supporting documentation for an Older Persons Bus Pass is, a proof of address to confirm that you are a Brighton and Hove resident, a proof of identity to confirm name and age and a recent colour photograph.

All Older Persons bus passes will be valid for five years. Upon renewal, if the Council can confirm that the pass holder is still living at the same address, the pass will be automatically renewed.

If a pass has not be used within the last year of the pass being valid, it will not be automatically renewed.

The times of use for an Older Persons bus pass in Brighton and Hove are:

- Monday – Friday 9am-3.59am
- Weekends & Bank Holidays – All day

4c. Disabled persons eligibility

Brighton and Hove City Council follow the Department for Transport (DfT) Guidance to all Local Authorities on assessing eligibility of disabled people in England for Concessionary Bus pass.

Eligibility for some applicants is known as Automatic, this is when an applicant is in receipt on an automatic qualifying benefit. A full list of the benefits considered to be an automatic qualification for a Disabled Persons bus pass can be found in the DfT guidance.

All applicants applying under these criteria will be asked complete an application form and to provide documents such as proof of eligibility, proof of identity, proof of address and a photograph. The length of a Disabled Persons Bus Pass will be issued dependent on the expiry date that the benefit is due to end.

In the instance that an individual is not automatically eligible for a Concessionary Travel bus pass, but they do have a disability which meets the eligibility criteria specified by the DfT they can apply for a bus pass. All applicants applying for a bus pass on these grounds will need to fill in an application form and provide documents such as proof of identity, proof of address and documentation to support their application.

When is it not clear to the assessing officer that the applicant meets the criteria for a Concessionary Travel bus pass due to their physical mobility, they will be asked to attend an eligibility assessment with an expert assessor who can give the Brighton and Hove City Council a recommendation whether the applicant meets the criteria.

Disabled persons bus passes issued after an assessment has been carried out will be issued for up to five years. The duration of the bus pass is dependent on the supporting documentation provided or assessment carried out, it can be less than five years.

Within Brighton and Hove a Disabled person's bus pass issued by Brighton and Hove can be used 24 hours of the day.

4e. Taxi Vouchers

Brighton and Hove City Council will issue taxi vouchers to individuals who are aged 5 or over and unable to use public transport

Taxi Voucher applicants will be required to complete an application form and supply a proof of address, proof of identity, recent photograph and proof of eligibility.

To be eligible for taxi vouchers you must be unable to use public transport and meet one of the criteria:

- Hold a valid Blue Badge
- Be a resident in a care home
- Receive attendance allowance
- Receive the higher rate mobility component of disability living allowance
- Receive 8 to 12 points in the 'Moving Around' descriptor for the mobility component of personal independence payment (PIP)

- Receive the war pensioner's mobility supplement
- Receive a lump sum benefit under the Armed Forces and Reserve Forces (Compensation) Scheme within tariff levels 1 to 8

If none of the above apply, the applicant must provide supporting evidence from a medical professional confirming they are unable to use public transport.

It is not possible to issue Taxi Vouchers to an applicant who holds a bus pass. The valid bus pass this must be returned before the taxi vouchers can be issued.

A full years' allocation of taxi vouchers will be issued for applications received up to end of September. Half a years' allocation will be issued for applications received 1st October or after. Application received during February or March may be issued with a years' allocation starting from the following April to allow time for the taxi vouchers to be printed.

The issuing period for taxi vouchers is from 1 April to the 31 of March. If the resident's condition improves and they are able to use public transport, the team will issue a bus pass providing the resident surrenders any unused taxi vouchers. If the residents' condition changes and they are unable to use public transport the following issuing period, the resident can surrender their bus pass and be issued taxi vouchers, but an option to change back to a bus pass again during the same issuing period will not be granted .

To use taxi vouchers the journey must be pre booked. A full list of the companies currently accepting taxi vouchers will be sent to the applicant with the taxi vouchers, it can be found on the Brighton and Hove City Council website.

These vouchers can be used to pay for all or part of the fare, all taxi vouchers are issued in whole pounds, no change can be given by the driver.

Evidence and photographs

All applicants must complete an application form and supply supporting documentation for their application to be assessed. This includes, a proof of address, proof of identity, a recent colour photograph and proof of eligibility or supporting documentation.

If consent is given in the application form, the Concessionary Travel team can check inhouse systems to verify an applicant's address or identity. If this is not given or we cannot confirm identity or address, applicants will be asked to supply one of the following documents:

Proof of address – (must be dated in the past 12 months unless otherwise stated and have the applicant's name printed on it)

- Utility bill (gas, electric, satellite television, landline phone bill)
- Local authority council tax bill for the current council tax year Bank statement
- Current UK driving licence (but only if not used for the name evidence)

- Bank, Building Society or Credit Union statement or passbook dated within the last three months
- Original mortgage statement from a recognised lender issued for the last full year
- Solicitors letter within the last three months confirming recent house purchase or land registry confirmation of address
- Council or housing association rent card or tenancy agreement for the current year
- Benefit book or original notification letter from Benefits Agency (but not if used as proof of name)
- HMRC self-assessment letters or tax demand dated within the current financial year
- Electoral Register entry or NHS Medical card or letter of confirmation from GP's practice of registration with the surgery

Proof of Identity – must show applicant's current name

- Current signed passport
- Original birth certificate (UK birth certificate issued within 12 months of the date of birth in full form including those issued by UK authorities overseas such as Embassies High Commissions and HM Forces)
- EEA member state identity card (which can also be used as evidence of address if it carries this)
- Current UK or EEA photocard driving licence
- Full old-style driving licence
- Photographic registration cards for self-employed individuals in the construction industry - CIS4
- Benefit book or original notification letter from Benefits Agency
- Firearms or shotgun certificate
- Residence permit issued by the Home Office to EEA nationals on sight of own country passport
- National identity card bearing a photograph of the applicant

When applying for a Bus Pass under automatic criteria or for Taxi Vouchers, applicants must supply the full benefit award letter showing they receive the specific benefits as defined in the department for transport guidance. These letters must be dated within the past 12 months as benefits can be reassessed and changed at any time. If an applicant supplies a letter which is dated later than 12 months, they will be asked to contact the Department for Work and Pensions to obtain a new letter.

When applying for a Disabled Persons Bus Pass with Personal Independence Payment (PIP) the Council must see the full award letter showing the points and the serial numbers at the bottom of each page. This is to ensure that the benefit is still current.

When applying for a bus pass on the one of the categories of disabilities applicants should provide any supporting documents to help their application. This can be medical letters or reports from specialists that outlines their condition or diagnosis.

To make the process easier for an applicant, if consent is given in the application form, the Concessionary Team can check the Councils Adult Social Care records. These records may already hold information that can be used to determine eligibility. This can speed up the process of the application.

Applicants are asked to not supply original documents. Brighton and Hove City Council cannot be responsible for any original documentation and cannot guarantee that it will be returned.

All applicants will be required to submit a recent passport style colour photograph with their application, whether it is for a new bus pass or a renewal. These photographs can be taken in a photobooth and sent in by post, taken on a smartphone or camera and emailed directly or uploaded with online applications. It is important that there is a photograph that shows a true likeness of the pass holder to reduce any fraudulent travel.

4f. Eligibility assessment

Face to face eligibility assessments are carried out are to determine the effect of a disability or condition that has an effect on an applicant's walking and range of movement. The distances in the assessment are all premeasured and calculated. In some cases, home based assessments are available, these are only available to those who are unable to get to travel to the assessment.

The assessment will be carried out by an, an Expert Assessor and will be qualified as defined by the DfT. They will send their results of the assessment to the Concessionary Travel team who will then use the recommendations to make the final decision whether to issue a Concessionary Travel Bus Pass.

Appointments are booked in advance. Appointments can be rescheduled if an applicant has contacted us and can no longer make their original appointment.

If an applicant does not attend their arrange appointment 3 times in a row and we have not been told that they want to cancel their appointment, we may charge the applicant the cost of the appointment.

4g. Unsuccessful applications

When the Council receives an application for a Disabled Persons Bus Pass and the relevant officer decides after assessment that the decision is to refuse the applicant, they will be written to explaining the reasons to refuse.

4h. Reviews

If an applicant feels that the decision that they don't meet the criteria is incorrect, they can request a review of this decision. The application will be reassessed by a team leader or manager who has not been involved with the application previously. They may be asked to supply more evidence to support their application or an eligibility assessment, if they have not done already.

A request for a review must be submitted within six months of the initial refusal, if a review request is submitted after six months the applicant will need to start a new application.

If the final decision of the review request remains to be a refusal, no further application can be made for a period of six months following the decision made by the senior officer. If after six months the applicant's condition has changed, they can reapply.

If during the six months, after the review refusal, the applicant is assessed by the Department for Work and Pensions (DWP) and they become eligible for a benefit which will qualify them for a Disabled Persons Bus Pass, they can reapply on those grounds.

4i. Lost, stolen and damaged bus passes

Brighton and Hove City Council Bus Pass holders must report any lost or stolen passes to the Council. Applicants will then be asked to complete a declaration form before a replacement is ordered.

Once BHCC receive the completed declaration the lost or stolen pass a new pass will be ordered, this will automatically cancel the previous pass so that it cannot be used.

There is a charge for all lost bus passes or passes that require a change of details.

Brighton and Hove City Council will replace any damaged cards for free. The damaged card must be returned to the council so it can be securely destroyed.

Any applicant that is declaring that their bus pass has been stolen must also supply the crime reference number. If the crime reference number is confirmed by local police, we will issue a replacement bus pass free of charge. Brighton and Hove City Council will only issue one free stolen replacement to any applicant, if a pass is subsequently stolen, they will be required to pay the administration fee.

Any bus passes which are found after ordering or receiving a replacement must be returned to the council to be securely destroyed. This pass will be cancelled and therefore invalid. No refund will be issued to for passes found after replacing and it must be returned to the Concessionary Travel team so that it can be securely destroyed.

Appendix I

Acceptable address verification documents for permits

The document must be dated within 3 months unless otherwise stated.

Accepted documents include;

- Council Tax bill - current year
- Signed tenancy agreement
- letter from letting agent on headed company paper confirming tenancy which must include name, address and date of tenancy
- utility bill
- solicitor's completion letter
- mortgage statement
- credit card bill
- letter from central government
- letter from local government
- bank statement
- store card statement
- mobile phone bill
- insurance documents

Accepted vehicle documents include:

- Motor Insurance Schedule/Policy
- Lease Agreement
- Signed Company Letter on headed paper stating the vehicle is kept and used by you.

Accepted documents to verify address for permits issued to business or professionals

- Business rates - current year
- Tax Returns – previous year
- Central Government Letter
- Local Government Letter (parking related letters will not be accepted)
- Solicitor's letter
- Business mortgage statement
- Business credit card bill
- Business bank statement
- Business insurance documents

Subject:	TRO-12-2021 Objections		
Date of Meeting:	16 June 2021		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Matthew Thompson	Tel: 01273 290235
	Email:	Matthew.thompson@brighton-hove.gov.uk	
Ward(s) affected:	Hove Park, South Portslade, Patcham		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Traffic Regulation Order (TRO) amendment proposes changes of carriageway use under the Brighton & Hove Outer Areas (Waiting, Loading and Parking) and Cycle Lanes Consolidation Order 2018.
- 1.2 The consultation period was extended to 28 days from 1 April 2021 to take Easter public holidays into account
- 1.3 The TRO amendment consultation has received 6 objections from residents and one from a Ward Councillor to the proposed location of the Amherst Crescent / Aldrington Halt Station Bikeshare Hub.
- 1.4 The change to the ETS delegation to provide that 6 or more objections would trigger referral to ETS was approved by Full Council at its meeting on 14 May 2020.
- 1.5 The report confirms two further BTN Bikeshare hubs will now proceed to the construction stage under delegated powers due to the low level of objections and letters of support.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes that there were no formal objections received from ward councillors during the consultation period for the hub proposals at South Street, Portslade and at Ladies Mile Road, Patcham, and the small number of residents' objections to the site at Ladies Mile Rd means both this site and South St can now proceed to the construction stage under delegated officer powers.
- 2.2 That the committee notes the detail of the objections to the BTN Bikeshare hub at Amherst Crescent / Aldrington Halt Station in the report and approves the amendment concerning Amherst Crescent as set out in TRO-12-2021.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 South St Portslade is the site of a major housing development at the former Brewery site adjacent. There are shops, pubs and cafes nearby. A Bikeshare hub will allow commuters to access Portslade Station and other cyclists to connect with the city wide bikeshare network. The nearby former Kings School site is being converted into council offices and staff commuting into the area will also be able to use Bikeshare.
- 3.2 The site at Ladies Mile Road Patcham is near many trip attractors including two schools, a community centre, a library, restaurants, cafes and shops either side of the junction with Winfield and Mackie Avenues. It does not remove parking directly outside retail frontages but is adjacent to a bus stop.
- 3.3 Aldrington Halt Station is the mainline station in the city which is furthest from an existing BTN Bikeshare hub
- 3.4 There will be three Bikeshare hubs in areas directly north of the station by summer 2021. The Amherst Crescent Hub and extra cycle parking will incentivise commuting journeys using bikeshare and private cycles from these areas to Aldrington Halt Station.
- 3.5 More hubs north of this location are planned as part of the BTN Bikeshare reorganisation to make the scheme city wide and to introduce ebikes which encourage cycling in hilly areas.
- 3.2 The Office of Rail and Road has published data to show 224,798 passengers used the station in the year 2019 -20. Station usage figures showed an 8.6% increase in 2019-20 on the previous year.
- 3.3 The hub and private cycle parking will promote cycling to the station, encouraging a shift from car usage which may reduce demand for parking in the area. The convenient site greatly improves cyclist access to the station.
- 3.5 Many pedestrians including school pupils use the rail underpass near the proposed site on a daily basis. Locating the hub here would mean less motorised vehicles moving in an area north of the underpass without footways. The site's current usage as car parking presents a potential hazard for pedestrians using the tunnel.
- 3.6 An independent Stage 1&2 Road Safety Audit has been carried out which made no recommendations for alterations to the design. See Appendix 1.
- 3.7 City Transport colleagues in Parking Infrastructure have confirmed there are no plans in the foreseeable future to introduce any extension to the controlled parking zone or any other schemes at this location.
- 3.8 The hub's modular design means it can easily be moved to the new kerb if a pedestrian scheme is brought forward for the Amherst Crescent spur and finds support with residents and commuters.

- 3.9 Barriers at the northern and southern approaches to the rail tunnel underpass have recently been removed to improve disabled cyclist access in response to stakeholder issues raised. These works were implemented via a small works highways project used for improvements such as dropped kerbs and guard rail removal. The signage prohibiting cycling has been removed and was not enforceable because it was not included in the Traffic Regulation Order. Additional 'Share the Space' signage will be added to encourage cyclists to slow down on the tunnel approaches. The impact of this will be monitored and reviewed.

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The following alternative sites for a hub near Aldrington Halt Station were considered:

- 4.1 Ruskin Place south of the railway underpass between Ruskin Rd and Tamworth Rd was ruled out due to insufficient width. Putting a hub against the wall of a private house is something the scheme tries to avoid across the network in order to reduce noise impacts on occupiers.
- 4.1.2 The width in Ruskin Place isn't sufficient to put the bikes in the middle between the central trees. A hub in this position could make deliveries and access to residential frontages more difficult. Buggies and wheelchair access could potentially be obstructed with a hub in the middle if bikes are not left docked by users correctly.
- 4.2 The Rail operator Govia Thameslink confirms there are no plans to create a station access from St Joseph's Close or pedestrian access between Amherst Crescent and St Joseph's Close so local residents will not benefit from a hub in St Joseph's Close.
- 4.3 There is insufficient width at the northern end of Ruskin Road to allow turning space for vehicles if a hub was placed in the carriageway.
- 4.4 Tamworth Rd or Mortimer Rd sites would necessitate removing parking bays in a CPZ and would not be welcomed by residents. Replacing the motorcycle bay and adjacent double yellow lining with a hub on Mortimer Rd would make station access for motorcycle users more difficult and disrupt sight and desire lines for pedestrians crossing north to south.
- 4.5 Alternative sites for hubs on or near the Old Shoreham Road temporary cycle lanes were considered as part of Emergency Active Travel Fund Tranche 1 measures.
- 4.5.1 An on-carriageway proposal for a hub at the northern end of Leighton Road was abandoned because an independent Road Safety Audit on the site raised concerns about turning space for vehicles in the available road width.
- 4.5.2 An alternative footway site near the Leighton Rd Junction was also considered, but the proportion of the footway fronting Old Shoreham road near this junction (nearest the kerb) which is in public ownership is not wide enough to allow for a hub. The majority of the footway width at this point is on privately owned land.

- 4.5.3 The landowners of the adjacent site were approached, but they made it clear they could not consent to a hub on their land because they want to bring forward plans for redevelopment of the site. If this took up the entire footprint of the site, a hub adjacent to the Old Shoreham Road kerb could become an obstruction for wheelchair users and buggies.
- 4.5.4 Legal costs associated with the leasing of privately owned land at the southern end of Holmes Ave and the short lease term available meant a proposed hub in this location was also impractical.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The South St Portslade Hub was the subject of three enquiries from residents and one message of support. All enquiries were responded to while the consultation was still open.
- 5.2 The Ladies Mile Rd Hub was the subject of one enquiry, four resident objections and four messages of support. Objections were responded to directly (where a contact was given) once the consultation had closed. The Big Lemon Bus co which runs services stopping at the adjacent bus stop has no concerns.
- 5.3 The Amherst Crescent / Aldrington Halt Hub proposal received 6 resident objections and a formal objection from a Ward Councillor. This report deals with those objections.
- 5.4 Objectors claimed the Amherst Crescent Hub will displace car parking in an area where there are no parking controls and residents struggle to find parking places because of parking by commuters but do not consider the Bikeshare hub's potential for reducing car parking space demand.
- 5.5 Objectors suggested the hubs on Portland Road are close enough to Aldrington Halt station, but the nearest hub is over 400m distance from the station. Hub locations are commercial decisions and the current operator believes the nearest hub on Portland Road will not attract station users.
- 5.6 Some residents believe the majority of vehicles which are routinely parked in this area may belong to residents living on the southern side of the rail line where there is an existing CPZ and a limit to the number of parking permits per household.
- 5.7 Objectors claimed that the Amherst Crescent Hub would restrict refuse collection access. Refuse vehicles sometimes struggle to get down Aldrington Avenue because of parking but the hub is not on that route.
- 5.8 Objectors claim no market research has been done to justify the Amherst Crescent Hub. Station usage figures are referred to at section 3.2. The Bikeshare operating system allows the current scheme operator to track existing Bikeshare usage and they are satisfied this location will generate sufficient demand.
- 5.9 A Ward Councillor has objected on safety grounds. However, an independent Stage 1&2 Road Safety Audit commissioned by the Council identified no issues with the site or design.

- 5.10 There is no evidence in collision data city-wide that speeding cyclists are a major factor in pedestrian casualties. Motorised vehicles cause the majority of pedestrian injuries and this proposal removes car parking from an area used by many pedestrians.
- 5.11 The Traffic Management officer at Sussex Police had no concerns about the proposed location or design of any of the three hubs concerned.
- 5.12 Govia Thameslink's Area Manager West Coastway welcomed the Amherst Crescent Hub as evidence of work being done to benefit the use of cycles

6. CONCLUSION

- 6.1 The Amherst Crescent Bikeshare Hub and extra private cycle parking will benefit station users, encourage rail use and reduce demand for car parking in the area.
- 6.2 Safety concerns about the Amherst Crescent Hub are not supported by the Independent Safety Audit or Sussex Police.
- 6.3 Nearby hubs will not encourage commuting journeys using the station. The Hub may deter fly parking from other areas in this unregulated area and will not impact on refuse collection in the area.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Funding for the Amherst Crescent Hub is included within the 2021-22 BTN Bikeshare capital budget agreed at Policy and Resources committee. Funding for South St Portslade and Ladies Mile Rd Patcham will come from Emergency Active Travel Fund 2 grant funding and was part of the bid.

Finance Officer Consulted: James Hengeveld

Date: 01/06/21

Legal Implications:

- 7.2 Anyone can object to the making of a Traffic Regulation Order within 21 days beginning with the date the traffic authority has complied with the statutory publicity requirements. The traffic authority must transparently consider all consultation responses and objections and conscientiously take them into account in finalising proposals even if it is ultimately decided that any responses or objections are without merit. After considering any objections the traffic authority may decide not to proceed with an order or to make it with or without modifications.

Lawyer Consulted: Stephanie Stammers

Date: 27 May 2021

Equalities Implications:

- 7.3 None of the sites reduces footway width or disabled parking space.

Sustainability Implications:

- 7.4 BTN Bikeshare provides access to *cycling* for those without a bike and helps to reduce carbon emissions and air pollution from journeys around the city.

Brexit Implications:

- 7.5 None

Crime & Disorder Implications:

- 7.5 None

Risk and Opportunity Management Implications:

- 7.6 Independent Road Safety Audit Stage 1&2 carried out at all three sites.

Public Health Implications:

- 7.7 The Health and Wellbeing benefits of cycling are endorsed by Public Health England.

Corporate / Citywide Implications:

- 7.8 The hubs connect areas not served by BTN Bikeshare to a citywide network of hubs.

SUPPORTING DOCUMENTATION

Appendices:

1. Road Safety Audit S1&2 Amherst Cres

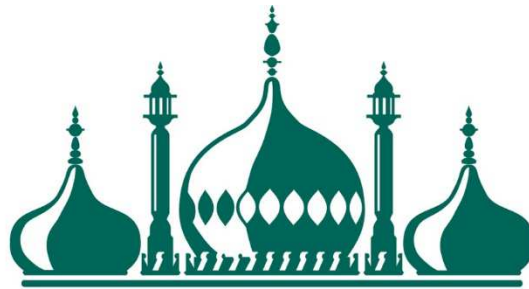
Background Documents:

None

Wilbar Associates Ltd
&
Brighton & Hove City Council

Bikeshare Hub Facilities
Amherst Crescent, Hove BN3 7EP

ROAD SAFETY AUDIT COMBINED STAGES 1 & 2
5th February 2021



Brighton & Hove
City Council

CONTENTS

1. Introduction
2. Stage 1 & 2 Road Safety Audit
3. Audit Team Statement

Appendix

- A. Supplied documentation

1.0 INTRODUCTION

- 1.1 This report presents the findings of a combined Stage 1 and 2 Road Safety Audit for a proposed Bikeshare station located on the west side of the carriageway just north of the railway line.
- 1.2 This Audit was carried out at the request of Brighton & Hove City Council (BHCC). The Audit Team has acted independently of the Design Team and has had no prior involvement in the project
- 1.3 This Audit comprised of a site visit and an examination of the documents listed in Appendix A. The site visit was carried out on 5th February 2021 between the hours of 10:45 and 11:00 when the weather clear and dry.
- 1.4 The Audit Team membership was as follows:
Len Holloway Audit Team Leader
Phil Henty Audit Team Member
- 1.5 The terms of reference of this Audit are described in GG 119 Road safety audit. The audit team has only reported on the road safety implications of the proposed facilities and has not examined or verified the compliance of the design or any other criteria.
- 1.6 The location is situated in a short cul-de-sac section which gives pedestrian access to a tunnel beneath the railway line adjacent to Aldrington Halt railway station. The

tunnel also gives pedestrian link access to residential areas either side of the railway line. The roads in this area are street lit with a speed limit of 20mph.

- 1.7** All comments and recommendations are referenced to the design drawing HD-BHCC-BTNBS2021-AC Rev 3.1
- 1.8** The design has been produced in line with local (BHCC) standards/guidance. No departures from standards/guidance have been advised to the Auditor by the design team.
- 1.9** The scheme comprises the installation of a 10 space Bikeshare cycle collection / drop off facility together with 3 stands for non-hire cycle parking replacing existing vehicle parking spaces.
- 1.10** This Road Safety Audit has been prepared in accordance with the instructions from, and for the specific use of, BHCC. The authors shall not be liable for the information contained in this report if used for any purpose other than that for which it was provided in connection with their appointment as road safety auditors.

2.0 COMBINED STAGE 1 & 2 ROAD SAFETY AUDIT

2.2.1 No issues identified.

3.0 AUDIT TEAM STATEMENT

ROAD SAFETY AUDIT STAGES 1 and 2

I certify that this audit has been carried out in accordance with GG 119 Road safety audit.

I certify that this Road Safety Audit has been carried out with the sole purpose of identifying any features of the design that could be removed or modified to improve the safety of the scheme. The problems identified have been noted in this report together with suggestions for safety improvements, which the Road Safety Audit Team recommends should be considered for implementation.

No member of the Road Safety Audit Team has been involved in the formulation or design of the measures audited.

Audit Team Leader

Len Holloway Highways England Cert. of Competency
Brighton and Hove City Council
Accident Investigation & Prevention
Transport Projects Team
Hove Town Hall, Norton Road
Hove
BN3 3BQ

Signed:




Date: 5th February 2021

Audit Team Member

Phil Henty.
Wilbar Associates Ltd
Woodbrooke Farm
Toat Lane
Pulborough
West Sussex
RH20 1BX

Signed:



Date: 5th February 2021

APPENDIX A – Supplied documentation

Drawing Number: HD-BHCC-BTNBS2021-AC Rev 3.1

Subject:	The National Bus Strategy – “Bus Back Better”		
Date of Meeting:	22 June 2021		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Owen McElroy	Tel: 01273 293693
	Email:	owen.mcelroy@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Government published its National Bus Strategy, Bus Back Better, on 15 March 2021. This sets out the Government’s ambitions for the future of bus travel and focuses on recovering from the Covid-19 pandemic, improving services and growing usage. The strategy includes a number of immediate actions for councils. This ETS report provides recommendations for the council’s initial response in order to comply with deadlines set by the Department for Transport (DfT). Further updates will be provided in future ETS meetings.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the National Bus Strategy and receipt of the £100k funding officers have applied for.
- 2.2 That the Committee agrees to publish a notice of intent to form an Enhanced Partnership with bus operators.
- 2.3 That the Committee notes the new opportunities available for an Enhanced Partnership and franchising and the potential benefits this could bring to the city’s bus services.
- 2.4 That the Committee agrees to commission a feasibility study on franchising to be presented to a ETS meeting in Autumn 2021.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The National Bus Strategy aims to improve bus services across the country and grow passenger numbers. This is in response to low usage and poor services in some parts of the country. The Strategy includes aspirations to increase service frequencies, simplify ticketing, improve bus journey times and reliability, and lower fares.
- 3.2 Brighton & Hove has consistently bucked the national trend in bus patronage and prior to the Covid-19 pandemic had the highest bus use per head outside of London. The bus network will however need support to help it recover from the pandemic and there remains significant potential for more journeys to be taken by bus. This will be an important part of helping the council to meet its

commitment to a net zero carbon city by 2030. It is also relevant to recommendations 2 and 8 of the Climate Assembly, around the need for public transport accessibility, convenience and affordability.

- 3.3 The National Bus Strategy requires all Local Transport Authorities (LTAs) to make a decision on whether to commence the processes of forming an Enhanced Partnership or franchising by the end of June. Further details on each are provided below.
- 3.4 Authorities which do not commit to this will lose Covid-19 Bus Service Support Grant (CBSSG) funding from July. CBSSG has been essential to keeping services running during the pandemic, both those operated commercially and those funded by the council. This funding is expected to be required for some time whilst passenger numbers remain lower than they were before the pandemic. Without a continuation of this funding, it is very likely supported bus services will be lost or reduced or the council will be required to find additional funding of its own.
- 3.5 In addition, LTAs which do not meet the requirements of the Strategy will not be eligible for related grant funding for service improvements, infrastructure and cleaner vehicles. The Government “will also take into account an LTA’s performance” against these requirements when assessing funding allocations for non-bus transport schemes (Bus Service Improvement Plan (BSIP) Guidance para 39).
- 3.6 An Enhanced Partnership is a formal agreement between LTAs and operators to work together to improve bus services. These were introduced under the Bus Services Act 2017; however, there was limited take-up and the DfT is now making them a stronger requirement as outlined above. The council has the benefit of a long history of working in partnership with bus operators through the Quality Bus Partnership. It is expected this will form a basis for an Enhanced Partnership; however, the difference is that commitments to improve services are included in a formal legal agreement. This may include journey time targets or commitments to introduce infrastructure schemes. There is then a requirement to report on targets every six months.
- 3.7 The first step in the Enhanced Partnership process (before the end of June) is to publish a statutory notice of the council’s intent to form one. The details of the agreement would then be developed in the coming months, beginning with the development of a Bus Service Improvement Plan (BSIP). The BSIP is required by October 2021 and an update on this is scheduled to be presented to the ETS Committee in September. The deadline for Enhanced Partnerships to be in place is April 2022.
- 3.8 Franchising is where LTAs are fully funded to issue tenders for bus companies to operate in the area. This can follow a model where authorities specify route and service standards, as in London, or could be on an area basis with operators having more influence over service design.
- 3.9 Franchising is currently only available to Combined Mayoral Authorities. The Government has said it will support other LTAs who wish to pursue franchising where they can demonstrate it will improve services and they have the resources

to implement franchising. In areas with a large number of competing services in one area and under served locations elsewhere, there is perhaps a stronger case for franchising than in Brighton & Hove. Indeed, the National Bus Strategy (page 23) cites Brighton & Hove as a positive example of partnership working.

- 3.10 The DfT's BSIP guidance (para 24) also states that "most of the outcomes from franchising can be delivered using an EP [Enhanced Partnership] if the LTA and its local bus operators work together. They also offer significantly more flexibility than franchising and can deliver benefits to passengers far more quickly".
- 3.11 Franchising would potentially give the council control over bus fares and where buses go. This could therefore help the council to address the recommendations of the Climate Assembly for affordable and accessible public transport. However, this may require additional council funding and it is recommended that a feasibility study is undertaken before a decision is taken whether to consider franchising further.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 One option is to dismiss the DfT's instructions and do nothing. However, this is likely to have significant financial consequences as outlined in paragraphs 3.4 and 3.5. As a result, it is also likely there would be a negative impact on bus services and passenger numbers.
- 4.2 Another option is to pursue franchising. However, further work would be needed to assess the feasibility and benefits of franchising. In addition, given franchising for Brighton & Hove requires a change in the law and is likely to take some time, the National Bus Strategy is advising that LTAs enter into an Enhanced Partnership initially, even if they wish to pursue franchising in future.
- 4.3 The DfT's BSIP guidance (para 21) states "if an LTA believes, after an EP [Enhanced Partnership] notice of intent has been issued and subsequent discussions with operators, that it will not deliver the outcomes set out in their BSIP or that, after initial work, a 'full' franchising assessment is unlikely to deliver its ambitions more effectively than an EP, then a switch can be considered". Therefore, the recommendations included in this report do not remove the option for the council to consider franchising in future.
- 4.4 Were the Committee to agree the report recommendations, a feasibility study covering franchising would be presented to a future ETS meeting.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Officers have undertaken initial engagement with bus operators. This is through existing partnerships and to comply with the DfT's requirements for early engagement with operators.
- 5.2 Wider engagement, including with members and bus users, will take place over the coming months as officers progress with developing the BSIP and forming the Enhanced Partnership. The process of setting up the Enhanced Partnership will follow statutory requirements and take account of additional guidance provided by the DfT.

6. CONCLUSION

- 6.1 The recommendation to begin the process of forming an Enhanced Partnership responds to the instruction provided by the Government in the National Bus Strategy. Agreement to this will be necessary if the council is to retain access to discretionary DfT bus funding, including Covid support. It will also be needed to avoid negatively impacting on bids for non-bus transport funding, assessment for which will take into account progress against the requirements included in the National Bus Strategy.
- 6.2 Further updates will be provided to ETS throughout the formation of the Enhanced Partnership.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The DfT has made £100k of funding available to LTAs to support with implementing the immediate actions of the National Bus Strategy. This includes preparing the BSIP and forming an Enhanced Partnership. The council has applied for and received this funding.
- 7.2 Some of the ambitions outlined in the National Bus Strategy to improve services, including more frequent services where needed, lower fares and infrastructure improvements are currently unfunded. Further guidance is awaited from the DfT and this will be taken into account when entering into commitments through the BSIP and Enhanced Partnership.
- 7.3 The Enhanced Partnership process will require more ongoing administration than the current Quality Bus Partnership, for example, the need to report progress every six months. The cost of this in officer time is currently unclear; however, this will be less than the amount of funding the council could miss out on were it not to comply with the DfT's instructions.
- 7.4 Were the council to choose not to agree to the requests contained in the National Bus Strategy it would no longer receive CBSSG funding for council funded services. This amount will be dependent on how quickly passenger numbers return and if these reach pre-pandemic levels. It is not possible to predict this but, based on current levels of support, were passenger numbers to reach 75% of pre-Covid levels this would be approximately £900k per year. This will be lower were passenger numbers to return at a quicker rate. In addition, savings may be obtained as a result of the re-tendering of some routes. Recommendations for the latter are included in a report to Policy & Resources Committee on 1 July 2021.
- 7.5 However, where the process of forming an Enhanced Partnership or preparing a BSIP is not started through no fault of commercial bus operators, the DfT has said they will continue to receive CBSSG.

Finance Officer Consulted: Paul Tucknott

Date: 25/05/21

Legal Implications:

- 7.6 The subsidy control regime will need to be considered in relation to any grant funding. It is expected that there will be a good argument that the grant funding will not constitute a subsidy because it will not have an effect on trade or investment between the UK and its international partners.

Lawyer Consulted: David Fairfield

Date: 25/05/21

Equalities Implications:

- 7.7 An Equalities Impact Assessment will be produced as part of the development of the BSIP to consider the impact of different options.
- 7.8 Were ETS Members to oppose the recommendations of this report and alternative funding not identified, it is possible council-funded services would need to be withdrawn. Bus services supported by the council include those to areas with no commercial bus service. By the nature of these locations and distance to alternative services, it is more likely that older and mobility impaired residents will be more disadvantaged by a withdrawal of services.

Sustainability Implications:

- 7.9 Returning the proportion of trips undertaken by bus to pre-pandemic levels and growing this further will be important in helping the council to meet its targets around climate change, including commitment to a net zero carbon city by 2030, and air quality. The aspirations of the National Bus Strategy and report recommendations are consistent with these aims.

Brexit Implications:

- 7.10 No implications.

Any Other Significant Implications:

- 7.11 None identified.

Crime & Disorder Implications:

- 7.12 None identified.

Risk and Opportunity Management Implications:

- 7.13 Risks identified at this stage are covered by financial and equalities implications above.

Public Health Implications:

- 7.14 Reducing the number of trips made by private car has benefits for air quality whilst bus use has the potential to encourage active travel through walking to bus stops and reducing the need for car ownership.

- 7.15 Complying with the National Bus Strategy requirements will mean the council continues to be eligible for future DfT funding for cleaner vehicles and the opportunities this brings to improve air quality.

Corporate / Citywide Implications:

- 7.16 Complying with the National Bus Strategy requirements will mean the council continues to be eligible for future funding for cleaner vehicles and the opportunities this brings to improve air quality.

SUPPORTING DOCUMENTATION

Appendices

None

Background Documents

1. National Bus Strategy – Bus Back Better (March, 2021):
<https://www.gov.uk/government/publications/bus-back-better>
2. National Bus Strategy – Bus Service Improvement Plans: Guidance to local authorities and operators (May, 2021):
<https://www.gov.uk/government/publications/bus-service-improvement-plan>