

Place Overview & Scrutiny

Date: **1 October 2024**

Time: **4.00pm**

Venue: **Hove Town Hall - Council Chamber**

Members: **Councillors:** Evans (Chair), Cattell (Deputy Chair), Fishleigh, Fowler, Hewitt, Lyons, Pickett, Sheard, Thomson and Winder

Co-optees: Mark Strong (Community & Voluntary Sector), Sara Fulford (Older People's Council), Youth Council

Contact: **Luke Proudfoot**
Overview & Scrutiny Officer

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Chief Executive
Hove Town Hall
Norton Road
Hove BN3 3BQ

Date of Publication - Date Not Specified

AGENDA

Part One

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9 PROCEDURAL BUSINESS

- (a) **Declaration 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 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.

10 MINUTES

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- 3.1(a) To consider the minutes of the previous Place Overview & Scrutiny Committee meeting held on 23rd July 2024 (copy attached).
- 3.1(b) To consider the minutes of the Place Overview and Scrutiny Call-In Committee meeting held on 12th August 2024 (copy attached).

11 CHAIR'S COMMUNICATIONS

12 PUBLIC INVOLVEMENT

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

- (a) **Petitions:** To receive any petitions presented by members of the public to the full Council or to the meeting itself;
- (b) **Written Questions:** To receive any questions submitted by the due date of 12noon on the 25th October 2024
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 25th October 2024.

13 MEMBER INVOLVEMENT

To consider the following matters raised by Members:

- (a) **Petitions:** To receive any petitions submitted to the full Council or to the meeting itself.
- (b) **Written Questions:** A list of written questions submitted by Members has been included in the agenda papers (copy attached).
- (c) **Letters:** To consider any letters submitted by Members.
- (d) **Notices of Motion:** To consider any Notices of Motion.

14 SOLID FUEL BURNING

29 - 46

Report of the Corporate Director, City Services (copy attached).

Contact Officer: Luke Proudfoot
Ward Affected: All Wards

15 SHORT TERM LETS TASK & FINISH GROUP SCOPING REPORT

47 - 62

Report of the Corporate Director, City Services (copy attached).

Contact Officer: Luke Proudfoot
Ward Affected: All Wards

16 CITY PLAN UPDATE FOR PLACE OVERVIEW AND SCRUTINY COMMITTEE

63 - 76

Report of the Corporate Director, City Services (copy attached).

Contact Officer: Luke Proudfoot
Ward Affected: All Wards

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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 Luke Proudfoot, (, email) or email democratic.services@brighton-hove.gov.uk

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Brighton and Hove City Council
Place Overview and Scrutiny Committee Meeting
4pm 23rd July 2024
Council Chamber, Hove Town Hall
Minutes

Present: Cllrs Evans (Chair), Cattell (Deputy Chair), Fowler, Hewitt, Lyons, Pickett, Sheard, Thomson, Winder.

Others present: Mark Strong (CVS Representative), Mary Davies (Older Peoples Council)

1 a Declarations of substitutions: None. Cllr Fishleigh and the Youth Council Representative were unable to attend and sent apologies.

B Declarations of interest: There are none.

C Exclusion of the press and public: There are no Part two items

2 Minutes: As this is the first meeting there are no minutes to approve.

3 Chairs Communications: The Chair gave the following communication:

It was always likely to be challenging holding the first Overview and Scrutiny Committee meetings following the change to an Executive and scrutiny model of governance. We're all on a learning curve, and there are decisions already being made that are realistically too far along for us to scrutinise in any meaningful way.

Therefore, in this first meeting, as in the People Overview as Scrutiny Committee a week or two ago, we are going to be hearing from those Cabinet Members whose portfolios align with our remit. They will be telling us about their priorities over the coming months and taking questions from us. In an Executive and Scrutiny system the relationship between the two is incredibly important. We want to form a good working relationship with the cabinet and to be able to be a critical friend to them. It's also so important, in my view, that we form good working relationships between ourselves as a committee.

During the training sessions provided I was quite inspired by some of the content about what makes scrutiny successful. Whatever our political views – and we do all have them, obviously – we are here either as co-opted representatives from partner organisations or as elected representatives of our ward residents & businesses and of the city as a whole.

While we can spend our time asking questions about decisions already made – and it is our right to do so – I believe we would serve our city much better if we concentrate our time and limited resources in those areas of upcoming decision making where we can help to inform and improve policy and hopefully make a real difference for all of us who live and work here. I am looking forward to taking part in site visits, setting up formal and informal working groups, and actively listening to as many residents and experts as possible to help this process, and I hope you all are too.

Given the length of the first People Committee, which had only four cabinet members to question – we have seven! - we will need to strictly limit the amount of time that we have with each of them to 20 minutes. So I thank them for having submitted slides in advance, which

you've all hopefully had a chance to look at. I would ask them to be as succinct as possible in presenting to us, for members to be brief with questions, and Cabinet members to also be brief in their answers. I will need to move on to the next presentation once the 20 minutes are up whether or not members still have questions to ask.

We are joined by Cllrs Gill Williams, Cabinet member for housing and new homes; Tristram Burden, presenting to this committee on service transformation; Trevor Muten, transport, parking and public realm; Mitchie Alexander who is covering Birgit Miller's position on culture, heritage and tourism, Alan Robins, sport and recreation; Jacob Taylor, finance and city regeneration; and finally Tim Rowkins, cabinet member for net zero and environmental services.

Following this meeting, I will ask officers to arrange an informal meeting for all Place committee members to agree an outline 2024-25 Place O&S work plan, drawing on the presentations we hear today plus additional ideas from committee members. Scrutiny is a member led process, so it is up to us to form our work programme, but we do need executive member and officer input to ensure we are adding value by our work.

Going forward into the Autumn and beyond, we will have a chance to look more closely at plans and strategies as they are formed, have an input into council policies, and to scrutinise decision making.

4 Public involvement: There were no public questions.

5 Member involvement: There were no member questions.

6 Place Overview and Scrutiny Terms of Reference:

6.1 The Chair outlined the first item of business, a paper setting out the terms of reference for the Place Overview and Scrutiny Committee and welcomed Giles Rossington to speak on the report.

6.2 Giles Rossington introduced the report to the committee and said that he was happy to answer any questions.

6.3 Cllr Pickett asked a question around the size and political make up of task and finish groups and informal working groups set up by the committee. Giles Rossington responded that this was set out in the Constitution under Part 3C1 Overview and Scrutiny Procedure Rules point 20.4, which states that task and finish groups do not have to adhere to the proportionality rules as committee. He went on to say that members from all opposition groups should be invited but that the political make up and size of the group would vary depending on the subject matter and those members who wanted to be involved in it.

6.4 Cllr Lyons asked how items can be added to the agenda. The Chair responded that as she had said in the Chairs Communications that an informal meeting would be arranged to discuss adding items to the work programme for the year ahead.

6.5 Cllr Lyons asked what the time frame for getting items added to the agenda would be. Giles Rossington replied that this was included in the constitution under Part3C1 Overview and Scrutiny Procedure Rules point 5.5 which states that any voting Member of the relevant Overview & Scrutiny Committee is entitled, by giving at least seven working days notice

before the meeting to the Chief Executive, to request that an item relevant to the functions of the Committee be included on the agenda.

6.6 Cllr Lyons further asked about the timeframe for members of the public to bring items to the committee. Giles Rossington responded that there was a slot on the agenda for public questions, deputations and petitions and the normal timeframe for these is two days after the publication of the agenda.

6.7 Mark Strong made a point that as a community and voluntary sector representative he is speaking on behalf of between 300 and 400 groups varying in size, so it takes a long time for him to collect feedback from them and would be grateful if this was taken into consideration. He also asked about sharing information from the committee with these groups. Giles Rossington said that officers would be very explicit if any of the information was confidential and not to be shared and otherwise it could be assumed that they could be shared.

6.8 Cllr Winders asked a question regarding the implications section of the report and if these would change. Giles Rossington responded that the implications were only for this specific report and that as is normal for any council report the implications would be looked at and change for every separate report.

7 Cabinet Member Presentations

7.1 The Chair invited Cllr Gill Williams, Cabinet member for Housing and New Homes to present to the committee.

7.2 Cllr Williams presented to the committee. Her priorities for the year ahead included:

- Improving housing quality, safety, and sustainability
- Delivering the homes our city needs
- Preventing homelessness and meeting housing needs
- Supporting independence and improved wellbeing
- Providing a resident focused housing service

7.3 Alison Thomson asked a question on short term lets and asked if this was something that the committee could look into. Cllr Williams responded that she would be delighted if the committee looked into this issue as the Communities and Levelling Up Act promised powers in this area they have not yet been enacted. She said we could press the new government to give more powers such as registration of short term lets because we don't know exactly where they are, when there is a problem we don't know who owns them, and we don't know if they have all of the correct safety certificates that landlords are required to have. Cllr Williams suggested that we could potentially use existing planning powers such as article 4, but that the council wants more powers. With an estimate of between 4,000 and 6,000 short term lets in the city, Cllr Williams said this was damaging.

7.4 Cllr Cattell asked if the council could start working with landlords and letting agents to support them. Cllr Williams said that the council already does work closely with landlords to support them with things like damp proofing. She went on to state the landlord licensing helps landlords, particularly smaller non-professional landlords who may need support.

7.5 Cllr Fowler asked if Cllr Williams could expand on what help was available to help landlords with sustainability. Cllr Williams replied that there were some grants available and that they do direct landlords to these.

7.6 Cllr Lyons asked a question regarding families leaving the city because of the affordability of family housing and asked when more family housing would be coming. Cllr Williams responded that she completely agreed with the need for more family housing and that more was coming including 240 homes in Moulsecomb, purchasing 21 homes in Rottingdean, Portslade Village, and Whitehawk. Cllr Williams also mentioned that the apartments being built also included open spaces and balconies, which was needed for families.

7.7 Cllr Lyons asked if Cllr Williams had any plans for development on Benfield Valley. Cllr Williams responded that she had no plans for development on Benfield Valley but that private developers might try.

7.8 The Chair thanked Cllr Williams and asked Cllr Tristram Burden to present on the service transformation aspect of his portfolio.

7.9 Cllr Burden presented to the committee on his priorities for the year, which included:

- Increasing efficiency and improving productivity
- Embedding a one council approach
- Improving customer experience

7.10 Mark Strong asked a question regarding strategic partnership working and would voluntary groups, both large and small, be a part of this. Mark also asked a question regarding Cllr Burden's point about potentially putting customer service points in libraries, and suggested that community centres could also hold be used. Cllr Burden agreed that the council should be looking at a range of sites including community centres and family hubs. Cllr Burden also said that community groups were very important to the council and were definitely part of their partnerships.

7.11 Cllr Winder asked a question about how equalities data is reflected in customer service satisfaction data and was the satisfaction score broken down into different groups of people. Cllr Burden replied that the council does not always collect data on protected characteristics during customer contact as it can make the process take longer than necessary, saying did people want to spend time give this data when reporting that their bin collection was missed. Cllr Burden further said that the council could look at asking for the data as an optional extra in customer contact.

7.12 Mary Davies asked what Cllr Burden was doing to prevent digital exclusion. Mary further asked about Knowle House, a facility providing a step down from hospital, and what was being done with this. Cllr Burden responded that digital was meant to help everyone but that the council also want to see increased opening hours, more face to face contact, and improved telephone services. Regarding Knowle House Cllr Burden said that the site was being redeveloped into a facility for those with brain injuries.

7.13 Cllr Pickett asked about income generation and said that with so many commercial events going on in the city many residents were upset by these, and how would increasing income generation work without upsetting more residents. Cllr Burden said that many residents would not notice the planned income generation as much of it was not public

facing, giving the example of making IT systems and when they are deemed good enough selling them to other local authorities.

7.14 Cllr Sheard asked about digitisation and resistance to this change. He wanted to know what steps were being taken to ensure that the whole council was going along with this. Cllr Burden responded that culture change and ensuring that staff are empowered, supported, and have the right training was essential.

7.15 The Chair thanked Cllr Burden and asked Cllr Trevor Muten, Cabinet member for Transport and Public Realm to present to the committee.

7.16 Cllr Muten presented to the committee, his priorities for the year ahead included:

- Key issues for Local Transport Plan 5
- Protecting the city from flooding
- Highway maintenance

7.17 Cllr Lyons ask if the X bus service would be extended to other services as the 1X was working so well. He also said that it was a scandal that the city did not have a park and ride scheme and asked what was happening there. Cllr Lyons said that in his presentation Cllr Muten had spoken about flood protection and that the slide said the beach would be longer, he asked what this meant. Cllr Lyon further asked which parts of Valley Gardens would be omitted to keep the project within budget. Cllr Muten said that the Council are doing lots on buses and the 1X is a good example that is helping many people. There is a potential case for looking at this and seeing if other routes are suitable. He said that He agreed that the city needed a park and ride but that space for a big scheme was limited, but that the council could look at smaller schemes to start with, including talking to private car park owners and supermarkets. Regarding the beach Cllr Muten said that there would be more pebbles added to the beach as protection which would make the beach longer. Valley gardens Cllr Muten said that the council had quotes that were broadly within range with one or two tweaks, but the risks included how it was delivered with acceptable disruption.

7.18 Cllr Cattell asked a question around public realm and SUDS, asking if the council was planning more rain gardens, or in planning asking for more as part of big developments. Cllr Muten replied that Norton Road is a good example of a rain garden, and that the council had met with Southern Water several times because it is in their interest to have less water going into their combined sewers. Cllr Muten said that Southern Water had a substantial programme of work for urban drainage within their business plan, which is currently with their regulators. He further said that the council would absolutely be working with Southern Water to have more SUDS in the mix.

7.19 Cllr Fowler asked if as part of normal highways maintenance the teams could check drains to reduce flooding. Cllr Muten responded that sometimes it is not always possible to do different things at the same time because it requires a different team, but that a one council approach meant that the council can look at more coordination to do things when in a particular area.

7.20 Mark Strong asked a question regarding better engagement with community groups in a way that is not just 'do you like what we have come up with yes or no?' but engagement working with community groups beforehand. A further point was raised regarding a forward plan of when roads were going to be resurfaced long in advance so that community groups could offer suggestions for things that could be done at the same time such as cycle lane

painting. Cllr Muten replied that they had the Local Cycling Walking Infrastructure Plan in place as a key component of the local transport plan, and that it was like having an action plan before setting out the strategy. Cllr Muten said that he had attend the Transport for the Southeast AGM in London, and that it was clear that the council are part of a bigger picture and needed to work with the regional components and particularly local neighbouring authorities to get the best for the city. Regarding a forward plan, Cllr Muten said that we needed to be able to connect these dots well, and he was concerned that in the past things have been looked at too much in isolation.

7.21 The Chair thanked Cllr Muten and said the committee would take a five-minute break.

7.22 Cllr Mitchie Alexander, Cabinet member for Culture, Heritage, and Tourism, presented to the committee. Her priorities included:

- Improving access to arts and culture
- Nighttime economy
- Seafront heritage

7.23 The Chair requested that the committee members please consider the questions that they were asking. She said that this session was intended to find out about the high level priorities of the cabinet members and ask questions looking to potential ideas for scrutiny work and that it was not an extension of members questions at full council for specific detailed questions.

7.24 Cllr Lyons asked for an update on plans for Madeira Terraces. Cllr Alexander said that as a major project Madeira Terraces came under Cllr Taylor's portfolio.

7.25 The Chair stated that this was an example of a member question and not what the session was for.

7.26 Mark Strong asked if the committee could scrutinise events for their costs and benefits to the city on an objective basis, because although residents feel events are great they do also bring a lot of disbenefits particularly to those living near to them, such as loss of bus services. The Chair said that this was certainly something that fell within the remit of the committee and was something that could be looked at in the future. Cllr Alexander responded that she had recently met with the Head of Outdoor Events and that this is something that is high up on their agenda, that events happen in a sustainable way that doesn't upset residents.

7.27 Mary Davies asked a question about the timing of the closure of public toilets and the nighttime economy. Cllr Alexander replied that the question of public toilets being open longer would need to be looked at as the nighttime economy is diversified.

7.28 Cllr Sheard asked how much of the nighttime economy strategy lies within the tourism directorate and how much lies within the licensing committee. Cllr Alexander said that there would need to be partnership working between them. Cllr Cattell said that she had met with Cllr David MacGregor, The Chair of the Licensing Committee, on this issue and are working on a review of licensing strategy, including violence against women and girls and cherished venues.

7.29 Cllr Sheard asked if the plans for seafront heritage included the Old Steine. Cllr Alexander replied that it did not include the Old Steine.

7.30 Cllr Thomson asked if the Seafront Heritage Fund was one of the funds that had to be bid for. Cllr Alexander said that as she was new to the brief she did not have the details and would have to get back with the details of the Seafront Heritage Fund.

7.31 Cllr Hewitt ask for clarification on the term Purple Flag Zone, and what the meaning of this was. Cllr Alexander said that she did not have the answer and would get back to Cllr Hewitt with an answer.

7.32 Cllr Evans thanked Cllr Alexander and asked Cllr Alan Robins, cabinet member for Parks, Allotments, Sport and Recreation to give his presentation.

7.33 Cllr Robins presented his priorities to the committee, which included:

- Maximising the use of allotments and community growing
- Realising the potential of volunteers and community involvement
- Sport and leisure provision in the East of the city

7.34 Cllr Lyons asked if the number of evictions from allotments could be made available to help the public understand the numbers being removed and encourage those not using their allotments to do so. Cllr Robins replied that people needed to help by giving up plots they are not using. He further said that he wanted to look at offering ¼ plots or a few beds to help people manage and get used to having an allotment. Cllr Robins said that the council were looking at hiring another allotments officer and improving allotments more generally.

7.35 Cllr Sheard asked a question on the sports and leisure facilities in the East of the city and if any new facility would be bigger to match the size of the area and the number of people in it. Cllr Robins responded that he wants a new facility that matches the needs of the local population without removing any of the current facilities in the area. Cllr Robins went on to say that he wants to get to grips with consultations to make sure that people feel engaged.

7.36 Cllr Fowler said that a number of local parks had lost their dog free status. Would this be brought back? Cllr Robins replied that he wasn't sure if PSPOs came under his remit, but as it was to do with parks he understood. Cllr Fowler said that the issue was previously being looked at under the committee system and was unaware if officers had sent the issue to Cllr Robins to look at, but believed the committee should be scrutinising PSPOs. Cllr Robins said that if Cllr Fowler emailed him with further details he would discuss the matter with officers to get an answer for her. Mark Strong asked to be included in these discussions as he had been involved with Friends of Queens Park and had managed to keep the dog free area in their park, so would be happy to help.

7.37 Cllr Cattell said that she was pleased about plans to increase the places that can be offered to people for allotments. She asked if Cllr Robins felt a task and finish group looking at land left over after planning to find out what space might be available there would be a good idea. Cllr Robins responded that he thought it was great idea and gave an example of the use of this land in Portslade for growing fruits and berries.

7.38 Mary Davies asked a question regarding inclusivity in sport and what Cllr Robins intended to do about increasing the number of open-air gyms in parks, as she felt older people did not use gyms. Cllr Robins replied that the council sometimes has put in place what they wanted rather than what residents wanted. He said that a range of options was needed and the council should listen to people who come to them with ideas of what they

want to see in their parks. Cllr Robins also said that he would be working with different friend of parks groups to reopen toilets in parks to increase their use.

7.39 Cllr Evans thanked Cllr Robins and asked Cllr Jacob Taylor, Deputy Leader and cabinet member for finance and city regeneration to present to the committee.

7.40 Cllr Taylor presented to the committee. His priorities included:

- Major regeneration projects
- Using council assets to deliver income and investment
- Unlocking sites and building new homes
- Budget

7.41 Cllr Hewitt asked if a review of City Plan 1 would have a knock-on effect on City Plan 2. Cllr Hewitt also asked for an update on Madeira Terraces. Cllr Taylor explained the process for the review of City Plan Part 2 stating that it is a long process. He said that it would link with City Plan Part 2 and that the interesting thing was that with a new government who have been vocal on house building and planning reform the council would need to wait to see the details of these policies and the targets that are set. Regarding Madeira Terraces said that a decision on this was going to be taken soon, and that an urgent meeting of the cabinet was due to take place over the summer.

7.42 Cllr Thomson asked if the committee could scrutinise the budget, and if it was too late to scrutinise Madeira Terraces. Cllr Taylor said that scrutiny can look at things that have happened to decide if they were good bad or somewhere in the middle, or scrutiny can look forward and think about other major projects that haven't started yet but would be of interest. Cllr Evans said that scrutinising the budget was within the remit of the committee and was on the list of things to scrutinise.

7.43 Mark Strong asked a question around housing numbers being the only target, saying that this can have an impact on small retail and leisure which is also needed in a neighbourhood. Cllr Taylor responded that he couldn't agree more and that because in his ward there is one road in and out what is there is so important. Because of this he is wanting to breath new life into the parade of shops in his area. Cllr Taylor said that they would not be looking at converting everything into housing units as it is important to have shops and leisure as well.

7.44 Cllr Lyons said that having lived in the city his whole life, he wanted to know what the vision was, where the next big marina type development was going be. Cllr Lyons also asked if the Council would consider issuing bonds to raise funds for such projects. Cllr Taylor said that one of the areas he was keen to focus on was East of the Palace Pier to the Marina. Cllr Taylor said that West of the Palace Pier looked very nice now but East of the Palace Pier was a mixed bag. However, he said, over the next five to 10 years it could be transformed into a real destination for people from outside of the city and local residents. Regarding funding Cllr Taylor said that the council would need to see what the new government does in terms of funding, but that the council has a good record of accessing funding pots. He went on to say that he didn't think any councils in the UK issued bonds any longer, except maybe for parks, but it was something that he would look into.

7.45 Cllr Pickett ask if the committee would be involved in the disposal of non-performing assets. Cllr Taylor said that he would refer to Giles Rossington in terms of the process. Giles

Rossington said that if Cllr Taylor wanted scrutiny input then he could ask the committee to look into it at an early stage, but that it would ultimately be a cabinet decision. Giles said that overview and scrutiny could look at it at an early stage to look at a variety of options or to help set definitions of productivity for an asset such as does it have community value or does it have commercial value. Cllr Taylor said that he was open to the idea either at an early stage or via a call-in after any decisions are made.

7.46 Cllr Evans thanked Cllr Taylor and asked Cllr Tim Rowkins, cabinet member for net zero and environment services to come and speak to the committee.

7.47 Cllr Rowkins presented his priorities to the committee, which included:

- Cleaning up the city
- Getting the city to net zero
- Expanding recycling and reducing waste

7.48 Cllr Winder said that it was a huge effort to change the culture at City Clean and asked how planned to retain values and any culture change with more and changing services. Cllr Rowkins said that he was getting good feedback from staff and that too often council services are silos. Cllr Rowkins added that once a month he goes out with a different City Clean service and always gains a long list of things he has learnt.

7.49 Cllr Cattell asked a question around the challenges of retro fitting in properties and asked if it would be a good idea to look at best practice from architecture firms to help put together guidance for local builders. Cllr Rowkins said that this was something that could be taken forward, as there are a number of challenges facing property owners wanting to retro fit things like insulation or new double glazing, particularly in conservation areas.

7.50 Cllr Cattell said that there was a real problem in the building industry in not having the necessary skills, and asked if the council could work with MET to form courses on these new methods. Cllr Rowkins said that MET College did provide a decarbonisation course focusing on new heating systems. Cllr Rowkins added that thousands of jobs would be needed in the future in this sector in the city and the wider region. Cllr Thomson commented that there were minimal options and high cost in the city centre for retro fitting.

7.51 Mark Strong said that he had been told that the Community and Climate Action Working Group had been disbanded, and asked will there be community engagement so that the reps from the CCAWG can sit on that. Mark also asked about recent press reports that community groups being fined for not recycling or using communal bins. He said that small businesses and community groups could not recycle because they can't put stuff in communal bins and could not afford to use big companies to do it. There is a potential income to be made here for the council, could some sort of scheme be looked at to provide recycling collection for small businesses. Cllr Rowkins said that he was not aware that the CCAWG being disbanded but that one meeting was postponed or cancelled because of the election. He also highlighted the importance of external expertise. Regarding the commercial waste collection Cllr Rowkins said that the council's trade waste collection service was growing and the issues raised was something that he would look at.

7.52 Cllr Pickett asked if there was a decarbonisation strategy. Cllr Rowkins said that the report was being finalised and would be published soon. Cllr Pickett asked if the report would be available this year. Cllr Rowkins said that he believed it would be available this year, but did not want to put a date on it.

7.53 Cllr Evans thanked Cllr Rowkins and closed the meeting at 19:05

Place Overview and Scrutiny Committee Call-in
12th August 2024 17:00
Hove Town Hall

Present: Cllrs Amanda Evans (Chair), Julie Cattell (Deputy Chair), Hewitt, Lyons, Pickett, Sheard, Thomson, Winder.

Others Present: Mark Strong (CVS Representative), Mary Davies (Older Peoples Council)

Procedural business

a) Substitutions

There are none. Apologies from Cllr Fowler

b) Interests

There are none.

c) Exclusion of press and public

The Chair gave the following statement: "Amongst the papers circulated to elected members were confidential (Part 2) papers from the Cabinet Meeting. Any discussion of these papers will need to be in confidential session and will need to exclude the press & public from these discussions. We will move into a Part 2 confidential session towards the end of the meeting, if members indicate that they wish to discuss information shared in the Part 2 papers. All elected members are reminded not to raise matters contained in the Part 2 documentation during the public meeting."

Mark Strong called a point of order regarding access to documents, particularly for co-optees such as himself, who did not have access to the part 2 papers. The chair noted the request. Liz Culbert, Assistant Director Legal and Democratic Service said that each case of access to part 2 papers would be looked at individually on a case-by-case basis.

Cllr Pickett stated that in the Constitution part 3E refers to a need to know basis allowing access to documents, that Cllrs Davis and Sykes did have a need to know and therefore should have been given access to the part 2 papers. Liz Culbert said that this had been taken into account but in this case it was decided that it was not appropriate to share the documents more widely.

d) Chairs Communications

The Chair gave the following communication:

"This is the first time that we have held a call-in meeting under our new governance arrangements, and I would like to thank everyone for finding the time to attend at relatively short notice.

I'd like to start off by briefly explaining the purpose of a call-in meeting. If anyone has any questions, I'm sure that Liz and Giles will be happy to respond.

Call-in is an essential, and legally required, part of any Leader & Cabinet governance model. The council has to have a process in place that allows non-executive members to challenge a decision of the executive, after it has been taken but before it has been implemented.

Call-in is not intended to be used frivolously or simply because members disagree with a decision. For a call-in request to be accepted, the members requesting the call-in must detail why they think the executive decision was flawed. The Council's procedure rules list a number of legitimate grounds for call-in, as well as requiring that a call-in request be signed by at least 6 members from at least 2 political groups.

If a call-in request is made, and if the request is accepted by the Chief Executive, after consultation with the council's Monitoring Officer, then a meeting of the relevant Overview & Scrutiny committee must be arranged. We are here today because a call-in request has been submitted and accepted.

At the call-in meeting, the committee will hear from one of the members who submitted the call-in request – in this instance Cllr Sykes. Once the member presenting the call-in request has spoken, they will take no further part in the meeting, although they are welcome to observe public proceedings.

The committee will then hear from the relevant cabinet members, in this instance Cllrs Taylor and Robins; and from officers if a detailed explanation of issues is necessary.

After this, committee members will have the opportunity to ask questions of the Cabinet Members to assist the Committee in reaching its decision on the call-in. The Cabinet Members may refer to officers to provide the response as they consider appropriate.

Having heard from the member requesting call-in and from the Cabinet Members and officers, and having had the opportunity to ask questions of the Cabinet Member and officers, committee members will then debate whether to accept or reject the call-in.

Members will note that one of the possible actions for the call-in committee is to refer the Cabinet decision to full Council. Just so we're clear an O&S committee can refer a decision that has been called-in to Council, but only if the committee believes that the decision was contrary to the budget and policy framework previously agreed by Council. There is no role for Council in determining call-in requests other than in this context. As today's call-in request does not suggest that the King Alfred decision was contrary to the budget and policy framework, I think it's unlikely that we'll want to refer to Council.

There are two other options. The committee can decide that the original executive decision was properly made, in which case the decision may be implemented immediately. Or it can decide that the original executive decision was not properly made and refer it back to Cabinet for re-consideration. If the committee chooses to refer the decision back to Cabinet, members must agree reasons for the referral.

It is very important for members to bear in mind that they are not being asked to debate the merits of the original executive decision. Rather, they are being asked to consider whether the decision was properly made, given the concerns about process outlined in the call-in request.

I appreciate that members will need some context in order to make the decision on whether to refer the decision back to Cabinet or not, but I do ask that we try to limit questions to the process of decision-making. I will stop questioners if they are veering too far from the brief of the committee.

I am also keen that we conduct as much of this meeting as possible in public session. When we come to questioning Cabinet members and officers, I would therefore request that members reserve any questions about confidential papers until there are no more questions that can be taken in public session.”

1) King Alfred Leisure Centre Regeneration Project Call-in

1.1 The Chair welcomed Cllr Sykes to the committee and asked him to present his call-in to the committee.

1.2 Cllr Sykes said that he would speak about the call in request and also reference addendum 2 that has been published as a response to the call-in. Cllr Sykes made the point that despite what some had said, the call-in was not frivolous opposition but was genuine scrutiny. He said that he was conscious that the project had been decades in discussion and he wanted it to proceed, but in a clear and robust manner, in compliance with HMT guidance, maximising government funding potential, with clear basis for options chosen, clear and robust capital and revenue provision, maximising innovation and sustainability to make this a flagship scheme for the city.

Cllr Sykes noted there was precedent for large capital projects to overrun in terms of both costs and time frame and that the difference between poor risk provision and good is massive. It is about more than having enough money, but what happens when you run out of money. Listing a number of projects that have overrun, including Shelter Hall, Worthing's integrated care centre, Madeira Terraces, the observation tower by Regency Square, he noted the common factor in all but one was that they are complex capital brownfield schemes on an exposed coast involving demolition. Cllr Sykes asked why the King Alfred was any different.

Cllr Sykes questioned the figures used for the risk budget and optimism bias, asking what the costs in the outline business case were based on concept drawing or based on high level per metre sports and leisure centre guidance. He said that as this was in the part 2 papers that he did not have access to the answer may be in there. If not on concept drawings Cllr Sykes felt that the optimism bias should be higher.

Cllr Sykes went on to question the use of figures for a standard project when he felt it was not a standard project because it involved demolition on a brownfield site, which are non-standard elements.

Cllr Sykes spoke about the differential benefits period and having a potentially incorrect set of benefit cost ratios but said that this point of the call-in was answered in addendum 2 and that he was reasonably content with the response given.

Cllr Sykes questioned the net zero ambition and sustainability of the project. Cllr Sykes argued that the cabinet papers asserted that sustainability and energy use was a key element of keeping costs down and maintaining revenue and that if this was weak or flawed or not able to be fulfilled it would impact on the future financial case. He questioned if there

was enough sustainability ambitions to underpin net financial revenues. Cllr Sykes thought that if costs began to overrun, sustainability elements may be cut and then the project would not be sustainable and this would impact future revenue.

Cllr Sykes went on to raise concerns about access to documents and said that it was a matter of trust and respect. Cllr Sykes further pointed out that when reading the Council's constitution part 3E on this matter it referred him to section 17 but that this was not about access to documents and believed that this was a typo or a mistake that should be looked at.

Cllr Sykes concluded by summing up his arguments to the committee.

1.3 Cllr Jacob Taylor, Deputy Leader and cabinet member for Finance and city regeneration, called a point of order stating that sustainability and its link to future revenue was not part of the organ call-in request and therefore should not be considered by the committee.

1.4 Liz Culbert said that the call-in request (at appendix C) was made in line with the constitution and scrutiny rules, and that this should be the focus for members.

1.5 The chair asked the cabinet members to speak to the committee.

1.6 Cllr Alan Robins, cabinet member for sport and recreation began by saying that of the 5 points made in the call-in request number 2 was not a question but a lead in to point 3. He said that he would be answering points 1 and 4, whereas Cllr Taylor would be answering points 3 and 5.

Cllr Robins thanked officers for their hard work on this over the last 18 months. He said that the papers to the cabinet meeting on 18th July were informed by the detailed programme of work undertaken over 2 years. The key part of this was the Treasury Green Book business case to extensively examine and evaluate the investment options. The business case was presented to cabinet members and due to commercial sensitivities it was exempt from publication under schedule 12A of the Local Government Act 1972 paragraph 3.

Cllr Robins said that the business case was complemented by an extensive site search, a thorough examination of the legal and planning matters on each site and a wide programme of resident engagement, the outcome of all of this work was considered by the cabinet in formulating their decision.

Cllr Robins responded to the first point of the call-in request saying that the part 1 papers presented to cabinet represented a detailed report providing all of the necessary information to make the decision and that the appendices provided further details. He said that 3.3 and 3.6 set out an explanation of the green book approach and the investment appraisals, 4.1 and 4.4 setting out the benefit cost ratios together with tabulated summary of economic costs and benefits of each option supported by explanatory texts.

Cllr Robins said that 4.7, 5.1 and 5.8 set out a detailed explanation of the financial viability of each option with online build costs and borrowing costs at 4.8 and 4.16.8.1 and 8.5 provided a detailed explanation of the equalities implications. All of this was considered by members when making their decision, along with the two detailed appendices.

Cllr Robins added that the public papers were supplemented by the Part 2 papers including the business case which was developed by consultants Continuum Sport and Leisure supported by architects Faulkner Brown and placemakers and economic consultants Genecon. This was not made public due to commercial sensitivities.

Cllr Robins said that cabinet members therefore had access to all the supporting information to ensure that their decision was properly made.

Cllrs Robins then moved on to respond to point 4 of the call-in request, saying the point 4 suggested that the refurbishment option had been unfairly understated, but that this was not the case as set out in 3.14 the same appraisal period had been used for all option to allow for consistent comparison, even though a refurbishment would not last as long as a new build. The calculations were made for a 20-year lifespan, but a refurbishment would last 10 years, and a new build 40 years. Therefore, the costs and benefits of refurbishment was not unfairly represented.

Cllr Robins explained that a refurbishment of the current site would never be able to meet the standards set out by Sports England or to meet the commitments in the Sports Facilities Investment Plan (SFIP). He said that it had been a long-established policy to replace rather than refurbish the King Alfred, a policy that was confirmed when the SFIP was adopted in 2021 under the committee system at the P and R committee chaired by the Green administration at the time.

1.7 Cllr Taylor spoke to the committee and began by addressing point 5 of the call-in, saying that the business case was commercially sensitive and was therefore not made public. Cllr Taylor said that this was standard and would have been the same under the old committee system as in the new cabinet system, and that this was standard practice across other councils as well. However, Cllr Taylor did say that under the new system the decision makers allowed to see the papers no longer included opposition members and perhaps there would be some mechanism to allow scrutiny to see documents before call-in to not require future call-ins just to see the papers.

Moving on to point 3 Cllr Taylor said optimism bias is the reflection of factual history, which is that over making decades project managers, planners and those looking to build things tend to have an optimism bias and underestimate the cost of things. He said that as guided by treasury the council applies optimism bias and what Cllr Sykes is saying is 'have we applied the wrong rate of optimism bias?', the answer to that is clearly no.

Cllr Taylor disputed Cllr Sykes quoting of the Treasury Green Book, as Cllr Sykes had inserted the words swimming pool into the quote he used. He said that swimming pools and leisure centres were a very standard thing for local authorities to build. Cllr Taylor listed standard building projects from the Treasury Green book including, accommodation, offices, hospitals, prisons and airport terminals. He said that most members of the public and the committee would think an airport terminal or hospital would be in most cases more complex than a swimming pool and leisure centre.

Cllr Taylor noted that Cllr Sykes' list of projects that had overrun did not include any swimming pools or leisure centres. The officers and specialists that we employed looked far and wide for examples and it is not standard at all to consider swimming pools and leisure centres as non-standard buildings which need the higher rate of optimism bias applied. Cllr Taylor said they had used a figure that was at the higher end of the range used for stand

buildings, using a figure of 20%, with an upper limit of 24%, and therefore the core challenge doesn't hold out.

Cllr Taylor said that he did not think that referring the decision back to cabinet would not add scrutiny or change the decision, as officers would still provide the same figures to cabinet and therefore the same decision would be made again, only delaying it.

1.8 The chair thanked Cllr Taylor and said that it would be up to the committee if they wanted to refer the decision back to the Cabinet. The Chair asked if any of the officers present wanted to present to committee.

1.9 Mark Healy, City Regeneration Programme Manager, spoke to the committee and said that officers were very conscious of the previous failures of attempts to regenerate the site. The team therefore made sure to include more detailed comprehensive documents than previously. This included an outline business case which is a very detailed document.

Mark said that the team made sure that they were very judicious in getting the right consultants with the right skills mix, the right track record and the right experience to deliver. The team brought on board included Continuum Sport and Leisure, one of the leading sports consultancies in the country who had been involved in large and successful projects across the country. Faulkner Brown, architects with a recent track record of successfully delivering leisure centres like the Britannia Leisure Centre in Hackney. As well as economic development consultancy, Genecon, who have been involved in the Eden Project in Lancashire.

Mark went on to set out some of the detailed work done by the consultants towards the business case and said that the business case was a robust document, but that the cabinet were not just looking at the business case as there was also the public engagement, planning constraints and legal factors and other points.

1.10 Liz Culbert confirmed for transparency and openness that all voting members of the committee had received access to the part 2 papers prior to the meeting.

1.11 The chair said that the meeting would go into part 2 private session to discuss aspects of the part 2 papers later in the meeting and asked that members please be mindful of what they say and save those questions on the part 2 papers for later.

1.12 Cllr Fishleigh asked a question regarding when the council had ruled out going out to the commercial market for this development. Max Woodford, Assistant Director City Development and Regeneration, said that consideration was given to all option but one of the key learning from the previous two deals that they were very complex commercial arrangements that ended up not delivering, and so the view was taken that a simpler more direct delivery option would be better. He added that exactly how the leisure centre would be delivered and what kind of partnerships or arrangements the council would get into were yet to be determined.

1.13 Cllr Fishleigh asked Cllr Taylor to guarantee that the project would not exceed £47 million. Cllr Taylor responded that no one could give that guarantee but that and so he would not do so, but that the estimates and business case were made on sound footing by experts in the field.

1.14 Cllr Fishleigh asked why an ice rink was not being considered as most people asked her about this. The Chair ruled that this was not covered by the call-in request.

1.15 Cllr Fishleigh questioned the need for the business case to have been in part 2 papers and suggested that most of it was not confidential, except the value of the land sale, and that a redacted version should have been considered. Cllr Taylor responded that in the executive and under the previous committee system there was always a balance between the detailed elements that underlie a decision and the summary output which goes into a public paper which member debate in public. He felt that they had got the balance about right. However, Cllr Taylor said that he was open more generally for a discussion about how this would work going forward and what other members outside of the cabinet can see, possibly putting more into the summary in the public papers.

1.16 Mark Strong said that having done similar consultancy work and agree with Cllr Fishleigh that it should be possible to redact a business case so that the commercial elements were removed. Mark asked what optimism bias had been used for the Hackney leisure centre as they were similar. He further asked about a breakdown of the economic benefits as health benefits are normally 75-80% of this, and that social value was also not mentioned in the public papers. Mark also asked about the proposed environmental rating, which is envisaged to be very good, compared to the Britannia, which is outstanding. Mark also asked if scope 3 emissions, caused by travelling to and from the site had been considered. Mark asked a question regarding engagement and believed that it had been poor, particularly engagement with younger people. Cllr Taylor said that the consultation received around 3600 responses, which was a very high level of responses and even more than some of the more difficult issues such as school organisation. He did agree that he would like all groups to be responding to consultations in similar numbers. Cllr Taylor did not know the optimism bias used in Hackney, and said that the basis for the economic case may be able to be discussed even if the details could not be. Mark Healy said that he did not know the optimism bias used for the Hackney site but that Faulkner Brown believed that the 20% figure the council was using was the right figure. Mark Healy said that the consultants had kept the economic case limited as the business case may be used in the future to bid for different or potentially new government funding pots and with that in mind, they put their main focus on health benefits for the exchequer and benefits in terms of quality of life for people arising from higher levels of physical activity and on land value uplift. He added that they had also separately included the value of jobs created in construction as part of the local benefits. There were also many other aspects that were wanted to be included by officers but the consultants were keen to keep it simpler to keep the business case on sound footing, should it be used to bid for grant funding in the future. Mark Strong came back to ask about potential loss of health benefits during the rebuild. The Chair responded that the plan was to build on a different part of the site allowing it to remain open during construction. Cllr Robins added that the plan was to keep the current facility open for as long as possible to ensure no loss of provision. Regarding the scope 3 emissions Mark Healy said that no detailed transport modelling had been done but would be coming soon if able to go ahead but that the specification from the Sports Facilities Investment Plan was to provide car parking as although the council would be encouraging active transport there was also a recognition that many people required private car use. Cllr Taylor said that they did consider transport in the decision making as the King Alfred currently has the highest footfall in the city and people are already choosing to travel to that site and that there would be no point in building a leisure centre on a site that they did not have confidence that people would travel to.

1.17 Cllr Fishleigh asked a point of order saying that Mark Strong had asked about scope 3 emissions but answers were given based on transport emissions, which are not the same. Max Woodford answered that the point remained that they were not at the stage of carrying out whole life carbon assessment yet, but that this would be coming.

1.18 Cllr Pickett asked a question regarding the business case and if the costs within it were based on detailed architectural drawings. Mark Healy responded that the outline design work included a graphic brief outlining what was required and how it would fit together, two designs were then looked at for the King Alfred site and used to calculate costs. Mark emphasised that the cost was not based on per square metre costings but outline designs.

1.19 Cllr Pickett asked a question regarding the optimism bias and said that standard building does not include demolition, so why would the King Alfred not be counted as not standard. Mark Healy replied that this would be the case if the plan was to build on the existing building footprint, but as the plan was to build on the car park, although it could be considered as a brownfield site the steer from the consultants and architects was that it is a standard site.

1.20 Cllr Thomson asked a question regarding the Eden Project North and the green credentials of that project. Mark Healy responded that his reference to the Eden Project North so in relation to the track record of the partners that had been brought in to work on the project. Mark said that Genecon who were working on the financial modelling, had worked on the business case for the Eden Project North. Mark added that as well as this experience, other partners also brought in a great deal of experience including Continuum Sport and Leisure and the architects Faulkner Brown. Mark explained that Faulkner Brown had recently delivered Portsmouth University's Ravelin Sports Centre, and Continuum had worked on St Sidwell's sport and leisure centre, which is the first Passivhaus leisure centre in the country. Mark said that they would be aiming for the energy rating to be very good or outstanding and would look to do better if possible, with the chosen architects and structural engineers given the key priority of sustainability as this was needed in terms of economic costs but also the city's wider net zero ambitions.

1.21 Cllr Cattell asked if officers were satisfied, in terms of planning policy and net zero, that the new leisure centre would be of the highest sustainability specification. Max Woodford said that yes it would be but to bear in mind that the project was not in the detailed plan stage yet, but that they would be looking to whether there were other opportunities to look at energy.

1.22 Cllr Cattell asked if it was standard with major projects at this stage not to go into as much detail as has been requested by some of the members. Cllr Robins responded that the only detail at this stage is the chosen site and that the council could now look at the exciting bit of choosing designs, and that the sustainability levels would be up to the council. Cllr Cattell clarified that she was asking officers if at this stage of a major project the level of information provided in the cabinet papers was considered satisfactory. Max Woodford responded that as much information as necessary to help cabinet make the design was included.

1.23 Cllr Cattell asked Cllr Taylor and Cllr Robins if they were satisfied that the correct procedure was followed when making the decision. Cllr Robins replied that he was more than satisfied and that he had been working for many months, and officers for many years, to progress this. He said that they had taken on board all comments and have not just

chosen the best financial option but looked at all aspects and come to the decision that they feel is best. Cllr Taylor agreed with Cllr Robins and said he felt the process had been very robust. Cllr Taylor said he felt that the level of detail and level of work that had gone into preparing and conducting the consultation and analysing to core case for the different options had been very robust. Cllr Taylor thought that the balance of what could be published in part 2 papers and what could be published publicly was about right. Cllr Taylor said that the cabinet had given it a lot of thought and challenged officers in terms of things that have gone into the numbers and that it was one of the decisions that had considered most carefully and in most detail.

1.24 Cllr Pickett asked a question regarding if climate change and rising sea levels had been considered for both the leisure centre and housing on the site when putting the business case together as this might negatively impact the costs. Cllr Taylor said he would refer to officers, although it was not within the scope of the call-in, but that yes they were aware that the chosen site was on the seafront and this was very much a part of the assessment. Max Woodford said that there was an active project being delivered by the transport team around sea defences in that part of Hove, and climate change will be factored in going forward into more detailed design stages.

1.25 Mark Strong asked a question regarding a basement car park being below sea level and if this was accounted for in the costings. He also said that the council's website stated a car parking capacity of 200, which is almost double the existing capacity. Cllr Taylor responded that building underground near the sea they would need to consider sea levels and probably put tanking in. In terms of parking I think the point Cllr Robins was trying to make was to distinguish between a project where you have to demolish the building and put one on top. Essentially the project will be to build on the existing car park and separate that project to decouple the risk and say there will be a separate potential disposal or development on the existing site. Cllr Robins said that the website might be suggesting what might be possible under different designs and no decision had been made.

1.26 Cllr Pickett said that section 3.9 said that only two sites emerged, she asked if there was ever a consideration for using both sites, for example by having a large cost effective leisure facility at Benfield and perhaps a smaller pool only facility at the existing site, paid for with additional housing development. The Chair said that despite it being an interesting question it was not within the remit of the call-in.

1.27 Cllr Pickett asked why the full structural survey could not be released to the public. The Chair said that she didn't think this was within the remit. Cllr Robins said that in the Sports Facilities Investment Plan it did say that a full structural survey had been taken. Cllr Robins quoted from the Sports Facilities Investment Plan, which stated that the aging building required an estimated £20 million to maintain, and said that the SFIP was adopted at the P&R Committee in July 2021 under the previous Green administration. Cllr Pickett asked if this was public and Cllr Robins confirmed that it was public and available on the council's website or in hard copies in libraries.

1.28. The Chair said that as all questions not involving part 2 had finished that the committee would go into part 2 private session, asking that any members of the press, public and non-voting committee members to please leave the chamber.

The Committee went into private session.

1.29 Following the readmission of the press, public, and non-voting members the Chair said that the committee was now ready to discuss the options available to it as detailed in the recommendations, which were to take no further action and allow the decision implemented or to refer the decision back to the cabinet for reconsideration, in which case the committee members must agree reasons as to why. Giving her opinion the Chair said that she was excited to see the new call-in system working and that the committee had had the opportunity to question the cabinet members on their decision making. Having come into the call-in with an open mind and having read the papers she felt that she was overwhelmed with the amount of information that the cabinet had to make their decision.

1.30 Cllr Cattell said that she felt there had been a lot of irrelevant questioning and that for efficiency of the scrutiny committee they should stick to what the committee was asked to determine, which was: was there enough information given to cabinet members to make their decision? She said that she absolutely agreed with the Chair that yes there was and she recommended not taking the call-in any further.

1.31 Cllr Fishleigh agreed and said that she thought the business case was absolutely excellent and congratulated officers on their work. Cllr Fishleigh made the further point that the lesson for the future would be how councillors can access confidential documents without having to call-in a decision and hold a meeting.

1.32 Mark Strong also made a similar point regarding access to confidential documents being made more available. Cllr Taylor said that he would reiterate his earlier point for the minutes that the council would consider the balance of information in part 1 and part 2 papers and would also consider what the mechanism should be for scrutiny to view part 2 papers, as he agreed it would be silly if every decision was being called into and committees being set up just to see the papers. He said that his commitment to the committee was that they would think about this and revert back as soon as possible. The Chair said that Mark had made a fair point and that we should be careful about what is actually confidential and what isn't, and try to be as open and transparent as possible. Cllr Robins said that the cabinet had not taken the decision to block site of the part 2 papers but had taken the advice given to them, he did however understand concerns that when people cannot see things they do not know the contents and start to wonder what is in them.

1.33 Cllr Hewitt said he felt that the cabinet members had all the information presented to them to make the decision and he was minded that no further action was required.

1.34 The chair said that having regards to the call in and the information supplied in response the committee have to decide either: 2.1 the challenge to the decision should be taken not further and the decision may be implemented immediately, 2.2 to determine the decision called in is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework and that it should be referred to full council (but the chair pointed out that this did not apply to this call in), or to refer the decision back to the cabinet setting out the committees concerns. Taking in mind the comments and likely outcome the chair put option 2.1 to the vote first. The committee voted 7 in favour, 1 against, and 1 abstention. The Chair announced that recommendation 2.1 that the challenge to the decision should be taken not further and the decision may be implemented immediately was passed and closed the meeting at 19:02.

Brighton & Hove City Council

Overview & Scrutiny

Agenda Item 14

Subject: Solid Fuel Burning (Domestic and Commercial)

Date of meeting: 1st October 2024

Report of: Corporate Director, City Services

Contact Officer: Name: Luke Proudfoot
Email: Luke.proudfoot@brighton-hove.gov.uk

Ward(s) affected: (All Wards);

Key Decision: No

For general release

1. Purpose of the report and policy context

1.1 Place Overview and Scrutiny Committee members requested information on the risks of solid fuel, and actions being taken to mitigate these risks ahead of the winter heating season, to inform the O&S committee's work programme.

2. Recommendations

2.1 Place Overview & Scrutiny Committee notes the contents of the report.

2.2 Place Overview & Scrutiny Committee welcomes the planned actions around raising awareness of the risks associated with solid fuel burning and investigating instances of wood-burning in building fireplaces and stoves, as outlined in paragraph 3.8 of the report.

3. Context and background information

3.1 Solid fuel (mostly coal) used to be the most popular form of heating for homes in the UK, but from the 1960s natural gas central heating grew in popularity and is now used by almost all commercial and domestic users. However, since the 1990s solid fuels, especially wood logs and pellets, are increased in popularity as supplementary heating and as a feature in the living room.

3.2 This resurgence in burning solid fuels has implications in terms of nuisance to communities, as well as environmental and health impacts due to the release of particulate matter. This is particularly so where inappropriate materials are burnt and where unsuitable appliances are used.

3.3 Appendix 1 includes more information around the use of solid fuel burning including air quality, environmental impacts, health impacts, and fire safety.

- 3.4 The Cabinet Member directly responsible for this matter, in the context of air quality and regulatory services, is the Cabinet Member for Net Zero and Environmental Services, and responsibilities for managing the effects of solid fuel burning are shared by a number of officers/teams within the City Services Directorate. These are Regulatory Services (covering Environmental Health and Trading Standards) and the Principal Air Quality Officer (covering policy and air quality monitoring) within City Transport.
- 3.5 Officers have been working closely with the Cabinet Member for Net Zero and Environmental Services on wood-burning and smoke control in the city. This has resulted in a planned change in approach to raise awareness of the issues, especially in advance of winter 2024/25, and to seek to ensure that any reports of smoke from wood-burning in buildings that are of concern to residents are investigated and followed up in line with the requirements set out in the relevant legislation/regulations.
- 3.6 The council has responsibilities around the sale of solid fuel, the sale of appliances to burn wood, and in responding to complaints about smoke being produced from wood burning.
- In terms of the sale of fuel, Trading Standards has received one complaint since regulations were introduced in 2022. This was investigated and an advice letter sent, but the business ceased trading, so no further enforcement was required. Open source research has identified no dedicated wood or solid fuel sellers operating in Brighton & Hove. Trading Standards Officers carrying out routine inspections of premises have been advised to look out for the sale of any solid fuels to ensure compliance with the regulations.
 - In terms of the sale of appliances, open source research since 2023 has identified that city businesses are only selling Defra approved appliances allowed to be sold for use in a Smoke Control Area, if used appropriately.
 - In terms of complaints about smoke, the council has received around 500 complaints in the past 5 years. However, the great majority of complaints have been about bonfires, with only 12 complaints (2.4%) about smoke from a building chimney. The council has a range of enforcement options, potentially including fixed penalty notices, abatement notices and prosecution. However, there is a hierarchy of enforcement and the first step unless immediate action is necessary and proportionate will be to provide advice and then a warning to businesses or residents. To date, fixed penalty notices have not been served or further enforcement measures taken as in the majority of cases there can be an informal resolution by advice and negotiation as per the regulatory continuum and the Enforcement Policy.
- 3.7 Appendix 2 includes more detailed information on the relevant legislation and powers and enforcement options for both the Trading Standards Team and the Environmental Protection Team within Smoke Control Areas and all other areas.

3.8 The proposed actions include:-

- Messages and communications to raise awareness of the health impacts of burning solid fuels by developing a communications and messaging strategy that draws on good practice and material from other agencies and local authorities with a focus on asking people not to burn solid fuels unnecessarily
- An enforcement pilot within the existing Smoke Control Areas
- Assessing the outputs from new sources of data, with a specific focus on particulates from solid fuels, to help inform future actions

3.9 For regulatory standard monitoring of particulates in the city there are now six locations managed by a number of organisations. The sites are Preston Park (DEFRA), North Street (BHCC), Lewes Road (BHCC), Hollingdean Road (BHCC), A259 Wellington Road (BHCC) and Falmer (University of Brighton). A new citywide real-time monitoring network for air quality is being established and is due to be launched during October. These networks include twenty sensors located away from main roads which will help understand the role of fires as opposed to particulates derived from other sources. This will provide a significant increase in additional data and evidence about pollutants, including particulate levels. The aim is to assist in a greater understanding of the areas where burning activities are occurring and will assist in indicating where further resources and action, including any decisions by Cabinet, may be necessary.

3.10 Public access to the new data will also assist in providing residents with greater and more accurate indications of pollution levels. The aim is to enable people to make decisions on a daily basis, related to travel and heating choices, especially if someone in the household suffers from health conditions that may be worsened by pollution. Normally people or groups that are most vulnerable to airborne pollution are not the ones operating the polluting activities.

4. Analysis and consideration of alternative options

4.1 Not applicable for this report.

5. Community engagement and consultation

5.1 Not applicable for this report.

6. Financial implications

6.1 The Government has provided funding to every local authority with one or more Smoke Control Areas. This is to assist them in managing the additional work required because of new legislative 'burdens' associated

with the enforcement and management of Smoke Control Areas, as introduced by the Environment Act 2021. The funding from DEFRA of £11,710 (x2) was received at the beginning of 2024. Thus far this has been used in proactive Trading Standards work supporting enforcement in the form of visits to sales outlets across the city and for the Environmental Protection team dealing with smoke nuisance complaints.

- 6.2 The relevant changes made under the Environment Act 2021 are:
- Changing the offence for emitting smoke from a chimney of a building in a SCA from a criminal to a civil penalty to streamline enforcement
 - Extending the system of statutory nuisance to private dwellings in SCAs
 - Introducing a duty on retailers to notify customers of the offence of buying controlled fuels for use in SCA at the point of sale which LAs will need to enforce.
- 6.3 Consideration is being given to the options available to use this funding to help meet the requirements of the Act.

Name of finance officer consulted: Michael Bentley Date consulted:
17/09/24

7. Legal implications

- 7.1 Statutory Nuisance regulation under the Environmental Protection Act 1990 is the first legislation that comes into effect when Environmental Health respond to domestic or commercial smoke complaints, and it applies throughout England.
- 7.2 The Air Quality (Domestic Solid Fuels Standards) Regulations 2020 are the same throughout England. BHCC, Trading standards have carried out checks on wood and manufactured fuels being sold by local retailers.
- 7.3 Smoke Control Areas (SCAs) were declared following the Clean Act 1968, in Brighton from 1974. This legislation has since been amended by the 1993 Clean Air Act and the Environment Act 2021. Only Defra exempt appliances can be used in a local authority SCA. It is an offence to emit any smoke from a building chimney in an SCA. A case could be considered to be more serious, if frequent and persistent dark smoke from the same chimney in a residential area.
- 7.4 Building Regulation 2010, certification relating to the installation of solid fuel burning appliances
- 7.5 Highways Act 1980, 161A danger or annoyance of fire and smoke on land not forming part of the Highway, including smoke impairing vision of road users
- 7.6 Tenancy agreements and landlord responsibility regarding home safety and need to have working smoke and carbon monoxide alarms

Name of lawyer consulted: Rebecca Sidell Date consulted (17/09/24

8. Equalities implications

- 8.1 None specifically for this report. There are concerns that people experiencing economic inequalities may turn to solid fuel and refuse burning as a potentially cheaper alternative to gas heating.

9. Sustainability implications

- 9.1 None specifically for this report although the use of solid fuel burners will have significant impact on sustainability as their use will emit Carbon Monoxide [CO] Carbon Dioxide [CO₂] and Particulate Matter PM₁₀ and PM_{2.5} smaller than ten and two and a half micrometers. The improper use of solid fuel burners will release additional PM_{2.5} and potentially other pollutants and harmful substances. Coal, Manufactured Solid Fuels and wood may need to be imported long distances to reach the point of use. Kiln dried wood requires another combustion process prior to delivery. Building regulations require an air vent in the room where there is a solid fuel burning stove, and this reduces the building insulation standard. Reducing the amount of burning can help work towards future home heating standards and improved, building energy performance certification.
- 9.2 Sales of log wood for fires/stoves in residential properties within the city continue to present a significant risk in terms of the spread and impacts of Elm Disease to a large proportion of the Council's tree stock. Elm logs are imported into the city then sold and distributed as firewood causing Elm Disease outbreaks, and tree loss, as a result of the disease carrying Elm Bark Beetle using the logs as habitat and with the potential to reproduce in significant numbers on very little material,

10. Health and Wellbeing Implications:

- 10.1 Gas and particulate pollution is adverse for health. Respiratory and coronary smoke impacts due to solid fuel burning are most likely evenings and weekends during the winter. This risk is increased where this happens amongst high population density.

11. Conclusion

- 11.1 The committee is asked to note the report on solid fuel burning to inform any further work that they might wish to add to the work programme.

Supporting Documentation

1. Appendices

1. Information on the use of solid fuel burners

2. Relevant legislation and enforcement

Appendix 1

Solid Fuel Burning

Introduction

Solid fuel (mostly coal) used to be the most popular form of heating for homes in the UK, but from the 1960s natural gas central heating grew in popularity and is now used by almost all commercial and domestic users. Exceptions are off gas-grid, remote farms in the South Downs NP and house boats. However, since the 1990s solid fuels especially wood logs and pellets are increased in popularity as supplementary heating and as a feature in the living room.

Burning solid fuels contribute to airborne particles and many cities used to suffer heavy, sooty smogs. In response to these problems the Government passed the first Clean Air Act in 1956, which regulated the use of household solid fuels. Many urban local authorities established Smoke Control Areas under the Clean Air Act 1968: these are areas where special provisions apply if people wish to burn solid fuels. However, the legislation became almost redundant due to the switch to gas fired central heating. Statutory nuisance legislation under the Environment Protection 1990 became the first consideration for local authorities in England when responding to smoke complaints.

The simplest way to burn solid fuels is in an open fireplace. However, open fires are inefficient - most of the heat is lost up the chimney and this method can potentially be the most polluting for carbon monoxide, fly ash and particles due to the lower temperatures involved. Stoves need to be fed fuel to keep combustion temperatures hot and emissions low. Slow smouldering of logs and ash can release smoke. This may be detected by monitors for some hours during the day or night.

Health Impacts

Air pollution is the biggest environmental risk to public health. Airborne pollution (mix of gases and particles) is a strong contributor to the 170 early deaths that occur each year in Brighton & Hove.¹ 1 in 20 deaths in those aged 30 or over in Brighton & Hove are estimated to be attributed to particulate air pollution.² However, it is difficult to distinguish the impacts of smoke from wood burning from other causes of particulate emissions.

Using a stove or open fire at home can be contributor to smoke and pollutant called fine particulate matter (known as PM₁₀). These tiny particles can damage the lungs and other organs and can be harmful to human health.³

Eco-stoves for burning solid fuel can emit smoke and fine particulate matter (PM₁₀ and PM_{2.5}). A report⁴ commissioned by DEFRA reveals that even an Ecodesign stove emits six

¹ Brighton and Hove City Council Air Quality Action Plan 2022 to 2027 October 2022

² JSNA <https://infogram.com/1pqm9wklw969nrhq7x3g70ee39c0gr2e9mw?live>

³ <https://uk-air.defra.gov.uk/library/burnbetter/>

⁴ <https://uk->

[air.defra.gov.uk/assets/documents/reports/cat11/1708081027_170807_AQEG_Biomass_report.pdf](https://uk-air.defra.gov.uk/assets/documents/reports/cat11/1708081027_170807_AQEG_Biomass_report.pdf)

times as much PM_{2.5} as a Euro-VI HGV, per hour. The lorry has diesel particulate traps on the exhaust. The air quality impact relates to where the emission happens, for example:

- In an urban street at the bottom of a valley or near an open hilltop
- The hours of operation throughout the year, and in almost all cases natural gas boilers are used for longer durations than solid fuel stoves.

In an article about wood smoke pollution on the Medical Journal of Australia's website, respiratory physician Dr James Markos notes there is no safe level of wood smoke exposure. "It is identical to the risk of lung cancer from passive smoking."⁵

Air pollution has adverse effects on the cardiovascular and respiratory systems. When air pollutants enter the body they can affect the eyes, nose, throat, lungs, heart. The smallest particles enter the blood vessels. Over a long time, exposure to air pollution can cause chronic health conditions such as cardiovascular and respiratory diseases, as well as lung cancer, leading to reduced life expectancy.

Air pollution affects everyone's wellbeing at some stage of life, some people are more vulnerable to the health effects – older people, pregnant women, children, and those with cardiovascular or respiratory disease.

Environmental Impact

Pollution problems with solid fuels usually stem from operators using poor quality appliances and/or inappropriate fuels and stop-start operations. Nuisance issues can arise when unseasoned wood or mixed waste materials are burnt in appliances unsuited to these fuels. 'Invisible' pollution also occurs when poor quality appliances are used and, more worryingly, when waste wood treated with toxic preservatives such as old paint is burnt.

There is often a misconception that solid fuel burning is carbon neutral. Living trees absorb CO₂ from the air and store the carbon within, but when wood is burned, the CO₂ that was absorbed over the years that the tree was alive is released back into the atmosphere all at once, along with short-lived pollutants such as black carbon. Trees can be replanted, but it takes decades for those new trees to reabsorb the carbon that was emitted when their predecessors were burned. Fossil fuel burning, including natural gas releases CO₂ to atmosphere from a past geological era and this is most impactful in terms of today's atmospheric carbon budget. Gas boilers have NO₂ contributions which is the most plentiful pollutant locally.

If Brighton & Hove householders choose to burn solid fuels to keep warm this winter, essential considerations are:

- Wood is seasoned or dry
- Is clean without treatments such as paints or varnish

⁵ <https://www.dsawsp.org/secondhand-smoke/the-other-secondhand-smoke>

- Is not Elm, because stored logs are habitat for the beetle that spreads Elm's disease and this is a risk to Brighton & Hove's mature Elm specimens (centuries old heritage in many cases)
- Manufactured Solid Fuels approved by DEFRA
- Phase out or cease Bituminous Coal burning (no longer available to buy)

Monitoring

Local monitoring suggests particulate levels across the city are achieving the government's 2040 national target (10 µg/m³) as an annual average for PM_{2.5} (airborne particles less than 2.5 microns). There is excellent medical and scientific evidence showing health benefits at lower levels of pollution. A reduction in long term concentrations of particles <10 µg/m³ will have benefits for individual health and at a population level. Monitoring to date suggests particulate levels are higher in built-up areas and portside compared to the South Downs National Park, but not more concentrated next to local roads. Nitrogen Dioxide is more concentrated next to roads. Longer term construction sites contribute to dust and particles. Events with diesel generators contribute to smoke, such as the Fair on The Level, Lady Boys at Victoria Gardens and the Food Festival at Hove Lawns. Wood burners associated with Saunas emit smoke close to Marine Parade as does the Brighton Speed Trial Event. A variety of local and distant emission sources contribute to breathable particles (including smoke).⁶

Fire Safety

East Sussex Fire and Rescue Service [ESFRS] provide guidance on the use of solid fuel burners and open fires to enable their safe use.⁷ These include advice to regularly have chimneys swept, once a year for most fuel types, but up to four times a year for wood burning fires depending on the amount of use. Checkatrade suggests that the average cost of a chimney sweep in the UK (outside London) is £65, which may be seen as expensive to those using solid fuel or open fires in a bid to reduce heating costs.⁸

The cost of installing solid fuel burners varies greatly depending on the type and size but can range between £500 and £5,000. According to Which? this is leading to some people considering installing solid fuel burners themselves, with 7% of people in a recent Which? survey doing so.⁹

⁶ BHCC 2024 Annual Status Report for Air Quality
https://www.brighton-hove.gov.uk/sites/default/files/2024-07/ASR_Brighton%20%26%20Hove_2024%20V2.asd_.pdf

⁷ <https://www.esfrs.org/chimneys>

⁸ <https://www.checkatrade.com/Search/Chimney-Sweep/in/Brighton>

⁹ <https://www.which.co.uk/news/article/why-you-shouldnt-install-a-wood-burning-stove-yourself-arN9O6b79Cxp#:~:text=Installing%20a%20wood%20burner%20or,home%20and%20create%20more%20pollution.>

Self-installation of solid fuel burners carries significant risk of carbon monoxide poisoning or fire. These are mainly from using incorrect materials and or incorrectly installing flues.

Even with correctly installed solid fuel burners there are also further risks from the positioning of furniture, items adjacent for drying, which may be positioned too close to solid fuel burners or open fires to feel the heat more. Other risks include storage of fuel, failure to properly extinguish fires when going to bed or leaving the house, not using fire guards, spitting embers, overloaded ash trays, and using too much or not enough fuel at once.

ESFRS also recommend that carbon monoxide alarms are fitting in any room with a solid fuel burner or open fire.

The burning of incorrect and different sized fuel also poses a danger to the user in terms of fire safety and additional environmental impacts. People may be tempted to burn things other than DEFRA approved fuel, such as wood they have collected or old furniture, particularly if they are using solid fuel burners and open fires for cost reasons. This wood may contain too much moisture resulting in excess smoke or may have been treated with chemicals or have pieces of plastic.

Smoke Control Areas

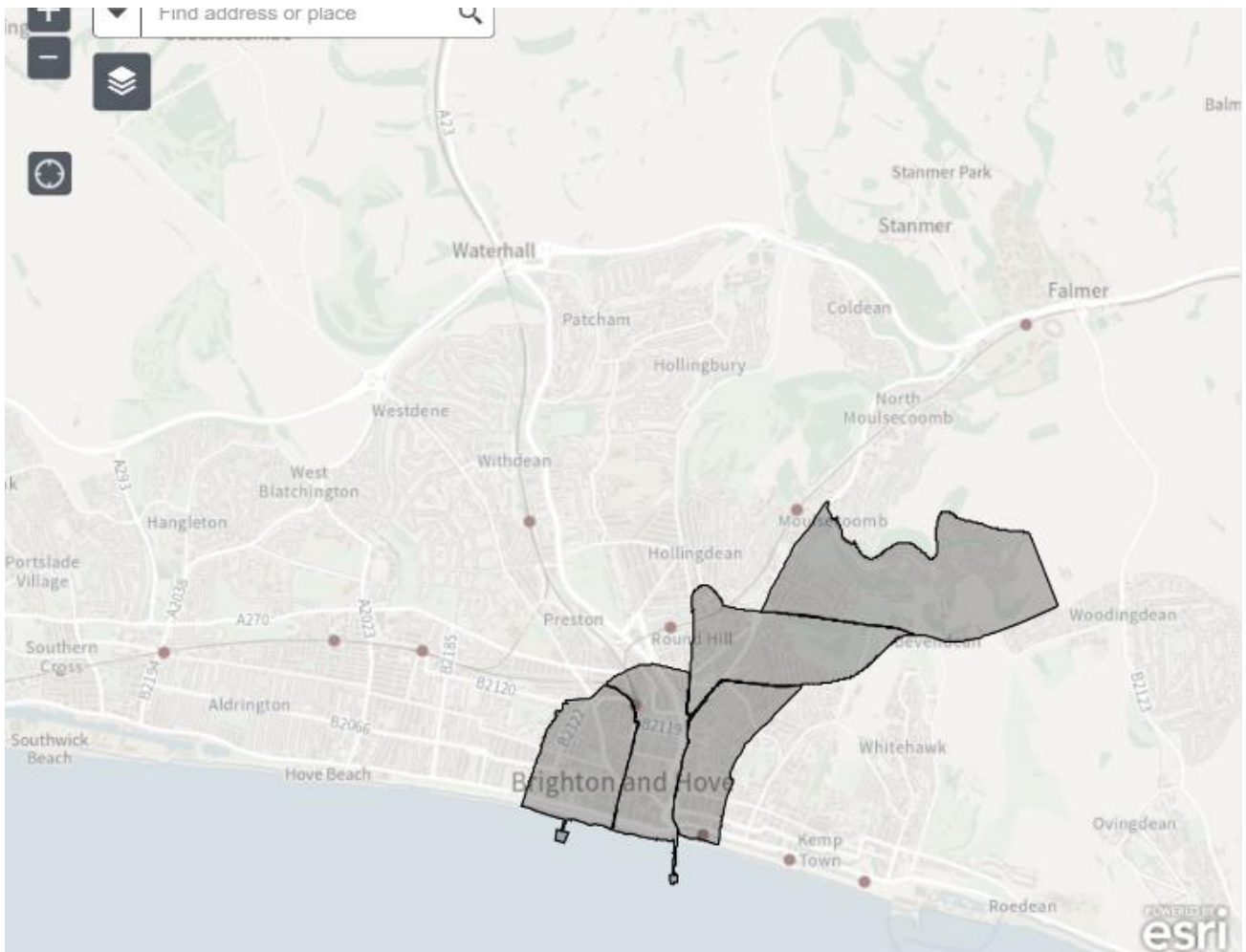
There are 5 Smoke Control Areas [SCAs] in Brighton & Hove.¹⁰ They were all declared under The Clean Air Acts, 1956 and 1968. The declarations were made between 1974 and 1981 by Brighton Borough Council.

The following describes the 5 areas (1 through to 5) in order as they were declared:

- The Brighton No. 1 (Lower Bevendean) Smoke Control Order 1974 approved by the Brighton Borough Council on the 9 May 1974, and confirmed by the Secretary of State for the Environment on the 5 August 1974 and operative from 1 October 1975.
- The Brighton No. 2 Smoke Control Order 1974 approved by the Brighton Borough Council on 8 October 1975. Confirmed by the Secretary of State for the Environment, with modification on the 5 February 1976. Operative from 1 October 1976.
- The Brighton No. 3 Smoke Control Order 1974 approved by the Brighton Borough Council on 18 May 1978. Confirmed by the Secretary of State for the Environment, with modification, on the 1 September 1978. Operative from 1 May 1979.

¹⁰ <https://www.brighton-hove.gov.uk/environment/noise-pollution-and-air-quality/using-solid-fuels-safely-and-legally>

- The Brighton No. 4 Smoke Control Order 1974 approved by the Brighton Borough Council on 2 February 1979. Confirmed by the Secretary of State for the Environment, with modification on the 23 April 1979. Operative from 1 November 1979
- The Brighton No. 5 Smoke Control Order 1979 approved by the Brighton Borough Council on 13 December 1979. Confirmed by the Secretary of State for the Environment, with modification, on the 6 February 1981. Operative from 1 October 1981.



A report¹¹ titled 'Air Quality Action Plan 2022 Consultation Results' was presented to the Environment, Transport and Sustainability Committee in November 2022 seeking approval to prioritise the delivery of a city-wide SCA. However, the recommendation was amended as follows:

2.4 That the committee requests officers **research further how** to prioritise the development and delivery of a citywide Smoke Control Area **to could** help tackle the harmful effects of particulate matter **in the areas where there is currently no Smoke Control Area, and that officers ensure that advice is provided to residents on the council website on how best to manage solid fuel heating where they do have it to supplement heating, including referring people to the East Sussex Fire and Rescue Service for a free home visit if they have concerns.**

Local authorities across the country have reported that enforcement of smoke control areas is difficult due to a lack of capacity and resources. In early 2023 when former DEFRA Secretary Therese Coffey suggest tougher enforcement measures the response from councils was that this would not be possible without additional funding. Councillor David Renard, of the Local Government Association, said: "Councils are happy to take on these responsibilities, but we need funding to resource them properly..."¹²

Burning outside SCAs or not from building chimneys

Brighton & Hove City Council receives more complaints for bonfires and static diesel generators (compared to smoke from a building chimney), but this is citywide and does not necessarily relate just to Smoke Control Areas. In the past five years 501 complaints for bonfires and twelve complaints for smoke from a domestic chimney. The council's website provides advice for households on bonfires, including how to reduce pollution from them.

<https://www.brighton-hove.gov.uk/environment/noise-pollution-and-air-quality/how-reduce-pollution-bonfires>

<https://www.brighton-hove.gov.uk/environment/noise-pollution-and-air-quality/bonfires-advice-households>

Barbecues are not allowed in some public areas of the city. There are bylaws for the seafront related to this which are primarily based around the health and safety of people using those areas and the associated fire risk.

¹¹ <https://democracy.brighton-hove.gov.uk/documents/s183869/Air%20Quality%20Action%20Plan%202022.pdf>

¹² <https://www.theguardian.com/environment/2023/feb/03/councils-say-they-lack-funds-to-enforce-stricter-limits-on-wood-burners>

<https://www.brighton-hove.gov.uk/libraries-leisure-and-arts/parks-and-green-spaces/single-use-disposable-barbecues>

<https://www.brighton-hove.gov.uk/libraries-leisure-and-arts/seafront/seafront-by-laws-and-accessibility/barbecues-beach>

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Appendix 2 – Relevant Legislation and Enforcement

Relevant Legislation

- Environmental Protection SCA legislation is the Clean Air Act 1993, with the Environment Act 2021
- Environmental Protection Act 1990, Statutory Nuisance applies throughout England
- Environment Act 1995, duty to assess and improve local air quality applies throughout England
- The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 applies throughout England

Smoke Control Area – Enforcement of relevant regulations

Trading Standards have responsibility for the enforcement of The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020. The regulations set out the requirements for the supply of :

- Under 2 cubic square metres of wood
- Wood supplied in an amount above 2 cubic square metres
- Manufactured solid fuel
- Bituminous coal, otherwise known as Traditional House Coal with a higher sulphur content that emits SO₂ and contributes to acid rain when burned

These regulations apply to the whole of England not just Smoke Control Areas.

Since the introduction of the regulations, officers have received one complaint regarding the sale of wood without the correct certification. An advice letter was sent; however the business is not currently trading so no further enforcement action was required.

Open source research on the internet and also Facebook Marketplace and Gumtree have not identified any further wood or solid fuel sellers based in the Brighton & Hove area.

There are no lists of sellers of these solid fuels, so to visit every potential premises that may sell them would be extremely resource intensive. Therefore as Trading Standards Officers carry out routine inspections at a range of business premises, they have been advised to look out for the sale of any solid fuels to ensure compliance with the regulations.

Open source research of suppliers of appliances since 2023 in Brighton and Hove has identified that all the businesses are selling only Defra approved appliances, otherwise known as exempt appliances allowed to be sold for use in a SCA, if used with the correct fuel. It is an offence to produce smoke from a chimney in an SCA. Exempt appliances and fuels reduce this risk, compared to open fireplaces and old stoves (fed with solid fuels including wood).

Additionally, under the Clean Air Act 1993 it is also a requirement that any business which sells controlled solid fuel needs to take reasonable steps to notify potential purchasers it is an offence to acquire the fuel for use in a Smoke Control Area.

Appendix 2 – Relevant Legislation and Enforcement

Whilst Trading Standards Officers are not authorised to enforce this Act, information gathered as part of routine inspections will be passed to Environmental Health for actioning.

Enforcement

All enforcement activity taken by both Trading Standards and Environmental Health has to be considered in line with the [Safer Communities Enforcement Policy](#). The policy is in place to ensure that we help businesses and others to comply with the law, and that enforcement carried out is targeted, proportionate and risk based.

There is a hierarchy of enforcement and the first step unless immediate action is necessary and proportionate will be to provide advice and then a warning to businesses or residents. The different pieces of legislation in relation to this area of law provide for different outcomes including financial penalties, abatement notices and prosecution. However, these will be a last resort.

Environmental Protection Team enforcement options.

In the past five years, five hundred complaints were received by the council related to bonfires and twelve due to smoke from a building chimney (2.4%). As with other local authorities, there were more complaints for bonfires around the time of Covid-19 stay at home directions in 2020 and 2021. Council messaging at the time related to thinking twice about domestic burning indoors and outdoors.

[Please think twice about fires - indoors or outdoors! \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk)

The Environmental Protection Team has a duty under the Environmental Protection Act 1990 Statutory Nuisance provisions to inspect its area from time to time for nuisances which includes smoke nuisance. As set out above, the data demonstrates that the majority of smoke complaints relate to bonfires and a small number relate to chimney smoke.

The authorised officers are aware that within the historically designated Smoke Control Areas (within Brighton only), that there is also an enforcement option under the Environment Act 2021, amendment of the Clean Air Act 1993:-

s.73 Smoke control areas: amendments of the Clean Air Act 1993

Schedule 12 makes provision—

(a) for imposing financial penalties for the emission of smoke in smoke control areas in England,

As well as (b) about offences relating to the sale and acquisition of solid fuel in England, as discussed above.

When assessing a smoke from chimney complaint the authorised officers are aware that they have these alternative powers in those specific areas. So far fixed penalty notices have not been served under the 2021 Act as in the majority of cases there

Appendix 2 – Relevant Legislation and Enforcement

can be an informal resolution by advice and negotiation as per the regulatory continuum and the Enforcement Policy.

It is unclear whether there is a geographically specific issue with air quality from particulates in the existing historically designated SCAs or elsewhere in the city, but the roll-out of monitoring stations and sensors will shed further light on the matter, as explained in the main report. This is being progressed by the Air Quality specialist within the Transport Team. More than ten of these monitors are not near roads. Smoke emissions from fires and other non-continuous sources will influence monitoring results whether a sensor is located near a road or not.

Currently the BHCC wide duty and powers available under the Environmental Protection Act 1990 smoke nuisance provisions are equitable.

Brighton & Hove City Council

Place Overview & Scrutiny Committee

Agenda Item 15

Subject: Short Term Lets Task & Finish Group Scoping Report

Date of meeting: 1st October 2024

Report of: Corporate Director, City Services

Contact Officer: Name: Giles Rossington

Tel: 01273 295514

Email: giles.rossington@brighton-hove.gov.uk

Ward(s) affected: (All Wards);

Key Decision: No

For general release

1. Purpose of the report and policy context

1.1 This report provides information on Short Term Lets which has been gathered in consultation with officers in City Planning and Visit Brighton. It includes a scoping report for the Task & Finish Group (Appendix 1) and draft Terms of Reference (Appendix 2).

2. Recommendations

2.1 Place Overview & Scrutiny Committee agrees to establish a Task & Finish Group to scrutinise the issue of Short Term Lets.

2.2 Place Overview & Scrutiny Committee agrees Terms of Reference, membership and duration of the Task & Finish Group as set out in Appendix 2.

3. Context and background information

3.1 The term “short term let” can encompass a range of activity associated with a dwelling. Some short term lets may be let out for a limited period while the owner themselves go on holiday. Others may be properties that provide for a series of lets for holidays etc. or very short term overnight sleeping accommodation including renting an individual bedroom while the owners are in situ. For the purposes of this task & finish group, STLs can be defined as the “use of a dwellinghouse that is not a sole or main residence for temporary sleeping accommodation for the purpose of holiday, leisure, recreation, business or other travel”.

- 3.2 STLs are a historic feature of tourist areas, but generally present in relatively small numbers. In Brighton & Hove these holiday lets were traditionally mainly clustered in the city centre and near to the seafront. However, recent years have seen the numbers of STLs increase rapidly. Whilst most of this growth in the UK has typically been in coastal towns, national parks and some city centres, there has also been an increase in the number of STLs in suburban areas of tourist towns and cities. The growth of STLs has been driven by the emergence of online companies such as Airbnb and booking.com, by the increased purchase of residential properties as investment opportunities and by recent 'staycation' trends.
- 3.3 The expansion of the STL market has benefits to the local economy. Firstly, while there is an overlap between the market for STLs and that for hotels and B&Bs, some visitors have an active preference for STLs (due to space requirements and affordability) and a thriving STL market can consequently attract additional visitors. Secondly, local hotel and B&B capacity may not always be sufficient to cope with demand, and having an active STL market may be key in making certain events viable. In Brighton & Hove, given the limited number of city centre development sites, it may not be a simple matter to expand hotel provision even if there is demand for additional places, so the STL market may have a particularly important role to play in maintaining and expanding the city visitor economy. Thirdly, having an accommodation market that includes STLs can be good for visitors in that competition helps cap accommodation prices. Restricting or banning STLs could result in appreciably higher hotel room costs, due to there being less accommodation available for visitors to stay, particularly at times of high demand. Fourthly, periodically renting out some or all of their home provides income to people living in the city.
- 3.4 However, there are also potential negative impacts of a large STL sector:
- **Housing Supply.** The more permanent, commercially run STLs there are in an area, the fewer properties are available for sale or for long term rent, so a large STL market can potentially have a negative impact on housing supply and prices. This will be a particular issue in areas that already experience high demand for housing and where housing affordability is an issue.
 - **Planning.** Currently in England, short term lets are classified as a residential use (C3 Use Class), meaning generally planning permission is not required for a change of use unless there has been a material change of use that can be evidenced and this is assessed case by case. The previous government had proposed making changes to planning law that would have created a new Short Term Lets use class (C5 Use Class) which could help local authorities manage new short term lets. However, these planned changes were not enacted. The current government has indicated that it recognises issues with STLs and is minded to act, and the council has lobbied the current government to bring forward changes to planning and a registration scheme. (see below).
 - **Nuisance.** The traditional STL sector was largely aimed at families. Many families still use STLs, and whilst the market had expanded into providing accommodation for stag and hen parties etc. at the time of the last scrutiny review, the majority of STLs are 1-2 bedroom properties. This, coupled with

the growth of an STL market in residential (and typically quieter) areas, means that there can be considerable nuisance problems – noise nuisance, anti-social behaviour, pressure on limited parking, rubbish left out incorrectly etc. Even with steps taken by providers to ban parties and when the occupants of STLs are considerate neighbours, there can still be a negative impact on settled communities of having a constant flow of strangers, particularly in residential blocks. Concerns have also been raised about the change in character in areas with high proportions of STLs in certain streets. As these properties are not 100% occupancy it does have an impact on the overall character of an area.

- **Safety.** All homes being used by multiple people need to meet fire safety standards, but there is currently no licensing regime for STLs, so it is unclear whether all STL owners follow the correct safety procedures.
- **Council Tax/Business Rates.** Given the lack of an STL licensing regime, it is unclear how many STLs there are, and consequently unclear whether all STL owners are paying the correct levels of business rates or council tax. The council is introducing a second home premium which may have an impact on the number of short term lets in the city and the preferential tax treatment is due to be abolished.
- **Impact on visitor economy.** To the degree that hotels and B&Bs are in direct competition with STLs, it is sometimes perceived that this is not fair competition, as STLs may not currently have to meet the same regulatory standards as other forms of visitor accommodation. There may also be concerns that STL owners do not currently play the same active role in planning and supporting local visitor economies as do hoteliers and B&B owners. The presence of STLs may serve to reduce hotel and B&B prices as there is price competition across the sector. This is likely to be a positive for visitors, but less so for the hotel and B&B trade.
- **Waste.** Properties operating as businesses must use commercial rather than domestic waste services. However, enforcement of this can be difficult if it is unclear whether a property is being used as a family home or as an STL.

3.5 **National and International Background.**

The recent growth in STLs has been noted with concern in tourist cities across the world, with some places, including Barcelona, Amsterdam, Berlin and New York taking measures to ban or restrict STLs. Measures range from an almost total ban on STLs (Barcelona, New York), to limits on the number of nights in a year that a property can be rented for (Berlin, Amsterdam).

- 3.6 This is a UK problem too, and Scotland and Wales both use statutory powers to restrict STLs. However, these powers are not necessarily applicable to English local authorities. In London, amended existing powers allow homeowners to rent out their properties for up to 90 nights per year without planning permission. London Boroughs have expressed frustrations at the ability to enforce this 90 day limit.

3.7 The previous Conservative Government announced plans to pass legislation to give councils in England powers to manage STLs, including a new use Short Term Let Use Class, permitted development rights and a national mandatory registration scheme. However, these changes were not enacted before the July 2024 General Election.

3.8 **Local Background.**

Issues relating to STL have long been a concern for the city council. In 2013 a member-led Scrutiny Panel was formed to look at ‘party houses’ – STLs catering specifically to large groups of people such as stag and hen parties. In 2019 following deputations and notice of motion, council officers were tasked with ensuring a coordinated approach using existing powers to respond to resident complaints (5 March 2020 TECC Report).

3.9 Shortly after the July 2024 General Election, Cllr Gill Williams, Cabinet Member for Housing & New Homes, wrote to the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government, requesting that the Government:

- a. Introduce a statutory licensing scheme for all STLs which requires safety standard compliance
- b. Amend planning regulations to introduce a new class for STLs
- c. Amend national planning policy to provide devolved powers to local authorities to control the number of permitted licences granted in areas of pressure.

3.10 There has also been a recent Council Notice of Motion on STLs. The approved NoM resolved to:

Request a report on the saturation of short-term lets within the city and prepare an options paper of policy recommendations for Cabinet which will mitigate their impact on our communities alongside outlining what the Council can do to prepare for planning powers so an Article 4 Direction (A4D) can be implemented. Suggested areas the report may cover include:

- a. Identifying suitable area(s) within the city that the A4D should apply to;
- b. Beginning to collate the evidence needed to show why the A4D is necessary for these areas, including the required public consultation;
- c. Outlining how the Council can effectively enforce the A4D, should people not seek the proper permission for short-term lets.
- d. Outlining how the Council can work with the tourism industry to promote sustainable visitor accommodation provision, including via the Greater Brighton Economic Board.
- e. Exploring avenues that could support the adoption of a registration scheme for short-term rental provision, as is set out in the Levelling up and Regeneration Act 2023.

3.11 Rather than taking a report directly to Cabinet as agreed in the 2024 Notice of Motion, it is proposed that the STL Task & Finish Group will explore the issues detailed in the NoM recommendations, and will include reference to

these in its report. As the Task & Finish group report, once it has been agreed by Place O&S committee, will be referred to Cabinet, this will ensure that Cabinet receives a report as required by the NoM resolution.

3.12 Local Data

There is a lack of a single robust source of data. There are an estimated 4-5,000 STLs in Brighton & Hove. As there is no registration of STLs this figure is only an estimate. This represents a very significant increase in recent years: the 'party houses' Scrutiny Panel was informed that there were only around 500 STLs of any kind in operation in 2013. In 2018 the council's Visitor Accommodation Update Study estimated there were c.3,000 STLs in the city.

3.13 Task & Finish Group Scoping Report and Terms of Reference

More information on STLs is included in the Task & Finish Group scoping report (Appendix 1), including suggested areas of enquiry and witnesses. The draft Task & Finish Group Terms of Reference (Appendix 2) include suggested membership and duration of the Group.

4. Analysis and consideration of alternative options

- 4.1 Members are free to amend the details of the Terms of Reference if they wish to pursue alternative options.

5. Community engagement and consultation

- 5.1 This has not been considered at this stage but the Task & Finish Group will ensure that appropriate consultation and engagement with the local community will take place as part of future work in this area.

6. Financial implications

- 6.1 There are no expected financial implications associated with the establishment and operation of the member task and finish group as it is anticipated that any costs associated with their operation will be managed within the existing revenue budgets of each respective service area within the City Services Directorate.

Name of finance officer consulted: John Lack, Principal Accountant
Date consulted: 12/09/24

7. Legal implications

- 7.1 The Council's Constitution provides for Overview and Scrutiny Committees to establish a Task & Finish Group to undertake in-depth reviews, with a proviso that such groups should complete their work within 6 months. The Legal Implications of any recommendations from the Task & Finish Group will need to be incorporated into the final report."

Name of lawyer consulted: Elizabeth Culbert Date consulted: 20/09/24

8. Equalities implications

- 8.1 Members may wish to consider the impact of STLs on the housing market potentially reducing the number of homes available to those on lower incomes. More vulnerable or disadvantaged people may not be able to afford rooms in HMOs (Houses of Multiple Occupancies) due to STLs pushing up rent prices in the local area as demand for housing increases.

9. Sustainability implications

- 9.1 Members may wish to consider the impacts of STLs on the environment, such as waste management and increased carbon emissions. There may be an increase in visitors driving rather than using public transport, particularly in less central areas, which will increase air pollution.

10. Health and Wellbeing Implications:

- 10.1 Members may wish to consider the impacts of STLs on the health and wellbeing on the local community, such as noise nuisance, anti-social behaviour and having a constant flow of strangers in their immediate area. This has the potential to affect local resident's quiet enjoyment of their community, which may affect their wellbeing.

11. Conclusion

- 11.1 The Place Overview & Scrutiny Committee is being asked to establish a Task & Finish Group to scrutinise the issue of Short Term Lets and to agree the Terms of Reference and membership of the group taking on this work.

Supporting Documentation

1. Appendices

Appendix 1: Scoping report on Short Term Lets

Appendix 2: Draft Terms of Reference for Task & Finish Group

2. Background documents

1. Scrutiny Panel Report on Short-Term Holiday Lets (Party Houses) 2014
<https://www.brighton-hove.gov.uk/council-and-democracy/councillors-and-committees/scrutiny-review-panel-short-term-holiday>
2. 5 March 2022 TECC report Regulation of Short Term Lets : [Subject: \(brighton-hove.gov.uk\)](#)

Appendix 1:

O&S Task & Finish Group Scoping Paper

Topic: Short Term Lets

Parent Committee: Place O&S

Committee Meeting: 01 October 2024

Membership. Voting Members: 3 Lab, 1 Green, 1 Con. 1 Independent Member should they wish to join. Non-voting members: Place and/or People co-opted members with an interest in this issue. Any non-executive member can sit on a task & finish group.

Terms of Reference. Terms of Reference to be agreed by Place O&S committee.

Definition. The term “short term let” can encompass a range of activity associated with a dwelling. Some short term lets may be let out for a limited period while the owner themselves go on holiday. Others may be properties that provide for a series of lets for holidays etc or very short term overnight sleeping accommodation including renting an individual bedroom while the owners are in situ. For the purposes of this Task & Finish group, STLs can be defined as the “use of a dwellinghouse that is not a sole or main residence for temporary sleeping accommodation for the purpose of holiday, leisure, recreation, business or other travel.” **The Issue.** STLs are a historic feature of tourist areas and have become an important part of Brighton & Hove’s visitor accommodation offer, as they bring a range of benefits from extra income for homeowners and the city economy through increased visitor spend, to increased choice for consumers, to supporting the city’s ability to host world-class events by providing additional accommodation capacity. In Brighton & Hove these holiday lets were traditionally mainly clustered in the city centre and near to the seafront. However, recent years have seen the numbers of STLs increase rapidly. Whilst most of this growth in the UK has typically been in coastal towns, national parks and some city centres, there has also been an increase in the number of STLs in residential areas of tourist towns and cities. The growth of STLs has been driven by the emergence of online companies such as Airbnb and booking.com, by the increased purchase of residential properties as investment opportunities, and recent staycation trends.

The expansion of the STL market has benefits to the local economy. Firstly, while there is an overlap between the market for STLs and that for hotels and b&bs, some visitors have an active preference for STLs and a thriving STL market can consequently attract additional visitors. Secondly, local hotel and b&b capacity may not always be sufficient to cope with demand, and having an active STL market may be key in making certain events viable. In Brighton & Hove, given the limited number of city centre development sites there are, it may not be a simple matter to expand hotel provision even if there was demand for additional places, so the STL market may have a particularly important role to play in maintaining and expanding the city visitor economy. Thirdly, having an accommodation market that includes STLs can be good for visitors in that competition helps cap accommodation prices.

Restricting or banning STLs could result in appreciably higher hotel room costs, due to there being less accommodation available for visitors to stay, particularly at times of high demand. Fourthly, periodically renting out some or all of their home provides income to people living in the city.

However, there are also potential negative impacts of a large STL sector.

- **Housing Supply.** The more permanent, commercially run STLs there are in an area, the fewer properties are available for sale or for long term rent, so a large STL market can potentially have a negative impact on housing supply and prices. This will be a particular issue in areas that already experience high demand for housing and where housing affordability already is an issue.
- **Planning.** Currently in England, short term lets are classified as a residential use (C3 Use Class), meaning generally planning permission is not required for a change of use unless there has been a material change of use that can be evidenced and this is assessed case by case. The previous government had proposed making changes to planning law that would have created a new Short Term Lets use class (C5 Use Class) which could help local authorities manage new short term lets. However, these planned changes were not enacted. The current government has indicated that it recognises issues with STLs and is minded to act, and the council has lobbied the current government to bring forward changes to planning and a registration scheme. (see below).
- **Nuisance.** The traditional STL sector was largely aimed at families. Many families still use STLs, and whilst the market expanded into providing accommodation for stag and hen parties etc at the time of the last scrutiny report, the majority of STLs are 1-2 bedroom properties. This, coupled with the growth of an STL market in residential (and typically quieter) areas, means that there can be considerable nuisance problems – noise nuisance, anti-social behaviour, pressure on limited parking, rubbish left out incorrectly etc. Even with steps taken by providers to ban parties and when the occupants of STLs are considerate neighbours, there can still be a negative impact on settled communities of having a constant flow of strangers, particularly in residential blocks. Concerns have also been raised about the change in character in areas with high proportions of STLs in certain streets. As these properties are not 100% occupancy it does have an impact on the overall character.
- **Safety.** All homes being used by multiple people need to meet fire safety standards, but there is currently no licensing regime for STLs, so it is unclear whether all STL owners follow the correct safety procedures.
- **Council Tax/Business Rates.** Given the lack of an STL licensing regime, it is unclear how many STLs there are, and consequently unclear whether all STL owners are paying the correct levels of business rates or council tax.
- **Impact on visitor economy.** To the degree that hotels and b&bs are in direct competition with STLs, it is sometimes perceived that this is not fair competition, as STLs may not currently have to meet the same regulatory standards as other forms of visitor accommodation. There may also be concerns that STL owners do not currently play the same active role in planning and supporting local visitor economies as do hoteliers and b&b owners. The presence of STLs may serve to reduce hotel and b&b prices as there is price competition across the sector. This is likely to be a positive for visitors, but less so for the hotel and b&b trade.
- **Waste.** Properties operating as businesses must use commercial rather than domestic waste services. However, enforcement of this can be difficult if it is unclear whether a property is being used as a family home or as an STL.

National and International Background. The recent growth in STLs has been noted with concern in tourist cities across the world, with some places, including Barcelona, Amsterdam, Berlin, and New York taking measures to ban or restrict STLs:

<https://www.bbc.com/travel/article/20240701-what-does-a-world-without-airbnb-look-like>

Measures range from an almost total ban on STLs (Barcelona, New York), to limits on the number of nights in a year that a property can be rented for (Berlin, Amsterdam).

The impact of bans or restrictions is debatable. For example, a report by the Harvard Business Review, found that the New York ban on STLs had a negligible impact on long term rental prices, but a significant negative impact on travellers, with a narrower range of properties available, particularly for families with children; and a substantial difference between STL and hotel charges, particularly at times of high demand for accommodation. However, this report does not analyse impacts on housing supply which is often cited as the main reason to impose restrictions or bans. <https://hbr.org/2024/02/what-does-banning-short-term-rentals-really-accomplish>

Places that impose restrictions rather than outright bans tend to differentiate between dedicated STLs and properties with permanent residents who let a room or let only for a limited part of the year, such as Christmas or the summer holidays. The latter action is not viewed as a negative in terms of impacts on housing supply as people are permanently living in properties, although there may still be concerns about nuisance.

The problem is also felt in the UK. In London amended powers derived from the Greater London Council (General Powers) Act (1973) that are not applicable elsewhere in England allow property owners to rent a whole property for up to 90 nights per year without planning permission. However London Boroughs have expressed frustrations at the ability to enforce this 90 day limit: [GLA Housing Research Note 4 – short term and holiday letting in London 2020](#).

Airbnb have measures in place that automatically bar London properties advertising on their platform once 90 days of bookings have been reached within a calendar year unless there is proof that the property is appropriately registered.

Recent research assessing the impacts of Airbnb listings on London house prices provides useful findings, but the authors caution that the positive impact on growth of STL and house prices in some locations within Inner London Boroughs should not be assumed to be the same for other UK cities. [Assessing the impacts of Airbnb listings on London House prices, James Todd, Anwar Musah and James Cheshire, University College London EPB: Urban Analytics and City Science, 2022, Vol.49 \(1\)](#)

Scotland operates its own legal arrangements, with mandatory licensing for all short term rentals, even if they only rent a room for one night a year. Scottish councils also recently acquired the ability to establish 'control areas' where there are restrictions on STLs, including requiring change of use permission to rent any part of a property. Edinburgh instituted a control area in September 2022. <https://www.gov.scot/publications/short-term-lets/>

In Wales, changes brought in since October 2022 have enabled Welsh authorities to respond to the challenges they face with short term lets. This includes a new C6 short term lets use class and permitted development rights. A number of authorities (e.g. Gwynedd and Snowdonia) are introducing Article 4 Direction to remove the permitted development rights.

Previous Government Proposals for Short Term Lets in England. The previous Conservative Government announced plans to change planning rules to allow local authorities to better manage STLs and to introduce a national, mandatory registration scheme. As well as a new C5 Short Term Lets use class there was a proposal for several permitted development rights that would allow change of use from residential use to the new short term let use without the need for planning permission. This would limit the council's

ability to manage new short term lets in the city and the council would need to introduce an Article 4 Direction to remove this potential permitted development right. An Article 4 Direction (A4D) could be used to take away that permitted right in a specified geographical area of the city where the Council considers it is necessary to protect local amenity or the well-being of the area.

A proposal on a national mandatory registration scheme for short term lets, (not including 'hotels, hostels, and B&Bs'), was to be brought into effect. The intention was that this would be a light touch, low-cost simple national registration scheme which would help local authorities understand the extent and impact of short-term lettings on their communities and underpin compliance with health and safety regulations. The registration scheme proposed by government would oblige all hosts to register their short term let, with real punitive consequences for non-compliance. It would be essential that registration data would then be shared with local authorities, so they can track and monitor the sector, potentially enabling licensing schemes to be introduced in the future.

Further details of all these measures were to be set out when the Government formally responded to the respective consultations. However, these proposals have not been brought into effect following the General Election and there is no indication on the timeframe, any transition period, and whether the current government will bring in the proposals exactly as outlined by the previous government.

Local Background. Issues relating to STL have long been a concern for the city council. In 2013 a member-led Scrutiny Panel was formed to look at 'party houses' – STLs catering specifically to large groups of people such as stag and hen parties. The report can be found here: <https://www.brighton-hove.gov.uk/council-and-democracy/councillors-and-committees/scrutiny-review-panel-short-term-holiday>.

Shortly after the July 2024 General Election, Cllr Gill Williams, wrote to Angela Rayner, Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government, requesting that the Government:

- a. Introduce a statutory licencing scheme for all STLs which requires safety standard compliance
- b. Amend planning regulations to introduce a new class for STLs
- c. Amend national planning policy to provide devolved powers to local authorities to control the number of permitted licences granted in areas of pressure.

There have also been several Notices of Motion to Council on STLs, including NoMs in 2020, 2022 and 2024. The 2024 Notice of Motion that was passed by Council resolved to:

Request a report on the saturation of short-term lets within the city and prepare an options paper of policy recommendations for Cabinet which will mitigate their impact on our communities alongside outlining what the Council can do to prepare for planning powers so an Article 4 Direction (A4D) can be implemented. Suggested areas the report may cover include:

- a. identifying suitable area(s) within the city that the A4D should apply to;
- b. beginning to collate the evidence needed to show why the A4D is necessary for these areas, including the required public consultation;

- c. outlining how the Council can effectively enforce the A4D, should people not seek the proper permission for short-term lets.
- d. outlining how the Council can work with the tourism industry to promote sustainable visitor accommodation provision, including via the Greater Brighton Economic Board.
- e. exploring avenues that could support the adoption of a registration scheme for short-term rental provision, as is set out in the Levelling up and Regeneration Act 2023.

Rather than taking a report directly to Cabinet as agreed in the 2024 Notice of Motion, the STL Task & Finish Group will explore the issues detailed in the NoM recommendations, and will include reference to these in its report. As the task & finish group report, once it has been agreed by Place O&S committee, will be referred to Cabinet, this will ensure that Cabinet receives a report as required by the NoM resolution.

Local Data. There are an estimated 4-5,000 STLs in Brighton & Hove.

There is a lack of a single robust source of data. VisitBritain publishes data monthly on short term rentals based on data provided by Lighthouse (formerly Transparent Intelligence) who track rental listings from the 4 major short term rental platforms (Airbnb, Booking.com, Vrbo and Trip advisor). In June 2024 there were 4,616 short term rental properties in the city, an increase of 19% compared with 2019^[1]. Listings will include homeowners who rent out their spare room/s or entire house to visitors for only part of the year as a way of subsidising their earnings/ whilst they are away on work/travel as well as whole houses being used permanently for short term lets operating a commercial enterprise. It should be noted that the available data is only a 'snap shot' in time and numbers will fluctuate during the year.

Over 11 million people visited the city in 2022, of which over 1.5 million stayed overnight. Day visitors spent an average of £37.00 per person, while staying visitors spent £110.00 per person. The visitor economy was worth over £1 billion in economic benefit. Tourism supported more than 23,000 jobs, about 16% of all jobs in the city. Overnight visitors in 2022 contributed £576m to the local economy^[1].

In 2022, visitors spent a total of 5.2 million nights in Brighton and Hove, with 2.97 million nights in serviced or self-catering accommodation⁴. This equates to an average demand of 8,137 bed spaces per night. These figures relate to average requirements: demand fluctuates, peaking on weekends, from April to September, and surging further during major events and conferences.

Short term lets are integral to the Brighton & Hove accommodation portfolio; holiday cottages, home stays and self-catering apartments have been a mainstay for holiday makers for years. They also offer flexible additional capacity, enabling the City to host large scale events, which are crucial for generating revenue outside the core holiday periods.

⁴ [Economic Impact of Tourism Assessment 2022, Economic Impact of Tourism - Brighton and Hove Report 2022.pdf \(visitbrighton.com\)](#).

Potential Areas of Enquiry

- Understanding the number and location of STLs in Brighton & Hove and future trends
- Understanding concerns raised by residents when requesting an enforcement investigation including nuisance associated with STLs
- To understand the potential impacts on housing supply and on house prices/rents

- To understand the impacts of the rapid growth on STLs on the hospitality sector
- To understand the current/future options to manage/regulate the STL sector
- To understand other issues associated with STLs such as:
 - STLs and fire safety
 - STLs and waste
 - STLs and community cohesion
- What measures could the council take to control the spread/mitigate the impact of STLs if it had legal powers to do so and what further evidence gathering is required?

Potential Witnesses.

- BHCC Planning – what are the current planning powers in relation to STLs? How might potential changes to planning indicated by the previous government help the city manage STLs? What role could the City Plan review play and what would need to be done to bring forward an Article 4 Direction if needed?
- BHCC Housing and Planning – what current data is there on the impact of STLs on housing availability and affordability?
- BHCC City Clean – what are the current regulations in terms of commercial vs residential waste and how are these enforced for STLs
- BHCC Tourism/Visit Brighton – How many STLs do we think are in operation in Brighton & Hove? How do STLs contribute to/impact on the local visitor economy?
- BHCC Environmental Protection Team & Community Safety – what is the level of complaints about STLs? How has the current coordinated enforcement approach been working?
- BHCC Revenues & Benefits – what is the business rate and council tax position regarding STLs? How does the council ensure that businesses are appropriately registered?
- East Sussex Fire & Rescue Authority – what are the issues facing ESFRA in terms of ensuring that STLs meet fire safety standards?
- Hotels and b&bs – what is the hotel industry’s attitude to the role of STLs in the city? What changes would they like to see?
- STL providers/platforms – what is the view from the STL industry on licensing, regulation etc.?
- Local residents/community associations – what problems do you encounter with STLs? What changes would you like to see?
- City Universities – is there any specific research on STLs that would be helpful to the panel?

Appendix 2

Short Term Lets Task & Finish Group, Recommended Terms of Reference (draft)

1. Purpose

- 1.1 The purpose of the Short Term Lets (STLs) Task & Finish Group is to scrutinise the impact of Short Term Lets on the local community and economy. The group will develop a report with recommendations to improve further knowledge, regulation and management of STLs that will be presented to the Place Overview & Scrutiny Committee for agreement. Place Overview & Scrutiny Committee will further refer the Task & Finish group report to Cabinet and/or partners for consideration.
- 1.2 This Group will respond to the recent Council Notice of Motion on STLs rather than taking a report directly to Cabinet. Once the report has been agreed by Place Overview & Scrutiny Committee, it will be referred to Cabinet, as required by the NoM resolution.

2. Status

- 2.1 The Task & Finish Group is an informal group that will report to Place Overview & Scrutiny Committee.

3. Areas of focus

- 3.1 The report will focus on the following areas:
 - To better understand the scale of Short Term Lets within the city and their impacts, both positive and negative, on the local community and economy.
 - To explore ways to manage and regulate Short Term Lets that fall within the power of the Council
 - To explore potential powers and what future work might be required to ensure STL can be effectively managed.
 - To outline how the Council can work with the tourism industry to promote sustainable visitor accommodation provision, including via the Greater Brighton Economic Board.
 - To explore avenues that could support the adoption of a registration scheme for short-term rental provision, as is set out in the Levelling up and Regeneration Act 2023.
 - To consider improved regulation of safety standards in STLs.

4. Scope

- 4.1 To produce a report on the recent rapid growth in short-term lets within the city and prepare an options paper of policy recommendations which will mitigate their impact on the local community alongside outlining what the Council can do to prepare for additional planning powers.

- 4.2 For the purposes of this report, STLs are defined as properties used exclusively as short term lets. This excludes some properties that are used mostly as permanent residences, but where a room may be rented out; properties used as permanent residences for most of the year, but rented out over the summer etc.

5. Membership

- 5.1 Voting Members: Groups will be given the offered membership as follows: 3 Labour, 1 Green, 1 Conservative, 1 Independent.
- 5.2 Non-voting members: Place and/or People co-opted members with an interest in this issue.
- 5.3 Any non-executive member may sit on a Task & Finish group.

6. Meetings

- 6.1 Meetings will be chaired by the Chair of Place Overview & Scrutiny Committee who will be responsible for convening meetings of the Task & Finish Group
- 6.2 The Group will meet on a basis to be determined by Group members.

7. Timeline

- 7.1 The Task & Finish Group report on STLs will be presented to Place Overview & Scrutiny Committee at its March 2025 meeting.

Brighton & Hove City Council

Place Overview & Scrutiny

Agenda Item 16

Subject: City Plan Update for Place Overview and Scrutiny

Committee: Place Overview & Scrutiny Committee

Date of meeting: 1st October 2024

Report of: Corporate Director, City Services

Contact Officer: Name: Luke Proudfoot

Tel: 07824867048

Email: Luke.Proudfoot@brighton-hove.gov.uk

Ward(s) affected: (All Wards);

Key Decision: No

For general release

1. Purpose of the report and policy context

1.1 The purpose of this report is to update members on the work that is being done to refresh the City Plan, the Council's strategic planning policy document. This is currently at an early stage of preparation. Appendix 1 contains information on the timeline of work on the City Plan as well as consultation and engagement plans.

2. Recommendations

2.1 Place Overview & Scrutiny Committee notes the work that has been done to date on the City Plan review.

2.2 Place Overview & Scrutiny Committee agrees to keep the City Plan review on the work programme for future opportunities to scrutinise the work as it progresses.

3. Context and background information

3.1 The new Council Plan '*A better Brighton & Hove for all 2023 - 2027*' sets out a clear vision for a better Brighton & Hove. It includes four key outcomes to achieve this:

- A city to be proud of – with a flourishing economy and a sustainable, safe and clean environment
- A fair and inclusive city – with homes for all, reduced inequalities, better accessibility and keeping people safe

- A city where people can thrive – securing a better future for children and young people and enabling everyone to live healthy and fulfilling lives
 - A city of responsive and well-run services – putting the needs of residents, businesses and visitors at the heart of what we do.
- 3.2 Planning for new development in the city will help us shape the places we live and work in, the spaces we use for sport and recreation, and those for education, well-being and health. Preparation of a new City Plan will enable the city’s planning policy framework to better support the delivery of the priorities and key outcomes set out in the Council Plan.

Current City Plan

- 3.3 The current City Plan sets out a framework of planning policies to guide future development in the city to 2030. It identifies how much new housing and commercial space will be needed to help meet the needs of our residents and businesses. It supports the creation and maintenance of thriving, sustainable communities by encouraging high-quality and well-designed places, but also conserving and enhancing the environment, biodiversity and our important heritage assets. The City Plan also helps to ensure that new development is supported by necessary infrastructure. This could include health and community facilities and children's play areas. It applies to the whole city apart from those parts that fall within the South Downs National Park area (the National Park Authority produces its own Plan).
- 3.4 The current City Plan has two parts:
- City Plan Part One, adopted in 2016. This sets out the Council’s overall approach and the amount of new development required across the city to 2030. It sets out the broad locations and Development Areas where significant development will take place. and includes strategic site allocations and key city wide policies to guide development.
 - City Plan Part Two, adopted 2022. This sets out additional site allocations and a suite of detailed development management to complement the strategic policies set out in the City Plan Part One.
- 3.5 It is now eight years since City Plan Part One was adopted. A new City Plan will also enable planning policy to better reflect other changes that have occurred at local and national level since 2016. For example, the council has declared a climate and biodiversity emergency; a national and local housing crisis continues to mean that housing is in short supply and remains unaffordable to many people; and the way we use our town centres and office spaces is changing.
- 3.6 We therefore need to update our strategic planning policies to ensure the City Plan is appropriate for the city over the period to 2041 and reflects the key aims of the new Council Plan.
- 3.7 Part Two has recently been adopted and is up to date. There is consequently no intention to undertake a wholesale revision of Part 2. We will combine some policies in Part One and Part Two that cover the same

issue, and exceptionally, changes to national policy or local priorities may mean there is a need for a Part Two policy to be revised.

- 3.8 When complete, the updated Brighton & Hove City Plan will be a single, consolidated document. This will make it easier to use and understand and make future updates a simpler process. This new City Plan will be called the 'City Plan 2041'.

City Plan 2041

- 3.9 The new city plan will need to accord with national planning policy (National Planning Policy Framework) and must be prepared in compliance with the Planning and Compulsory Purchase Act 2004 and the Town & Country Planning (Local Planning) (England) Regulations 2012. The NPPF makes clear that to be sound, a local plan should be positively prepared; justified, effective and consistent with national policy. There is a need for up-to-date evidence to inform and test policy options and assess the strategy for accommodation growth and site allocations. A number of background studies have already been prepared and have been published on the city plan website. However further evidence will need to be commissioned to inform draft policies and site allocations.
- 3.10 The new city plan needs to be prepared in consultation with statutory consultees, the local community and other interested parties. The Key Issues consultation, expected to take place this autumn, is the first stage of public engagement in producing the new City Plan 2041. At this early stage in the plan's preparation the consultation document does not include new policies or site allocations. We have set out what we think are the key issues for the City Plan 2041, and potential ways these issues could be addressed. We will seek the views of local people, statutory consultees, organisations, and businesses on these and on ask whether there are other issues that have not been identified that should be considered.
- 3.11 The consultation is structured around the following 'topic areas':
- Homes for Everyone
 - Sustainability and Climate Change
 - A Diverse and Sustainable City Economy
 - Design and Place-Making
 - Culture and Tourism
 - Healthy City and Communities
 - Biodiversity and Green Infrastructure
 - Transport and Infrastructure
- 3.12 Each topic area identifies key issues with consultation questions. All topic areas link to the objectives of the Council Plan.
- 3.13 Consultation feedback will inform the development of the draft City Plan policies and site allocations. There will be a further round of consultation and engagement once the draft Plan has been prepared. Place Overview & Scrutiny members may wish to consider and comment on this draft in due course.

4. Analysis and consideration of alternative options

- 4.1 It should be noted that as part of the development of the draft City Plan the consideration of realistic and deliverable options will need to be assessed through the plan preparation process including evidence gathering and the Sustainability Appraisal. The preferred approach and discounted alternatives will be available as part of the consultation on the draft City Plan.

5. Community engagement and consultation

- 5.1 None specifically for this report.
- 5.2 Members will note that consultation on the City Plan review will need to accord with the approach and standards set out in the council's adopted Statement of Community Involvement (SCI), which reflects statutory requirements and take account of the council's Community Engagement Framework. The SCI identifies who we need to engage with and the type of engagement approaches we will use. This is reflected in a more detailed engagement plan that sets out how the community and other stakeholders will be involved at this stage and subsequent stages of plan preparation and is included at appendix 1.
- 5.3 An extended eight-week period of consultation is planned from starting in October. It will be presented on the council's new Your Voice consultation portal. Hard copies of the consultation text and associated information will be made available at the council's main deposit points to ensure those who cannot engage digitally are not excluded. The consultation text has been written in plain English and extensive efforts have been made to ensure it is clear to those without technical planning knowledge.
- 5.4 A City Plan 2041 logo has been produced to ensure consistency of branding on all material associated with the plan throughout the process. This is to minimise potential confusion with other council initiatives and strategies.
- 5.5 Supporting documentation, and posters will be prepared to publicise the consultation and inform people on the purpose of City Plan 2041. A series of online webinars (which will be made available for later viewing) and in-person exhibitions across the city will take place. Short videos on key topics are planned.

6. Financial implications

- 6.1 There are no direct financial implications arising from the recommendations of this report. The cost of officer time, document production and consultation associated with City Plan 2041 will be funded from existing revenue budget within the Planning service.

Name of finance officer consulted: John Lack, Principal Accountant

Date consulted (dd/mm/yy): 12/09/24

7. Legal implications

- 7.1 In this report members are asked to note the intentions for the City Plan 2041. The resulting process for the making of or review of a local plan will be governed by provisions in the Planning and Compulsory Purchase Act 2004, which established the system of local development planning, and the Town and Country Planning (Local Planning) Regulations which made provision for the operation of that system. Any review or making of a new local plan needs to comply with the requirements of these legislative provisions

Name of lawyer consulted: Katie Kam, Senior Planning Lawyer

Date consulted (dd/mm/yy): 16/09/2024

8. Equalities implications

- 8.1 None specifically for this report, however it should be noted that the new City Plan will help deliver equalities outcome from new development. A Health and Equalities Impact Assessment (HEQIA) will be carried out on draft policies to ensure that the policies are coordinated to address equalities, health and well-being outcomes throughout the city. With regards to engagement, the draft engagement plan attached as appendix 1 refers to seldom heard from groups such as young people, older people, black and racially minoritised communities, LGBTQI+ communities, disabled people, faith communities, and gypsy and traveler communities, who will be consulted as part of the plan.

9. Sustainability implications

- 9.1 None specifically for this report, however it should be noted that the Plan is required to be accompanied by a Sustainability Appraisal (SA). The role of the SA is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. As a first stage a SA scoping Report has been prepared which will be published for consultation.

10. Health and Wellbeing Implications:

- 10.1 None specifically for this report.

11. Conclusion

- 11.1 The Place Overview & Scrutiny Committee is asked to note the progress of the work on changes to the City Plan, and to consider future opportunities for scrutiny to input into this work. Before the new city plan can be adopted it must go through several stages of engagement in accordance with statutory requirements and regulations.

Supporting Documentation

Appendices

1. City Plan Draft Engagement Plan

Appendix 1

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Introduction

Brighton & Hove City Council is starting a review of the City Plan, known as City Plan 2041. We are committed to involving the local community and stakeholders in shaping and making the new plan.

This Engagement and Consultation Plan outlines how we will work with communities and stakeholders to prepare the new City Plan. This Plan aligns with council priorities¹ and the [Statement of Community Involvement](#). It gives details on how we will consult and engage as we prepare City Plan 2041.

City Plan 2041

The City Plan will set a vision and framework for the city's future development. It will include policies used to determine planning applications. It will address our need for housing, the economy, community facilities and infrastructure. The plan will contribute to conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places.

Stages of preparing City Plan 2041

Plans must be prepared in accordance with national policy, guidance, and legal regulations. The plan-making process is summarised below:

Stage 1 – Evidence Gathering

We commission, gather and review a range of evidence to inform the Plan.

Stage 2 – First Consultation and Engagement: Issues & Options

We set out what we think are some key issues for our new Plan, and possible options to address these issues. We want your views on these and whether there are other issues that we have not yet identified. We will do a 'call for sites'. We will also engage with the local community through informal workshops, discussions and events.

Stage 3 – Second Consultation: Draft Plan

Once we have considered the various options and consultation responses, we will produce a full draft of the City Plan 2041 including proposed policies and site allocations. We will publish this for public consultation (known as the 'Regulation 18' Consultation). At this stage we will be asking for people's views on these proposed policies and site allocations.

Stage 4 – Third Consultation: Pre-submission

We will consider all consultation responses made on the Draft Plan during the consultation period, and may have to gather new evidence. We will make changes to the Plan where necessary and publish it for further public consultation. This is the Plan that we intend to submit to the Planning Inspectorate for examination (known as the 'Regulation 19' Consultation).

At this stage consultation responses must focus on whether the Plan complies with legal requirements, the duty to co-operate and the tests of 'soundness'.

¹ [Corporate Plan 2023](#), [Fair and Inclusive Action Plan 2023](#), and Community Engagement Framework 2024

Stage 5 – Submission

The consultation responses will be considered and the supporting evidence finalised so that the Plan can be submitted to the Secretary of State. They will appoint an Inspector to examine it. The Pre-submission Plan, evidence base, and all Stage 4 responses will be considered by the Inspector.

Stage 6 – Examination

The examination will assess the Plan. It will check if the Plan follows national planning policy, laws, and procedures. It will also assess if the Plan is sound.

The Inspector will consider the evidence that supports the Plan. They will also consider the responses of local people and other interested parties. In most cases, the examination will involve holding public hearing sessions. The Inspector will decide the format for those sessions and what issues they will examine. It could be in-person ('real'), 'virtual' video, or a mix of both.

We will create an 'Examination website' to host relevant documents. It will keep the public and stakeholders informed of the exam's progress.

We will appoint an independent Programme Officer. They will support the Inspector and help with the running of the examination. The Programme Officer is a channel for all communications during the examination. They link the Inspector, the council, and other participants.

Stage 7 – Modifications

The Inspector may recommend some changes to the Plan. These changes are known as 'modifications'. The Inspector may ask us to consult on the changes, and the Inspector will consider the responses. Additional hearing sessions are only held if the Inspector considers them necessary. When the Inspector considers all matters to have been fully examined they will then send their report to the council. This marks the completion of the examination.

Stage 8 – Adoption

If the Inspector recommends that the Plan has met the various tests or if their recommended changes to the Plan are made, the council can formally adopt the Plan. We will ask Full Council to consider the Inspector's report and to adopt the Plan. Once adopted, the Plan will be used to determine planning applications. We will publish the adopted Plan on our website.

Role of councillors

We have a Member Advisory Working Group which we liaise with regularly whilst we are preparing the plan. At each stage of consultation, the Cabinet/Council will be asked for approval to go out for consultation. Councillors will be able to respond to the consultation and will also be provided with a summary of consultation responses for information.

Branding

All City Plan documents, webpages and consultation materials will be clearly identifiable with a City Plan 2041 logo and colour scheme.

Who will we engage and consult with?

Consultation on the City Plan 2041 will be in accordance with the SCI.

Our public consultations are open to all and aim to:

- have a clear purpose
- be meaningful
- be flexible
- use a range of consultation methods to reach the widest range of people
- be inclusive, reaching groups that are often under-represented in consultations
- be transparent, ensuring feedback is provided to participants and made publicly available.

We have a statutory duty to engage with a range of consultees as set out below. We have an up-to-date planning policy database of consultees and will continue to proactively identify organisations to add to the database through working with other teams across the council.

Statutory Consultees

Planning regulations² state that we must consult with certain groups. These are:

- adjoining local authorities
- Parish Councils
- infrastructure providers such as National Rail, National Highways and telecommunications companies
- utility providers including water companies
- health commissioners
- organisations such as the Environment Agency, Natural England and Historic England.

General consultees

The regulations also state that local planning authorities should consult with ‘general consultation bodies’, residents or other businesses that the local planning authority consider it appropriate to invite representations.

Consultees in this group include:

- organisations that represent different topics such as the environment and wildlife or different areas in the city
- organisations that represent different communities or individuals such as our Black and Racially Minoritised communities, disabled people, faith communities, young people, older people and LGBTQI+ communities
- partnerships that have a specific focus, such as transport or economic development
- civic and amenity groups
- residents associations
- local businesses
- developers, landowners and planning consultants
- Neighbourhood Forums.

We also consult with individuals who have signed up to our contact database.

Marginalised and seldom heard from groups

Marginalised and seldom heard from groups are individuals or groups that may require more time and resources to hear from. It is important to try to reach all members of our community to ensure

² [The Town and Country Planning \(Local Planning\) \(England\)](#)

that everyone can have their say. The following groups may be more difficult to reach and people may fall into more than one of these groups.

Young people

Children and young people are normally under-represented in planning consultations. Involvement will be encouraged through links with local universities, colleges, schools and youth groups or other voluntary and community organisations. To effectively engage young people we will need to provide information which is accessible, relevant and engaging.

Older people

Some older people may find accessing material online more difficult than accessing hard copies. Their involvement will be encouraged through engaging local organisations representing older people and through face-to-face exhibitions or staffed displays. We will provide consultation materials and publicity in hard copy.

Black and Racially Minoritised communities

We need to ensure that people from a wide range of backgrounds are engaged in the planning process. Information will be disseminated through voluntary and community organisations representing our Black and Racially Minoritised communities, and made available in different languages where appropriate.

LGBTQI+ communities

We will seek to engage with people identifying as LGBTQI+ as well as local organisations representing this community.

Disabled people

We will seek to engage with disabled individuals, which includes those with a physical, sensory or cognitive disability through local organisations representing disabled people. We will ensure that consultation is inclusive and accessible, for example by making sure our online documents can be read by screen-readers, and using venues for consultation events that are fully accessible.

Faith communities

We want to ensure that people from a wide range of faith backgrounds are engaged in the planning process. Voluntary organisations representing our faith communities will be consulted, and information may be disseminated through places of worship.

Gypsies and travellers

We will seek to engage with the gypsy and traveller community through local liaison groups such as Friends, Families and Travellers and the council’s traveller liaison team.

How will we engage and consult?

We will consult for a minimum of 6 weeks and will use a range of different methods to publicise the consultation, engage with communities and gather views.

Stage of City Plan Review	Publicity	Activity
Issues and Options consultation – 2024	<ul style="list-style-type: none"> • News article on our website • Videos made available on our website and Youtube channel • Press releases 	<ul style="list-style-type: none"> • Online survey available on YourVoice.Brighton-Hove.gov.uk consultation platform

	<ul style="list-style-type: none"> • Public Notice in local papers • Social media updates using Facebook, X and Instagram • Digital copies of documents available on our website • Hard copies of documents available in all libraries and council Customer Service Centres • Email mailout to all contacts registered on the Planning Policy database • Email mailout to other groups via council contacts, such as Community Engagement team • Email to all councillors • Posters in publicly accessible council buildings 	<ul style="list-style-type: none"> • Paper copies of the survey available in libraries and council Customer Service Centres • Staffed exhibitions and drop-in sessions across the city • Webinar with Q&A for statutory consultees • Webinars covering different themes for general consultees • Targeted engagement with marginalised/seldom heard communities where appropriate • Presentations to city partnership groups such as Strategic Transport Partnership, Economic Partnership and Strategic Housing Partnership.
Draft Plan consultation - 2025	<ul style="list-style-type: none"> • News article on our website • Videos made available on our website and Youtube channel • Press releases • Public Notice in local papers • Social media updates using Facebook, X and Instagram • Digital copies of documents available on our website • Hard copies of documents available in all libraries and council Customer Service Centres • Email mailout to all contacts registered on the Planning Policy database • Email mailout to other groups via council contacts, such as Community Engagement team • Email to all councillors • Posters in publicly accessible council buildings 	<ul style="list-style-type: none"> • Online survey available on YourVoice.Brighton-Hove.gov.uk consultation platform • Paper copies of the survey available in libraries and council Customer Service Centres • Staffed exhibitions and drop-in sessions across the city • Online webinar with Q&A covering different themes for all consultees • Targeted engagement marginalised/seldom heard communities • Presentations to city partnership groups such as Strategic Transport Partnership, Economic Partnership and Strategic Housing Partnership.
Pre-submission consultation - 2026	<ul style="list-style-type: none"> • News article on our website • Videos on our website and Youtube channel • Press releases • Public Notice in local papers • Social media updates using Facebook, X and Instagram 	<ul style="list-style-type: none"> • Online survey available on YourVoice.Brighton-Hove.gov.uk consultation platform • Paper copies of the survey available in libraries and Customer Service Centres

	<ul style="list-style-type: none"> • Digital copies of documents available on our website • Hard copies of documents available in all libraries and council Customer Service Centres • Email mailout to all contacts registered on the Planning Policy database • Email mailout to other groups via council contacts, such as Community Engagement team • Email to all councillors 	
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Evaluation of consultation responses and engagement

We will prepare a statement of consultation after each stage of consultation setting out what we did, who we consulted with and who responded. The statement of consultation will include a copy and summary of the responses. We will also say how the responses have informed the next stage of the plan preparation. We will review our level of reach for each stage of consultation. We will feedback results in the consultation statement and on the “Your Voice Brighton-Hove” platform.

Duty to Co-operate

We have a duty to co-operate on strategic planning issues that cross administrative boundaries and must work with other local authorities to identify any relevant strategic matters.

Cross-boundary issues relating to City Plan 2041 might include accommodating unmet housing need and highway issues.

We will liaise with relevant bodies in identifying cross-boundary strategic issues and work jointly with them during the preparation of the plan.

Timetable

- Evidence gathering and scoping - 2023 to early 2024
- Key Issues consultation – November 2024 to January 2025
- Draft Plan consultation – late 2025 - early 2026
- Pre-submission Plan consultation – summer 2026
- Submission to Secretary of State – late 2026
- Examination – 2027

We will keep this timetable up to date with any changes. Progress on each stage and will also be available on the City Plan 2041 section on the Your Voice Brighton-Hove platform and council website.

Contact us

If you have any queries throughout the City Plan review process the planning policy team can be contacted using the following email address: Planningpolicy@brighton-hove.gov.uk

You can subscribe to our mailing list [here](#)

