

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT CABINET MEMBER MEETING

4.00PM 4 NOVEMBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor G Theobald (Cabinet Member)

Also in attendance: Councillors Mitchell (Opposition Spokesperson, Labour), Fryer (Opposition Spokesperson, Green)

Other Members present: Councillors Davis, Kennedy and Turton

PART ONE

49. PROCEDURAL BUSINESS

49a Declarations of Interests

49a.1 There were none.

49b Exclusion of Press and Public

49b.2 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Cabinet Member for Environment considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

49b.3 **RESOLVED** – That the press and public be not excluded from the meeting.

50. MINUTES OF THE PREVIOUS MEETING

50.1 **RESOLVED** – The minutes of the meeting held on 16 September 2010 were approved and signed by the Cabinet Member as a correct record.

51. CABINET MEMBER'S COMMUNICATIONS

51.1 The Cabinet Member reported that the council had been placed as runner-up for two CIVITAS awards for transport innovation and congratulated the officers involved in the work.

52. ITEMS RESERVED FOR DISCUSSION

52.1 **RESOLVED** – That all the items be reserved for discussion.

53. PETITIONS**53(i) Petition – Area J parking scheme extension**

53.1 Mr Stephen Hodgkinson presented an e-petition and accompanying paper petition, signed by a total of 70 people, calling for the council to survey all streets included in the Area J parking scheme extension on the level of utilisation of parking spaces.

53.2 The Cabinet Member advised that there were currently no proposals to carry out a parking survey in the streets in the Area J extension as the scheme had only been operating for just over a full year. There would need to be a clear consensus from residents and Ward Councillors for a survey to be carried out in the future.

53.3 **RESOLVED** – That the petition be noted.

53(ii) Petition – public seating

53.4 Mr Chris Kift had submitted an e-petition and accompanying paper petition both presented at Council on 21 October 2010 and signed by a total of 143 people requesting that the council consults with residents and the City Wide tenant Disability Network on the removal and placing of public seating in the city.

53.5 Mr Kift was unable to attend the meeting.

53.6 **RESOLVED** – That the petition be noted and a written response be provided.

Note: At the end of the meeting Councillor Fryer submitted an additional 227 signatures bringing the total to 370.

53(iii) Petition – resident vehicular access to Clarence Square, Russell Square and Cannon Place

53.7 Mr Kaeran MacDonald had submitted an e-petition and accompanying paper petition, signed by a total of 25 people, calling for local residents to be permitted access to Clarence Square, Russell Square and Cannon Place from the north of Clarence Square.

53.8 Mr MacDonald was unable to attend the meeting.

53.9 **RESOLVED** – That the petition be noted and a written response be provided.

53(iv) Petition – bus stop, Black Lion, Patcham

53.10 Mr Chris Petken had submitted a petition signed by 226 people opposing the erection and location of a glass and stainless steel bus stop at the Black Lion, Patcham on the grounds that it was out of keeping with its surrounding in a Conservation Area.

- 53.11 The Democratic Services Officer circulated a statement from Mr Petken who was unable to attend the meeting.
- 53.12 The Cabinet Member stated that, while he sympathised with Mr Petken's view, the bus stop had been provided as part of the A23 Sustainable Transport Corridor scheme and was served by several bus services, including the 273, 40, 17 and National Express coaches. Before the recent footway improvements, people had been forced to wait for a bus in the middle of a busy junction with no shelter and the improvements meant that the shelter was located safely and conveniently in the best location. Alternative shelter designs were considered, and the one chosen was the least visually intrusive because it was almost completely transparent. The Patcham and Old Preston Society had been consulted and accepted the design of the shelter and there had been an exhibition of the entire scheme in Patcham Library in November 2009.
- 53.13 **RESOLVED** – That the petition be noted.
- 53(v) Petition – play park next to St Cuthman's Church, Whitehawk**
- 53.14 Councillor Morgan had submitted a petition presented at Council on 21 October 2010 and signed by 125 people in support of the proposed new play park next to St Cuthman's Church in Whitehawk.
- 53.15 Councillor Mitchell presented the petition on behalf of Councillor Morgan who was unable to attend the meeting.
- 53.16 The Cabinet Member was pleased to report that that the government had released some funds in order to continue with the work previously planned, but not all, and the council was currently considering how it could proceed. He advised that the exact position would be known in coming weeks, but gave assurances that the council was doing all it could to try and deliver as much of the Playbuilder programme as possible, including the proposals detailed in the petition.
- 53.17 **RESOLVED** – That the petition be noted.
- 53(vi) Petition – parking, Connaught Road**
- 53.18 Councillor Older had submitted a petition presented at Council on 21 October 2010 and signed by 16 people calling for permit parking in Connaught Road to reduce the problems experienced by residents.
- 53.19 Mr Chris Lilley presented the petition and highlighted the effect on residents of people parking in Connaught Road to visit the beach and the shops and restaurants in the area. He added that the problem would be exacerbated by the opening of the new school at the Connaught Centre in September 2011 and that the council needed to act now to make it fairer for residents and safer for the school children.
- 53.20 The Cabinet Member advised that he would ask officers to investigate changing shared resident permit and pay & display bays into resident permit bays only, and that

site visits would take place to establish current parking demands in the road, whilst also taking into account the issue of safety of school children from September 2011.

53.21 **RESOLVED** – That the petition be noted.

53(vii) Petition – parking, Area H, East Brighton

53.22 Councillor Turton presented a petition presented at Council on 21 October 2010 and signed by 562 people concerning parking problems in Area H East Brighton, and in particular Whitehawk Road, Roedean Road, Bristol Gardens and Arundel Road, and calling for the creation of free parking bays for shoppers.

53.23 The Cabinet Member explained that the council policy within full resident parking schemes was to provide paid parking as it made parking as flexible as possible within retail areas; because free limited waiting parking was difficult to enforce if a vehicle stayed longer than the designated time, and the council was trying to encourage short term parking in the area to support local businesses. The Cabinet Member noted that the majority of residents had voted for the area to have controlled parking and that schemes were usually reviewed after approximately 12 months of operation.

53.24 **RESOLVED** – That the petition be noted.

53(viii) Petition – CCTV and anti-social behaviour, Hangleton Way

53.25 Councillor Janio had submitted a petition presented at Council on 21 October 2010 and signed by 105 people calling for a CCTV camera to be installed in Hangleton Way, Hove due to continued anti-social behaviour in the area.

53.26 Councillor Janio was unable to attend the meeting.

53.27 **RESOLVED** – That the petition be noted and a written response be provided.

53(ix) Petition – parking, Matlock Road

53.28 Ms Martine Danby had submitted a petition signed by 51 people calling for Matlock Road to be included in a residents' parking scheme in order to ease the problems caused by displacement, particularly in light on the forthcoming inclusion of Tivoli Crescent in the Preston Park scheme.

53.29 The Cabinet Member stated that roads in the area had previously voted against parking controls. He explained that since the introduction of the Preston Park scheme representations had been received from both Tivoli Crescent and Tivoli Crescent North to extend parking schemes to these roads. The Cabinet Member had agreed to the Tivoli Crescent request, which was also supported by ward councillors because, on balance, it was felt to be a missing link and would not materially affect the adjacent roads. The request from Tivoli Crescent North residents was not agreed as it was felt that its inclusion would have an adverse impact.

The Cabinet Member advised that he had considered the request carefully, but that it was felt to be similar to Tivoli Crescent North. Therefore, a petition from a wider area of streets, fully supported by Ward Councillors, would be required.

53.30 In response to a request from Ms Danby to fast track the inclusion of Matlock Road if a petition from neighbouring roads was also received, the Lead Commissioner for City Regulation and Infrastructure explained that scheme reviews had already been programmed for the next 6-12 months, so it would not be possible to fast track any schemes, but once evidence of a wider consensus had been received it could be included in the work programme.

53.31 **RESOLVED** – That the petition be noted.

54. PETITIONS DEBATED AT COUNCIL

54A Stop the clearance

54a.1 The Cabinet Member considered a petition referred following a Full Council debate on 21 October 2010 concerning action taken by the council to clear areas of Wild Park. The petition had been signed by 1779 people concerned about the lack of consultation over the clearance work and information on why it had taken place.

54a.2 The Cabinet Member stated that there was full agreement at Council to carrying out a full and meaningful consultation and that it commenced sometime ago. As part of it, a Wild Park Focus Group overseeing the consultation process had been established and had met a number of times. A newsletter was also issued to 16,000 homes, guided walks had taken place in the park and meetings with local actions teams were underway and workshops would take place before the end of December.

The intentions of the workshops would be to design new plans for the park which acknowledged its importance in conservation terms and for recreational use. The plans would be more widely consulted on through another newsletter to residents and exhibitions in the park in the New Year.

54a.3 **RESOLVED** – That the petition be noted and the recommendations from Council be agreed.

54B Parking in Preston Park

54b.1 The Cabinet Member considered a petition referred following a Full Council debate on 21 October 2010 concerning parking in Preston Park. The petition had been signed by 2201 people concerned about residents parking their cars in Preston Park to take advantage of the free parking thus reducing the parking available to users of the park.

54b.2 The Cabinet Member advised that, as stated at the Council meeting, officers were setting up a Working Group where draft plans would be presented for full discussion to ward councillors in order that the best solution could be determined.

54b.3 **RESOLVED** – That the petition be noted and the recommendations from Council be agreed.

55. PUBLIC QUESTIONS

55.1 There were none.

56. DEPUTATIONS

56(a) Deputation – citywide 20mph speed limits

56.1 The Cabinet Member considered a deputation from Mr Chris Murgatroyd on behalf of residents of Goldsmid Ward calling for the introduction of a policy of reducing speed limits on roads primarily for residential use and on those roads with a high number of vulnerable users, as recommended by a recent scrutiny panel report. Mr Murgatroyd stated that the decision made by the Cabinet Member at his meeting on 16 September would result in a partial approach that could cause confusion, unfairness and cost more than adopting a citywide approach, which would be less arbitrary and result in improved safety and quality of life for all residents. Mr Murgatroyd pointed out that the national guidance on speed limits allowed 20mph limits to be applied – even on those roads with average speeds already more than 24mph – as long as there was a strategy for traffic-calming, such as the strategy recommended by the scrutiny panel for incremental calming only where it was really needed.

56.2 The Cabinet Member explained that he had accepted the principles of the recommendations made in the Scrutiny Panel's report, but that he had felt that Recommendation 1, regarding priority areas, was too broad and that some greater priority order needed to be created. He had therefore agreed that the first priority would be the roads in the vicinity of schools.

A Speed Limit Review had also been agreed and would inform the requirements for a wider use of 20mph limits/zones, including necessary measures and costs.

The Council was committed to reducing speeds, not just speed limits and therefore simply putting up signs would not be effective or supported by Sussex Police and, would not conform to the Department for Transport guidance. It could also create a false sense of security creating a greater risk to road safety.

The Cabinet Member advised that for the reasons given, his decision of 16 September would remain unchanged.

56.3 **RESOLVED** – That the deputation be noted.

57. LETTERS FROM COUNCILLORS

57(a) Letter – parking in Bishops Road

57.1 A letter was received from Councillor Bennett requesting that double yellow lines be installed on one side of Bishops Road in order to prevent current parking problems and improve safety in the road.

57.2 The Cabinet Member advised that officers would investigate the request and discuss their findings with Councillor Bennett.

57.3 **RESOLVED** – That the letter be noted.

58. WRITTEN QUESTIONS FROM COUNCILLORS

58.1 The Cabinet Member reported that two written questions had been received and that both were from Councillor Davis.

58.2 Councillor Davis asked the following question:

“I understand residents have been advised that the Council has a statutory obligation to investigate the legal status of Cambridge Grove if asked, could the Cabinet member acknowledge that Cambridge Grove (off The Drive) is a public unrestricted thoroughfare.”

58.3 The Cabinet Member gave the following response:

“Officers have checked the records held by the Council and I can confirm that Cambridge Grove is not a public highway maintainable at the Council’s expense. There is also no record of the road being subject to public rights of way of any kind, therefore I have to conclude that Cambridge Grove is a private road.”

58.4 Councillor Davis asked the following supplementary question:

“Residents will be very disappointed to hear your conclusion; are you prepared to look into it further?”

58.5 The Cabinet Member gave the following response:

“I would have thought that home owners would have been informed by their solicitor about the situation when they bought their house. Unfortunately it is a private road.”

58.6 At the Cabinet Member’s request, the Lawyer to the meeting further explained that the council would be willing to consider the matter further if residents submitted evidence of usage of the road over a number of years. She also suggested that an explanation of why the road was deemed to be private be provided to residents to assist their understanding.

58.7 Councillor Davis asked the following question:

“Could Goldsmid Ward be prioritised for funding for a 20mph zone once the transport budget is known?”

58.8 The Cabinet Member gave the following response:

“The priority for implementation of any measures will be strongly linked to road safety, including collision data and existing traffic speed. The City-wide Speed Limit Review will divide the City into clusters to be identified and assessed in terms of key influences, including factors such as schools, colleges, medical, community, retail etc.

It is unlikely that the cluster areas will follow ward boundaries. I would also add that subject to funding, any proposal for 20mph limits/zones may be included within the future Local Transport Plan 3 (LTP3). There will be an opportunity for residents to express their views on this through the forthcoming LTP3 survey.”

58.9 Councillor Davis asked the following supplementary question:

“Can you give me an assurance that Goldsmid will be prioritized?”

58.10 The Cabinet Member gave the following response:

“It would be very difficult to prioritise one ward over others, as all councillors will want their ward to be prioritised. Also, the cluster areas won’t necessarily be confined to individual wards so that would make prioritization by ward difficult.”

59. NOTICES OF MOTION

59.1 There were none.

60. DOG CONTROL ORDER

60.1 The Cabinet Member considered a report of the Strategic Director, Place concerning the proposal for amending the Dogs Exclusion (Brighton and Hove) Order 2009, Designated under the Clean Neighbourhoods and Environment Act 2005 Sections 55 and 56 in relation to Queens Park.

60.2 Opposition Members welcomed the recommendations and thanked the Friends of Queens Park for campaigning for the changes. They also thanked the Cabinet Member and officers for listening to the views of residents and recommending proposals that would bring greater clarity for all groups of park users.

60.3 The Cabinet Member thanked Roy Pickard and his team for carrying out the consultation and analysis so quickly and the Friends of Queens Park for their involvement.

60.4 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

(1) That approval be given to the amendment of the Dogs Exclusion (Brighton and Hove) Order 2009, for Queens Park, resulting in no dogs (whether on a lead or otherwise) being permitted inside the fenced Southern Lawns area, the Quiet Garden, the Wild Garden, the cascade area tennis courts and bowling green as set out on the map attached at Appendix 1.

(2) That the amended Dog Control Order comes into force on 1 January 2011.

61. PLANNING ENFORCEMENT POLICY DOCUMENT

61.1 The Cabinet Member considered a report of the Strategic Director, Place concerning the Planning Enforcement Policy, which would provide a framework for the planning

enforcement team to handle complaints and any subsequent investigations into breaches of planning control.

61.2 Councillor Mitchell welcomed the report. She advised that residents wanted to see firm, but fair, enforcement and that the proposals within the report would give them greater confidence in the powers of the council.

61.3 The Planning Enforcement Manager reported that vast improvements had been made to how the council deal with enforcement matters and that residents would see a difference. He added that the new policy would be well-publicised.

61.4 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

(1) That the Planning Enforcement Policy be formally adopted.

62. MAINTENANCE OF HISTORIC BUILDINGS

62.1 The Cabinet Member considered a report of the Strategic Director, Place providing an annual update on the pro-active programme to ensure the re-use, repair and restoration of historic buildings in the city, including the enforcement of works where necessary.

62.2 Councillor Mitchell congratulated the Cabinet Member for the progress made and for making the maintenance of historic buildings in the city a priority. She added that it was good to see the council working across the whole city and using the powers it has available.

62.3 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

(1) That the updated register of listed buildings that are considered to be 'at risk' be endorsed (Appendix 1).

63. UPDATE ON THE CITYWIDE (NON A&B CLASS ROADS) SPEED LIMIT REVIEW

63.1 The Cabinet Member considered a report of the Strategic Director, Place providing an update on progress made to date and details of the revised methodology for the first phase of the Citywide Speed Limit Review.

63.2 Councillor Mitchell stated that Speed Limit Review had been going for some time and had now become merged with the issue of 20mph speed limits. She requested clarification of the current position and added that the scrutiny panel's report had shown that there was support for 20mph speed limits in neighbourhoods throughout the city,

63.3 In response to questions for Councillor Mitchell, the Lead Commissioner for City Regulation & Infrastructure advised that the council was obliged to complete the review of A and B roads by 2010; this had been done and the findings would be reported to the Environment Cabinet Member Meeting in March 2011. He also

explained that the methodology had been revised to incorporate the recommendations of the scrutiny panel.

63.4 Councillor Fryer advised that she fully supported the recommendations from the scrutiny panel that considered 20mph speed limits and that no evidence had been provided to show that it would be too costly to implement. She stated that the cluster approach would be piecemeal and would be harder to enforce and more costly in the long term.

63.5 The Cabinet Member explained that simply putting up signs was not sufficient and that changes to infrastructure would also be required at an increased cost. He stated that a recent report from the Department for Transport had suggested that 20mph speed limits may not improve safety and added that road safety improvements would continue to be implemented in the city throughout the duration of the Speed Limit Review.

63.6 The Lead Commissioner for City Regulation & Infrastructure explained that all roads would be considered, but that the cluster approach would allow vulnerable areas to be prioritised. More detailed information would be available in March 2011 and would inform the Local Transport Plan, but it could be possible to install some measures during the current financial year.

63.7 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

(1) That the revised methodology for the first phase of the Citywide Speed Limit Review and progress made so far be noted.

64. BRIGHTON & HOVE CITY COUNCIL'S WINTER SERVICE PLAN 2010-11

64.1 The Cabinet Member considered a report of the Strategic Director, Place concerning council's revised Highways Winter Service Plan.

64.2 Councillor Mitchell advised that she was pleased that the recommendations from the scrutiny panel report had been incorporated into the revised Service Plan and that she hoped that staff would be sufficiently trained. She thanked the officers involved and added that she hoped that links with other organisations would be maintained in order for a joint approach to be taken across the city.

64.3 Councillor Fryer welcomed the revised Service Plan and thanked officers for their hard work. She requested further information regarding the possibility of creating strategic pedestrian routes to identify the safest ways to move around the city.

64.4 The Cabinet Member advised that the council was keen to work closely with the bus companies to ensure that buses could move around the city as freely as possible during winter weather in order to carry out the important task of treading the grit into the roads. He reported that the Administration had allocated an additional £100,000 each year to specifically help with the issues tackled by the Winter Service Plan.

64.5 The Head of Network Management explained that the busiest thoroughfares were prioritised during extreme weather, followed by shopping areas and schools. Resource restrictions meant that pavements would only be cleared during heavy snowfall because it took a significant amount of time and relied on people using the pavements to tread the salt in. She added that the number of grit bins had been increased to over 400 allowing more residents to help themselves during difficult weather.

64.6 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

- (1) That the Brighton & Hove City Council Highways Winter Service Plan 2010/11 at Appendix A be approved.

65. HIGHWAYS WINTER GRITTING VEHICLE PROCUREMENT

65.1 The Cabinet Member considered a report of the Strategic Director, Place seeking approval to tender for and award contract(s) for the replacement of the winter maintenance fleet for the council's highway winter service in 2011/12.

65.2 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That approval be given for Brighton & Hove City Council to tender for the provision of replacement winter maintenance vehicles for the council's highway winter service in 2011/12.
- (2) That, following a full tender process, either through EU procurement process or through existing national framework contracts, delegated authority be given to the Strategic Director, Place to award the contract(s).

The meeting concluded at 5.10pm

Signed

Cabinet Member

Dated this

day of