

BRIGHTON & HOVE CITY COUNCIL

ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE

5.00PM 5 OCTOBER 2010

COMMITTEE ROOM 1, BRIGHTON TOWN HALL

MINUTES

Present: Councillors ; Janio (Deputy Chairman), Barnett, Davis, Davey, Hawkes, Hyde, Smart, and West

Also present: Councillors Steedman and G Theobald

PART ONE

20. PROCEDURAL BUSINESS

20.1 The Chairman welcomed members of the public and officers who were present.

20.1 a Declarations of Substitutes

Councillor Hawkes was substituting for Councillor Morgan; Councillor Hyde for Councillor Mrs Norman; Councillor Smart for Councillor Drake and Councillor Davey for Councillor Rufus.

20.1 b Declarations of Interests

Councillor Theobald declared a prejudicial interest in item 21, as Cabinet Member for Environment.

20.1 c Declaration of Party Whip

There were none.

20.1 d Exclusion of Press and Public

In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

RESOLVED: That the press and public be not excluded from the meeting.

**21. CALL IN REQUEST OF HANOVER & ELM GROVE RESIDENT PARKING SCHEME
REVIEW COMMUNITY CONSULTATION**

21.1 Councillor West referred to his letter requesting call-in that had been countersigned by the three ward councillors, Councillors Duncan, Fryer, and Steedman.

21.2 At the invitation of the Chairman, Councillor Steedman, on behalf of the signatories to the letter, summarised the main points of the call-in request. These related to the decision-making process, the consultation and interpretation of the results.

21.3 He agreed with most of the decisions in the Cabinet CMM report that respected the residents' wishes and these were not a problem. However outside the larger areas of Elm Grove, East Brighton and most of Queens Park there were a few streets for which the decision not to introduce parking restrictions did not comply with the express wishes of residents; such as Canning Street, Queens Park Rise and Richmond Heights, he said.

21.4 Councillor Steedman told the Committee that he thought the original leaflet asking for residents' views on parking restrictions was misleading in that it referred to possibility of smaller parking schemes. Yet the Environment CMM decisions were taken without considering these options. He asked for clarification on the acceptable level for a consultation response rate in particular where there was no clear consensus in the replies that were received.

21.5 Councillor Steedman said the consultation in the three areas had failed to take account of the balance of residents in the neighbourhood. Car owners would be more likely to respond than non-car owners, who would therefore be under-represented in the consultation responses. More should have been done to seek out non-car-owner views and reflect their views in the decision in his view.

21.6 All three disputed areas either included 'light touch' restrictions or already bordered on existing controlled parking zones. The council was under moral if not legal obligation to take action on grounds of road safety and access for emergency vehicles. This would be simple he suggested - by bringing the areas into an adjacent area as the majority of residents in those areas wished. If this were to happen, the Ward Councillors would ask for specific monitoring of displacement parking in surrounding streets.

21.7 The three ward councillors backed the residents in the three areas affected by this decision and requested that the matter be referred back to CMM for reconsideration.

21.8 Councillor Geoffrey Theobald stated that these were difficult decisions; he took this responsibility seriously and had to balance the issues carefully. He read out the table of consultation results for the three areas and said these were not overwhelming. Other issues such as geographical boundaries, parking patterns generally such as displacement parking also had to be considered. It was impossible to say how car owners might have voted. Officers had undertaken to speak to Canning Street residents about road safety concerns.

21.9 Asked to describe the consultation process, the Lead Commissioner City Regulation and Infrastructure said this was wide and thorough and a 'model' exercise. There had been two well-attended pre-consultation workshops before the main documents were circulated. Residents had been encouraged to vote and the overall reply rate had been good. Replying to a question about temporary schemes followed by a 6-month review, he said these were impractical not least because they were difficult to withdraw. There was a timetable in place for consultation and it had been agreed that larger consultations were preferable to smaller areas as they reduced costs, increased opportunities for replies and importantly reduced the potential for causing displacement.

21.10 A member of the public said that residents were asked only to comment on their own road, not the whole area. Another resident, content with the general approach to the consultation, summarised the history of parking in this area and gave details of the responses of residents of Canning Street, 73% of whom voted in favour of parking restrictions and two instances involving emergency vehicles; asking that action be taken.

21.11 Councillor Theobald left the room while the Committee considered the call-in request.

21.12 Some members argued that more clarity was needed on the level for a 'reasonable' response rate on which to base a decision. Others remained concerned whether the consultation leaflet implied that smaller areas could be considered if in fact this was not likely. Some councillors commented that the consultation had been conducted well and the views of residents who had not replied could not be 'second-guessed.'

21.13 Summarising Councillor West queried whether the decision was sound, whether the consultation leaflet was misleading, what was an acceptable response rate, which residents were responding and which were not, and to what extent the consultation relied on residents' views plus what other factors are taken into account in the final decisions. He said it would be a more democratic approach to detach the three areas from the main consultation and address them again and asked for the decision to be called in.

21.14 Members discussed the matter and following a vote the Committee agreed not to call-in the decision.

21.15 A recommendation was proposed that:

"The Cabinet Member for Environment be recommended to re-visit Canning Street, Queens Park Rise and Bakers Bottom and surroundings, with a view to introducing a parking scheme into those areas or incorporating them into an existing scheme."

21.16 Members questioned if the committee could send a recommendation back to the Cabinet Member that was not included in the original papers.

21.17 The Chairman ruled that this is an acceptable method of communicating feedback to Cabinet Members, but that he would like it to be accepted by all members.

21.18 A form of words acceptable to all Members was not obtained.

21.19 Following a vote the recommendation was not upheld.

21.20 RESOLVED;

- (a) To note the decision taken by the Environment Cabinet Member on the 16 September 2010 in relation to the Hanover & Elm Grove Resident Parking Scheme Review Community Consultation
- (b) To note the subsequent Call-In request;
- (c) To note the additional information supplied by the Acting Director of Environment.
- (d) To neither refer the decision back nor make recommendations to the Environment Cabinet Member.

The meeting concluded at 19:15

Signed

Chair

Dated this

day of