

# **BRIGHTON & HOVE CITY COUNCIL MEETING**

**4.30PM 26 JANUARY 2012**

**COUNCIL CHAMBER, HOVE TOWN HALL**

## **AGENDA**



**Brighton & Hove  
City Council**

# Council Meeting

Title:	<b>Council</b>
Date:	<b>26 January 2012</b>
Time:	<b>4.30pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>All Councillors</b> You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.
	Prayers will be conducted in the Council Chamber at 4.20pm by Father James Wesson
Contact:	<b>Mark Wall</b> Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk



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- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

## AGENDA

### Part One

### Page

#### 53. DECLARATIONS OF INTEREST

Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as personal and/or prejudicial under the terms of the Code of Conduct.

#### 54. MINUTES

1 - 38

To approve as a correct record the minutes of the last Council meeting held on the 15<sup>th</sup> December 2011 (copy attached).

#### 55. MAYOR'S COMMUNICATIONS.

#### 56. TO RECEIVE PETITIONS AND E-PETITIONS.

Petitions will be presented to the Mayor at the meeting.

#### 57. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of the 19<sup>th</sup> January 2012 will be circulated separately as part of an addendum at the meeting.

#### 58. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of the 19<sup>th</sup> January 2012 will be circulated separately as part of an addendum at the meeting.

#### 59. PETITIONS FOR COUNCIL DEBATE

##### a) Music & Arts Services Cuts

39 - 40

Report of the Monitoring Officer (copy attached).

*Contact Officer: Mark Wall*

*Tel:- Tel: 29-1006*

*Ward Affected: All Wards*

#### 60. WRITTEN QUESTIONS FROM COUNCILLORS.

41 - 44

A list of the written questions submitted by Members will be included in the agenda papers. This will be repeated along with the written answers received and will be taken as read as part of an addendum circulated separately at the meeting.

**61. ORAL QUESTIONS FROM COUNCILLORS**

**45 - 48**

A list of Councillors who have indicated their desire to ask an oral question at the meeting along with the subject matters has been listed in the agenda papers.

**6.30 - 7.00PM REFRESHMENT BREAK**

Note: A refreshment break is scheduled for 6.30pm although this may alter slightly depending on how the meeting is proceeding and the view of the Mayor.

**62. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.**

- (a) Call over (items 63 and 64) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) To receive or approve the reports and agree with their recommendations, with the exception of those which have been reserved for discussion.
- (c) Oral questions from Councillors on the Cabinet, Cabinet Member and Committee reports, which have not been reserved for discussion.

**63. EAST SUSSEX, SOUTH DOWNS AND BRIGHTON & HOVE WASTE AND MINERALS LOCAL PLAN**

**49 - 136**

Report of the Strategic Director: Place (copy attached together with an extract from the Cabinet meeting held on the 19<sup>th</sup> January 2012, to be circulated separately).

*Contact Officer: Mike Holford*  
*Ward Affected: All Wards*

*Tel: 29-2501*

**64. HEALTH & WELLBEING BOARD DEVELOPMENT (SHADOW YEAR)**

**137 - 150**

Extract from the Governance Committee meeting held on the 10<sup>th</sup> January 2012, together with a joint report of the Strategic Director People and the Director of Public Health and Adult Social Care (copies attached,) and an extract from the Cabinet meeting held on the 19<sup>th</sup> January 2012 (to be circulated separately).

*Contact Officer: Terry Parkin*  
*Ward Affected: All Wards*

*Tel: 29-0446*

**65. NOTICES OF MOTION.**

**151 - 160**

The following Notices of Motion have been submitted by Members for consideration (copies attached).

- (a) **Council Tax.** Proposed by Councillor A. Norman (copy attached).
- (b) **Rail Fare Rises.** Proposed by Councillor Turton (copy attached).

## COUNCIL

- (c) **Protect BBC Local Radio Services.** Proposed by Councillor G. Theobald (copy attached).
- (d) **Fair Deal for Pubs.** Proposed by Councillor Randall (copy attached).
- (e) **Ultra-Fast Broadband for Our City.** Proposed by Councillor J. Kitcat

### 66. CLOSE OF MEETING

The Mayor will move a closure motion under Procedure Rule 17 to terminate the meeting 4 hours after the beginning of the meeting (excluding any breaks/adjournments).

*Note:*

1. *The Mayor will put the motion to the vote and if it is carried will then:-*

(a) *Call on the Member who had moved the item under discussion to give their right of reply, before then putting the matter to the vote, taking into account the need to put any amendments that have been moved to the vote first;*

(b) *Each remaining item on the agenda that has not been dealt with will then be taken in the order they appear on the agenda and put to the vote without debate.*

*The Member responsible for moving each item will be given the opportunity by the Mayor to withdraw the item or to have it voted on. If there are any amendments that have been submitted, these will be taken and voted on first in the order that they were received.*

(c) *Following completion of the outstanding items, the Mayor will then close the meeting.*

2. *If the motion moved by the Mayor is **not carried** the meeting will continue in the normal way, with each item being moved and debated and voted on.*

3. *Any Member will still have the opportunity to move a closure motion should they so wish. If such a motion is moved and seconded, then the same procedure as outlined above will be followed.*

*Once all the remaining items have been dealt with the Mayor will close the meeting.*

## COUNCIL

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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Therefore by entering the meeting room and using the seats around the meeting tables you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured they should sit in the public gallery area.

If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

For further details and general enquiries about this meeting contact Mark Wall, (01273 291006, email [mark.wall@brighton-hove.gov.uk](mailto:mark.wall@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

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**We apologise for any inconvenience caused**

Date of Publication - Wednesday, 18 January 2012

## COUNCIL

A handwritten signature in blue ink, appearing to read 'J. Mansdilly', with a stylized flourish at the end.

Chief Executive

King's House  
Grand Avenue  
Hove  
BN3 2LS





<b>Council</b>	<b>Agenda Item 54</b>
26 January 2012	Brighton & Hove City Council

## **BRIGHTON & HOVE CITY COUNCIL**

### **COUNCIL**

**4.30pm 15 DECEMBER 2011**

### **COUNCIL CHAMBER, BRIGHTON TOWN HALL**

### **MINUTES**

**Present:** Councillors Meadows (Chair), Wells (Deputy Chair), Barnett, Bennett, Bowden, Brown, Buckley, Carden, Cobb, Davey, Deane, Duncan, Farrow, Fitch, Follett, Gilbey, Hamilton, Hawtree, Hyde, Janio, Jarrett, Jones, A Kitcat, J Kitcat, Lepper, Littman, MacCafferty, Marsh, Mears, Mitchell, Morgan, A Norman, K Norman, Peltzer Dunn, Phillips, Pidgeon, Pissaridou, Powell, Randall, Robins, Rufus, Shanks, Simson, Smith, Summers, Sykes, C Theobald, G Theobald, Turton, Wakefield, Wealls and West.

### **PART ONE**

#### **35. DECLARATIONS OF INTEREST**

- 35.1 Councillors Robins and Mitchell declared personal but not prejudicial interests in Item 51(c), Notice of Motion, Drop the Bill as they worked for the NHS.
- 35.2 Councillor Wells declared a personal and prejudicial interest in Item 46, Private Rented Sector Agents, report of the Scrutiny Panel as he was a landlord and would therefore withdraw from the meeting during consideration of the item.
- 35.3 Simson, Fitch, Gilbey, Brown, Bennett, Cobb, Rufus, Deane, Buckley, Hawtree and Shanks declared personal and non-prejudicial interests in Item 46, Private Rented Sector Agents, report of the Scrutiny Panel as they were either landlords or used letting agents.
- 35.4 Councillor Peltzer Dunn declared a personal and non-prejudicial interest in Item 46, Private Rented Sector Agents, report of the Scrutiny Panel.
- 35.5 Councillors Wealls, Powell and A. Norman declared a personal and non-prejudicial interest in Item 51(d), Intelligent Commissioning and the Community & Voluntary Sector, Notice of Motion as they were Trustees of Impact Initiatives, Allsorts and the Martlets Hospice respectively.
- 35.6 Councillor Randall declared a personal and non-prejudicial interest in relation to Brighton & Hove Albion Football Club. He was due to make a statement later in the meeting on the football club and as his daughter was a season ticket holder and his grand-daughter worked as a waitress at the club.

35.7 No other declarations of interests in matters appearing on the agenda were made.

### **36. MINUTES**

36.1 The minutes of the last ordinary meeting held on the 20<sup>th</sup> October 2011 were approved and signed by the Mayor as a correct record of the proceedings.

### **37. MAYOR'S COMMUNICATIONS.**

37.1 The Mayor informed the Council that she had recently taken up the offer made by Mr. Chris Kift at the last meeting to join him on a tour of the city as a wheelchair user. She had found the experience to be eye opening to the dangers and problems faced by wheelchair and mobility scooter users in attempting to get around the city. She intended to write to the Cabinet Member for Transport & Public Realm asking for improvements to dropped curbs to be a made priority.

37.2 The Mayor stated that she was pleased to announce that the Council Connect project had scooped top prize in the 'Innovation and Progress' category of the Guardian's Public Service Awards. Council connect provided volunteers to help customers use council services online as well as one-to-one tuition on the basics of using a computer to setting blogs and searching for jobs. She congratulated everyone involved and presented a plaque to Councillor Bowden as the Cabinet Member for Culture, Tourism & Recreation and the Head of the Library Service, Sally McMahon.

37.3 The Mayor then stated that she was pleased say that the Council had been re-credited with the Charter for Member Development following a recent assessment by a panel from South East Employers on the 22<sup>nd</sup> November. She wished to congratulate the Member Development Working Group and the officers from Democratic Services, especially the Head of Democratic Services, Mark Wall and the Member Development & Project Officer, Aaron Robin who had ensured Member Development was an integral part of the authority's learning and development activities.

37.4 The Mayor then reminded Council of her forthcoming charity events taking place on:

Sunday 1<sup>st</sup> January – Boundary walk from Stanmer to Patcham

Sunday 12<sup>th</sup> January – boundary walk from Devil's Dyke to Portslade; and

Friday 9<sup>th</sup> March - Gala Dinner at the Royal Pavilion.

37.5 The Mayor then called on Councillor Randall as Leader of the Council to address the meeting.

37.6 Councillor Randall thanked the Mayor and stated that: "Following discussions this week, the club and the council have agreed the following steps to address the future transport needs of the Amex Stadium:

- 1) The Albion will fund an independent travel study of the transport needs. The study will be prepared in the context of the Albion's plans to add 8,000 seats at the Amex Stadium and will consider the possible future use of the Falmer Retained Land for parking. Among other matters, it will look at three proposals made by Ian Davey Transport Cabinet Member. These are:

- Controlling the traffic flow from proposed parking on the retained land to give priority to pedestrians, cyclists and buses.
  - Running a shuttle bus service on match days from The Keep to The Level.
  - Examining the case for a match-day CPZ in Moulsecoomb and Coldean. Local residents would be consulted on any CPZ proposals for their neighbourhoods.
- 2) We propose the study will be carried out immediately on behalf of the Amex Transport Group. It will inform a planning brief for the Falmer Retained Land, which will go to the February Cabinet.
  - 3) We will take the opportunity to take a fresh look at the development options for the Falmer Retained Land and the mix of activities this important site can support.
  - 4) A legal agreement is being drawn up giving The Albion the go-ahead to begin immediately a demolition survey of the Falmer School buildings.

The council remains committed to helping The Albion to increase the Amex stadium capacity by 8,000, realise its ambition to bring Premiership football to the city, increase the number of jobs and training opportunities at the stadium and continue with its hugely valuable community work across the city and elsewhere. At the same time we recognise the council has a duty to realise the best value for the site.

- 37.7 Councillor Randall then stated that following the recent resignation as a councillor, he wished to propose that Brian Oxley be made an Honorary Alderman of the City of Brighton & Hove in recognition of his service to both Hove Borough Council and Brighton & Hove City Council.
- 37.8 Councillors G. Theobald and Mitchell as Leaders of the Conservative and Labour & Co-operative Groups respectively, declared their Groups' support for the proposal.
- 37.9 The Mayor noted that there was unanimous support for the proposal and such stated that she was happy to call a Special Meeting to be held on Thursday 22<sup>nd</sup> march 2012, and to take place just prior to the Ordinary Council meeting scheduled for that day.
- 37.10 The Mayor then reminded Council of the need to be mindful of purdah considerations in relation to the By-election to be held on the 22<sup>nd</sup> December, during the forthcoming debates on the items listed in the agenda.

### **38. TO CONSIDER NOMINATIONS FOR (A) THE MAYOR-ELECT AND (B) THE DEPUTY MAYOR-ELECT**

- 38.1 The Mayor noted that the next item dealt with the nominations for the Mayor and Deputy Mayor-Elect and called on the Monitoring Officer to outline the process and to seek nominations.
- 38.2 The Monitoring Officer thanked the Mayor and explained the process for the appointment of the Mayor-Elect and then sought nominations to the position.
- 38.3 Councillor G. Theobald nominated Councillor Cobb, and Councillor Peltzer Dunn formally seconded the nomination.
- 38.4 Councillor Bowden nominated Councillor Randall, and Councillor Wakefield formally seconded the nomination.

- 38.5 The Monitoring Officer noted that there were two nominations and put each nomination to the vote.
- 38.6 The Mayor declared that Councillor Randall was duly appointed as Mayor-elect for the City of Brighton & Hove for the municipal year 2012-13.
- 38.7 The Monitoring Officer then noted that nominations were required for the position of Deputy Mayor-Elect and that it was usual practice for the outgoing Mayor to be duly nominated.
- 38.8 Councillor G. Theobald nominated Councillor Meadows and Councillor Mitchell formally seconded the nomination.
- 38.9 The Monitoring Officer declared that Councillor Meadows had been duly appointed as the Deputy Mayor-Elect for the municipal year 2012-13.

**39. TO RECEIVE PETITIONS AND E-PETITIONS.**

- 39.1 The Mayor invited the submission of petitions from councillors and members of the public. She reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the person presenting the petition would be invited to attend the meeting to which the petition was referred.
- 39.2 Ms. Goddard presented an e-petition signed by 272 residents calling for a safe path for cyclists and walkers alongside the Falmer Road between Falmer Village and Woodingdean.
- 39.3 Ms. McMinn presented an e-petition signed by 37 residents calling for a one hour parking option to the current half or two hour option in their area.
- 39.4 Mr. Thorne presented an e-petition signed by 137 residents requesting that the ban on leafleting be lifted.
- 39.5 Councillor Hamilton presented a petition signed by 100+ residents, concerning Portslade Infants School.

**40. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.**

- 40.1 The Mayor reported that 7 written questions had been received from members of the public and noted that the time allocated for public questions under Procedural Rule 9.18 was fifteen minutes. She then invited Mr. Furness to come forward and address the council.
- 40.2 Mr. Furness asked the following question; "Most of us, regardless of our political persuasions, are aware of the shocking decline in numbers of our native wildlife, not least in the case of honey bees, butterflies, moths and small birds.

Would you agree that this Green Council should be setting an example to City residents of how to preserve the natural habitats of these creatures by managing its own land and buildings in an environmentally sustainable manner?"

- 40.3 Councillor West replied; "I completely agree with you. It's important the council leads the way by showing how wildlife helps to build a prosperous and successful city, as well as being important for its own sake. Our biggest responsibility is conserving our internationally important chalk grassland. That's why we are working hard to reintroduce traditional sheep grazing to many of our important downland sites in the city. This year we have expanded the grazing project to 900 sheep grazing 84 hectares of our land. And over 100 local people have signed up as volunteer shepherds, to help look after them. The council has also successfully won Higher Level Stewardship payments from the Government to cover the costs of this and a range of other conservation work on our countryside sites.

In our parks and along our road verges we have planted wild flowers as nectar sources for bees, butterflies and moths. This year we won six Green Flag awards for our parks, partly on the strength of our nature conservation work. We also started to encourage larger wild flower areas to develop on pilot verges and open spaces in Saltdean, where the rare Basil Thyme was rediscovered.

Looking at our public buildings, newbuilds such as the Hollingdean Sure Start Centre, Varndean School extension and the Acorn Nursery in Portslade incorporate 'sparrow terrace' nest boxes, green roofs and landscaping designed to attract feeding and nesting birds. We are also working with Dr Dan Danahar of Dorothy Springer School extending his concept of butterfly banks to areas of the city.

But of course there's a lot more that we can do. This administration intends to achieve a step change in the way the city views and values its natural heritage. The Biosphere project, which started in earnest this autumn, aims to deliver this. Biodiversity will figure in all our work, right across the city. Our aim is to establish an international reputation for Brighton and Hove as a world class city for wildlife."

- 40.4 Mr. Furness asked the following supplementary question; "I am delighted to hear your lengthy statement about the outlined areas of the city. Conservation begins at home. We had until recently a thriving colony of Sparrows breeding in the ivy of the south tower outside Hove Town Hall which has been slashed at the root as a result there is no more tweeting there."
- 40.5 Councillor West replied; "I can't comment on specific examples like that but as you say that conservation has to start at home, that is exactly what we are doing, in the case of the bio sphere reserve bid-this is for an urban biosphere reserve which is an unusual concept. There are a number of biospheres around the world that have been recognised by the UN but not urban ones. This will cause us to address, in urban areas, as well as surrounding countryside, how well we are dealing with the biodiversity and the impacts of our lifestyle. Things like air pollution by having a pond biodiversity.

We are planning 13 Butterfly banks within the city itself. The one at Dorothy Stringer School is an artificial area where they have undulated the ground in order to create a micro-climate habitat that attracts a lot of butterflies and other insects. Roughly, 80

percent of the species that are present within Brighton and Hove live in that specific area whereas before it was just recreational grass.

We are building more around the city of those and so that will help to become little islands of biodiversity, we are also encouraging members of the public to promote biodiversity in their back gardens.”

- 40.6 The Mayor thanked Mr. Furness for his questions and invited Mr. Lowe to come forward and address the council.
- 40.7 Mr. Lowe asked the following question; “Has there been any progress on the youth service report?”
- 40.8 Councillor Shanks replied; “The report is completed and a Joint Commissioning Strategy for Services for Young People will come to the Children’s Cabinet Member Meeting on January 20th for final agreement. The final report reflects feedback from extensive engagement and consultation. This includes two panels of the Children and Young People’s Overview Committee held on the 17th of October and the 28th of November.”
- 40.9 Mr. Lowe asked the following supplementary question; “To clarify will the report definitely be going to the January meeting?”
- 40.10 Councillor Shanks replied; “Yes, January 20<sup>th</sup>. You can come along to my cabinet member meeting and we will be presenting the report there.”
- 40.11 The Mayor thanked Mr. Lowe for his questions and invited Mr. Campbell to come forward and address the council.
- 40.12 Mr. Campbell asked the following question; “Does the council feel that it is appropriate for one city business to dominate council policy and endanger the viability of other businesses as a result?”
- 40.13 Councillor Davey replied; “Mr Campbell, thank you for your question. I’m sure the Council makes every effort to treat businesses fairly and equally. I believe there’s a particular issue on Western road you may be concerned about but I won’t pre-empt any supplementary but I’d be glad to provide any further details should it be appropriate.”
- 40.14 Mr. Campbell asked the following supplementary question; If the Green Administration is so avowedly business friendly then why is the same council bowing to undue pressure from Brighton and Hove buses and proposing to unreasonably restrict mine and other businesses, in the end parking area, the opportunity to load and unload outside our premises when we need to. You know that this will have a negative effect on our businesses and I hope you will decide that this is not a good idea.
- 40.15 Councillor Davey replied; “The Council have had requests from the bus company to make some changes to Western Road and it has come up at a number of meetings that council officers have attended with the bus company. They are concerned that the indiscriminate parking along Western Road is causing considerable disruption to bus services. The fact that vehicles are parked on both sides of the road, even if only for a

few minutes, has lead to the situation whereby Western Road is now one of the greatest bottlenecks in the city, thus leading to bus service unreliability.”

40.16 The Mayor thanked Mr. Campbell for his questions and invited Ms. Crook to come forward and address the council.

40.17 Ms. Crook asked the following question; “At the Culture Recreational & Tourism Cabinet Meeting on behalf of the Saltdean Lido Campaign I presented the community mandate from local people following a series of emergency meetings. ‘The Council should seek to negotiate a surrender of the whole lease and if no agreement is made by the 29 February 2012, seek to take back the lease via compulsory purchase order with legal papers served on the 1 March 2012.’ The Head of Planning Strategy implied that the Council could serve the first stage of the CPO papers now - a Warning Letter. Will you serve the Warning letter this month?”

40.18 Councillor MacCafferty replied; “The negotiated surrender of the lease is a matter for the council as landowner. A compulsory purchase under Section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a Planning matter. Both the legal officer for the council and the planning officer made it clear that a planning authority must be reasonable. A CPO is not a procedure that can be undertaken in haste. The officers explained that preparatory to serving a section 48 repairs notice it is good practice to send a warning letter. This does not require the approval of the committee and can be undertaken quickly.

It is recommended practice that the letter should be accompanied by a schedule of works ‘specifying the works which the authority considers reasonably necessary for the proper preservation of the building’ etc. Planning Officers are preparing tenders for historic buildings surveyors to compile this schedule and as soon as the schedule is available, the Warning Letter will be issued. In the meantime negotiations with the lessee will continue.

As also explained at the Cabinet Member Meeting it would be undesirable to undertake works before warmer and drier weather prevails and therefore any warning letter would anticipate allowing for works to commence in the spring and allow a period of time for compliance. If the warning letter is not complied with officers will consider the most appropriate action and what, if any, reports to members are required.

Given the financial implications of compulsory acquisition of the land, as the legal officer indicated at the Cabinet Member Meeting, compulsory purchase would only be undertaken if there is a corporately agreed exit strategy.”

40.19 Ms. Crook asked the following supplementary question; “As Councillors you have been elected to represent local people and to represent their views, their needs and their wishes. We have a very clear community mandate and have thousands of supporters not just in Brighton and Hove but globally. We feel that those points haven’t been heard. This is the only grade two star listed lido in the country and has a leaseholder that has constantly breached the lease; the councillor recognised that in their own report.

Thirdly please could you announce when the council will actually make a decision on what they are going to do. Local people want reassurance the council have a strategy and approach with regards to securing the lease of the Lido for the community."

- 40.20 Councillor MacCafferty replied; "We have asked officers to appoint a surveyor to prepare the schedule that will accompany the warning letter. That is going to be done as soon as possible and that letter should be sent in January.

The local planning authority prefers to seek voluntary compliances highlighted earlier before taking formal action and the service of the repairs notice should be a last resort when all other action has been tried. Officers were aware that the landowning arm of the council had served a schedule of works which would have resolved the repairs concerned and the leaseholder was proposing to carry out some works.

The local planning authority will serve the repair notice on everyone who has a legal and trust in the building. There have been a number of high profile examples of disputes between the landlord and the leaseholder and Brighton and Hove such as Embassy Court where lease holders were trying to encourage full repair of the building where the planning authority was unable to intervene."

- 40.21 The Mayor thanked Ms. Crook for her questions and noted that Mr. Simpson was unable to attend the meeting and therefore a written response from Councillor Bowden would be sent to him. The Mayor then invited Ms. Fishleigh to come forward and address the council.

- 40.22 Ms. Fishleigh asked the following question; "At last week's meeting of the Culture, Recreation and Tourism meeting, Geoffrey Bowden agreed with officers' recommendation that the council should seek a negotiated way forward with the lessee of Saltdean Lido including, if satisfactory terms can be agreed, surrender of the head lease back to the council.

When will the council next be meeting Mr. Audley to discuss surrender of the lease?"

- 40.23 Councillor Bowden replied; "A meeting has been arranged with Mr Audley on Wednesday 21<sup>st</sup> December 2011.

- 40.24 Ms. Fishleigh asked the following supplementary question; "If you would like a woman from the Save the Saltdean Lido Campaign and the Saltdean Residents Association to come along I'm sure that could be arranged."

- 40.25 Councillor Bowden replied; "I'll keep that in mind. We have instructed an external valuer to provide a valuation on the Lido by Wednesday 21<sup>st</sup> December 2011."

- 40.26 The Mayor thanked Mr. Fishleigh for her questions and invited Ms. Paynter to come forward and address the council.

- 40.27 Ms. Paynter asked the following question; "To what extent doe the Administration recognise that pervasive, late and all-night alcohol availability, along with late and all-night clubbing are significant motivating reasons for inward migration and new residencies. Has this ever been looked at and quantified?"



- 40.28 Councillor Deane replied; "Thanks for your question. I'm afraid the Council does not record the reasons for people moving home. Many of the reasons will be personal, such as moving to larger or smaller accommodation, moving closer to work, friends or family, or simply looking for a change of neighbourhood. As a city centre ward councillor it seems anecdotally that external factors include good transport links, and ease of access to the wealth of shops, restaurants, cafes, bars, theatres and museums in the city centre."
- 40.29 Ms. Paynter asked the following supplementary question; "Where on a voting scale of one to ten would this administration place easy availability of alcohol twenty four seven?"
- 40.30 Councillor Deane replied; "I will have to come back to you with a written answer."
- 40.31 The Mayor thanked Ms. Paynter for her questions and noted that concluded the public questions.

#### **41. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.**

- 41.1 The Mayor reported that one deputation had been received from members of the public and invited Mr. Gamper as the spokesperson for the deputation to come forward and address the council. The Mayor also noted that as the subject matter related to Item 47, Statement of Licensing Policy Consultation Response, on the agenda, it would be taken into account during the debate and therefore not referred on to the Licensing Committee.
- 41.2 Mr. Gamper thanked the Mayor and stated that:

"We appreciate and support Brighton and Hove's stated policy regarding the proposed Extension of the CIA/SSA. We welcome it and ask the Council to act on the Licensing Committee's resolution on the 17 November 2011.

While this will be a city-wide policy, our Associations represent the Brunswick and Adelaide area, which is predominantly residential. Our residents are living with the effects of the current policy, which is adversely affecting and compromising their quality of life

The unintended consequence of the CIA has been a proliferation of licensed premises more easily obtained in the SSA. "License Creep" is rapidly continuing westwards which is why both the SSA and the CIA need to be extended.

Following the letter sent to each Councillor, we draw the following to your attention:

#### **LICENSED PREMISES WITHIN THE EXISTING REGENCY/BRUNSWICK SSA**

This SSA area covers the area westwards along the Western Road corridor from the boundary of the central CIA at Little Preston Street and Spring Street to Holland Road. It includes streets to the south of Western Road, including Kings Road, but not to the

north. Within a 10 minute walk along less than half a mile of Western Road and through an area of less than half a square mile there are 67 licenses.

1, Premises with Licenses for On and Off sales of alcohol

67 LICENSES for the sale of alcohol of which

- 50 are for On sales, such as restaurants, of which
- 19 are after midnight on weekdays
- 25 are after midnight on Friday and Saturday
- 22 are after 11pm on Sunday

40 are of Off sales, such as pubs and wine merchants, of which

- 17 are after midnight on weekdays
- 16 are after midnight on Friday and Saturday
- 16 are after 11pm on Sunday
- 3 are 24 hour on weekdays
- 4 are 24 hour on Friday and Saturday

23 of these are for both On and Off sales at the same premises

2, Premises for Licenses for Late Night Refreshment (food only)

31 Licenses were found to be current within the SSA, of which

- 20 are after midnight on weekdays
- 27 are after midnight on Friday and Saturday
- 30 are after 11pm on Sunday
- 25 of these also have a License for the sale of alcohol

Once the deterioration in the situation became apparent the local Residents' Associations became active in expressing residents' extreme concerns at licensing hearings, NHS consultations and recently at the Big Alcohol Debate.

The particular problems of West Street as identified in para 1.12.4 of the *Council's Statement of Licensing Policy 2011* have been addressed to some extent by the CIA but residents within the SSA are concerned that now these are being transferred to the Western Road. This is born out by the police in their extension of Operation Marble to this area.

We refer you to the BHCC Licensing and Enforcement Statement on the web: "The Licensing Act places responsibility on the local authority to manage the night time economy and to minimise disorder and disruption".

We respectfully request that:

- (1) The council be recommended to approve the extension of the Cumulative Impact Area and the Special Stress Area as shown on the map in appendix 3 to the report: and
- (2) That the council be recommended to implement a 'matrix' approach to licensing decisions as shown in appendix 1 to the report."

## 41.3 Councillor Deane replied,

"I totally welcome this deputation and I'm very grateful to the support from Regency, Brunswick and Adelaide residents. This illustrates overwhelmingly the local public support to our approach to develop licensing policy. Our position has been to keep the cumulative impact area and special stress areas under review. Following analysis of evidence of trends of crime and disorder and nuisance, the licensing committee considered it is necessary to bring the current special stress area into the cumulative impact area and to create a new special stress area.

The report before Full Council tonight supports both of your recommendations by enlarging the cumulative impact area and taking a matrix approach to licensing decisions. This will provide a careful constructed pattern of what the licensing authority would like to see within its area and gives an indication to those making applications. The planning responsibility of the licensing authority is to promote the licensing objectives; this fourth version of our licensing policy would reflect this duty. I recommend full council determines a policy and recommends this later on the agenda."

## 41.4 The Mayor thanked Mr. Gamper for attending the meeting and speaking on behalf of the deputation and hoped he and other members of the deputation would remain for the debate on the matter later in the meeting.

**42. WRITTEN QUESTIONS FROM COUNCILLORS.**

## 42.1 The Mayor reminded the Council that written questions from Members and the replies from the appropriate councillor were now taken as read by reference to the list included in the addendum, which had been circulated as detailed below:

**(a) Councillor G. Theobald**

## 42.2 "At the Cabinet meeting in October, I requested that the proposed bid for Coalition Government funding under the Armed Forces Community Covenant be submitted as a matter of urgency. Can the Cabinet Member please let me know if this has been done and can he also confirm when the Covenant is likely to be signed?"

**Reply from Councillor Duncan Cabinet Member for Communities, Equalities and Public Protection.**

## 42.3 "At Cabinet on 13th October we received a report with recommendations that:

- A programme of activity be developed in consultation with the local armed forces community to form the Brighton & Hove Community Covenant. This will enable publicity of existing initiatives and a formal launch of the Heroes Welcome scheme as well as the development of new plans as appropriate.
- Brighton and Hove to apply for funds to support the Community Covenant by March 2012.
- The plans for a Community Covenant and the engagement process be publicised on Remembrance Day 2011.

We publicised our plans on the council's website on Remembrance Day and have started conversations with armed forces representatives. We aim to ensure that we meet the emerging needs from Pan-Sussex review of the health needs of veterans and are particularly hoping to develop proposals to address the issues of homelessness, substance abuse and mental health. We are still aiming to request government funding at the March 2012 panel"

**(b) Councillor G. Theobald**

- 42.4 "Can the Cabinet Member please confirm that, contrary to what she stated at her CMM on 3<sup>rd</sup> November, it is the policy of her Administration that 'van dwellers' are not classified as Travellers for planning purposes?"

**Reply from Councillor Kennedy, Cabinet Member for Planning, Economy, Employment & Regeneration**

- 42.5 "I can confirm that the Administration's policy supports the current statutory definition of Travellers – which is of course a collective term used to describe different Traveller groups who have a nomadic lifestyle or tradition/heritage of nomadism. As such, where Van Dwellers can demonstrate a nomadic lifestyle then they would fall within the Traveller Strategy and Planning Policy guidance alongside more traditional Traveller groups.

Most of the city's Van Dwellers are, however, not generally 'nomadic' and are effectively permanently resident in the city. Under these circumstances, then they would not fall within the remit of the Traveller Strategy or planning policy guidance."

**(c) Councillor G. Theobald**

- 42.6 "Given the substantial increases in charges that were agreed by the Cabinet Member on 29th November, and the massive cuts to road and pavement maintenance proposed in the 8<sup>th</sup> December Cabinet papers, could he please provide an estimate of the Council's parking income (both on- and off-street) for 2012/13?"

**Reply from Councillor Davey, Cabinet Member for Transport & Public Realm**

- 42.7 "It is estimated that there will be an increase in surplus of £1.3m to subsidise environmental and transport services to both residents and visitors. In the past, this surplus has been used to help provide free transport for senior citizens, to support bus services, to pay the borrowing costs for capital projects such as the installation of cycle lanes, walking networks improvements and traffic management schemes. Of the 1.3m, 48k is from off street parking, 844k from on street and the remainder from permits.

We have factored a reduction in demand for parking spaces as we expect residents and visitors to move to more sustainable forms of transport such as trains, buses, cycling and walking. This we know is already happening as recent surveys have shown increases in public transport use and cycling. There has been a steady rise in bus passengers journeys from 30 million to 41 million between 2001 and 2010, and 27% more cycling trips between 2006 and 2009. By comparison, the average number of car

trips entering and leaving the city every day has reduced by 12,000 between 2007 and 2009.”

**(d) Councillor A. Norman**

- 42.8 “Can the Cabinet Member for Finance & Central Services please tell me the value of the contract that the Council has with the Democratic Society of Brighton & Hove to run Budget consultation and other events across the City, when this contract was awarded and by whom?”

**Reply from Councillor J. Kitcat, Cabinet Member for Finance & Central Services**

- 42.9 “Brighton & Hove City Council commissioned the Democratic Society to deliver three budget participation events, to take place over three days in November 2011, as part of our budget consultation work. The events ran alongside an online consultation using a budget simulation website provided by Delib at <http://www.budgetsimulator.com> . The offline exercise was structured in broadly the same way, and used the same spending data and division of services. The findings from this work will be included in the budget consultation information provided to support the authority’s budget setting processes. The value of the contract with the Democratic Society for this work was £8000 plus VAT. The contract was agreed by the Chief Executive and arrangements were finalised in the week commencing 6th October.”

**(e) Councillor Barnett**

- 42.10 “Is the Council taking any practical steps to help hospices, for example the Martlets that are currently suffering serious funding shortfalls due to a reduction in donations and bequests from the public?”

**Reply from Councillor Jarrett, Cabinet Member for Adult Social Care & Health**

- 42.11 “I recognise that the Martlets and other hospices play an important role in supporting people at the end of their lives – and also their families. The Martlets depends to a large degree on charitable contributions to keep going. While it does have a huge amount of support in the city, it is currently finding fund-raising more difficult like other charities. Hospices receive funding from a range of public sources, including GP Consortia and the PCT. The GP consortia funds via a grant, a proportion of the in patient bed facility and commissions the hospice at home service. In addition, NHS Continuing Care team commissions two beds specifically for continuing care patients.

The council will continue to support the Martlets and other causes in the city in other ways such as encouraging staff to participate in fundraising. Officers are speaking with the Martlets about other opportunities. I welcome suggestions.”

**(f) Councillor Peltzer Dunn**

- 42.12 “Will the Cabinet Member please confirm that swift action is being taken to regain possession of Ainsworth House from the squatters who have taken over the building and will she advise me when the previous Administration’s scheme to build 15 new council homes on this site will commence?”

**Reply from Councillor Wakefield, Cabinet Member for Housing**

- 42.13 “Notice was served for possession of the site on 1 December. At the same time our legal team applied to the Court for an urgent hearing date. We have yet to hear from the court with a date but when the hearing does take place the date for possession will be set by the court and Housing Delivery will arrange for Bailiffs to attend for the eviction. The site will be fully secured by Housing Delivery as soon as the squatters are removed.

The contract for Ainsworth House new build is currently on track for award before Christmas. We anticipate that works on the new Council homes will formally commence in the New Year.”

**(g) Councillor Marsh**

- 42.14 “Youth unemployment has increased by 79% across the city, since January this year. Does a) the administration share my concern with this shocking increase and b) what action will be taken to get Brighton & Hove’s young people out of the job centre and into work?”

**Reply from Councillor Shanks, Cabinet Member for Children & Young People**

- 42.15 “This is a worrying trend that is reflected across the country. Recent figures show that this month nationally youth unemployment reached 1.027m – the highest level since records began in 1992. The Administration is also deeply disappointed to see the removal or reduction programmes that supported opportunities for young people in the city, including the Education Maintenance Allowance, Future Jobs Fund and higher education funding.

The council has direct responsibility for supporting young people aged 16 – 18 into employment, education or training. Job Centre Plus works with those who are 19 and over. We also support young people with Special Educational Needs / Learning Difficulties and Disabilities up to the age of 24. We do not work with or hold information on the majority of young people over 19.

The increase in youth unemployment quoted in a recent report refers to 16 – 24 year olds. The percentage of 16-18 year olds who are not in education employment or training for January 2011 was 8.3% (519 young people). The average for June to August 2011 was 7.9% (559), below the figure for the same period last year. This compares with 7.0% for England as a whole and regionally with 8.6% for Portsmouth and 20.3% for Reading. Since April 2011, Brighton and Hove has a Youth Employability Service working with 16-18 year olds who are not in education employment or training. The council also runs a number of successful apprenticeship schemes and is closely linked to the City Employment and Skills Plan and Apprenticeship Strategy. There are a number of positions available to young people in Brighton & Hove (50 vacancies as at 6/12/11).

We are working closely with providers and young people to look at the range of pre-apprenticeship provision available for those young people who are not quite ready to

access a full apprenticeship programme. Youth unemployment is being taken very seriously and it has been identified as one of priorities in the new City Employment & Skills Plan (CESP). Priority three of the new CESP action plan aims to ensure that local residents are equipped to compete for jobs in the city's labour market.

The CESSG is also looking to tackle the shortage of graduate level jobs by creating a City Prospectus and holding a City Expo to showcase existing businesses in key sectors, attract inward investment and brand the city as a place in which to do business. Also, in Brighton & Hove City Council we have been preparing for the new Raising the Participation Age (RPA) targets since 2008 and we have developed City Curriculum 2015 (CC15) in response to this."

**(h) Councillor Marsh**

- 42.16 "Can the Cabinet Member reaffirm her party's manifesto promise to do all she can to protect local Sure Start centre's and other nurseries from cuts?"

**Reply from Councillor Shanks, Cabinet Member for Children & Young People**

- 42.17 "There has been a significant reduction in specific grant funding from central government available for children's services and we have to work within these restraints. As pledged, Bright Start Nursery has been protected. We propose to continue to provide all of the Children's Centre nurseries while ensuring value for money through co-locating services where possible.

We plan to consult on the future strategy for children's centres across the city which we hope will ensure that we continue to deliver services to our most disadvantaged children and families."

**(i) Councillor Marsh**

- 42.18 "Regarding the administration's manifesto commitment to help groups of schools develop in-house environmental officers, you said that you stood by this commitment and that you were "pushing against an open door." Could you tell me whether you have managed to open that "door" yet and provide me with an update?

**Reply from Councillor Shanks, Cabinet Member for Children & Young People**

- 42.19 "With effect from 1 November 2011 the council contracted with a not for profit company called Resource Futures who will work with local charity, the Sussex Wildlife Trust to provide Environmental Education Support to the city's schools over the next three years. One part of the wide ranging tender required that bidders 'Help groups of schools to develop in-house environmental officer posts to save money and reduce the city's carbon footprint.'

Resource Futures proposes to support schools in achieving this, to offer guidance on sources of funding and to provide three Teacher Training Twilight Sessions each year. A steering group of school and council representatives is working with the contractors to identify suitable areas of focus for these sessions. The contract also requires that the

contractors support schools in their efforts to gain Eco-Schools awards and a further three inset sessions per year will offer advice and support to staff in this area.”

**(j) Councillor Mitchell**

- 42.20 “The administration said they would be bringing forward proposals for Gypsy and Travellers site(s) between November and December. Could they tell me what has happened to this pledge?”

**Reply from Councillor West, Cabinet Member for Environment & Sustainability**

- 42.21 “Members will be aware that the selection of a permanent gypsy and traveller site is a very complex issue. I am pleased to say that officers have made considerable progress and have assessed all possible sites that we are aware of. The process cannot be totally complete at this time as some of the potential sites lie within the National Park and we are not able to confirm a site until we have obtained planning permission. This is because ultimately the decision could lie with the National Park as the relevant planning authority.

What I can say is that using the methodology agreed with the national park an expansion of the Horsdean Transit site on Braypool Lane to accommodate a permanent site came out of the assessment process as clearly the strongest site and is likely to go forward to Cabinet for selection as the council’s preferred site. The Horsdean site is made up of former playing fields that were cut off by the A27 and so are flat, have good access and sit within a natural bowl. The transit site presently uses around half of the site.

Before any formal decision the council has to undertake further work to assess what landscaping measures could be used to lessen the impact and to also examine archaeology and biodiversity issues.

The methodology agreed with the National Park dictates that we also do further assessment on sites at Waterhall Farm and Hangleton Bottom. For various reasons both are less suitable than Horsdean. However, we do need to also look at the landscape, archaeology and biodiversity issues on these sites as well to support the planning application for Horsdean. We will be undertaking consultation with residents and travellers about the preferred site.”

**(k) Councillor Carden**

- 42.22 “Would Councillor West kindly tell me how he intends to clear the gutters and pavements of weeds and grass in North Portslade now that 5 members of staff are being laid off by Cityclean as well as clear the fly tipping that is continually going on?”

**Reply from Councillor West, Cabinet Member for Environment & Sustainability**

- 42.23 “No employees of Cityclean are being laid off. The council employs around 280 staff who will continue to collect recycling, refuse and clean the streets.



The council, like many others, is facing a very tough financial time. Over 4 years there will be a cut in council public spending of 33% and this does mean that we have had to consider the budgets for all areas of council spend including street sweeping. I have been very determined to avoid redundancies and there will be none from our proposals. It does mean we will not be employing to vacancies and it does mean reducing the levels of agency provision. These are not easy decisions but faced with reducing funds from government we are having to make very difficult choices.”

**(I) Councillor Hamilton**

- 42.24 “Your Administration has decided that no council employee will earn less than £7.19 an hour. When contracts with private sector agencies who provide services such as adult social care and school meals are renewed will you be insisting that staff working for agencies providing council services will likewise be paid at least £7.19 an hour?”

**Reply from Councillor Randall, Leader of the Council**

- 42.25 “The move to £7.19 an hour was part of the Administration’s commitment to reducing inequality by reducing the pay differentials within the authority and its work around developing a Living Wage for Brighton & Hove. To support this work further, in October 2011, a Living Wage Commission for the city was established. Through this commission the public sector (including a cross-party group of councillors), private and voluntary sector representatives and trade unions in Brighton & Hove are working together to consider the benefits and challenges of establishing a living wage for the city. The Commission is chaired by Julia Chanteray, who is also chair of the city’s Chamber of Commerce. Full details of the commission are available here:  
<http://www.brighton-hove.gov.uk/index.cfm?request=b1162204>

The commission is due to meet on a number of occasions between October 2011 and March 2012 and will look at:

What hourly rate would represent a living wage for the city,  
Whether agreement can be reached across the city on the benefits of introducing a living wage,  
How a living wage could affect employers.

As part of this work the Commission will look at procurement issues in relation to a potential Living wage, including considerations that need to be given to contractors and agency staff. The findings of the Commission will be presented at the Brighton & Hove Strategic Partnership and Cabinet in March 2012.”

**43. ORAL QUESTIONS FROM COUNCILLORS**

- 43.1 The Mayor reminded the Council that councillors’ oral questions would be taken in the order as listed on the Council Agenda and that a period of 30 minutes was set aside for the item. Should any questions not be reached at the end of the time period, those councillors would have the opportunity for their question to be carried over to the next Council meeting.

43.2 (a) Councillor G. Theobald asked, "As I had to learn of your administration's plans for a permanent traveller's site from the Argus, so much for the Green's consultation they always talk about. Perhaps you can advise me as to the exact location of your preferred site at Horsdean in relation to the existing site. What would the access arrangements be and finally whether the tenant farmer has been consulted?"

43.3 Councillor West replied, "I actually wrote to you around the same time as when we released the information to the Argus so I'm sorry those emails failed to get back to you quicker than you received your email. I have made that apology before. As to the preferred site, Horsdean is the preferred site; there is a shortlist of three and they have been announced as that was the requirement with arrangement with the national park. At this stage if you were to refer to Councillor Mitchell's written question you'll see the lengthy answer I've given there about permanent site and that might help.

At this stage we have research on over fifty sites; we've been looking at landscape and various other issues. We haven't at this stage progressed towards building up a detailed planning application but we have considered access issues and the available space at Horsdean which is an ex-recreation ground and we have considered that to be appropriate. There is existing access there, the site is level, it's not under tenancy it was just spare land, the remainder of the grounds that was cut off by the bypass that the transit site is built upon. So it would just be the adjacent portion."

43.4 Councillor G. Theobald asked the following supplementary question "Is this going to actually adjoin the existing traveller's site? Are you going to have a traveller's site and a permanent site right next door to each other? Will there be any division and as far as this being ex-recreation land, it depends how far forward you go with this land, it was countryside and that's why south down's conservation board was strongly against it.

Bearing in mind the two out of the three sites you are proposing fall within the South Down's National Park, can you confirm whether you have consulted with the South Down's National Park Authority and if so whether they are supportive of your plans given that the National parks predecessor the South Down's Conservation Board was strongly opposed to the use of Horsdean as a transit site because of the adverse effect on the South Downs. So I would remind you that they were very strongly against the existing transit site being located at Horsdean."

43.5 Councillor West replied, "We have considered all the potential sites together with the national park and they asked for a short list of three of which we have provided and they are happy of the criteria of which these three were judged upon. We can't pre judge a planning application that they as a planning authority within the national park would have to consider.

I have identified exactly what piece of land we are talking about, it is the remaining portion of the ex recreation isolated by the building of the Brighton bypass i.e. next door to the existing transit site. All the issues you raise about site separation and matters like that would be considered in the plan that we will offer up."

43.6 (b) Councillor Mitchell asked, "By twenty fifteen the city will need an extra ten to seventeen secondary school classes for each year group. That equates to fifty additional school classes for school pupils the equivalent of another Blatchington Mill

size school. This is taking into account the raising of the school leaving age. Can councillor shanks confirm that her administration has started work on identifying a site to provide a new secondary school for the city that the Green party promised prior to May this year?

Or is the Green administration planning to adopt the same policy that it has for primary places one of fitting more and more children into existing schools?"

- 43.7 Councillor Shanks replied, "By twenty eighteen we will need two hundred and eighty five more places. This is something that is concerning, I met with officers this morning where to put a secondary school in an ideal world. There are other developments going on in the city in terms of a possible University Technical College (UTC) which is being looked at and Colleges building developments, sixth form provision for instance in Hove. It is certainly something we would like to do.

- 43.8 (c) Councillor Wealls asked, "According to my research on the cost of trader's parking permits nearby towns and cities, Southampton is three hundred and six pounds a year, Eastbourne is two pounds a day, Crawley is ten pounds a week, Croydon is three hundred and fifty pounds a year, Worthing two hundred and twenty five pounds a year and Portsmouth a hundred and eighty pounds a year.

As we know next year you are proposing to put traders parking permit prices up to seven hundred and fifty pounds a year. Councillor Davey what is your festive message to the hard-pressed traders of Brighton and Hove and please don't tell us it would be even worse if they lived in Lewes in your answer."

- 43.9 Councillor Davey replied, "The prices of Trader Permits and Business Permits vary a great deal across many for urban areas and the parking issues and problems vary a great deal over various urban areas as well so I think Brighton's problems are particularly unique and the situation we've inherited with the Trader's Permits is that there's a waiting list of two years on Trader's Permits, so many trader's are having to go through the inconvenience of going down to Hove Town Hall and queue up to pay to get a waiver and park on double yellow lines or go through the inconvenience and expense of using one of the pay and display so the proposal is to increase the traders permits so they will be around two to three pounds per working day and can be significantly less than other places.

Also to take the cap off the list so that many of those trader's that have been asking for permits for many years will now be able to have one so for those traders that will be able to have one think that is a positive message."

- 43.10 Councillor Wealls asked the following supplementary question, "The other bit of research I did was what the average skilled trader's income was per annum in this city and it was twenty three thousand eight hundred pounds which is quite considerably less than the deputy leader of the Council, do you have an extra four hundred pounds spare at the end of the year that you fancy spending on parking permit to go about your business?"

- 43.11 Councillor Davey replied, "That is a personal question; I don't know whether that is either relevant or appropriate."

- 43.12 (d) Councillor Marsh asked, "Can the cabinet member confirm where in the administration's manifesto's pledge to protect youth services especially for young people at risk of becoming not only NEET's or following into the criminal justice system and therefore at risk of offending and not only a very great tragedy to them and a great drain on resources."
- 43.13 Councillor Shanks replied, "We do have to comply with national targets to reduce the numbers of young people not in education, employment and training, teenage pregnancy, young people misusing substances and first entrants to the criminal justice system. We are continuing with our provision in that area."
- 43.14 Councillor Marsh asked the following supplementary question, "Would you agree with me that clients of council's services for young people are complimented by the excellent community and voluntary sector provision in this city and would she therefore agree with me that she will maintain the funding for those organisations who deliver so well and efficiently in this city to continue providing these much needed services?"
- 43.15 Councillor Shanks replied, "The overall spending on youth services is the same as it was with the previous administration and we are also going to be increasing that provision for youth services in that budget by an extra three hundred thousand for the community and voluntary sector because I agree with you that they're extremely important and we want to support that provision as much as we can."
- 43.16 (e) Councillor Norman asked, "Seventy percent of those responding to an Argus survey want a council tax freeze, given your stated intention to be the most open and transparent council ever, in the face of such an overwhelming response from our council tax payers; what can the Green administration say to justify it's intention to raise council tax by three point five percent in the next three years?"
- 43.17 Councillor J. Kitcat replied, "The online poll is just a poll, and I understand that they were votes across the country particularly from certain conservative associations so it may not be the most accurate. But also we are continuing to consult, we've had a number of events and we've also had the online budget simulator. They've all had a different set of views and we need to take a look at the fullness of that. Let's be clear; the gimmick of the tax freeze is just that, it would leave this council five point four million pounds worse off over two years, if you're in favour of that tell us where you're going to save the money, you've yet to do that yet, I'm waiting."
- 43.18 Councillor A. Norman asked the following supplementary question, "As well as not thinking in the same way as two thirds of the Argus readers, will councillor Kitcat also be ignoring the views of more than one thousand five hundred and fourteen who have so far signed a petition to stop the proposed cuts of the children's music service?"
- 43.19 Councillor J. Kitcat replied, "I would like to point out that so far only twenty four percent of responses to the budget proposals have actually been negative in our monitoring of that and in relation to the music service we are reviewing that and we're listening to the consultations responses."

Five days before our budget was announced the government did announce a raft of changes to music services nationally and we are working through that so we look forward to working with all councillors, with the music service and understanding the full depth of the information coming from the government. As you know it's not always put forward as clearly as you would like."

- 43.20 **(f)** Councillor Morgan asked, "I should first declare a personal non prejudicial interest as a season ticket holder at the Albion and apologies for not doing that earlier."

Given the significant successes of Brighton and Hove Albion Football Club in getting sixty eight percent of its supporters to travel to the stadium by sustainable modes of transport and his professed support for the club's expansion plans, will councillor Randall now make a clear statement to the full council today that he sees the provision of the additional parking spaces on the council attained land at Falmer as being an integral part of the overall transport solution for that expansion which will provide more jobs and secure the club's future as a potential premier league team?"

- 43.21 Councillor Randall replied, "I'm impressed by the work that the Albion has done on getting that percentage of people to the ground by public transport. It measures well against other clubs in the country, in fact its better by two thirds than the average of clubs in the football league and it's twice as good, I believe, on average as clubs in the premiership and it's something, I think the Albion should be proud of."

- 43.22 Councillor Morgan asked the following supplementary question, "Given the urgent need for more student accommodation in the city what will Councillor Randall be doing to ensure that the universities get this additional accommodation and the council gains a capital receipt from this land in the shortest possible time?"

- 43.23 Councillor Randall replied, "We have been talking to the Albion, who have been talking to the universities about the provision of student housing on the site and that's one of the options we are looking at."

- 43.24 **(g)** Councillor Cobb asked, "What steps is the council taking to address anti social behaviour by rough sleepers on the seafront?"

- 43.25 Councillor Wakefield replied, "We have had a very great rise in rough sleepers in Brighton and Hove at the moment, which is a sad occurrence. As far as anti social behaviour goes, complaints and nuisances are initially investigated by the housing officer if it's a housing issue. If it's on the streets it will normally be dealt with by the police. There is also a 'rough sleepers' who go out and visit the rough sleepers on the street there any anti social behaviour of a rough sleeper will be treated exactly the same way as anti social behaviour by anybody else on our streets in Brighton and Hove."

- 43.26 Councillor Cobb asked the following supplementary question, "Can the arches on the Kingsway pitch and putt be bricked or bordered up to provide a long term solution to prevent further rough sleeping for reasons of public nuisance and health and safety. In the past the area has been left in a terrible mess and open fires have been lit on the site."

- 43.27 Councillor Wakefield replied, "That is no solution to the rough sleeping issues in Brighton and Hove. I personally, as Cabinet member for housing, would like that there is a rough over the head of every rough sleeper in Brighton and Hove."
- 43.28 (h) Councillor Barnett asked, "Does the Cabinet member for housing think it's fair that council tenants who have taken a pride in their homes and paid for home improvements themselves are then denied the opportunity to have a new kitchen or bathroom as part of the Council's decent home work? There are residents who have provided their own new kitchen but have been deprived a bathroom."
- 43.29 Councillor Wakefield replied, "We follow a very strict system that all our tenants as far as housing improvements go for kitchen and bathrooms. As Cabinet member for housing I also have a mailbox full of queries about kitchens and bathrooms and decent house standards. The governments decent house standards has two separate tests that mentioned kitchens and bathrooms. The first test is to ensure that the home is in a reasonable state of repair.
- A kitchen will fail this test if it is thirty years or older and in poor condition. A bathroom will fail this test if it is forty years or older and in poor condition. Kitchens and bathrooms are considered as other building components and one is allowed to fail and still meet the decent home standard this means that two need to fail to have one replaced. This is something that we are working with."
- 43.30 (i) Councillor Hyde asked, "Figures obtained through freedom of information requests show that Brighton and Hove City Council has the third highest number of tax payer funded Union representatives after all the unitary authorities just behind Birmingham, Nottingham and Leicester. Does the Cabinet member consider that this expenditure is just a fireball in the current economic climate and will he make a commitment to significantly reduce it in 2012/2013?"
- 43.31 Councillor J. Kitcat replied, "We have more services in house so we have a greater need for union representation but let's not forget that the number of union representatives was actually increased by the Conservative administration to help deal with single status issues. As they are now winding down we are discussing with the unions about the opportunity to reduce some of that provision. I will be able to update the council in the New Year."
- 43.32 Councillor Hyde asked the following supplementary question, "The tax payer's money being used to fund the unions is almost three times the funding cut that you're proposing to the children's music service, so does the cabinet member think that some of the money might be better spent supporting our children's music services?"
- 43.33 Councillor J. Kitcat replied, "Why are the Government imposing above average reductions in this Council's funding? I've asked both the Tory MPs for the city to ask the minister why we are getting above average cuts and they have refused to respond. Why are the Government cutting this Council's funding by above average? It is unfair and we oppose it."
- 43.34 (j) Councillor Simson asked, "Two years ago when I was cabinet member for communities, the conservative administration recognised the need to work with children

younger than youth services provided for, that's the 8-13 year olds especially now more deprived communities. We wanted to see what positive outcomes we could achieve by giving this age group new and different opportunities, letting them experience different things and hopefully to try to raise their aspirations for the future so that they could make a positive contribution to their communities.

Since May we seem to have heard nothing from the new administration so I would like to ask the cabinet member, when will we see the results of the 3 projects set up and how will these be incorporated into the youth services review and the way youth services are delivered in the future?"

- 43.35 Councillor Shanks replied, "I personally feel that it was a national mistake for the youth service to concentrate only on over 13's and I would certainly like to improve provision for 8-13's in the long term. Our play service does a good job but has limited funding. We are not proposing to reduce funding for the play service in this budget. The three projects that you mention; I have spent a lot of time with the children can do project, where young people actually work together to look at bids other young people put in for provision and I visited them and it is an excellent project so there will be a review to see how that money was spent and the sort of provision that we might be able to carry forward from that. People in the city do a lot of good voluntary work; we certainly want to encourage the work that goes on."
- 43.36 Councillor Simson asked the following supplementary question, "£ 200,000 was allocated to the budget each year 2011 and 2012. The budget for the first year allocated £60,000 each to the three projects that were agreed and £20,000 for setup analysis and reporting costs. Could the cabinet member please tell me how the £200,000 for this year has been allocated and if it hasn't as I suspect it may not have been, could she please commit to using this money in the way it was intended to support children and young people aged 8-13 years through community work provided by the community and voluntary sector."
- 43.37 Councillor Shanks replied, "It is still in our budget for this year, I think it's in the communities' budget. I will provide you with a written answer as I do not currently have the details at hand."
- 43.38 **(k)** Councillor Mears asked, "Following on from our administration when tenants were fully consulted and engaged in the formulation of the allocation policy, can the cabinet member give me assurance that she will consult, fully, with all tenants the very proposed changes affecting council tenants that her administration brings forward?"
- 43.39 Councillor Wakefield replied, "At the moment we are in consultation about allocation policy specifically on care leavers, as you are aware. We had a housing CMM on 19<sup>th</sup> October where we agreed to a twelve week consultation to the proposed changes to the Council's portal on the 17<sup>th</sup> November. To comply with the community engagement framework this consultation will take place with all communities of interest including young people in council care; those who have left our care aged up to 21 years together with their representatives such as social workers, foster carers, children's homes and supported housing staff and participation advocacy workers."

Full details of the consultation and its responses will be contained in the final report of housing CMM and to full council in March 2012. I do have a list here of the program of consultation of all the different groups including tenant consultation and I am happy for you to have that.”

- 43.40 Councillor Mears asked the following supplementary question, “Following on from the Green budget proposals and the study that’s been brought forward with adult social care, can the cabinet member confirm if she proposes to consult with all tenants regarding the proposed loss of sheltered housing from the council’s stock to adult social care regarding extra care?”

As members will know many tenants look to access sheltered housing later in life, the Green’s budget proposals will clearly block this for many tenants, can the cabinet member tell us when she’s proposing to consult tenants on sheltered housing?”

- 43.41 Councillor Wakefield replied, “This question crosses over two portfolios of housing and adult social care and health. There have been two scoping meetings of the extra care housing commissioning group a tenant representative is, at the moment, being sought by the housing commissioner who is part of that commissioning group. When that tenant is chosen or comes forward they will be the tenant’s voice on that particular commissioning group.”

- 43.42 (I) Councillor Peltzer Dunn asked, “In regards to Victoria Gardens and the occupation of that land. Can you comment on the basic reasons, rather than just the weather, which has led to the administration hawking its policy and what cost was incurred by the city council for the clearing and cleaning for the site which of course thus represents a charge to the representatives whom you represent?”

- 43.43 Councillor Duncan replied, “The council administration hasn’t altered its policy; I will give you a written answer regarding the exact cost incurred by this Council clearing the site. If you go back and tweak the phrase and ask a silly question you will receive a silly answer. I find it surprising if the cost for cleaning the site were anything like as high as the cost would have been the legal cost for seeking possession for the site earlier. The primary responsibility of the City Council and our Police colleagues is to keep the City safe.

The site of the former Occupy Camp has now been cleared. Occupy began as a peaceful protest and the vast majority of those present were responsible. However, the unacceptable behaviour of a minority of people at the former Camp clearly put themselves and others at risk, and the Council will work with colleagues in the Police Service to ensure that any further activities do not place either the community or public service officers at risk.”

- 43.44 Councillor Peltzer Dunn asked the following supplementary question, “Would he confirm that the statement made on to the effect that many complaints received by the council regarding the occupation of Victoria gardens is factually correct? Can he confirm that administration many of which were refrained from making comments which could by some be taken as an active encouragement of such occupations?”



43.45 Councillor Duncan replied, "In regards to the first of your two supplementary questions, I can confirm we received no complaints at all apart from conservative politicians many of whom it would appear represent areas not Victoria Gardens. In terms of the second question, it is not our role to either encourage or discourage any particular forms of protest it is our role to maintain public safety, to work with our colleagues in the police and elsewhere to minimise crime and disorder and to effectively minimise nuisance for those living, working and visiting the city. I think these are all things our policy has done."

43.46 (m) Councillor Janio confirmed that in view of Councillor Kennedy's absence he wished to withdraw his question.

43.47 The Mayor noted that the question had been withdrawn.

43.48 (n) Councillor Turton asked, "At October's council meeting, councillor Davey said increases in parking charges would not be significant. Less than a month this administration said it was increasing parking charges, trader permits up by £350 to £750, business permits from £175 to £400, fifteen minute pay and display from 20p to £1 all with the policy aimed at deterring cars from the city.

Does the cabinet member stand by his response that increases would not be significant or will he apologise for misleading the council?"

43.49 Councillor Davey replied, "The proposed changes are to bring some order to a rather chaotic collection of tariffs which have developed over many years and as everybody will see if you look at the whole range of them some have gone up some have gone down and some have stayed the same. So there is a broad range of adjustments up, down and no change for some.

There is a rationale behind various changes particularly when it's encouraging the use of the car parks on the edge of the city centre where it is as minimal as possible such as London road, Trafalgar Street and Norton road. There is even a reduction in the one arrow week day rate for those areas."

43.50 Councillor Turton asked the following supplementary question, "Does he not recognise that these increases will hit families, local businesses and jobs hard at a time of severe economic difficulty or does he actually simply not care about introducing the congestion charge by stealth which would be damaging to our local economy? It is the wrong decision for the wrong reason at the wrong time and he may wish to come back to Councillor Theobald about exactly how much money this going to be created in 2012 – 2013."

43.51 Councillor Davey replied, "I could not pick out a question so I will leave it there."

#### **44. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.**

##### **(a) Callover**

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

- Item 45 - City Employment & Skills Plan & Action Plan 2011-14
- Item 46 - Private Sector Agents, Scrutiny Panel Review
- Item 47 - Statement of Licensing Policy Consultation Response
- Item 48 - Localism Act 2011
- Item 49 - Review of Policy Framework – School Admissions

**(b) Receipt and/or Approval of Reports**

- 44.2 The Head of Democratic Services confirmed that the following report on the agenda with the recommendations therein had been approved and adopted:

Item 50 - Review of Financial Regulations.

**(c) Oral Questions from Members**

- 44.3 The Mayor noted that there were no oral questions.

**45. CITY EMPLOYMENT & SKILLS PLAN & ACTION PLAN 2011-14**

- 45.1 Councillor Randall introduced the report which related to the City Employment & Skills Plan and reflected the current economic climate and the challenges ahead for the council and the city, with the threat of a double-dip recession being more likely. The plan detailed three main outcomes in regard to providing a one-stop shop, tackling the shortage of graduate level jobs and in the long-term exploring the impact of eco-technology within the city. He noted that the full plan was available on the council's web site and recommended it to all Members.
- 45.2 Councillor Morgan welcomed the plan and noted that the targets were ambitious and that action was required to stimulate growth within the local economy if jobs were to be created. He hoped that the council would examine everything it did in order to help provide jobs and attract inward investment.
- 45.3 Councillor Mears welcomed the report and stated that it was vital to enable people to develop skills and businesses to grow in the city.
- 45.4 Councillor C. Theobald noted that there were economic considerations beyond the council's control but it was important to work with partners and local businesses to have a co-ordinated approach. She stated that the council should be looking to support local businesses for example reducing parking charges across the city.
- 45.5 Councillor Randall noted the comments and stated that the current government's anti-European approach was not helping and the work of Brighton & Hove Albion should be admired. He believed the plan outlined a way forward and hoped that it would be supported.
- 45.6 **RESOLVED:** That the City Employment & Skills Plan 2011-14 be endorsed.

**46. PRIVATE SECTOR AGENTS - SCRUTINY REVIEW PANEL REPORT**

- 46.1 Councillor Randall introduced the report which detailed the findings of the Private Sector Agents Scrutiny Review Panel and stated that he wished to thank the previous members of the panel the officers who supported its work. He hoped that the action taken in regard to the panel's recommendations would lead to improvements and that local letting agents would sign up to the accreditation scheme.
- 46.2 Councillor Mears welcomed the report which she noted had been sometime in coming forward and hoped that there would be a time-line in respect to reviewing the actions that had been accepted.
- 46.3 Councillor Randall stated that there was a huge amount of dissatisfaction with letting agents across the city, albeit that there were good examples and he would ensure Councillor Mears received the information on how the recommendations were being taken forward.
- 46.4 **RESOLVED:** That the report be noted.

**47. STATEMENT OF LICENSING POLICY CONSULTATION RESPONSE**

- 47.1 Councillor Deane introduced the report, which outlined the findings of a consultation exercise in relation to a review of the Council's Licensing Policy and the proposed increase of the Cumulative Impact Area (CIA) and Special Stress Areas (SSA). The report also detailed the proposed introduction of a matrix approach to licensing decision making. Councillor Deane referred to a recent article in the Observer newspaper which had highlighted the benefits of a late night 'booze bus' to ease the problems faced by local communities and town centres in regard to late night drinking. She noted that the Licensing Committee had fully supported the proposals, as well as the police and health partners and recommended the changes to the Council.
- 47.2 Councillor Cobb stated that she supported the recommendations although the matter was a free vote for the Conservative Group.
- 47.3 Councillor Lepper stated that she had given the matter a great deal of thought since the Licensing Committee meeting and still had some reservations in regard to the consultation process and the fact that even the extended CIA and SSA's would not prevent further licensing applications from being made and/or successful. She was concerned that this fact was not fully appreciated by the public and hoped that thought would be given to how this message could be given.
- 47.4 Councillor Simson stated that she had also expressed her concerns over the matter and the possibility of legal challenge to the CIA and suggested that there was a need to target problem premises given the level of resources available. She was in favour of the matrix approach and noted that only this week the Licensing Panel had received an appeal from a premises in the heart of the CIA.
- 47.5 Councillor Sykes stated that the police had to deal with late night disturbances and he supported the extended CIA and noted that Licensing Panels had been able to place

restrictions on various applications to help with controlling the availability of alcohol and late night drinking. He hoped that all Members would support the recommendations.

- 47.6 The Mayor congratulated Councillor Sykes on his maiden speech.
- 47.7 Councillor Wealls noted that the proposed extension could instigate an interesting debate for the central Hove Wards and noted that there had only been a few responses to the consultation from those residents. However, he fully supported the recommendations and believed they would be welcomed by residents of Brunswick & Adelaide.
- 47.8 Councillor West stated that it had been a long journey and one which had had a number of misgivings initially in regard to the establishment of a CIA and SSA. He believed the proposed changes were the right ones and that they would have a positive effect for the city.
- 47.9 Councillor G. Theobald stated that he fully supported the recommendations and believed that in having gone out to consultation and had such support for the proposals that it was incumbent on the council to implement them. He noted that Chief Inspector Nelson was present at the meeting and that the Police were in favour of the proposals.
- 47.10 Councillor Deane thanked everyone for their comments and noted that the deputation earlier in the meeting had shown the support for the proposals and therefore commended the report to the council. She also asked for a recorded vote to be taken.
- 47.11 The Mayor noted that a recorded vote had been requested and that sufficient Members had indicated their support for one to be held and asked the Head of Democratic Services to conduct the vote.

	NAME	FOR	AGAINST	ABSTAIN
Cllr	Barnett		x	
	Bennett	Absent		
	Bowden	✓		
	Brown	✓		
	Buckley	✓		
	Carden	✓		
	Cobb	✓		
	Davey	✓		
	Deane	✓		
	Duncan	✓		
	Farrow	✓		
	Fitch	✓		
	Follett	✓		
	Gilbey	✓		
	Hamilton	✓		
	Hawtree	✓		
	Hyde			x

	Janio	✓		
	Jarrett	✓		
	Jones	✓		
	Kennedy	Absent		
	A. Kitcat	✓		
	J. Kitcat	✓		
	Lepper	✓		
	Littman	✓		
	MacCafferty	✓		
	Marsh	✓		
	Meadows	✓		
	Mears			X
	Mitchell	✓		
	Morgan	✓		
	A. Norman	✓		
	K. Norman	✓		
	Peltzer Dunn	✓		
	Phillips	✓		
	Pidgeon	✓		
	Pissaridou	✓		
	Powell	✓		
	Randall	✓		
	Robins	✓		
	Rufus	✓		
	Shanks	✓		
	Simson			X
	Smith	✓		
	Summers	✓		
	Sykes	✓		
	C. Theobald	✓		
	G. Theobald	✓		
	Turton	✓		
	Wakefield	✓		
	Wealls	✓		
	Wells	Absent		
	West	✓		
	<b>Total</b>	<b>46</b>	<b>1</b>	<b>3</b>

47.12 The Mayor confirmed that the vote was in favour of the recommendations.

**47.13 RESOLVED:**

- (1) That the expansion of the Cumulative Impact Area and the Special Stress Area as shown on the map in appendix 3 to the report be approved; and
- (2) That the implementation of a matrix approach to licensing decisions as shown in appendix 1 to the report be approved.

**48. LOCALISM ACT 2011 - CHANGING GOVERNANCE ARRANGEMENTS**

- 48.1 Councillor J. Kitcat introduced the report which outlined the options and timescales available to the council for changing its governance arrangements following the Royal Assent of the Localism Act on the 15<sup>th</sup> November. He noted that it had been the will of the council for sometime to have the ability to move to a committee system for decision-making and he hoped that this could be taken forward by a cross-party working group with a view to new governance arrangements coming into operation with effect from Annual Council in May 2012.
- 48.2 Councillor Mitchell welcomed the report and the ability to move to a more inclusive approach for decision-making, which would be more democratic. She also hoped that the success of the overview and scrutiny process would be retained within the new governance arrangements.
- 48.3 Councillor Peltzer Dunn stated that he fully supported the proposed change to a committee system and welcomed the excellent report from officers.
- 48.4 Councillor Randall stated that he welcomed the report and fully supported Councillor Mitchell in her comments regarding overview and scrutiny and trusted that it would be maintained in a new committee system as it had served the council well over the years.
- 48.5 The Mayor noted that the recommendations had been moved and put them to the vote.

**48.6 RESOLVED:**

- (1) That the provisions of the Localism Act which enable the Council to change its governance arrangements either in May 2012 or at a later Annual General Meeting be noted;
- (2) That it be agreed in principle to change the governance arrangements from Leader and Cabinet to a Committee System with effect from Annual Council in May 2012;
- (3) That officers be instructed to prepare detailed proposals for a committee system and to bring the proposals for a Committee System to the Governance Committee and Full Council for approval; and
- (4) That officers undertake the necessary preparation including, as appropriate, briefings, training and modifications to ways of working.

**49. REVIEW OF POLICY FRAMEWORK - SCHOOL ADMISSIONS ARRANGEMENTS**

- 49.1 Councillor Littman introduced the report, which had been considered by the Governance Committee following the decision of the council to include the School Admissions Arrangements in the Council's Policy Framework. The report detailed the policies and documents which related to school admissions and which if agreed would form part of the policy framework that would be brought to full council.
- 49.2 Councillor Mitchell stated that she supported the recommendations but sought clarification from the Cabinet Member for Children & Young People in regard to the

recent expansion of schools and additional classes and how these would take account of new school applications.

- 49.3 Councillor Shanks confirmed that any applications made after the usual consultation process would be considered along with those received in line with the normal deadlines. However, it was useful to have an indication of how many places were being requested for various schools.
- 49.4 The Mayor noted that the recommendations had been moved and put them to the vote.
- 49.5 **RESOLVED:** That the Council's Policy Framework include 'School Admission Arrangements' and that this be interpreted to cover the council's admissions policy (as represented by the admissions booklet for primary and secondary schools), and the School Organisation Plan.

## 50. REVIEW OF FINANCIAL REGULATIONS

- 50.1 **RESOLVED:** That the amendments as set out in the report and more particularly indicated in the appendices to the report be approved and come into immediate effect.

## 51. NOTICES OF MOTION.

### (a) New Measures Needed to Address Housing Crisis

- 51.1 The Notice of Motion as detailed in the agenda was proposed by Councillor Wakefield on behalf of the Green Group and seconded by Councillor Randall.
- 51.2 Councillor Farrow moved an amendment on behalf of the Labour & Co-operative Group, which was seconded by Councillor Carden.
- 51.3 The Mayor noted that the amendment moved by Councillor Farrow had not been accepted by Councillor Wakefield and therefore put the proposed amendment to the vote which was lost.
- 51.4 The Mayor then put the following motion to the vote:

"This council expresses its concern at the range of ineffectual policies introduced by the Coalition Government to address the housing crisis facing Brighton and Hove and the rest of the nation. Furthermore, it believes Ministers should stand back and pause and reflect as they have done in other policy areas and reconsider their proposals.

It therefore requests the Chief Executive of Brighton and Hove City Council to write to Chancellor of the Exchequer George Osborne and Communities Secretary Eric Pickles urging them to take action to deal with the housing crisis by:

1. Diverting a proportion of the £75 billion of quantitative easing away from the banks and devoting it to launching a national social housing building programme of 100,000 homes a year over the next three years, to shorten the national housing waiting list and create thousands of jobs and apprenticeships and training in the

building industry, the building supply chain and professional services like architects and surveyors;

2. Ending the sale of council homes and abandoning their proposals to increase Right to Buy discounts for council tenants; and
3. Abandoning plans to introduce 80 per cent market rents for new housing association homes and relets and new council homes, which will lead to increased housing hardship and homelessness.

It also calls on the city's three MPs to lobby Ministers in support of the council's case on these three points."

**51.5 The motion was carried.**

**(b) City in Bloom Brighton & Hove**

51.6 The Notice of Motion as detailed in the agenda was proposed by Councillor C. Theobald on behalf of the Conservative Group and seconded by Councillor A. Norman.

51.7 Councillor West moved an amendment on behalf of the Green Group, which was seconded by Councillor Duncan.

51.8 The Mayor noted that the amendment moved by Councillor West had not been accepted by Councillor C. Theobald and therefore put the proposed amendment to the vote which was lost.

51.9 The Mayor then put the following motion to the vote:

"This Council believes that a visually attractive and well looked after Brighton & Hove not only benefits the local economy by increasing visitor numbers, but also helps to make the city's residents feel proud of where they live.

This Council recognises the priority that the previous Administration gave to maintaining and improving the city's parks, gardens and general street scene through measures such as planting additional flowerbeds, decorating vacant shop fronts, cracking down on graffiti and removing estate agents boards from central Conservation Areas. Furthermore, this Council agrees that this level of investment in the city's appearance will be more important than ever in 2012, when the city will host the Olympic Torch and the Queen will celebrate her Diamond Jubilee.

Therefore, this Council notes with grave concern the decision by the current Administration to review its funding for the City in Bloom project. City in Bloom, which has enjoyed the support of the previous two Administrations, brings together volunteers, community gardeners and businesses from across Brighton & Hove, with one aim – to make the city a more attractive place in which to live, work and visit.

This Council agrees that the £30,000 spent funding City in Bloom is far outweighed by the economic benefit it brings to the city and the civic pride that it engenders amongst



local communities. Furthermore, the knock-on effects of withdrawing the funding could include cancellation of the city's hanging baskets contract and turfing over of flower beds in the city's parks and gardens.

Therefore, this Council urges the Cabinet to rule out any cuts to City in Bloom when putting forward its budget proposals for 2012/13."

**51.10 The motion was carried.**

**(c) Drop the Bill**

51.11 The Notice of Motion as detailed in the agenda was proposed by Councillor Morgan on behalf of the Labour & Co-operative Group and seconded by Councillor Marsh.

51.12 The Mayor then put the following motion to the vote:

"The Coalition: Our Programme for Government', promised:

- a) "that health spending increases in real terms in each year of the Parliament"; and,
- b) to, "stop the top down reorganisation of the NHS".

However, this council notes that just over one year later:

- a) the NHS has been cut in real terms by £800 million; and,
- b) the Health and Social Care Bill includes the biggest reorganisation in the history of the NHS, at a cost of £2 billion.

Moreover, this council is concerned that the Health and Social Care Bill risks:

1. breaking up the NHS and creating an unfair postcode lottery with no national standards;
2. increasing waiting times and a two-tier NHS as it scraps the cap on hospitals treating private patients at the same time as watering down guarantees on NHS waiting times;
3. turning the NHS into a full-blown commercial market, putting competition before patient care, allowing private companies to cherry-pick quick profits;
4. undermining the bond of trust between doctors and patients as it creates conflicts of interest where financial incentives could interfere with medical decisions;
5. wasting money and creating bureaucracy in spending £2 billion on a re-organisation at the same time as asking the NHS to find £20 billion worth of efficiency savings.

Patients in Brighton & Hove are already starting to see the NHS going backwards, with more local people having to wait longer for vital tests- for example, over 2,000 local people waited over six weeks for hospital cancer tests after being referred by their GP, compared to just over 100 patients facing similar delays last year.

Furthermore, many thousands of people have already called on the Government to stop, including 1,500 local people who recently signed a local petition to 'Save the NHS' and this council fully supports city residents in this campaign.

For the reasons outlined above, this council believes that this Government should drop the Health and Social Care Bill.

Therefore this council resolves to:

1. Write directly to the Prime Minister and the Health Secretary urging them to drop the Health and Social Care Bill; and
2. Call on the Members of Parliament representing Brighton & Hove to actively oppose the Health and Social Care Bill in Parliament

**51.13 The motion was carried.**

**Motion to terminate the meeting:**

51.14 In accordance with Procedural rule 17, the Mayor noted that the meeting had been in session for over four hours and she was therefore required to move a closure motion to effectively terminate the meeting.

51.15 The Mayor moved the closure motion and put the matter to the vote which was lost and therefore resulted in the continuation of the meeting

**(d) Intelligent Commissioning and the Community & Voluntary Sector**

51.16 The Notice of Motion as detailed in the agenda was proposed by Councillor Wealls on behalf of the Conservative Group and seconded by Councillor Simson.

51.17 Councillor Gilbey moved an amendment on behalf of the Labour & Co-operative Group, which was seconded by Councillor Lepper.

51.18 Councillor Randall moved an amendment on behalf of the Green Group, which was seconded by Councillor Follett.

51.19 The Mayor noted that the amendment moved by Councillor Gilbey had been accepted by Councillor Wealls and the amendment moved by Councillor Randall had not been accepted by Councillor Wealls. She therefore put the proposed amendment from the Green Group to the vote which was lost.

51.20 The Mayor then put the following motion as amended to the vote:

“This Council recognises and values the hugely positive impact of Brighton & Hove’s thriving local community and voluntary sector (CVS). It is estimated that the local CVS contributes £96 million to the local economy each year with approximately 19,200 volunteer positions, giving 57,600 per week of volunteer hours.

Furthermore, this Council strongly supports the principles of the Intelligent Commissioning process in the provision of public services in the city, as outlined in the Cabinet report of April 2010. In particular:

- It should result in the best people, delivering the best outcomes at the best value for the taxpayer,
- That there should be a genuinely level playing field between the Council and the **local** CVS (including social enterprise, co-ops and mutuals),
- That service provision should be embedded within the local community.

This Council warmly welcomes the contribution that the local CVS has made to the development of the Intelligent Commissioning process to date and embraces the enhanced opportunities that it brings for the sector.

However, this Council notes with concern that the Intelligent Commissioning process appears to have lost much of its initial impetus in recent months and acknowledges real concerns from the local CVS that services will not be commissioned on a genuinely level playing field.

Therefore, this Council requests that Cabinet:

1. Renews its commitment to further developing the Intelligent Commissioning process as a potential means of delivering higher quality and better value services to the residents of Brighton & Hove; and
2. Takes the principles outlined in this notice of motion fully into account in any future commissioning decisions.

**51.21 The motion was carried.**

**(e) The Disproportionate Impact of Government Cuts on Women**

51.22 The Notice of Motion as detailed in the agenda was proposed by Councillor Powell on behalf of the Green Group and seconded by Councillor Phillips.

51.23 The Mayor congratulated Councillor Powell on her maiden speech.

51.24 The Mayor then put the following motion to the vote:

“This council notes the Government has embarked on an unprecedented cull of public services. Budgets have been slashed in all areas, from health and education to the legal aid service and benefits for the neediest in our society.

Women are the main victims of these cuts, according to the Brighton Women's Centre. More women than men work in the public sector, many of them part-time, and face unemployment as a result of the Coalition's attack on public services. Indeed, according to research released in the Autumn by the GMB, 66.4 per cent of the jobs lost by councils this year were held by women, and female unemployment is rising across the board.

Other Government cuts, like those to tax credits for example, further penalise women.

Researchers from the House of Commons Library calculate that 73 per cent of the £2.37 billion the Chancellor plans to raise from changes to tax credits and a cap on public sector pay will come from women who will lose £1.73 billion. Deep cuts in social housing budgets are condemning a rising number of local women to homelessness and poor housing.

In its continuing work to end discrimination against women and others, the council recently adopted a new Equality Impact Assessment policy requiring the impact of all budget proposals to be analysed to make sure equalities implications are considered as part of any proposal. The council also supports organisations such as The Fawcett Society and the TUC who have been campaigning hard to ensure gender equality issues are factored in to the way cuts are made to ensure women don't bear the brunt.

Specifically, we note and support the Fawcett Society's 'Life Raft for Women's Equality' campaign [1], which calls on the Government and councils to do four things:

1. Help support families
2. Help support women and girls who are the victims of violence
3. Help make work pay for low-income mothers
4. Help protect women from poverty in retirement

This council therefore resolves to:

- (a) Support Cabinet in its work to make Brighton & Hove City Council a 'best practice' authority in equality terms;
- (b) Ask the Chief Executive to write to the city's three MPs, expressing this council's concerns and asking them to support the Fawcett Society campaign and other campaigns aimed at achieving greater equality for women;
- (b) Endorse its support for the 'Life Raft for Women's Equality' campaign and work more closely with the Fawcett Society."

[1]

[http://www.fawcettsociety.org.uk/documents/A%20Life%20Raft%20for%20Women's%20Equality%20FINAL\(1\).pdf](http://www.fawcettsociety.org.uk/documents/A%20Life%20Raft%20for%20Women's%20Equality%20FINAL(1).pdf)

**51.25 The motion was carried.**

**52. CLOSE OF MEETING**

The Mayor thanked everyone and wished them a very happy Christmas before formally closing the meeting.

The meeting concluded at 9.55pm

Signed

Chair

Dated this

day of



<b>Council</b>	<b>Agenda Item 59(a)</b>
26 January 2012	Brighton & Hove City Council

<b>Subject:</b>	<b>Music &amp; Arts Services Cuts – Petition triggering a full council debate</b>		
<b>Date of Meeting:</b>	<b>26 January 2012</b>		
<b>Report of:</b>	<b>Monitoring Officer</b>		
<b>Contact Officer:</b>	<b>Name:</b> Mark Wall	<b>Tel:</b> 29-1006	
	<b>E-mail:</b> mark.wall@brighton-hove.gov.uk		
<b>Wards Affected:</b>	<b>All</b>		

### **For general release**

**Note:** The subject matter of the petition is an executive function and therefore not one that Full Council can make a decision on.

## **PETITION TRIGGERING A FULL COUNCIL DEBATE**

### **1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not a petition requesting officer evidence, it will be debated by the Full Council.
- 1.2 A combined paper and e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 4,234 signatures.

### **2. RECOMMENDATIONS:**

- 2.1 That the petition is referred to the Budget Cabinet Meeting on the 9<sup>th</sup> February for consideration.

### **3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:**

#### **3.1 The Petition**

"We the undersigned petition the council to not cut funding to the Brighton and Hove Music & Arts Service by 50% in 2012 and by 100% by 2013."

"Currently 2500 children each week are engaged in Music and Arts Service activities across the city including 500 families from low income backgrounds who access subsidies provided through the service. We believe that an "outstanding" Music and Arts Service, such as we have in Brighton and Hove, is an integral part of a comprehensive education for all children in our City. We urge the Council to reverse this proposed cut that will directly impact on children and young people across the city from all schools."

Lead Petitioner – Keith Turvey

3.2 As the subject matter of the petition relates to an executive function, the options open to the council are:

- To note the petition and take no action for reasons put forward in the debate;  
or
- To refer the petition to the relevant Cabinet Meeting; or
- To refer the petition to the relevant Cabinet Meeting with recommendations.

#### **4. PROCEDURE:**

4.1 The petition will be debated at the Council meeting in accordance with the agreed protocol:

- (i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the prayer of the petition and confirm the number of signatures;
- (ii) The Mayor will then call on the relevant Cabinet Member to respond to the petition and move a proposed response; (the Cabinet Member will have up to 5 minutes in which to respond);
- (iii) The Mayor will then open the matter up for debate by councillors and call on those councillors who have indicated a desire to move an amendment or additional recommendation(s) to the recommendation listed in paragraph 2.1 of the report; (Any Member speaking will have up to 3 minutes);
- (iv) Any councillor may move an amendment or recommendation, having regard to the recommendation in 2.1 above and any such proposal will need to be formally seconded;
- (v) After a period of 15 minutes, the Mayor will then call an end to the debate and ask the relevant Cabinet Member to reply to the points raised; (the Cabinet Member will have up to 3 minutes);
- (vi) The Mayor will then formally put:
  - (a) Any amendments in the order in which they are moved, and then
  - (b) The substantive recommendation(s) as amended (if amended).



<b>Council</b>	<b>Agenda Item 60</b>
26 January 2012	Brighton & Hove City Council

## **WRITTEN QUESTIONS FROM COUNCILLORS**

The following questions have been received from Councillors and will be taken as read along with the written answers which will be included in an addendum that will be circulated at the meeting:

**(a) Councillor Hyde**

“As a Brightonian I am very distressed at the Administration’s proposal to sell off the iconic mayoral number plate – CD 1 to raise a one-off sum of money. Can I ask the Leader of the Council to confirm that no more articles, historically associated with the mayoralty, will be sold off?”

**Reply from Councillor Randall, Leader of the Council.**

**(b) Councillor C. Theobald**

“How much will children’s music fees be increased by from 2012/13 as a result of the proposed ending of all Council subsidy to the Music Service and is the Cabinet Member concerned that this will make it considerably less likely that children from lower income families will learn to play a musical instrument?”

**Reply from Councillor Shanks, Cabinet Member for Children & Young People**

**(c) Councillor Peltzer Dunn**

“Can the Cabinet Member for Housing please tell me whether the Ainsworth House redevelopment contract was awarded before Christmas as she stated at the last Council meeting and when is she expecting building work to start?”

**Reply from Councillor Wakefield, Cabinet Member for Housing.**

**(d) Councillor Janio**

“Welcome new regulations issued by the Government mean that Local Authorities will now have to secure support from the local business community before introducing any workplace parking levy scheme. As this was one of the Administration’s key manifesto pledges, will Councillor Davey please confirm if any discussions with local businesses have taken place on this and, if so, what level of support he found?”

**Reply from Councillor Davey, Cabinet Member for Transport & Public Realm.**

**(e) Councillor A. Norman**

“At the last Council meeting, in response to a question from Councillor Carden on Cityclean, Councillor West stated that “over 4 years there will be a cut in council public spending of 33%”. Would Councillor West or Councillor Kitcat

please take the opportunity to correct this misinformation and apologise for misleading members and residents about the Council's Budget?"

**Reply from Councillor J. Kitcat, Councillor for Finance & Central Services.**

**(f) Councillor Peltzer Dunn**

"Will the Cabinet Member for Housing provide an estimate of the number of City Council properties that are currently sub-let and will she join with myself and the Leader of the Council in welcoming the Government's recent initiative to make sub-letting of council housing a criminal offence?"

**Reply from Councillor Wakefield, Cabinet Member for Housing.**

**(g) Councillor G. Theobald**

"Given the offer from the Government of £2.6 million to the Sussex Police Authority to freeze their council tax precept in 2012/13, can the Council's representative please update Members on how he intends to vote, on behalf of the residents of Brighton & Hove, at the forthcoming Authority Budget meeting?"

**Reply from Councillor Duncan, Cabinet Member for Communities, Equalities & Community Safety and Council Representative on the Police Authority.**

**(h) Councillor G. Theobald**

"At the last Council meeting I asked Councillor Davey if he would provide a figure for the budgeted parking income (both on and off street) for 2012/13. In his answer he only told me how much extra will be raised by the Administration's new proposals so please could he now give me the total figure for the whole city?"

**Reply from Councillor Davey, Cabinet Member for Transport & Public Realm.**

**(i) Councillor Cox**

"At the CMM on 30th November it was stated by the Administration that their proposed increases in city parking charges will lead to a 15% reduction in people parking across the city. Have they undertaken any research which would show:

- a) How many of these people will simply take their trade to other shopping centres outside of the city where parking is either much cheaper or free? and
- b) What the estimated loss in turnover to local businesses in the city will be?"

**Reply from Councillor Davey, Cabinet Member for Transport & Public Realm.**

**(j) Councillor A. Norman**

"Can the Cabinet Member for Children & Young People please tell me the value of the contract between Brighton & Hove City Council and Resource Futures / the Sussex Wildlife Trust to deliver environmental education in the city's schools, when this contract was awarded and by whom?"

**Reply from Councillor Shanks, Cabinet Member for Children & Young People**

**(k) Councillor K. Norman**

"Can the Cabinet Member confirm how much extra money Brighton & Hove will receive as part of the Coalition Government's 'new deal' to help enable older people to continue to live comfortably in their own homes?"

**Reply from Councillor Jarrett, Cabinet Member for Adult Social Care & Health.**

**(l) Councillor G. Theobald**

"Given that it is now over 12 weeks since the new Agency Workers Directive, signed up to by the previous Labour Government, was introduced, can the Cabinet Member please give me a more accurate picture of the additional costs to the local authority and across the city as a whole?"

**Reply from Councillor J. Kitcat, Councillor for Finance & Central Services.**

**(m) Councillor Bennett**

"In their local election manifesto the Green Administration made a commitment to create a ring-fenced fund for communities to make local environmental improvements. Can the Cabinet Member for Environment please update Council on how this is progressing?"

**Reply from Councillor Duncan, Cabinet Member for Communities and Community Safety.**

**(n) Councillor Farrow**

"It is being reported that there are proposals for the overall budget for Community Development to be cut by £100k. Would the Cabinet Member for Communities please confirm the exact amount of the cut that is being proposed and will he state what Community Development support will continue within Moulsecoomb and Bevendean Ward to enable this much needed work to continue. "

**Reply from Councillor Duncan, Cabinet Member for Communities, Equalities & Community Safety.**



<b>Council</b>	<b>Agenda Item 61</b>
26 <sup>th</sup> January 2012	Brighton & Hove City Council

## ORAL QUESTIONS FROM COUNCILLORS

A period of not more than 30 minutes is set aside for oral questions from Members, at the expiry of which, the Mayor will call a halt and proceed to the next item of business of the agenda. Any Member whose question then remains outstanding will be contacted to determine whether they wish to have a written answer provided or for their question to be carried over to the next meeting.

The following Members have indicated that they wish to put questions to the Leader, Cabinet Members, Chairs of Committees or Members of the Council that have been appointed to an outside body. The Councillor asking the question may then ask one relevant supplementary question which shall be put and answered without discussion:

**(a) Councillor G. Theobald**

*Subject matter - Traveller Numbers.*

**Reply from Councillor West, Cabinet Member for Environment & Sustainability.**

**(b) Councillor Mitchell**

*Subject matter – Financial Inclusion.*

**Reply from Councillor Duncan, Cabinet Member for Communities and Community Safety.**

**(c) Councillor Janio**

*Subject matter - Food Waste Collection.*

**Reply from Councillor West, Cabinet Member for Environment & Sustainability.**

**(d) Councillor Carden**

*Subject matter - Footpaths in North Portslade*

**Reply from Councillor West, Cabinet Member for Environment & Sustainability**

**(e) Councillor Peltzer Dunn**

*Subject matter - Occupation of Park Land.*

**Reply from Councillor Duncan, Cabinet Member for Communities, Equalities & Community Safety.**

**(f) Councillor Marsh**

*Subject matter – Libraries.*

**Reply from Councillor Bowden, Cabinet Member for Culture, Recreation & Tourism.**

**(g) Councillor Brown**

*Subject matter - Tourism Policy.*

**Reply from Councillor Bowden, Cabinet Member for Culture, Recreation & Tourism.**

**(h) Councillor Farrow**

*Subject matter - Ministerial Meeting.*

**Reply from Councillor Randall, Leader of the Council.**

**(i) Councillor Wealls**

*Subject matter - Schools Management.*

**Reply from Councillor Shanks, Cabinet Member for Children & Young People.**

**(j) Councillor Turton**

*Subject matter - Street Furniture.*

**Reply from Councillor Davey, Cabinet Member for Transport and Public Realm.**

**(k) Councillor A. Norman**

*Subject matter - Facilities for the Disabled.*

**Reply from Councillor Davey, Cabinet Member for Transport and Public Realm.**

**(l) Councillor Gilbey**

*Subject matter - Play areas in recreation grounds in North Portslade.*

**Reply from Councillor West, Cabinet Member for Environment & Sustainability**

**(m) Councillor Mears**

*Subject matter - Funding for Council Housing.*

**Reply from Councillor Randall, Leader of the Council.**

- (n) **Councillor K. Norman**  
*Subject matter – Waterhall.*

**Reply from Councillor West, Cabinet Member for Environment & Sustainability.**

- (o) **Councillor Hyde**  
*Subject matter - Help for small businesses.*

**Reply from Councillor Davey, Cabinet Member for Transport & Public Realm.**





**Council**

26 January 2012

**Agenda Item 63**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Proposed Submission East Sussex, South Downs, and Brighton &amp; Hove Waste and Minerals Plan</b>		
<b>Date of Meeting:</b>	19th January 2012   Cabinet <b>26th January 2012   Council</b>		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Lead Cabinet Member:</b>	<b>Councillor Kennedy</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mike Holford</b>	<b>Tel: 29-2501</b>
	<b>Email:</b>	<b>Mike.Holford2501@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No: 25774</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

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

- 1.1 This report is to inform Cabinet/Council on the progress of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan. The report also seeks approval to produce a Proposed Submission Waste and Minerals Plan prior to statutory public consultation and subsequent submission to the Secretary of State
- 1.2 The Waste and Minerals Plan (WMP) will eventually replace much of the Council's adopted Waste Local Plan and Minerals Local Plan. The WMP will provide planning policy for the management of all wastes and the production of all minerals in East Sussex and Brighton & Hove, including that part of the South Downs National Park within East Sussex and Brighton & Hove.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet is asked to recommend to Council that:-
  - The analysis of the response to the consultation on the draft Waste and Minerals Plan be noted;
  - The Proposed Submission Waste and Minerals Plan (PSWMP) is agreed and published for statutory public consultation for a six week period commencing on 21 February 2012.
  - The document be subsequently submitted to the Secretary of State subject to no material changes, other than alterations for the purposes of clarification, improved accuracy of meaning or typographical corrections, being necessary.

- The Strategic Director, Place be authorised to agree any alterations for the purposes of clarification, improved accuracy of meaning or typographical corrections to the text of the PSWMP with East Sussex County Council and the South Downs National Park Authority prior to consultation.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Following consideration by Cabinet at its meeting on 13 October 2011, a draft Waste and Minerals Plan (WMP) was published for public comment. The main approaches of the draft WMP comprised:
- Reducing the amount of waste produced;
  - making provision for increased treatment (e.g. recycling or recovery) of waste including planning for additional capacity for recycling/recovery facilities equivalent to the likely exports of waste for landfill;
  - identifying an area of focus for later searches for suitable locations for waste treatment facilities;
  - saving allocations for recycling/recovery facilities until the subsequent Sites document has been adopted;
  - recognising that the declining amounts of waste still requiring land disposal should utilise existing planning permissions outside the Plan area and therefore the Plan would not include any Areas of Search for landraise or landfill reflecting the Plan's policy steer to minimise the amount of waste sent to landfill or landraise
  - safeguarding existing landfill capacity;
  - resisting the disposal of residual waste from London in the Plan Area;
  - meeting the apportionment for aggregates advised by Government.
- 3.2. 87 responses (containing around 170 comments) to the draft WMP were received, which is in marked contrast to the nearly 3,000 received to an earlier draft 'Preferred Strategy' document (most of these were concerned with future land disposal in the Plan area). The responses generally support the broad thrust of the approaches set out in the draft WMP, with some respondents requesting a strengthening of policy protection in certain areas. Some concerns were raised about the Plan's approach of relying on other areas for the management of waste by land disposal (see below). A summary of the consultation process and the comments received is set out in Appendix One. All submissions will be made -available on the County Council's website.
- 3.3 Officer comments from Kent County Council included requesting greater certainty regarding the destination of non-inert and hazardous wastes requiring landfill. Surrey County Council raised a concern that landfill capacity in their area would not last as long as they had forecast if waste was imported and were not convinced that landfill capacity could not be developed. West Sussex County Council noted that there was declining land disposal capacity in their area and it was likely that sites further afield would have to be utilised. However, waste that might be exported to landfill would almost certainly be commercial and industrial, which is not directly managed local authorities but, instead, responds to market conditions. It is not, therefore, proposed to make any significant changes to the Plan's approach to land disposal although further evidence to support the position has been gathered.

- 3.4 Several respondents raised concern with the saving of Waste Local Plan (WLP) policy allocating land at Bexhill and Newhaven as suitable for waste management activity. No changes to the Plan are proposed in light of these comments as the matter of deciding on specific sites for future waste development will be properly and thoroughly dealt with as part of the development of the Sites document. This will involve a call for sites and thorough assessment of all possible opportunities taking into account constraints and consultation responses at that time.
- 3.5 In light of the comments received on the draft WMP no major changes in approach are proposed although the proposed text of the PSWMP has been strengthened (See Appendix 2 draft shortened version less supporting text - Full version is available on the Council's website). Based on evidence, assessments and consultation responses it is considered that the PSWMP represents a 'sound' document. It is therefore, proposed that a six week consultation period takes place between 21 February 2012 and 3 April 2012.
- 3.6 Subject to there being no further material changes to the Plan in light of comments, the Plan will be submitted to the Secretary of State who will appoint an Inspector for independent examination of the Plan.. The Inspector will be required to test the Plan for compliance with certain statutory provisions, including whether the Plan is "sound". More information on the tests of soundness is included in Appendix Three. Appendix Four sets out a shortened version of the PSWMP.
- 3.7 In testing the Plan the Planning Inspector will consider the way in which the Plan has been prepared, its content and evidence submitted by the Councils together with representations received as a result of consultation. The Planning Inspector will also hold a public examination and it is anticipated that this will take place in the Autumn 2012. Adoption is then programmed for Early 2013, following which, formal work will commence on identifying specific sites for waste and minerals development required by the WMP.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 Public consultation took place on the draft Waste and Minerals Plan from 27 October 2011 to 8 December 2011. Consultation on the proposed submission Waste and Minerals Plan will take place between 21 February 2012 and 3 April 2012 if the report recommendations are agreed.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The costs of the consultation on the draft Waste and Minerals Plan and of publishing the Proposed Submission Waste and Minerals Plan are being shared proportionally with East Sussex County Council and the South Downs National Park Authority. The council's share of the costs will be met from within the existing Waste Planning revenue budget.

*Finance Officer Consulted: Name Karen Brookshaw Date: 22/12/11*

#### Legal Implications:

- 5.2 Once adopted, the Waste and Minerals Plan will be a Development Plan Document ("DPD") within the meaning of the Planning and Compulsory Purchase Act 2004. The detail as to the preparation of this type of document is found in the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). Regulation 27 of the 2004 Regulations provides that, prior to submission to the Secretary of State for independent examination, a DPD must be publicised for a period of at least 6 weeks and representations invited. Any representations received by the local planning authority within the timescale set out must be forwarded to the Secretary of State. The consultation proposed by this report will need to comply with the publicity requirements set out in Regulation 27.

It is not considered that any adverse human rights implications arise from this report.

*Lawyer Consulted:*                      *Name Hilary Woodward*                      *Date: 16/12/2011*

#### Equalities Implications:

- 5.3 None directly arising from this report.

#### Sustainability Implications:

- 5.4 The planning system has a clear purpose to contribute towards the achievement of sustainable development. All planning policy documents will be appraised for their economic, social and environmental impacts. The WMP has been subject to a full Sustainability Appraisal.

#### Crime & Disorder Implications:

- 5.5 None specifically arising from this report

#### Risk and Opportunity Management Implications:

- 5.6 Risks to the project are regularly reviewed at project meetings. A risk is if the plan were to be found unsound by the Planning Inspector. As outlined in the report this is not considered to be a high risk.

#### Public Health Implications:

- 5.7 None arising directly from this report.

#### Corporate / Citywide Implications:

- 5.8 It is important that the planning policies are in place to provide a strategy for dealing with waste management and minerals production across Brighton & Hove and East Sussex.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 This is the only practicable option if the Waste and Minerals Plan is to progress towards adoption.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Approval of Council is required to submit the Waste and Minerals Plan for public examination.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Summary and analysis of the consultation process and comments received on the draft Waste and Minerals Plan
2. A Proposed Submission Draft Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove (shortened version)
3. Test of Soundness
4. List of Evidence Base Documents

### **Documents in Members' Rooms**

1. None

### **Background Documents**

1. See Appendix 4

## Summary and Analysis of the Consultation Process and Comments Received on the draft Waste and Minerals Plan January 2012

### Consultation Period

- 1.1 The consultation ran for six weeks, between 27 October and 8 December 2011.

### How people were notified

- 1.2 Notification was given by letter and email, with documents made available on the consultation portal and in local libraries or council offices.
- A factsheet was circulated to 20,000 residents in the Low Weald and in Bexhill. Factsheets were also sent to those who had responded to the Preferred Strategy consultation in 2009/2010.
  - Notification letters were sent to Parish Councils, District and Borough Councils in the Plan Area, neighbouring County Councils and adjacent authorities.
  - All consultees registered on the Objective database were notified by email, one week before the consultation began, as well as on the day the consultation started.
  - Neighbouring districts and parish councils were notified by email, as were key members of industry.
  - A reminder email was sent to everyone with an email address on the database (approx 1300 people) to let them know there was one week left to comment on the draft Plan.
  - Documents were made available at local libraries and District or Borough Council Offices, as well as through the East Sussex County Council website and at <http://consult.eastsussex.gov.uk>.

### Meetings

- 1.3 Letters to the Parish and Town Councils and Interest Groups included an offer to meet with them, if they felt this would be helpful.
- A stakeholder workshop was held at County Hall on 17<sup>th</sup> November 2011. This was attended by around twenty representatives from neighbouring counties, parish councils, local interest groups and the waste industry.
  - Meetings were held with Newhaven Town Council, Peacehaven Town Council, Polegate Town Council and a joint meeting of Lewes District Council and Lewes Town Council.
  - PAAL (Piltdown Action Against Landraise) requested a meeting, and this was held at County Hall, Lewes.

## Summary of Responses

- 1.4 87 individuals and organisations responded to the consultation, making around 170 comments. Comments were received in relation to Ashdown Brickworks, Pebsham Countryside Park, Newhaven and the Low Weald. There were no comments on Hangleton Bottom, Tutts Barn or Bellbrook. A summary of all responses received can be found below.
- 1.5 The majority of comments were supportive of the policies within the draft Plan. Particular support was given to
- 1) The move away from landraise policies (individuals, groups, Parish Councils. Districts and Boroughs);
  - 2) Less reliance on Ashdown Brickworks (individuals, groups, Parish Councils. Districts and Boroughs);
  - 3) The approach to waste management in alignment with the waste hierarchy;
  - 4) The approach to address concerns of local or host communities and requests that this is expanded throughout the Plan.
- 1.6 The following issues were raised as areas of concern, without objection to policy:
- 1) Forecasting of waste data relating to evidence other authorities hold;
  - 2) Plan is not aspirational enough in terms of reducing the level of waste produced or the use of technology;
  - 3) Requests from environmental bodies that policies are strengthened to increase protection for the natural environment in terms of biodiversity, soils and water quality;
  - 4) Clarification sought around implications for other forms of development by continued safeguarding of wharves, balanced by concerns from operators for more explicit safeguarding approach;
  - 5) Some concern that Ashdown Brickworks is not totally removed from consideration;
  - 6) Some concern that Pebsham Countryside Park could be affected by continued allocation for waste;
  - 7) Concern about additional waste uses proposed at North Quay, Newhaven
  - 8) Restriction of waste uses within the SDNPA
  - 9) Definition of 'major' development in relation to the SDNPA
- 1.7 In addition to the comments with asked for policy to be clarified, some consultees objected to the following:
- 1) The references to Ashdown Brickworks;
  - 2) The implications for Pebsham and Pebsham Countryside Park;
  - 3) The waste data forecasts and the implications for neighbouring authorities.



**List of respondents**

**County Councils**

Kent, Surrey, West Sussex.

**Districts and Borough Councils**

Rother, Wealden, Lewes, Eastbourne, Adur, Ashford, Mid-Sussex.

**Parish and Town Councils**

Brightling, Chalvington with Ripe, Chiddingly, Rotherfield, Newick, Ninfield, Arlington, Ripe, South Heighton, Laughton, Rottingdean, Ickelsham and Winchelsea, Plumpton, Cuckmere Valley, Telscombe, Polegate, Newhaven.

**Statutory Consultees**

Natural England, Environment Agency, HSE, Coal Authority

**Industry and Business**

Sovereign Harbour, Mineral Products Association, Southern Water, Dudmans, Positive Energy Sussex, Brett Group, Deanland Wood Park Ltd, Cemex, KTI, Magpie, Grovebridge Farm, Light Bros, Firle Estate, Rabbits, Ibstock (Veolia response to follow).

**Interest Groups and**

Wealden LSP, Brighton and Hove WAG, Friends of the Earth Brighton, Friends of the Earth Lewes, South Downs Society, CPRE Sussex, BALI, REAL.

**Individuals (30)**

Residents of the Low Weald, Pebsham and Bexhill.



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## Introduction

### What is this document?

**This document is a short version of the full Proposed Submission Draft Waste and Minerals Plan.**

**It sets out the key information contained in the main document.**

**In the full Proposed Submission Draft Waste and Minerals Plan you can also find extra supporting information and more detail about the policies and background studies that have informed the approaches.**

Copies of all the main documents will be available online and at your local council office. Copies of the consultation document will be available at main libraries across East Sussex and Brighton and Hove.

A separate factsheet (Factsheet No.4, February 2012) is also available which further explains the purpose and content of this document.

### What is the Waste and Minerals Plan?

The Waste and Minerals Plan will set out the strategic policy decisions for waste and minerals in the Plan Area.

Existing waste and minerals planning policy is contained in the adopted East Sussex and Brighton & Hove Waste Local Plan (2006), and Minerals Local Plan (1999). The policies from both have been 'saved' which means they will remain in force until replaced by policies in the new Waste and Minerals Development Framework.

The Waste and Minerals Development Framework will be made up of:

- The Plan;
- A waste sites document; and
- A minerals sites document.

### Document Guide

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## Introduction

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### Key dates for the Waste & Minerals Plan

The table below provides the dates of previous consultations and summarises the current timetable for key stages of the Plan. Once the Plan has been adopted, work will commence on the sites documents.

#### Key dates for the Waste & Minerals Plan

Stage	Date
Preferred Strategy consultation	21 October 2009 to 25 January 2010
Draft Plan consultation	27 October 2011 to 8 December 2011
Formal ('Regulation 27') consultation on the soundness of the Plan	22 February 2012 to 4 April 2012
Submission of the Plan to Government	Summer 2012
Public Examination	Autumn 2012
Adoption	January 2013

This is the opportunity to formally submit any representations on the soundness of the Submission document. Any comments will be taken into account by the independent Planning Inspector as part of the Examination which is anticipated to be held in Autumn 2012. The

## Introduction

examination is an independent assessment to ensure that the Plan satisfies the requirements of regulations and legislation, and is 'sound'. Please see our guide to making a representation which is available on the following website: [TBC](#).

### Information Papers

The Plan is supported by ten Information Papers which provide explanatory information related to the key issues addressed, and are signposted at appropriate point in this document. These are:

Information Paper 1 -	The Future Need for Waste Management
Information Paper 2 -	The Future Need for Minerals Production and Management
Information Paper 3 -	Sustainable Waste Management
Information Paper 4 -	Waste Management Methods and Technologies
Information Paper 5 -	Land Disposal
Information Paper 6 -	Spatial Portrait of East Sussex, Brighton & Hove and the South Downs
Information Paper 7 -	Hazardous and Radioactive Waste
Information Paper 8 -	Transportation of Waste and Minerals
Information Paper 9 -	Climate Change and Waste and Minerals
Information Paper 10 -	Waste Water and Sewage Sludge

## Introduction

### How do I submit representations on the soundness of the the Plan?

This is the formal stage of registering representations about the soundness of the Plan.

All representations must be received by midnight on 4 April 2012 to ensure that they can be taken into account by the Planning Inspectorate. Your comments will made available to view, so please do not include any information that you consider to be confidential. We will hold your name, address and contact details for use in future waste and minerals consultations.

#### On-line Submission of Representations

We strongly encourage you to view the document and send in your representations online, via the website <http://consult.eastsussex.gov.uk>, as this will help make significant savings of resources and paper.

Anyone can view the documents online, but to submit representations you will need to register at <http://consult.eastsussex.gov.uk>. Please contact us if you have any difficulty with the website.

#### Other ways to send us your representations:

By email	<a href="mailto:wasteandmineralsdf@eastsussex.gov.uk">wasteandmineralsdf@eastsussex.gov.uk</a>
By post	Economy, Transport & Environment, East Sussex County Council, C4 Waste and Minerals Policy (AP), FREEPOST (LW43), Lewes, BN7 1BR

#### For general queries you can contact:

East Sussex County Council	Tel: 01273 481846
Brighton & Hove City Council	Tel: 01273 292505



## Context 1

## Waste & Minerals Context

### Waste and Minerals: What are they?

**1.1 Waste** or 'rubbish' is generally defined as materials and goods we discard because we no longer want or need them. Many different types of solid and liquid waste are produced in the Plan Area and the Plan applies to them all.

**1.2 Minerals** are natural substances including metals, rocks, and hydrocarbons (solid and liquid) that are extracted from the earth by mining, quarrying and pumping. They are used in a wide range of applications related to construction, manufacturing, agriculture and energy supply. Mineral resources that may be available in the Plan Area in workable quantities include sand and gravel, chalk, clay, gypsum, and searches have been undertaken for oil and gas.

### Waste in the Plan Area

**1.3** Around 1.75 million tonnes of solid waste are handled in the Plan Area each year. The main types are:

- **Municipal Solid Waste (MSW)** is taken in this Plan to mean waste that is collected by local authorities. Generally it is from households (from doorstep collections and Household Waste Recycling Sites), from street cleansing, and from public parks and gardens<sup>(1)</sup>. The current production of over 365,000 tonnes per annum makes up about 21% of all wastes in the Plan Area.
- **Commercial and Industrial Waste (C&I)** from shops, food outlets, businesses, and manufacturing activities makes up about 27% of wastes in the Plan Area. It is difficult to get an accurate picture of how much C&I waste is produced because there are no requirements on producers of this waste to submit data for statistical purposes. It is estimated that around 475,000 tonnes of C&I waste was produced in 2008/9.
- **Construction, Demolition and Excavation Waste (CDEW)** is produced from building activity. The amount that arises fluctuates considerably due to economic and social factors, with increases during periods of high development and construction. An accurate figure for arisings is difficult to obtain and best estimates suggest that around 906,000 tonnes was produced in 2008/9.
- **Other wastes** include hazardous waste (around 19,000 tonnes per year), low level radioactive waste, liquid waste (other than wastewater), and wastes arising from the agricultural sector. Hazardous waste makes up approximately 1% of the total waste stream and altogether these wastes make up only a small proportion of the wastes generated in the Plan Area, although they still need to be planned for and usually require specialist treatment facilities with even tighter environmental controls.

**1.4** As well as solid waste, the Plan is concerned with the management of wastewater, which comprises the water and solids that flow to a waste water treatment works operated by a water company. There are 32 waste water treatment works within the Plan Area treating 60 million cubic metres of waste water each year.

1 Due to the wider EU Waste Framework Directive definition of MSW, a new definition has been brought into use in England which relates to the waste previously recorded as Municipal Solid Waste and this is 'Local Authority Collected Waste'. However for reasons of comparability and consistency with previous documents the term Municipal Solid Waste will continue to be used in this Plan.

# 1 Context

## Existing Waste Management in the Plan Area

**1.5** Although progress has been made towards more sustainable management of waste, in particular with the recent development of new facilities for managing MSW by recycling, composting and energy recovery, a significant proportion of solid waste produced by businesses and industry is still landfilled. This is unsustainable. Landfilling waste prevents it from being used as a resource (e.g. as a raw material produced from a recycling process); it is likely to be the least environmentally acceptable waste management option and landfill costs are rising steeply.

## Minerals in the Plan Area

### Aggregates

**1.6** Aggregates (sand, gravel, and crushed rock) are important for the improvement of infrastructure and buildings.

**1.7** Historically there has been low levels of extraction of 'land-won' sand and gravel in East Sussex, and imports of aggregates dredged from the seabed (known as marine aggregates) and crushed rock have been important in meeting local construction needs. Whilst there are several permitted sites for land-won aggregates, there is currently only one site producing building sand and it is located in an area now within the South Downs National Park<sup>(2)</sup>.

### Chalk

**1.8** There are no active chalk quarries in East Sussex. Chalk for agricultural use has recently been supplied by imports.

### Clay

**1.9** Clay is extracted in East Sussex for brick and tile manufacture, and also more recently for flood defences. There are currently four active sites, at Aldershaw Farm, Sedlescombe near Battle; Chailey Brickworks; Hastings Brickworks; and Ashdown Brickworks. There is also an existing planning permission for a new brick works and clay pit at Horam, as well as several dormant and inactive sites in East Sussex.

### Gypsum

**1.10** Gypsum is an important raw material for the construction industry, and is used in plaster and plasterboard, cement and other industrial processes. The resource near Robertsbridge in East Sussex is the largest deposit in the UK. Desulphogypsum (DSG), a by-product from coal fired power stations, can be used as an alternative to gypsum and has been used at the plasterboard plant.

### Oil and gas

**1.11** Exploration for oil and gas took place in East Sussex in the 1980s although no commercially viable resources were found. There is currently no exploitation of oil or gas in the Plan Area although there are several licences for exploration.

2 See Information Paper 2

## Context 1

### Recycled and Secondary Aggregates

**1.12** Supplies of land-won aggregates in the Plan Area are augmented by secondary aggregates and recycled materials alongside marine imports. In 2007 there were thirteen sites in the Plan Area which recycled aggregates, producing about 370,000 tonnes of recycled aggregates. It is anticipated that this pattern will continue to increase in accordance with national policies to increase their use.

### Wharves and Railheads

**1.13** Marine aggregates are imported through the ports of Newhaven, Rye and Shoreham. The capacity for receiving and processing marine-dredged and other aggregates through the three ports is over 3 million tonnes per annum (mtpa)<sup>(3)</sup> but actual throughput has been much lower.

**1.14** Bottom ash produced by the Newhaven Energy Recovery Facility is transported by rail to a processing facility in Brentford, west London.

**1.15** The only rail movement of minerals is DSG to the processing facility at Robertsbridge.

### Further information in the full consultation document

**1.16** In the full draft Waste and Minerals Plan you can also find further detail about the policy context, overview of waste and minerals in the Plan Area, and of the characteristics of the Plan Area.

## 2 Overarching Strategy

### Vision

#### **Vision for the Plan Area to 2030**

By 2030 the environmental footprint, in particular greenhouse gas emissions, associated with the production and management of waste and minerals in the Plan Area will have been significantly reduced.

Reductions in waste arisings will have occurred and the efficient production and use of materials will have been maximised. Most waste will be reused, recycled to provide goods or raw materials, or processed to provide energy (heat or power), with as little as possible being disposed of because it is the least sustainable option and because the environmental characteristics of the Plan Area mean that opportunities for disposal to land are severely restricted.

Facilities needed to manage waste and produce minerals will be designed, located, and operated to ensure that the area's built and natural heritage are preserved and even enhanced - from its exceptional countryside, which includes part of the South Downs National Park, the Heritage Coast, the High Weald AONB including Ashdown Forest, the Low Weald, and the Levels at Pevensey and Rye, to its distinctive and varied built environment which includes seaside towns and a city with grand Regency architecture as well as scattered Weald and downland villages.

The production of secondary materials will be maximised but where primary minerals are essential to meet the need for new development, both locally and the needs of the wider South-East region, the extraction and use of aggregates, clay, chalk, and gypsum, will take place in an efficient manner that protects the environment and local communities.

New planning applications for waste or minerals development will take into account concerns and interests of host communities, and seek to capture benefits for the local community.

## Overarching Strategy 2

### Objectives

#### Strategic Objectives

**SO1:** To achieve declining rates of growth of all wastes, to reduce the amount of waste produced, and to drive the management of waste up the hierarchy by reusing and recycling waste material into new products and recovering energy from materials that cannot effectively be recycled.

Relevant policies and delivery strategy: WMP 2, 2a, 2b, 2c, 2d, 3, 4a, 4b, 5, 6a, 6b

**SO2:** To achieve prudent and efficient use of minerals, having regard to the market demand and supply restrictions in the Plan Area, and to recognise waste as a resource in order to reduce local demands on water, energy, land, and primary raw materials including soil and minerals.

Relevant policies and delivery strategy: WMP 1, 2c, 2d, 3, 10, 11, 12, 13, 14, 15, 18, 22a, 22b, 23a, 23b, 25, 26, 27b

**SO3:** To make timely provision for sufficient facilities for the sustainable management of waste (including waste water) and production of minerals to meet forecast requirements for the Plan Area, in order to contribute as far as practicable to regional and national requirements for waste management and support the production of nationally and regionally important minerals.

Relevant policies and delivery strategy: WMP 2, 2a, 2b, 3, 8a, 8b, 9, 10, 11, 12, 13, 14, 15, 20, 21

**SO4:** To protect and enhance the environment, communities and human health through minimising harmful emissions to air (including greenhouse gases), water and land; minimising the use of natural resources (including greenfield sites); minimising impacts on protected habitats, designated landscapes, geological sites and heritage sites; and areas which have landscape character and quality which is sensitive to development including the South Downs National Park; and through ensuring high quality mitigation, compensation and restoration to appropriate after-uses. Account will be taken of local landscape character and distinctiveness.

Relevant policies and delivery strategy: WMP 1, 6a, 6b, 16, 17, 18, 19, 22a, 22b, 24, 25, 26, 27a, 27b

**SO5:** To manage waste and minerals at an appropriate scale, taking account of the distribution of waste sources and the limitations on the availability of suitable land in the Plan Area, as close to the sources as practicable in order to encourage communities to take more responsibility for the waste they create and to minimise the transport of waste and minerals *whilst still moving up the waste hierarchy*. Use the most sustainable and practicable mode where it is necessary to transport waste or minerals.

Relevant policies and delivery strategy: WMP 2e, 4a, 4b, 7, 17, 18, 20, 21, 25

## 2 Overarching Strategy

**SO6:** To ensure that sustainable waste management objectives are considered in all plans, strategies and proposals in the Plan Area, and that the design, construction and operation of all new development promotes sustainable waste management.

Relevant policies and delivery strategy: WMP 2a, 2d, 20

**SO7:** In recognition of limited capacity for disposal to land in the Plan Area, to dispose of waste to land as a last resort and seek appropriate after-use of land disposal sites to achieve conservation and enhancement of the environment.

Relevant policies and delivery strategy: WMP 2, 2b, 4a, 4b, 7, 7a, 7b, 7c, 16

**SO8:** To ensure facilities are designed, located and operated in a manner that takes the implications of climate change, and in particular rising sea levels, into account.

Relevant policies and delivery strategy: WMP 6a, 6b, 23a, 27a

## Overarching Strategy 2

### Local Strategy Statement- Approach to Key 'Larger than Local' Matters

**2.1** Waste and mineral planning authorities in preparing their plans are very conscious of the need to address the implications of their proposals on their neighbours in the wider area. Waste and mineral planning authorities are also further motivated to address these issues in order to have a coherent approach if the current regional plan framework were to be removed.

**2.2** Additionally, the trend in waste management and the production of minerals is to cater for markets that cross administrative boundaries, and in the case of certain waste activities deal with waste over considerable distances.

**2.3** The Local Strategy Statement is intended to give guidance on how the Authorities have approached 'larger than local' issues. There is an intention to gain consensus with our neighbouring authorities on the Statement.

**2.4** The key matters to be considered have been identified as follows:

#### **Waste**

1. Provision of waste management capacity requirements;
2. MSW recycling targets;
3. Sub-regional self-sufficiency - land disposal outside the Plan Area
4. London's waste;
5. Strategic management of hazardous waste.

#### **Minerals**

1. Provision and use of aggregates (sharp sand and gravel, and soft sand).

**2.5** The proposed actions to address these matters are set out in the full Proposed Submission Draft Waste and Minerals Plan.

## 2 Overarching Strategy

### Minerals and waste development affecting the South Downs National Park (WMP1)

#### Purpose of Policy WMP 1

To ensure development is sustainable and appropriate to the purposes and duties of the South Downs National Park Authority.

#### Policy WMP 1

##### Minerals and waste development affecting the South Downs National Park

- a) Minerals and waste development in the South Downs National Park should demonstrate that it contributes to the sustainable development of the area.
- b) Major minerals and waste development in the South Downs National Park should not take place except in exceptional circumstances, where it can be demonstrated to be in the public interest<sup>(4)</sup>. In this respect, consideration will be given to:
  - i. the need for the development, including in terms of any national considerations; and
  - ii. the impact of permitting or refusing the development upon the local economy; and
  - iii. the cost of and scope for developing outside the designated area or meeting the need in another way; and
  - iv. any detrimental effect on the environment, landscape and/or recreational opportunities and the extent to which it could be satisfactorily mitigated.

Development will only be in the public interest if the outcomes of i-iv above gives sufficient reason/s to override the potential damage to the natural beauty, cultural heritage, wildlife or quiet enjoyment of the National Park.

- c) Extensions to existing soft sand quarries or new quarry proposals in the National Park need to conform with (b) above and additionally demonstrate that the need could not be practically achieved by extraction in adjoining Counties.
- d) Small-scale waste management facilities for local needs should not be precluded from the National Park and should meet the requirements of Policy WMP 6a.

<sup>4</sup> In the case of minerals and waste proposals, all applications are defined by the Town and Country Planning (Development Management Procedure) Order 2010 as 'major'. However, for the purpose of this policy, major minerals and waste development is development that by reason of its scale, character or nature, has the potential to have a serious adverse impact on the natural beauty, wildlife, cultural heritage and recreational opportunities provided by the South Downs National Park. The potential for significant impacts on the National Park will be dependent on the individual characteristics of each case.



## Overarching Strategy 2

e) Proposals for the backfilling of redundant quarries within the National Park need to conform with (b) above and additionally demonstrate net long term benefits to the National Park and that they meet Policy WMP 7b criteria (a) to (e).

## Implementing the Waste Hierarchy (WMP2a-2e)

**2.6** This Plan proposes that the waste hierarchy is implemented in a number of key ways which are set out in policies below and summarised as follows:

1. Providing support for strategies and activities which seek to minimise waste or prevent it from occurring (Policies WMP 2a and 2d);
2. providing overarching support for businesses and activities which involve the re-use of materials or utilise materials which have been derived from waste (Policy WMP 2a);
3. setting minimum targets for recycling and recovering waste (Policy WMP 2b);
4. quantifying the need for the development of additional recycling and recovery infrastructure (Policy WMP 4);
5. encouraging the inclusion of recycling infrastructure in new developments (Policy WMP 2e);
6. promoting the capture and use of waste as a resource in the form of materials and energy (Policies WMP 2b and 2d); and,
7. keeping the requirements for the disposal of waste to a minimum and placing strict constraints on the development of new land disposal capacity (Policies WMP 2b, 7a and 7b).

### Purpose of Policy WMP 2a

To prevent waste occurring in order to reduce the amount of waste treatment capacity needed. To provide commitment to contributing to wider strategies about waste awareness and sustainable resource use.

To facilitate movement to the upper tiers in the waste hierarchy, and particularly to increase preparation for re-use, which will involve industries and developments beyond waste management facilities.

For development management authorities, this policy provides a clear framework for ensuring that sustainable waste management is taken into account in planning decisions about non-waste developments.

## 2 Overarching Strategy

### Policy WMP 2a

#### Promoting Waste Prevention, Re-use and Waste Awareness

To maximise waste prevention and re-use, the authorities will work with stakeholders and delivery partners to:

- a. promote strategies for waste prevention, re-use and waste awareness;
- b. develop more detailed action plans and policies;
- c. encourage developments that involve the preparation of materials for re-use.

Support will be given to non-waste management developments which involve the utilisation of materials, or energy, derived from waste as a resource.

### Policy WMP 2a

#### Promoting Waste Prevention, Re-use and Waste Awareness

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- a. promote strategies for waste prevention, re-use and waste awareness;
- b. develop more detailed action plans and policies;
- c. encourage developments that involve the preparation of materials for re-use.

Support will be given to non-waste management developments which involve the utilisation of materials, or energy, derived from waste as a resource.

### Purpose of Policy WMP 2b

To encourage the development of new waste recycling and recovery infrastructure which ensures waste which has been produced is managed as far up the waste hierarchy as possible and in a manner which minimises the production of greenhouse gases.

### Policy WMP 2b

#### Turning Waste into a Resource

Development proposals should demonstrate that they will contribute to the implementation of the waste hierarchy by indicating how the waste could be managed in the priority order of the hierarchy.

## Overarching Strategy 2

Proposals for the management of waste shall be permitted which are able to demonstrate the following:

1. That:

- the waste to be managed cannot reasonably be managed by a process which is further up the waste hierarchy; and,
- the proposed process is an option which delivers the best overall environmental outcome;

And,

2. The operation of the facility will:

- contribute to meeting or exceeding the targets set out in Tables 3, 4 and 5; and,
- not displace the management of waste which is already managed, or likely to be managed, by a process which is further up the waste hierarchy than that being proposed, unless the proposal would result in fewer greenhouse gas emissions overall;

All proposals shall be considered in the context of the generic development management policies of this Plan and the wider Development Plan for the Plan Area.

**2.7** Consideration will be given to preparing guidance for developers which sets out how this policy will be implemented.

### **2.8** Municipal Solid Waste<sup>(5)</sup> Targets

**Table 3** Targets for the Management of Household Waste in the Plan Area

<i>Year</i> <sup>(1)</sup>	<i>Recycling</i> <sup>(2)</sup>	<i>Overall Recovery</i> <sup>(3)</sup>
2015/16	45%	98%
2020/21	50%	98%
2025/26	55%	98%

1. Targets shall apply to the average achieved during the target year.

2. Recycling includes composting.

3. Overall recovery target is the total percentage of waste diverted away from land disposal and includes re-use, recycling and composting.

### **2.9** Commercial and Industrial Waste Targets<sup>(6)</sup>

**Table 4** Targets for the Management of C&I Waste in the Plan Area

<i>Year</i>	<i>Recycling</i>	<i>Overall Recovery</i>
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5 Taken to mean waste that is collected by, or on behalf of, a local authority, from households, public parks and gardens and street cleansing; or waste delivered by households to household waste sites.

6 Commercial and Industrial waste is waste collected from businesses and establishments and includes that collected from businesses and establishments by local authorities.

## 2 Overarching Strategy

2015/16	70%	95%
2020/21	70%	98%
2025/26	70%	98%

### 2.10 Construction, Demolition and Excavation Waste Targets

Table 5 Targets for the Management of CDEW in the Plan Area

Year	Recycling	Overall Recovery
2015/16	50%	98%
2020/21	50%	98%
2025/26	50%	98%

#### Purpose of Policy WMP 2c

To recognise that energy recovery is lower in the waste hierarchy than other processes so proposals will need to be justified accordingly, and ensure that where energy recovery does take place, the capture of heat and/or energy from those processes should be in the most sustainable and efficient manner possible. This includes taking into account the EU Waste Framework Directive as well as Government policy about increasing use of renewable energy and decentralised power sources, and more broadly about mitigating against climate change.

#### Policy WMP 2c

##### Production of Energy from Waste

Proposals for waste management facilities primarily intended to recover energy from waste will only be permitted if it can be demonstrated that appropriate capture of energy will take place in accordance with the EU Waste Framework Directive.

Applicants should demonstrate that the feasibility of recovering heat for local use has been thoroughly considered and, where appropriate, methods for doing so have been incorporated into the development.

Proposals should set out how they contribute to the supply of renewable, decentralised, or low carbon energy sources, and the Government objectives of contributing to the EU2020 renewable energy target.

## Overarching Strategy 2

### Purpose of Policy WMP 2d

To ensure that the waste hierarchy is taken into account during construction and demolition activities associated with all new development which require planning permission (not just those that involve the management of waste).

To encourage architects, project funders, and contractors to minimise waste through the life-cycle of a project by 'designing out waste'.

It is envisaged that this policy will be implemented by all planning authorities in the Plan Area.

### Policy WMP 2d

#### Minimising and Managing Waste During Construction, Demolition and Excavation

When assessing development proposals, all planning authorities will consider how the applicant proposes to minimise the waste arising from construction, demolition and excavation works in order to maximise the sustainable management of waste and in particular, to minimise the need for landfill capacity.

All development proposals will be expected to:

- a. Demonstrate how the durability of the construction has been maximised<sup>(7)</sup>;
- b. minimise the waste arising from construction, demolition and excavation activities;
- c. move the management of CDEW waste as far up the waste hierarchy as practicable;
- d. take account of relevant legislation, the guidance within the Construction & Demolition Waste SPD (including any subsequent updates); and
- e. demonstrate how they will monitor progress within the lifetime of the construction phase of the development.

#### Temporary waste facilities on construction sites:

Major construction sites or development areas (such as housing developments) should provide temporary waste management facilities to separate and where appropriate recycle Construction, Demolition and Excavation Waste.

Where space on site allows, development should be phased to encourage re-use of recycled material and also to minimise the transport of waste materials from the site and the import of new materials. Temporary screening banks may be needed around any onsite processing facility to minimise the impacts on adjoining areas and on completed parts of the development. Where these are to be retained as permanent features they must be designed to conserve and enhance local landscape character.

7 E.g. Through use of durable materials which minimise requirements for refurbishment and extend the life of the development

## 2 Overarching Strategy

### Purpose of Policy WMP 2e

To ensure that new developments take place in a manner which allows for the convenient sustainable management of waste. For example the policy will ensure that, where appropriate, space is made available for the storage and collection of separated recyclable materials e.g. bring banks.

It is envisaged that this policy will be implemented by all planning authorities in the Plan Area.

### Policy WMP 2e

#### Waste Management in New Development

Proposals for new developments (housing, retail, commercial and industrial uses) should identify the location and provision of facilities and infrastructure intended to allow for the efficient management of waste within the overall site plan. This includes provision for waste collection and separation (including communal facilities), and for allowing proper manoeuvring of waste collection vehicles.

All new development proposals should facilitate the convenient separation and collection of household and business waste, as appropriate; as well as ensuring ease of access for waste collection.

## Sustainable Provision and Use of Minerals (WMP3)

### Purpose of Policy WMP 3

To deliver the sustainable use and production of minerals using the minerals hierarchy, for example by promoting secondary and recycled materials.

### Policy WMP 3

#### Sustainable Provision and Use of Minerals in the Plan Area

Proposals for minerals development shall be assessed against the following overarching principles in terms of the contribution they make to sustainable provision and use of minerals in the Plan Area:

- a. To make provision for a steady supply of minerals in accordance with national policies;

## Overarching Strategy 2

- b. To support development that produces secondary materials (that can be used as an alternative to primary materials) and/or utilises reused or recycled materials;
- c. Allowing primary mineral production only where it is demonstrated the need cannot be met by sources of alternative materials, and that there is evidence of viable resources; and
- d. Only allocating further mineral resources if needed to meet our agreed share of national requirements unless material considerations indicate otherwise.

## 3 Providing for Waste

### Provision of Built Waste Facilities (WMP4)

#### Purpose of Policy WMP 4

To identify the future need for recycling and recovery facilities, and avoid any adverse effects over-provision of capacity could bring.

To provide flexibility in the Plan to demonstrate 'net self sufficiency' by allowing for additional recovery capacity of an amount equivalent to that amount that is identified as needing to be exported for disposal to land.

Table 6 Estimated Quantity of Waste to be Managed in the Plan Area (tonnes)

	2015/16		2020/21		2025/26	
	<i>Min</i>	<i>Max</i>	<i>Min</i>	<i>Max</i>	<i>Min</i>	<i>Max</i>
<b>MSW</b>	361,000	392,000	356,000	414,000	352,000	437,000
<b>C&amp;I</b>	429,000	478,000	420,000	481,000	412,000	483,000
<b>CDEW</b>	853,000	879,000	832,000	924,000	811,000	971,000

**3.1** Similar figures are anticipated in the years immediately after 2025/26.

**3.2** The projected capacity gap for recycling and recovery including the allowance equivalent to that exported to landfill indicates:

- That based on the expected requirement to meet Plan targets, the recycling capacity by 2026/27 could be between 30,000 and 170,000 tonnes per annum. and
- demand for recovery capacity is in excess of existing capacity and this is likely to continue throughout the Plan period. The recovery capacity demand will reduce once the Newhaven ERF becomes fully operational, however a capacity deficit will still exist of between 60,000 and 220,000 tonnes per annum.

**3.3** In addition the data modelling<sup>(8)</sup> suggests that there is currently sufficient capacity for bulk metal recycling and inert CDEW recycling during the Plan period.



## Providing for Waste 3

### Policy WMP 4

#### Provision of Built Waste Facilities to Ensure Net Self-Sufficiency

Provision will be made for a sustainable network of waste recycling, composting and other recovery facilities in the Plan Area sufficient to at least meet the indicative waste management capacities set out in the following tables, which includes an amount equivalent to the requirement for land disposal capacity beyond the Plan Area.

	<b>Recycling<sup>(9)</sup> and composting capacity (tonnes per annum)</b>	
Year	Minimum	Maximum
2015/16	0	80,000
2020/21	0	120,000
2026/27	30,000	170,000

The development of further recycling capacity above that shown in the table above will reduce the need for additional other recovery capacity and may be needed for market reasons. The development of recycling capacity in preference to other recovery capacity will be permitted in accordance with Policy WMP 2b.

	<b>Other Recovery capacity (tonnes per annum)</b>	
Year	Minimum	Maximum
2015/16	60,000	200,000
2020/21	80,000	220,000
2026/27	60,000	220,000

Applications for additional recovery capacity, above that shown in the table above, would need to demonstrate that the proposal reduced disposal to land requirements.

**3.4** Similar provision would be needed in the years immediately after 2026/27. Capacity requirements will be monitored in the Authorities Monitoring Reports. An indication of the additional number of strategic facilities needed to meet the above shortfalls is shown in Table 8.

<sup>9</sup> Recycling capacity does not include transfer capacity where unsorted materials are simply bulked up or capacity for recycling of bulk metals

### 3 Providing for Waste

#### Potential Number of Facilities

Table 8 Potential Number of Facilities

	Recycling and Composting		Recovery	
	Small	Large	Small	Large
2015/16	0/5	0/1	1/4	1/2
2020/21	0/8	0/2	2/4	1/2
2026/27	2/11	1/3	1/4	1/2

#### Overarching Strategy for Built Waste Facilities

The proposed overarching strategy for provision of built waste facilities in the Plan Area is as follows:

1. Safeguard capacity at existing waste facilities as appropriate (see Policy WMP 5)
2. Allow for appropriate expansion and alteration of existing facilities (see Policy WMP 21)
3. Identify broad areas of focus for recycling and recovery facilities within which a network of sites will be identified in the Waste Sites DPD. The areas of focus reflect proximity to waste arisings, accessibility to A class roads and railways, and exclude flood risk areas and valued environments (see Sustainable Locations for Waste Development and Policies WMP 6a and WMP 6b, and the Waste Key Diagram)
4. Continue to save the following Waste Local Plan policies (and the issues and constraints included on the associated inset plans):
  - WLP7 Site Specific Allocation for Road to Rail Transfers, which identifies Sackville Coalyard, Hove;
  - WLP8 Site Specific Allocations for Material Recovery Facilities/Waste Transfer Stations, which identifies sites at:
    - Hangleton Bottom
    - Hollingdean Depot (this area has been partially developed for a MRF and WTS)
    - Bellbrook Industrial Estate
    - Land at Tutts Barn
    - Pebsham WDF
  - WLP9 Site Specific Allocation for Energy from Waste and Materials Recovery Facilities, which identifies North Quay (this area has been partially developed for an Energy Recovery Facility)

## Providing for Waste 3

### Safeguarding Waste Sites (WMP5)

#### Purpose of Policy WMP 5

To safeguard existing waste management facilities as appropriate.

To safeguard certain areas in order to support the delivery of waste management facilities in the most appropriate locations.

To safeguard Waste Local Plan site-specific allocations for waste management facilities.

#### Policy WMP 5

##### Safeguarding Waste Sites

To ensure waste management capacity in the Plan Area is maintained and enhanced, waste management sites as described below will be safeguarded unless it is demonstrated that alternative capacity is permitted and delivered elsewhere within the Plan Area, or unless it is demonstrated that the waste management provision is no longer needed to meet either local or strategic needs:

- a. Existing waste management sites (waste facilities plus supporting infrastructure) with permanent planning permission;
- b. Sites that have planning permission for waste management use but have not yet been developed for that purpose;
- c. Sites allocated for waste uses in any development plan document except as indicated in section 9.

Development proposals which would prevent or prejudice those sites for waste management uses will be resisted.

Waste Consultation Areas<sup>(10)</sup> will be identified in the Waste Sites DPD to help ensure that existing and allocated sites for strategic waste management facilities are protected from development that would prejudice an existing or future waste management use.

10 Waste Consultation Areas are intended to be a tool for use by Planning Authorities in considering development proposals that could prejudice an existing or allocated waste management site. WCAs will normally include a distance of 250 metres around any such site.

### 3 Providing for Waste

## Sustainable Locations for Waste Development (WMP6a,6b)

### Purpose of Policy WMP 6

To identify broad areas (Areas of Focus) within the Plan Area within which the best opportunities for locating waste recycling and recovery facilities are more likely to be found.

The Areas of Focus identified in this policy, and shown on the Waste Key Diagram, will guide preparation of the Waste Sites DPD.

### Policy WMP 6a

#### Sustainable Locations for Waste Development (excluding land disposal)

Sites for additional waste recycling and recovery facilities, whether new developments or extensions to operations on existing sites, should be sought within the broad Areas of Focus indicated on the Key Diagram inset plan. The sites identified in the Waste Sites DPD will also conform to the strategy set out here.

Proposals should demonstrate how they will balance the need to be located close to waste arisings, moving waste management up the waste hierarchy, and minimising adverse impacts on communities and the environment.

Proposals for development will only be considered outside of the Areas of Focus if it can be demonstrated that:

- a. There are no suitable sites available within the Areas of Focus to meet identified needs, or they are small-scale facilities predominantly to meet smaller, more localised needs only<sup>(11)</sup>; and
- b. The development will contribute to moving waste management up the waste hierarchy and minimising greenhouse gas emissions; and
- c. They are well related to the relevant main treatment facilities within the Plan Area.

#### The South Downs National Park and the High Weald Area of Outstanding Natural Beauty

Small-scale facilities should not be precluded from the SDNP and High Weald Area of Outstanding Natural Beauty where the development is for local needs<sup>(12)</sup> and where it would not compromise the objectives of the designation.

11 Smaller, localised facilities can be essential in helping to provide local solutions for collecting, sorting, bulking, and transferring and treating wastes in complementing the waste treatment provided at more strategic larger-scale facilities.

12 Smaller, localised, facilities are generally considered to include: local recycling facilities e.g. businesses collecting, storing, sorting and bulking waste materials prior to their transfer to waste processing sites; local scale materials recycling facilities which collect, sort, and bulk recyclable materials prior to transfer; waste transfer stations where waste is bulked up and transferred in larger loads to a waste recovery or disposal facility; scrap yards and inert

## Providing for Waste 3

In addition to the criteria above, proposals for development within the SDNP will need to demonstrate that they do not compromise the statutory purposes and duty of the designation.

### Policy WMP 6b

#### More Detailed Criteria for Waste Development

In addition to the preferences for locations for waste development indicated in Policy WMP 6a, before other locations are considered preference will be given to proposals for development on land meeting one or more of the following criteria:

- General industrial land including general industrial estates;
- Employment land (B2/B8 uses);
- Previously-developed land;
- Land already in waste management uses.

Waste built development at mineral workings or landfill sites may also be acceptable but will usually be restricted to temporary permissions reflecting the lifespan of the minerals operation or landfill site.

## Land Disposal (WMP7a-7c)

### Purpose of Policy WMP 7

To identify the need for land disposal of non-inert and inert waste. To provide a policy approach if such applications are submitted and to ensure that landfill gas produced by land disposal facilities is captured and used as a fuel.

Table 9 Forecast Requirements for Non-Inert Land Disposal

	Year							
	2011/12		2015/16		2020/21		2025/26	
	Min	Max	Min	Max	Min	Max	Min	Max
Forecast annual requirements (tonnes)	284,000	342,000	41,000	159,000	28,000	113,000	28,000	107,000

waste and aggregates recycling facilities serving the needs of a particular local area; Local scale composting e.g. on farms or small waste management sites receiving inputs from limited sources; or Household Waste Recycling Sites

### 3 Providing for Waste

Forecast total cumulative volume requirements from 2011/12 (cubic metres)	284,000	342,000	680,000	1,128,000	846,000	1,787,000	986,000	2,335,000
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#### London's Waste

The South East Plan Policies W3 and W4, expect that capacity for the final disposal of residual waste<sup>(13)</sup> from London should, where appropriate, be provided in counties in the South East. The apportionment for East Sussex and Brighton & Hove is 1.06 million tonnes from 2006-2016 and 0.59 million tonnes from 2016 to 2025.

The County Council and City Council have consistently contested these policies considering that the approach was not justified and the disposal of London's waste in the area was unlikely to happen.

A detailed local study has been undertaken<sup>(14)</sup>. This has concluded on the basis of current infrastructure, there is no real prospect of waste travelling to East Sussex and there is no realistic expectation that appropriate land disposal capacity would be available.

Given these constraints and the poor proximity to London, it is not considered appropriate for the Authorities to provide for the landfill provision for waste from London as per policy W4 of the South East Plan, which negates the need to allocate the apportionment.

**3.5** The Authorities have reviewed the initial appraisal of the Areas of Search for land raise and landfill, and the overall conclusion is that there is no real prospect for a land raise site in the Low Weald nor a realistic expectation that Ashdown Brickworks could provide capacity within the Plan period. Therefore no Areas of Search will be put forward in the Plan.

#### Ashdown Brickworks

Ashdown Brickworks is a large clay void located to the north-west of Bexhill which is allocated in the Waste Local Plan for non-inert landfill (Policy WLP10b). Although this site had been identified as offering potential for the development as a landfill for some time, no proposals have come forward. This situation has continued into the current period during which considerable quantities of waste are being transported to existing landfill sites beyond the Plan Area and the closure of Pebsham Landfill has become imminent. In any event, infill of the site at a rate that would be economically viable is dependent on the development of the 'Bexhill Hastings Link Road' (BHLR) and a separate 'Country Avenue'. The funding of the BHLR is dependent on a government decision which is expected in Spring 2012 and, even if funding is provided, it is therefore highly unlikely

13 Residual waste is the waste remaining after materials have been recovered from a waste stream by re-use, recycling, composting or some other recovery process

14 Residual Waste from London Study, 2009

## Providing for Waste 3

that the whole connection to the A269 would be constructed before at least the mid 2020s. In these circumstances it is therefore considered that landfill at this site could not be delivered during the period of this Plan.

As demand for landfill will be at a very low ebb by the 2020s, it is not proposed to save the site specific allocation in the Waste Local Plan at Ashdown Brickworks.

### Overarching Strategy for Land Disposal

Taking the above matters into account, the Authorities' strategy for non-inert land disposal is as follows:

- 1) Reduce the need for land disposal by reducing the amount of waste produced in the first place (Policies WMP 2a and WMP 2d).
- 2) Making provision for increased recovery of waste (Policy WMP 2b).
- 3) Safeguarding existing permitted land disposal capacity at Pebsham Landfill (Policy WMP 5).
- 4) Recognising that an amount of non-inert waste will still need to be disposed of to land and that this will be achieved utilising existing planning permissions outside the Plan Area (see Local Strategy Statement).
- 5) Planning for flexibility in the provision of capacity for recycling and recovery equivalent to the amount of waste that could be potentially exported out of the Plan Area for land disposal (Policy WMP 4b).

**3.6** Whilst not proposing any new provision for land disposal, the following policy (WMP 7a) would be used if such an application is submitted.

### Policy WMP 7a

#### Land Disposal of Non-Inert Waste

Proposals for the disposal of non-inert waste to land will only be considered as a last resort where it is demonstrated that:

- a. the waste to be disposed of cannot be managed in a manner which is defined further up the waste hierarchy; and,
- b. there is a clearly established need for the additional waste disposal to land capacity which cannot be met at existing permitted sites either within, or at an appropriate distance beyond, the Plan Area; and
- c. it does not pose an unacceptable risk to the environment, including ground and surface waters, landscape character and visual amenity; and

### 3 Providing for Waste

- d. it can be demonstrated that it will not give rise to unacceptable implications for communities through adverse impacts on amenity or highway infrastructure; and,
- e. the proposals form part of an engineering operation such as the restoration and/or stabilisation of a mineral void; and,
- f. the resulting final landform, landscape and after-uses enhance the environment and are sympathetic to the land uses, nature conservation and amenity interests of the site and surrounding area, including landscape character and visual amenity.

In the case of landraise proposals for non-inert waste on greenfield sites, in addition to the requirements (a) to (f) above, permission will only be granted if all existing permitted land disposal and mineral working sites and appropriate previously developed sites within, and at an appropriate distance beyond the Plan Area, have been investigated and eliminated as unsuitable for non-inert waste disposal.

#### Policy WMP 7b

##### **Deposit of Inert Waste on Land for Beneficial Uses**

Proposals for the deposit of only inert waste on land will be permitted, subject to other policies of the Development Plan for the area, where relevant, where it is demonstrated that the proposal:

- a. conforms with Policy WMP 7a (a, c, d, e); and
- b. forms part of a comprehensive scheme for restoration of suitable previously developed land or minerals sites; or
- c. significantly enhances other development or its setting; or
- d. would result in appropriate measurable improvement to the use or operation of agricultural and/or forestry land; and
- e. the resulting final landform, landscape and afteruse enhances the environment and is sympathetic to the land uses, landscape, visual amenity and nature conservation interests of the site and the surrounding area including its landscape character; and the minimum volume of inert material is used to achieve necessary improvements; and
- f. where appropriate, the proposal includes ancillary on-site facilities for the recovery of the waste which can be managed by methods further up the waste hierarchy.

#### Policy WMP 7c

##### **Management of Landfill Gas**

Subject to other policies in the Plan, proposals for the disposal of non-inert waste and for the development of closed landfills generally, will only be permitted where it is demonstrated that:



## Providing for Waste 3

- a. the development includes measures to prevent the release of landfill gas that is produced by deposited waste; and,
- b. for new proposals, landfill gas will be captured and used to produce the maximum amount of useful energy in the form of heat and/or electricity; and,
- c. for closed landfills, where landfill gas is present in sufficient quantities it will be captured and used, as appropriate, to produce the maximum amount of useful energy in the form of heat and/or electricity; and
- d. landfill gas will be managed in a manner that minimises risk to human health and the environment; and
- e. in the case of proposals associated with planned or existing land disposal, they are planned in such a way as to minimise conflict with the restoration and after-use proposed for the site.

The Councils will control emissions of landfill gas from those closed land disposal sites that they are responsible for managing in order to minimise any risk to human health and the environment (e.g. from explosions risk or fires) and will seek to control emissions in order to minimise any climate change impacts.

## Hazardous and Low Level Radioactive Waste (WMP8a, 8b)

### Purpose of Policy WMP 8a

This policy is intended to ensure that:

- a. capacity for the management of hazardous waste which make a locally, regionally or nationally significant contribution will be safeguarded;
- b. the established important contribution made by the Plan Area to national and regional requirements for the management of certain hazardous wastes can continue;
- c. the proportion of hazardous waste imports to the Plan Area, relative to exports, does not increase beyond the existing level; and
- d. additional capacity can be developed, where required, for the management of certain types of hazardous waste arising from within the Plan Area.

### Policy WMP 8a

#### Hazardous Waste

Existing capacity for the management of hazardous waste will be safeguarded, where this capacity makes a local, regional or nationally significant contribution to the management of specific hazardous waste streams.

Permission will be granted for proposals for the development of additional hazardous waste management capacity where it can be demonstrated that:

### 3 Providing for Waste

- a. any proposal for the development of capacity for managing imported hazardous waste will not result in the overall hazardous waste management capacity utilised for imports, exceeding the quantity of hazardous waste exported from the Plan Area; and
- b. subject to any reassessment of the need for certain types of management capacity which has been undertaken and published, or in some other way approved, by the Authorities, the proposal provides additional capacity for the management of hazardous waste in the following ways:
  - Treatment or incineration capacity (including thermal treatment technologies) for healthcare wastes<sup>(15)</sup>;
  - Expansion of existing treatment facilities or the introduction of novel treatment technologies for oil wastes;
  - Treatment capacity for contaminated soils arising from construction, demolition and excavation where this is delivered via mobile treatment plant which can be moved close to the source of production.

#### Purpose of Policy WMP 8b

This policy is intended to ensure that:

- a. where viable, Low Level Radioactive Waste (LLW) management capacity is provided in the Plan Area such that LLW can be managed close to its source of production;
- b. in particular, the development of LLW incineration capacity, if incorporated as part of a wider scheme for the Plan Area, can be supported;
- c. additional capacity could be provided to manage LLW from beyond the Plan Area but only where this would help achieve 'net self-sufficiency'; and
- d. where additional capacity is developed for the management of LLW from beyond the Plan Area, that this capacity makes a significant contribution to the management of LLW arising within the Area.

#### Policy WMP 8b

##### Low Level Radioactive Waste

Subject to other policies of this Plan, permission will be granted for proposals for the development of additional LLW waste management capacity where it can be demonstrated that the proposal will make a significant contribution to the management of LLW produced in the Plan Area.

15 The need for this additional capacity in future is dependent on the outcome of a planning application for such a facility in Eastbourne (currently programmed for a decision in early 2012)

## Providing for Waste 3

Implementation of this policy may be subject to any reassessment of the need for certain types of management capacity which has been undertaken and published by the Authorities.

## Management of Waste Water and Sewage Sludge (WMP9)

### Purpose of Policy WMP 9

To allow for new waste water treatment capacity to be developed as appropriate.

To provide additional waste water treatment works capacity in the Hailsham area and additional sewage sludge treatment capacity in the period up to 2026, in accordance with identified needs.

Appropriate sites for both types of facilities will be considered in more detail in the Waste Sites DPD.

### Policy WMP 9

#### Management of Waste Water and Sewage Sludge

Proposals for the provision of new wastewater management, treatment and disposal facilities will be supported where the development is a necessary extension or replacement of existing infrastructure, and where it is demonstrated that development is required to:

- a. meet the relevant environmental standards;
- b. improve the operational efficiency of wastewater and sewage sludge management principally to serve the needs of the Plan Area; or
- c. enable planned development to be taken forward.

## 4 Providing for Minerals

### Provision of Aggregates (WMP10)

#### Purpose of Policy WMP 10

To account for the proposed government apportionment for aggregates in order to assess the need for any further allocations of primary aggregates production.

#### Landbank/Reserve Requirement for Aggregates

Annual Allocation/reserve	Total allocation
0.1 mtpa , minimum 7 year equivalent landbank	0.8 million tonnes to 2017 1.7 million tonnes to 2026

#### Estimated Reserves 2011

Site	Dates of extraction (estimated)	Estimated Reserve (tonnes)
Stanton's Farm (Building Sand)	Up to 2017 <sup>(1)</sup>	120,000
Scotney Court, Lydd Quarry	2011 - 2013 <sup>(2)</sup>	750,000
Scotney Court extension and Wall Farm, Lydd Quarry	2013 - 2026 <sup>(3)</sup>	3,230,000
Total Coarse Aggregates		4,100,000

1. Current permission expires in 2016
2. Extraction commenced in 2011 not 2014 as previously expected
3. Subject to further HRA. Assumes average annual extraction rate of 270,000 tonnes.

**4.1** Although the total amount of aggregate estimated in the above table is over 4 million tonnes, it is expected that around 50% of the reserve at Lydd Quarry will serve the Kent market. If this is taken into account there is at least a total of around 2.1 million tonnes for the amount of resource expected to serve the Plan Area, which is still above the apportionment requirement. <sup>(16)</sup>

#### Policy WMP 10

##### Provision of Aggregates

The Authorities will maintain provision for the production of land won aggregates at a rate of 0.10mtpa throughout the Plan period.

16 (This is calculated as the full resource available at Stanton's Farm plus half the reserve from the permitted sites at Lydd Quarry within the boundary of East Sussex).

## Providing for Minerals 4

The Mineral Planning Authorities will maintain a landbank of at least 7 years of planning permission for the extraction of sand and gravel.

### Provision of Gypsum (WMP11)

#### Purpose of Policy WMP 11

To safeguard and maintain supplies to and from the British Gypsum works throughout the Plan period.

#### Policy WMP 11

##### Provision of Gypsum

Reserves of at least 20 years of current production rates for mined gypsum will be maintained through the Plan period. The use of DSG and other alternative sources of gypsum will be supported to increase supply for the plasterboard factory and to safeguard and extend the lifetime of reserves of mined gypsum.

### Provision of Clay (WMP12)

#### Purpose of Policy WMP 12

To safeguard and maintain sufficient supplies of clay for brick and tile manufacture.

#### Policy WMP 12

##### Provision of Clay

In order to sustain the manufacture of brick, tile and clay products in the Plan Area, continued production at existing brickworks will be supported, subject to other policies of the plan.

Proposals for extensions to clay workings will be supported, subject to other policies of the plan, where it can be shown that the levels of permitted reserve at that site is insufficient to maintain brick and tile production for up to 25 years.

## 4 Providing for Minerals

At existing clay sites, recycling of clay products, and stockpiling of clay waste materials on site for re-use in brick and tile manufacture will be supported. Any proposal for the use of clay from existing brickmaking sites for flood defences will need to demonstrate that the clay could not be sourced from other parts of the resource.

### Safeguarding Resources (WMP13)

#### Purpose of Policy WMP 13

To set out how mineral resources will be safeguarded by identifying Mineral Safeguarding Areas (areas of known resources) and Mineral Consultation Areas (areas where the district or borough council should notify the Authorities of any alternative development proposals). Identifying Consultation Areas does not necessarily imply that the resource will be worked.

#### Policy WMP 13

##### Safeguarding Mineral Resources

The Authorities will safeguard areas for land-won resource to ensure viable resources are not sterilised.

As mineral resources in the Plan Area are particularly constrained, the Authorities will identify mineral consultation areas in the Mineral Sites DPD, and expect to be consulted on any proposal for major development that would have a significant impact on current or future operations.

In addition, other non-strategic mineral resources that might need protection will be identified through the Plan review process and in the Minerals Sites DPD. This will allow a viability assessment to be made around additional resource need over the plan period.<sup>(17)</sup>

#### Existing Mineral Safeguarding Areas and Mineral Consultation Areas for land-won minerals resources within the Plan Area

Gypsum:

- Brightling Mine/Robertsbridge Works, Mountfield

Sand and Gravel:

- Stanton's Farm, Novington

<sup>17</sup> This is likely to include potential resources identified in the previous Minerals Local Plan

## Providing for Minerals 4

- Scotney Court Farm, Jury's Gap Road, Camber, near Lydd
- Scotney Court Extension and Wall Farm, Jury's Gap Road, Camber, near Lydd

Clay:

- Ashdown Brickworks, Bexhill
- Little Standard Hill Farm, Ninfield
- Chailey Brickworks, Chailey
- Hastings Brickworks, Guestling
- Aldershaw Farm, near Hastings
- Horam Brickworks, Horam

## Safeguarding Wharves and Railheads (WMP14)

### Purpose of Policy WMP 14

To safeguard railheads, wharves and rail sidings for existing and future mineral imports and processing. In particular to safeguard overall mineral wharf capacity in ports subject to no net loss of capacity, and to encourage co-location with processing capacity.

### Policy WMP 14

#### Safeguarding railheads and wharves

Existing railhead and minerals wharf facilities (including rail sidings) and their consequential capacity will be safeguarded in order to contribute towards meeting local and regional supply for aggregates and other minerals as well as supporting modal shift in the transport of minerals. The need for railheads and minerals wharves will be monitored.

Capacity for landing, processing and handling of minerals at wharves in Shoreham, Newhaven and Rye Ports will be safeguarded. Alternative use proposals would need to demonstrate that there is no net loss of capacity for handling minerals within a port.

Local planning authorities will be expected to consult the minerals planning authorities on proposals for non-minerals development.

The Authorities will support the co-location of railheads and minerals wharves with processing capacity subject to it being demonstrated that this does not adversely affect space requirements for operational use.

## 4 Providing for Minerals

### Oil and Gas (WMP15)

#### Purpose of Policy WMP 15

To provide a policy framework for any potential oil and gas exploration and extraction.

#### Policy WMP 15

##### A) Exploration for Oil and Gas

The Authorities will support proposals for the exploration for oil and gas where it can be demonstrated that there is no less sensitive location that could be utilised and that there is no unacceptable adverse impact on the environment or local amenity.

##### B) Appraisal for Extraction

Site identification for the extraction of oil or gas should meet the requirements of the policy framework of the Plan, having demonstrated the following sequence:

- i. an area of search, with alternative sites, indicating consideration of sites outside sensitive areas or features including the High Weald AONB and South Downs National Park;
- ii. avoidance of environmental harm; and
- iii. mitigation and compensation of environmental harm.

##### C) Production

In addition, when considering the merits of any extraction proposal, the Authorities will assess

- i. how the oil and gas will be transported from site; and
- ii. how additional impacts of production will be avoided, and
- iii. the potential for acceptable mitigation, where impacts cannot be avoided

in addition to other policies within the Plan, including those relating to site restoration and the potential for community benefit.



## Overarching Policies 5

### Restoration (WMP16)

#### Purpose of Policy WMP 16

To secure appropriate restoration of mineral workings and waste sites. Restoration should seek environmental and amenity benefits reflecting local circumstances and relevant landscape and biodiversity objectives. Proposed afteruses are likely to require ongoing management.

#### Policy WMP 16

##### Restoration

Proposals for minerals extraction, land disposal and minerals and waste processing should include a scheme for progressive restoration and aftercare to the highest standard which is appropriate to the agreed after-use and which can be achieved in an acceptable timescale. Restoration, after-use and aftercare arrangements should maximise the potential benefits, enhancements and opportunities, particularly for landscape and biodiversity.

All proposals should:

- a. be sensitive to and in keeping with local landscape character and distinctiveness;
- b. demonstrate how proposed habitat restoration and creation plans can assist in achieving Biodiversity Action Plan targets;
- c. demonstrate how the amenity value of the restored site could be realised;
- d. include details of ongoing aftercare arrangements which aim to support and achieve the proposed after-use; and
- e. meet the requirements of policies WMP 27a on flooding, WMP 27b groundwater and water quality, WMP 23a climate change, WMP 24 amenity, and WMP 26 on the environment and environmental enhancements.

Restoration obligations will be secured where required.

Inactive and dormant sites will be reviewed. Appropriate action will be considered if it was demonstrated that reopening sites would result in an unacceptable adverse impact.

## 5 Overarching Policies

### Transport - Road, Rail and Water (WMP17)

#### Purpose of Policy WMP 17

To minimise the environmental and amenity effects of the transport of waste and minerals by promoting rail and water transport as an alternative to road transport.

Detailed, site-specific, transport impacts are covered by Policy WMP 25.

#### Policy WMP 17

##### Transport - Road, Rail and Water

Waste and minerals development should seek to minimise transport movements and prefer non-road modes of transport subject to the practicalities pertaining to individual cases.

Proposals for waste and minerals development should demonstrate:

- a. how movements relate to waste and minerals sources;
- b. how opportunities for alternative methods of transport have been evaluated;
- c. how access to the strategic highway network is suitable and how impacts on road safety and congestion have been addressed; and
- d. what measures have been incorporated including mitigation to avoid unacceptable harm to the environment and local communities.

The Authorities will seek to maximise the use of existing railheads and rail links. Proposals which will enable waste and/or minerals to be carried on the rail network or by water will be permitted, subject to other policies of the Plan where relevant, and where it is demonstrated that this would achieve overall environmental benefits.

### Co-location of Complementary Facilities (WMP18)

#### Purpose of Policy WMP 18

To encourage co-location of complementary waste or minerals processing facilities and associated industries, where this would offer either operational or cost efficiencies or transport benefits.

## Overarching Policies 5

### Policy WMP 18

#### Co-location of Complementary Facilities

The Authorities will encourage opportunities to co-locate facilities provided this does not cause unacceptable impacts on the environment or communities.

Any proposal involving co-location must:

- a. address the likely cumulative impacts of the proposal to ensure that overall effects on communities and the environment are within acceptable limits including noise, transport movements, and emissions to air;
- b. take into account the locational strategies and Areas of Focus identified elsewhere in the Plan.

Proposals for co-locating ancillary uses at landfill sites should be tied to the life of time-limited operations of the landfill site.

## Community Involvement and Benefits (WMP19)

### Purpose of Policy WMP 19

To encourage developers to take a more proactive approach and engage with local communities as early as possible to help avoid misunderstandings and reduce anxiety related to waste or minerals-related developments, and also to ensure that where there are potential benefits for the community, that those benefits are realised by people living or working close by.

The policy aims to readdress a perceived lack of engagement between host communities and developers/the waste and minerals industry in the submission of planning applications for waste or minerals developments. It seeks not only to reduce negative experiences of communities but actually to secure positive benefits for host communities.

### Policy WMP 19

#### Community Involvement and Benefits

Applicants should demonstrate how host communities have been involved in the development of the proposal, taking into account best practice, and show how their concerns have been addressed. Subject to agreement with the minerals and waste planning authority, this policy may not apply to some proposals involving small non-strategic facilities, minor extensions or alterations to existing facilities.

## 5 Overarching Policies

Applicants should investigate concerns of those communities and provide information about any perceived risks held by them.

For communities hosting strategic waste or minerals developments which serve a much wider area, the proposal should set out the tangible benefits to the local host community.

### Opportunities for Sustainable Waste Management and Minerals Production in Other Developments (WMP20)

#### Purpose of Policy WMP 20

To ensure that objectives of sustainable waste management and minerals production are considered in the preparation and determination of non-waste and minerals applications, where appropriate.

This policy is concerned with maximising opportunities for improving the sustainable management and transport of waste that has already been produced - prevention of waste is dealt with elsewhere in this Plan.

This policy is not intended to address the management of waste arising from construction and demolition which is dealt with separately by Policy WMP 2d.

It is envisaged that this policy will be implemented by all planning authorities in the Plan Area.

#### Policy WMP 20

##### Opportunities for Sustainable Waste Management and Minerals Production in Other Developments

In all proposals for large scale non waste and minerals development<sup>(18)</sup>:

- a. applicants should show how opportunities for accommodating strategic sustainable waste management and minerals production as described in this Plan have been considered; and,
- b. in determining such proposals, Local Planning Authorities should pursue opportunities for meeting the objectives of sustainable waste management and minerals production as set out in this Plan.

<sup>18</sup> 'large scale' non-waste or non-mineral developments will be defined by their size and nature and will include development requiring Environmental Impact Assessment. Developments are likely to include the following: 1) Development of housing defined by number of units and/or floor area (square metres); 2) Development of industrial facilities defined by developed area (hectares); 3) Agricultural developments defined by developed area (hectares); 4) Development involving the generation of heat and/or power defined by energy produced (MW); 5) District heating schemes; 6) Distribution centres. N.B. This is not intended to be an exhaustive list.

## Overarching Policies 5

### Expansion and Alterations to Waste Facilities (WMP21)

#### Purpose of Policy WMP 21

To enable expansions of capacity or alterations to operations within existing waste management facilities.

#### Policy WMP 21

##### **Expansions and Alterations within the Site Boundary of Existing Waste Facilities**

Proposals for expansions or alterations within the site boundary of existing waste management facilities will be supported in principle where it is demonstrated that:

- a. the development is required to meet current environmental standards including improving energy efficiency; or
- b. the development is required to improve the operational efficiency of the facility, including the efficiency with which the facility uses or generates energy; and
- c. the development would contribute towards meeting the Objectives of the Plan.

## 6 Development Management Policies

### Design Principles for Built Waste Facilities (WMP22a,22b)

#### Purpose of Policy WMP 22

To provide guidance about more detailed design and operational aspects for built waste facilities, and to support the spatial policies regarding waste facilities. It focuses on non-functional components of waste facilities and does not seek to address issues associated with technical design, but recognises the interface between the two is important.

The policy also links with the Community Involvement policy (WMP 19), about involving host communities in the design of facilities, with the Climate Change policy (WMP 23) which seeks design aspects which contribute to minimising greenhouse gas emissions, and with the Resource and Energy policy (WMP 23b).

#### Policy WMP 22a

##### Design Principles for Built Waste Facilities

All buildings associated with waste and minerals developments should be of a scale, form and character appropriate to its location and incorporate innovative design, where appropriate, and allow sufficient space for the effective sorting, recycling and recovery of waste.

Opportunities should be taken to provide efficient separation from more sensitive land uses and where possible mitigation measures should integrate existing environmental assets and maximise opportunities for appropriate habitat creation.

##### Urban locations:

- a. design should complement the existing or planned scale and built form of the local area and take account of local landscape character and distinctiveness;

##### Urban fringe/new development sites:

- a. design should complement the planned scale and built form of the local area and/or the new development area, and take account of local landscape character and distinctiveness; and,
- b. waste management should be considered in the initial masterplan; and,
- c. masterplans should consider separation from more sensitive land uses.

##### Rural locations:

- a. buildings should reflect the nearby built form or reuse redundant farm buildings;
- b. design should take account of local landscape character and distinctiveness;

## Development Management Policies 6

- c. site locations should allow sufficient space for quality landscape treatment; and
- d. site design should minimise views to operational areas, particularly external storage and parking and other elements that present a more 'industrial' appearance.

### Policy WMP 22b

#### Operation of Sites

Proposals for waste management, mineral extraction / processing, and associated activities should be accompanied by a working programme for the proposed operation which includes arrangements as applicable for the scale and nature of the operation, for:

- a. site preparation;
- b. phasing of workings/construction;
- c. plant and machinery to be used;
- d. location of site roads, material storage areas, buildings and provision of screening of working areas and cleaning of vehicles;
- e. protection of existing features of cultural and landscape significance;
- f. a mitigation/compensation scheme for any other environmental impacts and enhancements; and
- g. a landscaping scheme for the operational life of the site to include a means of screening the proposed development, including planting, with native species where appropriate, to maximise opportunities for habitat creation and supported by a management plan.

Proposals for mineral extraction should additionally set out the arrangements for:

- a. stripping, storage and re-spreading of soils;
- b. appropriate stockpiling;
- c. the order and direction of workings and methods of extraction; and
- d. a scheme for progressive restoration and aftercare to the highest standard which is appropriate to the agreed after-use and which can be achieved in an acceptable timescale.

## Climate Change (WMP23a, 23b)

### Purpose of Policy WMP 23

To set out how waste and minerals developments should seek to mitigate and adapt to climate change.

## 6 Development Management Policies

It supplements the guidance about climate change set out in national policy (PPS1) because a) the Plan Area is coastal so climate change is a particular concern, and b) national policy about design is not specific to waste or minerals developments.

Proposals for waste and minerals development should set out how they will minimise greenhouse gas emissions, either through design, construction or operations.

Diversion of waste from landfill and movement up the waste hierarchy also contributes to mitigating climate change - this is covered in Policy WMP 2 Implementing the Waste Hierarchy. Policy WMP 23 deals with the more detailed aspects of how waste or minerals operations themselves can take measures to mitigate and adapt to the impacts of climate change.

### Policy WMP 23a

#### Climate Change

Proposals for minerals or waste management, including restoration proposals, must take account of climate change for the lifetime of the development from construction through to operation and decommissioning.

Measures should be incorporated to minimise greenhouse gas emissions ('mitigation') and to allow flexibility for future adaptation to the impacts of climate change ('adaptation'), which may include some or all of the following:

- a. locating and designing the facility, and designing transport related to the development, in ways that seek to minimise greenhouse gas emissions;
- b. incorporating carbon off-setting measures;
- c. Use of renewable, decentralised, or low carbon energy sources to power the facility;
- d. incorporating measures to minimise flood risk associated with the development; and
- e. measures to minimise waste materials generated from operational processes.

The information supplied and the measures to be incorporated into the design should be appropriate to the scale and nature of the proposals. It is likely therefore that larger scale proposals may be expected to show more detailed mitigation and adaptation measures and provide more information than smaller-scale permissions or proposals for temporary waste facilities.

### Policy WMP 23b

#### Resource and Energy Use

Proposals should incorporate carbon offset measures and should be designed in such a way as to minimise greenhouse gas emissions. Applicants should demonstrate that during operation of any facility:



## Development Management Policies 6

- a. energy (including heat) will be obtained from renewable sources where possible (although on-site generation of energy should not prejudice the movement of waste up the waste hierarchy); and
- b. measures will be taken to minimise waste from operational processes and maximise energy efficiency.

### General Amenity (WMP24)

#### Purpose of Policy WMP 24

To protect local communities from the potential negative impacts of waste and minerals development such as those resulting from noise, dust, fumes, windblown litter, and visual intrusion.

#### Policy WMP 24

##### General Amenity

All proposals should ensure:

- a. there is no unacceptable effect on the standard of amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development including transport links;
- b. there is no significant adverse impact on air quality or the local acoustic environment;
- c. adequate means of controlling noise, dust, litter, odours and other emissions, including those arising from traffic generated by the development, are secured;
- d. there is no unacceptable effect on the recreational or tourist use of an area, or the use of existing public access or rights of way.

Where proposals require an Environmental Impact Assessment, applicants should consider the potential impacts on human health.

## 6 Development Management Policies

### Traffic Impacts (WMP25)

#### Purpose of Policy WMP 25

To ensure that proposals fully address the site-specific issues related to road transport and traffic of waste or minerals developments.

This policy links with WMP 17 Transport - Road, Rail and Water.

#### Policy WMP 25

##### Traffic Impacts

Proposals will be permitted where:

- a. access arrangements are appropriate or could be made suitable for the volume and nature of traffic generated by the proposal;
- b. no unacceptable safety hazards for other road users, cyclists and pedestrians would be generated;
- c. the level of traffic generated would not exceed the capacity of the local road network;
- d. no unacceptable adverse impact upon existing highway conditions in terms of traffic congestion and parking would arise;
- e. there are suitable arrangements for on site vehicle manoeuvring, parking and loading/unloading areas; and
- f. adverse traffic impacts that would arise from the proposal can be satisfactorily mitigated by routeing controls or other highway improvements.

Consideration of these matters should take into account existing and other planned development.

### Environment and Environmental Enhancement (WMP26)

#### Purpose of Policy WMP 26

To protect and enhance the built and natural environment including:

- Natural assets;
- Biodiversity;
- Landscapes;
- Historic environment;
- Geology and geomorphology;

## Development Management Policies 6

- Heritage assets; and
- Landscape character.

This policy also links with the policy about design of built facilities.

### Policy WMP 26

#### Environment and Environmental Enhancement

a) To conserve and enhance the local character and environment of the Plan Area, permission will not be granted where the development would have a significant adverse impact on the following sites :

- South Downs National Park (see Policy WMP 1);
- High Weald AONB;
- Listed Buildings;
- Scheduled Monuments;
- Conservation areas;
- Registered Parks and Gardens;
- Registered Battlefields;
- Designated wreck sites;
- Significant Heritage Assets;
- High quality agricultural land;
- other sites recognised for their cultural heritage and historic significance.

These assets should be protected and where appropriate, enhanced.

#### b) Environmental enhancement - biodiversity and habitat creation

To conserve and enhance the local natural environment, the Authorities will maximise opportunities for increasing biodiversity and habitat creation. Permission will not be granted where the development would have a significant adverse impact on sites of national and local importance for nature conservation including:

- Sites of Special Scientific Interest;
- Local sites, identified for their biodiversity interest, including Sites of Nature Conservation Importance and Local Nature Reserves;
- Areas of significance for geodiversity and geomorphology, including local sites and Regionally Important Geological and Geomorphological Sites;
- Ancient woodlands;
- Land managed under an agri-environment agreement.

#### C) International Designations

These sites and protected species have statutory protection. Any development with a negative assessment of the implications of the proposal would need to demonstrate imperative reasons of overriding public interest.

## 6 Development Management Policies

International Designations: Special Areas of Conservation, Special Protection Areas and Ramsar sites;

In order to assess whether a proposal will have likely significant effects on a designated site, the following criteria will be used to help determine where a project level Habitats Regulation Assessment is required with a planning application:

Table 1

Pathway	Screening Distance
Air Quality - Energy from Waste	10km from a European Site
Air Quality - Landfill Gas Flares	1km from a European Site
Air Quality - Biopathogens	1km from a European Site
Air Quality - Dust	500 m from a European Site
Air Quality - Vehicle exhaust emissions	200 m from a European Site
Water quality and flow	No standard distance (use Source/Pathway/Receptor approach)
Disturbance (noise/visual)	1km from a European Site supporting disturbance sensitive species/populations
Gull/corvid predation (non-inert landfill only)	5km from European site supporting sensitive ground-nesting breeding species (e.g. Terns)
Coastal squeeze	No standard distance -evaluate on case by case basis

Any waste or minerals development that is likely to result in an increase of more than 200 Heavy Duty Vehicles per day<sup>(19)</sup> on any road that lies within 200m of a European site will be subject to HRA screening to evaluate air quality impacts. It will be necessary for the applicant to demonstrate that either:

- The increased traffic will not lead to an increase in nitrogen deposition within all European sites that lie within 200m that constitutes more than 1% of the critical load for the most sensitive habitat within the site; or
- If the increase in deposition will be greater than 1% of the critical load it will nonetheless be sufficiently small that no adverse effect on the interest features and integrity of the European site will result.

19 The Design Manual for Roads and Bridges (Volume 11, Section 3, Part 1) regarding air quality environmental impact assessment from roads indicates that if the increases in traffic will amount to less than 200 HDV movements per day the development can be scoped out of further assessment.

## Development Management Policies 6

The protection of bird species within designated areas includes protection against predation and disturbance. In order to adequately assess the potential impacts of a proposal, applicants will be required to:

- Undertake a project level Appropriate Assessment to determine whether adverse disturbance effects would result on the SPA. This may require bespoke surveys potentially over several years and covering both the minerals/waste site location and the SPA itself;
- If necessary, introduce noise control measures to the satisfaction of the local authority and Natural England in order to render any disturbance impacts negligible; and
- Introduce regular monitoring (frequency, duration and details to be agreed with the local authority and Natural England) to ensure that the effectiveness of any control measures that are introduced is evaluated and additional/alternative measures deployed as necessary.
- If it is not possible for the application to demonstrate that any noise or disturbance impacts cannot be adequately mitigated then permission will be refused.

## Flooding and Groundwater (WMP27a,27b)

### Purpose of Policy WMP 27

To ensure that flood risk and potential impacts on groundwater and water quality are taken into consideration in determining waste and minerals development proposals.

### Policy WMP 27a

#### Flood Risk

Development will only be permitted if it can be demonstrated that a proposal:

- a. adequately provides for the implications of flood risk in that it would not increase the risk of flooding on the site or elsewhere and where possible reduce the risk of flooding overall;
- b. is not detrimental to the integrity of sea, tide or fluvial flood defences or river channels;
- c. would not impede access for future maintenance or improvements of flood defences;
- d. has no significant adverse impact on the nature conservation and amenity value of rivers, wetlands or the marine environment; and
- e. has appropriate measures in place to reduce surface water run-off, including the provision of sustainable drainage systems (SUDS); and
- f. would not require any additional protection from flood or erosion such that it would be in contravention of the existing Shoreline Management Plans and/or Catchment Flood Management Plans.

## 6 Development Management Policies

Development proposed in areas of flood risk (flood zones 2, 3a, or 3b) must apply the Sequential Test and where applicable the Exceptions Tests, as set out in national policy and carry out a site level Flood Risk Assessment. Proposals should also take into account recommendations in the Strategic Flood Risk Assessment for East Sussex and Brighton & Hove, or for the relevant district/borough council, whichever is more recent.

### Policy WMP 27b

#### Groundwater and Water Quality

To protect the quality of groundwater in the natural environment of the Plan Area, including abstraction areas within the chalk of the South Downs, the Authorities will not grant permission for proposals which:

- a. cause unacceptable risk to the quality of surface and groundwater (including reservoirs);
- b. cause changes to groundwater levels which would result in unacceptable adverse impacts on
  - i. adjoining land;
  - ii. the quality of groundwater resources or potential groundwater resources; and
  - iii. the potential yield of groundwater resources, river flows or natural habitats.

Work beneath the water-table will not be permitted unless there is a comprehensive groundwater management scheme agreed for the construction, operation and restoration of the proposal.

**6.1** In addition to the policies above, proposals will be subject to environmental regulation<sup>(20)</sup> through the Environment Agency. Groundwater is classified into Source Protection Zones 1, 2 and 3.<sup>(21)</sup>

**6.2** Applications for both waste and minerals operations within Source Protection Zones should be accompanied by a hydrological assessment. Waste operations and working for minerals are not usually considered compatible within SPZ1.

20 including Regulation 5 of the Landfill (England and Wales) Regulations 2002 and Environment Agency's Groundwater Protection: Policy and Practice (GP3)

21 Zone 4 designations will now be incorporated into Zones 1, 2 or 3.

## Implementation & Monitoring 7

### Implementation and Monitoring

**7.1** How will we implement and monitor the effectiveness of the Plan

**7.2** Monitoring and reporting on the implementation of the policies in the Plan is important to establish whether they are being successful in achieving their aims. Monitoring also allows corrective action to be taken if the aims of the Plan are not being met.

**7.3** The Plan is founded on a vision and objectives (see section 2) that need to be met to ensure that the vision is realised. The delivery strategy for meeting objectives is based on a framework of strategic policies which are linked to implementation plans.

**7.4** The Plan policies and associated implementation plans include 'SMART' (Specific, Measurable, Achievable, Relevant and Time bound) targets, which can be monitored. Performance against these targets will be evaluated and reported on annually in the Annual Monitoring Report (AMR). The AMR will also consider the monitoring requirements of the sustainability appraisal report.

**7.5** Dialogue with key delivery partners, including District and Borough Councils, the waste and minerals industry, community groups and the Environment Agency will take place on an annual basis, to review progress against the Plan Implementation Strategy.

**7.6** A report on the AMR will be taken to the relevant Members for their consideration, will include recommendations for necessary corrective actions to address missed targets.

## 8 Saved Policies

**8.1** The following policies will **not** be replaced by the new Waste and Minerals Plan and are therefore still saved until replaced by subsequent development plan documents, including the Waste Sites DPD. The adopted Waste Local Plan (2006)<sup>(22)</sup> and Minerals Local Plan (1999)<sup>(23)</sup> can be found on the Councils' websites.

### Waste Local Plan:

**8.2 WLP7 Site Specific Allocation for Road to Rail Transfers**, which identifies Sackville Coalyard, Hove;

**8.3 WLP8 Site Specific Allocations for Material Recovery Facilities/Waste Transfer Stations**, which identifies sites at:

- Hangleton Bottom
- Hollingdean Depot (this area has been partially developed for a MRF and WTS)
- Bellbrook Industrial Estate
- Land at Tutts Barm
- Pebsham WDF

**8.4 WLP9 Site Specific Allocation for Energy from Waste and Materials Recovery Facilities**, which identifies North Quay (this area has been partially developed for an Energy Recovery Facility);

**8.5** These policies will be reviewed through the process of preparing the Site Allocations document, work on which is due to commence after the Waste & Minerals Plan has been adopted.

### Minerals Local Plan:

**8.6** Subject to ongoing reviews of mineral sites under the Habitats Regulations, the following sites policies are still saved until replaced by subsequent development plan documents, including the Mineral Sites DPD.

**8.7 Policy 3 and Policy 4.**<sup>(24)</sup>

**8.8 Policy 32 Safeguarding**

**8.9 Policy 36 Review of Sites**

**8.10** All the sites that benefit from planning consent will be reviewed between 2012 and 2017 under the Environment Act 1990. There will be a separate Review of Consents under the Habitats Regulations (consolidated), once the proposed Dungeness to Pett Level SPA and Ramsar site is designated by the Secretary of State (as recommended by Defra).

22 <http://www.brighton-hove.gov.uk/index.cfm?request=a800>

23 <http://www.eastsussex.gov.uk/environment/planning/development/mineralsandwaste/mineralslocalplan.htm>

24 There is no further access to resource at Sovereign Harbour, and Scotney Court Extension and Wall Farm have planning permission.



## Replaced Policies 9

### Replaced Policies

**9.1** It is proposed that the following policies will be replaced by the Waste and Minerals Plan

#### Replacement of policies in the Waste Local Plan

Waste Local Plan policy		Waste & Minerals Plan policy/ies	
WLP1	The Plan's Strategy	WMP 2	Implementing the Waste Hierarchy
		WMP 2a	Promoting waste prevention, re-use and waste awareness
		WMP 4a	Provision of built waste facilities
		WMP 4b	Provision of built waste facilities with additional provision to cover flexibility
		WMP 6a	Sustainable locations for waste development
		WMP 6b	Detailed criteria
		WMP 17	Transport
		WMP 18	Co-location
WLP2	Transport Strategy	WMP 17	Transport
		WMP 25	Traffic impacts
		WMP 23a	Climate Change
WLP3	Areas of Outstanding Natural Beauty	WMP 1	South Downs National Park
		WMP 6a	Sustainable locations for waste development
		WMP 26	Environment and Environmental Enhancement
WLP4	Road to rail or water transfer	WMP 5	Safeguarding waste sites
		WMP 14	Safeguarding wharves and railheads
		WMP 17	Transport
WLP5	Safeguarding sites	WMP 5	Safeguarding waste sites
WLP6	Expansions or alterations to existing facilities	WMP 21	Expansion and alterations to waste facilities

## 9 Replaced Policies

Waste Local Plan policy		Waste & Minerals Plan policy/ies	
WLP10 a,b	Site specific allocations for waste disposal to land	WMP 7a	Land disposal of non-inert waste
WLP11	Reduction, re-use and recycling during demolition and design, and construction of new developments	WMP 2d	Minimising and managing waste during construction, demolition and excavation
		WMP 22a	Design of waste and minerals development: design principles
		WMP 22b	Operation of sites
		WMP 23a	Climate change
WLP12	Recycling as part of major development	WMP 20	Opportunities for waste management and minerals production in other development
WLP13	Recycling, transfer and materials recovery facilities	WMP 6a	Sustainable locations for waste development
		WMP 6b	Detailed criteria
WLP14	Recycling and recovery facilities for construction and demolition waste	WMP 6a	Sustainable locations for waste development
		WMP 6b	Detailed criteria
WLP15	Small Scale recycling / bring banks	WMP 2b	Turning waste into a resource
		WMP 2e	Provision for waste in new development
WLP16	household waste sites	WMP 2e	Provision for waste in new development
		WMP 6a	Sustainable locations for waste development
WLP17	Reprocessing industries	WMP 2	Implementing the waste hierarchy
		WMP 2b	Turning waste into a resource
WLP18	Composting facilities	WMP 6a	Sustainable locations for waste development
		WMP 6b	Detailed criteria
		WMP 22a	Design of waste and minerals development: design principles
WLP19	Energy from waste facilities	WMP 2c	Production of energy from waste

## Replaced Policies 9

Waste Local Plan policy		Waste & Minerals Plan policy/ies	
		WMP 6a	Sustainable locations for waste development
		WMP 6b	Detailed criteria
		WMP 22a	Design of waste and minerals development: design principles
		WMP 23a	Climate change
WLP20	Landfilling - non-inert waste	WMP 7	Land disposal
WLP21	Landraising - non-inert waste	WMP 7	Land disposal
WLP22	Landfill gas	WMP 7c	Management of landfill gas
WLP23	Landfilling - inert waste	WMP 7b	Deposit of inert waste for beneficial uses
WLP24	Landraising/improvement with inert waste	WMP 7b	Deposit of inert waste for beneficial uses
WLP25	Landfill mining	WMP 2	Implementing the waste hierarchy
		WMP 26	Environment and heritage
		WMP 27b	Groundwater
WLP26	Mineral waste	WMP 2d	Minimising and managing waste during construction, demolition and excavation
		WMP 3	Sustainable provision and use of minerals
		WMP 18	Co-location of complementary facilities
WLP27	Special and difficult wastes	WMP 6a	Sustainable locations for waste development
		WMP 6b	Detailed criteria
		WMP 8a	Hazardous waste
		WMP 8b	Low level radioactive waste
WLP28	Onsite clinical waste facilities	WMP 6a	Sustainable locations for waste development
		WMP 6b	Detailed criteria
		WMP 8a	Hazardous waste

## 9 Replaced Policies

Waste Local Plan policy		Waste & Minerals Plan policy/ies	
		WMP 8b	Low level radioactive waste
WLP29	Independent clinical waste facilities	WMP 6a	Sustainable locations for waste development
		WMP 6b	Detailed criteria
		WMP 8a	Hazardous waste
		WMP 8b	Low level radioactive waste
WLP30	Wastewater and sewage sludge	WMP 9	Management of waste water and sewage sludge
WLP30A	Wastewater and sewage sludge (Brighton & Hove/Peacehaven catchment)	Facility is under development. Policy not to be replaced	
WLP31	Disposal of liquid waste and dredgings on land for its improvement	WMP 7	Land disposal
WLP32	Liquid Waste facilities	WMP 8	Hazardous waste
WLP33	Agricultural and stable wastes	WMP 2	Implementing the waste hierarchy
WLP34	Animal carcass waste	WMP 2	Implementing the waste hierarchy
WLP35	General amenity considerations	WMP 22a	Design of waste and minerals development: design principles
		WMP 24	Amenity
		WMP 26	Environment and Environmental Enhancement
WLP36	Transport considerations	WMP 17	Transport
		WMP 25	Traffic impacts
WLP37	Flood defences, flood plains and surface water runoff	WMP 27a	Flood risk
WLP38	Surface and groundwater	WMP 27b	Groundwater
WLP39	Design considerations	WMP 22a	Design of waste and minerals development: design principles
		WMP 24	Amenity
		WMP 26	Environment and heritage

## Replaced Policies 9

Waste Local Plan policy		Waste & Minerals Plan policy/ies	
WLP40	Environmental improvements and other benefits	WMP 2c	Production of energy from waste
		WMP 19	Community involvement and benefits
		WMP 23a	Climate change

## Replacement of policies in the Minerals Local Plan

Minerals Local Plan policy		Waste & Minerals Plan policy/ies	
1	General Approach	WMP 3	Sustainable Provision and Use of Minerals  Overarching Policies  DM policies
2	Future Provision of Aggregates	WMP 10	Provision of Aggregates
3	Sites for the provision of sand and gravel extraction	Not replaced. Updated approach set out in Policy WMP13, but policy will not be replaced until production of the Mineral Sites DPD.	
4	Preferred Areas and Areas of Search	Not replaced. Updated approach set out in Policy WMP13, but policy will not be replaced until production of the Mineral Sites DPD.	
5	Outside the Areas of Search and Preferred Areas		
6	Extraction of aggregates at Broomhill North, Scotney Court extension and Wall farm	WMP 3 WMP 10 WMP 17	Sustainable Provision and Use of Minerals  Provision of Aggregates  Transport (waste and minerals)  DM policies
7	Rye Harbour	Not replaced	
8	Shoreham	WMP 14 WMP 17	Safeguarding wharves and Railheads  Transport (waste and minerals)

## 9 Replaced Policies

Minerals Local Plan policy		Waste & Minerals Plan policy/ies	
9	Newhaven	WMP 14	Safeguarding wharves and Railheads
		WMP 17	Transport (waste and minerals)
10	Rail transport from Newhaven	WMP 14 WMP 17	Safeguarding wharves and Railheads  Transport - Road, Rail and Water
11	Rye	WMP 14 WMP 17	Safeguarding wharves and Railheads  Transport (waste and minerals)
12	Mountfield Coated Roadstone Plant	WMP11 WMP 17	Provision of Gypsum  Transport - Road, Rail and Water
13	Rail Depots	WMP 17	Transport - Road, Rail and Water  Overarching Policies  DM policies
14	Recycling Material	WMP 2	Implementing the waste hierarchy  Overarching Policies  DM policies
15	Existing Clay Sites	WMP 12	Provision for Clay
16	New Clay sites	WMP 12	Provision for Clay  Overarching Policies  DM policies
17	Future Clay Reserves	WMP 3 WMP 12	Sustainable Provision and Use of Minerals  Provision for Clay
18	Clay working in the AONB	WMP 12	Provision for Clay

## Replaced Policies 9

Minerals Local Plan policy		Waste & Minerals Plan policy/ies	
			Overarching Policies DM policies
19	Ashdown Brickworks (clay extraction)	WMP 12 WMP17	Provision for Clay Transport - Road, Rail and Water Overarching Policies DM policies
20	Chalk	WMP 3 WMP1	Sustainable Provision and Use of Minerals South Downs National Park DM policies
21	Tarring Neville	WMP 3	Sustainable Provision and Use of Minerals DM policies
22	Filching Quarry restoration	WMP 16	Restoration Overarching Policies DM policies Waste policies
23	Meeching Quarry		Not replaced, not saved
24	Cement Manufacture	WMP 3 WMP 1	Sustainable Provision and Use of Minerals South Downs National Park Overarching Policies DM policies
25	Chalk for construction fill	WMP 3	Sustainable Provision and Use of Minerals DM policies

## 9 Replaced Policies

Minerals Local Plan policy		Waste & Minerals Plan policy/ies	
26	Gypsum	WMP 11	Provision of Gypsum Overarching policies
27	Restoration and management around Robertsbridge and the Brightling Mine	WMP 16	Restoration Overarching Policies DM policies
28	Retention of rail link at Robertsbridge	WMP 17	Transport- Road, Rail and Water
29	Plasterboard Manufacturing and recycling	WMP11	Provision of Gypsum Waste recycling policies
30	Hydrocarbons	WMP 15	Oil and Gas Overarching Policies DM policies
31	Development Control- Environmental Assessment		Overarching Policies DM policies
32	Safeguarding	Updated approach set out in Policy WMP13, but policy will not be replaced until production of the Mineral Sites DPD.	
33	Breaches of planning control	Not replaced	
34	Restoration	WMP 16	Restoration Overarching policies DM policies
35	After-use	WMP 16	Restoration Overarching policies DM policies
36	Review of Sites	Not replaced	



## Glossary

### Glossary

**Aggregates** - sand, gravel, crushed rock that is used in the construction industry to make things like concrete, mortar, drainage, and asphalt. For secondary or recycled aggregates, see below.

**Agricultural waste** - waste from a farm or market garden such as pesticide containers, tyres, and old machinery.

**Annual Monitoring Report (AMR)** - document which monitors the implementation of planning policies in the Waste Local Plan and Minerals Local Plan and will monitor the implementation policies in the Core Strategy, once adopted. It also monitors progress in meeting the milestones in the Minerals and Waste Development Scheme.

**Apportionment** - the allocation between minerals and waste authorities of the regional amount of required mineral production or quantities of waste to be managed, for a particular period of time. These requirements are set out in the South East Plan.

**Area of Outstanding Natural Beauty (AONB)** - area with a statutory national landscape designation, the primary purpose of which is to conserve and enhance natural beauty.

**Area of search** - a broad geographic area within which a site, on which a waste management facility could be developed, could be found which is more likely to be acceptable than a site which is identified outside of the area.

**Biodegradable** - materials that can be broken down by naturally-occurring micro-organisms. Examples include food, garden waste and paper.

**Biodiversity Action Plan (BAP)** - strategy prepared by the Local Planning Authority together with nature conservation organisations to aimed at protecting and enhancing the biological diversity.

**Biological Diversity / Biodiversity** - The variety of life including plants, animals and micro-organisms, ecosystems and ecological processes.

**Built waste facilities** - There are waste management facilities that treat or transfer (bulk up) waste rather than landfill it. Treatment includes recycling or other recovery, the most common kinds of built waste facilities involve Materials Recovery (screening and sorting), stockpiling materials, Anaerobic Digestion, Mechanical Biological Treatment or Energy Recovery Facilities. The size and scale, and therefore the appearance, of buildings housing waste management facilities varies depending on the type of facility and the quantity of waste being managed.

**Commercial and Industrial waste (C&I)** - waste produced by business and commerce, and includes waste from restaurants, offices, retail and wholesale businesses, and manufacturing industries.

**Composting** - the breaking down of organic matter aerobically (in presence of oxygen) into a stable material that can be used as a fertiliser or soil conditioner.

## Glossary

**Construction, Demolition and Excavation waste (CDEW)** - Waste arising from the construction and demolition of buildings and infrastructure. Materials arising in each of the three streams (i.e. Construction; Demolition; Excavation) are substantially different: construction waste being composed of mixed non inert materials e.g. timber off cuts, plasterboard, metal banding, plastic packaging; demolition waste being primarily hard materials with some non inert content e.g. bricks, mortar, reinforced concrete; and excavation waste being almost solely soft inert material e.g. soil and stones.

**Core Strategy** - Former name of the Waste & Minerals Plan DPD.

**Development Plan Documents (DPDs)** - Spatial planning documents that are subject to independent examination. They will have 'development plan' status. A Core Strategy DPD and a Site Allocations DPD are key parts of any Local Development Framework or Waste and Minerals Development Framework.

**Dormant mineral site** - a site defined by the Environment Act 1995 as "dormant" where 'no minerals development has been carried out to any substantial extent in, on or under the site at any time in the period from 22 February 1982 to 6 June 1995'. Mineral working cannot take place at a dormant site unless full modern planning conditions have been submitted and approved by the Minerals Planning Authority.

**End of Life Vehicles (ELV)** - these are vehicles that have reached the end of their life and therefore require scrapping. Their management is specifically covered by the End of Life Vehicle Directive which aims to reduce the amount of waste produced from vehicles when they are scrapped.

**Energy recovery** - covers a number of established and emerging technologies, though most energy recovery is through incineration technologies. Many wastes are combustible, with relatively high calorific values - this energy can be recovered through processes such as incineration with electricity generation, gasification or pyrolysis.

**Environment Agency (EA)** - Government agency that aims to protect and improve the environment.

**Environmental Impact Assessment (EIA)** - study to evaluate the likely environmental impacts of a development, together with an assessment of how the severity of the impacts could be reduced. The EIA is prepared by and is the responsibility of the applicant and the resulting documentation is termed an 'Environmental Statement'.

**Greenfield site** - site previously unaffected by built development.

**Greenhouse gases** - gases such as methane and carbon dioxide that contribute to climate change.

**Groundwater** - water held in water-bearing rocks, in pores and fissures underground.

**Hazardous waste** - waste that may be hazardous to humans and that requires specific and separate provision for dealing with it.

## Glossary

**In-vessel Composting** - is a form of composting biodegradable waste that occurs in enclosed containers. These generally consist of metal tanks or concrete bunkers in which air flow and temperature can be controlled.

**Inactive mineral site** - Where mineral working has taken place under an extant planning permission but has ceased working for a period of time, e.g. the site has been 'mothballed' for commercial and/or economic reasons.

**Incineration** - burning of waste at high temperatures under controlled conditions. This results in a reduction bulk and may involve energy reclamation. Produces a burnt residue or 'bottom ash' whilst the chemical treatment of emissions from the burning of the waste produces smaller amounts of 'fly ash'.

**Inert waste** - waste that does not normally undergo any significant physical, chemical or biological change when deposited at a landfill site. It may include materials such as rock, concrete, brick, sand, soil or certain arisings from road building or maintenance.

**Issues and Options** - the first formal stage in preparing a Development Plan Document. Identifies and gathers information on key issues, and considers various options for addressing those issues.

**Land disposal** - Collective term for landfill and landraise.

**Landbank** - the reserve of unworked minerals, which may be identified or for which planning permission has been granted. Can include dormant sites or currently non-working sites and can be expressed in weight, time or area e.g. 'the operator has a landbank of only 5 years for gravel extraction'.

**Landfill**- permanent disposal of waste into the ground by the filling of man-made voids or similar features.

**Landfill gas** - gas generated by the breakdown of biodegradable waste within landfill sites. Consists mainly of methane and carbon dioxide.

**Landfill tax** - tax charged per tonne of waste disposed of at land disposal sites.

**Landraise** - disposal of waste material on greenfield sites, resulting in the raising of the ground level.

**Local Development Framework (LDF)** - suite of Development Plan Documents and other items prepared by district councils and unitary authorities, that together form the spatial planning strategy for the local area.

**Local Development Scheme** - the programme for the preparation of a planning authority's Development Plan Documents.

**Local Plan** - part of the statutory development plan that sets out detailed development policies prepared by district and unitary planning authorities. The Planning and Compulsory Purchase Act 2004 requires that this form of plan is replaced by Local Development Frameworks.

## Glossary

**Localism Bill** - Introduced to Parliament on 13 December 2010. The Government intends that this Bill will shift power from central government back into the hands of individuals, communities and councils. The Bill proposes changes to the planning system.

**Marine aggregates** - aggregates sourced by dredging from the sea bed.

**Marine borne material** - minerals imported by sea from other areas.

**Mineral Consultation Areas** - areas of potential mineral resource where district and borough planning authorities should notify the County Council if applications for development come forward. This should prevent mineral resource being lost ('sterilised').

**Mineral Safeguarding Areas** - areas of known mineral resource that are of sufficient economic or conservation value (such as building stones) to warrant protection for the future.

**Mineral Local Plan** - a statutory development plan that sets out the policies in relation to minerals within the minerals planning authority (unitary or county council). The Planning and Compulsory Purchase Act 2004 requires that this form of plan is replaced by Local Development Frameworks.

**Minerals Planning Authority** - the planning authority responsible for planning control of minerals development.

**Mitigation measures** - actions to prevent, avoid, or minimise the actual or potential adverse affects of a development, plan, or policy.

**Municipal Solid Waste (MSW)** - waste that is collected by a waste collection authority. The majority is household waste, but also includes waste from municipal parks and gardens, beach cleansing, cleared fly-tipped materials and some commercial waste.

**National Park** - A protected area designated by Natural England, under the National Parks and Access to the Countryside Act 1949 (as amended). The statutory purposes of National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and to promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.

**Natural England** - independent public body whose purpose is to protect and improve England's natural environment.

**Non-inert waste** - Waste that is potentially biodegradable or may undergo any significant physical, chemical or biological change when deposited at a landfill site. Sometimes referred to as 'non-hazardous waste'.

**Oil/gas exploration** - Following identification by survey of a sub-surface geological feature of interest, the drilling of a borehole to determine firstly whether or not oil and/or gas are present and secondly the likely size of any resources discovered. Drilling is the only known method of determining the presence of oil or gas.

**Options Testing Dialogue (OTD)** - The process through which the Councils discussed and 'tested' revised waste and minerals issues and options with key stakeholders between September and December 2008.

## Glossary

**Plan Area** - The geographical area covered by this Plan.

**Planning permission** - formal consent given by the local planning authority to develop and use land.

**Primary aggregates** - naturally-occurring mineral deposits that are used for the first time.

**Ramsar site** - wetlands of international importance, designated under the Ramsar Convention, an international agreement signed in Ramsar, Iran, in 1971.

**Recovery** - obtain value from wastes through one of the following means recycling, composting or energy recovery.

**Recycled aggregates** - are derived from reprocessing waste arisings from construction and demolition activities (concrete, bricks, tiles), highway maintenance (asphalt planings), excavation and utility operations. Examples include recycled concrete from construction and demolition waste material, spent rail ballast, and recycled asphalt.

**Recycling** - the processing of waste materials into new products to prevent waste of potentially useful resources. This activity can include the physical sorting of waste which involves separating out certain materials from mixed waste.

**Recovery** - 'Recovery' refers to waste treatment processes such as anaerobic digestion, energy recovery via direct combustion, gasification, pyrolysis or other technologies. These processes can recover value from waste, for instance by recovering energy or compost, in addition they can reduce the mass of the waste and stabilise it prior to disposal. The definition of recovery set out in the EU Waste Framework Directive applies which states: " 'recovery' means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy."

**Residual waste** - refers to the material that remains after the process of waste treatment has taken place, that cannot practicably be recycled, composted or recovered any further.

**Restoration** - methods by which the land is returned to a condition suitable for an agreed after-use following the completion of waste or minerals operations.

**Secondary aggregates** - recycled material that can be used in place of primary aggregates. Usually a by-product of other industrial processes. Examples include blast furnace slag, steel slag, pulverised-fuel ash (PFA), incinerator bottom ash, furnace bottom ash, recycled glass, slate aggregate, china clay sand, colliery spoil.

**Sewage sludge** - the semi-solid or liquid residue removed during the treatment of waste water.

**Soundness** - in accordance with national planning policy, local development documents must be 'soundly' based in terms of their content and the process by which they were produced. They must also be based upon a robust, credible evidence base. There are nine tests of soundness which must be passed in order for a document to be found 'sound'.

## Glossary

**South East Plan** - the Regional Spatial Strategy for the South East region, published in 2009. The Government has indicated its intention to abolish Regional Spatial Strategies through the Localism Bill

**Special Area of Conservation (SAC)** - designation made under the Habitats Directive to ensure the restoration or maintenance of certain natural habitats or species.

**Special Protection Area (SPA)** - designation made under the Birds Directive to conserve the habitats of certain threatened species of birds.

**Statutory consultee** - Organisations with which the local planning authority must consult with on the preparation of plans or in determining a planning application. Include the Environment Agency, Natural England and English Heritage.

**Sustainability Appraisal** - a tool for appraising policies to ensure they reflect sustainable development objectives. The Planning and Compulsory Purchase Act requires a sustainability appraisal to be undertaken for all development plan documents.

**Sustainable Community Strategy** - statutory strategy for promoting the economic, social and environmental well-being of the area. Prepared through partnership working between statutory sector providers, the community and voluntary sector, businesses, residents and the local authority.

**Sustainable development** - various definitions, but in its broadest sense it is about ensuring well-being and quality of life for everyone, now and for generations to come, by meeting social and environmental as well as economic needs

**Transfer station** - facility where waste is bulked up before being transported to another facility for further processing.

**Waste and Minerals Development Framework (WMDF)** - suite of Development Plan Documents and other items prepared by Waste and Minerals Planning Authorities, that outline the planning strategy for waste and minerals for the local area.

**Waste & Minerals Plan** - the DPD that sets out the long-term spatial vision for the area and the strategic policies to deliver that vision.

**Waste Collection Authority** - district or unitary authority that has a duty to collect household waste.

**Waste Disposal Authority** - local county or unitary authority responsible for managing the waste collected by the collection authorities, and the provision of household waste recycling centres.

**Waste Planning Authority** - county or unitary council planning authority responsible for planning control of waste management facilities.

**Waste Local Plan** - a statutory document that sets out the land-use policies in relation to the management and disposal of waste within the plan area. Local Plans are being replaced by the Development Frameworks introduced through the Planning and Compulsory Purchase Act 2004.



## Glossary

**Waste water** - the water and solids from a community that flow to a sewage treatment plant operated by a water company.

## Glossary

### Abbreviations

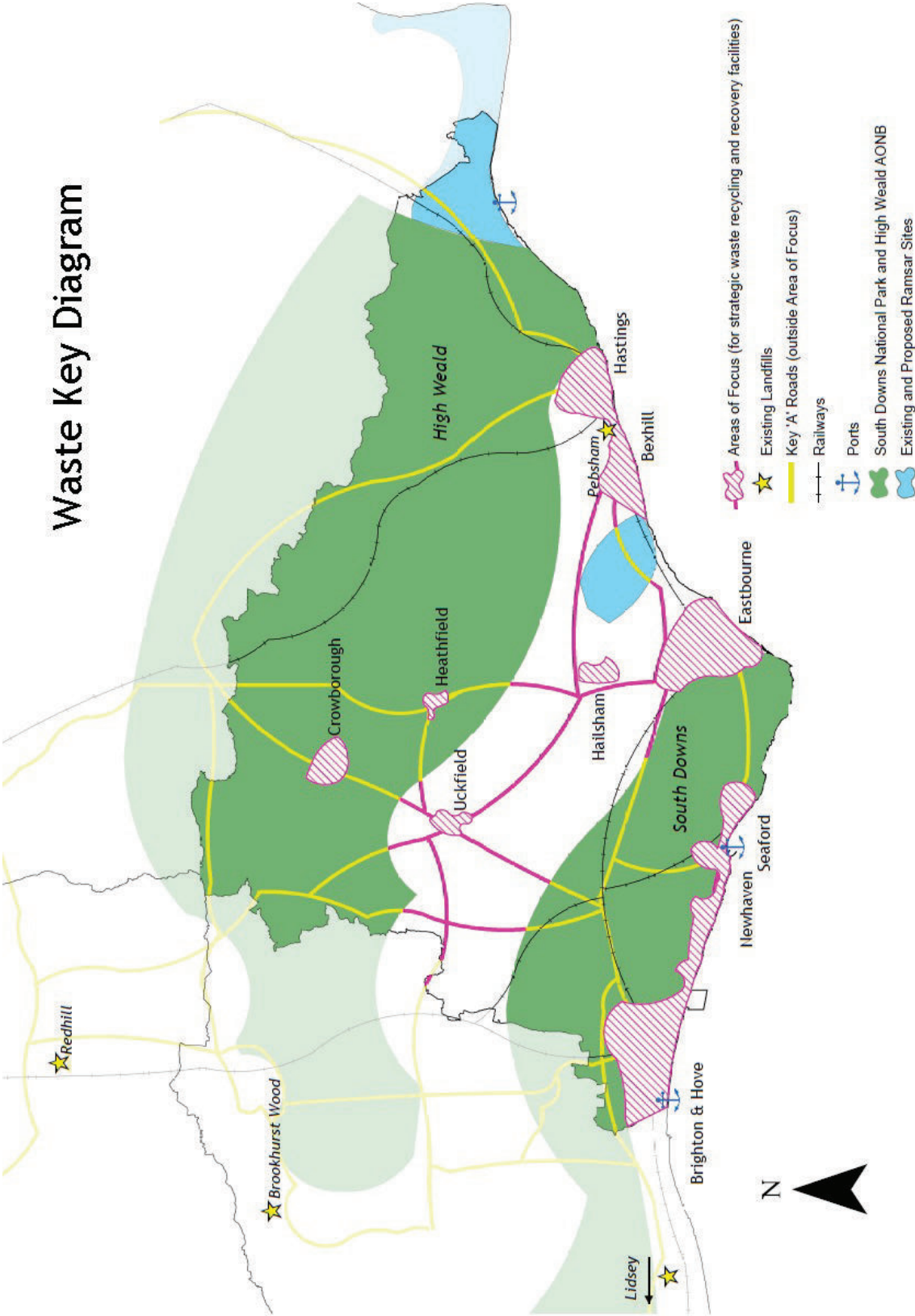
AD	Anaerobic Digestion
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
BAP	Biodiversity Action Plan
CDEW	Construction, Demolition and Excavation waste
C&I	Commercial & Industrial waste
DPD	Development Plan Document
DSG	Desulphogypsum
EA	Environment Agency
EfW	Energy from Waste
EIA	Environmental Impact Assessment
ELV	End of Life Vehicles
ERF	Energy Recovery Facility
HWRS	Household Waste Recycling Site
IVC	In Vessel Composting
LDF	Local Development Framework
LEP	Local Enterprise Partnership
LNR	Local Nature Reserve
LTP	Local Transport Plan
MPA	Minerals Planning Authority
MPS	Minerals Policy Statement
MRF	Materials Recovery Facility
MSW	Municipal Solid Waste
MWDS	Minerals and Waste Development Scheme
NNR	National Nature Reserve
OTD	Options Testing Dialogue
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RSS	Regional Spatial Strategy



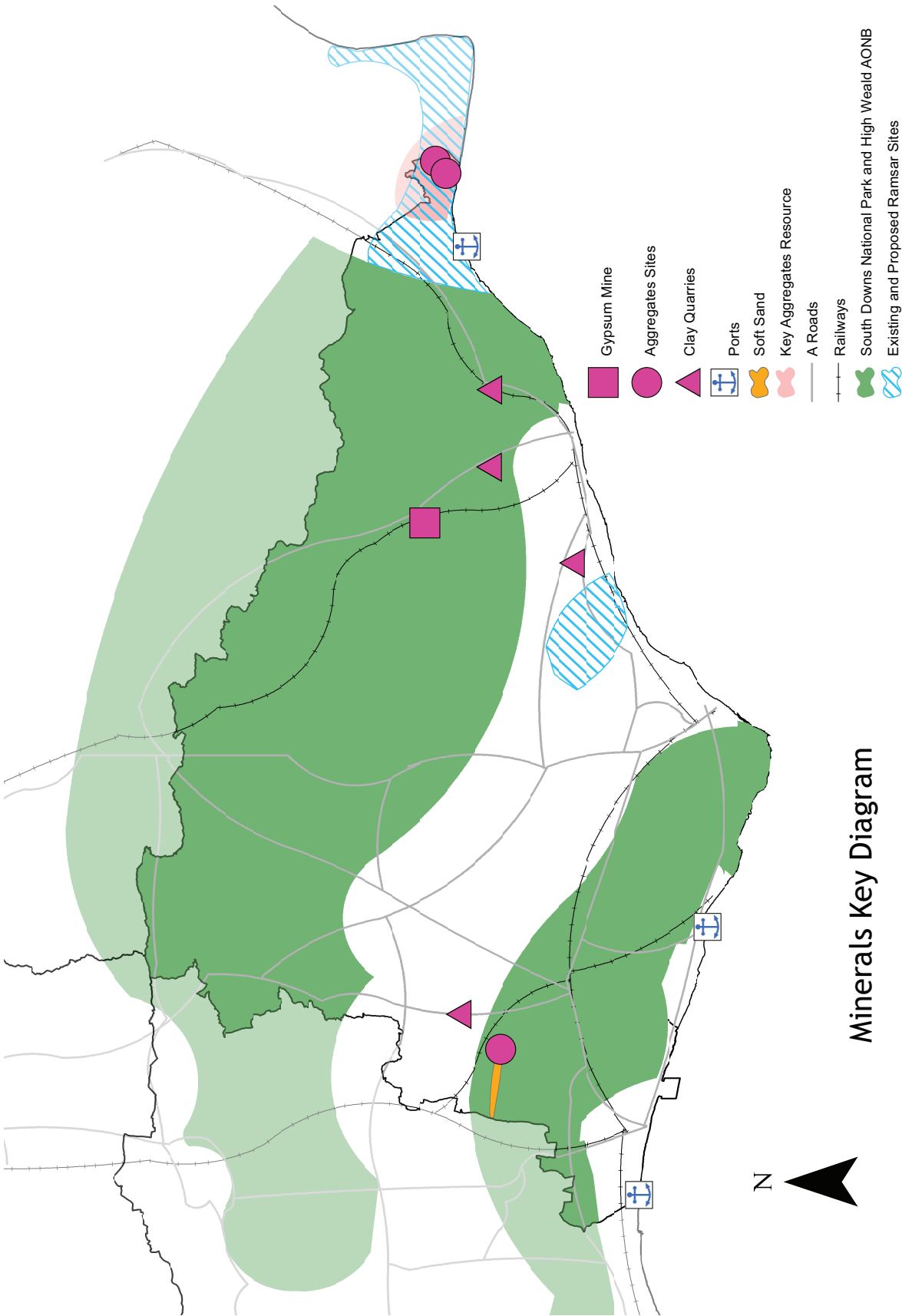
## Glossary

SA	Sustainability Appraisal
SAC	Special Area of Conservation
SDNP	South Downs National Park
SSSI	Site of Special Scientific Interest
SPA	Special Protection Area
SPD	Supplementary Planning Document
WCA	Waste Collection Authority
WDA	Waste Disposal Authority
WPA	Waste Planning Authority
WMDF	Waste and Minerals Development Framework
WWTW	Waste Water Treatment Works

# Waste Key Diagram

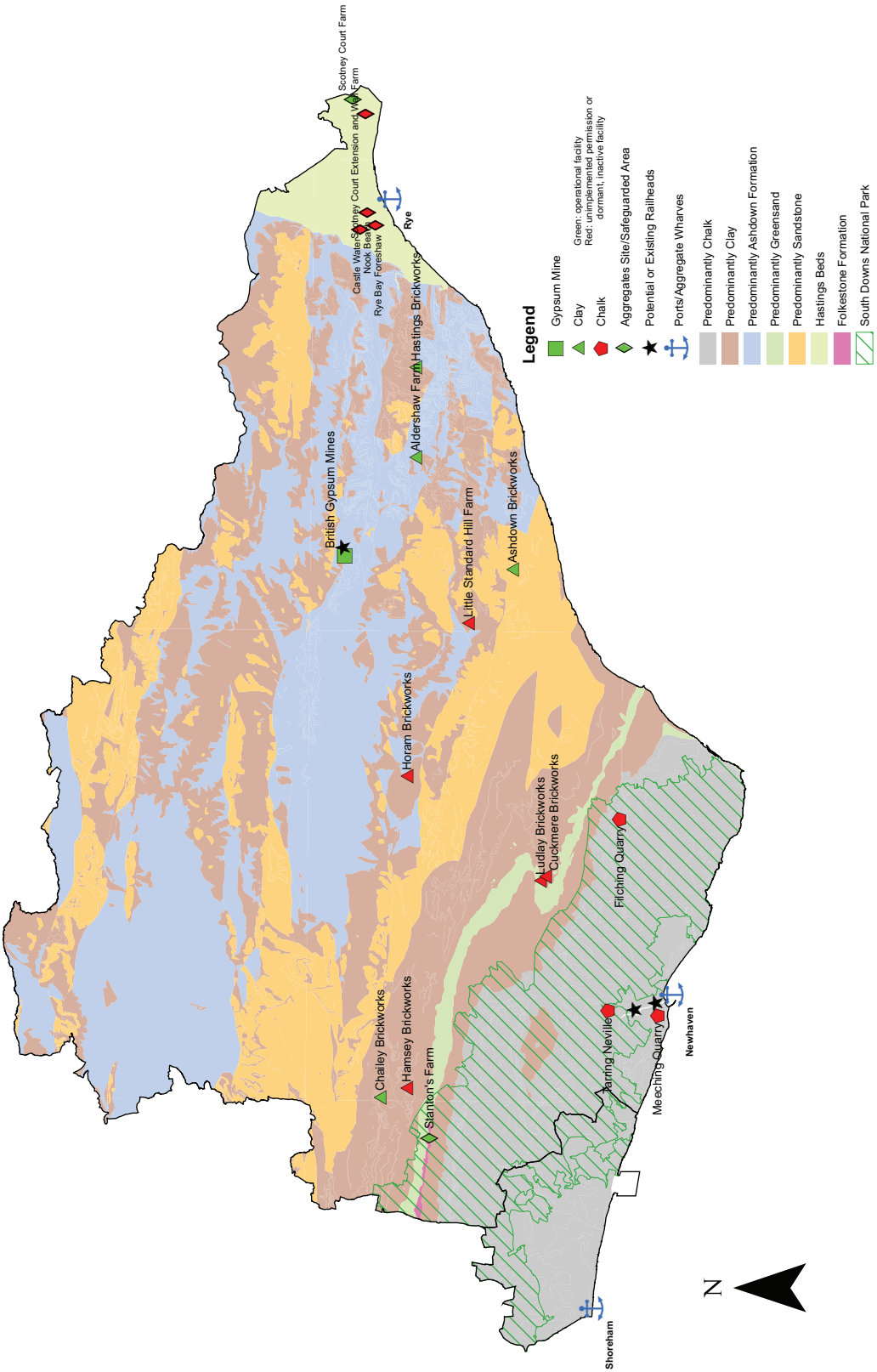


Minerals Key Diagram



Minerals Key Diagram

Simplified Geology of the Plan Area



## Tests of Soundness

The Government's Planning Policy Statement 12, 'Local Spatial Planning' defines 'soundness' in relation to core strategies as follows:

"To be "sound" a core strategy should be JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

- "Justified" means that the document must be:
- founded on a robust and credible evidence base
- the most appropriate strategy when considered against the reasonable alternatives

"Effective" means that the document must be:

- deliverable
- flexible
- able to be monitored"



## Evidence Base Documents

### Information Papers:

- 1. The Future Need for Waste Management
- 2. The Future Need for Minerals Production and Management
- 3. Sustainable Waste Management
- 4. Waste Management Methods and Technologies
- 5. Land Disposal
- 6. Spatial Portrait of East Sussex, Brighton & Hove and the South Downs
- 7. Hazardous and Radioactive Waste
- 8. Transportation of Waste and Minerals
- 9. Climate Change and Waste and Minerals
- 10. Waste Water and Sewage Sludge

### Studies and Assessments:

- Sustainability Appraisal
- Waste Minimisation Study
- Waste and Minerals Sustainable Transport Feasibility Study
- Road Transport Implications of Strategic Locations for Waste Facilities, JMP
- Landfill, Landraise and Surcharging in East Sussex, South Downs and Brighton & Hove (Full Version)
- Landfill, Landraise and Surcharging in East Sussex, South Downs and Brighton & Hove (Shortened Version)
- Sustainable Locations for Waste Development – Update of Evidence
- Sites Identification Study, Scott Wilson, 2009
- Review of Future Waste Management Capacity Requirements, AEA
- Assessing the Potential for Heat Capture from Energy From Waste Facilities in East Sussex and Brighton & Hove, Beyond Waste
- Climate Change Study, Eunomia
- Residual Waste from London Study: Draft Report, Scott Wilson
- Low Level Radioactive Waste - Review of The Future Management Needs, URS/Scott Wilson
- Hazardous Waste - Review of The Future Management Needs, URS/Scott Wilson
- Defining Strategic Waste Management Facilities – report
- Equalities Impact Assessment
- Appropriate Assessment, URS/Scott Wilson

### Other Documents:

- Responses to the Consultation on the Preferred Strategy document
- Responses to Draft Waste and Minerals Plan





<b>Council</b>	<b>Agenda Item 64</b>
26 January 2012	Brighton & Hove City Council

<b>Subject:</b>	<b>Brighton &amp; Hove City Council Health &amp; Wellbeing Board Development</b>		
<b>Date of Meeting:</b>	<b>26 January 2012</b>		
<b>Report of:</b>	<b>Extract from the Proceedings of the Governance Committee Meeting held on the 10 January 2012</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mark Wall</b>	<b>Tel: 29-1006</b>
	<b>E-mail:</b>	<b>mark.wall@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>All</b>		

## **GOVERNANCE COMMITTEE**

**4.00 pm 10 January 2012  
COUNCIL CHAMBER, HOVE TOWN HALL**

### **DRAFT MINUTES**

**Present:** Councillors Littman (Chair), A Norman (Deputy Chair), Bowden, Cobb, Cox, J Kitcat, Mitchell, Morgan, Powell and Randall

### **PART ONE**

#### **57. BRIGHTON & HOVE CITY COUNCIL HEALTH & WELLBEING BOARD DEVELOPMENT**

- 57.1 The Committee considered a report of the Strategic Director, People and Director of Public Health and Adult Social Care concerning the establishment of a Health and Wellbeing Board. The report summarised the proposed approach to establishing a Health and Wellbeing Board, and sought approval for the approach outlined for the establishment of a Shadow Health and Wellbeing Board in April 2012 as set out in the Terms of Reference.
- 57.2 An amendment to the draft Terms of Reference was proposed by Council Randall and seconded by Councillor Kitcat. The proposed amendment was circulated to the Members. The amendment related to the second bullet point in paragraph 3 'Membership' of the draft Terms of Reference and read:

*'Six additional elected Members which, taken together with the Elected Member as Chair set above, will be allocated to the different groups in proportion to the number of seats they have at Council'.*

Council Kitcat spoke on the amendment and said the six additional members would ensure that there would be a majority of councillors on the Health and Wellbeing Board, which would make the Board as democratic as possible.

- 57.3 Councillor A Norman noted the proposed amendment and whilst agreeing that it would allow councillors to be more involved, had concerns that a great deal of consultation had taken place and the working group had carefully considered the membership. Councillor Norman suggested it might be more appropriate for the proposed amendment to be considered first by the working group.
- 57.4 Councillor Bowden supported the amendment as, whilst he did not want the Board to be too big and unwieldy, he felt additional Members on the Board would allow for a more democratic decision making process and would assist officers who may find themselves in a difficult situation having to vote on certain issues.
- 57.5 Councillor Mitchell had hoped that membership of the Board would be small, but accepted that it was important to protect officers from having to make some decisions. Councillor Mitchell asked whether the Board would be able to monitor and comment on what the partner agencies spent. The Committee were advised that the Board would be able to look at health outcomes for the city, and consider the proposals of how to meet them, but would not be looking at the actual contracts etc.
- 57.6 Councillor Cobb noted the suggested amendment and stated that she had similar concerns to Councillor Norman, and felt that the working group should have considered them first. Councillor Cobb suggested that another option would be to remove the voting rights of the three Directors (as listed in the Terms of Reference Membership), and allow the Chair to have the casting vote. This would alleviate the need for officers to make decisions.
- 57.7 Councillor Morgan asked for clarification on whether the Board would be looking at issues such as alcohol abuse, mental health etc and whether there would be any overlap with other committees or boards. Councillor Morgan was advised that the Board would be looking at those types of areas, and if there were any overlaps they should become apparent during the shadow year.
- 57.8 Councillor Powell asked whether it was the intention for the Board to replace the Children and Young People Overview and Scrutiny Committee or the Adult Social Care and Housing Overview and Scrutiny Committee. Councillor Powell was advised that the proposals for the new committees would be agreed in April, and the role of the Health and Wellbeing Board would be looked when proposing the new committees. Councillor Powell asked if there would be a scrutiny function within the Board, and was advised that the Board would be focusing on the health needs of the city and looking at whether those needs were being met.
- 57.9 Councillor Bowden referred to the suggestion made by Councillor Cobb that the directors on the Board don't have the right to vote and asked if that were legally possible. Councillor Bowden was advised that the directors were required to be full members with equal rights and therefore they would have to be able to vote.
- 57.10 The Head of Legal and Democratic Services confirmed that it was intention for the arrangements of the shadow board to be as close as possible to the final board. It was

not the intention for the Health and Wellbeing Board to replace other boards or committees, and having the shadow board would allow for any overlaps to be noted.

- 57.11 Councillor Norman noted that the government recommendations were to have one Member on the Board, and the working group had increased that to three Members. The suggested further increase was on the recommendation of the administration and not the working group and was concerned that to agree an increase at the meeting was inappropriate without it being looked at again by the working group.
- 57.12 Councillor Kitcat stated that the Health and Wellbeing Board would not be reporting to Council and it was important that councillors came first in any making any decision.
- 57.13 Councillor Randall confirmed that the suggested change to the membership had been discussed at the recent Leaders Group meeting.
- 57.14 Councillor Littman noted that there would be 14 members on the Board and therefore all the councillors, representing the political parties, would need to agree for issues to be agreed by the Board.
- 57.15 A vote was taken on the proposed amendment and the amendment was agreed.

**RESOLVED:**

- (1) That Governance Committee recommends to Council the establishment of a Shadow Health and Wellbeing Board from April 2012 as set out in the report and in accordance with the draft Terms of Reference attached at Appendix One, with the following amendment:
- ‘That the second bullet point in paragraph 3 (Membership) reads: ‘Six additional elected Members which, taken together with the Elected Member as Chair set out above, will be allocated to the different groups in proportion to the number of seats they have at Council.’
- (2) That Governance Committee refers the report to Cabinet for information.



<b>Subject:</b>	<b>Brighton &amp; Hove City Council Health and Wellbeing Board Development</b>		
<b>Date of Meeting:</b>	10 <sup>th</sup> January 2012 Governance Committee 19 <sup>th</sup> January 2012 Cabinet <b>26<sup>th</sup> January 2012 Council</b>		
<b>Report of:</b>	<b>Directors of Public Health and Adult Social Care, Strategic Director, People</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Terry Parkin</b>	<b>Tel: 29-0446</b>
	<b>Email:</b>	<b>Terry.Parkin@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No:</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT

- 1.1 The Health and Social Care Bill will require local authorities to establish a Health and Wellbeing Board (HWB) by April 2013. This board will be a formal committee of upper tier and unitary local authorities under Section 102 of the Local Government Act.
- 1.2 This paper summarises the proposed approach to establishing a Health and Wellbeing Board during the shadow year of 2012-2013 and follows from two longer discussion papers circulated prior to each of the consultation workshops. The purpose of this paper is to seek approval for the approach outlined for the establishment of a Shadow Health and Wellbeing Board (SHWB) in April 2012.

#### 2. RECOMMENDATIONS:

- 2.1 That Governance Committee recommends to Council the establishment of a Shadow Health and Wellbeing Board from April 2012 as set out in this paper and in accordance with the draft Terms of Reference attached at Appendix One.
- 2.2 That Governance Committee refers the report to the Cabinet for information.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS

- 3.1 In Brighton & Hove a decision was reached between officers and elected members *not* to become an early implementer of a Health and Wellbeing Board, but rather to engage in a discussion with partners and stakeholders to work at getting the scope, functions, membership and governance of the Brighton & Hove Health and Wellbeing Board right.
- 3.2 Two workshops were held to discuss the establishment of a Brighton and Hove Health and Wellbeing Board. The first on 26<sup>th</sup> July 2011 was used to plan out the scope of the health and wellbeing board. A second workshop on 3<sup>rd</sup> October was held to discuss the likely make up of the board with regard to three key components: function, membership and governance.
- 3.3 A national pause was announced in the passage of the Health and Social Care Bill and following further national discussion, led by an NHS Futures Forum, a number of

amendments were made to the Bill. With regard to the establishment of a HWB, these included stronger public engagement, a stronger role for joint commissioning between health and social care, and powers to the HWB to refer to the NHS Commissioning Board the commissioning plans of a clinical commissioning group, if these do not meet the requirement of the health and wellbeing strategy.

- 3.4 The Bill was passed in the House of Commons on 8<sup>th</sup> September 2011, and in the face of considerable lobbying from health and nursing groups, passed to the House of Lords on 14<sup>th</sup> October 2011. It is currently being considered in Committee Stage in the House of Lords and this is a detailed line by line examination of the Bill, which is likely to continue into the New Year.
- 3.5 A further series of consultation events has taken place including elected members, the health overview and scrutiny committee, the clinical commissioning group, lead commissioners and the LINK.
- 3.6 This paper and the model proposed reflects the legislative requirements of the Bill, as currently drafted, as well as the local consultation that has taken place prior to and subsequent to the legislation passing through the House of Commons.

### **Proposed Scope of the Shadow Health and Wellbeing Board**

- 3.7 It is proposed that a Shadow Health and Wellbeing Board be established from April 2012, in advance of the Statutory Board which is likely to be required to be in place from April 2013. The primary purpose of the SHWB will be to prepare the Council, the PCT and the emerging local Clinical Commissioning Group for the statutory roles of the formal Health and Wellbeing Board. The SHWB's focus will be to provide the strategic leadership required to improve the health and wellbeing of the population of Brighton & Hove.
- 3.8 The SHWB will oversee the production and delivery of a joint health and wellbeing strategy which will be based on the local joint strategic needs assessment.
- 3.9 The SHWB will monitor the delivery of a series of outcomes covering public health, children and adult social care.
- 3.10 The SHWB will also review the commissioning plans of the clinical commissioning group with regard to how they address the needs identified in the joint strategic needs assessment (JSNA) and written into the health and wellbeing strategy.
- 3.11 The remit of the SHWB will be clearly defined and it will seek to concentrate on the strategic leadership and delivery of a number of key outcomes. The board will be 'transformational rather than transactional' and will influence how budgets are spent, rather than oversee a specific health and wellbeing budget.
- 3.12 The SHWB will have input into wider determinants of health such as housing, economy and education, but this will not be through the SHWB directly overseeing relevant partnerships, but rather having a clear link to groups who lead on this work. Key to this work will be the relationship with the Local Strategic Partnership (LSP) and Public Service Board (PSB) which will emerge in the first shadow year
- 3.13 Another key relationship that will be established during the first year is the one with children's reporting structures such as the children and young people's trust board (CYPTB) and the local safeguarding board (LSB). It is proposed that these continue in their current format in the first year and that consideration be given to ensuring there is no duplication of roles. In particular, the CYPTB is likely to cease to become a statutory requirement following the removal of the requirement for it to develop and approve a

Children and Young People's Plan. Reporting requirements for the LSB will need to be carefully considered.

- 3.14 The board will agree a set of health and wellbeing outcomes; these will be strongly influenced by the national public health outcomes framework but also by the joint strategic needs assessment. The national public health outcomes framework and JSNA will then determine the health and wellbeing strategy that the Health and Wellbeing Board will agree and from which the set of outcomes will be selected and agreed.
- 3.15 The board will also have due regard to the annual report of the Director of Public Health which will be formally presented to the board each year.
- 3.16 The board will not have a formal role in emergency planning but will be part of the assurance process for making sure that processes are in place to protect the public's health in the event of an emergency.

### **Governance**

- 3.17 The SHWB will advise the Council, Sussex PCT and the local Clinical Commissioning Group in its shadow year. Once it is formally constituted under the Health and Social Care Act from April 2013, the HWB will be a committee of Council.
- 3.18 The SHWB will also establish a formal relationship with the Public Service Board and Local Strategic Partnership. There will be overlaps in remit between the board and these groups. During the first shadow year (2012-13) any overlaps will be identified with the aim of removing these before the formal establishment of the board in April 2013. As part of this shadow year the board will plan in a formal board to board meeting with the Public Service Board.
- 3.19 The SHWB will meet quarterly in the shadow year. A formal 'taking stock' session will take place mid way through the shadow year.
- 3.20 Meetings will be open and other statutory sectors including provider trusts, community and voluntary sector and members of the public will be able to submit questions to the chair before meetings and at the discretion of the chair during meetings, in accordance with the Council's usual Standing Orders and rules of procedure.
- 3.21 Key decision-making bodies, such as the Children and Young People's Trust Board, the Local Safeguarding Children's Board and the Joint Commissioning Board will discuss their changing role during this shadow year and report to the SHWB regarding their remit and any changes in their establishment or role. The shadow year will also be used to 'train up' the members of the Health and Wellbeing Board in their new roles.
- 3.22 When the board is formally constituted under the Health and Social Care Act, it will have formal committee status. Its powers however, will be devolved to the board itself and not through full council, so it will be empowered to take decisions at board level without the need for full council ratification. As a formal committee normal committee rules will apply but draft legislation states that the Secretary of State has the power to disapply any of these by regulation. This would enable the membership of both officers and elected members to participate in decision making.
- 3.23 A copy of the draft Terms of Reference for the SHWB are attached at Appendix One. These will be reviewed during the shadow year and will need to be revised at the point that the health and wellbeing board is formally constituted under the Health and Social Care Act.

- 3.24 The consultation has taken place during a period when the City Council is considering a return to a committee structure. However, unlike other committees of the council the HWB will not be proportionately weighted in terms of political party representatives and officers will vote in the same forum as elected members. Further consideration will be given to the structures that will have to sit under the HWB which will ensure full engagement with the public, professionals, the third sector and elected members.

### **Membership**

- 3.25 There has been widespread support for a small membership, and during the shadow year consideration will be formally given to extending the membership as required. The formal membership of the board will be as follows:

- An elected member from the Largest Political Party will chair the board;
- The Official Opposition and Opposition Parties will also select one member to sit on the board;
- The three Statutory Directors of Public Health, Children's Services and Adult Social Care;
- One lead clinical and one non-clinical member from the Clinical Commissioning Group;
- A member from the Youth Council;
- One member from Healthwatch.

Note: As Healthwatch does not currently have a remit for children and with the likely future changes to the Children and Young People's Trust Board it is important that young people have some representation in health and wellbeing issues that affect their lives, hence the inclusion of a member of the Youth Council.

- 3.26 Where a discussion is to be held on a particular subject, for example accident and emergency services, other relevant providers, such as in this case Southeast Coast Ambulance Service (SECAmb) will be invited as is relevant.

## **3. CONSULTATION**

The following people were provided with the opportunity to comment and input into the establishment of the SHWB:

- Members of the staff forums of the city council and clinical commissioning group
- Members of the Overview & Scrutiny Commission
- Political groups
- Individual Cabinet Members
- Corporate Management Team
- Strategic Leadership Board
- The LINK
- NHS Brighton and Hove
- Brighton and Hove Clinical Commissioning Group

## **4. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 4.1.1 The health and wellbeing board will not hold a service budget. The board will influence budgets and spending decisions through strategic leadership to commissioning and in regard to Joint Strategic Needs Assessments. There will be requirement for some officer support to the board estimated at £30k for which joint funding will be identified by public health, adult social care and children's services.

*Finance Officer Consulted: Anne Silley      Date: 09/12/11*



#### Legal Implications:

- 4.2 As set out in the report, the Health and Social Care Bill requires local authorities to establish a Health and Wellbeing Board as a committee of council with specific functions delegated to it. Once the Act and Regulations are in force, a formal committee can be established. This report proposes the establishment of an advisory body – the Shadow health and Wellbeing Board – which will ensure that the Council and its partners are well placed to take on the formal functions of the Health and Wellbeing Board when the Act comes into force.

*Lawyer Consulted: Elizabeth Culbert*

*Date: 08/12/11*

#### Equalities Implications:

- 4.3 The council's Equality and Inclusion Policy guides the council's approach to equality, diversity and inclusion. It explains the council's responsibilities and duties, and sets out how the council will meet them. This is a key informant policy of the joint strategic needs assessment of the city which will in turn inform the health and wellbeing strategy adopted by the health and wellbeing board.

#### Sustainability Implications:

- 4.4 Sustainability implications for both council operations and city outcomes are incorporated directly into the joint strategic needs assessment of the city and inform the State of the City report.

#### Crime & Disorder Implications:

- 4.5 Crime and Disorder implications are incorporated directly into joint strategic needs assessment and formed a key component of the State of the City report.

#### Risk and Opportunity Management Implications:

- 4.6 Risks and opportunities for the Council and the city have been considered during the development of this paper and a formal risk assessment was undertaken as part of the work programme of the steering group.

#### Corporate / Citywide Implications:

- 4.7 The health and wellbeing board will steer the overarching health and wellbeing priorities for the city and stimulate service level outcomes and business plans, to improve the population's health and wellbeing.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. Draft Terms of Reference of the health and wellbeing board 2012 - 2013

#### **Documents In Members' Rooms**

None

#### **Background Documents**

None



**Brighton & Hove City Council Shadow Health & Wellbeing Board**

**April 2012-March 2013**

**Draft Terms of Reference**

**1. Introduction**

The Shadow Health and Wellbeing Board (SHWB) will act as an advisory body to the Council, the Sussex PCT (SPCT) Board and the emerging Clinical Commissioning Group (CCG).

The SHWB will continue to act in shadow form until the formal constitution of the Health and Wellbeing Board (HWB). It is expected that the Health and Social Care Bill will be enacted to enable the new Board to be established in April 2013, when it will become a committee of the Council.

References in this document to the 'Board' are references to the SHWB. These terms of reference will be reviewed prior to the establishment of the Statutory Board.

**2. Purpose**

The SHWB will lead and advise on work to improve the health and wellbeing of the population of Brighton & Hove, through the development of improved and integrated health and social care services.

In support of this aim the Board will advise the Council, the SPCT Board and the CCG in relation to the following matters:-

1. Providing city-wide strategic leadership to public health, health and adults and children's social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts;
2. In its shadow year, the SHWB will have regard to the Joint Strategic Needs Assessment (JSNA) for the City. [The HWB will be responsible for preparing and publishing the JSNA once it is a formally established committee under the Health and Social Care Act];
3. Preparing and publishing a Joint Health & Wellbeing Strategy (JHWS) – a high level strategic plan that identifies, from the JSNA and the national outcomes frameworks, needs and priority outcomes across the local population;
4. Receiving the annual CCG commissioning plan for comment. [Once the HWB is a formally established committee under the Health and Social Care Act, it will have the authority to refer the CCG commissioning plan up to the NHS Commissioning Board];
5. Supporting joint commissioning and pooled budget arrangements where it is agreed by the Board that this is appropriate;
6. Promoting integration and joint working in health and social care across the locality;

7. Involving users and the public, including to communicate and explain the JHWS to local organisations and city residents;
8. Monitoring the outcomes goals set out in the JHWS and use its authority to ensure that the public health, health and adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the city;
9. Establishing and maintaining a dialogue with the City Council's Local Strategic Partnership Board, including consulting on its proposed strategies and reporting on outcomes in line with the City's Performance and Risk Management Framework.
10. Ensuring robust arrangements are in place for a smooth transition into the Statutory Board by April 2013.

### **3. Membership**

#### Voting Membership:

- Elected Member from the Largest Political Group (as Chair\*)
- One Member each from the Official Opposition and Opposition
- The Director of Children's Services
- The Director of Public Health
- The Director of Adult Social Care
- One lead clinical and one non clinical member from the local Clinical Commissioning Group
- A representative of Healthwatch
- A member from the Youth Council

\* The Chair is a fully participating and voting member of the SHWB.

An NHS Commissioning Board (NHSCB) representative will attend, as required, when the NHSCB is established.

A range of partners will be invited to attend the SHWB. This will include the respective chairs of the children's and adults safeguarding boards.

Membership will be reviewed by the SHWB as part of its development of the Statutory Board.

### **4. Conduct of meetings**

1. Meetings of the Board will be in public.
2. The Access to Information Procedure Rules and the Standing Orders of Brighton & Hove City Council will apply with any necessary modifications, including the following:-
  - The Chair will be an elected member of the Largest Political Group;

- The quorum for a meeting shall be a quarter of the voting membership, including at least one elected member from the Council and one representative of the CCG;
- The aim of the Board is to achieve decision making by consensus. Where this is not possible, decisions shall be made on the basis of a show of hands of a majority of voting members present. If there is an equal number of votes, the Chair will have a second or casting vote;
- The Board shall meet four times within a financial year;
- A Special Meeting will be called when the Chair considers this necessary and/or in the circumstances where the Chair receives a request in writing by 50% of the membership of the Board.

## **5. Communication and Engagement**

The SHWB will communicate and engage with local people in how they can achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing. In support of this, the Board will:-

- Develop and implement a Communications and Engagement strategy for the work of the Board, including how the work of the Board will be influenced by stakeholders and the public, including seldom heard groups;
- Represent Brighton & Hove in relation to health and wellbeing issues at a local, sub-regional, regional, national and international level, influencing and negotiating on behalf of the members of the Board and working closely with the LINKs/local HealthWatch;



<b>Council</b>	<b>Agenda Item 65(a)</b>
26 January 2012	Brighton & Hove City Council

## **NOTICE OF MOTION**

### **CONSERVATIVE GROUP**

#### **ACCEPT THE COUNCIL TAX FREEZE GRANT**

“This Council warmly welcomes the offer of Government grant funding worth £3 million that would enable a council tax freeze for Brighton & Hove’s residents in 2012/13. It, therefore, profoundly regrets the Green Administration’s stated intention to turn down this money and instead increase council tax by 3.5% for each of the next 3 years.

The Administration’s refusal to accept the £3 million flies in the face of public opinion. Currently, over 7,000 residents have taken part in the Argus referendum on the subject and 70% have indicated that they would like a council tax freeze. The Argus’ public-spirited campaign to consult as widely as possible with the residents of Brighton & Hove contrasts sharply with the Administration’s consultation exercise which involved only forty eight residents, whilst incurring a cost of almost £10,000.

Therefore, without prejudice to the final decision being taken at the Budget Council meeting, this Council urges the Administration to produce a Budget for the whole city which will take advantage of the £3 million Government grant and deliver a much-needed council tax freeze to the hard-pressed residents of Brighton & Hove in these tough economic times.”

Proposed by: Cllr Ann Norman

Seconded by: Cllr Geoffrey Theobald

Supported by Cllrs: Cobb, Brown, Wealls, Janio, Peltzer Dunn, Hyde, Barnett, Bennett, C. Theobald, Pidgeon, Mears, Simson, Smith, Cox, K. Norman and Wells.





<b>Council</b>	<b>Agenda Item 65(b)</b>
26 January 2012	Brighton & Hove City Council

## **NOTICE OF MOTION**

### **LABOUR & CO-OPERATIVE GROUP**

#### **RAIL FARE RISES**

“This council notes with regret the recent rises of up to 11% on rail fares, and how this will impact on many of the 33,500 residents of Brighton and Hove who commute out of the city on a daily basis, many of them to London. Rises in the next two years could be up to 13%.

A Brighton to London season ticket on Southern has risen 7.76%, going up from £3,556 to £3,832, while some off-peak Brighton to London day returns have risen 10.18% to £24.90. A weekly First Capital Connect season ticket from Brighton to London has gone up from £77.60 to £80, and an annual ticket from £3,104 to £3,200 (3.1%).

This council believes that investment by the taxpayer in the rail network, whether the individual is a user of the rail system or not, is an essential part of encouraging the use of one of the more sustainable forms of transport, and that the cost of investment in the network should not be borne disproportionately by rail users.

This council further believes that the Government’s decision to side with the powerful private train operator lobby against commuter and passengers, for example by train companies more freedom to rig the system of fares, so that the busiest routes get biggest fare increases, shows they are desperately out of touch with the spiralling cost-of-living crisis facing so many hard-working families.

This council further believes that a co-operatively owned rail network, where passengers have a stake and a say in the transport they use, would be a better solution to the long term issues involved in promoting this form of transport.

This council asks the Chief Executive to write to the Secretary of State for Transport, asking her to review the application of the full increase in fares in the interests of the Brighton & Hove economy, and to consider limiting future rises to 1% above the rate of inflation, as supported by Transport Minister Norman Baker when in opposition.”

Proposed by: Cllr Craig Turton

Seconded by: Cllr Warren Morgan

Supported by: Cllrs Gill Mitchell, Mo Marsh, Leigh Farrow, Jeane Lepper, Anne Pissaridou, Brian Fitch, Penny Gilbey, Alan Robins, Bob Carden, Les Hamilton.



<b>Council</b>	<b>Agenda Item 65(c)</b>
26 January 2012	Brighton & Hove City Council

## **NOTICE OF MOTION**

### **CONSERVATIVE GROUP**

#### **PROTECT BBC LOCAL RADIO SERVICES**

“This Council notes with concern the proposals contained within the BBC Trust Service Review of Local Radio. If implemented, the plans would reduce the budget for the BBC's 40 local stations in England, including BBC Sussex, by 19%, or £15m, with the loss of 280 jobs, or up to 20% of staff at individual stations. This will result in a reduction in local output of 22%, including the replacement of local afternoon and evening shows with standardised national content, the switching off of Medium Wave and less local sports and music coverage.

This Council applauds the efforts of the BBC, as a publicly-funded organisation, to make efficiency savings along with the rest of the public sector at a time of economic turbulence. However, this Council believes that such savings should not prevent the BBC from fulfilling its public service remit and urges them to find the money from elsewhere in the organisation, rather than from local radio, which many people, including the elderly and vulnerable, rely upon for information, advice and comfort.

This Council further notes the concern expressed by the Local Government Association about the detrimental impact the BBC's proposals could have on the ability of local authorities to manage in emergencies. In times of crisis such as flooding, severe weather or other major emergencies, councils, the police and fire authorities often rely on local radio to keep residents informed and issue safety advice.

The proposals for local radio come hot on the heels of the regionalisation of local television news coverage and the transfer of part of the operations of the city's only printed daily newspaper – the Argus – to Southampton.

Therefore, this Council resolves to write to the city's 3 MPs, outlining the concerns expressed in this motion and requesting that they make representations to Lord Patten – Chairman of the BBC Trust - to safeguard local radio and, above all, to keep it genuinely local.”

Proposed by: Cllr Geoffrey Theobald

Seconded by: Cllr Garry Peltzer Dunn

Supported by: Cllrs Cobb, Brown, Wealls, Janio, A. Norman, Hyde, Barnett, Bennett, C. Theobald, Pidgeon, Mears, Simson, Smith, Cox, K. Norman and Wells.



<b>Council</b>	<b>Agenda Item 65(d)</b>
26 January 2012	Brighton & Hove City Council

## NOTICE OF MOTION

### GREEN GROUP

#### FAIR DEAL FOR PUBS

“This council recognises the important role community pubs play in the life of the many villages that make up our city, supporting local activities and organisations and providing a safe and regulated environment for consumers.

It also recognises the many financial and other pressures faced by pubs, chief among them the rip-off that sees the big pub companies (PubCos) overcharge their tied tenants for beer, wine and spirits and restrict access to local ales, all of which has a disastrous impact on the pub trade.

Furthermore, it is concerned that the Department for Business, Innovation and Skills' proposals for reform of the pub industry relies heavily and naively on self-regulation and believes only a statutory code of practice, which includes a free-of-tie option with an open market rent review and an independent adjudicator, will resolve the corrosive contractual problems between the pub companies and their lessees

In addition, it notes the threat to the survival of pubs by the sale of alcohol across the city in off-licences, local shops and national supermarket chains at 'pocket-money prices' (1) that also fuels alcohol-related health problems and social damage (2).

Council therefore:

- (1) Supports the *Fair deals for pubs* motion passed unanimously in the House of Commons earlier this month, which calls on the Government to commission a review of self-regulation of the pub industry in the autumn of 2012 to be conducted by an independent body approved by the House of Commons Business, Innovation and Skills Committee.
- (2) Urges the government to introduce a minimum price for alcohol sales in England to stop the sale of cheap alcohol in shops and supermarkets and address the disparity between shop and pub prices, thus encouraging consumers to drink in the safe and regulated environment of the local community pub.

Proposed by: Cllr Bill Randall

Seconded by Cllr Ben Duncan

Supported by: Cllrs Kennedy, Davey, Buckley, Bowden, Deane, J. Kitcat, Follett, Hawtree, Jarrett, Jones, A Kitcat, MacCafferty, Wakefield, Littman, Phillips, Powell, Rufus, Shanks, Summers, Sykes and West.

**Notes:**

- (1)** *In a letter to the Daily Telegraph (13 December 2011) 19 medical experts urged the Government to bring in a minimum price for alcoholic beverages, saying that 'pocket money prices' should be a thing of the past. Thousands of lives could be saved if cheap alcoholic drinks were made more expensive, they argued.*
- (2)** *It is estimated that alcohol harm in the UK costs the health, police and other services £25 billion a year. The estimated annual figure for Brighton and Hove is £106 million.*

<b>Council</b>	<b>Agenda Item 65(e)</b>
26 January 2012	Brighton & Hove City Council

## **NOTICE OF MOTION**

### **GREEN GROUP**

#### **ULTRA-FAST BROADBAND FOR OUR CITY**

“Ultra-fast broadband is key to enabling the development of new services and innovative new businesses. Countries and areas with fast, affordable Internet connections have a clear record of strong economic development including South Korea, Finland and Silicon Valley. Ultra-fast broadband is defined as connections having download speeds of at least 80 megabits per second.

Brighton & Hove is a hub of start-up and established new media businesses covering numerous burgeoning sectors such as video games, mobile apps, web development, online media, social media and many more. Our city has the highest level of digital business per head of population; the sector is growing here three times faster than the national average and creating the majority of new local jobs. More than ever given the difficult economic times it is critical that we support and nurture this sector to support economic development and good local jobs for our residents.

This Council notes the government's proposals for a fund to support the roll-out of ultra-fast broadband into a network of super-connected UK cities, each with more than 150,000 homes, a plan which does not include our city.

This Council agrees that as Brighton & Hove is a unique new media hub with 125,000 homes it should be justifiably included in the list of eligible cities for the government's broadband funding.

This Council notes the urgency of this issue as the closing date for bids is 13th February 2011.

This Council agrees to:

- 1) Support the campaign by the city's local MP's to "Let Brighton Bid";
- 2) Ask the Chief Executive to write to the minister responsible, seeking our city's inclusion on the list of cities eligible for ultra-fast broadband funding;
- 3) Ask the city's Members of Parliament to continue urgently lobbying Ministers on this issue.

Proposed by: Cllr Jason Kitcat

Seconded by: Cllr MacCafferty

Supported by: Cllrs Kennedy, Davey, Buckley, Bowden, Deane, Duncan, Follett, Hawtree, Jarrett, Jones, A Kitcat, Randall, Wakefield, Littman, Phillips, Powell, Rufus, Shanks, Summers, Sykes and West.

