

**BRIGHTON & HOVE CITY COUNCIL**

**ENVIRONMENT, TRANSPORT & SUSTAINABILITY CABINET MEMBERS MEETING**

**2.00PM 5 JULY 2011**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Davey (Cabinet Member for Transport & Public Realm) and West (Cabinet Member for Environment & Sustainability)

**Also in attendance:** Councillors Janio (Opposition Spokesperson), Mitchell (Opposition Spokesperson) and G Theobald (Opposition Spokesperson)

**Other Members present:** Councillor MacCafferty

**PART ONE**

**1. PROCEDURAL BUSINESS**

**1(a) Declarations of Interests**

1a.1 There were none.

**1(b) Exclusion of Press and Public**

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

1b.1 **RESOLVED** - That the press and public be not excluded from the meeting.

**2. TERMS OF REFERENCE**

2.1 **RESOLVED** – That the Terms of Reference be noted.

**3. CABINET MEMBER'S COMMUNICATIONS**

3.1 Councillor Davey paid tribute to Peter Bloxham, the council's Traffic Manager, who had sadly and unexpectedly passed away. Peter had worked for the council and the former Hove Borough Council since 1988 working on many challenging transport projects and

most recently managing the city's traffic control centre. Peter had been a keen train enthusiast and enjoyed being involved in his local community; he had chaired the Durrington Festival Committee and the 20<sup>th</sup> Festival would be dedicated to his memory. Councillor Davey stated that Peter would be sadly missed by colleagues and friends and extended the council's condolences to Peter's family.

- 3.2 Councillor Theobald stated that he had been shocked and saddened by Peter's sudden and unexpected death. Peter had given a fantastic service to the council for many years in an important and challenging role that he had taken in his stride. Councillor Theobald added his condolences to those of the council.
- 3.3 Councillor Mitchell echoed the sentiments expressed and offered her condolences to Peter's family. She stated that Peter had led many challenging projects and would also be remembered for the excellent support and advice he had provided to elected Members.

A minute's silence was observed in remembrance of Peter by those in attendance.

- 3.4 Councillor Davey advised that the 'Investment in City Infrastructure - Car Park Improvements – Phase II' report expected to be considered by the Cabinet on 14 July had been deferred to a later date to allow more consideration to be given to the need for changes to the surrounding road infrastructure in order that best value could be achieved from the £4 million investment agreed by the Council earlier in the year.
- 3.5 Opposition councillors expressed disappointment at the deferral and hoped that the delay would not be too long. In response to the comments, Councillor Davey explained that the works needed to improve access to the Regency Square car park had not been included in the original scheme and that more consideration needed to be given to this before work could commence.
- 3.6 Councillor Davey announced that the council's bid to the Department for Transport's Local Sustainable Transport Fund had been successful and the council would receive £4 million to invest in the Lewes Road area to improve one of the city's busiest roads, cut air pollution and emissions. He thanked the previous Administration for submitting the bid.

#### **4. ITEMS RESERVED FOR DISCUSSION**

- 4.1 **RESOLVED** – That all items be reserved for discussion.

#### **5. PETITIONS**

- 5.1 There were none.

#### **6. PUBLIC QUESTIONS**

- 6.1 Councillor Davey reported that three public questions had been received and would be addressed to Councillor West.

6.2 Ms Ash Shelling asked the following question:

“On what moral, and ethical grounds does the council justify sending out 28,000 consultation forms in which the ‘Cons’ (as in ‘pro’s and con’s) of having an open skate bowl on The Level’s highly utilised open green were deliberately downplayed, and, in which the Public Health and Safety risks posed by Option 2 received not a single mention?”

6.3 Councillor West gave the following response:

“At the end of an extensive design and public engagement phase, which as a ward councillor you know I took great interest in, the project team issued detailed consultation documents to 28,000 households. Given the rigour of the design process, the many ideas explored and taken on board, I believe ultimately two equally viable design options were generated. The Council did not have a preference for either Option 1 or 2.

The consultation document was produced with the research team who are experienced in producing objective consultation documents. The draft document was sent to the Friends of the Level, the Triangle and representatives of Park Crescent and ward councillors for comment. Officers met with representatives from these groups to go through their proposed amendments to the consultation document on 15 February. Further email and phone conversations followed. The majority of amendments put forward were incorporated into the document. I believe every effort was made to ensure the document was objective.

I appreciate your concerns about safety posed by Option 2. Risks to children and dogs wandering into the skatepark have been considered. An independent risk assessment has been carried out and there are not considered to be any significant risks with the sunken skatepark in either location. Public health and safety risks in both options have been considered and will be mitigated.”

6.4 Ms Shelling asked the following supplementary question:

“If the skate park is to be located in a ‘dogs off lead zone’, would the council clearly indicate what measures will be taken to ensure dogs don’t enter the ‘dogs free’ skating area?”

6.5 Councillor West gave the following response:

“A risk assessment has been conducted and concluded that no fencing is needed; however planting may be used to identify the skate park area and officers are working on the detail.”

6.6 The Head of Strategy & Projects for CityClean and City Parks advised that the more detailed design work on the skate park and surrounding area could only begin once the location had been agreed.

6.7 Mr Adrian Morris asked the following question:

“The consultation sent out to 28,000 households showed the skatepark in the southern section of The Level from a bird’s eye view from the south. The same view from the south is taken of the skatepark in the northern section, but the trees and shrubs of the Rose Walk obscure it. Had the view been taken at ground level from the north it would have clearly shown the intrusiveness of the skatepark on the green open space.

Would you agree that this was grossly misleading, favouring the northern option and the public couldn’t have realised what they were voting for?”

6.8 Councillor West gave the following response:

“Because the skatepark is sunken, if the two comparative “bird’s eye” images you referred to had been taken from ground level, the skatepark would have been less visible and the entirety of the layouts harder to compare. In addition to these comparative artists impressions, the consultation document contained maps of the two options clearly showing the extent and location of the skatepark.

You will also note that the consultation document contained a further artists impression of what the skatepark might look like, and this was indeed taken from ground level. The impressions were designed to be clear and objective as possible, and I disagree that they were grossly misleading or favouring the northern option.”

6.9 Mr Morris asked the following supplementary question:

“As I have said the Council have promoted the skatepark as a sunken bowl, maintaining that it will not be visible. When collecting signatures from nearly 3,000 people who want to save the green open space, many hadn’t realised the intrusiveness of the skatepark. To quote one regular user of The Level: “It will look bloody awful.” The ramps will rise above the bowl, clearly visible. As recommended in similar council schemes, the skatepark will have to be fenced off to a height of 2.75 metres. Why was this not indicated in the artist’s impressions and presented in the consultation?”

6.10 Councillor West gave the following response:

“The petition is not here today so I can’t consider it at this point; you were given the choice to present it today and chose for it come to the next Full Council meeting instead.

As I have said, the risk assessment has been done and I have to be guided by that in relation to the need for fencing; officers are considering whether planting will be used to reinforce the separation between the skate park and surrounding area. It is clear that the skate park has become the main issue; impressions of what the skate park would look like from both views was included in the consultation document and I feel that they were ample for people to see.”

6.11 The Head of Strategy & Projects stated that clear and objective illustrations had been requested.

6.12 Ms Julia Davis asked the following question:

“In November, Parks Project Team (PPT) said the skatepark would be 1100m<sup>2</sup>. In workshop 2 (January 15), PPT changed this to 1600m<sup>2</sup> costing £450k, although only £150k was available, enough for 700-900m<sup>2</sup>, stating a mistake was made in original measurements. The public consultation included the 1600m<sup>2</sup> skatepark size, but not an artist impression of Option 2 looking North-South, nor fencing around the skatepark in either option, despite requests from residents. These actions resulted in Option 1 looking both unsafe and congested. What skate funds will be available by August, including fencing, and how large will the skatepark be in the HLF bid plans?”

6.13 Councillor West gave the following response:

“As set out in the The Level – Heritage Lottery Bid and Masterplan report, Agenda item 11, sections 1.11 and sections 6.16 to 6.20, skatepark funding is being pursued separately to the HLF bid.

With the £97,000 from S106 and recommended £53,000 funding from existing Parks budgets, the total amount of secured funding is £150,000. Other sources of funding are being pursued, including grant aid from Viridor, Veolia and sponsorship. Decisions on these additional sources of funding are expected by January 2012.

The final size and complexity of the skatepark will depend on the total amount of funding secured, but will not be any larger than the area identified in the Master Plan.

The risk assessment carried out has identified that the skatepark and the boundary can be designed so as not to need fencing, mainly by ensuring there are no steep drops right on the boundary. I have asked officers further about this and there are no plans to use fencing, but officers have indicated that planting may be incorporated to help delineate the area.”

6.14 Ms Davis asked the following supplementary question:

“If the HLF bid fails and 3,000 signatories object to the skatepark in the north, will the skatepark still be moved and how much will such a move cost in addition to the available funds to build the new skatepark?”

6.15 Councillor West gave the following response:

“The report says that we’ll do what we can, but recognises that funds will be limited if the bid is not successful, so at the moment we are relying on the bid succeeding.”

6.16 The Head of Strategy & Projects advised that if the bid were to fail the amount of work would be very limited; some Section 106 monies were available, but it would be necessary to carefully consider how to prioritise the work required.

## **7. DEPUTATIONS**

7.1 There were none.

**8. LETTERS FROM COUNCILLORS**

8.1 There were none.

**9. WRITTEN QUESTIONS FROM COUNCILLORS**

9.1 There were none.

**10. NOTICES OF MOTION**

10.1 There were none.

**11. THE LEVEL – HERITAGE LOTTERY BID AND MASTER PLAN**

11.1 The Cabinet Member for Environment & Sustainability considered a report of the Strategic Director, Place concerning the Heritage Lottery Bid and Masterplan for The Level, which would steer improvements to the park and any longer term development.

11.2 Councillor West advised that The Level was a very popular park, but that it was in bad condition, suffered from anti-social behaviour, and was in desperate need of investment. A funding bid was being prepared for submission to the Heritage Lottery Fund and Big Lottery Fund 'Parks for People' grant to try to obtain investment to make significant physical improvements, as well as increasing use, and improving management and maintenance of the park. Proposals had also been developed to replace the existing skate park, and funding for this was being pursued separately.

Two extensive consultation exercises had taken place, with ward councillors taking on a key community leadership role to ensure the transparency and integrity of the process, and the final consultation document had been delivered to 28,000 households within a 15 minute walk of the Level. Responses were received from 3,300 respondents, representing an excellent level of feedback, with 34% preferring to keep the skate park in its current location, and 55% preferring to move it to the north. Popular features were a café with indoor seating, water fountains, a sensory garden and new toilets, as well as the prospect of events, markets and arts in the park.

Councillor West recognised that many people were concerned about the prospect of extending the built environment into the area north of the Rose Walk and stated that his own preference was the option with the skate park in its current location. However, he believed that the process had been thorough, fair, and engaging, and that everyone had been afforded a good opportunity to express their views and shape the outcomes, and therefore, it was recommended that the design with the skate park relocated to the northern area be submitted.

Councillor West paid tribute to the diligence and flexibility of officers and designers, and to the time, effort and interest invested by many members of the public. He stated that he hoped that, despite individual reservations and preferences, all members of public, community groups and civic associations would join together to show support for the bid in order to secure the much needed bright new future for the Level and the thousands of people it should be better serving.

- 11.3 Councillor Theobald welcomed the extensive nature of the consultation and stated that differing views were to be expected.
- 11.4 In response to questions from opposition councillors the Head of Strategy & Projects for CityClean and City Parks made the following comments:
- there were no covenants over the green area in the north of The Level
  - Both the council's Events Manager and the manager of the fair that visited to The Level had been consulted and neither were concerned that the Masterplan would have a negative impact on events. He noted that respondents to the consultation were keen to see more events at The Level.
  - The detailed view showing the skate park in the northern section of The Level was circulated as part of the original consultation document that was sent to 28,000 people.
  - The report was seeking approval of the Masterplan; more detailed design on some elements had not been worked out yet, but would be done with the involvement of local community groups.
- 11.5 Councillor Janio queried whether the final detail of the scheme would be brought back to a future Cabinet Members Meeting or whether, if approved, the Masterplan as it stood would be submitted as part of the bid.
- 11.6 Councillor West confirmed that the bid had to be submitted in August and as such, there would no further opportunity to consider the Masterplan at a Cabinet Members Meeting. However, he had requested that the recommendations in the report be amended to require the Strategic Director, Place to work closely with him to develop the final details of the bid so that he could ensure that the many good ideas that had come out of the public engagement exercise continued to be incorporated. He explained that a decision on the location of the skate park was required for the submission of the bid, but that as it was to be funded separately from the rest of the scheme, the final design would be worked up later.
- 11.7 The Head of City Infrastructure explained that the Masterplan contained a lot of detail and that this was required to submit the bid, along with the location of the skate park. Details such as fencing and planting would not ordinarily be brought back for formal decision, however, officers would be working closely with the Cabinet Member and community groups on those details.
- 11.8 Councillor Mitchell stated that the Masterplan and bid presented an exciting opportunity and that the polarisation of views should not completely distract from the positives, such as the possibility of significant investment and how well the concept fitted with the historical setting.

She advised, however, that she understood why consulting on two options had confused some residents and that they still did not have a clear idea of what the skate park would look like. She stated that her preference was to redevelop the skate park in its current location to prevent setting a precedent for encroaching on the green space in the northern part of The Level, which was used primarily by those looking to relax in the park; moving the skate park would encourage people to stay away from the northern

area and would create another barrier within the park, which was intended to be an open space.

She noted that the Cabinet Member's own preference was to keep the skate park in its current location and stated that agreeing for it to be moved did not demonstrate good leadership.

- 11.9 Councillor Theobald advised that he agreed with Councillor Mitchell's comments.
- 11.10 Councillor West stated that he had not taken the decision to go against his own preference for the location of the skate park lightly, but that it would be wrong to disregard the views of the majority in an extensive and thorough consultation process.
- 11.11 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the Masterplan for The Level be endorsed and the extensive consultation undertaken be noted.
  - (2) That the match funding requirements for the HLF bid from existing budgets to a maximum value of £200,000 be endorsed.
  - (3) That the allocation of funding for the skatepark from existing budgets to a maximum of £53,000 be endorsed.
  - (4) That authority be delegated to the Strategic Director, Place to oversee the completion of the final details of the bid, **in consultation with the Cabinet Member for Environment & Sustainability**, ready for submission by 31<sup>st</sup> August 2011.
  - (5) That it be agreed that, in the event of the bid being unsuccessful, the Masterplan be used to inform the long term development of the park, and that it be noted that delivery would be dependent on funding.

## **12. NEW ROAD TRAFFIC REGULATION ORDER**

- 12.1 The Cabinet Member for Transport & Public Realm considered a report of the Strategic Director, Place concerning a request from the leaseholder of 20 New Road to have disabled parking removed from outside his business.
- 12.2 Councillor Davey explained that if the disabled parking bay outside 20 New Road was removed, the bay outside Number 21 would also have to be removed for safety reasons and that there were no viable alternative locations; concerns from the occupiers of Number 21 had been allayed by stipulating time restrictions for the bays.
- 12.3 The Lead Commissioner for City Regulation & Infrastructure explained that the request had been made through a deputation to Cabinet in 2010 and the officers had spent a significant amount of time trying to identify alternative locations for the disabled bays, but had been unable to do so, partly due to the redesign of New Road to create a



shared space. He reported that the level of objections justified the recommendation not to proceed with removing the bays.

- 12.4 Councillor Theobald noted that the bays had been installed to allow disabled people to go to the Theatre Royal and that the move had been supported by the theatre manager at the time. He explained that time restrictions were later added to the bays to ensure that they were used for the original purpose and stated that he supported the proposals if the bays continued to be used appropriately.
- 12.5 Councillor Mitchell stated that she supported the recommendations.
- 12.6 Councillor Davey stated that while he acknowledged that the leaseholder of 20 New Road would be disappointed, he was confident that the request had been dealt with appropriately using a thorough and open process.
- 12.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the objections to the proposed Traffic Order be upheld, and the disabled parking bay outside 20 New Road be maintained.

**13. TIVOLI CRESCENT - RESIDENT PARKING SCHEME FORMAL CONSULTATION**

- 13.1 The Cabinet Member for Transport & Public Realm considered a report of the Strategic Director, Place concerning proposals to include Tivoli Crescent into the Area A resident parking scheme.
- 13.2 The Parking Infrastructure Manager explained that the inclusion of Tivoli Crescent was justified because it was the 'missing link' in the area. He noted that objections had been received from neighbouring roads and that such concerns may be considered as part of the planned citywide parking review.
- 13.3 Councillor Mitchell stated that she supported the proposals and asked whether the timetable for future parking schemes had been put on hold until after the citywide parking review. She advised that if small areas continued to be looked at, wider areas would be affected; she hoped that the review would prevent further ad hoc work.
- 13.4 The Lead Commissioner for City Regulation & Infrastructure explained that work on any new parking schemes would be built into the parking review, which would begin in the Autumn.
- 13.5 Councillor Davey advised that there may be scope for tidying up parking arrangements in some areas and that he hoped the citywide review would not take too long to complete. He added that he hoped Members from all Groups would contribute once the scope of the review had been determined.
- 13.6 Councillor Janio asked Councillor Davey to make a commitment not to consider any further changes to parking schemes until the parking review had been completed.

- 13.7 Councillor Theobald stated that he had expected the parking review to be underway by now.
- 13.8 Councillor Davey advised that the council had only recently undergone a change of Administration and that no terms of reference for the review had been agreed prior to this; work had now begun on this and it was anticipated that the terms of reference would be brought forward in the Autumn.
- 13.9 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That, having taken account of all duly made representations and objections, the following order be approved as advertised:
    - (a) Brighton & Hove Various Controlled Parking Zone Consolidation Order 2008 Amendment Order No\* 201\* (Area A – Tivoli Crescent)
  - (2) That any amendments included in the report and subsequent requests deemed appropriate by officers be added to the proposed scheme during implementation and advertised as an amendment Traffic Regulation Order.
- 14. CHANGE OF TIMES TO SCHOOL KEEP CLEARS – STANDARDISING AND EXTENDING NO STOPPING TIMES**
- 14.1 The Cabinet Member for Transport & Public Realm considered a report of the Strategic Director, Place concerning proposals to standardise all School Keep Clear waiting restrictions across Brighton and Hove to provide a much more consistent approach that caters for the access needs and improves safety for all road users outside the school.
- 14.2 Councillor Mitchell welcomed the proposals, but advised that they may cause problems for those who were unable to walk to school because they had been directed to a school further away due to the shortage of primary school places in some areas of the city.
- 14.3 Councillor Janio reported that significant problems existed in his ward and that he hoped the proposals would address them. He stated that the new restrictions would, however, be ignored without effective enforcement and effective communication to residents.
- 14.4 The Lead Commissioner for City Regulation & Infrastructure explained that the standardisation of restrictions would make enforcement easier and that resources could be directed to specific problem areas. He advised that an extensive publicity campaign was planned to communicate the new rules to residents.
- 14.5 In response to a question from Councillor Theobald, The Lead Commissioner explained that it was proposed that schools where specific localised problems had been identified, they be removed from the traffic order to allow officers to work on suitable alternative arrangements.
- 14.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That (having taken into account representations and objections) the Various Controlled Parking Zones Consolidation Order 2008 Amendment Order No.\* 201\* and Brighton & Hove (Waiting & Loading/Unloading Restrictions and Parking Places) Consolidation Order 2008 amendment Order No.\* 201\* be approved with the following amendments:
  - (a) The proposed changes to times of the School Keep Clear on Holmes Avenue be removed from the Traffic Order due to reasons outlined in section 3.5.
- (2) That a decision be deferred on the proposed changes to times of the School Keep Clear around Down's Junior School due to reasons outlined in section 3.5.

## **15. FARMAN STREET (GATING) ORDER 2011**

- 15.1 The Cabinet Member for Transport & Public Realm considered a report of the Strategic Director, Place concerning proposals to make a Gating Order for Farman Street, following completion of a Management Agreement between the council and the Farman Street Resident's Association, to combat anti-social and criminal behaviour.
- 15.2 Councillor Davey noted that there was a long history to the issue and that ward councillors continued to be supportive of the residents' desire for a Gating Order.
- 15.3 The Environment Improvement Officer reported that the residents had been in contact with the council since 2005 and that the distress and disturbance experienced had been ongoing until the present time. He explained that the matter had been put on hold in order for the council to tackle a planning enforcement matter relating to a neighbouring development; measures were subsequently put in place to combat the problems, but residents continued to report incidences of criminal and anti-social behaviour. Work towards achieving a Gating Order began again, however, the council was unable to identify funding for the installation and maintenance of the gate, so officers were working with the residents and the local publican to develop proposals for the way forward.
- 15.4 Councillor Mitchell welcomed the proposals and accepted that installing a gate at one end only would not prevent access by non-residents. She asked for confirmation that the council had received evidence of ongoing incidents after January 2010 as this was where the log stopped. She noted that Green councillors had not been supportive when legislation that allowed the creation of Gating Orders had been introduced.
- 15.5 Councillor Theobald also noted that the proposals would not prevent access to the road, but reported that he had received some concerns from a resident that the proposals did not include an Environmental Impact Statement and did not mention the Equalities Act.
- 15.6 The Environment Improvement Officer advised that the council was aware of the residents concerns and had addressed them within the report; he added that an Equalities Impact Assessment had been carried out. He reported that the council had received ongoing evidence of crime and disorder and explained the incident log included only those incidents that took place within the statutory consultation period.
- 15.7 Councillor Davey stated that as ward councillor for Brunswick Row, which became subject to a Gating Order in 2007, he had supported residents in their request. He

advised that the installation of a gate at one end of Farman Street was the minimum restriction available and that he hoped it would provide the residents with some relief.

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

- (1) That agreement be given to the making of the Farman Street (Gating Order) 2011 (see Appendix B) subject to and from the date of completion of a Management Agreement between the council and the Farman Street Resident's Association as referred to in paragraph 3.3 below.
- (2) That authority is delegated to the Strategic Director Place to enter into the Management Agreement and to advertise the Gating Order in accordance with the relevant Regulations.

The meeting concluded at 3.22pm

Signed

Cabinet Members

Dated this

day of