





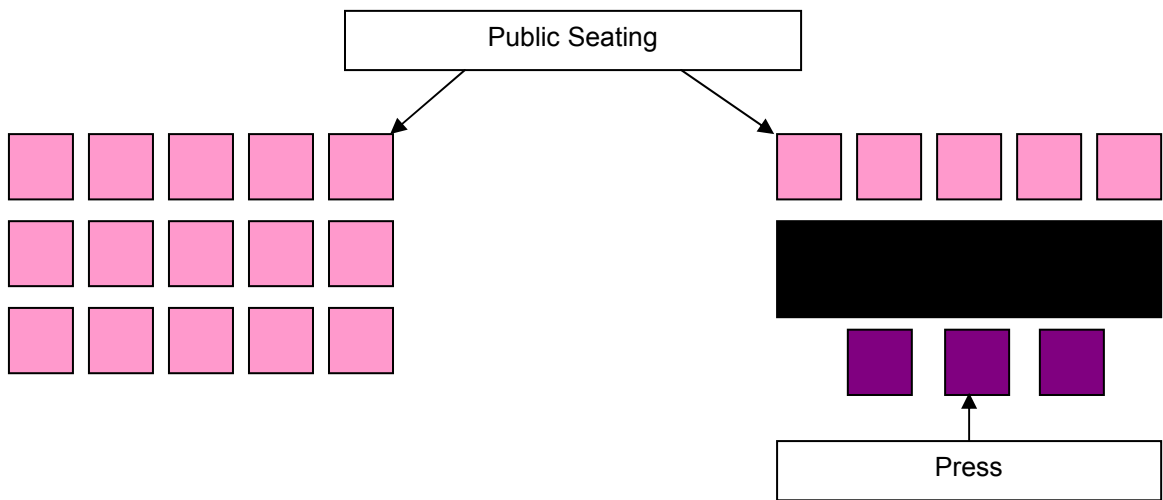
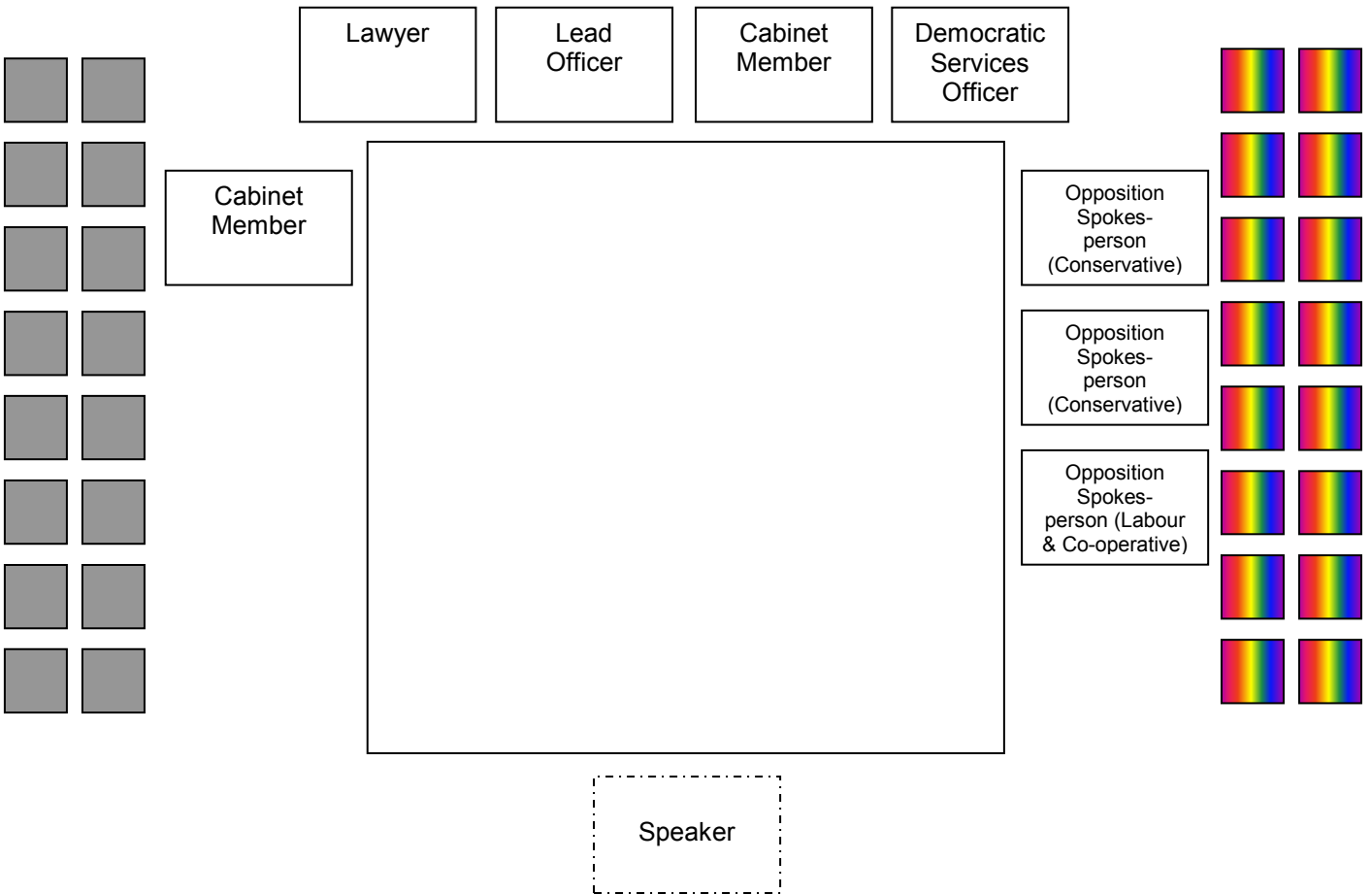
**Brighton & Hove
City Council**

Cabinet Members Meeting

Title:	Environment, Transport & Sustainability Cabinet Members Meeting
Date:	5 July 2011
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Davey and West
Contact:	Tanya Davies Acting Democratic Services Manager 01273 29-1227 tanya.davies@brighton-hove.gov.uk

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
	FIRE / EMERGENCY EVACUATION PROCEDURE If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions: <ul style="list-style-type: none">• You should proceed calmly; do not run and do not use the lifts;• 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.

Democratic Services: Meeting Layout



AGENDA

Part One

Page

1. PROCEDURAL BUSINESS

- (a) 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 prejudicial under the terms of the Code of Conduct.
- (b) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

2. TERMS OF REFERENCE

1 - 4

Report of the Strategic Director, Resources (copy attached).

3. CABINET MEMBER'S COMMUNICATIONS

4. ITEMS RESERVED FOR DISCUSSION

- (a) Items reserved by the Cabinet Member
- (b) Items reserved by the Opposition Spokespersons
- (c) Items reserved by Members, with the agreement of the Cabinet Member.

NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.

5. PETITIONS

No petitions have been received.

6. PUBLIC QUESTIONS

5 - 6

(The closing date for receipt of public questions is 12 noon on 28 June 2011)

(copy attached).

7. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 28 June 2011)

No deputations received by date of publication.

8. LETTERS FROM COUNCILLORS

No letters have been received.

9. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

10. NOTICES OF MOTION

No Notices of Motion have been received.

ENVIRONMENT & SUSTAINABILITY

11. The Level – Heritage Lottery Bid and Master Plan

Report of the Strategic Director, Place (copy circulated separately).

Contact Officer: Jan Jonker Tel: 29-4722

*Ward Affected: Hanover & Elm Grove;
St Peter's & North Laine*

TRANSPORT & PUBLIC REALM

12. New Road Traffic Regulation Order 7 - 30

Report of the Strategic Director, Place (copy attached).

Contact Officer: Jim Mayor Tel: 29-4164

Ward Affected: St Peter's & North Laine

13. Tivoli Crescent - Resident Parking Scheme Formal Consultation 31 - 40

Report of the Strategic Director, Place (copy attached).

Contact Officer: Charles Field Tel: 29-3329

Ward Affected: Withdean

14. Change of times to School Keep Clears – Standardising and Extending No Stopping Times 41 - 50

Report of the Strategic Director, Place (copy attached).

Contact Officer: Jo Brooksbank Tel: 29-1819

Ward Affected: All Wards

15. Farman Street (Gating) Order 2011 51 - 78

Report of the Strategic Director, Place (copy attached).

Contact Officer: Simon Bannister Tel: 29-3925

Ward Affected: Brunswick & Adelaide

ENVIRONMENT, TRANSPORT & SUSTAINABILITY CABINET MEMBERS MEETING

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.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

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.

For further details and general enquiries about this meeting contact Tanya Davies, (01273 29-1227, email tanya.davies@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 27 June 2011

ENVIRONMENT, TRANSPORT & SUSTAINABILITY CABINET MEMBERS MEETING

Agenda Item 2

Brighton & Hove City Council

Subject:	Terms of Reference
Date of Meeting:	5 July 2011
Report of:	Strategic Director, Resources
Contact Officer:	Name: Tanya Davies
	Tel: 29-1227
	E-mail: tanya.davies@brighton-hove.gov.uk
Key Decision:	No
Wards Affected:	All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 On 9 June 2011 the Cabinet agreed for the Cabinet Member for Environment & Sustainability and the Cabinet Member for Transport & Public Realm to make decisions related to their individual portfolios at a joint Cabinet Member Meeting.
- 1.2 The purpose of this report is to inform the Environment, Transport & Sustainability Cabinet Members Meeting of the respective delegations to the Cabinet Member for Environment & Sustainability and the Cabinet Member for Transport & Public Realm.

2. RECOMMENDATIONS:

- 2.1 That the Terms of Reference for the Cabinet Member for Environment & Sustainability and the Cabinet Member for Transport & Public Realm be noted.

D. TRANSPORT AND PUBLIC REALM

Highways Management

To exercise the Council's functions in relation to all highways matters and as highway authority, street authority, bridge authority, including but not limited to highways, bridges, private streets and rights of way.

Traffic Management and Transport

- (a) To manage the provision of transport services for service departments including home-school transport and transport for social services;
- (b) To exercise the Council's functions in relation to traffic management and transport and as traffic authority, including but not limited to public passenger transport and the co-ordination of transport for service users;

- (c) To consider and make decisions on proposed traffic orders and rights of way issues where objections have been received and not withdrawn or otherwise resolved;
- (d) To exercise the Council's powers regarding travel concessions.

Parking

To exercise the Council's functions in relation to parking, including on and off street parking and decriminalised parking.

Public Realm

To exercise the council's functions regarding spaces to which the public have rights of access and consisting of the highway, street furniture on the highway and open spaces or part of open spaces immediately adjacent to the highway to which the public have access.

E: ENVIRONMENT AND SUSTAINABILITY

Parks and Green Spaces

To exercise the Council's functions in relation to Parks and Open Spaces to the following extent:-

- (a) provision, management and control of parks and open spaces (except those held for housing purposes);
- (b) making countryside management arrangements in liaison with the Sussex Downs Conservation Board (or any successor body) and other environmental bodies;
- (c) provision, management and control of allotments and smallholdings.

Travellers and Gypsies

To exercise the Council's functions in relation to travellers and gypsies including the management of authorised sites.

Waste

To exercise the Council's functions in relation to waste and as waste collection authority, waste disposal authority and litter authority, including dealing with litter, street cleansing, abandoned vehicles and dog fouling.

Coast Protection

To exercise the Council's functions as a coast protection authority.

Seafront

To exercise the Council's functions regarding the esplanade, beach and foreshore.

Sustainability

To co-ordinate the Council's role and response to cross-cutting sustainability issues such as reducing carbon emissions, projections of a changing climate locally, improving resource efficiency and developing sustainable energy.

WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed at each ordinary meeting for questions submitted by a member of the public who either lives or works in the area of the authority.

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from members of the public.

(a) Mr Ash Shelling

“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?”

(b) Mr Adrian Morris

“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?”

Subject:	New Road Traffic Regulation Order		
Date of Meeting:	5 July 2011		
Report of:	Strategic Director Place		
Contact Officer:	Name:	Jim Mayor	Tel: 294164
	Email:	jim.mayor@brighton-hove.gov.uk	
Key Decision:	No		
Ward(s) affected:	St Peters & North Laine		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 20 New Road was recently converted into a restaurant, 'The Courtyard', by the leaseholder. The leaseholder made requests for the disabled bay immediately outside The Courtyard to be removed, on the basis that the bay was putting his business under severe pressure. The council turned down initial requests for a range of reasons. However, in light of the leaseholder's claim that a refusal to remove the bay would cause his business to fail, and a deputation to Cabinet on 11 November 2010, a decision was made to advertise a Traffic Order for removal of the bay. This process would enable any objections to be made, which in turn would enable the council to make a transparent, fair and democratic decision as to whether the bay should be removed.
- 1.2 The following report sets out the history of the case, summarises the arguments for and against removing the bay, and reaches a conclusion that the fairest decision is to turn down this request and retain the disabled parking bay in its current location.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Transport and Public Realm upholds the objections to the proposed Traffic Order, and maintains the disabled parking bay outside 20 New Road

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Historic requests for removal of the bay and reasons for refusal

- 3.1 Various requests have been made by and on behalf of the freeholder and lessee of 20 New Road to relocate one of the disabled (Blue Badge) parking bays in New Road so that the space can be used for outdoor tables and chairs. The requests have been turned down.

- 3.2 The first request regarding potential removal of the bay came from the freeholder / freeholder's agent in May 2009, prior to 20 New Road being let to the current leaseholder. The agent asked if it would be possible to remove the disabled bay and license the area for outdoor tables / chairs if the lease for the building was taken on by a restaurant. The council replied that this would not be possible for a number of reasons. These are set out in appendix 1. The reasons can be summarised as falling into the following categories (in no order of importance):
- 3.2.1 **Difficulties with finding an alternative location for the bay:** There are no practical locations within New Road that could accommodate a relocated bay. Because New Road does not have the same amount of restrictive signing and lining "clutter" that is evident in a standard street, it can appear that some areas have no designated use. However, the current layout of New Road is carefully designed to accommodate all needs of the street and its users. This includes provision of informal loading areas which are suggested by lack of street furniture, rather than explicit markings.
- 3.2.2 **The need to balance needs:** It is important that New Road operates as successfully as possible for all users. The disabled bays in New Road help make New Road accessible for people with mobility impairments. Removing a bay would impact on this group.
- 3.2.3 **Precedent:** Similar requests from other businesses in New Road had previously been turned down. Most recently the Treatment Rooms (21 New Road) had also asked for a disabled parking bay to be removed due to the detrimental impact of vehicles parking in front of the business. Even if the council supported the request to remove the disabled bay outside 20 New Road and could find an alternative location (which is not possible for the reasons set out in 3.3), in the spirit of fairness that location would have to be offered to accommodate the Treatment Rooms' request before it could be used for a relocated bay from outside 20 New Road.
- 3.2.4 **Principle:** It is not possible or practical to let businesses dictate aspects of street design when they take a lease in a street. Such an approach would be unsustainable – businesses come and go. Nor is the Council under any legal obligation to grant a business a licensed area on the street.
- 3.2.5 **Cost and Impact:** Relocating or removing the bay would involve digging up all the granite in the existing (and if practical new) location, as the disabled bay is marked out using granite slabs not ordinary line markings. This is not impossible but would be very expensive, and would likely impact negatively on the quality of what has become one of the city's most prestigious streets.
- 3.3 The current leaseholder ultimately took on the lease of 20 New Road and requested to have the bay removed in May 2010. The request was turned down for the same reasons previously provided to the Freeholder / Freeholder's Agent (as set out in appendix 1). A follow up request, in which the leaseholder claimed that if the bay were not removed his business would likely fail, was also turned down. This led to the leaseholder approaching Cabinet in November 2010 to request that the decision was revisited.

The Compromise

- 3.4 The council was sympathetic to the leaseholder's situation, but also aware of its obligations to ensure that New Road worked for all users. Given the nature of the leaseholder's claims as to the implications of not agreeing his request, the Council decided that there would be an opportunity to treat the case as an exception in respects of concerns around principle. The Treatment Rooms indicated that their problem with blue badge bays had been resolved by the placing of a 3 hour limit, and that they were now happy for the bay outside 21 New Road to be retained. This overcame the issue of precedent. The leaseholder agreed to meet the costs of a Traffic Order and any subsequent works that would enable the bay to be removed and potentially relocated, overcoming the issue of cost if not impact. The remaining cause for refusal was the need to accommodate all the street's users, which included people with mobility difficulties who used the disabled parking bays. It would not be ethical or democratic for the Council to waive this issue. It was agreed that the best way forward would be to advertise the Traffic Order and consider the leaseholder's request against any resulting objections. This would enable any final Council decision to be democratic and transparent.

The Traffic Order

- 3.5 Having considered various options (set out in appendix 2), the Traffic Order was advertised to convert New Road's 4 existing individual disabled parking bays into a single 15 metre disabled parking area. In theory this reduced disabled parking in New Road by 1 place, as a 15 metre parking strip should be adequate for three vehicles. The strip would run from southernmost edge of the existing bays to a point just short of the southern threshold of 20 New Road. (The Council's Road Safety team advised that leaving a single parking bay between a new area of seating outside the Courtyard and the existing seating outside Pinocchio's would be unsafe).

Response to the Traffic Order

- 3.6 During the consultation process, the Council received no communications in support of, and 14 objections to the proposed removal of a bay. One response supported the proposal "only if" alternative provision for two bays could be found elsewhere in New Road. The objections are reproduced in their original form in appendix 3. The provisional supporting representation is attached as appendix 4, the response to that representation is attached as appendix 5.

Conclusion & Recommendation

- 3.7 The responses to the Traffic Order reveal a substantial amount of opposition to the request to convert the bay outside 20 New Road.
- 3.8 The Council has sought to make this decision in an open and democratic way. It is on this basis that the recommendation is made to uphold the objections to the Traffic Order, and maintain the bay in its current location.

4. CONSULTATION

- 4.1 The Council has carried out standard consultation for a case of this nature.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 All costs for advertising the Traffic regulation order, changes to signs and lines will be paid for by the leaseholder. The only Council contribution will be in Officer time and this will be funded from with the current available budget.

Finance Officer Consulted: Alasdair Ridley

Date: 10/06/11

Legal Implications:

- 5.2 The Council's powers and duties under the Road Traffic Regulation Act 1984 must be exercised to secure the expeditious, convenient and safe movement of all types of traffic and the provision of suitable and adequate parking facilities on and off the highway.
- 5.3 Under section 122 of the 1984 Act, the Council has the duty to exercise the functions conferred on them having regard so far as is practicable to the following:
- (a) the desirability of securing and maintaining reasonable access to premises;
 - (b) the effect on the amenities of any locality affected including the importance of controlling the use of the roads by heavy commercial vehicles;
 - (c) national air quality strategy;
 - (d) facilitating the passage of public service vehicles and the safety/convenience of persons wishing to use; and
 - (e) any other matters appearing relevant to the local authority.
- 5.4 Before making Traffic Orders, the Council must consider all duly made, unwithdrawn objections. In limited circumstances it must hold public inquiries and may do so otherwise. It is usually possible for proposed orders to be modified, providing any amendments do not increase the effects of the advertised proposals. The Council also has powers to make orders in part and defer decisions on the remainder.

Lawyer Consulted:

Carl Hearsum

Date: 10/06/11

Equalities Implications:

- 5.5 The decision reflects the need to consider needs of all users in the public realm. Highway policies (such as the policy on Blue Badge Parking Spaces) are subject to an Equalities Impact Assessment. Due to their volume, it is not usual practice to undertake an Equalities Impact Assessment for each individual Traffic Order. In the case of the New Road Traffic Order, the request to remove the disabled parking bay originated from a third party, and not from the council. Having considered the underlying reasons for having the disabled bays in the first place, and considered the objections to the proposed removal of a disabled parking space, officers are recommending that the request should be refused. On this basis, it is not considered to be best use of time to undertake an Equalities Impact Assessment to assess the impact of something that is unlikely to happen. However, if the Cabinet Member for Transport and Public Realm decides not to

follow the officer recommendation, an EIA would be undertaken prior to the bays being altered.

Sustainability Implications:

- 5.6 There is no sustainability implication for the decision.

Crime & Disorder Implications:

- 5.7 There is no sustainability implication for the decision.

Risk and Opportunity Management Implications:

- 5.8 The leaseholder has indicated that his business may fail if the bay cannot be moved. The council has considered options to support the leaseholder, but cannot place business needs above those of existing disabled users.

Corporate / Citywide Implications:

- 5.9 There is no corporate / citywide implication for the decision.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Alternative options are set out in Appendix 2

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The public consultation process for the Traffic Order indicates that supporting the leaseholder's request to convert the disabled parking bay outside the Courtyard would have a significant impact on the ability of less mobile people to use the street.
- 7.2 New Road's success is due to its ability to balance and accommodate the needs of various uses and users within a finite space. Although sympathetic to the leaseholder's case, the Council cannot support removal of disabled parking provision due to the resulting impacts that the consultation process has identified.

SUPPORTING DOCUMENTATION

Appendices:

1. Reasons given to Freeholder / Freeholder's Agent in May 2009 for not relocating / removing the Disabled Parking Bay
2. Alternative Options and Arguments for and against the TRO approach
3. Objections to the Traffic Order
4. Planning for People with Disabilities provisional support
5. Response to Planning for People with Disabilities objection & alternative suggestions
6. Federation of Disabled People Objection

Documents in Members' Rooms

None

Background Documents

None

Reasons given to Freeholder / Freeholder's Agent in May 2009 for not relocating / removing the Disabled Parking Bay

1. The council is obviously keen to encourage business and to convert empty properties into thriving concerns. However, we believe that an important element of New Road is its mix of services. On a macro level, across the city, a mix of services is often a vital element for the long-term economic viability of locations. For example, a street that relies only on eating establishments can suffer if these establishments close or relocate as the lack of other services/businesses leaves little else to promote visitors to the street and thus re-invigorate the location.
2. A change of use for any premises is no guarantee that outside space will be made available, where that space is public highway. Traders using the public highway do so at the discretion and permission of the Highway Authority, and many factors are taken into account before the granting of a licence. In the case of New Road, existing businesses were fully consulted during the design process, and where possible, outside café/display space was incorporated into the final layout. However, even at this time, the needs of other highway users and the overall vision for the street were taken into account. So, for example, some areas of New Road are set aside for public seating, bicycle stands or parking bays and these were placed there despite limiting the outdoor space available to businesses adjacent to these areas of the public highway.
3. There were several disabled bays in New Road prior to its redesign, and the council considered it vitally important to re-instate a number of such bays within the new design. This is to ensure that people with disabilities have access to the many services in and around New Road. The bays are constructed in granite, in keeping with the rest of New Road's construction and have now been in place for a couple of years, so are well established and well known to disabled drivers. There is no compelling reason to move the bays in order to accommodate additional café placements. In fact, recently the council has come under scrutiny from groups representing disabled people, who object to the amount of public highway given over to traders' placements and the associated increase in "street clutter."
4. New Road has to accommodate implicit loading bays – i.e. places where it is sensible for delivery vans and lorries to pull in and unload without blocking the thoroughfare. The suggested location for a disabled bay is one such loading area, and we feel it is important to retain this facility.
5. Over the years, we have had numerous requests to change the design or layout of roads to accommodate table and chair placements. However, the Highway Enforcement team works with what is available space; it does not seek to alter or create additional space unless this is incorporate into any new design. Even with new designs, café placements are not permitted to take up all the increased space, as it is important to allow enough access to accommodate increased footfall/areas where the public can move freely. If we are to move a disabled bay to create outdoor space for one premises, we would be setting a precedent for other businesses, and we are not prepared to constantly alter or remark the public highway for this purpose. For example, if other premises in New Road changed their use, we would be under pressure to accommodate their requests for outdoor space in a similar manner and would end up with less room for any other provision, such as disabled bays and loading areas. We have in fact recently turned down two other requests in New

Road to move street furniture because we feel it is important that the public highway serves a variety of functions, not just as a vehicle for increased trader placements.

6. We have concerns over moving one bay to become stand alone, as it would be difficult to see this in the granite surfacing, and there are potential hazards to users of placing a disabled bay between existing licensed areas directly beside that area.
7. Because the bays are constructed and marked out with granite, any removal/re-instatement would be very difficult. The disabled markings would have to be removed in order to accord with the Traffic Order but we are unlikely to be able to exactly match the re-instatement to the existing surface. We would then have to remark a bay in granite at a new location, with all the associated lifting of slabs, matching of materials, relaying and making good any damage. Again, there is no compelling reason for the Highway Authority to risk the aesthetics and agreed design of New Road to do this.

Alternative Options and Arguments for and against the TRO approach

- 3.1 This option was identified following consideration of the following alternative approaches:
- 3.2 **Removing bays and relocating them within New Road** was not a valid option due to the lack of suitable alternative locations in New Road.
- 3.3 **Removing bays and relocating them outside New Road** could only be achieved at the cost of resident's parking bays. This would likely result in opposition from members of the public, whilst the relative benefit to users of the relocated Blue Badge bays would also likely to be limited: Blue Badge bays are generally provided for people who cannot easily walk further than 50 yards. Relocating bays into streets close to New Road would not necessarily provide the local access less mobile people require to reach destinations such as the Theatre Royal.
- 3.4 Prior to seeking the views of the wider public, including Blue Badge holders, there were arguments for and against retaining 4 bays in New Road. Arguments for retaining the bays include the fact that one of the drivers behind the reinvention of New Road was perceived shortcomings in terms of the street's accessibility, and during the design consultation process a strong desire had been expressed that the existing provision of four disabled parking bays in the street be maintained in the new design. This is one of the reasons that New Road was maintained as a 'shared' rather than pedestrian space. Arguments for removing a bay include the fact that since New Road was redesigned, additional provision had been created in surrounding streets (at the Library and in Regent Street), meaning that there has been a net increase in Disabled Parking bays in the surrounding area since the New Road consultation process identified the need for 4 bays in 2007. Blue Badge holders can also park for free in surrounding Pay and Display bays. However, it is debateable whether a parking bay in an adjacent street will provide all blue badge users with equivalent levels of access to destinations in New Road.

Objections to the Traffic Order

Who	Objection / Support	Comment
Resident	Objection	<p>As a frequent user of New Road and being blind with a guide dog I strongly object to the reducing of the four blue badge parking bays in New Road, Brighton.</p> <p>New road is an absolute hazard for those of us who are not only visually impaired with white canes or guide dogs but for those whom are disabled and use wheelchairs or have reduced mobility and have to navigate around the hundreds of tables and chairs that already exist.</p> <p>Are you seriously thinking about taking blue badge parking bays out completely just because the businessman is moaning about the fact he can't get more tables and chairs onto the street?</p> <p>This is discrimination against those of us whom are disabled and who rely on blue badges to park in accessible areas.</p> <p>There are so few disabled parking bays in the city and here the council goes again reducing a service that is desperately needed for those who rely on easy access to shopping areas and restaurants.</p> <p>I hope that you seriously think about allowing this to go ahead as it will only make the chaos on that street even worse.</p> <p>The other aspect to this is that New Road is what is called a shared surface and for those of us whom are disabled shared surfaces are really bad to navigate when they are fairly uncluttered, however now this restranteur is going to be adding to the street clutter. How, prey tell me, do you expect disabled people to navigate that road with even more tables, chairs and A frame boards outside?</p> <p>I would love for you to attempt that road blindfolded with either a white cane or a guide dog and see just how difficult it is as the road's not even pedestrianised and thus we the disabled have to navigate being aware of traffic too.</p> <p>Come on wake up and look at this proposal again, properly</p>
Resident	Objection	<p>I object to this proposal -- the leaseholder knew what was the situation was already -- the safety reasons (unspecified) are a smoke screen for more tables and chairs. The needs for the disabled far outweigh the commercial needs of this new café.</p>
Resident	Objection	<p>I was most upset to see in a small part of Thursday's argus that there is a proposal to remove all but one disabled parking bay in new Road. As a person confined to a manual wheelchair due to Spina Bifida from birth I'm really fed up about this. More often than not the mexican restaurant owners blatantly park in these spaces anyway, apparently with no fear from the parking staff. Most people who have blatantly abuse their badges anyway, as highlighted by the police recently who warned people that these were being stolen & it's a nightmare to park in the City centre anyway, especially as one parking space in Jubilee street & is now a loading bay (I had a stand up row with a lorry driver whom blatantly parked in the other available disabled bays 2 months ago as he didn't see what he was doing wrong).</p> <p>I feel really passionate about the blude badge matter as if I get to a supermarket & there are no spaces, I simply cannot do my shopping as I need the car door wide open to get the chair out & I cannot stand at all. People also sit in their cars in these spaces, waiting for their alleged disabled partner to come out of shopping. I use the bus if I can at weekends, but the ramps on Brighton buses rarely work & the bus drivers refer to you as "a wheelchair".</p>

		<p>There is enough benches & places in pavilion gardens for people to sit, we don't need more seating, we need more disabled parking & better policing of them (they should have the car owners/disabled persons carer's registration number on them & parking attendants should have something to scan them to check they are legitimate. Ok rant over but as you can tell, I wish to lodge my objection to this proposal</p>
Resident	Objection	<p>I have just read in the Argus that you are considering removing two of the three disabled parking bays in New Road, Brighton to accommodate additional seating. I am disappointed at this move as I feel that the already limited availability of disabled parking is essential to allow those who are less mobile the opportunity to enjoy the many facilities that Brighton has to offer.</p> <p>The spaces in New Road are in close proximity to the Theatre, the Corn Exchange and the Dome, and allow less able people to take advantage of the cultural and popular events that are held at those venues. The spaces always seem well used and I feel it would be doing a great disservice to disabled people to reduce the number of spaces merely to accommodate extra seating when there are already many benches nearer the Theatre, together with cafe's and bars which also offer outside seating. Please re-consider the proposal and leave the disabled bays for their proper use.</p>
Resident	Objection	<p>In reply, I would say that the change in parking bays in New Road, will make it even more difficult for me to get to that area of Brighton, as for the excuse that disabled parking of our essential cars is making an already wealthy restaurant owner lose business, is no reason at all to change existing arrangements. When will the day come when the powers that be realise how very important it is to have not only a place to park when one is disabled, but also the slightly larger space that is given to us - I for one would have even more difficulty trying to park in a smaller allotted area. Hence becoming housebound once again. Please be kind enough to forward my points to the relevant person, who hopefully will deny the restaurant owner his request, there are enough outside dinning places in New Road, priority for us disabled people please, just for once, and stop this attitude that we are not important, and an easy target. I never thought that I would become registered disabled, so perhaps this request would be denied - please bear in mind the extra room needed to manoeuvre the car as well as being able to get in and out. So very important to us all. It is unbelievable that someone would be so selfish as to request the removal of disabled parking spaces outside his restaurant, I wonder whether the Argus would be interested in know about this person's establishment, and selfish and arrogant attitude - I think many people would boycott this place , and may I add that I am certain we do not need even more pavement space taken by outside restaurants in New Road. There can be no valid reason to allow this to happen.</p>
Resident	Objection	<p>In reply, I would say that the change in parking bays in New Road, will make it even more difficult for me to get to that area of Brighton, as for the excuse that disabled parking of our essential cars is making an already wealthy restaurant owner lose business, is no reason at all to change existing arrangements. When will the day come when the powers that be realise how very important it is to have not only a place to park when one is disabled, but also the slightly larger space that is given to us - I for one would have even</p>

Item 12 Appendix 3

		<p>more difficulty trying to park in a smaller allotted area. Hence becoming housebound once again. Please be kind enough to forward my points to the relevant person, who hopefully will deny the restaurant owner his request, there are enough outside dinning places in New Road, priority for us disabled people please, just for once, and stop this attitude that we are not important, and an easy target. I never thought that I would become registered disabled, so perhaps this request would be denied - please bear in mind the extra room needed to manoeuvre the car as well as being able to get in and out. So very important to us all. It is unbelievable that someone would be so selfish as to request the removal of disabled parking spaces outside his restaurant, I wonder whether the Argus would be interested in know about this person's establishment, and selfish and arrogant attitude - I think many people would boycott this place , and may I add that I am certain we do not need even more pavement space taken by outside restaurants in New Road. There can be no valid reason to allow this to happen</p>
Resident	Objection	<p>I most certainly object. I use these spaces frequently and with parking already very tight in the area any loss of blue badge parking spaces with a real blow.</p>
Resident	Objection	<p>Ridiculous! I don't know all the details but I'm sure he's only complaining because they're renovating the area anyway. What was there first, his restaurant or the parking spaces? Does he have any idea how little disabled parking there is in the city?!</p> <p>Also, if he's talking about having tables and chairs outside his restaurant and their view being limited, I bet he has had no consideration for pavement width and obstacles restricting pavement width for disabled people. This has really irritated me!"</p>
Resident	Objection	<p>I know New Road well and can be very clear about the nuisance caused to disabled people by the current level of street furniture, let alone if there is any increase, as is suggested below. Whilst I do not underestimate the possible loss of the disabled parking bays, please do not overlook this other important point.</p> <p>New Road is a very challenging environment for all disabled people, as it is a popular and busy street. The use of "shared space" between pedestrians and vehicular traffic causes constant and various problems, which are only exacerbated by the current large volume of street furniture blocking the "pavement" areas. The current bars, cafes and restaurants along New Road seem to have given no consideration to the disabled in the layout of their chairs and tables. Indeed, many seek to insist that certain parts of the road are their private property and that people should be walking in the road (where the ambulant disabled will be particularly at risk from vehicular traffic) rather than continuing on the pavement where this requires a walk through a seated area.</p>
Resident	Objection	<p>I've heard that there is a proposal to reduce the amount of disabled parking as a restaurant owner feels that the spaces are having a detrimental affect on his property. That may be so, as I don't like looking out at a vehicle and would prefer a view, but so many spaces are being lost, (often to the rubbish bins), but the number of disabled people is rising with the aging population.</p> <p>Please consider relocating and perhaps even increasing the disabled parking, on the other side of the street. I'm sure you are aware, there are often cars parked, illegally, on the park side of the road, so there is space which could be made into disabled bays.</p> <p>We use disabled badges because we can't walk far, so if we can't</p>

Item 12 Appendix 3

		get close to where we want to go, we don't spend our money. We go to another area or another town, where we can park
Resident	Objection	<p>I am contacting you in regards to reducing the disabled bays in new road. I am a disabled driver with a wheelchair accessible car where i have a tail lift that open out the back to allow me to get my chair in and out and therefore i need appoximately 3 meter behind my car once parked. I would therefore course me great problems in parking if you we to reduce parking spaces and amount of spaces available as it is already quite a hard place to park and it it hard enough to find avalibled disabled spaces in that part of town never mind the rest of the city.</p> <p>I can understand the restaurant owners concern but do not feel it is fair to put commercail needs above the needs of disabled residents, i think there is enough outside city especaily as the wheather means afew more table would only may be be used outside afew month a year and we need the parking spaces all year around,</p> <p>I have many friends who also drive and we regularly meet on this street as its one on the few accessabled areas in brighton and it would limit us greatly and efect our independance.</p> <p>I therefore as you to look again at this proposel and ask you to table disabled peoples needs into account and not make getting into town and socailing harder then it already is.</p>
Resident	Objection	<p>I am writing to express my extreme concern that the council is considering the removal of bays for disabled people in order for a business to put out additional tables. The business at 20 New Road already has some tables & chairs outside, and the application is obviously an effort to increase profit at the expense of less able bodied people.</p> <p>Although I live in Hove, I am a regular visitor to the area - I enjoy not only our wonderful library, but the open space around the Pavilion. However parking is already extremely difficult for disabled people in New Road (and the surrounding area). To reduce the disabled parking bays from three to one for a greedy business owner is not one I feel the council should support. I would hope that the new Green administration would support disabled people in our city and be looking at ways in which disabled bays can be increased, not eliminated.</p> <p>I am not sure whether the council consults with disabled groups on such changes, or indeed whether the Equality Commission would have a view on a council which is removing disabled bays and thus making it more difficult for disabled people to access and enjoy our city. After all, this is a form of discrimination.</p>
Dome, New Road	Objection	Firstly, many customers rely on the Blue Badge parking bays and feedback suggests that ideally more, rather than less provision is required. Secondly, the bays are sometimes temporarily suspended to enable large vehicles to access the Dome. This would be more difficult to manage if the area outside the Courtyard was given over to seating.
PPD	Objection	See appendix 4 and 5
Federation of Disabled People	Objection	See appendix 6

Planning for People with Disabilities objection & alternative suggestions



**Planning for People with Disabilities
(Brighton & Hove)**

Website : www.PPDBH.org.uk

Email : Info@PPDBH.org.uk

Proposed Traffic Regulation Order New Road (Disabled Parking)

Comments and Proposals regarding the reduction
of Disabled Parking Bays in New Road

Page 2 – Discussion of Dimensions

Page 3 – Suggestions of Alternative Replacement Bays

Planning for People with Disabilities

We are a new group comprising members of

- The Brighton and Hove Federation of Disabled People
- We consider planning applications from a Disabled Perspective
- We advise the City Council based upon our needs
- We also consider other matters and will advise accordingly

We support the Proposal, **but only if** additional Disabled Parking is provided in New Road to compensate for the loss proposed. Four suggestions are shown overleaf.

However we are most concerned that the text in the New Road Notice is misleading regarding the true extent of the space left if the Proposal goes ahead.

Quoting from mid-way through Paragraph 1 :

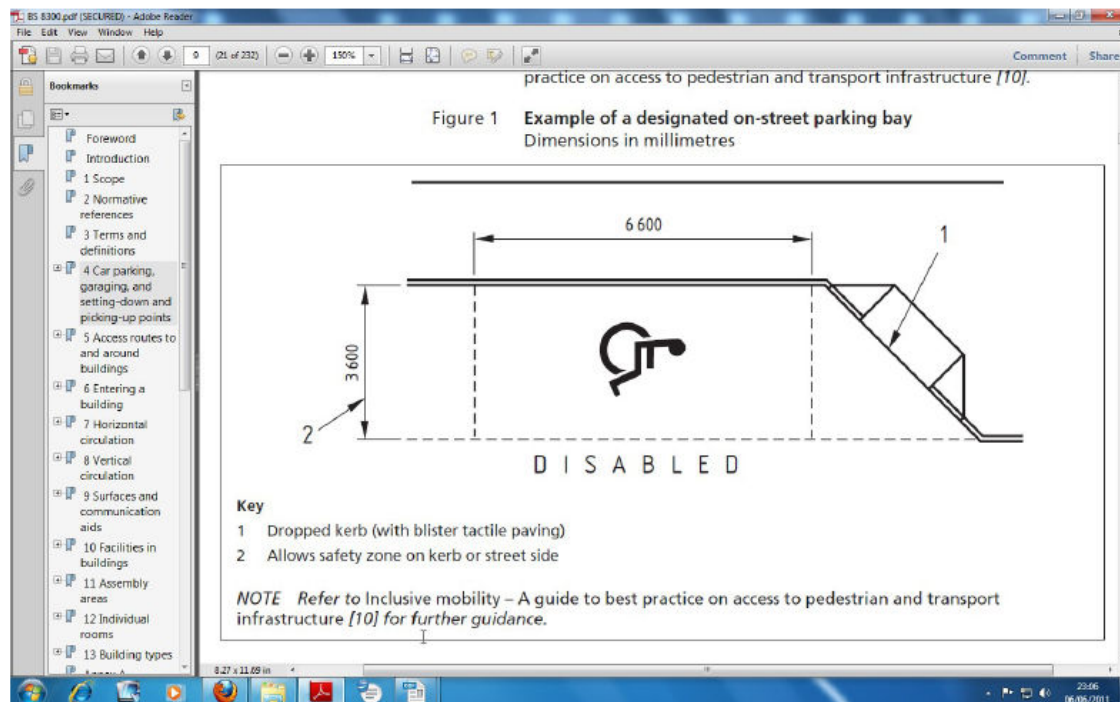
- “....which if it comes into force will amend the current Disabled Badge Holders Parking Place in New Road by reducing the length by 12 metres. The four individual bays that are currently marked will be replaced by a parking area that **should be able to accommodate three vehicles.**”
- *This will not be so for properly dimensioned Disabled Bays – only two will fit.*

Currently there are 4 bays in a length of 27m = 6.75 m/bay which conform to BS 8300. Proposed there will be 3 bays in a length of 15m = 5.00 m/bay **which do not conform.**

A five metre bay falls far short of the 6.6m length for parallel Disabled Bays contained within British Standard BS 8300:2009. In consequence only two cars will be able to park in the remaining length, and the Disabled Parking capacity of this road is halved.

Paragraph 4.1 of the British Standard states

- The dimensions of such parking bays, parallel to the kerb, should be as shown in Figure 1, to permit access to the rear of a vehicle to use a ramp or tail lift and to enable the driver or passenger to alight on the side where traffic might be passing.



- **At the initial Planning and Design of this Shared Surface project several years ago, Disabled Parking needs were addressed – reducing this by half is not acceptable.**
- **In consequence, we will only support the Proposal if two replacement Bays are provided.**
- Four suggestions for their positioning are shown overleaf, but more can be proposed if there are valid reasons why these proposals are deemed not suitable.

Suggested positions for the two replacement Disabled Bays

- 1 – The simplest solution would be for the bays to be 'end on' or perpendicular to the buildings.
 - The 15 metre remaining length would comfortably accommodate 4 Disabled Parking Bays – requiring only labour to reset some of the paving blocks to indicate the bays.
- 2 - Immediately opposite on the other side of the road are two cycle racks.
 - An alternative suggestion would be for two bays positioned between the current cycle racks, where the white car is illegally parked in the photograph.
 - This could be done at minimal cost, requiring only the Disabled Logo Flagstones to be removed and repositioned opposite, and grey paving blocks to mark the mid-point between the two bays.



- 3 – Another option is for two individual bays either side of the entrance to the Dome grounds.
 - This would possibly require the re-positioning, or removal of the concrete bollard.



- 4 - The final option would be to re-position all four Disabled Bays to the other side of the road.
 - Move the bicycle racks in the 15 metres that were to remain for the two Disabled Bays ...
 - or on either side of the entrance to the Dome grounds
 - It is however acknowledged that this would incur significant labour costs.

TR 7/11/2011

Response to Planning for People with Disabilities objection & alternative suggestions

The Planning for People with Disabilities group makes the observation that the proposed arrangement of 3 bays in a single length of 15m does not conform to BS8300.

This has been checked with the parking team, who explain that “British standards are not relevant here, local authorities work to “The Traffic Signs Regulations and General Directions 2002 (TSRGD)” which is published by the Department of Transport. The relevant extract from the DfT document is copied below:

WAITING RESTRICTIONS

“Large or slow vehicles only”), 660.4 (“Loading only”), 661A (“Disabled badge holders only”), 661.1, 786 (“PARK HERE AND USE PHONE AT CROSSING”), 801 (when used with 804.1), or 969. The bay is white in colour and may be accompanied by the legend BUSES, DISABLED, LARGE OR SLOW VEHICLES ONLY or LOADING ONLY, marked outside the bay. It may be placed at the road edge or in the centre of the road. When marking a space for disabled users, the word DISABLED may be omitted, e.g. in streets with block paving, although use of the legend will help badge holders identify parking places more easily. It is recommended that all disabled bays in a locality are treated in the same way to avoid confusion. The bay may be extended to any length to accord with

the traffic order. The legend should be repeated at intervals of about 12 m and marked on both sides when used in the centre of the road. If the road is too narrow to permit traffic (especially fire engines) to pass a 2700 mm wide DISABLED bay, the bay width may be reduced, subject to an absolute minimum of 1800 mm. When the width is 2700 mm or less, the transverse marking will be as in diagram 1028.4.

20.14 The LARGE OR SLOW VEHICLES ONLY variant of diagram 1028.3 may be used with the sign to diagram 660, similarly varied, at level crossings where drivers are required to stop and telephone before crossing. It may also be used to designate places for large vehicles awaiting police escort.

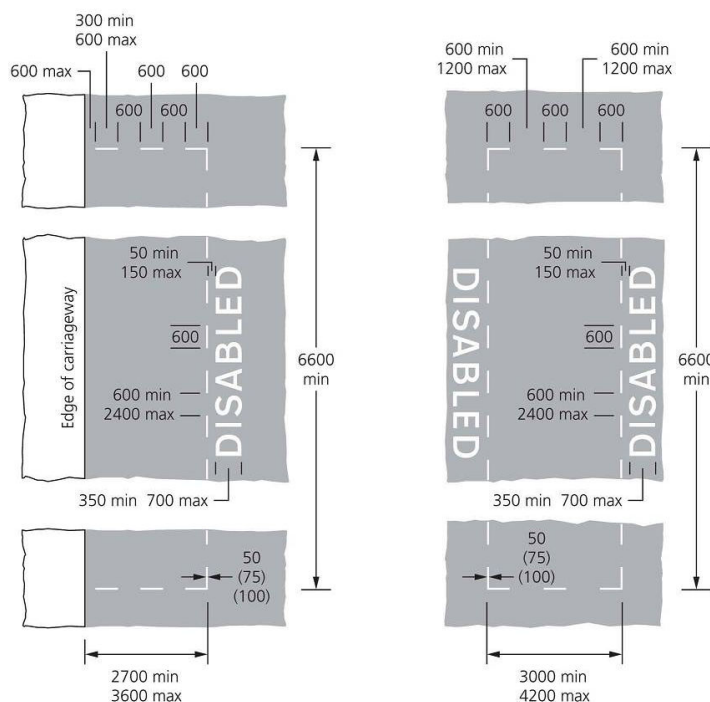


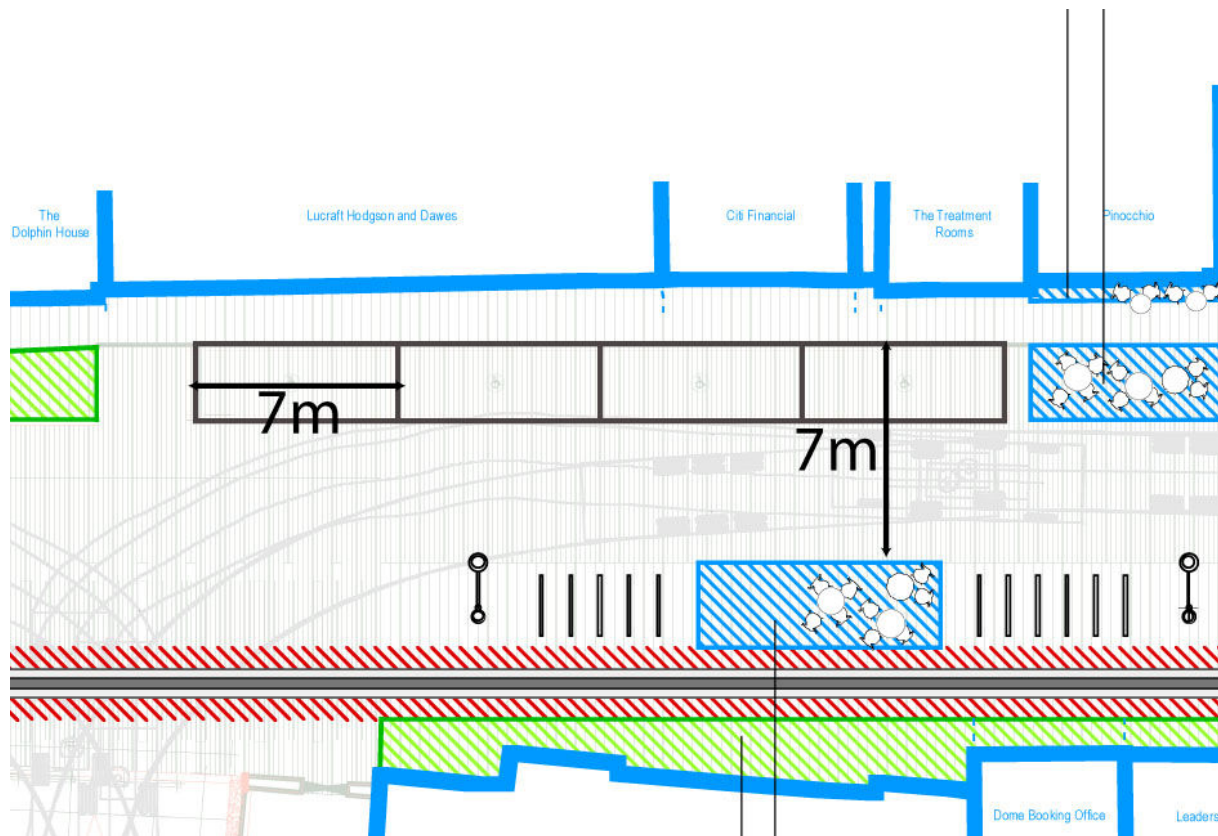
Diagram 1028.3

Figure 20-3

The group go on to suggest alternative locations for two Disabled Parking Bays. These are unsuitable for the following reasons:

Suggestion 1 – End on parking in the current location. The current design of New Road features provision of a clear, straight area for vehicular access through the centre of the street. This was carefully targeted during the design of the scheme, and realized through location of street furniture and parking arrangements. Altering this layout – by measures such as changing disabled parking arrangements and effectively leaving parked vehicles ‘sticking out’ into the central area of the street - would require other vehicles to chicane around the parked cars, potentially hitting furniture on the other side of the road.

The diagram below shows that there is not adequate room to rotate the existing 7 meter bays by 90 degrees – this would effectively block the street to all other users.



Even if space could be found to rotate bays and leave adequate clearance for vehicles to pass, and the risk of this causing vehicles to strike street furniture on the eastern side of the road (or cars parked on the western side) was ignored, safety implications of this option would include effectively squashing vehicles, pedestrians and cyclists into any narrow space that remained. There would also be potential risk to people accessing the rear of cars parked in the realigned arrangement.

In addition, other issues with this option include the cost of effectively removing and relaying around 100 square meters of granite surface, and the detrimental visual impact of such a measure.

Suggestion 2 – Immediately opposite on the other side of the road between the cycle racks. Critically, the area suggested is already licensed to the Dome for outdoor seating, and so is unavailable. In addition the area also incorporates the Dome’s fire escape, and placing parked vehicles in this area may impact on evacuation procedures.

(In addition it should be clarified that, because of construction methods in New Road, 'minimal cost' of any relocation works is likely to start at around £20,000. Granite needs to be sourced, lifted and cut into the existing module pattern).

Suggestion 3 - Putting the bays at either side of the Dome grounds. Large vehicles with large turning circles regularly access the Dome yard. An area of space has been left to accommodate this movement - one of the reasons for the bollard that the representation suggests moving is to protect street furniture from turning vehicles. Vehicles parked in the suggested locations would likely obstruct Dome vehicles and could end up being hit by lorries turning into or out of the Dome service area. In addition, placing a disabled parking bay to the south of the Dome service yard would obstruct views of the entrance to the Pavilion Gardens (one of the objectives of the original project was to improve links between the Gardens and New Road). Also this is a place for people to congregate (the upright wooden structures are 'leaning walls' which people do use). Even if the other obstacles to this suggestion did not apply, giving this area over to a disabled parking bay would mean taking space from people who want to mingle in the street without having to use one of the restaurants cafes.

Suggestion 4 – positioning all four disabled bays to the other side of the road. This option incorporates the barriers explained in the response to Suggestion 2. In addition, the proposal is likely to face objection from businesses other than the Dome (the Council turned down a historic request from one of the estate agents to remove cycle parking so they could have tables and chairs outside their property). The option would also necessitate the relocation of cycle parking, and there are no alternative locations in the street.

Federation of Disabled People Objection



Dear Sir/Madam

RE: Proposed Traffic Regulation Order - New Road (Disabled Parking)

I am writing on behalf of members of the Federation of Disabled Peoples 'Get involved group' to raise a formal objection in relation to the above traffic order.

We have consulted with the Get Involved projects disabled participants, volunteers and interested parties, our reasons for objection are as follows:

- Reducing Blue badge parking in this prime area of town will place disabled people at a disadvantage when wishing to access it.
- The space left is open to abuse as people will be able to park their vehicle in the middle of the space making no room for others
- Many of the other accessible parking bays are situated too far from this location to be of purpose for disabled people who are restricted in how far they can walk.
- There are no alternative parking places in New Road such as yellow lines if a disabled person wants to go to the theatre or a restaurant.
- The disabled parking bays are being used constantly, a reduction in the number of bays will have an impact on the amount of money being spent in the restaurants' and theatres' on New Road.
- There are approximately 400 blue badges being issued each month, an ageing population and increasing demand for blue badge parking, unless alternative disabled parking spaces are created, how will New Road benefit from reducing disabled parking access in the future? The demand is not going away.
- New Road is challenging at the best of times for disabled people, with having to navigate around existing street furniture. The proposal to reduce the disabled parking and increase street furniture not only impacts on the ability to park in an accessible place, but impacts on accessing the facilities on New Road for pedestrians and disabled people alike.
- The reduction in space for disabled parking bays will make it even more difficult or impossible for some drivers to get in or out of their cars, restricting their mobility even further.

We ask that you take these points into account when considering this order.

Finally, we would ask for some clarification why no formal Equality Impact Assessment was not conducted in the planning of this order? It is not clear whether this would be a requirement in such plans and we would appreciate some further information on this for our understanding.

Please do not hesitate to contact me if you have any questions about the points raised, many thanks for taking our points into consideration.

Yours faithfully,

Jane Wigley

Involvement and Participation Officer

Brighton & Hove Federation of Disabled People
Snowdon House
3 Rutland Gardens
Hove
BN3 5PA

Tel: 01273 208934 (option 6)

Email: jane.wigley@bhfederation.org.uk

Website: www.bhfederation.org.uk



Subject:	Tivoli Crescent - Resident Parking Scheme Formal Consultation		
Date of Meeting:	5 July 2011		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Charles Field	Tel: 29-3329
	E-mail:	charles.field@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	Withdean		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to address comments and objections to the draft traffic regulation order for the inclusion of Tivoli Crescent into the Area A resident parking scheme.

2. RECOMMENDATIONS:

- 2.1 That, having taken account of all duly made representations and objections, the Cabinet Member for Transport and Public Realm approves as advertised the following order;
- (a) Brighton & Hove Various Controlled Parking Zone Consolidation Order 2008 Amendment Order No* 201* (Area A – Tivoli Crescent)
- 2.2 That any amendments included in the report and subsequent requests deemed appropriate by officers are added to the proposed scheme during implementation and advertised as an amendment Traffic Regulation Order.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In the initial consultation process for a proposed parking scheme in 2007, the residents of Tivoli Crescent voted to be excluded from this proposed Zone 'A' (Preston Park Station Area) resident parking scheme, and therefore, this road was not included within the proposed scheme.
- 3.2 Following extensive consultation and design, a parking scheme in the Preston Park Station area (Zone A) went ahead in 2009.
- 3.3 As the parking zone lies at both ends of Tivoli Crescent the road is consistently overflowing at all times of the day with commuter parking. This results in significant nuisance, inconvenience and perceived health and safety risks to the residents. Residents in the road also have no off street parking to park their vehicles.

- 3.4 A survey by the Tivoli Crescent Residents Association was carried out in December 2009, two to three months after the introduction of the new Zone A. The survey asked residents if they still wanted to be excluded from Zone A or alternatively, for the scheme to be extended to include Tivoli Crescent.
- 3.5 A response was received from 89% of the dwellings in Tivoli Crescent with 93% of these households voting to be included in the scheme. Tivoli Crescent by an overwhelming majority, now wished to be included in Zone A as soon as is practically possible.
- 3.6 Including Tivoli Crescent in Zone A logically completes the road network of Zone A - by filling in the missing link between Woodside Avenue and The Drove. Unrestricted roads further out from Tivoli Crescent would have the opportunity to comment on this proposal to include Tivoli Crescent when the traffic order was advertised.
- 3.7 A deputation concerning the proposal to extend Zone A to Tivoli Crescent - was presented to the Environment Cabinet Member Meeting by Mr Mark Dyson (Spokesperson) on 11 May 2010 and was supported by the Withdean Ward Councillors. A report was then presented to the Environment Cabinet Member Meeting on 26th July 2010 when it was agreed to take this proposal forward to consultation.
- 3.8 In November 2010, a letter, map and question asking if residents wanted a resident parking scheme or not were sent to 106 households in Tivoli Crescent just North West of the current Area A scheme surrounding Preston Park Station. Questionnaire returns totalled 78, giving a response rate of 73.5%.
- 3.9 Overall, 73 (93.5%) respondents support the proposed extension of the Area A scheme and 5 (6.5%) are not in favour.
- 3.10 Therefore, the recommendation on 11th March 2011 in the report to the Environment Cabinet Member Meeting was that the revised Area A Residents Parking Scheme extension into Tivoli Crescent be progressed to final design and advertised through a traffic regulation order.

4. CONSULTATION

- 4.1 The draft Traffic Regulation Order (TRO) was advertised on 6th May 2011 with the closing date for objections on 26th May 2011. Notices were also put on street for 6th May 2011 which outlined the proposal. The notice was also published in The Argus newspaper on 6th May 2011. Detailed plans and the Traffic Regulation Order were available to view at Hove Library, Jubilee Library, the City Direct Offices at Bartholomew House and Hove Town Hall. A plan detailing the proposals is shown on Appendix A.
- 4.2 There were 8 items of correspondence received (hard copies are available to view in the Members Room). All 8 items were received from individuals and included objections and general comments. The comments / objections are listed in Appendix B.
- 4.3 All 8 comments/objections were received from residents outside the scheme concerned with displacement of vehicles into their road if the scheme is approved

in its current format. There were also comments that a review should take place of parking schemes and / or that their road should be included in the proposals.

- 4.4 In 2007, the residents of Tivoli Crescent and surrounding roads voted to be excluded from the proposed Zone 'A' (Preston Park Station Area) resident parking scheme, and therefore, these roads were not included within the proposed scheme.
- 4.5 As outlined in the background above a survey by the Tivoli Crescent Residents Association was carried out in December 2009. A response was received from 89% of the dwellings in Tivoli Crescent with 93% of these households wishing to be included in the scheme. Tivoli Crescent by an overwhelming majority, now wished to be included in Zone A as soon as is practically possible. It was felt that Including Tivoli Crescent in Zone A logically completes the road network of Zone A - by filling in the missing link between Woodside Avenue and The Drove.
- 4.6 In terms of requests for a Citywide parking review this is currently being considered by the Lead Commissioner for City Regulation and Infrastructure. This overall review of parking in the City will be taken forward within the City Commissioning Plan due to be agreed at July Cabinet.

Conclusions

- 4.7 The recommendation is that Tivoli Crescent be progressed as an extension to the Area A resident parking scheme area due to the reasons outlined within the relevant background.
- 4.8 Any additional amendments to the approved schemes deemed necessary through the formal consultation will be introduced during the implementation stage and advertised through a traffic regulation amendment order.
- 4.9 As part of the consultation undertaken in the scheme regard has been given to the free movement of traffic and access to premises since traffic flow and access are issues that have generated requests from residents and in part a need for the measures being proposed. The provision of alternative off-street parking spaces has been considered by officers when designing the schemes but there are no opportunities to go forward with any off street spaces due to the existing geographical layout of the areas and existing parking provisions in the areas.
- 4.10 Ward Councillors in Withdean have been consulted about this proposal.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Any revenue costs associated with the implementation of this amendment to the Area A residents' parking scheme will be met from existing revenue budgets. The financial impact of any additional income from the proposed scheme amendment will be included within the Parking revenue forecasts, and the proposed budget for 2012-13 which will be submitted to Budget Council in February 2012.

Finance Officer Consulted: Karen Brookshaw

Date: 01/06/11

Legal Implications:

- 5.2 The Council has specific powers under the Road Traffic Regulation Act 1984 to make various types of order, including power to authorise parking by permit (Section 45). In determining what parking places are to be designated under this section the Council must consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include:
- (a) the need for maintaining the free movement of traffic;
 - (b) the need for maintaining reasonable access to premises; and
 - (c) the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.
- 5.3 Before making Traffic Orders, the Council must consider all duly made, unwithdrawn objections. In limited circumstances it must hold public inquiries and may do so otherwise. It is usually possible for proposed orders to be modified, providing any amendments do not increase the effects of the advertised proposals. The Council also has powers to make orders in part and defer decisions on the remainder. Orders may not be made until the objection periods have expired and cannot be made more than 2 years after the notices first proposing them were published. Orders may not come into force before the dates on which it is intended to publish notices stating that they have been made. After making orders, the steps which the Council must take include notifying objectors and putting in place the necessary traffic signs.

Lawyer Consulted:

Carl Hearsum

Date: 13/06/11

Equalities Implications:

- 5.4 The proposed measures will be of benefit to many road users.

Sustainability Implications:

- 5.5 The new motorcycle bays will encourage more sustainable methods of transport.
- 5.6 Managing parking will increase turnover and parking opportunities for all.

Crime & Disorder Implications:

- 5.7 The proposed amendments to restrictions will not have any implication on the prevention of crime and disorder.

Risk and Opportunity Management Implications:

- 5.8 Any risks will be monitored as part of the overall project management, but none have been identified.

Corporate / Citywide Implications:

- 5.9 The legal disabled bays will provide parking for the holders of blue badges wanting to use the local facilities.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 For the majority of the proposals the only alternative option is doing nothing which would mean the proposals would not be taken forward. However, it is the recommendation of officers that these proposals are proceeded with for the reasons outlined within the report.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To seek approval of the scheme to the implementation stage after taking into consideration of the duly made representations and objections. These proposals and amendments are recommended to be taken forward for the reasons outlined within the report.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A - Plan
2. Appendix B - List of Objections / Comments

Documents In Members' Rooms

1. Objections / representations.

Background Documents

1. Report to Environment Cabinet Member Meeting on 5 September 2009
2. Report to Environment Cabinet Member Meeting on 11 March 2011

KEY:

CROSSOVER

PERMIT HOLDERS ONLY
(Monday - Sunday, 9am - 8pm)

LOADING BAY
(Monday - Sunday, 9am - 8pm)

SHARED PERMIT HOLDERS
& MEDIUM TERM PARKING (up to 4 hours)
(Monday to Sunday, 9am - 8pm)

P&D

PRELIMINARY PAY AND DISPLAY
MACHINE LOCATION

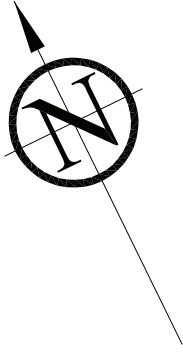
DISABLED BAY

MOTORCYCLE BAY

AREA TO BE INCLUDED IN AREA "A"

EXISTING AREA "A"

WHERE NO RESTRICTIONS
ARE SHOWN, DOUBLE
YELLOW LINE NO WAITING
AT ANY TIME RESTRICTION
WILL APPLY.



Reproduced from / Based on the
Ordnance Survey mapping with
the permission of the controller of
H.M. Stationery Office., Crown
copyright. Unauthorised
reproduction infringes Crown
copyright and may lead to
prosecution or Civil Proceedings.
Brighton & Hove City Council,
Licence: 100020999.2011.



APPENDIX A

Summary of objections / comments received to the Traffic Order

Who	Object/Supports/Comments	Summary	Officer comments
Resident, Tivoli Crescent North	Objection	Would cause displacement into surrounding roads. Other roads should be included in the proposals.	In 2007, the residents of Tivoli Crescent and surrounding roads voted to be excluded from the proposed resident parking scheme, and therefore, these roads were not included. As outlined in the report Tivoli Crescent residents came forward to be included in Zone A. It was felt that Including Tivoli Crescent in Zone A logically completes the road network of Zone A - by filling in the missing link between Woodside Avenue and The Drove. The Council is currently evaluating the requests received for a resident parking scheme and also looking at an overall review of parking in the city.
Resident, Tivoli Road	Objection	Would cause displacement into surrounding roads. A review should take place of parking schemes and / or that their road should be included in the proposals.	As Above
Resident, Tivoli Crescent North	Objection	Would cause displacement into surrounding roads. A review should take place of parking schemes and / or that their road should be included in the proposals.	As Above
Resident, Tivoli Crescent North	Objection	Would cause displacement into surrounding roads. A review should take place of parking schemes and / or that their road should be included in the proposals.	As Above
Resident, Tivoli Road	Objection	Would cause displacement into surrounding roads. Other roads should be included in the proposals.	As Above
Resident, Tivoli Road	Objection	Would cause displacement into surrounding roads. A review should take place of parking schemes and / or that their road should be included in the proposals.	As Above
Resident, Tivoli Crescent North	Objection	Would cause displacement into surrounding roads. Other roads should be included in the proposals.	As Above
Resident, Tivoli Crescent North	Objection	Would cause displacement into surrounding roads. Other roads should be included in the proposals.	As Above

ENVIRONMENT, TRANSPORT & SUSTAINABILITY CABINET MEMBERS MEETING

Agenda Item 14

Brighton & Hove City Council

Subject: Standardisation of School Keep Clear Waiting Restrictions

Date of Meeting: 5 July 2011

Report of: Strategic Director, Place

Contact Officer: Name Jo Brooksbank **Tel:** 29-1819

E-mail: jo.brooksbank@brighton-hove.gov.uk

Key Decision: No

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Council has a number of different waiting restrictions for School Keep Clear Zones outside schools across the city that need to be standardised as they do not reflect the current servicing needs throughout the day. This has led to vehicles parking in and around entrances to schools when staff, children, parents and carers are still coming and going from the school for various activities at different times of the day causing potential safety issues.
- 1.2 This report proposes that all School Keep Clear waiting restrictions across Brighton and Hove are changed to the same time providing a much more consistent approach that caters for the access needs and improves safety for all road users outside the school.
- 1.3 It is therefore proposed that the current No Stopping order on School Keep Clear waiting restrictions at most schools across the city of **'No Stopping 8.30 to 9.30 am and 2 to 4pm, Monday to Friday, excluding August'**, should be changed to **'No Stopping 8am to 6pm Monday to Friday, excluding August'**. Extending the times will not adversely affect residents during evenings and weekends, when they can still park on School Keep Clears (except in Controlled Parking Zones) outside the 'No Stopping' order time restrictions.
- 1.4 Extensive consultation has been undertaken with schools and other stakeholders indicating support for the proposed changes (see Appendix A) and a Combined Traffic Regulation Order was advertised from 6th – 26th of May 2011.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Transport & Public Realm (having taken into account representations and objections) approves 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* 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.
- (b) 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.

3. RELEVANT BACKGROUND INFORMATION:

- 3.1 Over the past few years, schools have been extending their opening times to accommodate breakfast clubs, after school care clubs and activities. Many schools also have nursery classes in the mornings and/or afternoons, with children leaving and arriving throughout the school day. A number of schools have commented that the current School Keep Clear (SKC) times do not cover the times children are actually arriving and leaving school.
- 3.2 In 2010 the School Travel Team informally consulted schools on a range of options to change these SKC times to take account of extended school opening times. There was a good response rate of 66% and the majority of schools requested the No Stopping times be changed to a blanket '8am to 6pm, Monday to Friday, excluding August'.
 - 3.2.1 Currently 60 schools have SKC markings. These schools were further consulted in January 2011 to determine the level of support for extending the No Stopping times to 8am-6pm. There was a 73% response rate to this consultation with 63% of schools in favour of these times. There were 6 objections mostly related to loading issues. These schools have been contacted separately to discuss their individual concerns.
 - 3.2.2 This Combined Traffic Order includes changes of School Keep Clear times at 60 schools across the city. Five objections were received to the advertised Traffic Regulation Orders, one of which has been withdrawn, two have led to a recommendation for an amendment to the TRO and two objections have led to a recommendation for a deferred decision.
 - 3.2.3 The comments, support and objections are summarised below and in Appendix A. Also a summary of the proposal showing a list of the schools affected is detailed in Appendix B.
- 3.3 *Summary of comments received following consultation:*
 - 3.3.1 Councillors – Ward councillors were contacted and notified of the proposal and sent plans for their ward. 8 comments were received, 5 of which were in favour, 2 thanking us for the information, and 1 against, which was focussed on School Keep Clears needing better enforcement.
 - 3.3.2 Schools – there was a 73% response rate to this consultation with 63% of schools in favour of the proposed times (schools were given a range of times to choose from, or were asked to give their specific requirements). There were 6 objections mostly related to loading issues. These schools were contacted separately to discuss their individual concerns, which resolved their concerns.

- 3.3.3 Coombe Road – the school felt their SKC was no longer needed, as there are build outs where families cross (with a School Crossing Patrol). After meetings on site and discussions with the school, it was decided with the school to remove the existing School Keep Clear and replace with a length of Single Yellow Line. This is on the Combined Traffic Regulation Order.

3.4 *Letters of support received in relation to the Traffic Regulation Order:*

- 3.4.1 Brighton Montessori School – supporting the changes of times to School Keep Clears.
- 3.4.2 Woodingdean Primary School – supporting the changes of times to School Keep Clears

3.5 *Letters of support received in relation to the Traffic Regulation Order:*

- 3.5.1 Holmes Ave – two objections, which has led to a proposed amendment to the Traffic Regulation Order. It is proposed that Holmes Avenue will be withdrawn from The Traffic Regulation Order, and will be looked at again separately.

Summary of objection: Holmes Avenue – two residents requested that we do not change the times on the No Stopping Order because of the unique nature of the School Keep Clear on Holmes Ave. The ‘unique’ nature is that the crossovers to the residents’ driveways are public highway, and the School Keep Clears are enforceable on these crossovers, to the boundary of their properties.

- 3.5.2 Bevendean Primary School – one objection, which has been withdrawn.
- 3.5.3 Grantham Road, Edburton Avenue and Rugby Road – the roads around Down’s Junior School - two objections, which has led to a proposed deferment of a decision regarding the Traffic Regulation Order on these roads.

Summary of objections: There have been two objections for the proposed changes to the times for the School Keep Clear around Down’s Junior School. A decision on this part of the Order will be deferred in order to allow for further work to be undertaken to resolve these issues.

4. CONSULTATION:

- 4.1 The Traffic Regulation Order was advertised between the 6th May 2011 and 26th May 2011.
- 4.2 Councillors for the areas were consulted and sent plans for their wards, as were the statutory consultees such as the Emergency Services.
- 4.3 Notices were also put on street for the 6th May 2011. The notice was also published in The Argus newspaper on the 6th May 2011. Detailed plans and the order were available to view at Hove Library, Jubilee Library and at the City Direct Offices at Priory House and Hove Town Hall.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The full cost of advertising the traffic order and having the lining and signing amended will be covered from the existing Road Safety revenue budget.

Finance Officer Consulted: Karen Brookshaw

Date: 02/06/11

Legal Implications:

- 5.2 Under section 122 of the Road Traffic Act 1984 , the Council has the duty to exercise the functions conferred on them by that Act to secure the expeditious, convenient and safe movement of vehicles and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway having regard so far as is practicable to the following
- (a) the desirability of securing and maintaining reasonable access to premises;
 - (b) the effect on the amenities of any locality affected including the importance of controlling the use of the roads by heavy commercial vehicles;
 - (c) national air quality strategy;
 - (d) facilitating the passage of public service vehicles and the safety/convenience of persons wishing to use; and
 - (e) any other matters appearing relevant to the local authority.
- 5.3 Before making Traffic Orders, the Council must consider all duly made, unwithdrawn objections. In limited circumstances it must hold public inquiries and may do so otherwise. It is usually possible for proposed orders to be modified, providing any amendments do not increase the effects of the advertised proposals. The Council also has powers to make orders in part and defer decisions on the remainder. Orders may not be made until the objection periods have expired and cannot be made more than 2 years after the notices first proposing them were first published. Orders may not come into force before the dates on which it is intended to publish notices stating that they have been made. After making orders, the steps which the Council must take include notifying objectors and putting in place the necessary traffic signs.

Lawyer consulted:

Carl Hearsum

Date: 01/06/11

Equalities Implications:

- 5.4 With the revised School Keep Clear times, all families and children arriving for school would have the area around the entrance to the school clear of vehicles, thus increasing the safety of their journey to school. Currently, many children arriving at school, because they have to arrive early for breakfast club, or stay late for after school activities, do not benefit from this increased level of safety, as vehicles can park legally on the School Keep Clears.

Sustainability Implications:

- 5.5 There will be on-going promotional work with schools and families, and enforcement campaigns for the new School Keep Clear times. Many parents say they will not let their children walk or cycle to school because of congestion

caused by vehicles around the school entrances. This campaign work, along with other measures carried out by the School Travel & Road Safety Teams, aims to increase the number of families travelling to school by sustainable means, by improving the safety for children and their families on their journey to school.

Crime & Disorder Implications:

- 5.6 The proposed amendments to restrictions will not have any implication on the prevention of crime and disorder.

Risk and Opportunity Management Implications:

- 5.7 Any risks will be monitored as part of the overall project management, but none have been identified.

Corporate / Citywide Implications:

- 5.8 The proposed changes to the times of the School Keep Clears will mean that the No Stopping Order is consistent throughout the city, so residents and visitors, wherever they are in the city, will know that the School Keep Clear No Stopping times are the same wherever they are.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 For the majority of the proposals the only alternative option is doing nothing which would mean the proposals would not be taken forward. However, it is the recommendation of officers that these proposals are proceeded with for the reasons outlined in Appendix A and within the report.
- 6.2 For the proposals outlined as being removed from the order in the recommendations the only alternative option is taking these forward. However, it is the recommendation of officers that these proposals are not taken forward for the reasons outlined in the recommendations.

7. REASONS FOR REPORT RECOMMENDATIONS:

- 7.1 To seek approval of the Traffic Order with amendments after taking into consideration of the duly made representations and objections.

SUPPORTING DOCUMENTATION

Appendices:

A: Summary of representations received

B: Summary of proposal put forward

Documents in Members' Rooms:

None

Background Documents:

None

Summary of representations received

Two letters were received supporting the changes of times to School Keep Clears from the Brighton Montessori School and Woodingdean Primary School.

A total of five objections were received to the Order, one has since been withdrawn. Of the four remaining objections all are from residents. Two are from residents who live either side of the entrance to Blatchington Mill Secondary School in Holmes Avenue, Hangleton. The other two residents live in the roads adjacent to Downs Junior School, Grantham Road and Rugby Road respectively.

Bevendean Primary School - the Chair of Governors at Bevendean School initially objected. He supported the extended times, but wanted then extended further to a 24 hour No Stopping Order on the School Keep Clears. He has withdrawn his objection after discussion with the School Travel Team.

Holmes Avenue – two residents requested that we do not change the times on the No Stopping Order because the crossovers to the residents' driveways are public highway, and the School Keep Clears are enforceable on these crossovers, to the boundary of their properties. It is proposed that Holmes Avenue will be withdrawn from The Traffic Regulation Order, and will be looked at again separately.

Down's Junior School: Grantham Road, Edburton Avenue and Rugby Road - two objections were received. A resident living opposite the School Keep Clears on Grantham Road raised a number of issues about the proposed changes to the times on Grantham Road only.

A second resident living opposite the School Keep Clears on Rugby Road raised concerns about the proposed changes to the times and the consultation process. This has led to a proposal to defer a decision regarding the Traffic Regulation Order on these three roads around Down's Junior School.

Summary of proposal

School	Results of consultation/comments	officer recommendation
Primary Level (45)		
Aldrington Primary	school didn't repond to 2011 consultation	Accept unconditionally
Balfour Junior	School requested 8-6pm no stopping times	Accept unconditionally
Balfour Infants	School requested 8-6pm no stopping times	Accept unconditionally
Bevendean	school didn't repond to 2011 consultation	Accept unconditionally
Carden Primary	school didn't repond to 2011 consultation	Accept unconditionally
Carlton Hill	school didn't repond to 2011 consultation	Accept unconditionally
Coombe Road Primary	Removal of SKC markings and partial replacement with single yellow line	Accept unconditionally
Coldean Primary	school didn't repond to 2011 consultation	Accept unconditionally
Cottesmore Primary	school didn't repond to 2011 consultation	Accept unconditionally
Downs Infants	School requested 8-6pm no stopping times	Accept unconditionally
Downs Junior	School requested 8-6pm no stopping time. Roads affected Grantham Road, Edburton Avenue and Rugby Road	Defer decision on current TRO
Goldstone Primary	school didn't repond to 2011 consultation	Accept unconditionally
Hangleton Infants	School requested 8-6pm no stopping times	Accept unconditionally
Hangleton Junior	school didn't repond to 2011 consultation	Accept unconditionally
Hertford Infants	School requested 8-6pm no stopping times	Accept unconditionally
Hertford Junior	School requested 8-6pm no stopping times	Accept unconditionally
Mile Oak Primary	School - keep current times	Accept unconditionally
Moulsecoomb	School requested 8-6pm no stopping times	Accept unconditionally
Our Lady of Lourdes	School requested 8-6pm no stopping times	Accept unconditionally
Patcham Infants	school didn't repond to 2011 consultation	Accept unconditionally
Patcham Junior	school didn't repond to 2011 consultation	Accept unconditionally
Peter Gladwin	School requested 8-6pm no stopping times	Accept unconditionally
Queens Park	School requested 8-6pm no stopping times	Accept unconditionally
Rudyard Kipling Primary	School requested 8-6pm no stopping times	Accept unconditionally
Saltdean Primary	School requested 8-6pm no stopping times	Accept unconditionally
St Andrew's	School requested 8-6pm no stopping times	Accept unconditionally
St Bartholomew's	School requested 8-6pm no stopping times	Accept unconditionally
St Bernadette's Primary	School requested 8-6pm no stopping times	Accept unconditionally
St John the Baptist	School requested 8-6pm no stopping times	Accept unconditionally
St Joseph's	School requested 8-6pm no stopping times	Accept unconditionally
St Luke's Primary	School requested 8-6pm no stopping times	Accept unconditionally
St Margaret's Primary	School requested 8-6pm no stopping times	Accept unconditionally
St Mark's Primary	school didn't repond to 2011 consultation	Accept unconditionally
St Martin's Primary	school didn't repond to 2011 consultation	Accept unconditionally
St Mary Magdalene	school didn't repond to 2011 consultation	Accept unconditionally
St Mary's Primary	school didn't repond to 2011 consultation	Accept unconditionally
St Nicolas Junior	School requested 8-6pm no stopping times	Accept unconditionally
St Paul's Primary	School requested 8-6pm no stopping times	Accept unconditionally
St Peter's Infants	School - requested different times	Accept unconditionally
Stanford Infants	School requested 8-6pm no stopping times	Accept unconditionally
Stanford Junior	School requested 8-6pm no stopping times	Accept unconditionally
West Blatchington Primary	School requested 8-6pm no stopping times	Accept unconditionally
Westdene Primary	School - keep current times	Accept unconditionally
Whitehawk Primary	school didn't repond to 2011 consultation	Accept unconditionally
Woodingdean Primary	School requested 8-6pm no stopping times	Accept unconditionally

Secondary level (5)		
Blatchington Mill	Holmes Avenue. School didn't repond to 2011 consultation	Withdrawal from current TRO and reviewed separately
Hove Park Upper	school didn't repond to 2011 consultation	Accept unconditionally
Patcham High	School requested 8-6pm no stopping times	Accept unconditionally
Portslade Community College (PACA)	School requested 8-6pm no stopping times	Accept unconditionally
Vardean	School requested 8-6pm no stopping times	Accept unconditionally
Nursery (1)		
Tarnerland	School requested 8-6pm no stopping times	Accept unconditionally
SEN (2)		
Cedar Centre	School requested 8-6pm no stopping times	Accept unconditionally
Patcham House	school didn't repond to 2011 consultation	Accept unconditionally
Independent schools (7sites)		
B&H High School Junior	School - keep current times	Accept unconditionally
Brighton Coll Prep	School requested 8-6pm no stopping times	Accept unconditionally
Brighton College Pre Prep	School - requested different times	Accept unconditionally
Brighton Steiner	School requested 8-6pm no stopping times	Accept unconditionally
Dharma	school didn't repond to 2011 consultation	Accept unconditionally
Brighton and Hove Montessori	School requested 8-6pm no stopping times	Accept unconditionally
St Christophers	School requested 8-6pm no stopping times	Accept unconditionally
Exception		
Lancing Prep Independent (The Droveway, Hove)	This school is not included in this TRO. A TRO came into force in 2010 altering the times to 7.30am - 9am and 3-6pm at the request of the school as children arrive from 7.45am and are still leaving at 5.45pm	n/a

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

Agenda Item 15

Brighton & Hove City Council

Subject: Farman Street (Gating) Order 2011
Date of Meeting: 5 July 2011
Report of: Strategic Director, Place
Contact Officer: Name: Simon Bannister Tel: 293925
E-mail: simon.bannister@brighton-hove.gov.uk
Key Decision: No
Wards Affected: Brunswick & Adelaide

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report is to consider objections and representations received to the proposed Farman Street Gating Order and to seek approval for the Order to be made following completion of a Management Agreement between the council and the Farman Street Resident's Association. The power to make Gating Orders is contained within Highways Act 1980 as amended by the Clean Neighbourhoods and Environment Act 2005 (see **appendix D** for further information). A Gating Order imposes restrictions on a highway which enable a council to place gates across the highway on the grounds of reducing criminal or antisocial behaviour. Gates can be locked or unlocked and can operate at variable hours depending upon the specific circumstances to be addressed. Aside from the restrictions within the Order, the underlying highway status is not affected and an Order may be amended or revoked by a council at any time. The proposed Farman Street (Gating) Order 2011 recommends a gate at the junction of Farman Street and Western Road to be locked to restrict access from Western Road to Farman Street only, between the hours of 9pm and 8am and the report 'Farman Street – Background & Basis for a Gating Order' (**Appendix A**) sets out in full the reasons and justifications for this proposal.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Transport and Public Realm agrees 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.
- 2.2 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.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 For several years, residents and businesses within Farman Street, Cross Street and Western Road have raised a number of concerns with the police and the city council regarding anti-social and criminal behaviour taking place in Farman Street. This includes street fouling, street drinking, drug use and dealing, attempted burglary, night noise and criminal damage. A detailed residents' log is included within the report in **Appendix A**.
- 3.2 In 2008 a draft proposal for gating at the junction of Farman Street with Western Road was developed, but because of planning issues concerning the adjoining 5/6 Western Road, this proposal was withdrawn. Following a decision by the Planning Inspectorate to enforce physical alterations to the layout of Farman Street, and the completion of the development of 5/6 Western Rd on the corner of Farman Street, residents reported that the crime and antisocial behaviour concerns had not been alleviated and renewed their request for a Gating Order. The current proposal, based on a single gate at the northern end of Farman Street, seeks to address these concerns and reduce the impact of crime and antisocial behaviour in Farman Street.
- 3.3 Funding for the remaining elements of this scheme is being provided by residents and businesses on and adjoining Farman Street. Before an order granted may be implemented the resident group will be required to enter into a Management Agreement with the council detailing their contribution toward the remaining elements, including: the need to obtain planning permission for the gates; design, purchase and installation of the gates; signage; ongoing management and maintenance. The council will not be providing further direct financial support to the scheme, but council officers will provide assistance to the resident group to develop this work. This will include ongoing capacity and community support from the Environment Improvement Team/Community Safety Partnership - particularly around developing the resident agreement; and advice and support from Development Control for the group regarding the design of the gate from a development control/conservation perspective. The scope and limits of this support will be detailed in the Management Agreement. It is accepted that without the Agreement, this scheme will not go ahead, and that the council has limited resources to direct to this initiative.
- 3.4 Each enquiry for granting of a Gating Order is viewed on its own merits and designed within the specific context of the physical location, type and incidence of crime and antisocial behaviour. It is developed in close dialogue with the resident and/or business community, as well as Sussex Police, other council departments and partners, and statutory consultants identified within the Clean Neighbourhoods and Environment Act 2005. Because a Gating Order is a site specific intervention, specific aspects of financing and management/operation of any gating intervention are likely to vary widely, and no model developed should be viewed as a precedent for future approaches.
- 3.5 At present there is one gating project in Brighton and Hove, and there is not currently significant demand for further gating interventions in the city. All gating requests must first meet the stringent requirements of the Clean Neighbourhoods and Environment Act before they can be considered for further action, and can then

only be progressed if resources can be identified to support them. It is not felt that the funding arrangement developed for this proposal will have any impact on the response to future requests or should be seen as setting a precedent in any way.

4. CONSULTATION

- 4.1 The statutory consultation for this Order ran from **09.09.10 to 08.10.10**. A draft Order was placed at the site, published in the Argus and on the council website seeking responses from the public, and a copy was posted to all residents in Farman Street and to other interested bodies as identified in the Act. This report details submissions received during this period and the response to those submissions.

Consultees raising no objection

- 4.2 As stated in paragraph 4. above the Act identifies a range of bodies which must be contacted in respect of a proposed Gating Order, including the Chief Officer of Police, Fire and Rescue Authority and NHS Trust in respect of which a public inquiry must be held if objections to the proposed gating order are raised. For this proposal, the following consultees were contacted and did not object:
- Sussex Police
 - East Sussex Fire & Rescue Service
 - Sussex Ambulance Service
 - NTL Telewest
 - Virgin Media
 - BT Openreach
 - EDF Energy
 - Atkins Global
 - Ward councillors
 - BHCC City Planning
 - BHCC City Clean
 - BHCC Highways
 - Scotia Gas Networks
 - All residents and businesses on and adjoining Farman Street.

Objections received

- 4.3 The following summary considers only those points raised which are relevant to the statutory criteria for objection, namely whether or not a gating order should be made. Having considered these points it is felt that the statutory requirements of the Clean Neighbourhoods and Environment Act 2005 have been met and that in this situation a Gating Order is justified under these powers. A full summary of all comments is included as **Appendix C**.

Note - The Local Access Forum had been given advance knowledge of this proposal and have confirmed that they wish to oppose the proposal. Rather than providing a detailed report they have requested that the report which they submitted to the last proposal in 2007 be resubmitted for this proposal. These comments have also been included in **Appendix C**

Submission	Submitted by	Response
All streets in the City experience similar levels of crime to Farman Street	LAF	Incidents of crime and antisocial behaviour are not uniformly spread across the City, and it is widely acknowledged that different places or types of space are subject to differing pressures. Crime and antisocial behaviour 'hotspots' have a range of causes and contributory factors, and the background report outlines the particular issues in relation to Farman Street which make it more permissive of crime and antisocial behaviour and of the disproportionate impact of these activities on residents and legitimate users of the highway at this point.
Incidence/evidence of crime and antisocial behaviour taking place in Farman Street is not sufficient to justify a Gating Order	LAF, OSS, RA	The requirements of the Clean Neighbourhoods & Environment Act are that a council must be 'satisfied that the area surrounding the relevant highway suffers from crime or anti-social behaviour and (Gating) would act as a useful crime/anti-social behaviour reduction measure.' The overwhelming view of those who live on Farman Street, as well as those who police Farman Street is that the location experiences disproportionate levels of crime and antisocial behaviour, particularly at night. This is supported by the resident's log which under the terms of the Act can fulfil the requirements for demonstrating the existence of crime and ASB facilitated by the presence of the right of way.
The proposed alternative routes of Waterloo Street or Little Western Street are not suitable for those with buggies.	LAF only included this point	It has not been stated on what basis objectors feel that the proposed alternatives are unsuitable for those with buggies. Considering that this intervention proposes one gate with restrictions only at night time, it is felt that very few people are likely to be significantly inconvenienced, and that the alternative routes – which are more open and overlooked, are likely to provide a safer through route in any event.
Alternatives to gating have not been fully explored	LAF and one individual submission included this point	The background report considers the range of options available to enforcement agencies in their response, and concludes that a Gating Order would provide a useful and beneficial intervention. The proposed Order is not instead of standard policing measures, but it is an intervention aimed at supporting positive policing of the area to reduce the impact of crime and ASB. The Order (if granted) will be regularly reviewed and may be revoked or amended at any time as necessary.

enhanced policing would be a more preferable and effective response than the provision of a Gating Order	LAF	<p>The background report states:</p> <p>Policing – <i>Sussex Police will respond to all calls, but their response will vary according to their workload at the time. The local Neighbourhood Specialist Policing Team carry out regular patrols around the area, and will target known ‘hotspots’. If justified by the situation, the Police will deliver targeted operations and high visibility policing in certain areas and locations. Due to the random nature of offences however, it is unlikely that focused high visibility operations will have a lasting impact, as problems will resume once the police have left the area. Limited Police resources make it unlikely that they would be able to sustain long term high visibility policing at this location.</i></p> <p>It is felt that, because of the reasons given above, an intervention in Farman Street based solely on direct policing would not be sufficient. It must be noted also that a gating order is not instead of but as well as standard policing activities.</p>
--	-----	---

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 This project is being delivered in partnership with the local resident community. The council has so far borne the cost of developing this proposal and delivering the statutory consultation process. The Council will not be providing any further financing for this project – although officer time will be made available to support the residents group, by the Partnership Community Safety Team and by Development Control/Conservation Team. The remaining costs (approx. 5k), including further statutory consents and the purchase, installation and management of gates will be borne by the resident community in or adjacent to Farman Street. The council will enter into an agreement with the resident group to cover the further stages of this proposal, including the long term management of the gate. The detailed design of the gate will be subject to planning/conservation area consent and the resident group will work with conservation and planning officers in the usual way to secure this further consent.
- 5.2 Any additional officer time dedicated to this project will be agreed with service heads and will form a part of the resident agreement which will be approved by the Strategic Director – Place.

Finance Officer Consulted:

Louise Hoten

Date: 21/06/11

Legal Implications:

- 5.3 The relevant legislation is contained in S129A of the Highways Act 1980, which was inserted by section 2 of the Clean Neighbourhood and Environment Act 2005, and the Highways Act 1980 (Gating Orders) (England) Regulations 2006. Section 129A provides that before making an Order the highway authority must be satisfied that:-

- (a) premises adjoining or adjacent to the highway are affected by crime or antisocial behaviour;
- (b) the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour; and
- (c) it is expedient in all the circumstances to make the Order for the purposes of reducing crime or anti-social behaviour.

- 5.4 Each of the above requirements and their application to Farman Street are considered in the body of the report.
- 5.5 The procedure for making a gating order is contained in the 2006 Regulations, which include consultation requirements. The order making authority is required to consider all representations as to whether or not the order should be made prior to making a decision on the order. The procedure undertaken in respect of the Farman Street gating order complies with the statutory requirements. Moreover the Home Office has published non-statutory Guidance relating to the making of Gating Orders (March 2006) which emphasises the need to balance crime and anti-social behaviour concerns against the impact it will have on users of the highway and local residents. These considerations are also addressed in the body of the report.
- 5.6 As pointed out in the body of the Report the design and installation of the gates will be subject to obtaining the requisite planning consent.
- 5.7 It is not considered that any adverse human rights implications arise from the report.

Lawyer consulted:

Hilary Woodward

Date: 21/06/11

Equalities Implications:

- 5.8 This project will support residents in an area of high crime who are suffering disproportionately the impact of criminal and antisocial behaviour to enjoy the security of their homes and surrounding streets and reduce their likelihood of becoming a victim of crime.

Sustainability Implications:

- 5.9 This scheme accords with the Council's Sustainability Community Safety Strategy in the following themes:
- Quality of life and public reassurance
 - Tackling anti-social behaviour
 - Tackling violent crime and violent crime in a public place
 - Tackling drug and alcohol misuse
 - Acquisitive crime – including domestic burglary and vehicle crime
 - Improving the safety and reducing risks for children and young people

Crime & Disorder Implications:

- 5.10 The provision of night time gating at Farman Street will directly combat incidences of criminal and antisocial behaviour

Risk & Opportunity Management Implications:

- 5.11 The following risks have been evaluated and being monitored as part of the overall project management:
- 5.12 Potential displacement of criminal/asb activity into surrounding streets.
- 5.13 Potential inconvenience of residents and/or legitimate daytime users.
- 5.14 These aspects will be monitored throughout and considered at the annual review of the scheme

Corporate / Citywide Implications:

- 5.15 The Council is committed to developing a safer city. Tackling crime and antisocial behaviour is central to this.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Alternative options have been considered for this location and a summary of this aspect is within the report in Appendix B

7. REASONS FOR REPORT RECOMMENDATIONS:

- 7.1 This proposal responds to resident and police concerns regarding reduction of street crime/asb in Farman Street and will help to resolve longstanding concerns and issues at this location

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – ‘Farman Street – Background and Basis for a Gating Order
2. Appendix B – Farman Street (Gating) Order 2010 – Draft Order

Documents in Members’ Rooms

1. Detailed consultation summary
2. Clean Neighbourhoods and Environment Act Guidance

Background Documents

None



FARMAN STREET GATING REQUEST



Background and Basis for a Gating Order
Revised proposal March 2010



Environment Improvement Team

Contents:

1.	Background	-	P3
2	Proposed Gating Scheme	-	P5
3.	Basis of proposed scheme	-	P5
4.	Key considerations shaping the proposed scheme	-	P8
5.	Review of this scheme	-	P8
	Appendix A – Farman Street Social Disorder Log/Residents Testimony-		P9
	Appendix B – CADDIE Crime analysis report	-	p13
	Appendix C – Residents photo testimony	-	p15



For further information contact:

Simon Bannister
Environment Improvement Team
01273 293925
Simon.bannister@brighton-hove.gov.uk

I. Background

Farman Street is a pedestrian lane which runs between Western Road and Cross Street.



Fig 1 Farman St - location

The northern section of Farman Street (referred to as 'the alley') which joins Western Road is a narrow covered passageway and forms the side boundary of 5/6 Western Road (Bradshaw's Bar) and 7 Western Rd (Launderette). The launderette has access into Farman St beyond the alley; and Bradshaw's Bar has side (fire escape) access within the alley and the entry to the flats above is also in the alley.

The southern section of Farman St (between Cross St and the southern end of the covered section) is made up of mostly residential properties which front directly onto the Street.

Farman Street is a well tended street – the efforts of residents placing planters around the street have been recognised with awards from Brighton in Bloom, however, residents report ongoing night time criminal and antisocial behaviour taking place in the street, and have for several years been requesting a gating intervention to reduce the impact of this behaviour.

A draft gating order based on a single gate at the junction with Western Road was published in 2008, but this initiative was suspended in September 2008 because of planning issues around 5/6 Western Road (now Bradshaw's Bar) – essentially the developers at this site had placed a ramp on Farman Street giving access to the flats above the new development, and this ramp was subject to planning enforcement. Because an agreement was reached to remove this ramp, significantly changing the layout of the alley, the scheme which had been developed was no longer valid. Also, because the new bar would finally open, and enhanced lighting and CCTV was to be provided as a part of this development it was necessary to see what difference the Bar would make to behaviour on Farman Street before progressing further with a gating order application.

The Bar and all of the physical works to Farman Street are now complete and have been operational since the summer of 2009, and residents, businesses and ward councillors have contacted the council, concerned that criminal and antisocial behaviour is still a problem in Farman Street and requesting that the council re-open the Gating request.

Property details – Farman St:

1 – 3 Farman St - g/f business + 9 residential units above
 4 – 9 Farman St – residential terraced properties
 St Patrick's Hall – residential development of 7 units

Property details – Cross St (adjoining Farman St)

18a Cross St – rear access onto Farman St from garden
 18 Cross St – rear & side boundaries adjoin Farman St with side access onto Farman Street
 20 Cross St – side boundary adjoins Farman St

Residents and businesses within Farman St and Cross St and Western Road have raised a number of concerns with the police and the City Council regarding antisocial and criminal behaviour taking place in Farman Street and have submitted crime and disorder diaries detailing these concerns. A summary of the diaries is included as appendix B to this report. Residents also submitted a petition to the council which contained over 60 signatures calling for the night time gating of Farman Street

Residents report ongoing criminal, antisocial, intimidating and disturbing behaviour at all times, although more intense and problematic at night. As well as ongoing use of the Street and Alley by drinking gangs, drug users and dealers, and as a toilet, Farman Street is in close proximity to a large number of licensed and late night/24hr premises. As a vulnerable and secluded cut through on the doorstep of one of the Cities hotspot areas for drug and alcohol related crime and disorder, Farman Street suffers disproportionately the negative impact of the extended night time economy. Additionally, since the start of the smoking ban, the covered section of the alley has become increasingly popular with smokers from nearby licensed premises.

The potential for 'Gating'

Since October 2009, further consultation work and investigations have been undertaken by Environment Improvements, working closely with residents, businesses and ward councillors. As a result of this work – which suggests a strong basis for a night time Gating order for Farman Street – the following scheme has been developed. This will be circulated amongst residents and other key stakeholders for comment and we expect this to form the basis of an application for a Gating Order which will be submitted for statutory consultation later in 2010.

The process so far:

April 2006 - New powers to grant Gating Orders under the Clean Neighbourhoods and Environment Act 2005 come into force. The Environment Improvement Team is asked to investigate the potential of a Gating Order for Farman Street following complaints by residents and the ward councillor.

Feb 2007 - Draft Gating report is published for 24/7 closure at the Western Road junction. Work starts on 5/6 Western Road prohibiting further progress and significant criticism of 24/7 proposal expressed. Farman Street closed for some of this period because of the development

Nov 2007 - With 5/6 Western Road still unresolved, an interim scheme based around an unlocked gate was developed as a stopgap.

August 2008 - The Planning Inspectors report supports removal of an access ramp which had been placed in the alley, and paved the way to the completion of 5/6 Western Road. Farman Street closed for periods until spring 2009 by developers. The interim scheme was withdrawn, and Environment Improvements agreed to revisit the scheme 6 months following the operational completion of 5/6 Western Road.

April 2009 - 5/6 Western Road complete – Bradshaw's bar opens

Oct 2009 - Following continued concern by residents, Environment Improvements re-open gating request.

2. Proposed Gating Scheme

The following scheme has been developed in consultation with residents within and around the affected area.



This illustration shows the location of the proposed gate, but not the style or scale of the final design. The detail of the proposed gate will be subject to planning consent in the normal way which will be submitted should this proposal progress further.

Fig 3— location of gate (illustration)

2.1 Details of proposed scheme:

- One gate to be placed on Farman Street close to its junction with Western Road
- The gate shall be of 'regency style' vertical bar construction up to 1.8m high
- The construction will include a 'lock open' post and the gate will be either locked open or locked shut depending upon the time of day.
- The gate will be secured with a lock which will operate by PIN code on the northern (Western Road) side and a by handle on the southern (Farman Street) side. This will mean that only those entering Farman Street from Western Road will experience this restriction.
- The proposed hours of operation for this scheme are for the gate to be locked shut between the hours of 9pm and 8am and locked open at all other times.
- During the 'locked' hours, only those with access to the PIN will be able to enter Farman Street from Western Road
- The PIN will be issued to residents and businesses in Farman Street or in immediately adjoining properties on Cross Street and Western Road.
- Locking and unlocking the gate at the start and end of each day shall be carried out by PIN holding residents on a voluntary basis



- - Approximate location of gate
- - Access from Western Road restricted to PIN code holders 9pm - 8am
- - Access from Farman Street not restricted at any time.

3. Basis for proposed scheme

Under powers granted by the Clean Neighbourhoods and Environment Act 2005, local authorities can seek to gate areas of public highway as a response to criminal and/or antisocial behaviour.

The key tests for the application of a gating order include:

- The presence of significant levels of criminal and/or antisocial behaviour at and around the affected area
- The potential for alternative interventions to tackle the identified problems without having to gate the highway
- The likelihood that gating would act as a useful crime/antisocial behaviour reduction measure
- The potential of a gating scheme to inappropriately inconvenience members of the public and the existence of alternative access routes
- The health implications of a gating order – could the order encourage use of cars as alternatives are too long or lack pedestrianised sections
- The impact a potential order may have on disabled users of the highway.

The following section will consider these areas and provide evidence that the proposed gating scheme for Farman Street will meet Home Office guidance relating to the use of the relevant powers.

3.1 The presence of significant levels of criminal and/or antisocial behaviour at and around the affected area

The section of Western Road in the immediate vicinity of the Farman Street junction is subject to high levels of crime, with the most significant categories being theft, public place violent crime (significantly linked with drug or alcohol misuse) and street nuisance – predominantly related to street drinking. Farman Street presents a vulnerable 'hidden corner' which provides a discrete space for criminal activity (including drug dealing) and a sheltered area for group congregation which is linked to and stems from activities on Western Road.

The Environment Improvement Team has commissioned CADDIE crime analysis reports for this location, and the most recent report is attached (see appendix B)

This report highlights 7 incidents recorded on Farman Street between October 2009 and February 2010. This shows a significant increase from 6 incidents reported in the preceding 12 months, and 3 incidents reported between January and July 2007

When considering this report, the following should be borne in mind:

Location of offences: Western Rd (between Norfolk Square and Holland Road) has the highest crime levels in the area. Because Farman Street serves as an 'escape route' for those committing offences on Western Road, it is probable that individuals responsible for antisocial behaviour on Farman Street are more likely to be apprehended on Western Road or to effect an escape rather than being apprehended on Farman Street itself.

The activities and behaviour reported on Farman Street tends toward a regular flow of individuals committing offences and acts of antisocial behaviour whilst passing through and pausing rather than remaining for long periods, which makes enforcement action additionally problematic.

Reporting of offences: Although advice to residents has been to report and log all incidents, we are aware that significant under reporting of incidents has taken place. Comments from residents give the following reasons for this:

a) Antisocial behaviour and disorder is so commonplace that residents find it hard to sustain reporting of each incident

b) Because this area has long been recognised as a crime and disorder ‘hotspot’ residents have completed many diaries and reports over the years, and have become frustrated with the lack of improvement

c) Some events can commence and conclude before residents have been able to report them

Summary

Although the crime analysis report links relatively few offences directly to Farman Street, it is felt that the high crime figures for Western Road, the nature of recorded events in Farman Street and residents testimony, combined with the recognised role of the Street as an escape route for perpetrators and the alley as a venue for crime and disorder demonstrates a sufficient level of crime and antisocial behaviour at and around and within the affected area to satisfy guidelines for initiating the gating order described within this report.

3.2 The potential for alternative interventions to tackle the identified problems without having to gate the highway

Lighting and CCTV – One of the reasons that this process was suspended following the completion of 5/6 Western Road was to give time to assess the impact of the development on activities in Farman Street, and as a licensing condition Bradshaw’s Bar improved the lighting in the covered section and provided CCTV. As can be seen from the resident’s testimony, these interventions have not had an impact upon criminal and antisocial behaviour taking place in the alley.

Policing – Sussex Police will respond to all calls, but their response will vary according to their workload at the time. The local Neighbourhood Specialist Policing Team carry out regular patrols around the area, and will target known ‘hotspots’. If justified by the situation, the Police will deliver targeted operations and high visibility policing in certain areas and locations. Due to the random nature of offences however, it is unlikely that focused high visibility operations will have a lasting impact, as problems will resume once the police have left the area. Limited Police resources make it unlikely that they would be able to sustain long term high visibility policing at this location.

Conclusion – Initiatives aside from Gating have been considered and tested, but – because of the issues outlined above, and the severity of the impact on residents, other interventions are seen as unlikely to provide an effective deterrent.

3.3 The likelihood that gating would act as a useful crime/antisocial behaviour reduction measure

The proposed Gating scheme for Farman Street would deliver improvements in three main ways

- The placing of a gate at the northern entrance to Farman St would prevent casual users from entering the Street, and would particularly deter street drinking and disorderly group congregating in the alley,
- The placing of a gate would help establish the Street as a ‘residential area’ and assist in modifying behaviour within.
- Disruption of access through the provision of a gate would make the Street a less attractive venue for drug dealers, and reduce its value as an escape route.

3.4 The potential of a gating scheme to inappropriately inconvenience members of the public and the existence of alternative access routes

Because this scheme is based on one way locked gate it would not prevent access through Farman Street to those travelling from Cross Street, and would only restrict those travelling from Western Road. As the proposed scheme is for night time closure only, this would further limit the impact on legitimate users, and those who are seeking through access to the southern section of Farman Street at night could access from Cross Street at this time. Residents of Farman Street and of

adjoining properties on Cross Street/Western Road would have access to the PIN code and could enter via Western Road at any time. Suitable alternative routes during the hours of closure are available via Little Western Street and Waterloo Street

3.5 The health implications of a gating order – could the order encourage use of cars as alternatives are too long or lack pedestrianised sections?

For alternative access options see 3.4 above. This proposal is not seen to offer encouragement toward increased car use.

3.6 The impact a potential order may have on disabled users of the highway.

Because the gate will be locked open during the day, the impact upon disabled users of the highway will be limited. We will work with potential PIN code holders to ensure that the PIN entry is suitable for this group, and will ensure that the latch exit is at an appropriate height and design to be accessible to those with disabilities.

4. Key considerations shaping the proposed scheme

This proposal represents the third draft scheme for a gating intervention at Farman Street. That concern regarding criminal and antisocial behaviour has been consistently expressed over the past five years indicates the ongoing nature of the problem. Previous proposals have been discontinued because of external issues around an adjacent development.

The design of the current scheme has been arrived at as it is felt that it will produce a strong deterrent to the commissioning of criminal or antisocial acts within Farman Street, whilst minimising any negative impact of the restriction on residents of Farman Street and those seeking legitimate access through and into the affected area.

Key Benefits:

- This scheme is likely to have a positive impact on night time noise, disturbance and antisocial behaviour as it would prevent perpetrators from entering Farman Street from Western Road.
- The council does not have resources for the locking and unlocking of gates and this aspect of the scheme will be managed by residents on a voluntary basis.

5. Review of this scheme

If this scheme is implemented, it should be reviewed after no more than 12 months. The review should include:

- The impact of the scheme on criminal and antisocial behaviour within the affected area
- The impact of the scheme on criminal and antisocial behaviour on Western Road and Cross Street
- Comments, concerns or complaints received during the first 12 months relating to this scheme.

6. The next steps

This report is currently being circulated amongst residents and key stakeholders. If responses indicate that this scheme should be taken further, the proposal will be subject to statutory consultation in line with the requirements of the Clean Neighbourhoods and Environment Act 2005

If you would like to comment on any aspect of this report, or have any questions concerning it, please contact:

Simon Bannister
Brighton & Hove City Council
Environment Improvements
2nd Floor Bartholomew House
Bartholomew Square
Brighton BN1 1JP
01273 293925 Simon.bannister@brighton-hove.gov.uk

Appendix A – FARMAN STREET - SOCIAL DISORDER LOG/RESIDENTS TESTIMONY

N.B. Names and addresses of individuals and businesses have been removed from this version

Date	Time	Incident
September 2009		On various occasions upon returning from work there have been several instances when I have arrived in the Street and been subject to drunken abuse after they had been turned out of the various drinking establishments in this area-there has also been various persons urinating in the area together with a high level of voluble noise - the times range between midnight and 3am.
14.09.09		Group of men in alley arguing / fighting
19.09.09		At least three people come down Farman Street specifically to urinate. None of them are at all discreet about it – the noise disturbs us. Two men urinate against St Patricks Hall, one woman squats between bin shelter and 4 Farman Street. We shout at them to stop it and go away and receive verbal abuse in return. When they have finished they go, making more noise as they do so.
19.09.09		Dispute with neighbours re people urinating in the square, obviously drunk. I could hear this from my bedroom.
29.09.09	21.50	Group of about 4 teenagers drinking from cans, shouting and taking on mobiles. (approx 11.50) sounded like they were looking for a party.
08.10.09		What would appear to be human waste along with tissue in the corner, where back door to the launderette is.
22.10.09		Another group of people in the alley clearly drunk, screaming and shouting.
23.10.09	22.30	A gang of about 8-10 adolescents were racing round and round in our street, making a terrible din. One of them was urinating in one of the plant pots. The following morning, my neighbour and I found a kind of foam strewn all round the street.
25.10.09		On leaving my house in the morning, I was saddened to see a lovely hydrangea shrub crushed to the ground as a result of drinkers sitting near it
November 2009		On two separate occasions I have been awoken by what can only be both a separate Hen then Stag party- on separate days where they continued the revelry in the archway leading into Farman Street from Western Road. There has also been an increased noise level from the Bar/club on the corner of that archway with increased levels also being generated by the people leaving that club/bar Upon one of my nights in - outside my window was a group of men arguing/shouting with their partners-this went on for 1 hour and based on the fact that each man had a bottle of vodka in his hand I was not going to discuss the matter further with them-I must also say that as regards a police presence this has been nil-though two officers were spotted walking through the street at 2pm-I guessed they were lost !!!!!.
07.11.09		There were many people in the alley until the early hours making a terrible racket. XX, at X St Pat's House told me he saw around 30 and how bad it was from his flat's position.
08.11.09	15.30	A man came down the alley and urinated in a plant pot in broad daylight, right in front of me. When I told him he was disgusting, he shouted abuse at me. Many neighbours came to their doors to see if I needed help. My husband says I shouldn't challenge people, because of the danger, but sometimes it's difficult not to.
10.11.09	22.30	Around 10.30 p.m I saw 2 men beside the flats (1-3) behaving suspiciously (drugs?) and I took this photo from my bedroom window; (not very clear, but some evidence, at least.)
12.11.09	24.00	We were prevented from sleeping by crowd of young people, sitting around the alley end of Farman St.
12.11.09		Large group of drunks, again screaming and shouting, settled on garden for about an hour.
13.11.09	01.00	Woken up by a gang of about eight people arriving, shouting and screaming, in Farman Street directly under my bedroom window at end of store, sitting on end of flower bed and crushing plants. They stay there drinking, singing loudly, shouting and screaming. I called down to them from my window on the fourth floor to ask them to be quiet but they are making so much noise

		they don't hear. I felt too scared to go downstairs and approach them directly. In many cases, when I have politely asked similar groups of (presumably drunk) people to quieten down I have received verbal abuse and it only serves to make matters worse. We called the police but were not given a police number and weren't aware at that time that we should get one. I have photos of this incident.
15.11.09	00.30	Evening disturbed and sleep impossible due to noise coming from 5-6 Western Road. Not only very loud music but people making noise in alleyway while smoking and hanging around. Called council noise patrol and stayed on hold for 40+ mins but couldn't get through. Eventually, at wits' end, got dressed and went downstairs to ask doorstaff at 5-6 Western Road to stop smokers from the bar congregating in alley. Had to walk past man urinating against wall by St Patrick's. Felt intimidated going through alleyway and groups of drunk people there. Doorstaff said that he would do his best but I went back to bed considerably stressed and frustrated and unable to sleep due to this and also continued loud music from bar and people noise.
15.11.09	02.00	Sleep interrupted by disturbance in Farman Street – people shouting as they pass through.
18.11.09	22.30	Some drunks were noisy in the alley creating a rumpus. Took photo from my top window; very dark alas.
20.11.09		Disturbed by people drinking in Farman Street and behaving suspiciously
21.11.09		Woke with a jump because of drunken people walking down our street from Western Rd. to Cross St. The level of sound was unbelievable (because of the enclosed street, the voices magnify).
21.11.09		Left my flat in morning to find pile of empty bottles, lids and packaging littering the area directly outside my front door. Took photos of bottles. Also found small silver canister things in flower pots and on street, took more photos - perhaps someone could verify whether or not these canisters are drugs related?
21.11.09	03.00	Sleep disturbed by noise of people shouting as they pass through Farman Street
22.11.09		Cleared the garden of empty stella cans and sherry bottle
25.11.09	01.00	Woken up by loud voices in alleyway. As the noise persisted I got dressed and went downstairs to take photos. Men approached me so I had to run inside scared. See photo.
28.11.09		Pile of vomit accompanied by half eaten kebab in the south facing flower bed.
30.11.09	00.30	Woken up by drunken man retching loudly directly below bedroom window.
December 2009		So the Revelry season begins-and continues with increased lewd behaviour/urination in the street and continual disturbances by the so called revellers-clearly the levels are unsatisfactory and whilst I spent more time in residence I was still subject to abusive behaviour as I was sober !!!!. I hope this gives you a flavour of the problems being encountered by myself & my fellow residents & apologise that the above is not more detailed but as I am sure you can appreciate by the time I return from work in the early hours I just want to see my bed as I also start work early.
01.12.09		Another pile of vomit outside the flats 1/3 Farman St
01.12.09		Left home in morning to go to work and encountered pile of smelly vomit outside my front door. Completely disgusted and concerned about hygiene for myself, fellow residents and the gentleman that cleans this area of street, but made effort to take photos as evidence.
04.12.09	01.30	Disturbed by terrible shouting coming from the alley. I wanted to dress and confront them, but my husband forbade me. We are in our seventies and feel very stressed by the onslaught of noise coming from the passageway.
04.12.09	01.45	Woken up by shouting and screaming coming from alleyway. As it persists we both got dressed and went downstairs. I took photos of people smoking in alleyway while Jayne asked doorstaff to ask people not to congregate in alley as they are keeping us awake. Doorstaff claim they are doing they best while making no effort to request their customers to move away from alley. He points out that it is raining and people want to shelter. Jayne points out that it is two in the morning and other people want to sleep. See photos.
04.12.09	02.15	Shouting continuing so I get dressed again and go back to ask doorstaff if they can ask people to move. One group goes into bar just as I go along alley. Doorman says people in alley are not always from bar so he can't always ask them to go, adding that the bar is closing now so there won't be any more noise this evening – though by now my sleep has been severely disturbed, I have risked my own personal safety twice by going down there to try to solve the problem and all to no avail. Unfortunately there is always more noise even after bar closes as people either make their way back, loudly, through Farman Street, or congregate in alleyway while saying their goodbyes, waiting for their friends to buy more alcohol supplies from the concentration of off licences, or getting taxis from that area. This, of course, happens on this occasion too. I cannot get to sleep for several hours.

05.12.09	01.45	Two people sat on south flower bed drinking neat vodka, talking loudly(approx) 01.45
11.12.09	21.15	Disturbed by loud shouting and swearing. There are two men camped out downstairs with a large pizza box, creating a lot of disturbance. One is clearly drunk, falling about all over the place. Too scared to go and ask them to be quiet and move on. See photos.
14.12.09	22.30	Called police, reference number 1782. Woken up by group of youths who decide to settle right underneath bedroom window drinking and making a lot of noise. They are sitting down on and beside the flowerbeds at the end of the bin store. See photos.
16.12.09		Group of people in the alley shouting and smoking, they were not dressed for the Weather , so I guess they were from the night club.
17.12.09	01.00	About a dozen young men and women were very noisy in the passageway (between Farman St & Western Road) from 1.00 am until 2.00 am approx.
18.12.09	00.45	The same dozen or so returned and were a nuisance from 12.45 am till way after 2.00 am.
19.12.09	01.00	Music from the bar (Bradshaws) was very loud from about 1.00 am until 2.00 am.
20.12.09		General disturbance from night clubbers, arriving/leaving the bar, and using the alleyway for smoking, also, it would appear that drinks are slipping out the club unnoticed
20.12.09	02.00	Again we were woken up by dreadful, drunken shouting from people going home from one of the many bars via Farman St.
20.12.09	04.00	Woken up by very loud screaming and shouting in Farman Street by people passing through from Western Road.
23.12.09	02.15	Woken up twice by men shouting and swearing loudly in Farman Street.
24.12.09	22.55	(Police reference no:- 1535) Disturbance from man and woman shouting at each other at the bottom of Farman Street; this went on for approx. 15 minutes, during which time, the argument became increasingly aggressive and the man took a swipe at the woman. At this point, we made our way down to the street in case she was in trouble. They were standing in the covered walkway in Farman Street up near Western Road still arguing. We asked the girl if she needed help, but they both then became verbally abusive and shouted homophobic comments at us. We phoned the police and reported the incident as we were concerned for the girl's welfare and of the considerable disruption to the neighbourhood in general. The police made a courtesy call at 11.25pm in response. I found the whole incident extremely upsetting and this unfortunately impacted on the next day, Christmas Day, as well. Antisocial incidents lessened considerably during the cold snap and snowy weather.
24.12.09	23.00	We were disturbed by a man and a woman having a terrible row below our bedroom window. The row continued in the alley way. The whole of or street must have been disturbed and afraid. I must point out that although we live at the Cross St end of Farman St, noise in the alley is exceedingly loud in our house, as the alleyway acts as a funnel so that any voices at all increase many times over, let alone shouting and screaming. It's just an unfortunate, acoustic fact.
24.12.09	02.00	A large gang of teenage boys and girls were very, very loud from 2.20 am until 2.45 am, when someone chased them from th passageway. The same gang returned at 3.45 am; this time drinking from cans and bottles. Again, somebody chased them from the passageway.

26.12.09	23.45	11.45 pm. Man and woman arguing in the passageway. 12.20 am. Landlady (or bar keeper) from new pub told them to clear out.
10.01.10	01.55	Hen party in passageway and top of street, quite noisy till 2.30 A.M
10.01.10	03.30	4 young men were noisy in street. They hurled all the black bins in the air and then ran out of the street at 3.50. A.M
12.01.10	19.00	Attention drawn to street downstairs by man parading up and down on mobile phone, having very loud conversation which turned to altercation – we could hear it on the fourth floor, through closed double glazed windows. This continued for more than 20 minutes. As if this wasn't bad enough the man then urinated against bin shelter, opposite St Patrick's Hall. See photos.
13.01.10	02.00	Several young women were very noisy in passageway from 2.A.M till 2.30 A.M
16.01.10	00.20	Men shouting and singing in alleyway, female shrieking. No photos as not visible from window and didn't feel safe enough to get up, get dressed, and go downstairs to show self with camera, so unfortunately no photos.

Appendix B CADDIE Police crime and incident report



Data: Data used in this report is downloaded from the live system at Sussex Police each month. This data has not been audited or verified by Statisticians at Police HQ, therefore it represents a reflection of crime and disorder in the area, rather than the authorised and fully verified 'Performance Data'. Information contained in this report should not be made publicly available without reference to Sussex Police.

Aim: To assess the need for a gating order of Farman Street, Hove.

Analysis produced for: Simon Bannister – Environment Improvement Team

Data set used: Crime dataset 1st Oct 2009 – 28th February 2010
 Police incident dataset 1st Oct 2009 – 28th February 2010

Introduction: Figure 1 shows Farman Street, Hove

Figure 1:



Produced by Caroline Palmer - Crime and Disorder Analyst Brighton and Hove

- | -

Crime Data:

There were no recorded crimes in Farman Street between October 2009 and February 2010.

Incident data:**Figure 2:**

CADDIE category	Oct 09 - Feb 10
Disorderly behaviour	4
Missing person	1
Licensed premises	1
Suspects	1
Total	7

There were a total of 7 incidents in Farman Street in the 5 month period between October 2009 and February 2010. This shows an increase in the number of incidents reported to the police, as in a 12 month period prior to this there were 6 reported incidents.

4 of the incidents between October 2009 and February 2010 were disorderly behaviour incidents. There was 1 report of a missing person, one report about ASB regarding a licensed premise and one report of suspicious behaviour.

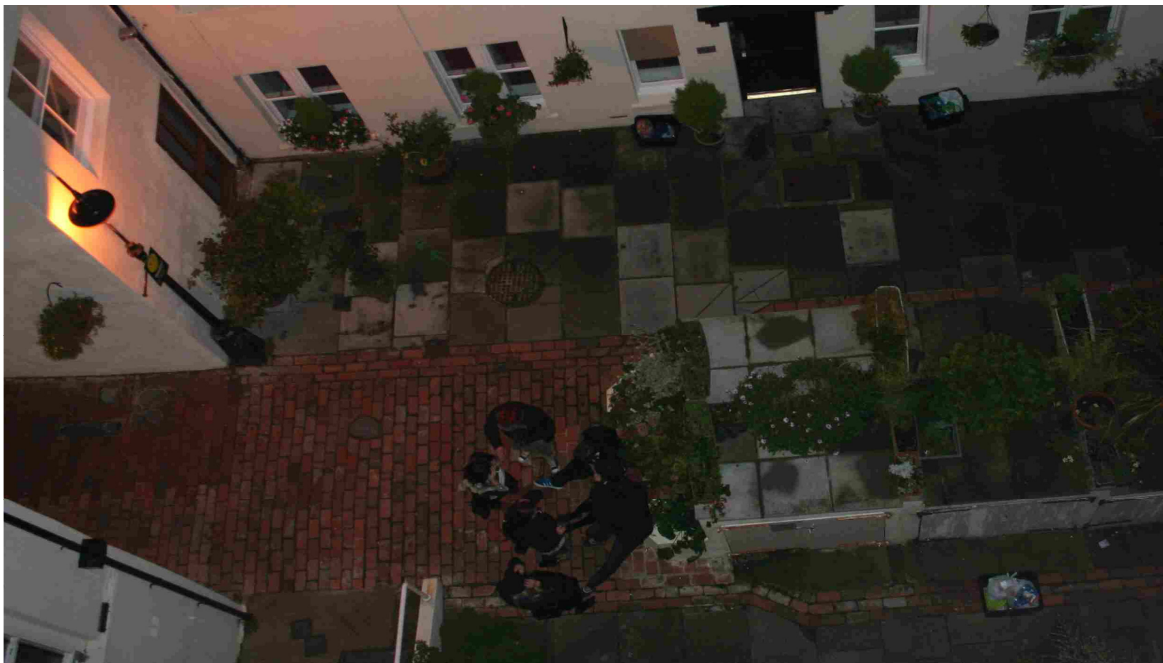
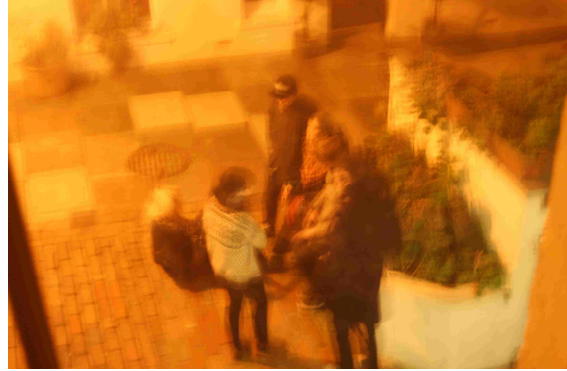
Ambulance data:

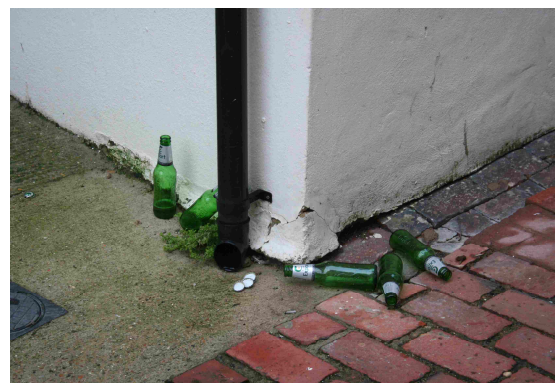
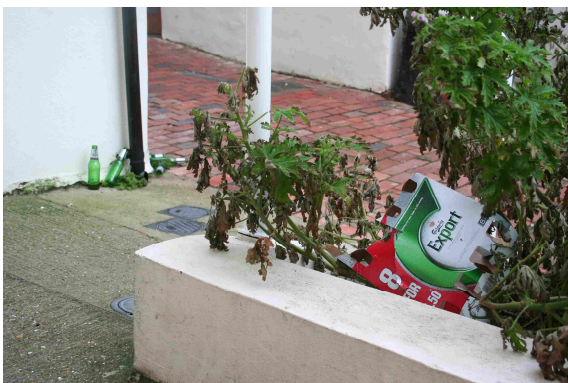
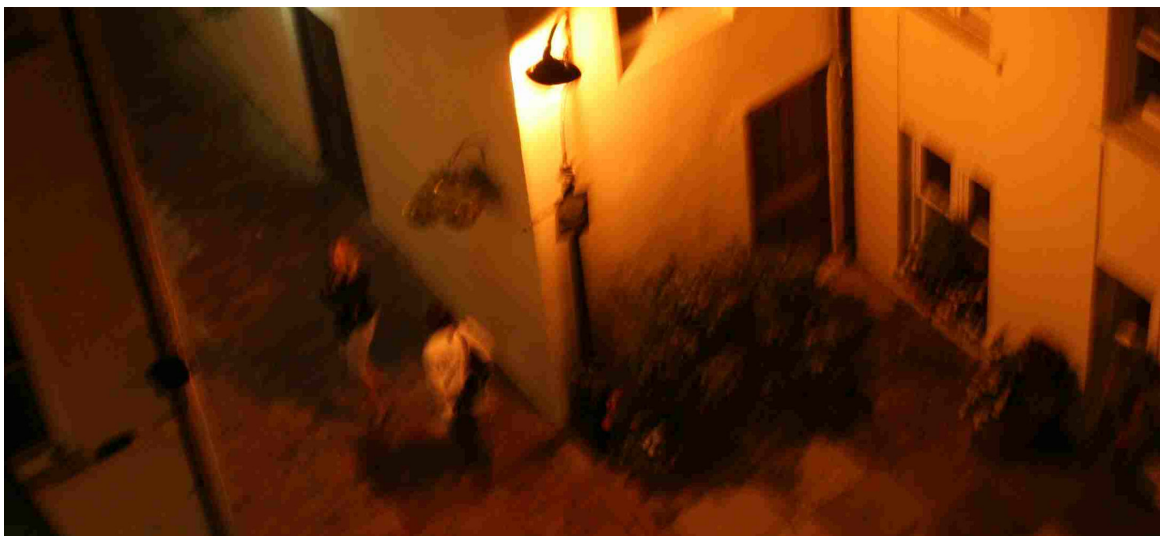
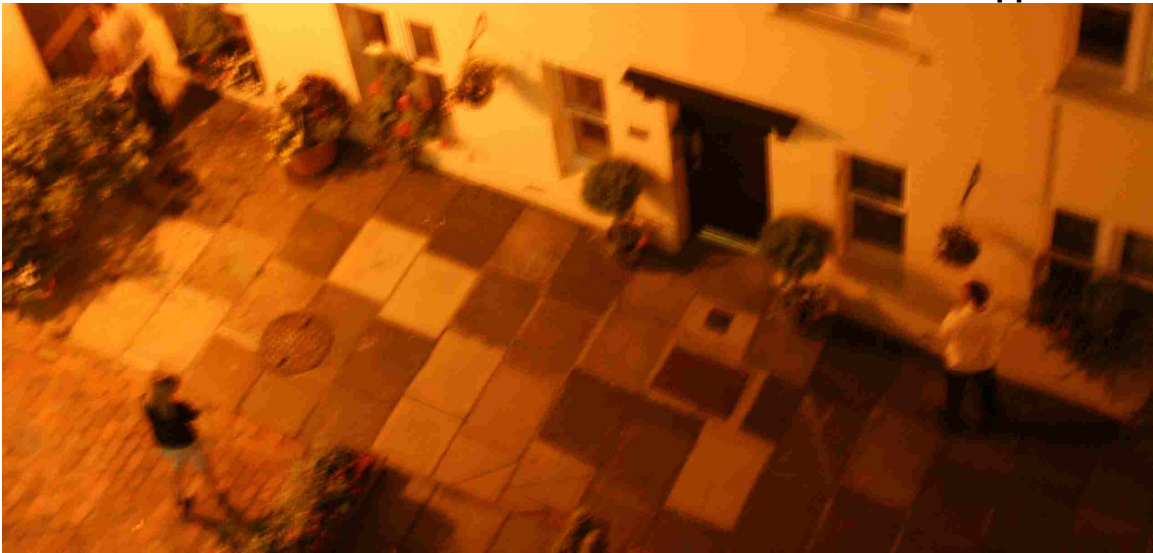
There were no recorded ambulance call-outs to Farman Street in this 5 month period.

East Sussex Fire and Rescue Service:

There were no recorded call-outs to non-accidental fires on Farman Street in this 5 month period.

Appendix A – Part Two: Photographic records of incidents taken by residents





HIGHWAYS ACT 1980, SECTION 129A

BRIGHTON & HOVE CITY COUNCIL

The Brighton & Hove Farman Street (Gating) Order 2010

Notice is hereby given that Brighton & Hove City Council ("the council") proposes to make the above mentioned gating order ("the order") under section 129A of the Highways Act 1980 (as amended). A draft of the order is set out in the Schedule below.

The effect of the order will be to restrict the public right of way over the public footpath known as Farman Street by the erection of a gate at its junction with Western Road in the position indicated on the site plan appearing below. The gate will be locked to restrict access from Western Road into Farman Street each day between 21:00 and 08:00 hrs, but the lock will not restrict access from Farman Street into Western Road at any time. The restriction will not apply to the occupiers of properties in Farman Street nor adjoining properties in Western Road and the gate will be fitted with a PIN operated lock on the Western Road side. The gate will be locked open outside of the hours of operation.

The alternative route for pedestrians from Western Road to Cross Street will be via Little Western Street or Waterloo Street.

A copy of the notice, draft order and the map contained in it and a statement of the council's reasons for proposing the order may be inspected and obtained at City Direct situated at Bartholomew House, Bartholomew Square, Brighton between 9.00 am – 4.30 p.m. Monday to Friday and Hove Town Hall, Ground Floor, Norton Road, Hove between 8.45 am – 4.30 p.m. Monday to Friday or can be viewed on the council's website www.brighton-hove.gov.uk

Any written representations as to whether or not the order should be made should be sent to the Acting Director of Environment, c/o Environment Improvements, Bartholomew House, Bartholomew Square, Brighton, BN1 1 JP (reference Simon Bannister) or by e-mail to simon.bannister@brighton-hove.gov.uk no later than **8th October 2010**. Please state the grounds on which they are made.

Date 9th September 2010

Martin Randall
Acting Director of Environment
Brighton & Hove City Council
Kings House
Grand Avenue
Hove
BN32LS

**Schedule
(Proposed Gating Order)
The Brighton & Hove Farman Street (Gating) Order 2010**

This Gating Order (the "order") is made by Brighton & Hove City Council ("the council") on the ****200* under section 129A of the Highways Act 1980 because the council is satisfied that:

- (a) premises adjoining or adjacent to the public footpath known as Farman Street ("the highway") are affected by crime and/or anti-social behaviour;
- (b) the existence of the highway is facilitating the persistent commission of criminal offences and/or anti-social behaviour; and
- (c) it is in all the circumstances expedient to make the order for the purposes of reducing crime and/or anti-social behaviour.

The order comes into force on the ***** day of *****200** and may be cited as The Brighton & Hove Farman Street (Gating) Order 2010.

BY THIS ORDER:

1. Entry into Farman Street from its junction with Western Road shall be restricted between the hours of 2100 and 0800 each day by one locked gate at its junction with Western Road. Exit from Farman Street into Western Road will not be restricted.
2. The owners and occupiers of the properties in Farman Street and the properties in Western Road adjoining the highway and visitors to those properties will not be affected by the restriction.
3. The alternative route for pedestrians is via Little Western Street or Waterloo Street
4. The council's Director of Environment is responsible for the maintenance and operation of the gate authorised by the order and her representative Mr Simon Bannister can be contacted on 01273-293925 Monday to Friday between 9am - 5pm. Outside those days and times call the council's Emergency Standby number 01273-292229

The Common Seal of)
Brighton & Hove City Council)
was affixed hereto on the *****)
day of **** 2010 in the)
presence of)

Authorised Officer

