

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT, TRANSPORT & SUSTAINABILITY COMMITTEE

4.00pm 29 NOVEMBER 2016

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ

MINUTES

Present: Councillor Mitchell (Chair) Horan (Deputy Chair), Janio (Opposition Spokesperson), Atkinson, Deane, Miller, Moonan, G Theobald and Wares

PART ONE

39 PROCEDURAL BUSINESS

39(a) Declarations of substitutes

39.1 Councillor Moonan was present as substitute for Councillor Robins.

39(b) Declarations of interest

39.2 There were none.

39(c) Exclusion of press and public

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

39.4 **RESOLVED-** That the press and public not be excluded.

40 MINUTES

40.1 **RESOLVED-** That the minutes of the previous meeting held on 11 October 2016 be approved and signed as the correct record.

41 CHAIRS COMMUNICATIONS

41.1 The Chair provided the following communications:

“I would like to welcome the announcement that was made yesterday by central government that Brighton & Hove City Council is to receive £134,000 for the repair of potholes and that will be put to very good use.

“On behalf of the committee, I would like to extend a huge thank you and to say how sorry we are that Christina Liassides will be leaving having been with us for twenty years with the past eleven in Highways. I know that Christina has worked personally with a lot of you so I thought it was fitting that we offered her our collective thanks and wish her well for the future”.

41.2 Councillor Theobald extended his praise for Christina Liassides who he had found to be an exemplary officer at all times.

42 CALL OVER

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

- Item 46: Communal Bins, Heritage Squares, Permission to Implement
- Item 47: Report of the Live Music Policy Panel
- Item 49: Valley Gardens
- Item 50: Parking Annual Report
- Item 51: Sub National Transport Body
- Item 53: Highway Asset Management Policy & Strategy

42.2 The Democratic Services Officer confirmed that the items listed above had been reserved for discussion and that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 48: Charging Scheme for Food Safety Rescore Inspections Under the National Food Hygiene Rating Scheme
- Item 52: Whitehawk & Kempton Safer Routes to School Scheme
- Item 54: Eastern Road/Arundel Road Junction- Objections to Traffic Regulation Order (TRO)

43 PUBLIC INVOLVEMENT

(a) Petitions

(i) Hangelton Link Road pedestrian crossing- Robert Laing

43.1 The Committee considered a petition signed by 3 people requesting a crossing assessment be conducted on Hangelton link road.

43.2 The Chair provided the following response:

“A request for Hangelton Link Road crossing improvements was received by the Council and was included in the annual assessments. At ETS Committee on the 11th October 2016 the Pedestrian Crossing Priority List was approved. Hangelton Link road was listed as number 3 on the Priority List and therefore is currently being assessed by Highway Engineers to determine the most appropriate measures that can be introduced to

improve pedestrian movement and officers would be happy to discuss initial proposals with residents if required”.

43.3 **RESOLVED-** That the petition be noted.

(ii) Shared Parking Scheme Steyning Road- Catherine Taylor

43.4 The Committee considered a petition signed by 12 people requesting a shared residents parking scheme within the existing limited waiting parking bays in Steyning Road, Rottingdean for households with no off-road parking facilities.

43.5 The Chair provided the following response:

“Thank you for your petition and it is clear that the majority of residents in that small section of the road are in favour of taking this forward.

The best way forward would be if this is considered alongside the resident parking scheme timetable and a report will be put forward next year to consider this proposal as an update to the timetable alongside any other areas that may come forward.

Officers would then be able to review this request and consider the different options that could be taken forward and any issues and any issues that might be needed to be taken into consideration.

I appreciate this request is for a small area scheme but the processes including a legal traffic order do take time and require an identification of resources. However, I’m hopeful we may be able to take this forward in the near future if a feasible scheme is identified by officers”

43.6 **RESOLVED-** That the petition be noted.

(b) Written Questions

(i) Taxi Ranks, West Street- John Boath

43.7 The questioner was not present. The Chair read out the following response:

“To be able to take this forward the Council would need a petition from businesses outlining the difficulties and providing evidence that this taxi rank is not used during the day.

This would then be discussed with the taxi trade before any way forward is agreed to discuss their needs and requirements”.

(ii) Communal Bins, Palmeira and Adelaide Squares- Susan Hunter

43.8 Susan Hunter presented the following question:

“Re refuse bins in Palmeira & Adelaide I want to raise the issue of the obligation of residents to maintain this heritage area re conservation requirements, and if not can be prosecuted.

The plan from the Council seems to go against existing rules, has the Council has followed these for this area?

It was suggested the benefit will be cleaner streets, but we know these bins attract rubbish around them. They are a health problem, an extremely unpleasant one. Should the plan fail to make a cleaner area, will the Council be prepared to review and remove any bins?"

43.9 The Chair provided following response:

"Heritage and Conservation officers have been consulted at all stages throughout this process which has considered locations, design and maintenance. Previous Committee reports reflected the feedback from officers and joint site visits with Highway officers have also taken place both of which will help minimise the impact on heritage areas, where this is reasonably practicable to do so. We will of course keep reviewing locations, just as we do in other parts of the city. In addition to this, we now have contract enforcement company, whose remit includes fly tipping around communal bin areas and we now have an improved maintenance programme, properly funded, which will enable the bins to be regularly inspected and maintained so should they start featuring any defects, those can be attended to"

43.10 Susan Hunter asked the following supplementary question:

"Can the council confirm that the current recycling arrangements will continue and that we will not have recycling bins based in the Palmeira and Adelaide areas as the result of the consultation was very close at 50:50 and a survey we carried out after the consultation had finished resulted in a much stronger preference for the existing arrangement to continue, something like 70:30"

43.11 The Chair provided the following response:

"The consultation result was close on that particular area and I believe the plan is to go ahead with communal recycling and the locations of the bins will be decided in the same way as the locations for the refuse bins according to operational requirements and that is set out in the report on our agenda"

(iii) Open Green Spaces- Alison Dean

43.12 Alison Dean asked the following question:

"Over recent years there has been much research into the benefits of maintaining accessible open green spaces. These benefits range widely across individual and collective health and welfare, education and play, social cohesion, environmental and wildlife and so on. Given the range and importance of these benefits, has the council undertaken a cost and benefit analysis to inform any change to the budgets planned for 2017-18 for our green and open spaces? If this has not yet been done will the council carry out such an analysis in time to inform budget setting for 2017-18?"

43.13 The Chair provided the following response:

"As you correctly point out, there are many cost as well as non-cost benefits to having well maintained parks and open spaces and there has been a lot of research already to support this view."

Our 'Big Conversation' has used much of this research and will help inform how the Open Space Strategy takes shape and how best to utilise the budget we have available to spend on our parks and open spaces, what else we can do to make our resources go further and consider new ways of working to ensure that our parks and open spaces continue to be well maintained in the future.

It is worth reminding ourselves that despite large cuts to the Councils budget already that impact on all areas across the Council, we have 7 Parks that are worthy holders of Green Flag status and the Rockery Garden park has recently been shortlisted for a Fields in Trust park of the year award and that is a testament to all the volunteers, Friends of Groups that give their time to achieve that standard as well as our own staff. We are committed to maintaining parks into the future which is why we carried out the consultation to get feedback from people to help guide us in that"

43.14 Alison Dean asked the following supplementary question:

"What further opportunity will be given to residents for a two way conversation to explore the detail further?"

43.15 The Chair provided the following response:

"That conversation and the consultation was to gather views on how valued the parks were and people do, I believe feel they are our most highly valued asset but also to look at ideas that people have for how we can continue the maintenance with a shrinking budget. As I said, this is going to form a much more detailed piece of work that I hope will give you the detail you require which will be the Parks and Open Spaces Strategy and then, where we are bringing forward individual proposals, and it won't be one-size fits all as there are so many different open spaces and parks in the City, we will then be going out to people to seek their views on any individual proposals for those"

(iv) Open Spaces- Cliff Munn

43.16 Cliff Munn asked the following question:

"Having read with interest the recent Brighton & Hove public consultation questionnaire on the future of our parks and green spaces. I am very concerned it is setting the scene for a managed decline in their investment and upkeep. Bearing in mind the importance of these spaces to our city's environment and resident's health and wellbeing; what steps are the Council taking to secure the budget and resources necessary to arrest any possible decline?"

43.17 The Chair provided the following response:

"There have been over 3500 people take part in the consultation, which will help shape the Open Space Strategy document officers are working on and will bring back to this Committee in the New Year.

Rather than setting the scene for a managed decline as you suggest, we have in fact been proactive and are asking our residents to share their views on their priorities and what we can perhaps do differently from what we are doing now.

Budgets are being reduced and we do need take a different approach in order to protect and enhance our parks and open spaces. The Council will not be able to continue to do it all and we will have to look to our partners to help deliver the service.

Despite the difficult financial situation the Council faces, there is still much to celebrate and am proud of the 7 parks we have that are of Green Flag standard and I'm delighted that the Rockery Garden park has been nominated for a Fields in Trust park of the year award"

43.18 Cliff Munn asked the following supplementary question:

Will the council be sourcing alternative methods of funding to ensure the relatively small parks budget is maintained? Examples include health promotion funds, ring-fenced car parking, charging for events, and even charging business that use our open spaces as their workplace.

43.19 The Chair provided the following response:

"We certainly will be. We are also learning from lots of other authorities who are in exactly the same position as we are. I think there are 72,000 parks and open spaces in the UK that are facing this problem and we are looking at other authorities to see what they are doing and learning from them. As for going to the NHS for funding, I think the NHS is in as worse if not even worse situation that the council finds itself in. I can assure you that every avenue and opportunity is being looked at to lever in external funding."

(v) Open Strategies Consultation: Robert Stephenson

43.20 Robert Stephenson asked the following question:

"I gather that over 3500 people responded to the consultation on the future of green spaces in the city, I also understand that officers are busy identifying ways of further reducing the spend on green spaces. How will the observations, ideas and suggestions held within the consultation responses be reflected in the final budget decisions when they are not due to be published until January or February?"

43.21 The Chair provided the following response:

"You are correct in saying that our "big conversation" has been hugely responded to by our residents and I'm tremendously pleased that over 3500 residents have shared their views on their priorities for our parks and open spaces.

The results of the consultation will help shape our Open Space Strategy document that will have funding implications and that will be brought back to this Committee for consideration in the New Year prior to Budget Council in February"

43.22 Robert Stephenson asked the following supplementary question:

"Officers are working right now on changes- are they all reversible if the analysis of the document gives a clear view from public?"

43.23 The Chair provided the following response:

“Officers are working right now on collating all of those responses and putting them into a document that will be the Open Spaces Strategy that will be presented to this committee for decision in January. Just prior to that there will be a full briefing for all of the Members of the Committee so that they can see the responses. We will all have a chance to look at those responses identify priorities and examine a way forward that will include opportunities for leveraging in additional resources”

(vi) The Big Conversation consultation- Linda Austin

43.24 Linda Austin asked the following question:

“Can you explain what arrangements were made as part of the "Big Conversation" consultation exercise about the future of Parks and Open Spaces, to involve park and open space users (1) with disabilities;(2) special needs; and (3) those less able to access the internet; and their representatives?”

43.25 The Chair provided the following response:

“The Open Spaces Strategy will be required like all council documents to complete an Equalities Impact Assessment. This will form part of the final document which is due to be completed in January 2017.

However, leading up to the launch of the ‘Big Conversation’ consultation, we worked with ‘Community Works’ who membership covers 450 third sector groups including: disability groups, those with special needs, and those less able to access the internet.

In partnership with Community Works we attended several public meetings promoting the Open Spaces Strategy work, learning from the audience about their issues and concerns. Community Works have subsequently provided a formal response of their member’s views as part of the consultation.

We also visited Whitehawk library and health hub and spoke with a disability specialist group to complete a response in depth with their service users about their use of parks.

Flyers were sent to every school in the city and over 6000 additional leaflets were distributed by ‘Friends of Parks’ and community groups. Two hundred A2 posters were located at our main parks. Cityparks officers visited areas to the east of the city where responses were a bit lower than the other locations, and 3000 additional postcards were sent out to residential addresses.

Working with our equalities officer, we are now seeking to ensure that equalities are appropriately reflected in the final strategy document, as we recognise that parks and open spaces have the potential to engage the widest possible audience and of course should be welcoming for those with disabilities.

In addition, we have contacted specialist organisations: Southdown Recovery Services, Possibility People and Age Concern to create a focus group looking at the emerging Open Spaces Strategy document and consultation in the coming weeks”

(c) Deputations

(i) Allotments- Jim Mayor

43.26 The Committee considered a deputation regarding Brighton & Hove Allotment Federations response to identifying ways to make the allotment service cost neutral and other general matters relating to allotment service provision.

43.27 The Chair provided the following response:

“Thank you for your deputation and for the time and effort that members of the Allotment Federation have put into looking at and considering the options for delivering budget savings.

I am really open to suggestions from you on the best way to deliver budget savings. You have very recently set out a number of interesting proposals with regard administration charges, age based concessions and phasing of rental increases for example – again I am grateful for your suggestions and we are keen to find a way of testing some of the suggestions you made in your previous letter to us and I will discuss with officers how this is best delivered.

I note your comments on the allotment water systems which I understand are old and probably do leak. We used specialist contractors to ‘gas test’ Roedale Valley allotments water system this year and intend to use the same process at Weald allotments next year. If we find big leaks that can be repaired this will save money however if we find that the water systems need replacing we will need to discuss finding ways to fund these repairs.

I would certainly like to ensure that those least able to pay are cushioned from any rent increases and support the Federation’s recent proposal of confining rent increase above inflation to non-concession holders but I am concerned about the practicality of the allotment service doing the assessing whether allotment holders should qualify as coming from a low income household as currently there is just not the resource available within this service to do this. I agree with the principle but believe further work is required to examine the practicalities of that.

In your deputation you state that you have serious concerns about the way that allotment volunteers are treated. I am well aware of how dependant we are upon the site representatives so have asked the Head of Cityclean and Cityparks to look into this further and would be grateful if you could supply him with examples of this poor treatment”

43.28 **RESOLVED-** That the deputation be noted.

(ii) Communal bin refuse- Ian Chaplin

43.29 The Committee considered a deputation regarding the council’s approach with residents and the Friends of Brunswick Square & Terrace (FBST) during the recent consultation on the introduction of communal refuse and recycling.

43.30 The Chair provided the following response:

“Advice has been taken from our Health and Safety team throughout this process.

This process goes back to 2015 and before when the risk assessments were used as the basis for the report brought before this Committee in March 2016.

The Councils Health & Safety Manager spoke at length at this Committee meeting and answered a number of questions that enabled Members to reach the decisions made.

The consultation period was extended to 6 weeks and I believe this was fair and reasonable and so too were the 4 drop in sessions that were attended by over 100 residents and enabled all voices to be heard, including those living in basement flats.

Responses have been provided as to what the style of build out could look like – but it is difficult to provide a fully accurate picture whilst still consulting on locations as build outs may not have been required and I hope you can see that point.

The FOI's were responded to with the information that could be provided within the restrictions of FOI process but as I say, Health & Safety considerations were discussed at the March Committee meeting.

I am satisfied that with over 2500 postal questionnaires, the 4 drop in sessions and a 6 week consultation period, all voices have had the opportunity to be heard.

I can confirm risk assessments have been provided to Members of this Committee.

Black bags are not the preferred option from residents and the report outlines previous attempts to use so-called seagull proof bags.

We now have a robust Enforcement service in place and our street cleansing operatives provide daily patrols of all communal bin areas. Communal refuse bins are emptied each day, 7 days a week. We have two additional street cleansing staff over and above our normal staffing levels in this area and funded from a charitable donation.

The consultation outcome is very clear about the locations for communal bins in Brunswick Square & Terrace and these proposed locations can be sent to you again as part of the ongoing implementation process subject to the committee decision today”

43.31 **RESOLVED-** That the deputation be noted.

44 ITEMS REFERRED FROM COUNCIL

(a) Petitions

(i) Double yellow lines on Surrenden Holt Estate- Councillor Taylor

44.1 The Committee considered a petition referred from the Full Council meeting of 20 October 2016 and signed by 43 people requesting the Council install double yellow lines on the corners of the road at the junction of Surrenden Holt and Surrenden Road due to safety concerns.

44.2 The Chair provided the following response:

“Thank you for your Petition.

I'm pleased to confirm that we will investigate double yellow lines in this area alongside the current parking scheme proposals in the Preston Village and Balfour Area.

A report is coming forward to this Committee in January 2017 which will outline the way forward including any double yellow line proposals in the area that can be advertised alongside the parking scheme proposals”.

44.3 **RESOLVED-** That the petition be noted.

(ii) Speeding on Reigate Road- Councillor Taylor

44.4 The Committee considered a petition referred from the Full Council meeting of 20 October 2016 and signed by 73 people expressing concern about speeding and traffic on Reigate Road.

44.5 The Chair provided the following response:

“Brighton & Hove City Council receive many requests for traffic calming or other measures to mitigate against the effects of traffic in the streets or neighbourhoods where they live and we have had to adopt a policy where we address those areas where we know people are suffering injuries as a priority.

The collision record for Reigate Road has been checked and I am pleased to say that there have been no reported injury causing collisions over the past three years.

A member of the Road Safety team visited the road in August 2016 to review the situation, we are also aware from checks that the average speed on the road is around 24mph so with no injuries and low speeds I am afraid that we are not in a position to directly prioritise measures at this location just now”.

44.6 **RESOLVED-** That the petition be noted.

(iii) Speeding on Westbourne Gardens- Councillor Cobb

44.7 The Committee considered a petition referred from the Full Council meeting of 20 October 2016 and signed by 54 people requesting the council to address speeding on Westbourne Gardens.

44.8 The Chair provided the following response:

“During phase 2 of the city wide implementation of the 20mph speed limit programme checks were made in a number of roads around the city.

Obviously, we could not survey every street so streets of a similar nature were chosen. Rutland Gardens was chosen in this area and is almost identical to Westbourne Gardens in that it links New Church Road and Portland Road.

The speed surveys were carried out over a seven day period and this showed that the average speed was 25.8mph which, although higher than the posted limit, is below the level that would warrant dedicated enforcement.

I can also confirm that the collision history in Westbourne Gardens for the past three years has been checked and no injury causing collisions have been recorded during this period.

With low speeds and no collisions I am afraid that the council cannot prioritise this road above other roads that have a worse collision history at this time, however, I would urge residents who do witness anti-social driving to report this to the Police via a dedicated website set up specifically for this purpose. www.operationcrackdown.org”

44.9 **RESOLVED-** That the petition be noted.

45 MEMBER INVOLVEMENT

(c) Letters

(i) Preventing disease- Councillor Janio

45.1 The Committee considered a Letter from the Hangelton & Knoll ward councillors that detailed anecdotal evidence of an increase in rats in the Hangelton & Knoll area and requested a report to the next committee detailing the work of the council in co-operation with the Water Authorities to identify the impact of defective drains and sewers.

45.2 The Chair provided the following response:

“Thank you for raising this important issue relating to public health. I have asked officers to immediately look into this rather than waiting for a report. The council’s Environmental Health Manager has checked all the notifications of rat related call-outs and enquiries for this year and they are broadly comparable to last year. 299 jobs this year compared with 292 last year, so there has not been any significant increase. With regard to Hangleton and Knoll, there is not thought to have been any specific increase from this area. Highway Managers have confirmed that the Hangleton and Knoll gullies were cleansed in April, June and July this year. Sewer pipes are the responsibility of Southern Water but having checked with them, there have not been reports of drainage or flooding problems in the area nor any issue with rats. The additional capital funding for gulley clearance via the LTP is funding a programme of cleansing the most high-risk soakaways, however the majority of the Hangleton and Knoll area is on a combined system rather than a soakaway system. Officers will be happy to follow up any aspects of this response with you and so for the moment I do not think that a full report is needed”.

45.3 Councillor Janio asked if information was available for years before 2014 and if so, if this could be sent to him after the meeting.

45.4 The Chair replied that this information would be sent to Councillor Janio if available.

45.5 **RESOLVED-** That the Letter be noted.

(ii) Bins Old Shoreham Road/Hangleton Road- Councillor Janio

45.6 The Committee considered a Letter from Councillor Janio requesting the installation of a bin on the eastern side of the junction of Old Shoreham Road and Hangleton Road due to increase foot flow on the road.

45.7 The Chair provided the following response:

“We will indeed have a litter bin sited as quickly as possible. In terms of our very popular and very efficient Big Belly litter bins, you will recall the 100 that are now in place came about via a capital investment, agreed at the last Budget Council, as part of the service redesign of the street cleansing service. Any additional Big Belly bins - as welcome as they would be - would require a similar agreement by Members at Budget Council next year and I will discuss this with officers to determine the feasibility and cost benefit of this and whether the necessary capital finance is available”.

45.8 **RESOLVED-** That the Letter be noted.

46 COMMUNAL BINS, HERITAGE SQUARES, PERMISSION TO IMPLEMENT

- 46.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that set out the outcome of the communal refuse and recycling consultation in multiple areas of the city and sought permission for the introduction of communal refuse collection in those areas subject to further consultation to minimise visual impacts in specific locations where required.
- 46.2 Councillor Miller stated that he had examined the risk assessment for refuse collection in the heritage squares and that clearly demonstrated the current risk to council staff and that there had been accidents and the council had a duty as an employer to the safety of its staff. Councillor Miller asked if site visits for proposed bin locations would be offered to the chairs of resident associations and to ward councillors and if CCTV linked to the council's enforcement contract could be used for any potential fly-tipping hot-spots. Councillor Miller added that he hoped refuse could be collected daily to minimise any issues.
- 46.3 The Assistant Director- City Environmental Management stated that the use of mobile CCTV was an option for the council and that site visits would be arranged with resident associations and ward councillors on the proposed location of bins as a matter of course. The Assistant Director added that communal refuse collections would be made daily and communal recycling collected every three days however more regular collections could be considered if necessary.
- 46.4 Councillor Wares requested assurance that the locations of the bins would be sensitive to the profile and appearance of the heritage squares.
- 46.5 The Chair replied that she could give that assurance and that guidance from the location of existing communal bins in other heritage areas of the city would be a useful guidance tool.
- 46.6 The Assistant Director- City Environmental Management added that officers had taken advice from local conservation and heritage groups and were mindful of their recommendations regarding bin placement.
- 46.7 Councillor Greenbaum stated that she supported the proposals but there were key messages from the consultation that she hoped could be addressed. Councillor Greenbaum asked if the option of locating Car Club parking spaces would be considered, if additional bins could be provided for events held in the Squares and if bin locations could be reviewed in a year.
- 46.8 The Assistant Director- City Environmental Management replied that Cityclean would work with colleagues in transport to gauge what was possible in relation to Car Club spaces and parking in general. Assistant Director- City Environmental Management confirmed that additional bins were already provided for events. Furthermore, the Events team were now part of the City Environment division so there was increased opportunity for joint working on such matters. The Assistant Director- City Environmental Management added that bin locations were always under review and amendments would be made in the event of any difficulties.
- 46.9 Councillor Janio stated that he had initially been minded to reject the proposals but having spoken extensively with officers, he had been assured that the risk present to the

council workforce was real and that it was correct to begin communal refuse and recycling in the heritage squares.

46.10 Councillor Wares asked for the location on the proposed communal bins on Viaduct Road and whether these would replace or be an addition to the planters in place to reduce speeding along the road.

46.11 The Assistant Director- City Environmental Management clarified that Cityclean had been engaged with Transport colleagues throughout the consultation and had been assured that space was available on Viaduct Road to accommodate communal refuse bins alongside the planters.

46.12 **RESOLVED-**

- 1) That the committee notes the outcome of the communal refuse & recycling consultation
- 2) That the committee approves the roll out of communal refuse & recycling across the areas in response to the results of the consultation as shown at Appendix 1
- 3) That the Committee notes that the communal refuse and recycling bins will be located in accordance with operational requirements, subject to recommendation 2.4 below;
- 4) That the Committee delegates authority to the Executive Director Economy, Environment & Culture to conduct further consultation with residents on exact locations of communal refuse and recycling bins in the Rottingdean Coastal Ward (Area 3) where feedback from the consultation was significantly against the proposed locations. The results of the further consultation will be presented back to a future ETS Committee for decision.

47 REPORT OF THE LIVE MUSIC POLICY PANEL

47.1 The Committee considered a report of the Executive Director, Finance & Resources that set out the findings of the Policy Panel examining Live Music Venues. The Policy Panel had been established in response to a petition received by the Council in March 2015 and agreement to establish a Panel into the matter in July 2015.

47.2 As Chair of the Policy Panel, Councillor Miller gave an overview of the evidence heard by the group and the rationale for the recommendations proposed. Councillor Miller thanked the lead petitioner, Mr Stack for raising the issue, those that had given evidence at meetings of the Panel and to officers and fellow councillors for their input and support. Councillor Miller stated that considering a complex issue in the form of a Policy Panel had been very useful and felt such a format should be used more regularly.

47.3 Councillor Atkinson commended Councillor Miller for his role as Chair on the Policy Panel that represented a very good example of cross-party working. Councillor Atkinson noted that after hearing evidence from those involved in the local music industry, there had been a clear need to widen the scope beyond noise issues relating to live music and that was clearly set out in the Panels concise yet detailed report.

- 47.4 Councillor Deane echoed the praise and acknowledgements made by Councillors Miller and Atkinson. Councillor Deane stated that it had been interesting to hear evidence that gave a perspective that the council was obstructive in its relations with local live music venues. Councillor Deane felt the recommendations of the Panel were thorough and would have a positive impact in the city if agreed.
- 47.5 Councillor Horan stated that she had found the report to be to very high standard with a positive approach and praised the Members involved.
- 47.6 Councillor Greenbaum welcomed the report that she had found very detailed and of interest.
- 47.7 Councillor Janio stated his concern that recommendations were too wide in scope and that the Panel had operated beyond its remit. In particular, Councillor Janio stated that the recommendations appeared to undermine the sovereignty of the council's existing legislative and regulatory committees and requested assurance that the recommendations would apply to live music only.
- 47.8 The Environmental Health Manager explained the original petition had concerned live music but upon hearing evidence, the issue was complex and overlapped into many other areas. That complexity was represented in the membership of the proposed Night Time Economy Partnership.
- 47.9 The Chair stated that any decisions made by the Partnership or arising from the report would still remain with the council's committees including Licensing Committee and the Economic Development & Culture Committee.
- 47.10 Councillor Janio stated that he wished for the composition and membership of the Partnership to be approved by this and the Economic Development & Culture Committee. Councillor Janio asked for legal advice on how the Policy Panel recommendations could be re-worded to address the issue raised regarding sovereignty.
- 47.11 The Chair stated that the Partnership did not formal status and would be an advisory group consisting of the key players in the night time economy and would be a forum for discussion not decision making.
- 47.12 Councillor Miller agreed and explained that the Panel's intention was for the Partnership to inform the various committees, not replace their decision-making functions.
- 47.13 Councillor Wares stated his agreement with the concerns raised by Councillor Janio and the purpose of any partnership should be how music and live venues fit into the night time economy and not broader.
- 47.14 Councillor Horan stated that the Night Time Economy Partnership was an excellent demonstration of joined up working and because of the complexity of the night time economy, Members should not seek to limit what could be spoken about by the Partnership.

- 47.15 In relation to the request made by Councillor Janio, the Deputy Head of Law stated that recommendation 1 of the Policy Panel report could be amended to read “To establish a Night Time Economy Partnership **focussed on live music**” and the first bullet point of recommendation 1 to be amended to read: “Review the effectiveness of existing policies and develop new policies as appropriate **in relation to live music**”.
- 47.16 On behalf of the Conservative Group, Councillor Theobald moved a motion to amend recommendation 1 of the Live Music Venues Policy Panel report as set out above.
- 47.17 Councillor Miller seconded the motion.
- 47.18 The Chair then put the recommendations to the vote as amended which passed.
- 47.19 **RESOLVED-** That the Committee agrees the recommendations of the Live Music Venues Policy Panel (attached at Appendix 1 as amended).
- 48 CHARGING SCHEME FOR FOOD SAFETY RESCORE INSPECTIONS UNDER THE NATIONAL FOOD HYGIENE RATING SCHEME**
- 48.1 **RESOLVED-** That the committee agrees to the introduction of a flat rate charge for rescoring visits requests received from food businesses.
- 49 VALLEY GARDENS PROPOSED DESIGN**
- 49.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that set out the result of the Independent Review into the Valley Gardens project commissioned in June 2015, an overview of the project history, an update on the project following the Independent Review and the preferred design option and proposed next stages of the project.
- 49.2 Councillor Janio stated that there had been some delay in finalising proposals for Valley Gardens but he hoped the thorough consideration would bring substantial improvement to an important area of the city. Councillor Janio acknowledged that the scheme would be a major project and he felt it would be appropriate for a dedicated team and emergency helpline to be established to oversee the works and as a point of contact for reporting issues as there was potential for major delays in the city. Councillor Janio added that although there would be further detailed design, a clear solution for travel north of St Peter’s Church to Lewes Road was needed, specifically for buses. Councillor Janio stated that he did not think that there would be substantial ingress along the section of Gloucester Road, North Road and Gardener Street into the bus lanes and taxi lanes and was also an issue that required further discussion. Councillor Janio added that he would also welcome further overview on what the Intelligent Transport System (ITS) could deliver.
- 49.3 The Transport Planning Officer explained that there would be another year of detailed design work and effective management of the traffic network and a communication and engagement strategy during the building phase would develop as part of that work. The Transport Planning Officer stated that there was a commitment to specifically work with the bus company to find a solution for the transit issues north of St Peter’s Church on to Lewes Road throughout the detailed design stage to ensure as an effective scheme as

possible was provided. The Transport Planning Officer supplemented that the number of loading bays on the west side of Valley Gardens had been established through the consultation and in discussions with local businesses but was also an element that could be given further discussion during the detailed design process.

- 49.4 Councillor Janio clarified that his query regarding ingresses was in relation to cars entering into the bus stream and how much local traffic would be allowed in.
- 49.5 The Transport Planning Officer answered that as part of the public transport corridor operation; cameras would be placed at strategic locations to monitor, manage and enforce vehicle movements throughout that corridor but would also allow access to properties and loading where necessary.
- 49.6 Councillor Janio stated that he hoped that area and access could be narrowed down as much as possible to minimise disruption.
- 49.7 Councillor Miller stated that he welcomed the report but did have some concerns and suggestions. Councillor Miller felt that the materials used should be to high quality in order to prevent the need for remedial or maintenance work such as the recent occurrence at the Seven Dials roundabout, that keep clear signs should be displayed at each major junction and noted his concern that vehicle breakdowns or vehicles stopping to load could seriously disrupt traffic movement and lead to a single lane of traffic in and out of the city.
- 49.8 Councillor Greenbaum noted her support for the report and that the review had confirmed there were no major issues with the original scheme. Councillor Greenbaum stated her disappointment that the report had reduced its emphasis on the benefit for the scheme to create more green space and an appropriate entrance to the city and that did not seem in accord with its original principles. Councillor Greenbaum noted that Members had received an email from a member of the public with a useful 33 point analysis of the scheme and that it would be beneficial to Councillors to go through that with officers to establish whether each of those could be addressed.
- 49.9 The Chair noted that officers had been included in that email and she was sure the member of the public would receive a detailed response to that email.
- 49.10 Councillor Deane stated that it should be reiterated that the original intention of the Valley Gardens project was a substantial and necessary improvement to the public realm in the centre of the city rather than strictly a transport project. Councillor Deane noted that many residents in the areas surrounding the Valley Gardens area occupied properties with only very limited outdoor space and the Gardens would be an important public space to use and therefore it was important to retain the green space focus of the project. Councillor Deane stated that it was important to remember that the ultimate aim was for Valley Gardens to be a valuable green space to the benefit of all residents and visitors to the city and also to benefit all modes of travel, be it driving, walking or cycling.
- 49.11 Councillor Atkinson welcomed the report that he found demonstrated the sense in pausing for a review and the scheme had been enhanced for that. Councillor Atkinson noted the many areas of benefit relating to the scheme and the enhancement it would make as an accompaniment to the city's major tourist attractions based in the locality.

- 49.12 Councillor Wares stated that he did share the concerns raised by other in relation to the single carriageway system and was an issue that would need a lot of work going forward. Councillor Wares asked for clarification on how reliant the revamp of Valley Gardens was to the wider issue of the introduction of ITS and whether it was inter-dependent on the wider transport network.
- 49.13 The Chair stated that the scheme itself would be traffic neutral but the impact on the surrounding network had been taken into consideration and officers were very aware of the effect upon the northern sections, particularly the London Road area. The Chair stated that from the discussion at the meeting, she was keenly aware of the need for an officer briefing on ITS and how that would benefit the flow of traffic in relation to this scheme but also the wider network.
- 49.14 The Assistant Director- City Transport explained that ITS was an integral part of how officers would look at the traffic network across the city but also in relation to Valley Gardens. The Assistant Director- City Transport stated that a report had been submitted to the committee in March 2016 that made reference to ITS and the bid that went forward to the Local Enterprise Partnership outlining the rationale to obtain funding for the system. The modelling for Valley Gardens worked without ITS but the system would be further benefit to the management of traffic and briefings could be offered to each of the political groups.
- 49.15 Councillor Wares noted that cross-party agreement on the Valley Gardens project was important and asked the Chair of the Committee whether she could confirm that the project had the support and commitment from the Leader of the Council.
- 49.16 The Chair clarified that the Leader of the Council as well as her other group colleagues had expressed hesitation about the scheme in May 2015 and did want to see further information that the scheme would work from a highway perspective. Whilst she was in agreement with the points made by Councillors Deane and Greenbaum regarding the benefit of the public realm elements of the scheme, Valley Gardens represented the main arterial route into the city and ensuring smooth traffic flow was vitally important that would have the two-fold effective of making the Gardens somewhere people wanted to visit and stay. The Chair stated that she was now satisfied that the scheme was at the point where it could be recommended to the committee for progression and the Leader of the Council shared that view.
- 49.17 Councillor Theobald stated that he was pleased to hear the Leader of the Council's support for the scheme as he had seen postings on social media that appeared to suggest otherwise. Councillor Theobald stated that he personally believed that the scheme had not changed very much following the review and that it was important to ensure that the scheme was traffic neutral and works were timed to ensure as minimum as possible disruption. Councillor Theobald stated it was very difficult to travel by car from the centre of the city to the A23 or A27 and the improvements should make that journey simpler. Councillor Theobald also expressed his hope that the improvements would encourage people to visit Valley Gardens as a public green space.

49.18 **RESOLVED-**

- 1) That the Environment, Transport & Sustainability Committee notes and accepts the outcome of the Independent Review of the project.
- 2) That the Environment, Transport & Sustainability Committee approves the preliminary Highway Design as the Preferred Design/Scheme for Valley Gardens (Phase1 & 2), as set out in Appendix 2 and authorises officers to progress to the detailed Highway Technical Design stage, including preparation of Traffic Regulation Orders.
- 3) That the Environment, Transport & Sustainability Committee support ongoing design work for the public/green space and agrees to consider proposals, including those for the Mazda Fountain, at a future Committee meeting.

50 PARKING ANNUAL REPORT 2015-16

- 50.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that requested approval of the publication of the Parking Annual Report 2015-16 for submission to the Department for Transport, Traffic Penalty Tribunal and for general publication under the provisions of the Traffic Management Act 2004.
- 50.2 Councillor Janio praised the very detailed report and enquired as to the reason there were large fluctuations in expenditure and what efforts were being made to manage and reduce expenditure.
- 50.3 The Policy & Development Manager stated that a number of new initiatives had been introduced to reduce long-term expenditure which required some investment.
- 50.4 Councillor Janio asked whether it could be expected that there would be a reduction in expenditure once those spend to save programmes started to take effect.
- 50.5 The Policy & Development Manager stated that there had been a number of recent expenditure outlays agreed including investment in improved pay and display machines that would be paid back over a seven year period and reflected in the budget profile in the next annual report for 2016-17 and ongoing. The Policy & Development Manager stated that expenditure would vary year on year relating to new investments or previous investment agreements coming to an end but on the whole, Brighton & Hove City Council's expenditure was stable relative to other authorities.
- 50.6 Councillor Moonan stated that she had read the report with great interest and was pleased to see that there had been very little changes to the charges applied across the city, a reduction in traffic related fatalities, an increase in Blue Badge enforcement and that pay by phone parking levels were now around 50% of all parking payment transactions.
- 50.7 Councillor Atkinson asked if the tariff for weekend usage of London Road car park could be reviewed as part of the upcoming Fees & Charges report as the usage over weekends was low and a reduced tariff might not only increase occupancy over the other car parks based in the centre of the city but also encourage footfall through the London Road and North Laine areas and keep parking on the edge of the city.

- 50.8 The Policy & Development Manager clarified that parking demand was always examined as part of the process of charge setting and that would be one of many issues looked at.
- 50.9 Councillor Miller noted that car park occupancy rates also declined during evenings and similar re-assessment regarding charges could be made to incentivise usage for that time of day. Councillor Miller noted the information provided on page 208 in relation to the income and expenditure of car parks and asked if for future reports, the table could give a breakdown on increases or decreases on an annual basis as with the table provided on page 207. Councillor Miller asked for the distinction between a higher and lower level Penalty Charge Notice (PCN), further information on the contribution to the Housing Revenue Account in relation to High Street Car Park. In addition, Councillor Miller asked if there would be a lowering of predicted revenue from Norton Road Car Park following the relocation of staff to Hove Town Hall.
- 50.10 The Policy & Development Manager clarified that there were evening rates at some council-owned car parks including Regency Square and Trafalgar Street and free parking after 6pm or 8pm in bays throughout the city and the difference in a higher and lower PCN's related to the severity and type of contravention. The Policy & Development Manager added that High Street Car Park was managed on behalf of Housing but the HRA received the income.
- 50.11 The Assistant Director- City Transport added that there were minimal passes for council staff at Norton Road Car Park for which agreement was being sought from the Staff Travel Plan and a small number of spaces dedicated for Members. Occupancy rates at Norton Road Car Park had been much higher since staff had relocated to Hove Town Hall.
- 50.12 Councillor Miller stated that he was still unclear as to the arrangement for High Street Car Park as the figures in the table were after a contribution had been made to the HRA.
- 50.13 The Chair stated that Councillor Miller would be provided a written response on the issue after the meeting.
- 50.14 Councillor Theobald asked if any consideration had been given to variable parking charges relating to weather or demand and whether West Sussex County Council had been persuaded to join enforcements efforts against Blue Badge fraud.
- 50.15 The Parking Infrastructure Manager stated that consideration was being given to variable parking charges as there had been some significant technological advancements and adoption of such measures by large cities such as San Francisco. However, current legislation meant that the advertisement of a Traffic Regulation Order was necessary for an increase in parking charges so the practicalities of such a system would be difficult to navigate. In relation to Blue Badge fraud enforcement, officers had met with colleagues from West Sussex County Council in the past week and they had expressed an interest in becoming part of joint work.
- 50.16 **RESOLVED-**

- 1) That the Environment Transport and Sustainability Committee endorses the publication of the Parking Annual Report for 2015-16 under the provisions of the Traffic Management Act 2004.
- 2) That the Environment Transport and Sustainability Committee authorises the Head of Transport Operations to produce and publish the report which will be made available on the Council's website and to stakeholders.

51 SUB NATIONAL TRANSPORT BODY

- 51.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that sought approval for Brighton & Hove City Council to join a shadow Sub National Transport Body for the South East known as Transport for the South East (TfSE) and develop a Transport Strategy. If approved, further report would be brought back to Committee in the next 12 months to report on the shadow arrangements, provide detail on the proposed constitutional arrangements and consider possible membership of a Sub National Transport Body (SNTB).
- 51.2 Councillor Theobald stated that the proposals reminded him in a negative sense of the now defunct South East England Regional Assembly (SEERA). Councillor Theobald stated that the membership of SEERA meant that many of their meetings were overly focussed on large authorities such as Hampshire and those north of London and there was little benefit to Brighton & Hove. Councillor Theobald noted that the proposed SNTB membership would be similar in make-up and size to that of SEERA, comprising of authorities as far away as Southampton, Portsmouth and Berkshire and shared little in identity or interest. Councillor Theobald felt that the council's endeavour was better placed elsewhere.
- 51.3 The Assistant Director- City Transport stated that the proposals were not a council driven initiative and clear signals had been received from the Department for Transport (DfT) that its preferred future model was for regional groupings and dealing with bigger strategic issues. The proposal from the South East 7 (SE7) comprised a reasonably coherent group with shared borders and common issues. There were potential advantages to being part of a wider transport body such as increased funding and being able to deal with issues in a larger way than as a single authority. Proposals for a SNTB were at an early stage and it was opportunity to be part of the informal process of establishment in order to have influence on any potential SNTB.
- 51.4 The Executive Director, Economy, Environment & Culture noted that the Cities & Devolution Act that had recently come into force placed emphasis on regional constructs. DfT had given a clear indication that it wished to see large scale geography for such bodies and that there be few of them. The Executive Director, Economy, Environment & Culture agreed that the focus for the council should be the Brighton, London, Gatwick corridor, the A23, the A27, railways and links coastal links east and west. Officers felt that in order for that focus to be maintained and to have sufficient influence in the future, it was important to be part of the shadow arrangements for the SNTB.
- 51.5 On behalf of the Conservative Group, Councillor Janio moved an amendment to recommendation 2.2 as shown in bold italics below:

2.2 That Committee delegates authority to the Executive Director for Economy, Environment & Culture to agree a shadow constitution for TfSE, following consultation with the Leader of the Council **and consultation with Leaders Group**, on behalf of Brighton & Hove City Council

51.6 The Chair seconded the motion.

51.7 Councillor Deane stated that she was hugely concerned by the concept and with the current trend of insistence by policy-makers of creating infrastructure to an enormous scale, such as HS2, and such projects were invasive to the quality of people's lives. In becoming part of the SNTB, Brighton & Hove City Council risked being drawn into such projects to its and residents detriment and she could not support the proposals.

51.8 Councillor Miller stated that whilst he could understand the logic of replicate the Transport for London (TfL) model, he did have concerns about the proposals undermining the devolution process for the Greater Brighton region and losing focus through duplication. Councillor Miller asked why the Greater Brighton region could not become a wider transport authority in itself.

51.9 The Executive Director, Economy, Environment & Culture clarified that Brighton & Hove City Council were the only transport authority within the city region and under the devolution proposals, it was understood that the SNTB would have the remit for major transport decisions and that would be the same for partner organisations on any potential SNTB. The Executive Director, Economy, Environment & Culture stated that the observations made on the broad geography of the SNTB were correct but officers were used to working across regions and every effort would be made to avoid duplication.

51.10 Councillor Wares noted that a report would be reported to the committee in 12 months and enquired whether the authority could decide not to join the SNTB if it was not in its interests.

51.11 The Chair confirmed that it would be possible to make a decision not to formally join the SNTB should it not be in the council's interest to do so.

51.12 Councillor Greenbaum stated that she was unsure on the proposals as there was a lack of precedence or comparator. Councillor Greenbaum noted that there may be positive strategic outcomes in joining the SNTB but she was concerned that there may be some cost to the council, specifically in its sustainability ambitions.

51.13 The Chair stated that a decision was being made on joining a shadow arrangement and she was sure similar concerns had been raised by other authorities across the country.

51.14 Councillor Janio stated that this appeared an effort to regionalise and devolve central government funding and there may be a downside to the authority not joining as it may exclude it from funding applications.

51.15 The Assistant Director- City Transport stated that there was a risk that not joining could be a detriment to future funding applications and DfT had made it clear that it expected

all or most authorities to join such an arrangement. The Assistant Director- City Transport stated that all favourable and unfavourable outcomes would be looked at and reported clearly back to committee before any formal arrangement was arrived at.

51.16 **RESOVLED-**

- 1) That Committee agrees Brighton & Hove City Council should join a shadow Sub National Transport Body for the South East, known as Transport for the South East (TfSE);
- 2) That Committee delegates authority to the Executive Director for Economy, Environment & Culture to agree a shadow constitution for TfSE, following consultation with the Leader of the Council and Leaders Group, on behalf of Brighton & Hove City Council;
- 3) That Committee notes that a further report will be brought back to Committee within the next 12 months to report on the shadow arrangements and update the Committee on the proposed detailed constitutional arrangements including membership, voting and emerging priorities.

52 **WHITEHAWK & KEMPTOWN SAFER ROUTES TO SCHOOL SCHEME**

- 52.1 **RESOLVED-** That the Committee approves the preferred scheme for the Whitehawk and Kemptown area, as outlined in paragraph 3.3 and shown in Appendices 1-6 of this report, and authorises officers to begin implementation including the advertising of any necessary Traffic Regulation Orders.

53 **HIGHWAY ASSET MANAGEMENT POLICY AND STRATEGY**

- 53.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that requested approval of the Highway Asset Management Policy and Strategy (HAMS) developed by Brighton & Hove City Council over the previous two years in line with requirements from DfT. The purpose of the HAMS is to enable the Council to manage and maintain the City's highway network in a way that best meets the needs of the present without passing on unaffordable cost to future generations.
- 53.2 Councillor Janio thanked officers for providing a detailed, thorough report noting that he found difficulty in correlating the figures listed on page 279 to the financial information detailed at page 281.
- 53.3 The Head of Asset & Network Management clarified that the two tables reflected various financial positions and options to make Members aware of the current and future condition of the highway and asset network and to inform debate around allocations from the Local Transport Plan (LTP).
- 53.4 Councillor Janio asked if the Strategy would be sent to the DfT as there was clearly a funding requirement for the authority.
- 53.5 The Head of Asset & Network Management stated that the report would help the authority in terms of not losing out through the DfT's annual allocation and the application of financial modelling would assist future grant applications as a clear case

with analysis could be provided demonstrating the need for funding and how much that could be delivered for.

- 53.6 Councillor Miller asked if the council would be permitted to borrow against its assets to invest in infrastructure.
- 53.7 The Assistant Director- City Transport clarified that that was an option that could be looked at but that would also involve an assessment of the revenue implications alongside.
- 53.8 **RESOLVED-**
- 1) That Members approve the Highway Asset Management Policy at Appendix 1 and the Highway Asset Management Strategy at Appendix 2
 - 2) That Members authorise officers to further develop proposals with the Highway Asset Management Strategy to facilitate progression through the DfT's Incentive Fund banding in order to secure additional maintenance funding.
 - 3) That Members note that the HAMS will be regularly updated to include investment strategies for other highway infrastructure including footways, highway structures, drainage, street lighting and traffic control systems.

54 EASTERN ROAD/ARUNDEL ROAD JUNCTION – OBJECTIONS TO TRAFFIC REGULATION ORDER [TRO]

- 54.1 **RESOLVED-** That the Committee (having taken into account of all the duly made representations and objections) agree to approve the Brighton & Hove Various Controlled Parking Zones Consolidation Order 2015 Amendment No.X 201X (reference number: TRO-19-2016).

55 ITEMS REFERRED FOR FULL COUNCIL

- 55.1 No items were referred to Full Council for information.

The meeting concluded at 7.25pm

Signed

Chair

Dated this

day of