

**WRITTEN QUESTIONS FROM COUNCILLORS**

The following questions listed on pages 59 - 60 of the agenda have been received from Councillors and will be taken as read along with the written answers listed below:

**(a) Councillor Barnett**

“Could the Chair of the Housing & New Homes Committee outline whether Hangleton Bottom would provide suitable land for much needed housing it were to be removed from the current East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan?”

**Reply from Councillor Mitchell Chair of the Environment, transport & Sustainability Committee**

As required by the government, potential sites suitable for waste and recycling management have to be set out in a strategic plan. The East Sussex, South Downs and Brighton & Hove Waste and Minerals Site Plan was adopted at Full Council in February 2017. The content of the Plan was considered by an independent planning inspector appointed by the Secretary of State during a public examination in summer and autumn 2016. During the course of the examination the inspector raised concerns as to whether the Plan included sufficient safeguarded sites to deliver the new waste management capacity that is required in East Sussex and Brighton & Hove over the Plan period to 2026, especially as one of the previously safeguarded sites, Sackville Coal Yard, had been deleted from the Plan during the examination period. He concluded that, on balance, there are sufficient sites and that the evidence supported the inclusion of Hangleton Bottom.

If Hangleton Bottom were to be removed, this would reduce the number of safeguarded sites by a third and result in there being no safeguarded sites in Brighton & Hove. Given the inspector’s conclusions it is highly likely an additional site would have to be found elsewhere. Waste management is essential infrastructure required to support new development and economic growth and Brighton & Hove, as the largest urban area, is one of the main generators of waste in the Plan Area. It is important that adequate provision is made to manage waste in the future and to facilitate the continued shift away from landfill.

So although we appreciate that you are raising the issue of suitable sites for housing, and we welcome any support from the Conservative group with respect to the provision of new housing, Hangleton Bottom is not applicable for the reasons as outlined above.

**(b) Councillor Miller**

“Could Councillor Robins please clarify the Council’s legal position in regard to the staging of the annual Naked Bike Ride?”

## **Reply from Councillor Robins – Chair of the Tourism, Development & Culture Committee**

As a highway authority, Brighton & Hove City Council may place temporary restrictions on traffic within its area by way of a Traffic Regulation Order (TRO) made under Parts I and II of the Road Traffic Regulation Act 1984, as amended, or by using powers available to them under section 21 of the Town Police Clauses Act 1847. That process may be used in a situation where (amongst other things) there is a likelihood of danger to the public or obstruction is considered to have been/ will be created. However the naked bike ride is classed by the police as a demonstration rather than an event and as a result the police retain sole responsibility for regulating all aspects of it. [This is to be contrasted with the situation in relation to the London to Brighton bike ride, for instance, which involves a far greater number of participants and is classed as a charity event].

Because the police and not the Council regulate the naked bike ride, it is the police which has responsibility for managing any complaints which are received in and have powers to liaise with the organisers re the route and/or to arrest where the cyclists' behaviour is considered to be inappropriate and/or if it is likely to cause distress. The police are empowered to take any action they consider necessary, including by using S5 of the Public Order Act 1986 which prohibits the display of any writing, sign or other visible representation which is threatening, abusive or insulting, within the hearing or sight of a person that is likely to cause harassment, alarm or distress. Those powers are not available to the Council.

### **(c) Councillor Sykes**

“Please provide an update on the status of these BHCC fees and charges:

- Highways and skip licence income against projections in Q1 2017-18
- Highways hoarding licence income against projections in Q1 2017-18
- Building control inspections income against projections in Q1 2017-18
- Local Authority Land Charge Search fee income against projections in Q1 2017-18”

## **Reply from Councillor Hamilton – Deputy Chair (Finance) of the Policy, Resources & Growth Committee**

We are at an early stage of the year and forecasts can change significantly over the remainder of the year. However, as at Month 3 (June) the income for Skips and Scaffold licenses and Land Charge Search Fees would appear to be on target, while Hoarding license income is ahead of schedule, and Building Control Inspection income is somewhat down. In the case of Building Control, it is not yet clear whether or not the lower than expected income is due to the increase in the fees & charges or other general market factors.

The table below summarises the budget, income to date and forecasts.

Revised Fee & Charge Area	Full Year Budget £'000	Budget to Date (June) £'000	Actual to Date (June) £'000	(Over) / Under to Date (June) £'000	Full Year Forecast £'000	Full Year Forecast (Over) / Under £'000	Comments
Skip and Scaffold	177	44	47	(3)	177	0	Forecast to be on target
Hoarding	99	25	81	(56)	tbc	tbc	Forecast to be reviewed but a surplus anticipated.
Building Control Inspections	627	157	122	35	tbc	tbc	Forecast to be reviewed but a deficit anticipated. However, it is not clear if this is related to the increase in fees & charges or other factors.
Land Charge Search Fee	630	158	180	(22)	630	0	Income tends to drop in the winter so "on target" reported despite surplus to date.

