

Brighton & Hove City Council

Council

Agenda Item 19

Subject: Written questions from Councillors.

Date of meeting: 20 July 2023

Report of: Executive Director for Governance, People & Resources

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Ward(s) affected: All

For general release

The following questions have been received from Councillors and will be taken as read along with the written answer detailed below:

1. Councillor McLeay

Subject: Weeds

Regarding the clearing of weeds on pavements, does Labour intend to bring back the use of glyphosate?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

As you will no doubt be aware, it was the Labour administration in 2019 that banned the use of glyphosate, having declared a climate and biodiversity emergency in 2018. However, not enough focus was subsequently placed on staying on top of weed growth in the city in the absence of glyphosate.

We have no desire to return to the widespread use of glyphosate. Our focus has been on evaluating the tools we have currently and how they can be better deployed, trialing new machinery and looking at what additional methods we might need to employ, liaising with other local authorities and considering what preventative measures we can put in place to limit problematic growth.

I am in the process of assembling a policy working group that includes representatives from the streets team, disability groups, the Pesticide Action Network, our biodiversity officer, residents and others with a view to developing a long-overdue, detailed strategy which we will bring to committee in the winter, ahead of the next growing season.

2. **Councillor Shanks**

Please provide the 22/23 original budget, 22/23 full year income out turns and 23/24 estimated budgets for the following parking income budget lines?:-

- On street parking income
- Parking permit income
- Parking suspension income
- Penalty Charge notice income
- Off Street car parking income

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

The overall 22/23 original Parking Services budget was £43.0m with the final out turn being £41.3m.

This was principally due to under-achievements of £1.6m and £1.9m in on-street-paid parking and parking permit income respectively. This was partially offset mainly by over-achievement of parking suspensions of £0.7m and Penalty Charge Notice income of £1.2m.

The 2023/24 budget has been set at £45.2m taking into account the agreed decisions made at Budget Council in February 2023.

Full details of the specific budget lines will be provided in writing following this meeting.

3. **Councillor Shanks**

Will you agree to consult residents and councillors on the expansion of Gatwick airport before engaging with the planning process on behalf of the local authority? This expansion represents a huge increase in emissions and is certainly counterproductive in the climate crisis.

Reply from Councillor Sankey, Leader of the Council

The application for the expansion of Gatwick has been submitted to the Planning Inspectorate (the body independent of local authorities that deals with appeals, local plans, national infrastructure projects and other casework) because its scale means it is a Nationally Significant infrastructure Project. The Planning Inspectorate now has 28 days (to 3 August) to confirm whether the application is accepted.

One of the requirements of such applications is extensive consultation with the public by the developer rather than the Council or Planning Inspectorate. Gatwick Airport Limited has carried out two rounds of consultation already, in Autumn 2021 and Summer 2022, with a dedicated website set up, advertising and other publicity carried out. A Mobile Project Office has also been set up in numerous locations to distribute consultation materials, including Asda Hollingbury in November 2021. For those more local to the Airport, newsletters were sent and additional

consultation events undertaken. Further publicity will be undertaken by Gatwick now that the application has been submitted.

It is intended that the City Council will submit a response to the application comprising a Local Impact Report setting out technical and policy views on the proposal. These will go before the September CHSTE Committee for agreement. Councillors can also comment directly on the application to the Planning Inspectorate, once the application has been formally accepted.

4. Councillor Shanks

The former Lloyds Bank building at Preston Circus is a Council owned property currently leased to Lloyds until October of this year, but now vacant. Brighton and Hove City Mission expressed an interest in acquiring the premises just before Christmas 2021, as a potential new base for their Brighton Food Bank, currently in part of the Calvary Church Building in Viaduct/Stanley Rd. This would provide increased space and locate the Food Bank on the ground floor of the building. The Council are currently in negotiation with Lloyds over dilapidations. In April 2022 the Policy and resources (recovery sub committee) supported the City Missions application for a lease of 5 Preston circus subject to agreement of acceptable terms.

This has still not happened. Will the Leader of the Council commit to giving Brighton and Hove City Mission Foodbank a permanent base in Preston Circus to continue their important charitable work.

Reply from Councillor Sankey, Leader of the Council

It is a living monument to the failure of our Conservative Government that foodbanks now exist through necessity and on a scale never previously known in the UK including in our City. I have visited and supported foodbanks in our City including the brilliant and much valued Whitehawk Foodbank and Purple People in Portslade and I am alarmed by the ever-increasing need and the impact that the Cost-of-Living crisis is having on donations.

I've been in contact with John Prideaux of City Mission personally on this issue. And I have asked our team to expedite efforts to bring forward a timeline for dilapidation works and the remarketing of the property. The council has been aware of City Mission's interest in the building at Preston Circus and has been in regular communication with City Mission both directly and through our agents Avison Young.

This is a commercial property held within the council's commercial portfolio and therefore must be let competitively on the open market. However, the letting will in due course be evaluated on a number of factors including the delivery of social value and we've been clear as an Administration how vital social value is to us.

We also have income budget/targets attached to this property which the evaluation will need to take into careful consideration. This budget

pressure is even more acute due to the last Green Administration leaving a £3 million black hole in our working balance.

The purpose of the report to Policy and Resources Recovery Sub Committee in April 2022 was to update Members about food access concerns presented by the cost of living increases on residents of Brighton & Hove. The recommendation within that report was that the council would support an application for a lease of the property at Preston Circus from City Mission, subject to the agreement of acceptable terms. The recommendation was not intended to commit to granting City Mission a lease of the property, but expressed support for their application as part of the open market letting process.

5. Councillor Bagaeen

Chief Executive recruitment:

The Chief Executive has a 6-month contract. There are only four months remaining. What is the recruitment plan?

Reply from Councillor Sankey, Leader of the Council

Our Interim Chief Executive, Will Tuckley has been appointed for a period of 6 months or until the appointment of a permanent CEO.

I am pleased to confirm that it is Will's intention to remain in post until we have appointed a permanent CEO.

We are currently planning the permanent recruitment process, one of the most important recruitments for BHCC and something we must get right.

We are selecting a recruitment partner, developing the job specification and will be advertising the role in September, with the goal of appointing a new permanent Chief Executive by the end of this annual year.

6. Councillor McNair

Flooding in Patcham & Hollingbury

Last year, the Scape project was opened, but residents in Dale Drive and Carden Avenue are still flooded a few times per year. What further plans does the council have to reduce flooding?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

It is a sad fact that our response to the climate emergency will include mitigating the effects of more regular extreme weather events. The most recent reminder of that was the morning of June 20th, when I woke up to social media posts containing footage of wheelie bins being washed down Elm Grove, in my ward, and deposited at the bottom of the hill. It is quite clear that we need to go much further in managing surface water and drainage across the city.

Sustainable Urban Drainage Systems such as the Scape Project, which capture and slow the flow of water, are part of the solution, and we will be deploying these across the city. However, they are not a singular solution and as such we will be considering the full range of options available, including storage and attenuation, source-pathway-receptor models, protection bunds and so on.

Myself and Cllr Muten, chair of the Transport & Sustainability committee, and who happens to be a hydrogeologist, are working together on this issue. Earlier this week we met with our flood risk team, and next week we will both be attending the Southern Regional Flood & Coastal Communities Committee. We'll be very happy to update members in the near future on the progress being made.

7. Councillor Theobald

Parking and scratch cards

Forcing residents and tourists to use an app on their phone is not only inconvenient but discriminatory. Will the council investigate the re-introduction of scratch cards for the use of residents and tourists?

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

In response to Vodafone ceasing 3G coverage and the cost and complexity of upgrade parking meters to 4G or 5G; the decision to move to a telephone, smartphone or PayPoint was announced by the Council in March 2023 for citywide implementation in by end of May 2023.

Drivers who cannot telephone to pay for parking or those without smartphones can pay for parking by cash or card at any shop in the city with the PayPoint sign. There are over 150 vendors across our city with PayPoint and they are mostly found in newsagents or supermarkets. Please see the PayPoint website <https://www.paypoint.com/en-gb> to find your nearest PayPoint. You will need the parking location number, which is on signage, and the vehicle's registration number. Once parking has been purchased, there is no need to return to the vehicle. The council will be working with potential vendors to expand the number of PayPoint outlets.

The Council previously operated a parking voucher scheme. This was deemed unviable due to the costs involved with printing the vouchers, the staff resources for liaising with the distributors, organising the deliveries and the overheads distributors charged on top of the voucher price. In addition, vouchers must have an expiry date, and this was problematic for those who did not use them in time.

We have communicated this widely since May including specific communication with vulnerable communities' support agencies and with VisitBrighton and will continue to ensure good communication of payment methods is maintained.

8. Councillor Meadows

Working from Home

How many council officers, and separately senior management, are working from home, and have permission to work outside Brighton and from abroad?

Reply from Councillor Sankey, Leader of the Council

Our Administration has asked for a review of home and hybrid working and made clear our intention to rebalance working patterns in favour of office working.

Approximately 3800 Council staff have been provided with lap-tops that enable them to work where needed, including from home.

Our hybrid working arrangements do not permit staff to work permanently from abroad, although many of our staff live outside Brighton and commute into work.

Our approach to hybrid working has enabled savings to be made from our office accommodation.

9. Councillor Hogan

Defibrillators

Has the administration made community groups aware of the need to test defibrillators?

Reply from Councillor Pumm, Chair of Equalities, Community Safety & Human Rights Committee

Owners of defibrillators in community settings will have been informed at the time of purchase of the need to check their device regularly to ensure that they are ready to use in an emergency.

It is recommended that defibrillators are registered with The Circuit, the national database of defibrillators that is linked to the ambulance services. Further information is available at <https://www.thecircuit.uk/>

Registering with The Circuit requires that every defibrillator has a 'Guardian' who is responsible for carrying out regular checks to ensure the defibrillator remains in a ready to rescue state at all times and acts on any issues. Guardians receive regular reminders to conduct and record defibrillator checks and notification of when the electrode pads are about to expire. Guardians can also seek advice via the website on how to check their defibrillator.

The Council, with partners in the community and voluntary sector, will promote a message of encouragement for groups with defibrillators to register with The Circuit.

10. Councillor Lyons

Parking charges

When will the excessive parking charges be reviewed and a newly-reduced rate introduced?

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

A report was presented to the Strategy, Finance & City Regeneration Committee on 13th July which outlined the way forward. A newly reduced rate was agreed. This has been widely publicised. Labour reversed the disproportionate, excessive and unsustainable big stick attack on low paid workers and families. Expecting low paid NHS or care workers to work for 2 hours each day to pay parking fees near the Royal County Hospital cannot be the answer to climate emergency, especially during a cost-of-living crisis. We need an inclusive low carbon transport and parking strategy that works for the many, not the privileged few. Labour is committed to a strategic review of parking charges over the next few months. Rather than hiking the hourly charge to £5.60 per hour as proposed by the previous administration; the charge for an hour in the four low-tariff parking zones went up from Monday 17th July from £1.40 to £1.50 instead.

The Conservative Group abstained on decision on parking charges at Committee and has made no suggestions as to how to finance a reduction in parking charges. Do they have any ideas or policies to share or will it just be more shouting from the sidelines and complaining for the next four years?

11. Councillor McNair

Long grass

Residents in Carden Avenue and elsewhere frequently complain their view of oncoming traffic is blocked by long grass as they leave their drives. Why are sightlines in verges, and whole verges on bends, not routinely cut before driver vision is obscured and the risk of an accident increased?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

Safety should of course be paramount in the delivery of council services, and I have already asked our team to look at the verges on Carden Avenue. The highways and parks teams do work closely together to identify areas that need urgent intervention outside of the standard mowing regimes, but if councillors or members of the public become aware of any specific problems, I'd ask them to report it straight away. We will always prioritise any grass cutting where there is a clear road safety hazard.

12. Councillor Fishleigh

Subject: Pavilion Gardens toilets

There is a lot of public interest and desire to have the toilets reopened in Pavilion Gardens which BHCC still own. I understand there is an arrangement pending lottery funding that the RPMT (a charity) will take over these toilets but even if funding is successful they would not be available until 2025. Will BHCC re-open them in the meantime?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

The Prince's Place toilets have been closed since October 2022. In March 2023, the previous administration approved the transfer of the land occupied by Prince's Place toilet to Royal Pavilion & Museums Trust. The toilets were not due to reopen until the Royal Pavilion Garden works are completed in 2026. This arrangement is subject to securing funding from the National Lottery Heritage Fund.

We have received a significant number of emails from residents expressing concerns regarding the ongoing lack of facilities in the Royal Pavilion Garden, and we are actively looking at options for the reopening of the facilities in the short term. This is a priority for the administration and we've asked officers to put a plan together on this.

In the meantime, there are publicly accessible toilets in Jubilee Library and Red Roaster Cafe nearby.

13. Councillor Fishleigh

Subject: West Pier

In March The Argus quoted that the West Pier Trust was "around eight weeks away from beginning its work to restore the jewel in the crown of Brighton". What works are planned, what's the timescale, how much will it cost and will the Trust be dipping into its £1.7m in unrestricted funds?

Reply from Councillor Sankey, Leader of the Council

This is really a question for the West Pier Trust. However, officers have contacted the West Pier Trust to ask them for an update.

They have confirmed that they were unsuccessful in their bid to National Lottery Heritage Fund for funding towards the full restoration of the original West Pier Kiosk. Consequently, they are 'reimagining' and redesigning the project to complement and reflect the Pier and the golden spiral. They state it is their aim for the trio of structures to provide a commemoration of the West Pier for the public benefit.

They are aiming to submit the new design for planning approval in early autumn. One important element of the current design stage is for the revised project to be costed and their plan is for it to be mainly self-funded. The £1.7m unrestricted funds shown on the balance sheet is not cash but

a notional sum calculated by a professional valuer based on the level of the rent received by the Trust over the life of the lease. As such it could not be used for this project. They will be launching a fund-raising campaign.

14. Councillor Fishleigh

Subject:

The 27 bus route

This route is subject to frequent delays. What is the process for shortening the route and providing a separate service from Brighton train station northwards?

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

We are aware of delays to bus service 27 and are working with bus operators to improve the reliability of all services in the city. As part of our Bus Service Improvement Plan (BSIP); we are currently exploring the feasibility of removing/relocating bus stops on key routes that incur delays, this process will take into account the equality and accessibility requirements of the public.

Providing a separate service from Brighton station northwards would need to be proposed to bus operators to run on a commercial service.

15. Councillor Earthey

Subject: i360

Given the size of the loan made to the i360, why did BHCC not take out a Credit Default Swap or similar credit risk management instrument to protect itself from counterparty default?

Reply from Councillor Sankey, Leader of the Council

Many options for financing the i360 were initially explored and included taking advice from a range of external expert advisers to explore the options open to the council and undertake due diligence. The original financing decision was agreed by Policy & Resources Committee on 12 July 2012 and included financing from both the council, the Coast to Capital Local Enterprise Partnership, the developer and a private finance equity partner to be identified.

However, following this decision, both the costs of the project increased and no equity partner was found to support the project. A Special Meeting of the Policy & Resources Committee considered alternative financing options for the i360 at a meeting on 6 March 2014. The report noted that 'in the current economic climate, equity investors specialising in leisure and tourism have considerable choice in terms of shorter loan term periods and potentially higher returns than the i360 project. Consequently, without a council underwrite, an equity funding partner has not been secured.' This resulted in the Green and Conservative Groups on the council electing to

provide the majority of the financing through Public Works Loans Board (PWLB) loans, as senior lender, alongside a junior loan from the Coast to Capital Local Enterprise Board and considerable private equity from the developer.

No officers currently working in the council were party to the due diligence process or to any conversations with external consultants, the developer (Marks Barfield), or any potential equity partners and therefore we cannot say with any certainty whether or not financing or risk mitigation options, other than those set out in the committee reports referred to, were explored and/or dismissed.

However, in general terms it is highly unlikely that a mechanism such as a Credit Default Swap (CDS) would have been either considered or viable because:

- a. Relative to other attractions, the i360 was a higher risk and unique development where the majority of the investment did not result in a readily disposable asset. A CDS would have reflected this risk and would have almost certainly been prohibitively expensive as would any such insurance mechanism including a performance bond or other guarantee. The difficulty in securing a private equity partner supports the view that the market would have placed a high premium on any such guarantee.
- b. A CDS is a derivative. The legality of using derivatives in local authorities is highly uncertain as seen in the high-profile cases of Hammersmith & Fulham London Borough Council and Plymouth City Council where the use of interest rate swaps, another form of derivative, were deemed illegal.

With regard to risk management, the March 2014 report sets out some of the risk mitigations the council put in place within the loan agreement, including the council's 'step-in rights' which is a key mechanism enabling it to continue to leverage improved financial performance from the i360 Board, including the latest refreshed and innovative business model.

The numerous reports regarding the financing of the i360 clearly highlighted potential risks but also highlighted that there were other important objectives that were supported by the proposed investment. This concerned the regeneration of the seafront for which the i360 development has made a significant contribution, including £10 million private equity investment from the developer. The council's web site gives more information and notes that: 'The attraction has been a catalyst for the regeneration of an important part of our central seafront and has provided economic and community benefit for the city. The i360 makes a £29.9 million annual contribution to the local economy. It currently employs 150 people and has calculated that it directly and indirectly supports around 450 jobs locally.'

16. Councillor Earthey

Subject: i360

What improvement to BHCC's financial risk management governance, policies, and procedures will the new Labour Administration make in the light of BHCC's experience with the i360?

Reply from Councillor Sankey, Leader of the Council

The council follows best practice financial and governance codes and principles, including the Prudential Code for Capital Finance in Local Authorities and the Treasury Management Code of Practice issued by the Chartered Institute for Public Finance & Accountancy (CIPFA) which govern investment activity.

However, the council reviews its governance arrangements on an ongoing basis and two recent reports to the June meeting of the Audit & Standards Committee set out how the council plans to continually improve its governance, risk and financial management through the actions identified in the Annual Governance Statement 2023/24 and the identified improvement actions in the response to the recently issued CIPFA Financial Management Code. There are also regular Internal Audit Reviews and annual External Audit reviews to provide assurance that appropriate governance, financial and risk management arrangements are in place and which make improvement recommendations where appropriate.

I note that, in his latest Annual Report to the January meeting of the Audit & Standards Committee, the External Auditor has not identified any significant governance weaknesses in this council and therefore the council has a firm foundation on which to strengthen its arrangements.

With regard to the i360 specifically, this was financed in a different era and with a range of objectives in view, including regeneration of the seafront. However, since 2021/22, the revised Prudential Code for Capital Finance in Local Authorities no longer allows PWLB loans to be taken out for purely commercial ventures.

17. Councillor Earthey

Subject : Buses

Does the Committee support the introduction of a comprehensive 'Metro' or express-bus service to the eastern half of the city to make up for its lack of railway stations, currently leading to excessive journey times for commuters?

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

As part of our Bus Service Improvement Plan (or BSIP), the following services have been enhanced: The Big Lemon's 47 and 52 have improved services in the evenings and a Sunday service has been introduced.

Bus service 47: provides the only link from some areas of Saltdean to the city centre, as well as Brighton Marina and Royal Sussex County Hospital. As well as meeting a wide variety of needs for travel, the service provides essential transport for workers at Royal Sussex County Hospital, the majority of whom work shifts.

Bus service 52: provides the only bus service in Ovingdean, it also provides the only link from some areas of Patcham and Hollingbury and parts of Woodingdean to the city centre, as well as Brighton Marina, Royal Sussex County Hospital and London Road shops. The service provides many local connections.

Both the 47 and 52 provide a comprehensive bus service to other areas within Brighton and Hove which are not served by commercial bus routes.

An express bus service would need to be proposed to bus operators to run on a commercial service.

As part of the A259 South Coast Corridor Study, we are working closely with East Sussex County Council to improve the part of the Major Road Network (MRN) as identified by the Department for Transport (DfT) between the A259/Greenways Roundabout, west of Rottingdean eastward beyond our city boundary towards Peacehaven and Newhaven. Improvements to the A259 South Coast Corridor will include better traffic flow - including for buses - along the A259 together with improved access to Rottingdean and Saltdean and well-designed cycle lanes. These improvements will contribute to establishing an accessible, low carbon, effective traffic system that works better for bus passengers and other commuters.

18. Councillor Earthey

Subject : BHCC Carbon Neutral Fund

What improvements to the governance of the Carbon Neutral Fund will the new Labour Administration make, covering its terms of reference, transparency, eligibility of projects to receive funds, forecasts of Carbon reduction benefits, accurate reporting of actual measured benefits, and full accounting for any failures to yield expected reductions?

Reply from Councillor Sankey, Leader of the Council

This is an important question which I welcome.

The Council has invested over £21m since 2019 in projects to cut carbon emissions, tackle climate change and enhance biodiversity, through the Carbon Neutral Fund.

The new Labour Administration believes it is vital that the Carbon Neutral Fund is tightly ringfenced to ensure it's laser focus on reducing the City's carbon footprint in a radical and transformative way. Alongside the Fund we need a clear strategic plan to deliver Carbon Neutrality for Brighton & Hove something the previous Green Administration did not produce. We are now considering how the Carbon Neutral Fund may be taken forward in future, what priorities it may address, and how it may be monitored and reported. The Climate Action Hub, which can be accessed from the front page of the council website provides information on the Carbon Neutral Fund and regularly features project updates.

19. Councillor Earthey

Subject: i360

What steps has the new Labour Administration taken to impose a rigorous assessment of the i360's latest business plan where that assessment includes analysis from suitably-qualified professional staff drawn from the City's hospitality and commercial sectors?

Reply from Councillor Sankey, Leader of the Council

As senior lender, the city council has obliged, encouraged and welcomed the new approach that the i360 are taking, with a business plan that aims to extract more value from their seafront location, available facilities and space.

Whilst we will rely on advice from Visit Brighton about potential visitor numbers, we would not look to co-opt "professional staff drawn from the City's hospitality and commercial sectors" to analyse the business plan as that would raise a number of issues around confidentiality, conflict of interest and culpability in the event of poor advice being given. The city council will continue to procure any advice through the correct channels, using advisors with full Professional Indemnity insurance.

20. Councillor Earthey

Subject: BHCC Waste Recycling

What effective steps will the new Labour Administration take to increase the amount of City waste that is genuinely being recycled as opposed to genuinely being incinerated?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

Our administration is committed to a dramatic improvement in our recycling, and we will soon be bringing in a food waste collection service which will significantly reduce the amount of household residual waste. We also want to further expand the range of items we collect from the kerbside, but of course we need to be sure that those items are, as you say, genuinely recycled and not sent abroad or to landfill. Against those two choices, incineration for electricity generation is the better option.

There are of course two preferable options even to closed loop recycling; reduce and reuse. We are actively looking at ways to reduce the amount of waste produced in the city and have just appointed a Waste Minimisation Officer.

Like all Local Authorities we are still waiting on announcements from DEFRA as to the new regulatory framework for recycling introduced as part of the National Resources and Waste Strategy and the Environment Act. As members may be aware, significant investment will be required into the infrastructure and operational changes needed to increase recycling and we are currently assessing our options.