

Brighton & Hove City Council
City Environment, South Downs & The Sea Committee

4.00pm 20 June 2023

Council Chamber, Hove Town Hall

Minutes

Present: Councillor Rowkins (Chair) Fowler (Deputy Chair), Pickett (Opposition Spokesperson), Alexander, Burden, Galvin, Muten, Robinson and Winder

Part One

1 PROCEDURAL BUSINESS

1(a) Declarations of substitutes

1.1 There were none.

1(b) Declarations of interest

1.2 Councillor Fowler declared a non-pecuniary interest in Item 8 as a small business owner in the city.

1(c) Exclusion of press and public

1.3 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(I) of the Act).

1.4 **Resolved-** That the press and public not be excluded from the meeting.

2 CHAIRS COMMUNICATIONS

2.1 The Chair provided the following communications:

First, I'd like to take the opportunity to sincerely thank residents across the city for their support and the trust they placed in us in this year's local elections. As a group of candidates, we knocked on thousands of doors. We spoke to different people, in different parts of the city – but the message was the same everywhere. The state of our city, our neighbourhoods, is unacceptable. Our refuse collections are unreliable, weeds grow unchecked, our public toilets are closed, litter lines the streets and our recycling is

among the worst in the country. One voter summed it up in a way that really resonated with me. She said: “I used to feel so proud of this city. Now, when people come to visit, I just feel embarrassed.”

Restoring our basic services and improving the look and feel of the city formed the core of our promise to voters, and much of that work falls within the remit of this committee. There are some complex challenges ahead, and some of them will take time to overcome. But residents rightly want to see action, and so, on the weekend of July 15th and 16th, our councillors will be out in their wards as part of our Big Clean Up Weekend, tackling notorious grot spots and cleaning up their neighbourhoods. This will be supported by our brilliant City Clean staff who will provide equipment and collect the waste, and we will of course welcome the involvement of any volunteers and community groups.

Immediately after the election, we communicated to officers that we wanted to see our public toilets open as soon as possible and asked them to redouble efforts to recruit staff. I'm pleased to report that 23 public toilets around the city are now open. In addition to improving the condition of these toilets, after years of neglect, we've provided additional facilities to make them more accessible to everyone in the city. These include ambulant toilets for those who need handrails, family rooms with baby change tables and smaller children's toilets, and Changing Places toilets that support the needs of all people with disabilities.

Another cause for great concern among residents in many parts of the city has been the growth of weeds and the impact that has on the safety and accessibility of our pavements. We are currently reviewing our available resources and liaising with external groups and other local authorities to assess what additional tools we may need and how we can best deploy them around the city to deliver the improvement residents rightly demand to see. We will be working on a new policy that will come to this committee later in the year.

We intend to be an outward-facing administration that engages with anybody who wants to work constructively to improve the lives of residents. I have personally already met with numerous campaign groups and outside bodies to benefit from their expertise and ideas and will continue to do so.

I would like to just draw attention to the name of this committee. City Environment, South Downs and The Sea. These two natural wonders, to the north and south respectively, define this city just as much as our residents and cultures, and we have a duty to protect them. With the South Downs representing half of the footprint of Brighton & Hove, we also have incredible opportunities to support biodiversity – opportunities that few other cities have. And as custodians of the coastline, we must work collectively with our neighbours to restore marine habitats and prevent waste from all elements of our activity from entering and further polluting the water.

Finally, I want to thank officers here at the council for communicating a vast amount of information to us in a short period of time and helping us to get up to speed as quickly as possible. Despite there not being a single gripe or complaint from anybody, the amount of hard work that has been done in recent weeks and months has not gone unnoticed.

This committee has a long to-do list, comprised of complex problems and I look forward to working with you all to deliver for our residents.

3 CALL OVER

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

- Item 8: Environmental Enforcement Update
- Item 9: Playground Refurbishment Update

3.2 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 7: Constitutional Matters

4 PUBLIC INVOLVEMENT

(B) Written Questions

1) Air pollution

4.1 Adrian Hart read the following question:

“Two years ago, at council, it was agreed that a real time, publicly accessible air pollution network was to be created. Increasing the number of air quality sensors and increasing public awareness was one of the coroner's recommendations in preventing future deaths from air pollution in Ella Kissi Debrah's inquest. Please, when this will be available?”

4.2 The Chair provided the following reply:

“Thank you for your question, Adrian.

Funding has been made available for this type of air quality sensor equipment to be purchased. This will provide an enhanced monitoring and reporting capability for the city's residents.

Part of this new approach also requires new automatic monitoring stations that are needed to ensure that the real-time data is accurate. Officers are therefore currently considering the procurement options for this project and expect that the data will be available on the council's website by the end of 2023.

I am happy to update you in writing with a more concise timeline as further progress is made”.

4.3 Adrian Hart asked the following supplementary question:

“What are your priorities in reducing air pollution?”

4.4 The Chair provided the following reply:

“I completely agree it needs to be treated as a priority. There is actually a deputation coming on the subject of air quality which illustrates the extent to which residents and external groups see this as a priority. One of my first briefings I asked for was what monitoring of air quality we currently have and I’m just in the process of getting that information”.

(C) Deputations

(1) Fairlight improvements

4.5 The Committee considered a deputation requesting environment improvements in the Fairlight area.

4.6 The Chair provided the following response:

“Thank you for your detailed deputation and for everything you are doing to try and improve your local area.

Your deputation covers a lot of areas for improvement so I will take these one at a time. On communal bins for recycling and glass, Cityclean has identified St Leonard’s Road, Hastings Road, Fairlight Place and Pevensey Road (plus other roads in the area) as being suitable for communal bins for recycling and glass, as well as refuse. However, due to complex operational and capacity issues, Cityclean is not currently able to extend the communal bins provision in the area. I hope this can be looked at again in the near future, and I will ask officers to keep a record of suitable locations where there is a known desire from residents for these changes. As you may already know, one of our top priorities is to significantly improve our refuse collection service, and those improvements include greater flexibility in order to respond to requests such as these. In the meantime, Cityclean could roll out black recycling wheelie bins to streets in this area. There is a need to move away from black boxes for recycling across the city. As you rightly say, these boxes cause litter and the recycling in these boxes often gets wet or contaminated, making it much harder to recycle. Recycling wheelie bins are also much easier for Cityclean operatives to empty, reducing manual handling issues.

A recycling bin can contain the recycling of many recycling boxes, which can also help reduce street clutter. If this is something you are interested in, I can request Cityclean undertakes a consultation with residents on relevant streets to get their feedback.

The cycle hangar programme is now under review following a request from Councillors. This review will be reported to the Transport & Sustainability Committee in July to allow Councillors to consider the programme and make appropriate recommendations for its progress.

Following this review, cycle hangars can be proposed in the areas around Fairlight Primary School, and I am happy to provide details on how to go about that. In the meantime, the nearest currently installed hangars are on Franklin Street, Hartington Road and Shanklin Road.

Residents can view a map of the currently installed hangars, and add themselves to the waiting lists for spaces by searching Brighton & Hove on the Falco website at www.rentals.falco.co.uk

With regard to dog waste, dog owners are breaking the law if they do not pick up after their dog, and it is of course a public health risk. Dog owners really must take responsibility for their pets, and the fact that some do not is completely unacceptable.

Cityclean does issue the maximum allowable fine to people who do not clear up after their dog, but it is difficult to be in the right place at the right time to catch an irresponsible dog owner.

The Environmental Enforcement Team can stencil areas where there is a problem with dog waste, with messages to clear it up and warning them that they may be fined. I have asked them to visit St Leonard's Road, Hastings Road, Fairlight Place and Pevensey Road to do this and I have also asked the team to increase patrols in the area.

Ideally, we would like to catch more people in the act. If residents are able to identify a pattern in terms of when dog waste appears, I would ask them to report that information using the Report a Problem link on the council's website so we can try and have an officer on location at the right time.

I also want to add that this issue came up on the doorstep regularly during our campaign, and the feeling is that the problem has got worse in recent years. As such, we will be reviewing current policy to see what further measures we can take. In the meantime, I have asked officers to develop plans for an advertising campaign aimed at reducing the amount of dog waste left on the streets.

Regarding the street lighting at the end of Hastings Road, it is extremely worrying to hear that this has become a safety concern. It is no secret that the council's finances are in a very poor state and so, sadly at this stage the council is only able to maintain the existing stock, and not invest in improvements.

I love the idea of a green wall – they were identified in our manifesto as something we'd like to see more of, at least on council-owned buildings. When it comes to privately owned buildings, it would of course need to be done with the full support and involvement of the relevant property owners and, at this stage, it would need to be maintained by the community. I am happy to ask officers from Highways and or City Parks to follow this up with you.

Finally, I am very happy to attend future community meetings to explore these ideas. All three of your ward councillors sit on this committee and we will do whatever we can to support your community in their efforts to improve the area".

4.7 **Resolved-** That the committee note the deputation.

(2) **Air Quality**

4.8 The Committee considered a deputation that request local action on high levels of air pollution in the city.

4.9 The Chair provided the following response:

"Thank you for presenting your deputation to this committee today on behalf of your colleagues and for further emphasising the impact of poor air quality and emissions on people's lives.

Our manifesto made clear pledges to create a sustainable, healthy environment and ensure there are more sustainable ways to get around the city. You are absolutely right to highlight health inequality, and I completely agree that air quality should be a fundamental aspect of how we create a fairer and more equal society.

I strongly support the principle of preventative healthcare, and the evidence around the impacts of poor air quality on human health is both compelling and ever-growing. One of the first briefings I requested coming into this role was the extent of, and data from, our air quality monitoring stations. The Air Quality Action Plan agreed by the former

Environment, Transport & Sustainability Committee contained some commendable aspirations, but we now need to review what progress has been made towards their attainment.

As you have heard in the earlier public question, there are also plans underway to install further air quality monitoring in the city and to make the live data available to the public. The transport aspect of this issue will of course not fall within the remit of this committee. However, there is inescapable overlap between us and the new Transport & Sustainability committee and Cllr Trevor Muten and I will be working closely on future policy.

Information and awareness are critical to reducing pollution and your deputation at the first meeting of this committee today is a helpful reminder that we want public health to inform every council decision. We will be working on our policies in this area over the coming weeks and months and will be very pleased to have your input”.

4.10 **Resolved-** That the committee note the deputation.

5 ITEMS REFERRED FROM COUNCIL

(A) Petitions

4.1 The Committee considered a petition, referred from Full Council, requesting a relocation of recycling bins in the Coldean area.

4.2 The Chair provided the following response:

“Thank you for your petition. This site is one of a number of points across the city that provides additional recycling capacity for residents to dispose of excess dry mixed recycling, as well as materials that are not collected in their kerbside collections. It includes cartons, small electrical equipment, textiles and shoes.

This is a good general location for a bring site as the pavement is wide enough to accommodate the containers. It is also on a popular junction and route, making it easy for residents to dispose of their recyclable waste.

Officers have reviewed suitable alternatives in the area, and one has been identified, namely the space on the pavement to the other side of the entrance to Ruby’s car park, to the left as you look at the building.

We would be grateful for Coldean Residents' Association, Coldean Community Organisation and Coldean Neighbourhood Planning Forum’s views on this location.

This has been judged to be the only suitable alternative location. If the organisations are agreeable, then we can arrange for the containers to be moved”.

4.3 **Resolved-** That the Committee note the petition.

6 MEMBER INVOLVEMENT

(B) Written questions

1) Public Toilet Contractor

6.1 Councillor Fishleigh read the following question:

“What penalty clauses are in the contract between BHCC and the company appointed to refurbish various toilet blocks in the city including on Saltdean undercliff, will these be applied and will you ensure that this company is never given a BHCC contract again and that the procurement departments of neighbouring authorities are made aware of BHCC’s unsatisfactory experience?”

6.2 The Chair provided the following reply:

“I share your frustration around delays to the reopening of public toilets. As you are no doubt aware, getting these vital facilities reopened is a top priority for us as an incoming administration.

We are very pleased that 23 of our city’s toilets are now open and, as you heard in my opening remarks, the newly refurbished facilities are now far more accessible, inclusive and pleasant to use.

I’d also like to add that we have received positive feedback about the quality of the refurbishments.

The council has conducted a lessons-learned exercise with the contractor and has established that both parties were optimistic about what could be delivered in the time frame. The nature of the buildings and the current constraints in the construction supply and labour markets have also played a part. The buildings the toilets are housed in are very old and have been minimally maintained and not refurbished for many years. For example, the Daltons public toilets which are housed under the promenade were built in the 19th century and there were many infrastructure issues that became apparent as the buildings were stripped for renovation.

Due to this, Extensions of Time were granted which delayed the programme. The learning from all of this will enable us to be more realistic in the future.

The decision about whether to award future contracts will be made on a case-by-case basis, with a test of confidence applied to the contractor’s performance on rectifying defects and snagging under the current contract, as well as their progress on other projects they currently have on site for the council.

The Public Contracts Regulations 2015 apply to higher value construction contracts and allow contracting authorities to exclude a contractor from a procurement only where there have been significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract which led to early termination of that prior contract, damages or other comparable sanctions.

Penalty clauses are not permitted in contracts. The contractor can be required to pay damages to cover the Councils losses but cannot be claimed in this case as the majority of the delays were beyond the contractor’s control.

The proposed next phase for the toilet refurbishment programme will be presented to committee in the early autumn and a new procurement exercise will commence for phase 2”.

6.3 Councillor Fishleigh asked the following supplementary question:

“Will you include the contract for the toilet in your financial review please?”

6.4 The Chair provided the following reply:

“That will be something that is looked at”.

7 CONSTITUTIONAL MATTERS: CITY ENVIRONMENT, SOUTH DOWNS & THE SEA COMMITTEE

Resolved-

- 1) That the committee's terms of reference, as set out in Appendix 1 to this report, be noted; and
- 2) That the committee agrees to establish an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee.

8 ENVIRONMENTAL ENFORCEMENT FRAMEWORK UPDATE

- 8.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that sought approval to update the Environmental Enforcement Framework and related activities.
- 8.2 Councillor Pickett moved the following motion to amend the recommendations:
 - 2.1 That the City Environment, South Downs & The Sea Committee approves the updated Environmental Enforcement Framework as detailed in Appendix 1 (which highlights the tracked changes) **subject to a further change to the table on page 25 namely that the fine for engine idling shall be £40 reduced to £20 if paid within 10 days.**
- 8.3 Councillor Alexander formally seconded the motion.
- 8.4 Councillors Pickett, Fowler and Robinson asked questions and made contributions to the debate of the report.
- 8.5 The Chair then put the motion to the vote that passed.
- 8.6 The Chair then put the recommendations as amended to the vote that were approved.
- 8.7 **Resolved-**
 - 1) That the City Environment, South Downs & The Sea Committee approves the updated Environmental Enforcement Framework as detailed in Appendix 1 (which highlights the tracked changes) subject to a further change to the table on page 25 namely that the fine for engine idling shall be £40 reduced to £20 if paid within 10 days.
 - 2) That the City Environment, South Downs & The Sea Committee agrees that the use of CPWs and CPNs to take enforcement action against small and independent (locally headquartered) businesses is paused with immediate effect and a new process adopted as set out in paragraphs 3.9 to 3.12.

- 3) That the City Environment, South Downs & The Sea Committee delegates authority to the Executive Director: Economy, Environment & Culture to take enforcement action as detailed in paragraphs 3.9 to 3.25.
- 4) That the City Environment, South Downs & The Sea Committee delegates authority to the Executive Director: Economy, Environment & Culture to determine the timing of the implementation of the offences.

9 PLAYGROUND REFURBISHMENT PROGRAMME

4.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that provided an update on the delivery of the Playground Refurbishment Programme. The report also sought approval for further funding and procurement within the Programme.

4.2 Councillors Fowler and Pickett contributed to the debate of the report.

4.3 Resolved-

That Committee:

- 1) approves the further funding of £0.803m and procurement for the Playground Refurbishment Programme as set out in Table 3 in Appendix 1.
- 2) approves borrowing of up to £0.468m to contribute to the refurbishment of playgrounds.
- 3) delegates authority to the Executive Director: Economy Environment & Culture to procure and award contracts for playground refurbishment over a period of up to three years.

10 ITEMS REFERRED FOR FULL COUNCIL

10.1 No items were referred to Full Council for information.

The meeting concluded at 4.57pm

