

BRIGHTON & HOVE CITY COUNCIL

CULTURE, HERITAGE, SPORT, TOURISM & ECONOMIC DEVELOPMENT COMMITTEE

4.00pm 9 NOVEMBER 2023

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ - HTH/CC

MINUTES

Present: Councillor Robins (Chair) McGregor (Deputy Chair), Hill (Opposition Spokesperson), Cattell, Hewitt, Miller, Stevens, Goddard, Meadows and Nann

PART ONE

22 PROCEDURAL BUSINESS

(a) Declaration of Substitutes

Councillor Nann was in attendance in place of Councillor Grimshaw.
Councillor Meadows was in attendance in place of Councillor Bagaeen.

(b) Declaration of Interests

Councillor Miller declared an interest in items 26 and 33 in that she is a member of the management committee of the Hove Station Neighbourhood Forum and a member of staff at All Saints Church, Hove, and confirmed that she would remove herself from the discussion during those items.

(c) Exclusion of the Press and Public

It was agreed that the press and public not be excluded.

23 MINUTES

23.1 Councillor Hewitt raised that item 21 of the previous meeting was passed by 9 votes to 1, when it should have been 8 to 1 as the Conservative Group didn't send a representative.

23.2 The minutes of the meeting held on the 14 September 2023 were agreed as an accurate record subject to the above change.

24 CHAIRS COMMUNICATIONS

The Chair gave the following communications:

The Corn Exchange has now reopened following its major restoration. It's first performances were Gecko's Kin.

The Brighton Centre has had a strong run of comedy over the last weeks, with excellent ticket sales.

The Exhale Creative Grant Projects are all live incoming weeks. Local Black artists have produced three projects interrogating the legacy of the transatlantic slave trade, with the works including a mural, performance event, new music and spoken-word and a walking app for the city.

Take Part Family Day is this Saturday at Brighton Dome. This is produced in partnership with African Night Fever and features the premiere of their Exhale Creative Grant commission, The Seeds of the Transatlantic Slave Trade.

Planning committee recently rejected the application that may have affected The Prince Albert music venue. Councillors expressed their commitment to ensuring the livelihood of this famous and well loved music venue, demonstrating the essential place they occupy in the city's grassroots music scene.

The development of the new Kingsway to the Sea park is continuing to move forward with speed. The creation of the new Outside Sports Hub is well underway. Works at the former Pitch and Putt areas also started in October, this will transform the area into a garden with improved accessibility and the new wheeled sports area

New beach chalets will shortly be arriving on Saltdean seafront, and look set to be quickly snapped up by residents currently on the waiting list. The new units bring the total number of beach chalets available across Hove, Rottingdean, Maderia Drive, Ovingdean and Saltdean to 119..

Finally, a Christmas tree has been secured for each ward in the city, with opportunities to decorate the tree being managed by ward councillors.

25 CALL OVER

The following items were reserved for discussion:

- Item 29 Beach Hut Licence and Transfer Fee
- Item 30 Freedom Leisure Contract – Update on Current Position in Relation to Energy Costs and Mitigation Measures
- Item 31 Leisure Contract – Future Management Options
- Item 32 Sports Facilities Investment Plan – Progress Update
- Item 34 Annual Infrastructure Funding Statement and Neighbourhood CIL Update

The following items were therefore agreed as per the recommendations in the reports:

- Item 33 Hove Station Neighbourhood Plan Decision Statement

26 PUBLIC INVOLVEMENT

Written Questions

26.1 The Chair invited Catherine Lane to ask her question regarding the Pride Village Party on page 5 of Addendum 2.

26.2 The Chair gave the following response:

We have powers under the Town and Police Clause Act 1847 Section 21 to put in place road closures for events such as the Pride Village Party. The wristband scheme was introduced a few years ago following significant safety concerns with over 40,000 attendees coming to the At James Street area with little or no management of control. This represented a severe risk to public safety and also represented an insurmountable challenge to emergency services. We consider both the Pride Village Party road closure and the wristband scheme to be proportionate, reasoned and justified – and therefore lawful. Under our agreement with Pride residents and business owners are given the opportunity to receive free access to the Pride Village Party area through the wristband system. However, visitors to the city can be charged for the wristbands.

The detail of how the wristband scheme is managed with regard to residents and businesses – including local visitor accommodation providers – is a matter for Pride but will form part of any ongoing reviews of the Pride Celebrations in the City.

26.3 The Chair then invited Catherine Lane to ask the following supplementary question:

Are you aware of the exact law, because I have a letter from the head of the department for transport national case work team that says the law is unambiguous on this matter. The orders you mentioned cannot be made if any such order shall be made with respect to any road which would have the effect of preventing at any time access for pedestrians. Any premises situated on or adjacent to the road or to any premises accessible for pedestrians from and only from the road. Manchester Pride were told not to do this, and I have a lot of documents from the department for transport saying that this is illegal.

26.4 The Chair requested that Catherine Lane send in the documents mentioned to the legal department so that a conversation can be held about them.

26.5 The Chair invited Tracey Tarrant to ask her question about Beach Huts on page 5 of Addendum 2.

26.6 The Chair gave the following response:

The proposed fee is a transfer fee payable on the sale of a beach hut. The fee amount reflects the value of the hut based on its location on the seafront at the point of sale on the open market and not the profit to the hut owner. This approach accords with the approach taken by other local authorities, as set out in the report on the agenda for this meeting.

26.9 The Chair invited Laurence Barrett to ask his question regarding Noise Control at Outdoor Events found on page 5 of Addendum 2.

26.10 The Chair gave the following response:

The Pop Code is now over 20 years old, and the working group is currently redrafting it to reflect current best practices.

In 2018, the Chartered Institute of Environmental Health (CIEH) withdrew the Pop Code. That said, Brighton and Hove City Council currently adheres to a Pop Code compatible policy. The code provides a framework, emphasising the importance of relying upon professional experience, best practice, and context to deliver the best possible outcomes for any specific event and location.

Brighton and Hove City Council mandate the employment of a reputable acoustic contractor to prepare a sound management plan, implement robust noise controls, and report on specific noise levels.

This practice is in line with the recommendations within the Pop Code and reflects the current methodology employed by many similar local authorities.

26.11 The Chair invited Laurence Barrett to ask the following supplementary question:

Is the Chair aware that the outdoor events development manager has sent me an email on 13 September 2023 contradicting what you've just said, suggesting that, particularly the event in question I'm talking about, is run at an equivalent level of purpose built stadiums and arenas, not as a residential or suburban event.

26.12 The Chair invited Laurence Barrett to send in the email mentioned, and confirmed a response would be sent to Laurence Barrett after the meeting.

Deputations

26.13 Councillor Meadows raised a query that resident's addresses were included in the deputation, and Elizabeth Culbert confirmed that the mistake had been rectified and reported to the information commissioner's office.

26.14 The Chair invited Catherine Biggs to present her deputation regarding Beach Hut Licences found on page 7 of Addendum 2:

26.15 The Chair gave the following response:

(1) The focus of the consultation was to present a modernised licence and to consult on the changes being proposed. The new licence was updated to reflect feedback and regular contact with beach hut owners through the ongoing management of the beach huts. I (Cllr Robins) personally attended a recent meeting of the HBHA to answer questions and hear the views of beach hut owners on the proposals.

(2) The consultation arrangements are covered in the report which will be discussed as part of this agenda item and the Council believes that the consultation has been a meaningful part of the process to update the beach hut licence. With regard to the Licence fee, the current licence states the annual fee is set by the council and hut owners are notified of the new fee in advance of April 1st each year. This clause remains in the updated licence as this is the customary way the council sets annual fees and charges for the Seafront service.

Under the current beach hut licence, the council may require hut owners to remove their hut without specifying a reason for doing so. The new licence states that the council will only be able to require the hut owners to remove their huts from council land for the following reasons:

- in the event of redevelopment of the land*
- for public safety reasons.*

This provides more certainty and protection for the beach hut owners than under the current arrangements.

(3) The Legal implications are addressed in the report that we will be discussing this evening and the report provides assurance that the Council is acting lawfully.

(4) As set out in the report before Committee tonight, the council received 145 written responses to the consultation (31.5% of the total number of beach hut owners). These were read by the Officers and split into themes. Following feedback from the consultation the proposed licence has been amended. The redecoration clause which had stated that the beach hut must be painted annually has been amended to state that painting must be completed as soon as reasonably practicable and, in any event, at least every two years. A revised specification to that which was in the proposed licence has been inserted into the amended licence. This reflects the previously relaxed rules regarding a single solid door colour and that stripes are now permitted and the updated specification in the licence makes this clear.

(5) The licence being put forward for approval by the Committee takes into account the consultation responses. In addition to the modernised licence, the council will also consider further ways in which to generate income, for example enforcement of dilapidated beach huts and building beach huts on vacant sites as suggested by beach hut owners. Lines of communication remain open between the Seafront team, the HBHA and individual beach hut owners.

26.16 The Committee agreed to note the deputation.

26.17 The Chair invited Martin Lloyd Williams to present his deputation regarding Inadequate Expenses for B&H Remembrance Ceremonies found on page 7 of Addendum 2:

26.18 The Chair gave the following response:

Thank you for raising this important issue. I understand that this is an issue the Council has struggled with for some time in the context of decreasing resources. I cannot promise that we will be able to increase the funding in the way requested for the memorial services given the current extremely challenging financial climate. We will, however, review this budget in the context of the overall budget planning and setting process to be determined in February.

26.18 Councillors Hill and Meadows suggested calling for an officer report on the deputation but were advised the issue should go through the budget council process.

26.19 The Committee agreed to note the deputation.

27 ITEMS REFERRED FROM COUNCIL

There were none.

28 MEMBER INVOLVEMENT

28.1 The Chair invited Councillor Miller to introduce the Notice of Motion on page 15 of the Agenda regarding the Annual Remembrance Event to Mark the Contribution of the Undivided India Soldiers.

28.2 The Chair then seconded the motion.

28.3 Councillor Meadows raised issues about extending funding for remembrance services.

28.4 The Committee agreed to note the Notice of Motion with 1 vote against and 1 abstention.

29 BEACH HUT LICENCE AND TRANSFER FEE

29.1 The Chair invited Mark Fisher to introduce the report starting on page 17 of the Agenda.

29.2 Councillor Hill raised points about rent arrears, painting, and repossessing dilapidated huts.

29.3 Councillor Meadows raised points about Hove Beach Huts, electricity and water, and the transfer fee.

29.4 Councillor Stevens raised points about maximising income for the Council and thanked the Beach Hut owners for their engagement.

29.5 Councillor Cattell raised points that the money raised from Beach Huts wouldn't be going towards Madeira Terrace, and that the seafront is cleared every day.

29.6 Councillor McGregor raised an issue about general Council funding from the Government.

29.7 Councillor Nann raised an issue about unlicensed huts.

The recommendations in the report were agreed with 1 vote against and 1 abstention.

RESOLVED:

That Committee:

1. Agreed the termination of existing beach hut licences in accordance with their terms and implementation of the proposed new licence (see Appendix 1) to all beach hut owners, including the addition of the transfer fee.

2. Agreed new licence terms which will come into effect from 1 April 2024 as follows:

- a) a new transfer fee (details in paragraphs 3.9 to 3.11 of this report);
- b) updated termination provisions to limit the "no fault" grounds on which the council can terminate licences in the future (paragraph 3.12 of this report);
- c) provisions to allow for more effective and efficient communication with beach hut owners (paragraph 3.13 of this report).

3. Agreed that owners of any beach huts remaining on council land after 1 April 2024 without a new licence agreement in place be required to remove the beach hut and that officers may take enforcement action if necessary to ensure that any unlicensed areas are vacated.

**30 FREEDOM LEISURE CONTRACT - UPDATE ON CURRENT POSITION IN
RELATION TO ENERGY COSTS AND MITIGATION MEASURES..**

30.1 The Chair invited Mark Fisher to introduce the report starting on page 49 of the Agenda.

30.1 Councillor Meadows raised a point about how much funding the Council has applied for.

30.2 Councillor Hewitt raised points about the benefits of leisure centres.

RESOLVED:

That Committee:

1. Noted the lifting of mitigation measures that have been or are being lifted in agreement with Freedom Leisure by the end of the financial year 2023/24.

2. Noted the grant applications for additional revenue and capital financial support through the government's Swimming Pool Support Fund (SPSF) managed by Sport England.

3. Noted the contents of this report in relation to the work delivered by both Freedom Leisure and council Sports Facilities teams over the last year in respect of the energy mitigation measures undertaken to ensure the sports facilities continued to remain open for residents.

31 LEISURE CONTRACT - FUTURE MANAGEMENT OPTIONS

31.1 The Chair invited Mark Fisher to introduce the item starting on page 59 of the Agenda.

31.2 Councillor Hewitt raised a query regarding the outcome if the SFCR Committee rejected the report.

RESOLVED:

That Committee:

1. Noted that the current outsourced leisure contract expires in March 2026.

2. Recommended to the Strategy, Finance and City Regeneration Committee that outsourcing the leisure contract remains the best option for the council's future leisure provision.

3. Agreed that officers should continue to explore the best route for delivering a new outsourced contract, ensuring the redevelopment of the King Alfred/West Hub is appropriately considered.

4. Agreed that officers will bring a report back to committee regarding detailed plans for outsourcing in March 2024.

32 SPORTS FACILITIES INVESTMENT PLAN - PROGRESS UPDATE

32.1 The Chair invited Mark Fisher to introduce the report starting on page 69 of the Agenda.

32.2 Councillor Hewitt expressed excitement for the report and looked forward to how the hubs would progress going forward.

32.3 Councillor Meadows raised points about financial recuperations and homes for local football teams.

RESOLVED:

That Committee:

1. Noted the progress and timeline for implementing the capital projects at Withdean Sports Complex which will further enhance the North Hub, as outlined in the Sports Facilities Investment Plan.

2. Noted the progress on the King Alfred/West Hub redevelopment project and supports the upcoming engagement and consultation on site options planned for early 2024.

33 HOVE STATION NEIGHBOURHOOD PLAN DECISION STATEMENT

RESOLVED:

That Committee recommends to Council:

1. To determine that the Hove Station Neighbourhood Plan be modified according to the recommendations in the independent examiner's report and as set out in the attached Decision Statement (Appendix 1) and that the Decision Statement be published.

2. To approve the examiner's recommendation that the Neighbourhood Plan proceed to referendum, subject to modifications set out in the Decision Statement. The referendum area is the Hove Station Neighbourhood Area.

3. In the event that more than 50% of those voting support the Neighbourhood Plan at referendum, that the Council formally 'makes' the Hove Station Neighbourhood Plan at its next meeting following the referendum.

34 ANNUAL INFRASTRUCTURE FUNDING STATEMENT AND NEIGHBOURHOOD CIL UPDATE

34.1 Simon Barrett introduced the report and raised the following amendments:

- Pages 144 and 148 – there are references to 2021/22 when it should be 2022/23.
- Page 144 – The Council held 23.5 million should be 22.693 million which also needs to be amended on page 146.

34.2 Councillors Cattell, Miller, Goddard, Hill, Goddard, Meadows and Nann spoke about the importance of understanding s106 and CIL, ward by ward breakdowns, allowable CIL spending, pedestrian crossings and flooding issues.

34.3 Councillor Hill requested a written response regarding SUDS (Sustainable Urban Drainage Systems).

RESOLVED:

That Committee:

1. Agreed the annual Brighton & Hove City Council 2022/23 Infrastructure Funding Statement (IFS), attached in Appendix 1 and the progress made in committing existing funds.
2. Agreed for the interim Head of Planning to publish the updated 2022/23 annual IFS statement on the BHCC website, subject to any minor alterations (numerical, grammatical and spelling) to be agreed by the Head of Planning following consultation with the Committee Chair.
3. Noted the position with Neighbourhood CIL set out in Appendix 2 and agrees for the allocation process to be undertaken in accordance with the programme outlined at paragraph 3.17 in this report.

35 ITEMS REFERRED FOR FULL COUNCIL

There were none.

The meeting concluded at 5.53pm

Signed

Chair

Dated this

day of

