

BRIGHTON & HOVE CITY COUNCIL

PLACE OVERVIEW & SCRUTINY

4.00pm 1 OCTOBER 2024

HOVE TOWN HALL - COUNCIL CHAMBER

MINUTES

Present: Councillor Evans (Chair) Fishleigh, Hewitt, Lyons, Pickett, Sheard, Thomson, Winder and Grimshaw

Other Members present: Mary Davies (OPC), Mark Strong (CVS)

PART ONE

13 PROCEDURAL BUSINESS

1 Procedural Business

1 a Declarations of substitutions

1.1 Apologies received from Cllrs Fowler and Cattell and from the Youth Council. Cllr Grimshaw was acting as a substitute for Cllr Cattell

1b Declarations of interest:

1.2 There were none.

1c Exclusion of the press and public

1.3 RESOLVED – that the press & public be not excluded from the meeting.

14 MINUTES

2.1 There were two sets of minutes for approval:

- Place Overview & Scrutiny Meeting 23rd July 2024: minutes were approved by members
- Place Overview & Scrutiny Call-in Meeting 12th August 2024: minutes were approved by members

15 CHAIR'S COMMUNICATIONS

3.1 The Chair gave the following communication:

We've got 3 items to consider today.

We're being asked to formally agree to establish a task & finish group to look at short term lets. There is a scoping report providing more information about the issue and suggesting some areas of enquiry. There's also some draft Terms of Reference. I don't want to spend too much time on this issue today, as the task & finish group will be looking at this issue in-depth.

However, if members have any ideas about aspects of short term lets they think the group should look at, or people they should talk to, this is an opportunity to say.

We're also looking at problems associated with wood burners and what the council can do to tackle this issue. I think this is a real opportunity for scrutiny members to make suggestions to Cabinet ahead of winter, and if possible, I'd like committee members to agree some formal recommendations.

Finally, we have a paper outlining the process for the refresh of City Plan. I do think this is something the committee should be involved in, but we're right at the start of the refresh process and I think the big question for us is when would be the best point to get involved.

16 PUBLIC INVOLVEMENT

4.1 There were no public questions.

17 MEMBER INVOLVEMENT

5.1 There were no member questions.

18 SOLID FUEL BURNING

18.1 The Chair opened the first item of business, a paper on the risks of solid fuel burning, and the actions being taken to mitigate these risks ahead of the winter heating season. The paper was presented by Jim Whitelegg, Interim Head of Safer Communities. Andrew Renaut, Transport Planning Technical Lead; and Samuel Rouse, Senior Technical Officer, were also on hand to answer questions.

18.2 Jim Whitelegg reported that there has been a resurgence in the use of burning wood logs and that this is causing a health risk from air born pollution from particulate matter; and environmental concerns such as using green or treated logs and issues with Elm disease and bringing this into the city. There are 2 teams dealing with environmental legislation: Trading Standards deal with the sale of fuel and Environmental Health investigate complaints of smoke. Brighton & Hove City Council have had 500 smoke complaints over 5 years of which 12 were regarding chimney smoke. The vast majority are in relation to bonfires. 500 smoke complaints over 5 years is relatively low in comparison to the 3000 complaints per year received by Environmental Health.

18.3 Jim Whitelegg summarised the recommendations around a public awareness campaign, increased monitoring of air quality to achieve better data collection and an enforcement pilot.

18.4 The Chair opened up the floor to questions. Cllr Rowkins, Cabinet Lead for Net Zero & Environmental Services, joined the meeting and took questions from members.

18.5 Cllr Thomson asked for more information on the 3 pronged approach in terms of enforcement. Jim Whitelegg explained that the approach would start with the awareness campaign and they will be looking at links that DEFRA have provided as well as looking

at other Local Authorities such as Bristol for best practice. The general public will be encouraged to contact the Council if they have issues regarding solid fuel burners.

- 18.6 Mark Strong asked if officers could confirm that even DEFRA approved logs still produce a high level of toxic emissions within the home and people think that since the burner isn't emitting smoke, it is therefore safe but there are still health implications. Samuel Rouse, Senior Technical Officer, confirmed that these items are certified for lower emissions and agreed that there is some health risk involved. Following a question from Cllr Evans, Samuel Rouse explained that gas boilers also produce some toxins, specifically gas nitrogen dioxide, and that boilers tend to be used for more hours than fuel burners.
- 18.7 Cllr Rowkins stated that there is a clear impact on public health; there are 5 smoke control areas marked on the map but they are not enforced. These control zones need to be meaningful, and more information is needed to understand the impact on air quality in these areas. The public awareness campaign would be city wide, advising that it's best not to use burners at all in these areas. There will be consideration of expanding the control zones and introducing enforcement but there are resourcing issues. Cllr Rowkins acknowledged that an enforcement system should not be reliant on the public submitting complaints. The approach would be focussed on educating the public rather than immediately setting fines and would encourage a shift in behaviour. The improved air quality monitoring capability will provide a better picture of pollution away from roads and how much is generated from fuel burning. This data will be analysed to get a more accurate understanding of the role of fuel burners in the city.
- 18.8 Cllr Fishleigh asked whether there would be an enforcement taskforce going around the smoke control areas in the evenings. Cllr Rowkins responded that there are limited resources for enforcement currently available. There is some DEFRA funding available. Cllr Fishleigh commented on a new development in Rottingdean that applied to install wood burners and was refused. Cllr Fishleigh wanted to know if banning burners in new builds would be included in the next draft of the City Plan. There is a current plan in Saltdean that includes this.
- 18.9 Cllr Lyons suggested that rogue signs appearing on roundabouts advertising wood logs should be removed immediately.
- 18.10 Cllr Sheard referred to paragraph 3.8 in the report and suggested removing the word "unnecessarily" as those who are burning wood may believe it is a cheaper option for them and deem it necessary. Cllr Rowkins explained that it isn't generally cheaper to burn wood than use central heating.
- 18.11 Cllr Evans suggested adding "fire safety" to the recommendations and to change the emphasis on the communications campaign to focus on the invisible danger to health. Mark Strong agreed that health is the biggest driver to people's culture change and that some groups in the community are doing good work on this. Hackney Council is also a good example to look at. Cllr Pickett agreed that health issue is the way to message this and that people think burners are safe and they are wrong. Cllr Pickett raised the issue of reaching out to older people and using different messaging considering the loss of their winter fuel allowance.

- 18.12 Cllr Picket welcomed the plan to include information about diseased elm logs and their effect on the city.
- 18.13 Cllr Sheard stated that we can't talk about smoke control zones without talking about enforcement. Jim Whitelegg explained that officers will investigate if complaints are received and may issue a penalty notice if they are in the zone. The approach is to educate first and then enforce. It would not be a good use of resources to have patrol teams. A discussion needs to be had about the pilot enforcement scheme.
- 18.14 Cllr Winder asked about the data being collected and how it will show that a reduction in the use of fuel burners will lead to cleaner air. Samuel Rouse explained that the increased monitoring will demonstrate this. The monitors produce graphs on a dashboard with clear peaks and troughs over periods of time. There are 20 new monitors being introduced away from main roads and in neighbourhoods. These monitors will have a live feed that the public can access. There will be an interactive map supported by numerical information including the impact on public health. This will be launched in October.
- 18.15 Cllr Grimshaw asked about the 12 complaints regarding wood burners mentioned in the report and whether they were investigated. There is also a concern that due to the increase in energy bills, some people may go into the local woods to gather their own logs to burn and that they may need some form of support once enforcement comes in as this might be habitual. Jim Whitelegg explained that people will be signposted to relevant agencies for support with their bills and that he will look in to what happened with the 12 complaints.
- 18.16 Cllr Evans asked about the timescale for the enforcement pilot within the existing areas. Jim Whitelegg explained that the first stage will be the public awareness campaign, that there is some enforcement work going on already into the supply of logs and they are looking at the end of the year to start the pilot. The stage after that would be looking at behaviour change.
- 18.17 Cllr Pickett asked about timescales for the decision to expand smoke control zones. Cllr Rowkins explained that this would be informed by future work as anything that is decided needs to be impactful. The challenge is how to educate the public and do enforcement with the current resources, but the improved monitoring data will potentially add weight to the argument for additional resource. Cllr Evans suggested getting some information into schools as a way of encouraging adult behaviour change. Samuel Rouse reported on some of the work that SUSTRANs are doing in schools such as educational events like Clean Air Day.
- 18.18 Cllr Evans proposed an amendment to the report recommendations to read:
- 2.1 Place Overview & Scrutiny Committee notes the contents of the report.
- 2.2 Place Overview & Scrutiny Committee welcomes the planned actions around raising awareness of the risks associated with solid fuel burning and investigating instances of wood-burning in building fireplaces and stoves, as outlined in paragraph 3.8 of the report

Specifically the committee recommends:

2.3 • Targeted messages and communications to raise awareness of the health and fire safety impacts of burning solid fuels by developing a communications and messaging strategy that draws on good practice and material from other agencies, local authorities and voluntary groups, with a focus on pointing out the invisible health and fire safety risks

2.4 • An enforcement pilot within the existing Smoke Control Areas starting with the above mentioned communications towards the end of 2024 and continuing into next year

2.5 • Assessing the outputs from new sources of data, including new monitoring networks, with a specific focus on particulates from solid fuels, to help inform future actions.

18.19 Cllr Grimshaw seconded the amendment.

18.20 It was discussed and decided that the work on solid fuel burning would be brought back to Place Overview & Scrutiny Committee at its meeting in June/July 2025.

RESOLVED – that

2.1 Place Overview & Scrutiny Committee notes the contents of the report.

2.2 Place Overview & Scrutiny Committee welcomes the planned actions around raising awareness of the risks associated with solid fuel burning and investigating instances of wood-burning in building fireplaces and stoves, as outlined in paragraph 3.8 of the report

Specifically the committee recommends:

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2.5 Assessing the outputs from new sources of data, including new monitoring networks, with a specific focus on particulates from solid fuels, to help inform future actions.

19 SHORT TERM LETS TASK & FINISH GROUP SCOPING REPORT

19.1 Giles Rossington, Policy, Partnerships and Scrutiny Manager, presented the scoping report for the Short Term Lets Task & Finish Group. The report detailed work and evidence gathering for the group. The report suggests some areas to focus on for this topic, but the committee are welcome to suggest any others. The proposed terms of reference for the group is in the appendix.

- 19.2 Cllr Lyons commented that he had a resident message him that day about a Short Term Let property in a road in Hove that advertises free parking. This has caused a nightmare for the residents on that road as there is a flood of cars there and not enough spaces for everyone to park. Cllr Lyons also asked whether adverts could be monitored. Giles Rossington confirmed that this had been identified as an issue, and that the group might want to look at what is being advertised.
- 19.3 Cllr Hewitt asked a question about the Independent member suggested in the Terms of reference. Cllr Evans explained that the proposal is to offer a place to an Independent Councillor on the Task & Finish Group but that it doesn't have to be the Independent Councillor who is a member of the Place Committee. The approach will be to speak to the whips about who wants to be on the group.
- 19.4 Cllr Grimshaw referred to paragraph 3.2 and asked where the estimated figure came from and whether it includes students. Giles Rossington clarified that the data came from the Air BnB website but that not all properties are registered so the information is limited. The definition being used for the Task & Finish Group will not include those renting rooms to students over the summer because the property would still count as that person's main residence. Cllr Grimshaw asked where the information would come from. Cllr Evans replied that this is an issue to look in to and would likely include searching those properties being advertised through Air BnB and Booking.com. Giles Rossington added that the group would talk to colleagues in Planning for further information and will compare the data with other Local Authorities.
- 19.5 Mark Strong asked about the membership, mentioning members of People Committee being included. Cllr Evans explained that this matter will be going through Place Committee although there are some aspects that fall into the remit of People Committee, such as the impact on community cohesion and homelessness. Cllr Jackie O'Quinn, who is Chair of the People Committee, is interested and would like to be on the Task & Finish Group. As the representative from the Voluntary Sector is not a voting member, they can have more than one attendee if they wish. It is an informal group. Mark Strong replied that voluntary organisations are in the witness list, and he will use his networks to call for witnesses.
- 19.6 Cllr Fishleigh commented that we are waiting for government legislation on this and asked whether we have reached out to the local MPs to ask about timescales. If this is not a priority for them, then there isn't much that can be done if the legislation is not there to support the work. Cllr Evans explained that there are some things that can be done such as Air BnB being open to having a voluntary register. There are lots of houses in the city that are Short Term Lets but only have one person paying Council Tax like a normal dwelling. This potentially means they are not paying business rates or ensuring the property has adequate safety standards. When canvassing in the Kemptown area, Cllr Evans came across many flats where she was told "no one lives here, it's a full time bnb". Cllr Evans suggested getting MPs or possibly the Deputy Prime Minister on the witness list to comment on the timescales.
- 19.7 In response to a question from Cllr Pickett, Cllr Evans explained that the purpose of this meeting was not to delve into the issues with Short Term Lets but to agree to establish the Task & Finish Group and the Terms of reference. The whips will decide who will be on the group.

RESOLVED that:

2.1 Place Overview & Scrutiny Committee agrees to establish a Task & Finish Group to scrutinise the issue of Short Term Lets.

2.2 Place Overview & Scrutiny Committee agrees Terms of Reference, membership and duration of the Task & Finish Group as set out in Appendix 2.

20 CITY PLAN UPDATE FOR PLACE OVERVIEW AND SCRUTINY COMMITTEE

20.1 Nicola Hurley, Head of Planning, presented the update on City Plan. The paper provides background information on Part 1, which was adopted in 2016, and Part 2, adopted in 2022. Part 1 is now out of date, and this is the section that will be updated. There is a list of who will be consulted in paragraph 3.11. The consultation will frame what the policies will be later on with further consultation to follow. Appendix 1 lays out these plans.

20.2 Cllr Fishleigh asked about the new housing targets from the government being released. Nicola Hurley replied that they will be published at the end of the year and that the number is higher than it was previously. The team will need to demonstrate whether the Council can meet the target.

20.3 Mark Strong asked a question around engagement with the voluntary sector since in the past there has not been much response to formal consultations. He also raised engaging with young people as they will be the ones mostly affected by the updated plan. Nicola Hurley replied that there is a series of questions asking for peoples' priorities for the city. They will be reaching out to young people via the Brighton & Hove Youth Council and asking them for advice on the best ways to engage with young people for this consultation. There is a working group that is reaching out to schools and 6th form colleges. They will also utilise social media and use a variety of different mechanisms.

20.4 Cllr Lyons asked about numbers in terms of the type of units being built as typically it is usually lots of flats when people want more houses. Nicola Hurley replied that there are no policies at the moment. They will look at the ratios of 1 bed flats, 2 bed flats, 3 bed flats etc but need to be led by the demand which will become apparent during the consultation process. Cllr Lyons commented that people don't want flats but there is a gap between the pressures on Planning and what people want. Cllr Evans used the example of Short Term Lets and that these flats being built won't necessarily be used for the purpose they were intended.

20.5 Cllr Sheard commented that people are worried about having somewhere to live in the first place and are very concerned about cost. A 1 bed flat in Brighton is the same price as a 4 bed house in Yorkshire. People are very busy working to make ends meet and won't necessarily have time to go to consultation meetings or do long surveys online. Nicola Hurley replied that there will be a range of approaches to reach as many people as possible. They will seek advice from relevant groups on this. There will be leaflets, events in community centres and libraries where officers will talk to people. Residents

can also use the Your Voice portal which will be topic based so they don't have to respond to the whole survey, only what they are interested in, and so on.

- 20.6 Cllr Grimshaw asked a question about whether the consultation will only be on the new plan or whether it will also include the existing plan such as the content of Part 2. Nicola Hurley replied that this is early engagement with questions around affordable housing, sites that can be developed and so on, looking at the city overall. Part 1 was based on evidence dated from 2010 which is now out of date. Part 2 is more focussed on policies used to assess planning applications. However, the framework is being changed by the Government which will impact some of Part 2 that will need to be looked at. They will develop a whole new document of policies and guidance based on the results of the consultation to identify from the city what is most important. They will look to adopt the plan in 2027 to replace the existing Part 1.
- 20.7 Mark Strong asked whether they would be using the carbon assessment framework for transport strategies. Nicola Hurley replied that it is too early to say.
- 20.8 Cllr Winder asked why the plan was to 2041 and how flexible the process is in light of things changing, such as a large influx of students preventing families moving in. Nicola Hurley explained that the process is prescribed by the government and is rigid. Part 2 of the City Plan looked at new things like Build to Rent. Planning documents are required to be reviewed every 5 years. Eventually, they would like to merge both parts of the City Plan so there is one document. The Government wants to make it easier to review plans.
- 20.9 Cllr Thomson commented that there is a gap between what people want but that there is a price, for example, wanting cheaper electricity but not wanting pylons in the area. It is important to bring people on board. Nicola Hurley agreed that this is the challenge of the process and that we ultimately have to comply with the government. If the housing target is over 2000 new homes, we will need to find places for them. In response to a question about consultation from Cllr Thomson, Nicola Hurley explained that there will be subsequent consultations that will happen, and it will be a to and fro before the final submission.
- 20.10 Cllr Lyons asked if there would be consultation on all types of transport, not just cycling and roads but looking at things like trams and monorails etc. Nicola Hurley replied that people can put their thoughts in the transport section in the survey.
- 20.11 Cllr Pickett asked about staffing resources and whether the Plan will be signed off by the Secretary of State. Nicola Hurley explained that there is a dedicated planning team for this work and that the Secretary of State delegates authority to the Planning Inspector who can make changes to the plan or say it's not sound.
- 20.12 Mary Davies asked a question about overcoming difficulties reaching older people especially online, and whether paper versions will be available. Nicola Hurley replied that there will be information in libraries, and they will ask the Comms Team for advice. The plan will also be adapted to meet the needs of the older population, including looking at adapting homes, wheelchair accessibility etc which will be included in the policy writing.

20.13 Cllr Winder asked a question about how the topic areas were decided and that people need to understand issues such as sustainability and biodiversity. Nicola Hurley explained that the topic areas align with the Corporate Plan and some areas are set by the government. The plan will ultimately go to Cabinet and come back to Overview & Scrutiny to check on developments. The final adoption of the Plan will be by full Council.

20.14 Cllr Evans asked about the timeline. Nicola Hurley replied that they are looking to start from November until January. In response to a question from Cllr Evans, Nicola Hurley said that all materials have already been designed for this. Cllr Evans would like to keep the plan under review and asked when the second stage will start. Nicola Hurley replied that it will be Autumn 2025 for the second consultation and the plan will be brought back to Overview & Scrutiny in late Spring 2025.

20.15 The paper is to note the work that has been done to date and to agree to keep the City Plan review on the work programme for future opportunities to scrutinise the work as it progresses.

RESOLVED – that the report be noted.

Meeting closed at 6pm.

The meeting concluded at Time Not Specified

Signed

Chair

Dated this

day of

