

**DRAFT EXTRACT FROM THE PROCEEDINGS OF THE COUNCIL  
MEETING HELD ON THE 24 MARCH 2011****BRIGHTON & HOVE CITY COUNCIL****4.30pm 24<sup>th</sup> MARCH 2011  
COUNCIL CHAMBER, HOVE TOWN HALL****DRAFT MINUTES**

**Present:** Councillors: Wells (Chairman), A. Norman (Deputy Chairman), Alford, Allen, Barnett, Bennett, Brown, Carden, Caulfield, Cobb, Davey, Davis, Deane, Drake, Duncan, Elgood, Fallon-Khan, Fryer, Hamilton, Harmer-Strange, Hawkes, Hyde, Janio, Kemble, Kennedy, Kitcat, Lepper, Marsh, McCaffery, Meadows, Mears, Mitchell, Morgan, K. Norman, Older, Oxley, Peltzer Dunn, Phillips, Pidgeon, Randall, Rufus, Simpson, Simson, Smith, Steedman, C. Theobald, G. Theobald, Turton, Wakefield-Jarrett, Watkins, West, Wrighton and Young.

**PART ONE****84(B). KEEP BRIGHTON UNIQUE****84. Keep Brighton Unique**

- 84.1 The Mayor noted that under the Council's petition scheme, if a petition contained more than 1,250 signatures it could be debated by the Full Council and such a request had been made in respect of the petition concerning Keep Brighton Unique.
- 84.2 The Mayor invited Mr. Tom French to present his petition.
- 84.3 Mr. French thanked the Mayor and stated that a total of 1,142 people had signed either the paper or e-petition version which read as follows:

"We the undersigned petition the council to lobby the government to introduce planning powers to enable local authorities to restrict the number of large supermarkets in any one area. We are concerned about Brighton becoming another 'clone town' city, swamped by large chain stores that pose a threat to the unique character of our city and the success of local, small independent businesses. In particular we are concerned about plans to open a fourth large supermarket on St. James's Street which we believe will damage the quirky and diverse character of the area, threaten small businesses, and limit the council's ability to control the sale of alcohol in the local community despite it being within a Cumulative Impact Area.

In recent years we have seen an explosion of large chain stores dominating our local high streets. This petition is about getting the balance right between ensuring residents have access to a nearby supermarket, whilst also ensuring against an excess of chain stores that would threaten valued small independent businesses and the unique and attractive character of our city. This petition was launched in response to the news that a fourth supermarket could soon open on St. James's Street."

- 84.4 Mr. French stated that she hoped that the petition would be fully supported.
- 84.5 Councillor Mears welcomed the petition and stated that she felt it should have referred to the whole of city, and noted that the Administration did not want to see the city becoming a 'clone town.' She stated that the council had lobbied the government with a view to enabling local authorities to have greater control over the mix of establishments in their areas and hoped this would be forthcoming.
- 84.6 Councillor Mitchell stated that the Labour Group supported the petition and that she wished to move a Labour Group amendment to the report's recommendation, as there was a need to seek to restrict the growth of supermarkets in areas and help to maintain the economic mix.
- 84.7 Councillor Morgan formally seconded the amendment.
- 84.8 Councillor Mears moved an amendment on behalf of the Conservative Group to the report's recommendation and stated that the intention was to take account of the petition's aims.
- 84.9 Councillor Oxley formally seconded the amendment.
- 84.10 Councillor Fryer moved an amendment on behalf of the Green Group to the report's recommendation and stated that there was a need to enable alternative options to be considered when retail premises became vacant rather than supermarket chains simply being able to move in and increase the number of stores in an area.
- 84.11 Councillor Duncan formally seconded the amendment and stated that he wished to move a further amendment and to reserve his right to speak later in the debate.
- 84.12 The Mayor noted the request to move a further amendment and asked the Monitoring Officer to advise Members.
- 84.13 The Monitoring Officer stated there was no requirement to give prior notice of an amendment; however a written copy had to be provided to the Mayor so that he could determine whether or not it was acceptable.
- 84.14 The Mayor thanked the Monitoring Officer and noted that there were insufficient copies available for all Members and therefore decided, having regard to the limited time available, not to accept the amendment on this occasion.
- 84.15 Councillor Fallon-Khan stated that he supported the petition and that he felt there was a need to support small businesses in the city and hoped that the Localism Bill would give local authorities more opportunities to do so.

- 84.16 Councillor Elgood stated that this was an important issue and one that needed to be addressed particularly in his ward. He had previously raised concerns over the situation on a number of occasions which had not been supported and he now hoped that something would be done.
- 84.17 Councillor West stated that the issue was not a new one and needed to be addressed. He hoped that the amendments would be supported.
- 84.18 Councillor Duncan noted that the present planning laws currently made it difficult to resolve the problem and suggested that thought should be given to enabling smaller business to occupy retail units that became vacant by splitting up the vacant unit.
- 84.19 Councillor Mears stated that this was a serious issue and local authorities had to abide by the legislation that had been passed by the previous government. The council was lobbying the government to change the regulations so that action could be taken to prevent the influx of supermarkets in the city.
- 84.20 The Mayor noted that three amendments had been moved along with the recommendation to refer the petition to the Cabinet and stated that he would put each one to the vote.
- 84.21 The Mayor then put the Labour Group's, the Conservative Group's and the Green Group's amendments to the vote, each of which was carried.
- 84.22 The Mayor then put the substantive recommendations as amended to the vote which were carried.
- 84.23 **RESOLVED:**
- (1) That the petition is referred to the Cabinet Meeting for consideration, with the following additional recommendations;
    - (i) That the council uses its existing planning powers to promote the unique aspects of the city and enhances the special character of retail areas with a mix of retail uses;
    - (ii) That the council uses its licensing and enforcement powers to ensure a good standard of maintenance of buildings and safety and security for residents and shoppers in retail areas; and
    - (iii) That the council joins forces and works with other councils that are similarly concerned with this issue to engage the government in a dialogue on changes to the planning system that would include:
      - a) Possible separate classes for supermarkets and smaller shops;
      - b) The introduction of controls for the merging of smaller retail units; and,
      - c) Reviewing how the application of restrictive covenants could negatively lead to premises remaining empty.

- (iv) That Cabinet are requested to ensure that full account is taken of the work of the new retail Commission established as a result of the Streets Ahead conference on 11<sup>th</sup> March;
- (v) That the Chief Executive writes to Sainsbury's saying that the majority of residents do not want or need another Sainsbury's supermarket in Brighton or another supermarket on St. James's Street;
- (vi) That the Chief Executive writes a letter to the Secretary of State for Communities & Local Government requesting that the Local Authority is given planning powers to:
  - a) Allow communities to work with their local authorities to create 'Business conservation areas' to ensure designated areas retain the character and amenity of their shopping streets, and bar formula retailers from certain areas,
  - b) Insist that a proportion of retail floor space in all new developments is affordable space for local small businesses;
  - c) Adopt a retail strategy, a retail regeneration plan and local competition policies to prevent formula businesses dominating shopping streets and to ensure fair market access for small, independent retailers. These strategies should include policies to support and retain street markets and farmers' markets, and encourage the introduction of new markets, where there is community demand;
  - d) Empower local authorities to bring in rent controls for small shop premises, to prevent landlords from driving up rents and driving out independent retailers; and
- (vii) That the Chief Executive writes a letter to the Secretary of State for Business, Enterprise and Skills asking that the government establish a Local Competition Ombudsman as recommended by the Competition Commission which will rein in the power of the big four grocery chains.