

# City Environment, South Downs & The Sea Committee

Date: **14 November 2023**

Time: **4.00pm**

Venue: **Council Chamber, Hove Town Hall**

Members: **Councillors:** Rowkins (Chair), Fowler (Deputy Chair), Pickett (Opposition Spokesperson), Alexander, Burden, Galvin, Muten, Robinson, C Theobald and Winder

Contact: **John Peel**  
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Date of Publication - Monday, 6 November 2023

# AGENDA

Part One

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## PROCEDURAL MATTERS

### 22 PROCEDURAL BUSINESS

- (a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
  - (a) Disclosable pecuniary interests;
  - (b) Any other interests required to be registered under the local code;
  - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*Note: Any item appearing in Part Two of the agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the press and public. A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.*

### 23 MINUTES

7 - 12

To consider the minutes of the meeting held on 23 September 2023

Contact Officer: John Peel

Tel: 01273 291058

### 24 CHAIRS COMMUNICATIONS

## 25 CALL OVER

- (a) Items 28 - 31 will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

## 26 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** To receive any petitions presented by members of the public;
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 8 November 2023;
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 8 November 2023.

## 27 MEMBER INVOLVEMENT

13 - 14

To consider the following matters raised by Members:

- (d) **Petitions:** To receive any petitions;
- (e) **Written Questions:** To consider any written questions;
- (f) **Letters:** To consider any letters;
- (g) **Notices of Motion:** to consider any Notices of Motion referred from Full Council or submitted directly to the Committee.

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*Contact Officer: David Currie*  
*Ward Affected: All Wards*

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*Contact Officer: Rachel Chasseaud* *Tel: 01273 290753*  
*Ward Affected: All Wards*

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Report of the Executive Director Economy, Environment & Culture

Contact Officer: Rachel Chasseaud Tel: 01273 290753

Ward Affected: All Wards

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Report of the Executive Director Economy, Environment & Culture

Contact Officer: Rachel Chasseaud Tel: 01273 290753

Ward Affected: West Hill & North Laine

**32 ITEMS REFERRED FOR FULL COUNCIL**

To consider items to be submitted to the 14 December 2023 Council meeting for information.

*In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting*

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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### **Further information**

For further details and general enquiries about this meeting contact John Peel, (01273 291058, email [john.peel@brighton-hove.gov.uk](mailto:john.peel@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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

**4.00pm 19 September 2023**

**Council Chamber, Hove Town Hall**

**Minutes**

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

**Part One**

**11 PROCEDURAL BUSINESS**

**11(a) Declarations of substitutes**

11.1 Councillor Meadows was present as substitute for Councillor Theobald.

**11(b) Declarations of interest**

11.2 There were none.

**11(c) Exclusion of press and public**

11.3 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).

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

**12 MINUTES**

12.1. **Resolved-** That the minutes of the previous meeting be approved as the correct record.

**13 CHAIRS COMMUNICATIONS**

12.1 The Chair provided the following communications:

“Last week, I had the pleasure of speaking at the launch of Brighton & Hove’s City Downland Estate Plan at Waterhall, attended by many here in the room today. The plan

itself is a rare thing indeed – a long-term vision that enjoys support from a large number of stakeholders. Few people realise that 44% of Brighton & Hove sits in the South Downs National Park, and most of it is publicly owned. As custodians of this stunning landscape, we have a great deal of responsibility, and incredible opportunities in terms of carbon neutrality, biodiversity, sustainable local food production and public access to nature. 78% of the Downland Estate is farmland – in fact as an authority, I'm told we own more farmland than East and West Sussex combined – and a key part of the plan is to move away from the intensive farming methods of the late 20th century towards a more sustainable future. I'm very pleased to be working with members of the Downland Advisory Panel, and their expertise and experience will be crucial in meeting the plan's objectives.

Today we are bringing a report on Waste Reduction and Recycling to the committee. Myself and administration members recently visited three of the key sites that make up our waste management infrastructure; the Materials Recovery Facility in Hollingdean, the Energy Recovery Facility in Newhaven and the In-Vessel Composting Facility in East Sussex. It was an illuminating visit for many reasons, but one of the most striking things about it was seeing the amount of contamination rolling past us on the conveyor belts and the number of people employed to pick it out. It was yet another reminder that we have a long way to go. Our contamination rate stands at almost 14%, compared to an average of 5%. Our recycling rate – the percentage of our overall waste collected for recycling – stood at only 30.1% in 2021-22, leaving us languishing in the doldrums of the DEFRA league tables. I can report today that the recycling rate fell further to 28.3% in 2022-23. Things have clearly been going in the wrong direction.

Today we will be asking committee to approve the introduction of metal lids into the glass recycling stream – the first in a series of moves this administration will be making to expand the provision in Brighton & Hove. We will also be seeking approval to begin a focussed, ongoing communication and messaging campaign to reduce contamination, increase recycling and bring the amount of waste we produce as a city down. It is little wonder we have such a contamination problem. People move to the city, almost always from places with better recycling than we have here, and are faced with scarce information and bins with very little meaningful guidance or colour-coding. I'm please to say that we have now created a new Waste Minimisation Officer position within the council, and that officer started yesterday. Improving this service is a top priority for this committee and we are pleased to have begun the process.

Since this committee last met, we have continued to reopen and refurbish public toilets around the city, including 8 more in our parks, taking the total number of available toilets to 33. There are still sites that remain closed, most notably at The Level and Royal Pavilion Gardens, and we are actively working on plans to restore toilet provision at those vital locations as soon as possible.

Finally, at our last committee meeting, members approved further funding for the playground refurbishment programme, the benefits of which we have seen during the summer, with sites like Top Park on Whitehawk Way now boasting much improved equipment, and much better inclusion for children with disabilities. Work has now begun at Queen's Park and Hollingdean Park and I'm very excited to take my son to those playgrounds when they're completed".

## **14 CALL OVER**

14.1 All items on the agenda were reserved for discussion.



**15 PUBLIC INVOLVEMENT**

There were none.

**16 ITEMS REFERRED FROM COUNCIL****(a) Petitions****(1) Re-open the Pavilion Garden Toilets**

12.1. The Committee considered a petition referred from Full Council that requested the re-opening of the Pavilion Garden toilets.

12.2. The Chair provided the following response:

“Thank you for your petition.

You will know from our early action on getting toilets reopen that we view these facilities as a priority for our residents and visitors.

I completely share your frustration around the delay with regard to the toilets at the Pavilion Gardens, and let me assure you that this is not due to a lack of will on our part. We need to be able to open the toilets in a way that is safe for both the public and our staff. The concerns around antisocial behaviour – which, by the way, are based on previous incidents including assaults, as well as weapons and needles being found – mean that we can't risk opening them without a consistent security presence, which is of course very expensive. As you are no doubt aware, the council is currently in a serious financial position and so we need to think creatively.

The latest news is that we asked Royal Pavilion Museums Trust to share some of the responsibility for these toilets in order to help us get them open, but I have heard yesterday that unfortunately they are not able to do so.

We are still actively exploring potential solutions to getting the site reopen.

In the meantime, we have reached an agreement with Brighton Dome and, from October 2nd, members of the public can use the toilets there.

The signage at the Royal Pavilion Garden toilet will be updated and improved to advise members of the public where the alternative provision is and how to access it. This will be a large, specifically-designed sign on the building, rather than the current signage”.

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

**(b) Flooding at Park Crescent**

12.4. The Committee considered a deputation referred from Full Council that requested various actions to combat flooding on Park Crescent.

12.5. The Chair provided the following response:

Thank you for your deputation.

The update I have had from officers is that they now estimate the event that caused the flooding in June this year was a 1 in 100-year event. They inform me that the highways drainage system is capable of handling a 1 in 10-year event, and consequently the system was overwhelmed. However, what is clear is that these extreme events are fast

becoming more regular, with what was a 1 in 10 is now happening every couple of years.

I'm told the introduction of more gullies to Elm Grove will not help with such extreme events, as they discharge into the Southern Water sewer, which will also become overwhelmed in such an event.

That said, I'm aware that the June event was not an isolated incident, and that other floods have happened in the area. I know there will be anxiety among residents and so in the immediate term, I have asked for drain clearance to be carried out in the area as a priority.

I do need to just reiterate, as I did at Full Council, that residents should not remove manhole covers, as that risks allowing sewage to spill out on to the street, as well as creating a hazard in the form of an open hole obscured by surface water.

The long-term solution in the area will be found further up Elm Grove by taking water out of the system using a sustainable drainage solution. We also need to take a strategic view of the wider area in order to manage surface water in a way that is resilient to more regular extreme events.

12.6. The Chair moved a motion to request an officer report on the matter.

12.7. Councillor Galvin seconded the motion.

12.8. The Chair put the motion to the vote that carried.

12.9. **Resolved-** That the Committee receive a report on the matter.

## 17 MEMBER INVOLVEMENT

There were none.

## 18 CITY ENVIRONMENT IMPROVEMENT PROGRAMME UPDATE

18.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that provided an update on the City Environment Improvement Programme since the previous update in March 2023.

18.2 Councillors Robinson, Burden, Pickett, Muten, Winder, Fowler and Meadows asked questions on the report and contributed to the debate.

18.3 **Resolved-**

1) That Committee notes the report and the Programme Update in Appendix 1.

## 19 GRAFFITI TAGGING REDUCTION STRATEGY - ROUTE TO IMPROVEMENT

12.1. The Committee considered a report of the Executive Director, Economy, Environment & Culture that provided an overview of the activities delivered since the Graffiti Tagging Reduction Strategy was agreed. The report is also sought approval to undertake a public consultation and a series of engagement events to take steps to improve the Strategy and its delivery.

12.2. Councillors Meadows, Pickett, Winder, Robinson and Burden asked questions and contributed to the debate of the report.

12.3. **Resolved-**

- 1) That Committee notes the activities completed to deliver the Graffiti Reduction Strategy as set out in the report and Appendix 1.
- 2) That Committee agrees for a public consultation and a series of engagement events to take steps to improve the Strategy and its delivery as set out in paragraphs 3.31 to 3.38.
- 3) That Committee notes a further report will be brought to a future meeting following the public consultation and engagement events with a refreshed Strategy for approval.

**20 WASTE REDUCTION AND RECYCLING**

12.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that set out the council's plan for achieving Waste Minimisation and outlined the campaign to improve messaging and education relating to waste and recycling in Brighton & Hove. The report also provides an update on introduction of the government's Environment Act and Waste Prevention Programme and highlights recent changes to recycling services in the city, including the ability to recycle metal lids and an increase in the number of carton recycling bins.

12.2 Councillors Fowler, Alexander, Meadows, Robinson, Winder and Pickett asked questions and contributed to the debate of the report.

12.3 **Resolved-**

- 1) That Committee notes the report and Appendix 1.
- 2) That Committee approves the introduction of metal lids from glass bottles and jars into glass recycling collections and further notes that this will be communicated to residents at set out at paragraph 3.15 of the report.
- 3) That Committee approves the start of a concerted Council information and behaviour change campaign to reduce the volume of waste produced across Brighton & Hove, to increase the levels of reuse, to increase the levels of recycling and reduce contamination of recycling bins as described in paragraphs 3.20 and 3.21 of the report.

**21 ITEMS REFERRED FOR FULL COUNCIL**

12.1 No items were referred for information.

The meeting concluded at 5.30pm



# Brighton & Hove City Council

## City Environment, South Downs & The Sea Committee

## Agenda Item 27(b)

**Subject: Member Questions**

**Date of meeting: 14 November 2023**

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from Members:

**(1) Councillor Pickett- Storm Ciarán**

What effort was made by the Council to inform the public, in good time, about possible preparatory actions needed to cope with the impact of Storm Ciarán? For example, at what point before the storm were residents told to not leave bins out? At what point was it communicated publicly by the Council that public toilets would be closed?

**(2) Councillor Pickett- Brighton Reimagined**

With regard to your planned Brighton Reimagined meetings, the first meeting is about graffiti. As this is a council event, many questions present themselves: what is the budget and where is it coming from? How will findings be used? How is the council ensuring a plurality of diverse voices are represented at these meetings? How does this relate to the recently published graffiti strategy and consultation? How was it decided this was the most pressing environmental issue to cover in a community meeting?

**(3) Councillor Meadows- Flooding**

In November 2000 a scrutiny was requested and granted to look at the flooding across the city including Patcham. During the panel discussions the Southern Water Waste Water Manager advised the Panel "that the storm water network was neither designed nor expected to cope with the volume of surface runoff and groundwater infiltration carried by the system towards the end of 2000". The Waste Water Manager also reported that the "main strategic sewer network was sufficient for the needs of extrapolated local population levels for the next 20 years".

23 years on with the flooding and sewage levels in Patcham rising it is clear that that the sewer system is no longer sufficient for Patcham's needs, so my question would be what actions is the council going to take, as many of the actions from the scrutiny were not completed



# Brighton & Hove City Council

## City Environment, South Downs & The Sea Committee

## Agenda Item 28

**Subject: Official Feed and Food Controls Service Plan 2023/24 & Mid Year Report 1 April to 30 September 2023**

**Date of meeting: 14 November 2023**

**Report of: Executive Director of Housing, Neighbourhoods & Communities**

**Contact Officer: Name: David Currie  
Tel: 07596886568  
Email: David.currie@brighton-hove.gov.uk**

**Ward(s) affected: All**

**For general release**

### **1. Purpose of the report and policy context**

1.1 To consider and note the contents of the Official Feed and Food Controls Service Plan 23/24, Mid Year Report.

### **2. Recommendations**

2.1 That the committee notes the contents of the Official Feed and Food Controls Service Plan, Mid Year Report set out in the appendix to this report.

### **3. Context and background information**

3.1 The Food Standards Agency's (FSA) Framework Agreement on Local Authority Food Law Enforcement requires the production and publication of a service plan. Every local authority is required to develop an annual food enforcement service plan, which provided the basis on which local authorities are monitored and audited by the Food Standards Agency.

3.2 The Official Feed and Food Controls Service Plan 2023/24 was approved at Committee on 14 March 2023 and it was requested that a progress report would be presented at Committee in the autumn of 2023.

3.3 The Food Standards Agency have assessed the service plan regarding the food hygiene function and fully support the innovative approaches being taken. They have also expressed concern in relation to available resources within the food standards function.

3.4 Successful recruitment and retention of staff is key to the success of service delivery.

#### **4. Analysis and consideration of alternative options**

- 4.1 The plan and activities detailed within it are legally required to comply with the Food Law Code of Practice.

#### **5. Community engagement and consultation**

- 5.1 The planning process is governed by the national Food Safety Framework Agreement.

#### **6. Conclusion**

- 6.1 That the committee notes the contents of the Official Feed and Food Controls Service Plan 23/24, Mid Year Report set out in the appendix to this report.

#### **7. Financial implications**

- 7.1 The resources allocated to these functions are set out in the attached Appendix. All expenditure for these functions will be met from within existing revenue budget resources.

Name of finance officer consulted: Michael Bentley  
Date consulted (20.10.23)

#### **8. Legal implications**

- 8.1 The Food Standards Agency places a requirement on local authorities to develop and submit a service plan. Local authorities are audited and assessed by the Food Standards Agency on the basis of their food law enforcement service as provided for in their Service Plans. The Food Safety Act 1990 (Code of Practice) places a requirement on local authorities to operate an inspection rating scheme, which determines frequency of intervention of food premises. The Official Feed and Food Controls Service Plan 2023/24 identifies the planned number of interventions for that period.

Name of lawyer consulted: Elizabeth Culbert Date consulted (18.10.23)

#### **9. Equalities implications**

- 9.1 The service is mindful of the greater assistance food business operators require where their first language is not English. Written information, translation and interpreting services are employed where necessary to assist businesses to comply with regulatory requirements.

#### **10. Sustainability implications**

- 10.1 The plan promotes healthy, safer, and secure environments for our community and visitors through the regulation of food businesses.



## **11. Other Implications**

### **Public health implications:**

- 11.1 The Plan is seen as key to protecting public health in the City. It is in line with the stated outcome to 'reduce health inequalities and long standing public health issues' as part of the priority of tackling inequalities which states that 'we will continue with high profile enforcement of food and health and safety rules, maintaining our excellent record of environmental health improvements.'

### **Supporting Documentation**

#### **1. Appendices**

Official Feed and Food Controls Service Plan 2023/24 Mid Year Report.

#### **2. Background documents**

The Official Feed and Food Controls Service Plan 2023/24





**Brighton & Hove  
City Council**

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**Official Feed and Food Controls Service Plan  
2023/24**

**Mid Year Report**

**1 April to 30 September 2023**

## Introduction

The Official Feed and Food Controls Service Plan 2023/24 was approved at Committee on 14 March 2023 and it was requested that a progress report would be presented at Committee in the autumn of 2023.

Each year a service plan is presented to committee which sets out the service delivery plan for the year and details the numbers of programmed inspections and other food service interventions. It also considers available resources required for completion of the plan.

The Food Standards Agency (FSA) have assessed the service plan regarding the Food Hygiene function and fully support the innovative approaches being taken to enable the plan to be fulfilled.

However, the FSA have expressed concern regarding resourcing of the Food Standards function, where 4.8 Full Time Equivalent staff (FTE) would be required to fully meet the requirements of the Food Law Code of Practice and 1.6 FTE are available.

The following information details the performance of food service delivery from 1 April to 30 September 2023.

### Food Hygiene Interventions

The following table displays the food premises risk category, A being highest risk and D being lower risk which received an inspection. The frequency of inspections for Category A – C is in adherence to the Code of Practice.

<b>Risk Category/ Frequency of Intervention</b>	<b>Number of Food Premises that received an onsite intervention</b>
A/ every 6 months	1
B/ every 12 months	28
C/ every 18 months	107
D/ every 24 months	56
Unrated/new food registrations	131

The following table displays the number of completed interventions which took place at premises which were overdue for an inspection (overdue as a direct result of the COVID-19 pandemic when normal service delivery was paused).

Flexibilities within the Food Law Code of Practice have facilitated an innovative approach to dealing with these premises. This has taken the form of holding educational workshops as an alternative to an inspection.

<b>Outstanding interventions by type</b>	<b>Number of food premises who attended an educational workshop</b>
Category D premises due before 31 March 2023	396

## Food Standards Interventions

The following table highlights food standards categories and the level of compliance with the service plan.

Food Standards Category	Number of premises which received an intervention
A (high risk)	All high risk premises.
B&C (medium or low risk)	All in compliance with current normal frequencies.

The implementation of the new Food Standards Delivery model ranges from January 2024 to March 2025, and consideration of adequate resources is necessary. It is not yet clear what the impact will be, however there is likely to be an additional resource requirement of up to 4.8FTE needed to fully comply with the new Food Law Code of Practice.

As in previous years we have a locally agreed target of 100% of all high-risk food, with no target for overall numbers. Rather than having additional targets for medium and low risk inspections, we shall continue to adopt an intelligence and market surveillance lead approach which focuses on making a difference and demonstrating positive impacts for our residents and businesses.

## Staffing Allocations

### Food Hygiene

There are 6.87 FTE Professional posts, 3.87 FTE are competent to undertake food hygiene controls, 2 FTE are Technical Officers working towards food competency and 1 FTE vacant post which is in the recruitment process.

### Food Standards

There are 1.6 FTE professional posts available to undertake food standards controls.

## Summary

### Food Hygiene

Food Hygiene service delivery for high-risk premises (Cat A- C) is currently at normal intervention frequencies.

It is estimated that the second half of this financial year, 1 October 2023 to 31 March 2024, all high-risk premises (Cat A-C, Food Hygiene) will be carried out at normal intervention frequencies.

Educational workshops will continue for the remainder of Category D premises and be continued for appropriate Category E premises (low risk premises).

The fulfilment of the plan is dependent on the ability to recruit to a currently vacant post.

#### Food Standards

The implementation of the new Food Standards Delivery model ranges from January 2024 to March 2025, and consideration of adequate resources is necessary for the next financial year.



**Brighton & Hove  
City Council**

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## **Official Feed and Food Controls Service Plan**

**1 April 2023 – 31 March 2024**

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## **1 Service Aims and Objectives**

### **1.1 Introduction**

The food service function of Brighton & Hove City Council sits within the Safer Communities Service of the Housing, Neighbourhoods & Communities Directorate. This directorate consolidates Environmental Health and Trading Standards teams in one service.

The service is primarily concerned with protecting and improving public health across the city. Within this service food safety officers work to ensure that food prepared and sold from local establishments is safe. This is achieved by carrying out a programme of interventions at food businesses, sampling and responding to service requests. Wherever practicable links are formed with the business community and all relevant professional groups with the objective of increasing and promoting food safety awareness.

Trading Standards officers aim to provide a comprehensive range of enforcement and advisory services to the community within a statutory framework. Its goal is to contribute, in conjunction with other agencies, to the development of a safe, fair and equitable trading environment for all consumers and businesses, by means of advice, information, education and enforcement.

### **1.2 Links to Corporate Objectives and Plans**

This plan links into the themes of 'Brighton & Hove City Council Our Plan 2020 to 2023, A fairer city, a sustainable future', which has identified the following six outcomes:

- A city to call home
- A city working for all
- A stronger city
- A growing and learning city
- A sustainable city
- A healthy and caring city.

## **2 Background**

### **2.1 Profile of the Local Authority**

Brighton & Hove is a unitary authority on the south coast of England. It is approximately 50 miles from London. It is bounded by the English Channel to the south and the South Downs to the north, it covers an eight-mile stretch of seafront and extends inland for approximately five miles.

Demographic information reported in the Corporate Plan gives a population of 290,395 (2017). One in five residents, or 19.5%, are from a Black or Minority Ethnic groups and

the population profile is younger than the national with 62% being 20 to 59 years old against the average across England of 53%.

Tourism plays a major part in the local economy supporting over 21,000 jobs in the area.

## 2.2 Organisational Structure

Brighton & Hove City Council is a unitary authority that operates a committee system model. Responsibility for the food safety and standards services is delegated to the Environment Transport & Sustainability Committee.

## 2.3 Regulation Policy

The Council has a Corporate Enforcement Policy in line with the national Regulators Compliance Code for Enforcers and is published on the Council's website. The enforcement policy is grounded in better regulation principles of proportionality, accountability, consistency, transparency and targeting.

[Safer Communities Enforcement Policy \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk/safer-communities-enforcement-policy)

## 2.4 Scope of the Food Service

Both services, Food Hygiene and Trading Standards, in normal circumstances carry out a range of interventions such as, inspections of food premises, food complaint investigation, food sampling, investigating infectious disease cases and service requests relating to businesses.

Since 1 January 2021, when the EU Exit transition period ended the Council where resources allow provides a non-statutory function, the certifying of Export Health Certificates, to our food businesses who are exporting food consignments (fish/fishery products) into the EU.

Officers working within the Food Service may also carry out health and safety interventions in a range of food premises and non-food premises when matters of evident concern are identified. They also may respond to complaints from the public and investigate specific accidents which occur in the workplace.

As of 9 February 2023, a total of **3,360** food premises are subject to programmed interventions as per the following table.

Premises Type	Number
Primary Producer	3
Manufacturer/ Processor	30
Packers	6
Importers/Exporters	41
Distributors/Transporters	29
Retailers	360
Restaurants and other Caterers	2,885
Manufacturers selling mainly to retail	6
<b>TOTAL</b>	<b>3,360</b>

### 3 Food Service Plan from 1 April 2023 to 31 March 2024

#### 3.1 Food Service Plan and the impact of the COVID-19 pandemic (2020-2022)

The FSA devised a Recovery Plan which commenced on 1 July 2021 to 31 March 2023. This Plan aimed to ensure that resources were targeted where they add greatest value in providing safeguards for public health and consumer protection in relation to food. It also aims to safeguard the credibility of the Food Hygiene Rating Scheme.

Brighton & Hove City Council's satisfactorily met the key milestones of the plan and as of 9 February 2023 it is predicted that the milestone of 31 March 2023 will be met by 30 April 2023.

Figure 1: Outline of the FSA Local Authority Recovery Plan



Figure 1 depicts the duration of Phase 1 and 2 of the Plan. The key milestone dates within the Recovery Plan for higher risk establishments are shown.

Even though we have met the key milestones of the above plan there are still significant numbers of overdue Category D and E rated premises which require an intervention/ control (inspection, attend a seminar or workshop or complete a questionnaire about their food business).

## 3.2 Food Hygiene Interventions

### 3.2.1 Programmed Food Hygiene Inspections

The following table displays the food premises risk category and the number of premises due, as of 9 February 2023, that are required to be inspected between 1 April 2023 to 31 March 2024. These figures do not include the backlog of premises that require an inspection due to the impact on our service by the pandemic (2020 to 2022).

<b>Risk Category/ Frequency of Intervention</b>	<b>Number of Food Premises that require an onsite intervention</b>
A/ every 6 months	1
B/ every 12 months	57
C/ every 18 months	239
D/ every 24 months	230
E/ every 36 months	2
<b>TOTAL</b>	<b>529</b>

It should be noted that the above figures are correct as of 9 February 2023. For example, Category A premises may generate two further inspections and Category B premises may generate a further inspection within the period when inspected.

The following table displays overdue food premises inspections as a direct result of the COVID-19 pandemic

<b>Outstanding interventions by type</b>	<b>Number</b>
Category D premises due before 31 March 2023	931
Category E premises due before 31 March 2023	805
Unrated/new registrations received before 9 February 2023	348

It is observed that there is a significant backlog of interventions in low-risk premises. The Food Law Code of Practice allows flexibility in how we deal with these premises. Innovative methods such as holding group workshops or seminars and using an online survey approach will be utilised for appropriate premises to deal effectively with the backlog of inspections.

### 3.2.2 Control of Outbreaks and Infectious Disease

Food related infectious disease notifications are investigated in accordance with procedures agreed with the Consultant in Communicable Disease Control. Investigation of outbreaks in accordance with the Outbreak Control Plan agreed with Public Health England. Officers within the team will be first responders in the event of a serious outbreak.

### 3.2.3 Food Hygiene Complaints

It is the policy of this authority to investigate food complaints in accordance with the Council's Enforcement Policy and documented procedures. It is anticipated we shall receive approximately 10 food complaints and 450 complaints in relation to condition of food premises.

#### 3.2.4 Food Hygiene Sampling

A formal arrangement is in place with Public Health England, Food Water & Environment laboratory based at Porton Down for the analysis of samples that require microbiological examination. This authority will participate in the current national food sampling programmes where resources permit.

#### 3.2.5 Food Safety Incidents

Food safety incidents are responded to in accordance with the provisions of The Food Law Code of Practice and all food alerts issued by the FSA will continue to be dealt with in accordance with this Code.

#### 3.2.6 Supporting movement of Fish/ Fishery Product into the EU

On 31 December 2020 the Brexit Transitional Period ended and on 1 January 2021 the requirement to process and certify Export Health Certificates for consignments of fish/fishery products commenced.

We can, if resources permit, support our businesses involved in this process to enable guaranteed movement of these products into the EU. This is a non-statutory function which incurs a charge for this service.

#### 3.2.7 Food Hygiene advice to businesses

There is a strong commitment to providing advice to business, both new and existing, on legislative and good practice requirements. Advice is given by signposting businesses to the Council website, during inspections and by group emails which are sent to food businesses who have supplied us with their email address.

#### 3.2.8 Ongoing Proactive Surveillance

Ongoing proactive surveillance is essential to re-establish an accurate picture of the local business landscape and to identify open/closed/ recently re-opened/ new businesses; as well as businesses where there has been a change of operation, activities or Food Business Owner.

All new food registrations received shall be subject to triage to identify premises which are deemed to be high priority for inspection.

#### 3.2.9 Primary and home authority principle

The Primary Authority and the Home Authority Principle is supported by the Council. Currently there are no Primary Authority Partnerships in place.

### **3.3 Food Standards Interventions**

Trading Standards aim to provide a comprehensive range of enforcement and advisory services to the community within a statutory framework. Trading Standards goal is to contribute, in conjunction with other agencies, to the development of a safe, fair and equitable trading environment for all consumers and businesses, by means of advice, information, education and enforcement.

The core aims being to ensure: -

- Accurate food information for consumers.
- That compositional standard of food is maintained.
- Prevent food fraud
- That food and feed are free from unsafe contaminants

The objectives being: -

- To carry out risk-based and intelligence led activities;
- To undertake screen testing and food sampling to reflect identified areas of concern;
- To respond appropriately to food complaints and initiate proportionate action;
- Respond to trader requests in a timely manner; and
- To educate the public on compositional and labelling issues to improve eating habits.

### **3.4 Proposed Changes to FSA Code of Practice**

Changes to the FSA Code of Practice relating to Food Standards are currently under review, it is expected to be implemented by 2023/2024. The proposals involve fundamental changes to the food standards delivery model within the Code, and associated content, namely the introduction of a:

- new food standards risk rating scheme that LA officers will use to evaluate the risk posed by a food business;
- new decision matrix to determine the frequency at which food standards official controls should be delivered in line with the outcome of the risk assessment.

The changes we are proposing will introduce a new food standards delivery model. This new model will allow us to have flexibility to use any of the official control methods and techniques available and direct our resource to where it is most needed to tackle risk in the food chain.

#### **3.4.1 Food Standards Inspections**

Between April 2021 and March 2022 Food Standards carried out 246 inspections at high risk premises and 271 inspections at high risk between 1<sup>st</sup> April 2022 and 31<sup>st</sup> December 2022.

The following table highlights the food standards category and the inspections that are due over the next 2 years due to the new Code of Practice it will be impossible to predict how many on site interventions will be due.

<b>Standards Category</b>	<b>Expectation</b>	<b>Number of Food Premises that require an onsite intervention</b>
A (high risk)	New food Registrations will have a desktop risk assessment (DRA) carried out within 1 month of receipt of registration and if categorised as high risk will have a program primary inspection carried out within 1 month of the DRA. If a food premise remains high risk they will be inspected at least every year in line with the Food Standards Code of Practice.	As required
B & C (medium & low risk)	No programmed interventions will be required unless intelligence/information suggests that risks have increased or if the establishment is otherwise considered a priority for intervention due to the risk posed.  Project work/sampling projects will be carried out as detailed below and will include medium and low risk premises.	0

### 3.4.2 New Businesses

Trading Standards will be following the revised Code of Practice and risk rating system. All new food businesses will receive a sector specific advisory letter signposting them to relevant guidance and including officer contact details as soon as a food registration is received. A desktop risk assessment will then be carried out by a qualified food officer within 28 days of receiving the food registration and all high risk premises will be inspected within a month of the risk assessment being carried out.

### 3.4.3 Feed Hygiene

The Trading Standards service participates in the National Trading Standards feed programme. We will undertake inspections of premises identified by the national team as requiring a visit. This equates to approximately 12 visits per annum.

During 2020/2021 & 2021/2022 Trading standards have carried out work funded by the FSA via NTSB (National Trading Standards Board) on animal feed which ties into the Official Feed and Food Controls. This work will be funded again in 2023/24 and Brighton & Hove will participate.

#### 3.4.4 Food Standards Complaints

Trading Standards received 357 service requests between 1<sup>st</sup> April 2021 and 31<sup>st</sup> January 2023, these include consumer complaints, referrals from other trading standards authorities and referrals from environmental health. Most complaints relate to allergen incidents including lack of/or inaccurate allergen information in restaurants, date marking, composition and labelling of food and pricing. Over the next 2 years we anticipate seeing complaints around allergen compliance continue and this will remain a high priority for both Trading Standards and Environmental health.

With the cost-of-living crisis we are also likely to see an increase in misleading pricing, counterfeit food, substituted food, misdescribed food and illegally imported food. We will respond to complaints and will also look to carry out some project work around this area targeting some of our medium and low risk premises.

There have been 2 new pieces of food standards legislation that have come into force recently, this often results in an increase of complaints coming into the service. The Calorie Labelling Regulations 2021 require restaurants and cafes to provide calorie labelling. In addition to helping consumers to make healthier decisions, calorie labelling also aims to encourage businesses to reformulate the food and drink they offer and provide lower calorie options for their customers. The Food (Promotion and Placement) (England) Regulations 2021 (“the Regulations”) were passed on 2 December 2021, introducing rules that restrict the price, placement and online promotion of products high in fat, sugar and salt (HFSS) for qualifying businesses.

#### 3.4.5 Food Standards Sampling

The Public Analyst contract was awarded to Kent Scientific Services in 2017. The focus of the contract remains on composition, allergens labelling and chemical contamination.

Between October 2021 and March 2023 we have taken 22 samples; 1 for species, 7 Labelling and Presentation, 11 undeclared allergens, 2 composition.

We have participated in the Hampshire Scientific Service Project Campaign 2022/2023 sampling plant-based milk alternatives in coffee shops. We have numerous independent coffee shops in Brighton & Hove and so an effective control for checking for compliance. The objective of the campaign is to check for the presence of milk either as a result of cross contamination or preparation area. We have taken 6 samples. There will be further sampling campaigns led by Kent Scientific Services in 2023/2024 and 2024/2025 which we plan to participate in.

There will be no Trading Standards Southeast Ltd (TSSE) funded sampling projects however, they have suggested some coordinated sampling and depending on budget and resources Brighton & Hove Trading Standards may participate. The sampling will focus on Japanese imported food, American Imports, price rise food fraud and Meat substitution in kebabs.



As part of the National Food Crime Fraud Unit project OPSON , detailed later, we are likely to be sampling protected food name products.

#### 3.4.6 Food Standards advice to businesses

Regulations governing the labelling of food and whether they contain allergens came into force 2014, as previously stated this is high priority as lack of allergen information and controls can cost lives. Officers have undertaken work to inform and educate businesses of their obligations under these regulations; compliance with the requirement to provide allergen information remains an issue and therefore work will continue in 2022/23 prioritising advice and support to small independent traders and new businesses.

Advice to new businesses will remain a priority in relation to the Regulations that came into force in October 2021 for food items sold prepacked for direct sale. During 2021/2022 we saw an influx in enquires from the charitable sector needing advice on their legal obligations and so we created some sector specific guidance that we rolled out to food banks and other charitable food organisations.

In October 2022 Regulations relating to Restricting promotion of products high in fat, sugar and salt came into force and the Calorie Regulations came into force in April 2021, both might require us to give advice to business on how they must comply.

Advice and support to business on the changes to labelling following Brexit will also be a priority. Officers will also be drafting guidance for businesses on the requirements of food information for vegan and plant-based foods especially in relation to meat and dairy substitutes.

#### 3.4.7 Projects

In line with the proposed new Code of Practice we can be more flexible in carrying out official controls thus enabling us to tackle in a timely manner emerging trends. With the increase in the wellbeing food sector we plan to look at misleading nutritional and health claims around food and food supplements. With the introduction of CBD becoming a novel food we plan do some proactive enforcement work in this area following any guidance from the FSA.

Brighton and Hove will be participating in the National Food Crime Fraud Unit operation. England and Wales will focus on protected food names. This is a topic which is also being explored by other European countries and as a consequence our own activity will be considered part of a broader co-ordinated action being led by Europol. The protocol is being further developed but is likely to incorporate a focus drawn from NFCU's Control Strategy Priorities, for instance through a focus on protected designations relating to red meat products from the UK. Acknowledging the rates of non-compliance around premium seafood products in food service settings in last year's OPSON XI work in the UK, the correct marketing of protected food name products in restaurants and similar settings is also likely to feature in the protocol.

## 4 Resources

### 4.1 Financial Allocation

#### 4.1.1 Food Hygiene

The Food Safety Service net budget for 2023/24 is £547,420.

#### 4.1.2 Food Standards

The Food Standards net budget for 2023/24 is £74,800.

With changes being brought in by the new Food Standards Code of Practice, it is likely that funding will be required for an updated Uniform module. This is being co-ordinated by the FSA.

### 4.2 Staffing Allocation

#### 4.2.1 Food Hygiene

There are 6.87 full time equivalent (FTE) professional posts, 3.47 FTE are competent to undertake food hygiene controls, 3 FTE are Technical Officers who are working towards becoming competent food officers and 0.4 FTE are diverted to undertake non-food duties such as Health & Safety regulation.

It is anticipated that we will not have a full team of competent officers (6.47 FTE) until April 2024.

The following tables illustrate the full complement of staff.

Job Title	Full Time Equivalent	Competency
Regulatory Services Manager	.25	Lead Food Officer
Team Leader Specialist Environmental Health	1.0	Authorised
Environmental Health Officer (EHO)	0.8	Authorised
EHO	0.6	Authorised
Senior Technical Officer (STO)	0.67	Authorised
STO	0.8	Authorised
Technical Officer (TO)	1.0	Not Authorised
TO	1.0	Not Authorised
TO	1.0	Not Authorised
Senior Technical Support Officer	0.25	---
Technical Support Officer	0.9	---
Food Nutrition Project Officer	1.0	---

#### 4.2.2 Food Standards

Job Title	Full Time Equivalent	Competency
Regulatory Services Manager	0.05	Authorised
Trading Standards Officer	1.5	Authorised
Technical Support Officer	0.05	---

## 5 **Quality Assessment**

The service has a documented procedure relating to food control duties. Internal audits are carried out to ensure compliance with these procedures. Staff performance is reviewed, monitored and managed through the appraisal system, monthly 1-2-1 and review by the departmental management team.

## 6 **Service Delivery Review**

This plan will be reviewed in October 2023 to monitor progress.

## 7 **Summary**

This report sets out the service plan for the forthcoming financial year. It is acknowledged that service delivery methods have changed over the period of the pandemic and going forward we will endeavour to utilise a variety of approaches when required.

The training of new staff is required so that they obtain the 'suitable' qualification as required by the Food Law Code of Practice. This is necessary to obtain the full requirement of full-time equivalent competent staff to achieve the proposed plan.

It is anticipated by 31 March 2024 that Food Service Delivery will have made good progress and a high percentage of food premises will be subject to the normal frequency of inspection based on their risk category.



# Brighton & Hove City Council

## City Environment, South Downs & The Sea Committee

## Agenda Item 29

**Subject:** Improving recycling points

**Date of meeting:** 14 November 2023

**Report of:** Executive Director: Economy, Environment & Culture

**Contact Officer:** Name: Lynsay Cook  
Tel: 07592 103604  
Email: Lynsay.cook@brighton-hove.gov.uk

**Ward(s) affected:** All

**For general release**

### **1. Purpose of the report and policy context**

- 1.1 Recycling points are locations across the city where residents can recycle waste which is not recycled through the regular household waste collection service. This includes recycling of textiles, cartons (Tetrapaks) and waste electrical and electronic equipment (WEEE). Recycling points also provide residents with an opportunity to recycle excess recycling and glass recycling that may not fit into the regular bin or box collected from the kerbside.
- 1.2 This report is seeking approval to rollout additional carton and WEEE containers across the city to increase the opportunities for recycling.

### **2. Recommendations**

- 2.1 That Committee agrees to rollout an additional 54 carton recycling containers to recycling points across the city.
- 2.2 That Committee agrees to rollout 21 new WEEE containers to recycling points across the city.

### **3. Context and background information**

- 3.1 There are currently 87 recycling points across the city, which have varying sets of containers for the materials outlined in paragraph 1.1. A small project within the City Environment Improvement Programme reviewed existing provision to identify where improvements can be made. This included the completion of an audit to identify where additional containers can be installed.

### **Cartons**

- 3.2 There are currently 30 carton containers across the city for residents to use. The audit identified opportunities for an additional 55 carton containers to be rolled out across 50 locations. 48 of these will be in new locations (some

with multiple bins) and two existing locations will have an extra container. The location of these is detailed in Table 1 in Appendix 1.

- 3.3 Providing residents with more facilities to recycle cartons will:
- Increase the percentage of waste from Brighton & Hove which is recycled.
  - Reduce contamination within recycling wheelie bins and recycling communal bins.
  - Reduce the volume of waste sent to the Energy Recovery Facility.
- 3.4 The containers will be emptied by a contractor and taken to the ACE UK plant.
- 3.5 The containers will be rolled out with coloured lids to distinguish them from containers for other materials. It may be that some 1100 litre recycling bins need to be removed from recycling points to accommodate these new bins.

## **WEEE**

- 3.6 There are currently only two WEEE containers for residents to use across the city. This has reduced considerably over the last few years due to vandalism, with people breaking into the containers to access the equipment. The audit identified an additional 58 locations for WEEE containers.
- 3.7 Carbon Neutral Funding has been secured to procure the new WEEE containers. Since the funding was secured, a lot of work has gone into finding more suitable containers that withstand vandalism. Appropriate containers have now been identified and it is proposed a phased approach to rollout is taken to test the containers. In the first phase, 21 containers will be rolled out and the location of these is detailed in Table 2 in Appendix 1. The two existing WEEE containers will be replaced by a new container.
- 3.8 Providing residents with more facilities to recycle WEEE will:
- Reduce the fire risk caused by WEEE when placed in refuse and recycling bins, which is a frequent occurrence.
  - Increase the percentage of waste from Brighton & Hove which is recycled.
  - Reduce contamination within wheelie bins and communal bins.
  - Reduce the volume of waste sent to the Energy Recovery Facility.
- 3.9 The containers will be emptied by a contractor and taken to a facility in Lewes.
- 3.10 Again, the containers will be rolled out with coloured lids to distinguish them from containers for other materials. It may be that some 1100 litre recycling bins need to be removed from recycling points to accommodate these new bins.

- 3.11 Once the new containers have been in situ for a few months, a review will take place to determine whether to rollout containers to the remaining locations. The additional locations are detailed in Table 3 in Appendix 1.

## **Volumes of cartons and WEEE**

- 3.12 Based on composition analysis completed in 2022, approximately 1.186 tonnes of cartons and 1.329 tonnes of WEEE are placed in refuse bins each year. Introducing additional carton containers presents an opportunity to divert this material to recycling facilities to enable the recycling of these materials.
- 3.13 Based on contamination data, there was approximately 1.494 tonnes of cartons and 0.816 tonnes of WEEE in recycling bins in 2021/22. Introducing additional WEEE containers again presents an opportunity to divert these materials to recycling facilities to ensure appropriate parts are recycled.

## **4. Analysis and consideration of alternative options**

- 4.1 Committee can choose not to improve the recycling points which will mean opportunities for increasing the recycling rate and reducing contamination are missed.
- 4.2 Cartons and WEEE can continue to be taken to the two Household Waste Recycling Sites in the city. WEEE can also be given to [Tech-Takeback](#) and many [large retailers also takeback electrical items](#).

## **5. Community engagement and consultation**

- 5.1 No community engagement or consultation has taken place in relation to the recommendations in this report.

## **6. Conclusion**

- 6.1 This report is seeking Committee approval to rollout additional carton and WEEE recycling containers across the city. This will increase opportunities for recycling, reduce contamination within recycling wheelie bins and communal bins and reduce the volume of waste sent to the Energy Recovery Facility.

## **7. Financial implications**

- 7.1 Costs associated with the purchase of 54 carton recycling containers and 21 WEEE containers will be contained within existing capital budgets for these projects funded from the Carbon Neutral Fund. The ongoing costs for the 54 additional carton recycling containers are estimated to be £0.019m per annum. The ongoing costs for the 21 additional WEEE containers are estimated to be £0.004m per annum which if the first phase is successful would increase to an estimated £0.009m per annum assuming all 58 locations are installed.

- 7.2 Ongoing cost totaling £0.023m per annum for the introduction of the 54 carton containers and 21 WEEE containers would be funded from the existing Waste PFI budget. Introduction of these containers could see a reduction of contamination in recycling bins and redirecting this type of waste away from the Energy Recovery Facility resulting in a minimal cost reduction in processing recycling and residual waste. Contract uplifts for the ongoing costs of these containers may exceed future budget increases, however the Waste PFI revenue budgets are closely monitored along with the Waste PFI reserve required to bridge the gap between service budget provision and best estimate of the ongoing Waste Disposal contract. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack Date consulted: 26/10/2023

## **8. Legal implications**

- 8.1 Procurement implications are addressed in Section 11 below. The Council must comply with its Contract Standing Orders and the Public Procurement Regulations 2015 in the award of the proposed contracts.

Name of lawyer consulted: Elizabeth Culbert Date consulted: 24/10/2023

## **9. Equalities implications**

- 9.1 Providing more opportunities for residents to recycle their cartons and WEEE makes recycling more accessible across the city. This will be particularly beneficial to those without access to a vehicle or those who have mobility difficulties.

## **10. Sustainability implications**

- 10.1 Providing more opportunities for residents to recycle their cartons and WEEE will mean more waste will get recycled.

## **11. Other Implications**

### **Social Value and procurement implications**

- 11.1 There is only one contractor in the south-east that can collect cartons from Brighton & Hove as they are contracted directly to the single processing plant in the UK. This means the contract for the collection and disposal of cartons will be via a direct award / waiver.
- 11.2 Similarly, the options for the collection and disposal of WEEE are also limited. Due to the low value of this contract, it will be possible to direct award a contract for a fixed term so as not to breach the £0.025m procurement threshold.
- 11.3 Consideration was given to completing these collections in-house and to not use contractors. However, this was not considered viable due to the lack of



space to use as a tipping / storage point for these materials, and the permitting requirements to do so.

## **Supporting Documentation**

### **1. Appendices**

Appendix 1: Locations for additional containers



## Appendix 1: Locations for additional containers

**Table 1: carton recycling: proposed new locations and where additional 1100 litre container to be placed (unless size stated differently)**

Street name	Actual location	Ward	Number of bins
Western Road	corner of Brunswick Road	Brunswick & Adelaide	1
Western Road	corner of Lansdowne Street	Brunswick & Adelaide	1
Grand Avenue	bottom and corner of Kingsway	Central Hove	1
St Aubyns	corner of Kingsway	Central Hove	1
Tisbury Road	outside Hove Town Hall	Central Hove	1
Barcombe Road	opposite 46, near corner of Newick Road	Coldean & Stanmer	1
Ellen Street	corner of Conway Street	Goldsmid	1
Station Approach	opposite Hove Station	Goldsmid	1
Queen's Parade	corner of West Way	Hangleton & Knoll	1
Wayfield Avenue	outside 2	Hangleton & Knoll	1
Hangleton Way	opposite Poplar Avenue	Hangleton & Knoll	2
Elm Grove	outside 53, corner of De Montfort Road	Hanover & Elm Grove	1
Southover Street	Hanover Community Centre	Hanover & Elm Grove	2
Ditchling Road	opposite Woodbourne Avenue	Hollingdean & Fiveways	1
Ditchling Road	corner of Preston Drove	Hollingdean & Fiveways	1
Old Steine	corner of St James's Street	Kemptown	1
The Avenue	opposite 47-49 The Highway	Moulsecoomb & Bevendean	1
The Avenue	opposite Upper Bevendean Avenue shops	Moulsecoomb & Bevendean	1
Leybourne Road	corner of Taunton Road	Moulsecoomb & Bevendean	2
Foredown Road	corner of Fox Way	North Portslade	1
Valley Road	corner of The Crossway	North Portslade	1
Wilmington Parade	opposite parade of shops	Patcham & Hollingbury	1
Woodbourne Avenue	corner of Beechwood Avenue	Patcham & Hollingbury	1
Carden Avenue	corner of Carden Crescent	Patcham & Hollingbury	1
Crowhurst Road	within Asda carpark	Patcham & Hollingbury	1 (7.5 m3)
York Grove	end of, joins with New England Road	Preston Park	1
Preston Road	opposite Cumberland Road	Preston Park	1
Dyke Road	opposite 325	Preston Park	1

**Table 1: carton recycling: proposed new locations and where additional 1100 litre container to be placed (unless size stated differently)**

Street name	Actual location	Ward	Number of bins
The Ride	Preston Park south	Preston Park	increasing by 1
Edward Street	opposite Devonshire Place	Queen's Park	1
Freshfield Way	corner of Freshfield Road	Queen's Park	increasing by 1
Bedford Square	corner of Kings Road	Regency	1
Bartholomews	junction of Little East Street	Regency	1
Norfolk Square	opposite 45	Regency	1
Western Road	corner of Montpelier Road	Regency	1
Crown Street	near corner of Western Road	Regency	1
Vernon Terrace	corner of Montpelier Crescent	Regency	2
Saltdean Drive	corner of Lustrells Vale	Rottingdean & West Saltdean	1
Saltdean Park Road	opposite Saltdean Bowling Club	Rottingdean & West Saltdean	1 (7.5 m3)
Lindfield	South Street Car Park	South Portslade	1
Station Road	outside 22/55 (Superdrug)	South Portslade	1
Blackman Street	outside entrance to Trafalgar Street car park	West Hill & North Laine	1
New England Street	corner of New England Road	West Hill & North Laine	1
Regent Street	opposite 31 (Arena House)	West Hill & North Laine	1
Union Road	middle of road, north of The Level	West Hill & North Laine	1
Henley Road	corner of Whitehawk Road	Whitehawk & Marina	1
Portland Road	corner of Portslade Station rail tracks	Wish	1
Cowley Drive	outside 114 (parade of shop)	Woodingdean	1
Falmer Road	Happy Valley car park	Woodingdean	1
Lockwood Crescent	opposite 31-41	Woodingdean	2

**Table 2: WEEE recycling: one 1100 litre container to be placed at each location**

Street name	Actual location	Ward
Western Road	corner of St John's Road	Brunswick & Adelaide
Tisbury Road	outside Hove Town Hall	Central Hove
Coldean Lane	corner of Park Road	Coldean & Stanmer
Ellen Street	corner of Conway Street	Goldsmid
Hangleton Linkway	Sainsbury's carpark	Hangleton & Knoll

**Table 2: WEEE recycling: one 1100 litre container to be placed at each location**

Street name	Actual location	Ward
Southover Street	Hanover Community Centre	Hanover & Elm Grove
Ditchling Road	opposite Woodbourne Avenue	Hollingdean & Fiveways
The Avenue	opposite 47-49 The Highway	Moulsecoomb & Bevendean
Chalky Road	opposite Portslade Aldridge Community Academy	North Portslade
Ladies Mile Road	opposite 37-45 (parade of shops)	Patcham & Hollingbury
The Ride	Preston Park north	Preston Park
Queen's Park Terrace	corner of Queen's Park Road by the Pepperpot	Queen's Park
Vernon Terrace	corner of Montpelier Crescent	Regency
Marine Drive	Marine Cliffs car park	Rottingdean & West Saltdean
Lindfield	South Street Car Park	South Portslade
Regent Street	opposite 31 (Arena House)	West Hill & North Laine
Portland Road	outside 189	Westbourne & Poets' Corner
Tongdean Lane	corner of Withdean Road (Withdean Sports Complex)	Westdene & Hove Park
Brighton Marina	carpark by Asda supermarket	Whitehawk & Marina
Portland Road	corner of Portslade Station rail tracks	Wish
Warren Road	Woodingdean Library car park	Woodingdean

**Table 3: WEEE recycling: one 1100 litre container to be placed at each location, subject to the initial rollout being a success**

Street name	Actual location	Ward
Grand Avenue	bottom and corner of Kingsway	Central Hove
King's Esplanade	south of King Alfred car park	Central Hove
Station Approach	opposite Hove Station	Goldsmid
Hangleton Way	opposite Poplar Avenue	Hangleton & Knoll
Queen's Parade	corner of West Way	Hangleton & Knoll
Lewes Road	outside 167-169 near the corner of St. Martin's Place	Hanover & Elm Grove
Ditchling Road	corner of Preston Drove	Hollingdean & Fiveways
Leybourne Road	corner of Taunton Road	Moulsecoomb & Bevendean
Moulsecoomb Way	Moulsecoomb Leisure Centre car park	Moulsecoomb & Bevendean
Foredown Road	corner of Fox Way	North Portslade
Valley Road	corner of The Crossway	North Portslade
Wilmington Parade	opposite parade of shops	Patcham & Hollingbury
Carden Avenue	opposite Midhurst Rise	Patcham & Hollingbury

**Table 3: WEEE recycling: one 1100 litre container to be placed at each location, subject to the initial rollout being a success**

<b>Street name</b>	<b>Actual location</b>	<b>Ward</b>
Crowhurst Road	within Asda carpark	Patcham & Hollingbury
The Ride	Preston Park south	Preston Park
York Grove	end of, joins with New England Road	Preston Park
Preston Road	opposite Cumberland Road	Preston Park
Dyke Road	opposite 325	Preston Park
Freshfield Way	corner of Freshfield Road	Queen's Park
Bedford Square	corner of Kings Road	Regency
Bartholomews	junction of Little East Street	Regency
Norfolk Square	opposite 45	Regency
Western Road	corner of Montpelier Road	Regency
Crown Street	near corner of Western Road	Regency
Saltdean Drive	corner of Lustrells Vale	Rottingdean & West Saltdean
Saltdean Park Road	opposite Saltdean Bowling Club	Rottingdean & West Saltdean
The Vale	Longhill High School	Rottingdean & West Saltdean
Old Shoreham Road	Portslade library	South Portslade
Station Road	outside 22/55 (Superdrug)	South Portslade
Lewes Road	within south end of The Level	West Hill & North Laine
Whitecross Street	outside entrance to Trafalgar Street car park	West Hill & North Laine
Union Road	middle of road, north of The Level	West Hill & North Laine
Nevill Road	corner of Orchard Road (end of private road)	Westdene & Hove Park
Henley Road	corner of Whitehawk Road	Whitehawk & Marina
Cowley Drive	outside 114 (parade of shop)	Woodingdean
Falmer Road	Happy Valley car park	Woodingdean
Lockwood Crescent	opposite 31-41	Woodingdean

# Brighton & Hove City Council

## City Environment, South Downs & The Sea Committee

## Agenda Item 30

**Subject:** Environmental Enforcement Framework Update

**Date of meeting:** 14 November 2023

**Report of:** Executive Director: Economy, Environment & Culture

**Contact Officer:** Name: Lynsay Cook  
Tel: 07592 103604  
Email: [Lynsay.cook@brighton-hove.gov.uk](mailto:Lynsay.cook@brighton-hove.gov.uk)

**Ward(s) affected:** All

### For general release

#### 1. Purpose of the report and policy context

- 1.1 Fly-tipping, littering, graffiti, fly-posting, uncontrolled distribution of leaflets, inappropriate containment of business waste and the illegal disposal of business waste are all examples of environmental offences. These activities can have a significant and detrimental impact on the city, increasing the waste produced and reducing recycling. They also have a cost implication in terms of cleansing, collection and disposal.
- 1.2 To tackle this anti-social and illegal behaviour, the Environment Transport & Sustainability (ET&S) Committee approved the Environmental Enforcement Framework on 27 November 2018. Further updates have been approved as detailed in the Background Document section at the end of this report.
- 1.3 This report is seeking further approval to update the Environmental Enforcement Framework and related activities.

#### 2. Recommendations

- 2.1 That Committee notes the results of the public consultation on extending time-banding zones across the city in Appendix 1.
- 2.2 That Committee approves the expansion of time-banding zones to the roads detailed in Appendix 2 (a map is available in Appendix 3).
- 2.3 That Committee notes the objections received to the extension of the flyering licence area as detailed in Appendix 4.
- 2.4 That Committee agrees to extend the flyering licence area to the roads detailed in Appendix 5.
- 2.5 That Committee agrees to increase the Fixed Penalty Notice amount for some environmental offences as detailed in paragraph 3.21.

- 2.6 That Committee approves the updated Environmental Enforcement Framework (tracked changes version) as detailed in Appendix 6.
- 2.7 That Committee notes the implementation of other offences following previous committee approvals as described in paragraphs 3.24 and 3.25.

### **3. Context and background information**

- 3.1 The purpose of the Environmental Enforcement Service is to:
- enforce certain environmental legislation
  - improve the cleanliness of the city
  - issue Fixed Penalty Notices (FPNs), Community Protection Warnings (CPWs) and Community Protection Notices (CPNs) in the city for the offences detailed in section 5 of the Framework in Appendix 6
  - enable the council to be more responsive to commercial waste offences and to incidents of fly-tipping
  - encourage behavioural change to reduce environmental crimes
  - minimise waste clean-up and disposal
- 3.2 The Environmental Enforcement Framework is reviewed on a regular basis to consider additional offences to include to address anti-social and illegal behaviour and to minimise waste clean-up and disposal costs. This update proposes expanding time-banding zones for managing commercial bins on the highway, increasing the flyering licence area and increasing the FPN amount for some environmental offences.
- 3.3 As per the legislation, the income from fines paid are used to cover the costs of the Environmental Enforcement Service. Any surplus income is ringfenced to spend on environmental improvement projects in line with legal requirements.

#### **Expanding time-banding zones**

- 3.4 At its meeting on 22 June 2021, the ET&S Committee agreed to introduce time-banding zones (T-Zones) for managing commercial bins on the highway. These measures were adjusted at ET&S Committee on 15 March 2022 following requests from businesses and waste management providers.
- 3.5 Businesses in T-Zones can only place their waste bins and bags out for collection on their agreed collection day, between 6pm and 9am. At all other times, waste bins and bags must be stored off the public highway. Business that do not adhere to this, may be issued with a FPN.
- 3.6 On 14 March 2023, ET&S Committee agreed for a public consultation to take place on extending T-Zones. The consultation launched on 29 August 2023 and closed on 15 October 2023. The consultation lasted six weeks to encourage as many responses as possible. Having reflected on the lessons learned from the previous consultation, rather than being sent correspondence by post, a letter was handed to each business in the affected roads to ensure they were aware of the consultation and had an opportunity to provide their feedback. Emails, with a link to the consultation,



were sent to waste management companies on 31 August 2023. Social media posts promoting the consultation and inviting feedback were shared through the period. Officers also met with representatives from the Chamber of Commerce and the Business Improvement District.

- 3.7 The proposed roads for inclusion are in Appendix 2 and a map showing the area is in Appendix 3. Blue roads show the current T-zones and red indicates the proposed expansion.
- 3.8 96 responses were received. The results have been analysed and are provided in more detail in Appendix 1. The high-level results show that 68.8% of respondents strongly agreed or tended to agree that T-Zones should be extended to include the roads proposed.
- 3.9 Of businesses that responded:
  - 22.2% agreed that T-Zones should be extended to include the roads proposed.
  - 77.8% disagreed.
- 3.10 Of residents that responded:
  - 92.1% agreed that T-Zones should be extended to include the roads proposed.
  - 6.3% disagreed.
- 3.11 Some respondents suggested that some of the roads should not be included, and some suggested some additional roads for inclusion. These are also detailed in Appendix 1, along with feedback from City Environment.
- 3.12 Based on the results of the consultation, it is recommended that Committee approves the expansion of time-banding zones to the roads detailed in Appendix 2, having noted the results from the public consultation.
- 3.13 If Committee approves the extension of T-zones, the implementation date will be 15 January 2024. This is to provide sufficient time to businesses in the affected areas to organise their waste collections.

### **Increasing the flyering licence area**

- 3.14 Flyering is giving out free flyers to the public, which includes printed materials to advertise things like events, businesses or political messages. It also includes the giving out of free food and drink in branded packaging. Flyering can lead to litter and therefore, in some parts of the city, a licence is required to do so.
- 3.15 At ET&S Committee on 16 March 2021, Members agreed to delegate authority to the Executive Director: Economy, Environment & Culture to make an Order, including all necessary steps therewith, to enable the flyering licence area to be expanded to the roads listed in Appendix 5. In the event of any objections to the proposed Order being received, it was agreed a further report would be brought to Committee to enable the objections to be considered and for a decision as to whether the Order should be made.

- 3.16 The Notice of the Order was advertised from 22 May 2023, stating any objections needed to be received by 5 June 2023. The Notice was placed on lampposts on the “designated” land i.e. the roads proposed for inclusion. The Notice was also published in The Argus on 22 May 2023 and information was provided on the council website, notifying people of the Notice. The objections received, along with a response from City Environment, are detailed in Appendix 4.
- 3.17 It is clear from the feedback that there were a number of queries raised seeking clarification regarding the proposals. The Notice had to follow a legal template and the majority of the feedback received, as detailed in Appendix 4, was seeking clarification on what was being advertised, rather than an objection. When further information was provided to the objector, some responded to say they did not object, whilst others did not respond to the additional information provided.
- 3.18 The proposal to extend the flyering licensing area was a recommendation within a project within the City Environment Improvement Programme. The recommendation stated that flyering licences should be required for other areas of the city and not only Brighton city centre. Flyering can cause lots of litter and via the issuing of licences, the council can try and ensure that some of the cost of cleaning this litter is covered.
- 3.19 Taking into consideration the objections received, it is recommended that the flyering licence area is extended to include the roads detailed in Appendix 5. If approved by Committee, a further Notice will be published announcing the decision. The Notice will be published in a local newspaper, posted directly on the land and on the council website. The Notice will contain the date the Order will come into force.
- 3.20 As stated on the Order, subject to approval by Committee, it will come into effect from 1 December 2023. The information on the council website will be updated to inform those wishing to flyer about what the arrangements are.

### **Increasing the FPN amount**

- 3.21 As part of the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023, local authorities can now increase the FPN amounts for some offences:

Offence	Current FPN amount	New upper limit	Proposed new FPN amount	Proposed early payment discount
Littering	£150	£500	£300	£150
Graffiti	£150	£500	£500	N/A
Flyposting	£150	£500	£500	£250

Household waste duty of care offences (residential fly-tipping)	£400	£600	<ul style="list-style-type: none"> <li>• Up to three 80 litre sacks, or loose equivalent, £400</li> <li>• Four-to-six 80 litre sacks, or loose equivalent, £500</li> <li>• Seven-plus 80 litre sacks, or loose equivalent, £600</li> </ul>	N/A
Flytipping (commercial fly-tipping)	£400	£1000	<ul style="list-style-type: none"> <li>• Up to three 80 litre sacks, or loose equivalent £600</li> <li>• Four-to-six 80 litre sacks, or loose equivalent, £800</li> <li>• Seven-plus 80 litre sacks, or loose equivalent, £1000</li> </ul>	N/A

3.22 It is proposed that the FPN amounts for the offences listed above are increased to the proposed new FPN amount.

3.23 If Committee approves the FPN amounts, the implementation date will be 1 December 2023.

#### **Implementation of other offences**

3.24 At its meeting on 15 November 2022, ET&S Committee agreed for household waste bin and box offences to be added to the Environmental Enforcement Framework. Work is taking place to begin enforcing these offences in the New Year. The council website will be updated in advance of the enforcement activity commencing and communication will take place to notify Members and residents.

3.25 At its meeting on 20 June 2023, City Environment, South Downs & The Sea Committee agreed for engine idling to be added as an offence in the Environmental Enforcement Framework. Signs are being prepared, which will be installed across the city, to notify motorists that engine idling is now an offence, with a £40 FPN to be issued to a driver witnessed idling, with an early payment discount of £20. These signs are to be put in place in December and following this, the offence will start to be enforced. The council's website is being updated and a news story will be issued in advance of the go-live date.

#### **4. Analysis and consideration of alternative options**

4.1 Committee can decide not to expand T-zones. This will mean businesses in the Phase 2 area can continue to leave their waste bins and bags on the public highway at all times. This will be of benefit to businesses as they will not have to make any changes to their waste management arrangements.

However, this will not achieve the objectives of improving access to and use of the highway, improving safety, reducing litter, or improving the appearance of key areas in the city.

- 4.2 Committee can decide not to increase the flyering licence area. This will mean businesses can continue to flyer in some parts of the city without requiring a licence. This will be of benefit to businesses as there will be no financial implication for them. However, flyering does lead to litter which the council is required to clear up. Without extending the flyering licence area, there will be no financial contribution towards this.
- 4.3 Committee can decide not to increase the FPN amount for some offences. This will mean the perpetrators of some environmental crimes will have to pay the current FPN amounts and not the increased amounts. However, increasing the FPN amounts for some offences may act as a further deterrent and contribute to efforts to keep Brighton & Hove tidy.

## **5. Community engagement and consultation**

- 5.1 The results of the public consultation on expanding T-Zones are included in the main body of the report and appendices.
- 5.2 The feedback received in relation to extending the flyering licence area is included in the main body of the report and appendices.
- 5.3 No community engagement or consultation has taken place in relation to increasing the FPN amount.

## **6. Conclusion**

- 6.1 The Environmental Enforcement Service delivers the objectives as detailed in paragraph 3.1. Opportunities have been identified to enhance the Framework by extending the T-Zone area and extending the flyering licence area. Recent legislative changes have meant its now possible to increase the FPN for some offences to act as a further deterrent and contribute to efforts to keep Brighton & Hove tidy.

## **7. Financial implications**

- 7.1 There are no direct financial implications arising from the recommendations of this report. Any surplus income from Fixed Penalty Notices, as set out in paragraph 3.3 of this report, are legally ringfenced to support specific environmental purposes. Any additional spend is expected to be funded from additional income and any significant variation to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack    Date consulted: 20/10/2023

## **8. Legal implications**

- 8.1 The Fixed Penalty Notice (FPN) provides an alternative to other enforcement options and prosecution. It allows an individual to discharge their liability for the relevant offence by payment of a financial penalty. There is no obligation for the Council to offer an offender the option to discharge liability through an FPN. However, for some cases and offences, it can be more proportionate than proceeding with a prosecution through the courts. An FPN is offered as an alternative under various legislation and the proposed penalty levels can vary.
- 8.2 The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 enables authorities to increase the level of fine they issue if they so choose and uplifts the amounts payable for some offences.
- 8.3 There is also the ability to give discounted amounts for early payment and, based on clear and transparent criteria, to vary fines dependent on the seriousness of the offence.
- 8.4 It may be of assistance to note that criminal court penalties are significantly higher. For instance, court fines: littering maximum fine £2,500, fly-tipping maximum fine £50,000 with the possibility of imprisonment.

Name of lawyer consulted: Simon Court      Date consulted: 20/10/2023

## **9. Equalities implications**

- 9.1 Special category data is not collected when issuing FPNs, therefore data on “service users” is unknown.
- 9.2 An Equality Impact Assessment on the introduction of T-Zones was completed when the outcomes of the first consultation were presented to ET&S Committee on 22 June 2021. This is available in the Background Documents below.
- 9.3 Increasing the flytipping licence area is not anticipated to have any disproportionate impacts on any protected characteristics.
- 9.4 Increasing the FPN amount for some offences may have some disproportionate impacts on some protected characteristics. For example, those on lower incomes may not be able to pay the FPN amount in full in one go. Payment plans are available in these situations. In 2022/23, nine payment plans were in place for nine littering offences and seven for flytipping offences. Payment plans will continue to be available to those that need one.

## **10. Sustainability implications**

- 10.1 Environmental enforcement activity improves the environment by reducing littering, dog fouling, fly-tipping, graffiti, fly-posting and littering associated with flyers. Enhancing the Environmental Enforcement Framework allows the council to further protect the environment from these detrimental activities.

- 10.2 Improving how commercial bins on the highway are managed allows the council to protect the environment from detrimental activities associated with them, such as littering, fly-tipping and graffiti.

## **11. Other Implications**

### **Crime & disorder implications**

- 11.1 Environmental enforcement activities combats illegal and anti-social behaviour.
- 11.2 Improving how commercial bins on the highway are managed allows the council to tackle other environmental crimes such as littering, fly-tipping and graffiti. can lead to anti-social behaviour and environmental crimes.
- 11.3 Increasing the FPN amount will act as a deterrent, hopefully reducing the incidence of littering, graffiti, flyposting, flytipping and household waste duty of care offences.

## **Supporting Documentation**

### **Appendices**

- Appendix 1: managing commercial bins on the highway (phase 2): analysis of responses to the public consultation
- Appendix 2: proposed roads, and their wards, for inclusion in time-banding zones
- Appendix 3: map of proposed extension of time-banding zones
- Appendix 4: objections to flyering Notice
- Appendix 5: extension of flyering licence area
- Appendix 6: Environmental enforcement Framework (tracked changes)

### **Background documents**

- [Environmental Enforcement Report](#) presented to Environment, Transport & Sustainability Committee on 27 November 2018 (item 46)
- [Environmental Enforcement Framework Update](#) presented to Environment, Transport & Sustainability Committee on 25 June 2019 (item 11)
- [Environmental Enforcement Framework](#) presented to Environment, Transport & Sustainability Committee on 29 September 2020 (item 31)
- [City Environment Modernisation Update Report](#) presented to Environment, Transport & Sustainability Committee on 16 March 2021 (item 80)
- [Commercial Bins on the Highway: Outcome of Public Consultation](#) presented to Environment, Transport & Sustainability Committee on 22 June 2021 (item 10)
- [Environmental Enforcement Framework Update](#) presented to Environment, Transport & Sustainability Committee on 22 June 2021 (item 11)
- [Commercial bins on the highway](#) presented to Environment, Transport & Sustainability Committee on 15 March 2022 (item 92)

- [Public Space Protection Orders - barbecues, lanterns and balloons: Outcome of Public Consultation](#) presented to Environment, Transport & Sustainability Committee on 15 March 2022 (item 95)
- [City Environment Modernisation Update](#) to Environment, Transport & Sustainability Committee on 21 June 2022 (item 8)
- [Outcomes of environmental enforcement consultations](#) presented to Environment, Transport & Sustainability Committee on 15 November 2022 (item 45)
- [City Environment Improvement Programme Update](#) presented to Environment, Transport & Sustainability Committee on 14 March 2023 (item 88)
- [Environmental Enforcement Framework Update Report](#) to City Environment, South Downs & The Sea Committee on 20 January 2023 (item 8)
- Explanatory Memorandum to The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 No. 770 [The Environmental Offences \(Fixed Penalties\) \(Amendment\) \(England\) Regulations 2023 \(legislation.gov.uk\)](#)





## Appendix 1: managing commercial bins on the highway (phase 2): analysis of responses to the public consultation

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This report presents the results from the public consultation on managing commercial bins on the city's roads, paths and pavements.

**Question 1: To what extent do you agree or disagree that T-zones should be extended to include the roads contained in the map at the top of the page?**

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know/ not sure	Not answered
A local business	4	2		1	20		
A local community or voluntary group	1						
A local stakeholder							
A waste management provider							
Resident of Brighton & Hove	52	6		2	2		1
Visitor	1						
Other				2	2		
<b>Total</b>	<b>58</b>	<b>8</b>	<b>0</b>	<b>5</b>	<b>24</b>	<b>0</b>	<b>1</b>
<b>Percentage</b>	<b>60.4%</b>	<b>8.3%</b>	<b>0.0%</b>	<b>5.2%</b>	<b>25.0%</b>	<b>1.0%</b>	

Of businesses that responded:

- 22.2% agreed that T-Zones should be extended to include the roads proposed
- 77.8% disagreed

Of residents that responded:

- 92.1% agreed that T-Zones should be extended to include the roads proposed
- 6.3% disagreed

**Question 2: Are there any roads that you would remove from the proposed T-Zones extension? Please explain your reason.**

Number in the Road column indicates number of responders whose response related to these road/roads.

The statements in the Reason column are the theme of each responder's response.

Road	Reason	Comment
All roads (4)	<ol style="list-style-type: none"> <li>1. Another stealth tax</li> <li>2. Detrimental to small businesses</li> <li>3. Ridiculous</li> <li>4. Health and hygiene issues</li> </ol>	<p>The objectives of this scheme are to: improve access to and use of the highway, improve safety, reduce litter, as well as improve the appearance of key areas in the city. Removing all the roads will not help the council achieve these objectives. Businesses will be given time to liaise with their waste management provider to find a solution for their waste, should Committee agree the recommendation.</p>
Boundary Road (3)	<ol style="list-style-type: none"> <li>1. Will affect responders' business</li> <li>2. No issue with commercial bins</li> <li>3. No reason given</li> </ol>	<p>The objectives of this scheme are to: improve access to and use of the highway, improve safety, reduce litter, as well as improve the appearance of key areas in the city. Removing Boundary Road will not help the council achieve these objectives. Businesses will be given time to liaise with their waste management provider to find a solution for their waste, should Committee agree the recommendation.</p>
Portland Road (3)	<ol style="list-style-type: none"> <li>1. Responder has nowhere to store bin</li> <li>2. Pavements are wide enough to store bins</li> <li>3. Bins will overflow</li> </ol>	<p>The objectives of this scheme are to: improve access to and use of the highway, improve safety, reduce litter, as well as improve the appearance of key areas in the city. Removing Portland Road will not help the council achieve these objectives. Businesses will be given time to liaise with their waste management provider to find a solution for their waste, should Committee agree the recommendation. The public highway is not designed to store commercial bins.</p>
Dyke Road (1)	No where for businesses to store bins	Businesses will be given time to liaise with their waste management provider to find a solution for their waste, should Committee agree the recommendation.
Lauriston Road (1)	No alternative storage available (referred to Costa Coffee)	<p>The objectives of this scheme are to: improve access to and use of the highway, improve safety, reduce litter, as well as improve the appearance of key areas in the city. Removing Lauriston Road will not help the council achieve these objectives. Businesses will be given time to liaise with their waste management provider to find a solution for their waste, should Committee agree the recommendation.</p>

Road	Reason	Comment
Melville Road (1)	Bins do not cause issues for residents	The inclusion of Melville Road was to prevent the displacement of commercial bins from Dyke Road.
[West part of] Portland Road (1)	Responders' bins are not causing a problem	The objectives of this scheme are to: improve access to and use of the highway, improve safety, reduce litter, as well as improve the appearance of key areas in the city. Removing Portland Road will not help the council achieve these objectives.
Preston Drove (1)	Due to steepness of road, bins find their way to the kerb	The objectives of this scheme are to: improve access to and use of the highway, improve safety, reduce litter, as well as improve the appearance of key areas in the city. Removing Preston Drove will not help the council achieve these objectives. Businesses will be given time to liaise with their waste management provider to find a solution for their waste, should Committee agree the recommendation.
Preston Road (1)	Businesses on this road have nowhere else to store bin	Businesses will be given time to liaise with their waste management provider to find a solution for their waste, should Committee agree the recommendation.
Station Road (1)	Responders' business is landlocked so nowhere else to store rubbish	Businesses will be given time to liaise with their waste management provider to find a solution for their waste, should Committee agree the recommendation.
Viaduct Road (1)	No reason given	N/A
Roads without sufficient communal bin infrastructure (1)	Businesses without space on private land need communal bins as an option	Cityclean is looking at options for additional communal infrastructure across the city.

### Question 3: Are there any roads that you would add to the proposed T-Zones extension?

Number in the Road column indicates number of responders whose response related to these road/roads/area.

The statements in the Reason column are the theme of each responder's response.

Road	Reason	Comment
All roads (6)	<ol style="list-style-type: none"> <li>1. No reason given</li> <li>2. Unsightly</li> <li>3. City blighted by rubbish bins</li> <li>4. No reason given</li> <li>5. Attract anti-social behaviour and cause access issues</li> <li>6. Love tidiness</li> </ol>	Noted. Future phases will be considered once Phase 2 is embedded, if Committee agree the recommendation.
Seafront (3 responses)	<ol style="list-style-type: none"> <li>1. Unsightly mess, detracting from seafront</li> <li>2. Too many bins; seafront looks awful</li> <li>3. Smelly eyesore, polluting beach and sea</li> </ol>	Noted. Future phases will be considered once Phase 2 is embedded, if Committee agree the recommendation.

Road	Reason	Comment
Lewes Road (2)	1. Roads are cluttered and busy 2. Messy and congested pavement	Lewes Road is already included in T-Zones.
Boundary Road (1)	Improve appearance	Boundary Road is proposed for inclusion for Phase 2.
George Street, Hove (1)	Environment is not enhanced by these bins	George Street is already included in T-Zones.
Upper Lewes Road (1)	Cluttered and busy	Upper Lewes Road is already included in T-Zones.
Lewes Road from St Martins Place to vogue gyratory (1)	Bad smell	Lewes Road is already included in T-Zones.
Madeira Drive West (1)	Bins are too big for the needs of most businesses and look unsightly	Noted. Future phases will be considered once Phase 2 is embedded, if Committee agree the recommendation.
St George's Road (1)	Made comment about a specific business on this road and the problems caused by their bins	Noted. Future phases will be considered once Phase 2 is embedded, if Committee agree the recommendation. The Environmental Enforcement Team can take a look at the business referred to.
Sudeley Place / College Place junction with St George's Road (1)	Bins obstruct traffic and reduce visibility	Noted. Future phases will be considered once Phase 2 is embedded, if Committee agree the recommendation.
Viaduct Road (1)	Driving hazard	Viaduct Road is proposed for inclusion for Phase 2.

#### Question 4: Do you have any further feedback on the proposal?

Number in the Suggestion column indicates number of responders whose response related to this theme.

Suggestion	Commentary
This is a good idea (24)	Noted
Concerns with residential bins need to be sorted (8)	At its meeting on 15 November 2022, Environment, Transport & Sustainability Committee agreed for household waste bin and box offences to be added to the Environmental Enforcement Framework. Work has taken place to begin enforcing this and will start in the New Year. A Bin Amnesty is to be launched for residents to notify the council of unnecessary bins and boxes so the council can remove from the city's streets and reuse, where possible.
This will not work / it's impractical (8)	Whilst there were some initial issues during the implementation of Phase 1, businesses have found solutions to the introduction of T-Zones. If the extension is approved by Committee, businesses in the affected areas will be advised to speak with their waste management company.
This is not supportive of local businesses (7)	Whilst there were some initial issues during the implementation of Phase 1, businesses have found solutions to the introduction of T-Zones.

	Phase 1 has tidied up the city and improved accessibility, making it more attractive for residents and visitors.
Raised concerns about hygiene (2)	Concerns about hygiene were also raised in Phase 1. The Environmental Enforcement Team liaised with Environmental Health who stated that it is OK to store food waste for 24 hours within premises.
Small businesses without private land should not be included (1)	There needs to be a consistent approach across the city. If the extension is approved by Committee, businesses in the affected areas will be advised to speak with their waste management company.
Council should collect business' recycling (1)	The council's trade waste service does collect recycling from businesses.
Expand communal infrastructure to Phase 2 roads (1)	Cityclean is looking at options for additional communal infrastructure across the city.
More enforcement needed to stop businesses using communal bins (1)	Noted; the Environmental Enforcement Team undertake investigations where businesses are using communal bins without the correct Duty of Care Certificate.
Stop taxing businesses (1)	Noted.
Issue with accessing the map (1)	Apologies, there was an issue with the GIS system. An alternative map was provided on the consultation portal when the issue was discovered.

**Question 6: How are you responding to this consultation? As a...**

Stakeholder	Count	Percentage
A local business	27	28.1%
A local community or voluntary group	1	1.0%
A local stakeholder	0	0.0%
A waste management provider	0	0.0%
Resident of Brighton & Hove	63	65.6%
Visitor	1	1.0%
Other	3	3.1%
No response	1	1.0%
Total	96	99.8%



**Appendix 2: proposed roads, and their wards, for inclusion in [time-banding zones](#)**

<b>Road</b>	<b>Ward</b>
Addison Road	Goldsmid
Albert Road	West Hill & North Laine
Albion Hill	Hanover & Elm Grove
Albion Hill	Queen's Park
Amesbury Crescent	Wish
Argyle Road	Preston Park
Ashford Road	Hollingdean & Fiveways
Aymer Road	Westbourne & Poets' Corner
Bath Street	West Hill & North Laine
Beaconsfield Parade	Preston Park
Beaconsfield Road	Preston Park
Beaconsfield Road	Round Hill
Beaconsfield Villas	Hollingdean & Fiveways
Belgrave Street	Hanover & Elm Grove
Belmont	Preston Park
Berriedale Avenue	Wish
Blackberry Way*	Wish
Bolsover Road	Wish
Boundary Road	Wish
Braemore Road	Wish
Brewer Street	Round Hill
Brittany Road	Wish
Buckingham Place	West Hill & North Laine
Buckingham Road	West Hill & North Laine
Buckingham Street	West Hill & North Laine
Campbell Road	Preston Park
Carlisle Road	Wish
Chatham Place	West Hill & North Laine
Chelston Avenue	Wish
Chester Terrace	Hollingdean & Fiveways
Church Street	West Hill & North Laine
Cleveland Road	Hollingdean & Fiveways
Clifton Hill	Regency
Clifton Place	Regency
Clifton Road	Regency
Clifton Street	West Hill & North Laine

<b>Road</b>	<b>Ward</b>
Clifton Terrace	Regency
Coleman Avenue	Wish
Coleman Street	Hanover & Elm Grove
Compton Avenue	West Hill & North Laine
Coombe Terrace	Moulsecoomb & Bevendean
Cumberland Road	Preston Park
Davigdor Road	Goldsmid
Derek Avenue	Wish
Ditchling Rise	Preston Park
Ditchling Rise	Round Hill
Ditchling Rise	Round Hill
Ditchling Road (from Upper Lewes Road to Dover Road)	Hollingdean & Fiveways
Ditchling Road (from Upper Lewes Road to Dover Road)	Round Hill
Ditchling Road (from Upper Lewes Road to Dover Road)	West Hill & North Laine
Dover Road	Hollingdean & Fiveways
Dyke Road (from Upper North Street to Old Shoreham Road)	Goldsmid
Dyke Road (from Upper North Street to Old Shoreham Road)	Preston Park
Dyke Road (from Upper North Street to Old Shoreham Road)	Regency
Dyke Road Drive	Preston Park
Edburton Avenue	Hollingdean & Fiveways
Edburton Avenue	Round Hill
Erroll Road	Wish
Ewart Street	Hanover & Elm Grove
Finsbury Road	Hanover & Elm Grove
Florence Road	Round Hill
Franklin Road	South Portslade
Glastonbury Road	Wish
Glebe Villas	Wish
Glendor Road	Wish
Goldsmid Road	Goldsmid
Grange Close	Preston Park
Grange Road	Wish
Grant Street	Hanover & Elm Grove
Grantham Road	Hollingdean & Fiveways
Grantham Road	Round Hill
Granville Road	Goldsmid
Grove Street	Hanover & Elm Grove
Guildford Road	West Hill & North Laine



<b>Road</b>	<b>Ward</b>
Guildford Street	West Hill & North Laine
Hanover Crescent	Hanover & Elm Grove
Hanover Mews	Hanover & Elm Grove
Hanover Place	Hanover & Elm Grove
Hanover Street	Hanover & Elm Grove
Hanover Terrace	Hanover & Elm Grove
Havelock Road	Hollingdean & Fiveways
Highdown Road	Goldsmid
Hogarth Road	Westbourne & Poets' Corner
Hogarth Road	Wish
Holland Street	Hanover & Elm Grove
Hove Street	Central Hove
Hove Street	Westbourne & Poets' Corner
Howard Terrace	West Hill & North Laine
Hythe Road	Hollingdean & Fiveways
Ingram Crescent East	Wish
Ingram Crescent West	Wish
Islingword Road	Hanover & Elm Grove
Islingword Street	Hanover & Elm Grove
Jackson Street	Hanover & Elm Grove
Jersey Street	Hanover & Elm Grove
Jesmond Road	Wish
Julian Road	Goldsmid
Kenton Road	Wish
Kingsbury Road	West Hill & North Laine
Kingsbury Street	West Hill & North Laine
Kingsway (from Hove Street to Boundary Road)	Central Hove
Kingsway (from Hove Street to Boundary Road)	Westbourne & Poets' Corner
Kingsway (from Hove Street to Boundary Road)	Wish
Langdale Gardens	Wish
Langdale Road	Wish
Lauriston Road	Preston Park
Lawrence Road	Westbourne & Poets' Corner
Leicester Villas	Wish
Leopold Road	West Hill & North Laine
Lewes Street	Hanover & Elm Grove
Lincoln Cottages	Hanover & Elm Grove
Lincoln Street	Hanover & Elm Grove

<b>Road</b>	<b>Ward</b>
London Terrace	West Hill & North Laine
Lover's Walk	Preston Park
Lowther Road	Hollingdean & Fiveways
Mansfield Road	Wish
Marine Avenue	Wish
Melville Road	Goldsmid
Middle Road	Preston Park
Middleton Avenue	Wish
Modena Road	Westbourne & Poets' Corner
Montpelier Street	Regency
Montpelier Villas	Regency
Montreal Road	Hanover & Elm Grove
New Church Road	Westbourne & Poets' Corner
New Church Road	Wish
Newark Place	Hanover & Elm Grove
Newhaven Street	Hanover & Elm Grove
Newport Street	Round Hill
Norman Road	Wish
North Road	Preston Park
North Street	South Portslade
Olive Road	Wish
Park Avenue	Wish
Park Crescent	Round Hill
Park Crescent Place	Round Hill
Park Crescent Road	Round Hill
Park Crescent Terrace	Round Hill
Pembroke Avenue	Westbourne & Poets' Corner
Pembroke Crescent	Westbourne & Poets' Corner
Pembroke Gardens	Westbourne & Poets' Corner
Phoenix Place	Hanover & Elm Grove
Phoenix Rise	Hanover & Elm Grove
Portland Avenue	Wish
Portland Lane	Wish
Portland Road	Westbourne & Poets' Corner
Portland Road	Wish
Portland Villas	Wish
Powis Grove	Regency
Preston Drove	Hollingdean & Fiveways

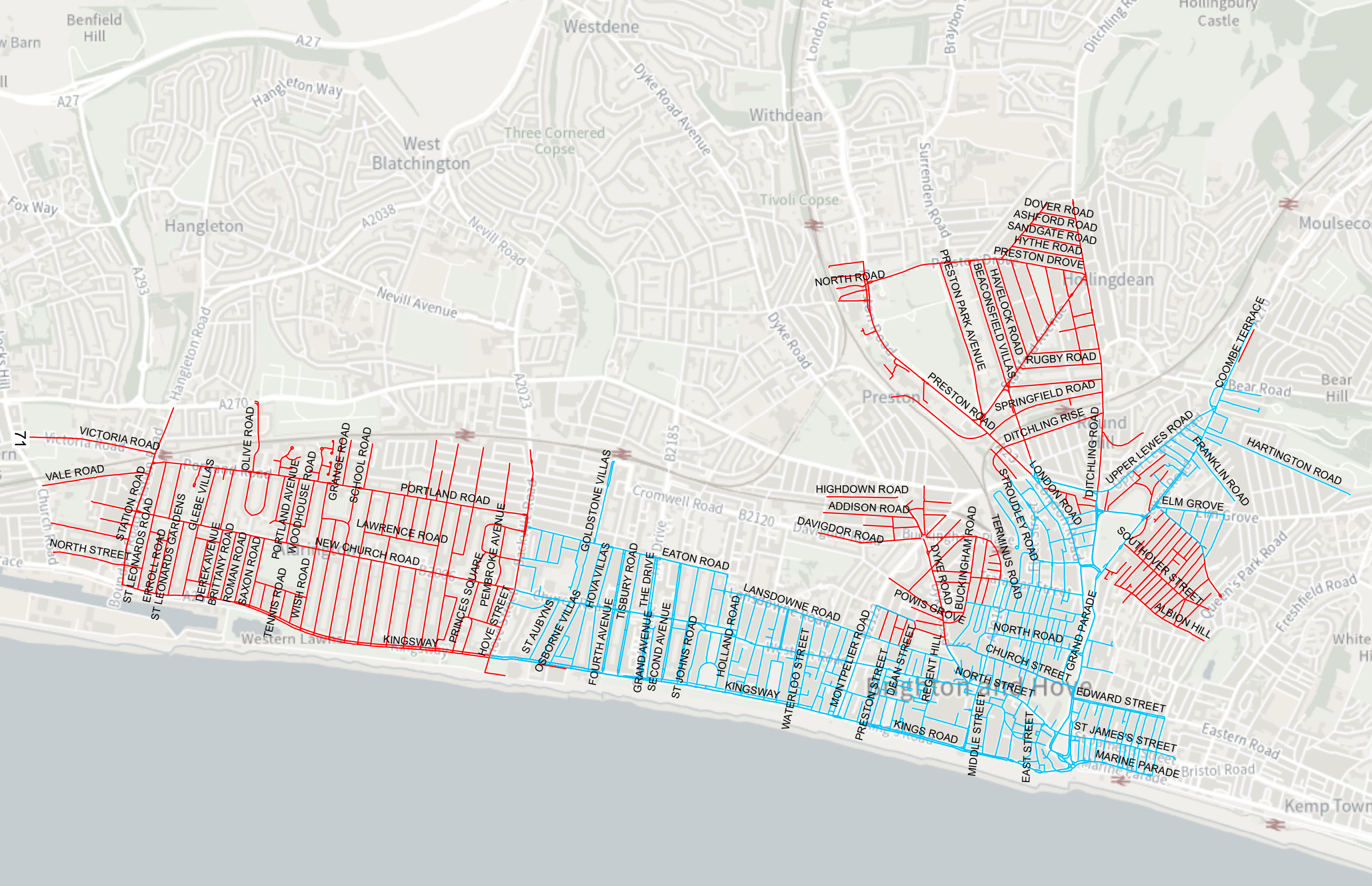
<b>Road</b>	<b>Ward</b>
Preston Drove	Preston Park
Preston Park Avenue	Hollingdean & Fiveways
Preston Park Avenue	Preston Park
Preston Road (from London Road to Cumberland Road)	Preston Park
Prestonville Road	Preston Park
Prestonville Road	West Hill & North Laine
Princes Avenue	Westbourne & Poets' Corner
Princes Crescent	Westbourne & Poets' Corner
Princes Square	Westbourne & Poets' Corner
Quebec Street	Hanover & Elm Grove
Railway Street	West Hill & North Laine
Raphael Road	Westbourne & Poets' Corner
Reynolds Road	Westbourne & Poets' Corner
Richardson Road	Westbourne & Poets' Corner
Roman Road	Wish
Rookery Close	Preston Park
Rose Hill	West Hill & North Laine
Rose Hill Close	West Hill & North Laine
Rose Hill Terrace	West Hill & North Laine
Rothbury Road	Wish
Rugby Road	Preston Park
Russell Crescent	Preston Park
Rutland Gardens	Westbourne & Poets' Corner
Rutland Road	Westbourne & Poets' Corner
Sackville Gardens	Westbourne & Poets' Corner
Sackville Road (from Kingsway to Portland Road)	Westbourne & Poets' Corner
Sackville Road (from Kingsway to Portland Road)	Westbourne & Poets' Corner
Sandgate Road	Hollingdean & Fiveways
Saxon Road	Wish
School Road	Wish
Scotland Street	Hanover & Elm Grove
Scott Road	Wish
Seaford Road	Wish
Semley Road	Hollingdean & Fiveways
Shelley Road	Westbourne & Poets' Corner
South Road	Preston Park
Southampton Street	Hanover & Elm Grove
Southdown Road	Hollingdean & Fiveways

<b>Road</b>	<b>Ward</b>
Southover Place	Hanover & Elm Grove
Southover Street	Hanover & Elm Grove
Springfield Road	Preston Park
St Andrews Road	Preston Park
St Andrews Road	South Portslade
St Aubyns Road	South Portslade
St Heliers Avenue	Wish
St Keyna Avenue	Wish
St Leonard's Avenue	Wish
St Leonard's Gardens	Wish
St Leonard's Road	Wish
St Patrick's Road	Westbourne & Poets' Corner
Stanford Avenue	Hollingdean & Fiveways
Stanford Avenue	Preston Park
Stanford Avenue	Round Hill
Station Road	South Portslade
Tamplin Terrace	Hanover & Elm Grove
Tamworth Road	Westbourne & Poets' Corner
Tandridge Road	Wish
Tennis Road	Wish
Terminus Place	West Hill & North Laine
Terminus Road	West Hill & North Laine
Terminus Street	West Hill & North Laine
Titian Road	Westbourne & Poets' Corner
Toronto Terrace	Hanover & Elm Grove
Vale Road	South Portslade
Viaduct Road	Round Hill
Viaduct Road	West Hill & North Laine
Victoria Place	Regency
Victoria Road	Regency
Victoria Road	South Portslade
Victoria Street	Regency
Victoria Terrace	Central Hove
Vine Place	Regency
Waldegrave Road	Hollingdean & Fiveways
Walsingham Road	Westbourne & Poets' Corner
Washington Street	Hanover & Elm Grove
Welbeck Avenue	Wish

<b>Road</b>	<b>Ward</b>
West Hill Road	West Hill & North Laine
Westbourne Gardens	Westbourne & Poets' Corner
Westbourne Place	Westbourne & Poets' Corner
Westbourne Street	Westbourne & Poets' Corner
Westbourne Villas	Westbourne & Poets' Corner
Wish Road	Wish
Woodhouse Road	Wish
Worcester Villas	Wish
York Villas	Preston Park







Benfield Hill

Westdene

Withdean

West Blatchington

Hangleton

Tivoli Copse

Moulsecro

DOVER ROAD  
ASHFORD ROAD  
SANDGATE ROAD  
HYTHE ROAD  
PRESTON DROVE

NORTH ROAD

PRESTON PARK AVENUE

RUGBY ROAD

SPRINGFIELD ROAD

DITCHLING RISE

COOMBE TERRACE

UPPER LEWES ROAD

FRANKLIN ROAD

HARTINGTON ROAD

VICTORIA ROAD

VALE ROAD

STATION ROAD

GLEBE VILLAS

BRITANNY AVENUE

ROMAN ROAD

SAXON ROAD

TENNIS ROAD

PORTLAND AVENUE

WOODHOUSE ROAD

GRANGE ROAD

SCHOOL ROAD

PORTLAND ROAD

LAWRENCE ROAD

NEW CHURCH ROAD

WISH ROAD

PRINCES SQUARE

HOVE STREET

KINGSWAY

GOLDSTONE VILLAS

HOVA VILLAS

TISBURY ROAD

GRAND AVENUE

THE DRIVE

SECOND AVENUE

ST JOHN'S ROAD

EATON ROAD

LANSDOWNE ROAD

WATERLOO STREET

MONTPELLIER ROAD

PRESTON STREET

DEAN STREET

KINGS ROAD

MIDDLE STREET

EAST STREET

EDWARD STREET

ST JAMES'S STREET

MARINE PARADE

HIGHDOWN ROAD

ADDISON ROAD

DAVIDDOR ROAD

POWIS GROVE

BUCKINGHAM ROAD

TERMINUS ROAD

STROUDLEY ROAD

LONDON ROAD

CHURCH STREET

NORTH STREET

MIDDLE STREET

SOUTHOVER STREET

ALBION HILL

ELM GROVE

Queen's Park Road

Freshfield Road

White Hill

Eastern Road

Bristol Road

Kemp Town





#### Appendix 4: objections to flyering Order

Area	Feedback in relation to advertised Order	Notes from City Environment
Livingstone Road	Mentioned it's a threat and adding more barriers for people organising changes, unhappy with the criminalising if someone does not have a license, believes the council is against people and does not agree with clamping down on this.	Objection.
Vallance Gardens	Unsure what is proposed and asked for more details.	City Environment provided more information on the proposals and no further feedback was received.
New Church Road	Unsure what is proposed. Believes it relates to materials being posted through the door.	City Environment provided more information on the proposals and no further feedback was received.
Braemore Road	Clarification about the proposals and whether it applies to posting leaflets through doors.	City Environment provided more information on the proposals and resident responded with no objections.
Palmeira Square	Community group confirming whether they would be able to still give out leaflets and flyers to local residents - worried about their income being affected if they can't use flyers/leaflets.	Objection.
Livingstone Road	Unsure what is proposed and asked for more details.	City Environment provided more information on the proposals and resident responded with no objections.
Braemore Road	Unsure what is proposed and whether it applies to leaflets.	City Environment provided more information on the proposals and resident responded with no objections.
Western Road	Objection to people flyposting but not relating to flyering.	City Environment provided more information on the proposals and no further feedback was received.
Western Road	Unsure what is proposed.	City Environment provided more information on the proposals and resident responded with no objections.
Berriedale Avenue	Unsure what is proposed. Asked whether this applies to leaflets through letter boxes.	City Environment provided more information on the proposals. Resident responded advising this is rare in residential areas but did not confirm whether they objected or not.

Area	Feedback in relation to advertised Order	Notes from City Environment
Eaton Villas	Unsure what is proposed and asked for more details.	City Environment provided more information on the proposals and no further feedback was received.
Ventnor Villas	Unsure what is proposed and asked for more details.	City Environment provided more information on the proposals and resident responded with no objections.
Saxon Road	More information was requested and asked if proposal is to allow flyering in general in the area. Want to know about the practical implications	No response provided.
Regency Square	Mentioned being discriminatory against small independent businesses who do have budget for marketing purposes. Worried about the negative impact this will have on the businesses.	Objection.

**Appendix 5: extension of flyering licence area**

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<b>SCHEDULE</b>		
<b>From the current boundary in the west, along the promenade from Brunswick Square to Basin Road South, including Hove Lawns:</b>		
First Avenue	St Aubyns	Berridale Avenue
Queen's Gardens	St Aubyns South	Wish Road
Second Avenue	Vallance Gardens	Welbeck Avenue
Grand Avenue	Hove Street	Glendor Road
King's Gardens	Hove Street South	Tennis Road
Third Avenue	Princes Crescent	Norman Road
Fourth Avenue	Westbourne Villas	Tandridge Road
Albany Villas	Sackville Gardens	Saxon Road
Medina Villas	Walsingham Road	Basin Road South
Medina Terrace	Carlisle Road	Roman Road
Osborne Villas	Langdale Road	Wharf Road
Sussex Road	Langdale Gardens	Hove Lagoon
King's Esplanade	Braemore Road	Seafield Road

<b>SCHEDULE</b>		
<b>From the current boundary in the east, along Madeira Drive to Black Rock:</b>		
Kings Cliff	Madeira Drive	Duke's Mound
Black Rock		

<b>SCHEDULE</b>		
<b>From the current boundary at the Western Road / Brunswick Place junction west along Western Road, onto Church Road with the junction of Sackville Road:</b>		
Temple Street	Holland Road	Norton Road
Borough Street	Rochester Gardens	Fourth Avenue
Norfolk Road	Palmeira Square	Hova Villas
Boundary Passage	Palmeira Avenue	Albany Villas
York Road	Church Road	Ventnor Villas
Brunswick Road	Salisbury Road	Medina Villas
Cambridge Road	Selbourne Road	Osborne Villas
Western Road	First Avenue	George Street
Brunswick Square	Wilbury Road	Seafield Road
Brunswick Place	Second Avenue	Haddington Close
Brunswick Street West	The Drive	St Aubyns
Farm Road	Grand Avenue	Vallance Road
Lansdowne Place	Tisbury Road	Miles Walk
Lansdowne Street	Third Avenue	Connaught Road

**SCHEDULE**

**George Street (Hove), Blatchington Road between Haddington Close and Ventnor Villas and Goldstone Villas:**

Eaton Villas	Clarendon Villas	Goldstone Road
Goldstone Villas	Shirley Street	Shirley Street
Livingstone Road	Clarendon Road	George Street
Blatchington Road	Haddington Close	Haddington Street
Station Approach		

# Environmental enforcement framework

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# 1. Purpose

The purpose of the Environmental Enforcement Framework is to address anti-social and illegal behaviour to improve the environment and minimise waste clean-up and disposal costs.

Environmental enforcement is delivered by authorised Environmental Enforcement Officers patrolling Brighton & Hove. Enforcement action includes the issuing of Fixed Penalty Notices (FPNs), Community Protection Warnings (CPWs), Community Protection Notices (CPNs), FPNs in relation to Public Space Protection Orders (PSPOs) and court orders.

This Framework sets out the standards that will be applied when issuing FPNs, CPWs, and CPNs for environmental offences and what residents, businesses, and visitors can expect from Brighton & Hove City Council.

# 2. Introduction

Brighton & Hove City Council is committed to combatting fly tipping and littering, ensuring the city remains attractive and enjoyable for all those living and working here as well as those visiting the area.

The council will take a fair and proportionate approach to issuing fines for environmental offences to ensure that those spoiling the environment for others are made accountable for their actions.

The council will issue FPNs, CPWs, CPNs and PSPOs to enforce environmental crimes under the following legislation:

- Sections 33, 34, 46A, 47, 47ZA, 59, 88 and 94B of the Environmental Protection Act 1990
- Section 43 of the Anti-Social Behaviour Act 2003
- Sections 43, and 59 to 68 of the Anti-Social Behaviour, Crime and Policing Act 2014
- Section 42 of the Road Traffic Act 1988
- The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002
- Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

The council will issue FPNs, CPWs, and CPNs on all council-owned land, including, but not limited to, the beach, seafront, parks, open spaces, pavements and the highway.

FPNs provide a quick, visible and effective way of dealing with low-level straightforward environmental crimes, offering an alternative to prosecution.

This Framework complements the Highways Policy, which deals with other areas of environmental enforcement.

# 3. FPN fines

FPN fines are as follows:

Offence	BHCC penalty	BHCC early payment
---------	--------------	--------------------

Littering	<del>£300</del> 150	<del>£150</del> 110
Littering from vehicles	£150	£110
Spitting, urinating or defecating	£150	N/A
Dog fouling	£80	N/A
Dogs on leads	£80	N/A
Dogs on lead by direction	£80	N/A
Dogs in dog exclusion zone	£80	N/A
Graffiti	<del>£500</del> 150	N/A
Fly posting	<del>£500</del> 150	<del>£250</del> N/A
Unauthorised flyering	£150	N/A
Household waste bins and boxes	£80	N/A
Industrial and commercial waste receptacle offence	£110	N/A
Residential fly-tipping on public and private land	<u>Up to three 80 litre sacks, or loose equivalent £400</u> <u>Four-to-six 80 litre sacks, or loose equivalent, £500</u> <u>Seven-plus 80 litre sacks, or loose equivalent, £600</u> <del>£400</del>	N/A
Disposing of commercial waste illegally	<u>Up to three 80 litre sacks, or loose equivalent £600</u> <u>Four-to-six 80 litre sacks, or loose equivalent, £800</u> <u>Seven-plus 80 litre sacks, or loose equivalent, £1000</u> <del>£400</del>	N/A
Failure to produce a Waste Transfer Note or Duty of Care Certificate or non-compliance with Certificate	£300	N/A
Engine idling	£40	£20
Miscellaneous temporary advertisements	£100	N/A
Failure to comply with a PSPO	£100	N/A
Failure to comply with a CPN	£100	N/A

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FPN fines are set in line with DEFRA guidance: <https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse> and <https://www.gov.uk/guidance/household-waste-bins-when-and-how-councils-may-issue-fixed-penalties>

The fine for failing to comply with a PSPO is set in line with Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014:  
<https://www.legislation.gov.uk/ukpga/2014/12/section/68/enacted>

The fine for littering is ~~£300~~ with an early payment discount reducing it to ~~£150~~, if it is paid within 10 days. ~~The fine for flyposting is £500 with an early payment discount reducing it to £250, if it is paid within 10 days.~~ The fine for engine idling is £40 with an early payment discount reducing it to £20, if it is paid within 10 days.

There are no early payment discounts for other offences because Brighton & Hove City Council is talking a hard stance on these offences with the penalty set accordingly.

The cost of FPNs will be reviewed annually to enable Brighton & Hove City Council to target particular environmental offences when needed and ensure appropriate costs of the service are met. Payment of an FPN in instalments is not possible.

## 4. Issuing of FPNs

All FPNs will be issued in line with government guidance:  
<https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse> and  
<https://www.gov.uk/guidance/household-waste-bins-when-and-how-councils-may-issue-fixed-penalties>

Details about when a FPN would and would not be issued are detailed below.

### When a FPN will be issued

A FPN will only be issued when all of the following apply:

- an offence has been committed (see section 5)
- a FPN is a proportionate response
- there is evidence to support prosecution if the offender does not pay the FPN
- the offender understands why the FPN is being issued
- the Environmental Enforcement Officer believes that the name and address offered by the offender are correct

In addition, a FPN will be issued when a PSPO has not been complied with.

### When a FPN will not be issued

A FPN will not be issued if any of the following apply:

#### If there is no criminal liability

- the person in question is exempt, e.g. a blind person whose dog has fouled in an area where a dog control order applies



- the offender is a child under the age of 10, when the child's parents or guardian may be informed

**If enforcement action is inappropriate or would be disproportionate for the offence**

- it is not in the public interest to do so
- the offender is vulnerable; for example, someone who is a rough sleeper or suffers from a mental impediment; this list is not exhaustive

**If prosecution is more suitable**

- the offence is major, e.g. deliberate smashing of glass, racist graffiti, or where an extensive quantity of waste is fly tipped or where the content of the waste is hazardous.
- the offence is committed by a persistent offender
- the offender is violent or aggressive

In these cases, evidence will be referred to officers in City Environment to determine whether the case should be referred to council's legal team.

**If littering is done accidentally**

- accidental: for example, something falls out of someone's pocket (as opposed to intentional where, for example, litter is dropped and the offender walks away, including the discarding of cigarettes).

Where there is doubt over intent, the Environmental Enforcement Officer will challenge the offender, stating they have seen them drop something and ask them to pick it up. Should the person refuse to pick up the litter, they may be issued with an FPN.

**About issuing fines**

The FPN gives the alleged offender an opportunity to avoid prosecution by payment of the penalty. An FPN is therefore only issued where there is adequate evidence to support a prosecution, if a notice is not paid.

FPNs will not be issued to under 18s but if an Environmental Enforcement Officer witnesses an under 18 committing an environmental offence, they will have an informal discussion with them about it and may write to their parent or guardian.

Officers will have sufficient training and understanding of Brighton & Hove City Council's Environmental Enforcement Framework and their area of work to ensure a consistent approach to their duties. Environmental Enforcement Officers will carry identification picture cards at all times whilst on duty. An Environmental Enforcement Officer will never take payment for FPNs. Information about how to pay is included on the FPN.

## 5. FPN offences

FPNs will be issued in a fair and proportional manner so those who are spoiling the environment for others are made accountable.

### Littering

Littering is an offence under section 87 of the Environmental Protection Act 1990. The act states that an offence is committed if anything is dropped, thrown, left or deposited that causes defacement, in any place open to the air that the public have access to with or without payment. This includes any deposit on land or water and the statutory definition of litter specifically includes cigarette butts and chewing gum.

When issuing FPNs for littering, a distinction will be made between intentional littering and accidental littering:

- Intentional: for example, litter is dropped and the offender walks away, including the discarding of cigarettes.
- Accidental: for example, something falls out of someone's pocket.

Where littering is considered to be accidental (with no intent to drop litter) an FPN will not be issued.

## **Littering from vehicles**

Littering from vehicles is an offence under section 87 of the Environmental Protection Act 1990. As with general littering, littering from vehicles is a nuisance and is detrimental to the environment. Vehicle owners are responsible for ensuring whoever is travelling in their vehicle does not litter from the vehicle. FPNs for littering from vehicles will be issued to registered vehicle owners when the person who actually littered cannot be identified. In cases where the registered vehicle owner is fined, the FPN must be issued within 35 days of the alleged offence.

## **Spitting, urinating and defecating**

FPNs for spitting, urinating and defecating are issued under section 87 of the Environmental Protection Act 1990.

Spitting, urinating and defecating in public places are anti-social habits and can have a number of health implications. An FPN will be issued when spitting, urinating or defecating occurs on public surfaces, roads, pavements or streets.

## **Dog fouling, dogs on leads, dogs on lead by direction and dogs in dog exclusion zones**

FPNs for Dog Control Order offences are issued under section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Dog control offences have an impact on the city and the communities within in. FPNs for dog control offences will be issued to enforce responsible dog ownership and reduce the issues relating to dogs running loose and causing as nuisance to others, as well as reduce the potential health implications associated with dog fouling.

The Fouling of Land by Dogs Order makes it an offence for a person in charge of a dog to fail to remove faeces from the land. The Dogs on Leads Order makes it an offence for a person in charge of a dog to fail to ensure that a dog is kept on a lead on relevant land.

The Dogs on Lead by Direction Order makes it an offence for a person in charge of a dog to fail to put that dog on a lead under the direction of an authorised officer on relevant land.

The Dog Exclusion Order makes it an offence for a person in charge of a dog to permit the dog to enter or remain on any land to which the Order applies. The land to which this Order applies is detailed in Section 14.

Assistant Dogs are exempt from Dog Control Orders.

## **Graffiti**

FPNs for graffiti are issued under section 43 of the Anti-Social Behaviour Act 2003.

Graffiti is classed as criminal damage and defined as any informal or illegal marks, drawings or paintings that have been deliberately made by anyone on any physical element in the outdoor environment. Graffiti is difficult and costly to remove.

Before issuing a FPN for graffiti, the Environmental Enforcement Officer will speak to the owner of the building to ascertain whether permission has been granted to graffiti the physical element question.

City Environment will work with the Safer Communities Team to ensure that enforcement action does not impact on any legally created graffiti art and does not contradict the Graffiti Reduction Strategy.

## **Fly posting**

FPNs, CPW and CPNs for fly posting are issued under section 43 of the Anti-Social Behaviour Act 2003.

Fly posting is putting up posters or stickers on properties, lamp posts, telephone boxes or other structures on the street such without consent from the owner.

Examples of this are:

- Sticking posters onto boarded up shops advertising a gig
- Attaching a poster to a lamp post advertising a business
- Putting stickers onto road signs showing political statements

A FPN will be issued to an individual witnessed flyposting by an authorised Environmental Enforcement officer.

Upon obtaining evidence of illegal fly posting, an authorised Environmental Enforcement Officer will issue a CPW to an individual aged 16 or over, business or organisation as per Section 7 below.

## **Unauthorised flyering**

FPNs for unauthorised flyering are issued under section 94b of the Environmental Protection Act 1990.

Flyering can cause lots of litter and Brighton & Hove City Council restricts where and when free flyers can be distributed. This includes printed materials to advertise things like events, businesses or product promotions.

Anyone wishing to distribute free printed material within a designated area must apply for a flyering licence from the council. The flyering licence covers the cost of the extra work required to clear the additional litter generated as some people will just drop flyers on the floor.

Any person distributing matter by or on behalf of a charity or for political or religious purposes are exempt from this rule. To reduce confusion, the council encourages charities to make an application. There will not be a charge for the licence in these cases.

FPNs for flyering without a license will be issued to the individual and not the organisation they are flyering for. One fine will be issued to each person distributing the flyers, regardless if a group is distributing the same flyers.

Flyering materials will be confiscated until the owners of the materials have arranged for a flyering licence.

Details about where a licence is required and how to apply for a flyering licence are available on the council's website: [www.brighton-hove.gov.uk/flyering](http://www.brighton-hove.gov.uk/flyering)

## Household waste bins and boxes

FPNs for household waste bin and box (receptacle) offences are issued under section 46A of the Environmental Protection Act.

A household can cause harm to the local environment by not following the rules relating to household waste bins and boxes (receptacles). This includes:

- when it causes, or is likely to cause a nuisance, or
- when it has a negative effect or is likely to have a negative effect on local amenities

Enforcement action will be taken when:

- the household has adequate private outside storage space, and the receptacle(s) is not stored within it
- the receptacle(s) is causing an obstruction, such as forcing pedestrians and those using wheelchairs or buggies to walk on the road, and there is adequate storage space on the property
- the receptacle(s) restricts access to the pavement or street, for example leaving receptacles out for several days, including bags of waste
- the receptacle(s) is likely to attract vermin like foxes and rats, such as leaving bags or open receptacles out days before a waste collection
- the receptacle(s) is unsightly (torn bags or overturned receptacles are left out)

Enforcement action will not be taken if:

- the receptacle(s) is on the pavement / highway as it has been presented for collection – both before and after (and considering people returning from work to be able to return to their adequate private outside storage space)
- the household is unable to return the receptacle (s) to their adequate private outside storage space due to a Protected Characteristic
- the household does not have adequate private outside storage space for the receptacle(s)
- the receptacle(s) has been left out due to non-collection

Adequate private outside storage space includes:

- an outside area including: front garden, driveway, front patio area, back garden (accessible without needing to take the receptacle through the house)
- a front patio area over a small lip / step
- space available if taken up three steps or fewer

Upon receiving a report of a household waste bin or box (receptacle) causing a nuisance, and which meets the criteria, an authorised Environmental Enforcement Officer will:

1. Send a written warning, explaining how the householder has broken the rules, how this has (or is likely) to cause a nuisance or have a negative effect on local amenities, what they must do, how long they've got to fix the problem and what will happen if they don't comply within 28 days
2. If the householder does not comply, a notice of intent will be sent, telling the householder they may get a Fixed Penalty Notice, the reasons why and how much they'll have to pay if they do not fix the problem
3. If the problem is not fixed after 28 days, a final notice will be issued, along with the Fixed Penalty Notice

## Industrial and commercial waste receptacle offences

FPNs for receptacle offences are issued under sections 47 and 47ZA Environmental Protection Act 1990.

Businesses have a duty to ensure that their waste is stored, presented and disposed of in accordance with the waste Duty of Care. FPNs will be issued when the waste is likely to cause a nuisance or be detrimental to the amenities of the locality. This includes:

- Bins in time-banding zones (T-Zones) left on the pavement outside of agreed collection times (from 1 April 2022)
- Bins blocking the highway
- Bins with size, construction or maintenance issues

Businesses are also expected to label their waste receptacle with their business name. Failure to comply with a request to place a label on a receptacle could result in a FPN being issued.

More details on businesses' waste management responsibilities are available on the Brighton & Hove City Council website: <https://www.brighton-hove.gov.uk/rubbish-recycling-and-streets/rubbish/how-dispose-business-and-trade-rubbish-and-recycling>

## Fly tipping

FPNs for flytipping are issued under section 33 of the Environmental Protection Act 1990.

Flytipping is the illegal dumping of waste, items or materials. This includes anything from putting a TV on the pavement to dumping a van's contents in the countryside. Flytipping is unattractive, can cause obstructions and can lead to a build-up of other waste. The following are all examples of flytipping:

- Putting items, including furniture, electrical items and appliances on the public highway or private land and on the pavement for others to pick up and reuse.
- Putting items including furniture, electrical items and appliances by communal refuse or recycling bins, wheelie bins, refuse areas, bring sites or litter bins. If a bin is full, items should be taken to the next nearest bin or taken home until there is capacity in a bin.

- Putting refuse into communal recycling bins.
- Putting bulky items in refuse or recycling bins.

If someone else flytips an individual's waste, the individual may still be held responsible.

Any company carrying or disposing of waste must have a waste carriers licence and individuals can check they have this through the Environment Agency's waste carrier's public register.

Unwanted items, such as electrical items, furniture, appliances etc. cannot be collected with normal household refuse and must be reused, recycled or disposed of in a legal and safe way. Options include:

- Keeping these goods on an individual's property and advertised through signs, newspapers or websites
- Using a company or charity that collects items for free
- Taking items to a Household Waste Recycling Site
- For a fee, using the council's bulky waste collection service.

More details are available on the Brighton & Hove City Council website: [www.brighton-hove.gov.uk/bulkywaste](http://www.brighton-hove.gov.uk/bulkywaste)

## **Disposing of commercial waste illegally**

FPNs for disposing of commercial waste illegally are issued under section 33 of the Environmental Protection Act 1990.

Any waste that comes from a commercial activity is business waste, including waste produced as a result of an individual running their business from home. Businesses cannot use domestic waste and recycling bins, and the collection of commercial waste is not covered by business rates.

Businesses are responsible for:

- All recycling and refuse they create
- Ensuring waste is stored and disposed of in a safe and legal way
- Using a registered waste contractor or a business waste site to dispose of their waste
- Avoiding any disruption to the public when storing and disposing of their waste.

Any business found to be not adhering to these responsibilities, may be issued with a FPN.

## **Failure to produce a Waste Transfer Note or Duty of Care Certificate or non-compliance with the Certificate**

FPNs for failure to produce a Waste Transfer Note or Duty of Care Certificate or noncompliance with the Certificate are issued under section 34 of the Environmental Protection Act 1990.

Businesses must have a registered waste carrier to collect and dispose of their waste. Businesses that have set up a waste collection with a registered waste contractor will receive a Duty of Care Certificate. This is proof that there are waste collection arrangements in place and it is being disposed of legally.

If a registered waste contractor does not supply a Duty of Care Certificate it may mean they are not registered. If this waste is then subsequently dumped or disposed of illegally, the business could be held responsible. For this reason, it is recommended that businesses check the waste contractor through the Environment Agency's waste carrier's public register.

If an Environmental Enforcement Officer requests a copy of a business's Duty of Care Certificate and the business is unable to provide one, the business will be given 14 days to produce a Duty of Care Certificate before an FPN is issued.

Environmental Enforcement Officers conduct regular checks across the city to make sure businesses have a Duty of Care Certificate. If a business does not have a legal method for disposing of waste, the business could receive a fine which could lead to prosecution.

Businesses have a duty to ensure that their waste is stored, presented and disposed of in accordance with the waste Duty of Care. FPNs will be issued when the waste is likely to cause a nuisance or be detrimental to the amenities of the locality, including overflowing bins meaning lids cannot be closed or side waste.

## **Engine idling**

FPNs for engine idling are issued under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 and Section 42 of the Road Traffic Act 1988.

Idling, or leaving an engine running whilst the vehicle is stationary, emits vehicle fumes which damage both health and the local environment. Tackling engine idling through the use of FPNs will help reduce pollution across Brighton & Hove.

An FPN will be issued to the driver of a car witnessed idling on the city's highways.

## **Miscellaneous temporary advertisements**

FPNs for miscellaneous temporary advertisements are issued under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Under the regulations, following completion of a sale or the grant of a tenancy, the advertising boards should be removed within 14 days.

Redundant "sold" and "let" boards are regularly discarded across the city, making the city look untidy and creating clean-up costs.

Upon obtaining evidence that a board has remained in situ for longer than 14 days, an authorised Environmental Enforcement Officer will make contact with the relevant estate agent, letting agent or managing agent to notify them that they will be issued with a FPN. The FPN will be issued directly to the relevant estate agent, letting agent or managing agent, not an employee.

## **Failure to comply with a PSPO**

PSPOs are designed to counter unreasonable and persistent behaviour that affects the quality of life of residents. A PSPO can be made on reasonable grounds that two conditions are met:

The first condition is that:

- Activities carried on in a public place have had a detrimental effect on the quality of life of those in the locality, or
- It is likely that activities will be carried on in a public place within that area and that they will have such an effect

The second condition is that the effect, or likely effect, of the activities:

- Is, or is likely to be, of a persist or continuing nature,
- Is, or is likely to be, such as to make the activities unreasonable, and
- Justifies the restrictions imposed by the notice

The use of single-use disposable barbecues and the release of lanterns and balloons outdoors has a detrimental effect on the quality of life, as well as problems for people, the environment and the council:

- Single-use disposable barbecues pose a significant fire risk when in use and if not disposed of correctly; there have been many times when they have caused bins and the surrounding area to catch fire
- Single-use disposable barbecues present a risk to injury to people and animals, particularly on the beach and in open spaces
- If not set up correctly, single-use disposable barbecues can scorch and damage the environment around them
- When not disposed of it means the taxpayer has to pay for the tidy up of single-use disposable barbecues
- Lanterns and balloons are impossible to dispose of in a safe way as the owner has no way of finding it, once released; for lanterns, there is no way of ensuring it is extinguished before reaching the ground
- Both lanterns and balloons return to the ground or sea as litter and can be ingested by animals, birds and marine wildlife, causing risk of death, injury and entrapment

Together, this does not only incur environmental costs, but bring additional and substantive costs to the council to clear up.

At its meeting on 15 March 2022, the Environment, Transport & Sustainability agreed FPNs may be issued to anyone found:

- Using a single-use disposable barbecue in or on council-owned parks, open spaces and the seafront
- Releasing lanterns or balloons in or on council-owned parks, open spaces and the seafront

Anyone failing to comply with a PSPO may be issued with an FPN of £100.

## 6. Appeals and disputes for FPNs

There is no formal right to appeal against an FPN. If an offender does not agree that an offence has been committed, then the matter will be dealt with through formal prosecution via the Magistrates courts. It will then be up to the court, on receiving evidence, to determine whether or not an offence was committed and therefore whether or not any penalty should be imposed.



If the offender believes an FPN has been issued incorrectly, they can put their complaint to City Environment in writing who will assess whether the correct procedure has been followed.

If, upon receiving a written warning relating to household waste bin and box offences, a household disagrees with the request to fix the problem, they can write to [environmentenforcement@brighton-hove.gov.uk](mailto:environmentenforcement@brighton-hove.gov.uk) setting out the reasons why they are unable to fix the problem, with appropriate evidence.

If City Environment has responded to a complaint about the way the FPN was issued to which the offender remains unsatisfied, the offender can raise a formal complaint with Brighton & Hove City Council by contacting [customerfeedback@brightonhove.gov.uk](mailto:customerfeedback@brightonhove.gov.uk). Brighton & Hove City Council will investigate whether the FPN was issued in accordance with the appropriate procedures, the law and this framework.

## 7. Issuing of CPWs and CPNs

The council can address offences which have a negative impact on a community's quality of life by issuing a CPW and serving a CPN in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014. Any behaviour that is detrimental to a community's quality can result in a CPW and CPN.

A CPW can be issued to an individual aged 16 or over, business or organisation if an authorised person is satisfied that the behaviour:

- has a detrimental effect on the quality of life of those in the locality
- is unreasonable and
- is of a persistent nature

The CPW will be issued to an individual, business or organisation suspected of causing the problem. The CPW will detail the impact on the community and that the behaviour should cease, or the reasonable steps that need to be taken to ensure the problem does not occur again. The CPW will include the consequences of not addressing the behaviour and that a CPN will be issued.

If the behaviour persists, a CPN will be issued with the following requirements:

- to stop doing something specified and/or to do some specified action
- to take reasonable steps to achieve a specified result; this will be aimed at either preventing the effect of the unacceptable conduct continuing, or prevent the likelihood of it recurring

If a recipient of a CPN fails to comply with the requirement, the council may take action to ensure that the failure is remedied:

### FPN

A FPN may be issued if the recipient does not comply with the CPN requirements. If the FPN is not paid, this may result in a court order.

A FPN issued for non-compliance will be £100.

### Remedial work

An instruction to complete remedial work may be issued if the recipient does not comply with the CPN requirements. If the remedial work is not completed, this may result in a court order.

## **Court order**

If the FPN is not paid or the remedial work is not completed, a court order may be served. On conviction, this can result in a fine of up to £2,500 for individuals or £20,000 for businesses. The council will also look to recover costs.

## **8. CPW and CPN offences**

A CPW may be issued to Statutory Undertakers or non-locally headquartered businesses when there is evidence of graffiti or tagging on a property.

A CPW may be issued to an individual aged 16 or over, business or organisation when evidence has been obtained of illegal fly posting is available.

A CPN may be issued when the recipient of a CPW fails to comply to the request of the CPW.

## **9. Appeals and disputes for CPNs**

Any person issued with a CPN may appeal against it by making a Complaint to a Magistrates' Court within 21 days of its issue. An appeal may be made on any of the following substantive grounds:

- the specified conduct did not take place;
- the conduct has not had a detrimental effect on the quality of life of those in the locality;
- the conduct was not of a persistent or continuing nature;
- the conduct is not unreasonable;
- the conduct is that which the person cannot reasonably be expected to control or affect.

Details of how to appeal and the time limit will be included in the CPN.

## **10. Fine income**

Income received from the issuing of FPNs and CPNs is used for specific environmental purposes such as providing additional litter and dog bins and to fund environmental education for local schools.

## **11. CCTV**

CCTV and bodycam footage will be used as appropriate to obtain evidence of offences, taking into account the following legislation:

- The Data Protection Act 1998
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Freedom of Information Act 2000

- The Equality Act 2010
- The Protection of Freedoms Act 2012

Authorised officers will adhere to the 12 guiding principles in the [Surveillance Camera Code of Practice](#):

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

Authorised officers will be BTEC Level 2 trained via the CCTV Operator within the Private Security Industry standard.

## 12. Equalities

All authorised Environmental Enforcement Officers involved in environmental enforcement will be made aware of their responsibilities under the Equalities Act 2010 and in particular the Public Sector Equality Duty. They will be expected to have regard to the needs of vulnerable people and protected groups and to apply this Framework in a manner that is consistent, transparent and proportionate.

CCTV footage will be used as appropriate to obtain evidence of offences, taking into account the legislation listed in Section 11. Brighton & Hove City Council will ensure that all CCTV use for the purpose of tackling fly-tipping is consistent, transparent and proportionate, according to legal requirements, and aligned with our duties under the Equality Act 2010 and human rights legislation.

## 13. Privacy Notice

In order to process FPNs, CPWs, CPNs and PSPOs, Brighton & Hove City Council collects, stores and processes personal information. The privacy notice that explains what information is collected and how it is used is available at: <https://www.brighton-hove.gov.uk/content/about-website/service-privacy-notices/fixd-penalty-notices-environmental-offences-service>.

In order to issue FPNs, for fly-tipping and other environmental offences, Brighton & Hove City Council collects, store and processes information from CCTV cameras and ANPR technology. The privacy notice that explains what information is collected and how it is used is available at: <https://www.brighton-hove.gov.uk/content/about-website/service-privacy-notices/environmental-enforcement-cctv-privacy-notice>.

## 14. Dogs Exclusion Order

### Description of land, or lands, to which the Order applies

All those areas situated within the City of Brighton & Hove as described for the purposes of identification below, being land which is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this Order, land which is covered is to be treated as "open to the air" if it is open at least one side.

1. Children's Play Areas  
All children's play areas in the City of Brighton & Hove enclosed by fencing and containing play equipment.
2. Cemeteries
  - a. The following cemeteries subject to the exception set out in paragraph 2.b below:
    - Borough Cemetery (Woodvale), Lewes Road
    - Extra Mural Cemetery, Lewes Road
    - Borough Cemetery, Bear Road
    - Jewish Cemetery, Bear Road
    - Meadowview and Lawn Memorial Cemetery, Warren Road
    - Hove Cemetery, North and South, Old Shoreham Road
    - Portslade Cemetery, Victoria Road
  - b. The Order does not apply to persons attending a funeral or remembrance service or visiting a grave or to persons residing in the premises of the cemeteries specified at 2a above. In these circumstances dogs must be kept on leads at all times
3. Gardens and Parks  
The enclosed gardens of the following city centre squares:
  - Brunswick Square
  - Norfolk Square

- Russell Square
- Bedford Square
- Clarence Square
- Powis Square
- Pelham Square
- Regency Square (North End)
- New Steine Square

The following parks and gardens:

- Steine Memorial Gardens
- Kipling Gardens, Rottingdean
- The Rockery, Preston Park
- William Clarke Park, Picton Street
- Saunders Park (excluding the fenced dog area to the South West corner of the park), Lewes Road

#### 4. Beaches

The beaches (including the foreshore) between the months of May to September inclusive with the exception of the following beaches (showing a “Dog friendly” sign):

- the beach between Longridge Avenue and the border
- beaches between Chailey Avenue and Arundel Drive West, Rottingdean
- beaches between West Marina Wall to Rottingdean slope
- beaches between the west wall of Brighton Marina and up to the Volks railway station opposite New Steine
- the beach in front and to the East of the Meeting Place Cafe, up to the large groyne with the life-ring on
- the beach to the east of the Lawns Cafe, at the bottom of St John's Road, Hove promenade
- the beach in front of the King Alfred car park
- the beach to the east of Hove Lagoon

#### 5. Areas of Queens Park

The Southern Lawns of Queens Park (containing the lake), the tennis courts, the Quiet Garden, the Wild Garden, the cascade area and bowling green.



# Brighton & Hove City Council

## City Environment, South Downs & The Sea Committee

## Agenda Item 31

**Subject:** The MacLaren Pavilion

**Date of meeting:** 14 November 2023

**Report of:** Executive Director: Economy, Environment & Culture

**Contact Officer:** Name: Lynsay Cook  
Tel: 07592 103604  
Email: Lynsay.cook@brighton-hove.gov.uk

**Ward(s) affected:** West Hill & North Laine

**For general release**

### **1. Purpose of the report and policy context**

- 1.1 The public toilets at The Level have been closed since August 2022 due to significant issues with the building they are housed in. This building requires substantial remedial work and investment to bring it and the toilets back into use. These toilets were also the focus of criminal and anti-social behaviour.
- 1.2 This report sets out proposals to change the MacLaren Pavilion into a split-use café and public toilet facility to provide alternative public toilet facilities at The Level.

### **2. Recommendations**

- 2.1 That Committee agrees for the MacLaren Pavilion to change to a split-use café and public toilet facility, which is subject to planning approval.

### **3. Context and background information**

- 3.1 As reported to Environment, Transport & Sustainability Committee in January 2023, the public toilets at The Level are closed due to significant issues with the building they are housed in, The Velo Café. The building requires substantial remedial work and investment to bring the building and toilets back into use. The toilets in this building were also the focus for anti-social behaviour, drug dealing and drug taking. An options appraisal is being completed regarding the future of this building.
- 3.2 Recognising that there is a need for public toilets in this location, officers have been considering what alternative provision could be provided in this area, whilst the long-term future of The Velo Café is determined.
- 3.3 A new site for public toilets has been identified within the MacLaren Pavilion. This building is adjacent to The Velo Café, opposite the water fountains. It is currently a community building but has very little usage – it stands empty for

most of the year, with the exception of a few bookings from one local community group. Conversations are taking place with this community group and City Environment is working with them to find an alternative space in the area.

- 3.4 The proposal, subject to Committee approval and planning permission, is to change the MacLaren Pavilion into a split-use building, comprising a small café and new public toilets. The public toilets will include two standard toilets, a family room and an accessible toilet. It will be fitted out to the same specification as the toilets refurbished as part of the Public Toilet Refurbishment Programme.
- 3.5 One of the primary issues which has led to exceptional levels of criminal and anti-social behaviour at the public toilets at The Velo Café is the lack of natural surveillance of the site. The current design, which allows for pockets of unsupervised areas, encourages criminal and anti-social behaviour. The [Public Convenience Problem Reduction Guide](#) states that having small retailers either adjacent to the toilet facility or as an attachment to it is an advantage due to the added natural surveillance provided. It is for this reason it is proposed the MacLaren Pavilion is dual purpose.
- 3.6 The intention is for the cleaning and maintenance of the public toilets to be undertaken by the café tenant as part of their lease. Not only will this provide the natural surveillance required, but it will also mean the site is attended more frequently than if it were to be maintained by the council. It will also mean these new toilets will be provided on a cost neutral basis for the council. It is important to note that there is no budget available to clean and maintain these new toilets. The lease and rent payable will reflect these arrangements.

#### **4. Analysis and consideration of alternative options**

- 4.1 The existing public toilets and The Velo Café building are extensively damaged and no longer provides a safe or usable environment for a café tenant or public use as a toilet. Therefore, this building does not provide an alternative option for public toilets at present.
- 4.2 Committee could choose not to transform the MacLaren Pavilion into public toilets, and this would leave The Level without these facilities.

#### **5. Community engagement and consultation**

- 5.1 Ward councillors have been informed of the proposals to create a café and public toilets within the MacLaren Pavilion. The community group currently using the building has been informed and alternative provision is being sought for them. The Level Communities Forum have been informed and conversations are ongoing.
- 5.2 The change of use of the building is still subject to planning approval which will involve the statutory planning consultation process.



## **6. Conclusion**

- 6.1 This report is seeking Committee approval to change the MacLaren Pavilion into a split-use café and public toilet facility to provide alternative public toilet facilities at The Level. It should be noted that this change of use is still subject to planning permission.

## **7. Financial implications**

- 6.2 The Maclaren Pavilion is currently used as a community building, for which low or no fees are charged for its hire. Income received from hire during 2022/23 financial year was £100 and this year sees a similar level. Should recommendation 2.1 be agreed for the MacLaren Pavilion to change to a split-use café and public toilet facility subject to planning approval, lost income from hire fees is not significant to impact ongoing revenue budgets.
- 6.3 The total costs including works, design and professional fees for the Pavilion's conversion is estimated to be £0.210m which will be funded from the existing Public Toilets Refurbishment capital budget. Any significant variation to budget will be reported as part of the council's monthly budget monitoring process.
- 6.4 There is no budget available within City Clean to maintain these new toilets. Upon completion of works, the intention is for cleaning and maintenance of the public toilets to be undertaken by the café tenant as part of their lease for which the lease and rent payable will reflect these arrangements.

Name of finance officer consulted: John Lack    Date consulted: 02/11/2023

## **8. Legal implications**

- 8.1 As indicated in the equalities implications in this Report, local authorities are not under any legal obligation to provide public toilets, although they may do where they consider it appropriate.
- 8.2 If the Council does decide to seek a change of use for the MacLaren pavilion from a community centre to café and toilets, an application will first need to be made for planning permission which will then be assessed on its planning merits in accordance with the Planning Acts.

Name of lawyer consulted: Victoria Simpson    Date consulted: 01/11/2023

## **9. Equalities implications**

- 9.1 The council has no statutory obligation to provide public toilets. However, the council recognises the importance of these facilities, particularly for those with some protected characteristics.
- 9.2 The new toilet facilities, subject to approval by Committee and planning consent, will comprise two standard toilets, a family room and an accessible toilet.

9.3 Unfortunately, it is not possible to provide a Changing Places Toilet due to insufficient room, without a significant reduction in overall provision.

## **10. Sustainability implications**

10.1 The new public toilets will be fitted out to the same specification as the toilets refurbished as part of the Public Toilet Refurbishment Programme. This includes motion sensor lighting, taps and hand driers, reducing electricity and water consumption.

## **11. Other Implications**

### **Social value and procurement implications**

11.1 The procurement process will comply with Contract Standing Orders and the council's procurement policies.

### **Crime and disorder implications**

11.2 The existing public toilets at The Level were the subject of high levels of criminal and anti-social behaviour. Before the site was closed last year, 96 needles were found in the toilet facilities in 2022. In addition, used condoms, tin foil, razors, weapons and drugs were also found, though not to the same quantities.

11.3 If approved, the new public toilets will be designed to minimise the likelihood of criminal and anti-social behaviour.

### **Public health implications**

11.4 The importance of public toilets to public health is acknowledged and this investment in new public toilet facilities is in recognition of this.

## **Supporting Documentation**

### **Background documents**

1. [Public Toilet Update Report](#) presented to Environment, Transport & Sustainability Committee on 14 March 2023 (item 87)
2. [Public Toilets Report](#) presented to Environment, Transport & Sustainability Committee on 17 January 2023 (item 77)